



**PUBLIC NOTICE
PLANNING & ZONING COMMISSION**

Meets

Wednesday, August 16, 2023

6:00 PM

**ELOY CITY COUNCIL CHAMBERS
595 NORTH C STREET
ELOY, ARIZONA 85131**

AGENDA

I. Call to Order

II. Roll Call

III. Invocation

IV. Pledge of Allegiance

V. Public Appearances

Those wishing to **ADDRESS THE PLANNING & ZONING COMMISSION** may do so by signing in on a form provided by the Community Development Director, identifying the topic(s) or agenda item(s). **ACTION** taken as a result of public comment regarding non agenda items will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date. **SPEAKERS SHALL BE LIMITED TO THREE (3) MINUTES.**

VI. Motion to approve the May 30, 2023 and July 26, 2023 meeting minutes of the Planning and Zoning Commission

A. Meeting Minutes for May 30, 2023 Meeting

B. Meeting Minutes for July 26, 2023 Meeting

VII. Old Business: Possible discussion and/or action on the following:

VIII. New Business: Possible discussion and/or action on the following:

- A. Conduct a public hearing for an application submitted by Heather N. Dukes, Esq., c/o Javelina Development LLC, proposing to rezone approximately 17.15 acres consisting of Pinal County Assessor Parcel Numbers: 403-23-002A and 403-23-003B, located at the southwest corner of the intersection of Toltec Road and Houser Road in Eloy, Arizona, from R1-12 (Single-Family Residential) to C-2 (Community Commercial). Case No.: RZ2023-012 (Project Name: Love's Travel Stop).

- B. Consideration, discussion, and recommendation to the Eloy City Council for approval, approval with conditions, denial or continuance of Case No.: RZ2023-012 (Project Name: Love's Travel Stop).
- C. Conduct a public hearing for an application submitted by Heather N. Dukes, Esq., c/o Javelina Development LLC, to obtain a Conditional Use Permit for a proposed Love's Travel Stop, consisting of approximately 17.15 acres (zoned C-2, Community Commercial) located at the southwest corner of the intersection of Toltec Road and Houser Road in Eloy, Arizona. Specifically, this application requests the following uses on the property: a truck stop, a truck wash, and two fast-food restaurants with a drive-through pursuant to Section 21-2-3.3 and Table 2.3-1. Five (5) overnight recreational vehicle (RV) parking spaces are also included with limited electricity and water utility connections (as an accessory use) to the truck stop. Case No.: CUP2023-011. (Project Name: Love's Travel Stop)
- D. Consideration, discussion, and recommendation to the Eloy City Council for approval, approval with conditions, denial or continuance of Conditional Use Permit, Case No.: CUP2023-011. (Project Name: Love's Travel Stop)

IX. Informational Item:

X. Communications:

- A. Ex-Officio Member Announcements
- B. Community Development Director Announcements

XI. Motion to Adjourn

POSTED BY 5 PM ON FRIDAY, AUGUST 11, 2023 AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.elayaz.gov



Mary Myers, MMC, CPM
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COMMISSION AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Special Meeting
Wednesday, May 30, 2023
6:00 p.m.**

I. CALL TO ORDER

Chairperson Steven Paulson called the meeting to order at 6:05 p.m.

II. ROLL CALL

*One or more members of the Planning and Zoning Commission may attend by telephonic means.

Members present:

- Chairperson Steven Paulson
- Vice-Chairperson Conrad Tolson
- Commissioner Larry Brown
- Commissioner Allen Crawford
- Commissioner Edward Saucedo
- Alternate Commissioner Kathryn Meyers
- Ex-Officio Sara Curtis

Members Absent:

- None

Staff present:

- Jon Vlaming, Community Development Director
- Belinda Cota, Planner
- Jeff Fairman, Economic Manager
- David Malewitz, City Manager
- Matt Rencher, Public Works Director/City Engineer
- Stephen Cooper, City Attorney (via telephonic)
- Cortney Wonder, Police Sargent

Others present/speakers:

- Micah Powell, City Mayor
- Sylvia G. Rodriguez, Vice-Mayor
- Kelly Weddle, Eloy Fire District Chief
- Court Rich, Rose Law Group
- Autumn Johnson, Arizona Solar Energy Industries Association
- Tom Lozzi, Property Owner

- Jake Painter, NextEra
- Philip Poffen, NextEra
- Jackie Rich, TES
- Bill Golub, Savion
- Elijah Cardon, Property Owner
- Ken Reycraft, Insight Land and Investments
- Haydn Reycraft, Insight Land and Investments
- Kirk McCarville, Arizona Land Advisors
- Ralph Pew, Pew and Lake PLC
- Ed Brown, First United Methodist Church

III. INVOCATION

Chairperson Paulson led the Invocation and requested a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Chairperson Paulson led the recitation of the Pledge of Allegiance.

V. PUBLIC APPEARANCES

None.

VI. MOTION TO APPROVE THE MAY 3, 2023 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

Chairperson Paulson asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Commissioner Crawford made a motion to approve the May 3, 2023 meeting minutes as presented. Commissioner Saucedo seconded the motion as presented. The motion was approved with a vote 5-0.

VII. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. CONDUCT A PUBLIC HEARING FOR A STAFF INITIATED REQUEST TO AMEND THE ELOY CITY CODE, CHAPTER 21-ZONING: ARTICLE III. SECTION 21-3-1.39 SUPPLEMENTAL USE STANDARDS-SOLAR, UTILITY SCALE GENERATION FACILITIES; ARTICLE IX. SECTION 21-9-1 DEFINITIONS; ARTICLE IX. SECTION 21-9-2 ACRONYMS. A LETTER RECEIVED BY THE CITY RELATED TO THIS CASE IS ATTACHED. (CASE NO.: TA2023-006)

Mr. Vlaming gave a brief summary from the last (May 3, 2023) Planning and Zoning Commission meeting, with nineteen pages of meeting minutes and approximately three hours taking testimony and working through the issues at hand. At the end of the meeting, the Commission felt compelled to continue this particular case (by unanimous vote) and Staff thought it was appropriate to schedule a special meeting.

Staff has had various conversations with the stakeholders and has revised the draft ordinance that had been presented previously, at the Planning & Zoning Commission meeting held on the 3rd of May. He indicated that there was a discussion about all the items that were discussed during the May 3rd meeting, which included the zoning overlay and as indicated, staff has removed the zoning overlay, basically focusing on the acreage cap of 16% of the city's entire incorporated area, which nearly translates to twelve thousand (12,000) acres overall. He reiterated that the Zoning Ordinance text was revised, the Zoning Overlay provisions were removed, so all of that information was included as attachments in the May 18th transmittal that was emailed to many interested parties. Subsequent to that email, he noted that the agenda was put together for this particular meeting, the revised Buffer Map was included, as well as the amended zoning text in the meeting packet that was posted last Friday. Mr. Vlaming commented that is where this agenda item stands as of now and the two items on the agenda are to discuss the Solar Buffer in terms of the separation of solar generation facilities and their proximity to Interstate 10 (I-10) and other gateway roadways within the Eloy community. He concluded by indicating that the provisions for the supplemental use standards, that are comprised of the amended zoning code text, are included in tonight's meeting packet.

Chairperson Paulson noted that he would appreciate keeping the public comments to the point and not to repeat.

Chairperson Paulson then asked to address the Buffer Map and then the draft Text Amendment. He also indicated that the Commission would not go over the proposed text section by section and that the draft would be addressed in its totality. Chairperson Paulson then opened the Public Hearing.

Court Rich with the Rose Law Group commented that the map has improved, but the issue with regards to Project "A" remains, as they do not believe there is the necessity to remove the ninety (90) acres, as their specific application process moves forward with the City and with the utility for the transmission and the interconnection process. He indicated that it is all based on the previous assumptions and size of the project. He continued that, by diminishing the size now, that it could prematurely cost the entire project to fail. He noted that all of these projects have to come back before the Commission for their approval. He suggested the Commission look at each project and the area being proposed close to Interstate 10, and if it needs to be buffered, landscaped, etc., that the Commission can address those issues then. He asked the Commission to keep their options open.

Mr. Tom Lozzi addressed the Commission: Mr. Lozzi said that carving out the ninety-one (91) acres is brand new, it was not identified thirty-days (30) ago. Mr. Vlaming clarified that the acreage was reduced and had pulled everything to the eastern side of his project, Project "A", back to his project. Mr. Lozzi asked if the other group to the west (Project "E") got the fifty (50) acres that they needed. Mr. Vlaming responded yes. Mr. Vlaming explained the buffer recommendation for no solar was for a distance of twenty-six hundred feet from the southern boundary of Interstate 10 and it was reduced to a distance of twenty-four hundred feet. Mr. Lozzi said it is just a simple thing and

asked what was the big deal with not carving out his ninety-one acres. He repeated, that this provision is killing a seven-hundred-fifty million dollar (\$750,000,000) investment.

Mr. Ralph Pew, Pew & Lake, PLC, stated that he was with Eloy Valley Solar, which is a division of the NextEra energy companies. He appreciated the changes that were made to the proposed text with reference to contiguity of the land. Mr. Pew commented that he had two suggestions: 1) every time an ordinance is changed it takes time and effort to compose the details and it looks like a significant amount of time has been spent on the big picture, the acreage, the location, the type of industries. His suggestion was that the Commission give everyone a month or so to work out the language details in this amendment; and 2) the other effort that they think is important is the totality of the solar generating acreage and its relationship to the entire incorporated area of the City of Eloy. He indicated that they would like to see the acreage cap be increased from 16% to 20%. The reason for that, he noted is because the expectation for development timeframes south of the Interstate 10 (I-10) are not immediate (in most of their minds) but it is not coming through the lifetime of the solar project. As such, there should be an increase in the proposed acreage percentage to better pattern with Eloy's sister city, the City of Coolidge when comparing the relationship of the two sizes. With Coolidge at 16%, he noted, Eloy has a slightly larger footprint, so they think 20% would be better, in an effort to add a few thousand acres to the acreage inventory for solar uses.

Mr. Jake Painter, NextEra (Oceanside, CA) wanted to echo what his colleague stated that a little bit of time is necessary to work on some of the verbiage. From his perspective, between the proposed map and the text that everyone should make sure that the language is tighter. It is just that the overlay zone is an integral part and it has been pulled out now, which leaves questions from his perspective.

Mr. John Donley farms the area within the proposed solar ordinance and asked why the buffer was necessary. He explained that the City is trying to create the opportunity for conventional, economic development to occur. He continued that if solar is allowed to locate adjacent to those interchanges that use may not change for the next 20 to 30 years. Mr. Donley stated they are being offered a project today not fifteen years down the road. He commented that the solar panels are generating income and asked for there to be a review of the property tax from the existing solar farms near the Pinal County Fairgrounds and see how much money is going toward the schools. He stated that putting restrictions just because a project is located along the freeway is wrong because the property is getting devalued.

Mr. Todd Cooley, introduced himself as a farm owner and owns the land within Project "C" on the map and indicated he had a couple of comments. He said they are in year six with his particular project, which is very far along with Arizona Public Service (APS). Back in the fourth quarter of last year, he noted, they had discussions to amend a Planned Area Development (PAD) and has worked with the Director and City staff, to allow solar and are ready to submit for Commission and City Council approvals when this issue came down the pipe. He explained they are very frustrated with the process and wanted to make a comment with regards to the proposed solar ordinance that is a non-starter-and that is the groundwater rights provisions. He strongly asked the

planners, Commission and City Council to take a hard look at that provision of the ordinance and consider removing it.

Ms. Jackie Rich introduced herself at the Administrative Partner with TES Farms in Phoenix, Arizona. She commented that if the City of Eloy limits the number of acres to be used to 16 percent or 20 percent, not just only for the number of acres but the location of the characteristics, is that going to mean that there is sufficient water available for the traditional development of the remaining of land in the city limits as defined by the Eloy General Plan. Would there be enough water for anything else? Would there be more water available if these project go solar? Has there been an analysis that throws all of the land use and the water demand with those uses in Eloy's incorporated area currently to determine? Mr. Vlaming responded what the City is wanting to do is to have a place for solar. But how much, and where are the key questions to be considered. The City understands that solar needs to be near substations and major grids. He continued that really part of the conversation has been what is the community appetite? If the City does not shape this, no one will, so it will be shaped for us. Can the area be expanded, sure, he said, they would have to go to City Council. As of right now, he noted, there is contiguity between the projects, some of them are closer to the freeway than others and that has been part of this conversation. Staff believes that through the alternatives presented so far on the map, the City is coming a long way in getting to a point where they feel comfortable about it. There are a whole lot of things coming this direction, and the City has a fair amount of water resources, and there are transportation improvements coming this direction too. Ms. Rich asked when does the next General Plan get updated and would that be able to reconsider the land uses in terms of the water picture. Mr. Vlaming responded that City of Eloy adopted the General Plan in the year 2020 and the plan has a shelf-life for up to ten (10) years. He continued that certainly amendments can happen and would be expected whatever comes out of the regulatory side of this zoning code amendment that is being discussed now. Ms. Rich, noted that even though this is about the solar facilities, the General Plan should reflect how much water is available. Mr. Vlaming noted that there is a water element associated with the Eloy General Plan. Mrs. Rich commented that the Planning and Zoning Commission is dealing with huge topics in terms of solar, in terms of water and land uses and it all comes together as to what can the future of Eloy be. She respected what the Commission is doing. Chairperson Paulson thanked Mrs. Rich for her input.

Mr. Bill Golub introduced himself as the developer of the Savion project (Project "A") and wanted to comment on why that ninety (90) acres is so imperative for the City. Two and a half years ago, he noted, an interconnection application with APS was filed and the project was placed in their queue to interconnect into the Milligan substation. He explained Savion's application is based on capacity which they cannot meet if the 90 acres gets removed and that would force them to go back into the queue. He indicated that they will be three (3) years behind the other projects and in all likelihood it would be destroyed. He said he would be honest-there is some possibility that Savion could come back with a smaller project multiple years down the road but he has one-million (\$1,000,000) dollars invested, so it is not an insignificant issue that the City is imposing to impair the project by removing 90 acres. He noted that it is interesting that the proposed map is jagged to the left side of all the projects. He wanted to address a comment, and mentioned he was not present at the last (May 3, 2023) Planning and

Zoning Commission Meeting but, was present at the previous sessions. He was referring to an assertion made by Mr. Vlaming that Savion had very limited interaction with the City. Mr. Golub recounted a short list of their interaction with the city. Chairperson Paulson thanked him for his comments and emphasized that the topic needs to remain relative to the current draft zoning ordinance dated May 25, 2023.

Mr. Court Rich with the Rose Law Group then spoke to summarize the remaining issues and thanked Staff as they are taking care of a lot of the issues that have been identified by developers. He continued that number one, what about the water? He continued that there is no nexus between a use that does not require City water, does not connect to the City water system and requires the property owner to give up their water rights. As for the lot coverage issue, his hope is that the percentage gets bumped up to ten-percent (10 %) as it would be very reasonable, but five-percent (5%) would give these projects a chance. For the noise issue, he said that these operations are not loud and they are not going to be loud. But, he noted, the idea that they will be subjected to a night time decibel level of thirty-five (35) decibels at the property line-that is like a whisper to him- so even driving a truck around on the property line or if they happened to locate some of the equipment that hums, they would be in violation of the ordinance.

He noted that this next issue was talked about last time, and there is a provision if they do not do adequate site maintenance or have other issues after six months, the City can revoke the entitlements, downzone, and get rid of the use permit. He noted, if they are not performing there has to be a notice provision and a chance to cure. As far as decommissioning is concerned, there are several provisions that other developers could probably speak to, as they are more non-standard in the industry. However, he noted, it causes problems when it comes time for financing. He said before these provisions move forward and become the law in Eloy to make sure they are not inevitably doing something that would stop these projects. Chairperson Paulson thanked Mr. Rich and asked if anyone had any comments to the proposed zoning ordinance language.

Mrs. Autumn Johnson introduced herself with the Arizona Energy Industries Association (ARISEIA) and commented that a letter from her is included in the meeting packet. She thanked the Commission for taking public comment and mentioned she had two types of comments she would like to make. The first is more micro level and commented they represent a lot of participants in the solar industry that are not directly impacted by the map under discussion and are not developers specifically that have a project before the Commission. But she noted, there are other issues that the industry is interested in and many of them were described by Mr. Court Rich, the previous speaker. She indicated that the first item for her is the bond amount that excludes salvage value and the fact that the bond also has to be in place for the entire useful-life of the project rather than the last 5-10 years. She noted that this can be very costly, as the bond amount has to be estimated by an independent engineer and then be reviewed by another independent engineer. She continued that the land owner for the decommissioning has to provide a guarantee for the decommissioning obligation which disincentivizes leasing. If the developer was to default, she continued, they would not be reimbursed until the decommissioning was complete.

She also wanted to speak about more macro concerns. The first was the cap on the percentage of land acreage for solar, currently at 16%, while this proposal only appeared in Eloy in February. She commented that she does not personally understand where the 16% is coming from, but it is worth it to think if this is the right percent and if so, the City should be able to articulate where it originates. She also wanted to caution that in the spirit of it, it may enable a certain amount of solar development, but what it would actually do is to prohibit development even though that is not the language within the ordinance. She commented that she has seen it a lot at the State level. Another issue she said was a conversation about water. She thinks it is important to consider the State's seriousness about water quantity problems as well as the air quality problem that is very relevant for Pinal County, and certainly in other counties around the State. She thinks it is important to take the time and think about these issues holistically-and not kind of piece meal things.

Lastly, she identified some talking points coming from the City regarding specific reasons for the ordinance that she is just not sure about. One of the issues that has come up for support of the ordinance is a concern about generating power in Eloy that is being used outside of the City of Eloy. She just wanted to reiterate that is how power generation works all over the entire country, likely globally but certainly within the grid system in the U.S. The last thing she wanted to talk about-that is worth thinking about-is what it is being compared, apples to apples, where private property holders are put on hold for uncertain development for the future is a really big gamble. This is a big risk when "we" are talking about people's livelihoods. There are situations where there are not that many options on the table and/or the water situation is going to get worse or devalue people's land. Solar may be the only option that "you" have. Years later they could do something else with the land, which is not going to be the case with development of homes-if the water infrastructure could support that development. Chairperson Paulson thanked her and asked if there was anyone else with input.

Mr. Ralph Pew, on behalf of NextEra, had a couple of clarifications on the proposed amendment, Sub-section A, the very first section deals with locational criteria and it would be helpful if the ordinance would state if any of those criteria have to be met or some, if so how many or who's discretion is it. Paragraph B is the one dealing with the percentage and he agreed with the previous speaker that it should be twenty percent (20%) of the incorporated area and thinks there is good rationale for that based on the timing for development on the south side of the freeway. Finally, "G.9." deals with regional land use impacts and while it is a real good concept to preserve and to be careful about where solar utility facilities are located in relation to regional parks or land use impacts, this language is almost defacto by those agencies, it says at the discretion of the zoning administrator, the property owner shall confirm that the proposed project does not create a direct or indirect negative impact for planned operations of a land use regional facility. So it lacks a little bit of definition of what that is and then what if, if there is an impact if the operator says, pick an observatory, for example and if the administrator says no, there is an adverse impact. What opportunity then, does the applicant have to provide evidence that may show that it really does not? Or that the impact is as great as the facility may think it is. And then is there a way to mitigate that. Of course that is an important element in this ordinance. Chairperson Paulson said thank

you for the input and asked if there was anyone else who wanted to speak for the proposed Ordinance.

Mr. Jake Painter with NextEra Energy (Oceanside, CA) commented that he thinks they had a lot of comments at the last meeting and thinks the overall message from the projects is that they all want to be part of the community and want their tax dollars to go to the Eloy schools. They want to make sure there is a path moving forward for that and what was said before relative to the language being tightened and thinks that it's kind of the whole message-that it is hard to do it for the first, second or third time and thinks of those what ifs. He indicated that they want to help with the draft of the ordinance and go through those what if scenarios and figure out how the language would work for everybody.

Mr. Lozzi asked why doesn't everyone get their lawyers, or whomever needs to represent the City, sit down in a room and work through all of this. It is just the easiest and best way to do it as his suggestion to move forward. Chairperson Paulson thanked Mr. Lozzi and asked if there was any input at this time.

Mr. Ken Reycraft introduced himself with Insight Land and resides in Chandler, Arizona. He had some follow-up questions about what other cities and towns, in Arizona or in the nation, have a solar zoning ordinance that is active. Mr. Vlaming responded, Coolidge. Mr. Reycraft asked what has been done to publicize the development of the solar facilities, beyond posting agendas for the Planning and Zoning Commission. Mr. Vlaming responded that staff has been doing that, have held joint meetings going back to February 2023 with City Council and the Planning and Zoning Commission that are publically noticed with agendas that have been posted and on the City's website for the public. He continued that those have been public meetings duly noticed and they have been talking about it for the past five months. Mr. Reycraft commented that the twenty percent (20%) is an arbitrary number, whether is 16 %, 20%, 25% or 30%-he thinks, it really comes down to the water that is allocated to the City. Ideally, he said, where does this development go and what can actually be developed moving forward? It is kind of arbitrary he said to see a jig jag line and he does not know if it completely makes one-hundred percent sense the way that is drawn today.

Mr. Vlaming and Chairperson Paulson thanked Mr. Reycraft for his comments. Chairperson Paulson gave one more opportunity for anyone else who wished to speak before he closed the Public Hearing.

Pastor Ed Brown from First United Methodist Church in Eloy spoke about farming underneath the solar panels and pulled out an article in the newspaper from February 15, 2023 about the University of Arizona researchers awarded \$1.2 million dollars to explore farming at existing solar power sites from the U.S. Department of Energy.

Mr. Haydn Reycraft introduced himself from Chandler, Arizona. He said they represent TES Farms and other land owners throughout Eloy and Pinal County. He wanted to touch on one quick issue that he sees with these commercial out-parcels south of I-10. Typically there is north-south traffic to justify the retail development that would be going in these places such as the 81 acres Mr. Lozzi owns so with that said because

development pays for itself and there is no demand for residential developments south of I-10 today, he thinks the commercial and retail use should be considered as suggested for the outparcels. There is such a thing as the wrong side of the tracks, he said, so that if there was a user here, they probably would choose to go north of the freeway where all the traffic is instead of the south of the freeway because there are no homes out there. Chairperson Paulson thanked Mr. Reycraft for his comments. Hearing no other comments, Chairperson Paulson closed the public hearing.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, DENIAL OR CONTINUANCE FOR CASE NO.: TA2023-006 FOR THE FOLLOWING:

SOLAR BUFFER THAT ESTABLISHES AN APPROXIMATE ½ MILE BUFFER AT THE TRAFFIC INTERCHANGES ON THE SOUTH SIDE OF INTERSTATE 10 AND A BUFFER THAT EXTENDS APPROXIMATELY 2,400 FEET SOUTH OF THE SOUTHERN BOUNDARY OF INTERSTATE 10; AND AMENDMENTS TO CHAPTER 21-ZONING: ARTICLE III. SECTION 21-3-1.39 SUPPLEMENTAL USE STANDARDS-SOLAR, UTILITY SCALE GENERATION FACILITIES AND ARTICLE IX. SECTION 21-9-1 DEFINITIONS AND SECTION 21-9-2 ACRONYMS, AS PRESENTED.

Chairperson Paulson asked for a discussion among his colleagues.

Vice-Chairperson Tolson commented that he does sympathize with Project “A” as they have been working for a long time and that at one time, they had informal discussions about grandfathering them in, that would be the only project that he would like to grandfather in (Project A). The sixteen percent (16%) for the time being to accommodate most of them, he can support that. If it is problematic, they could come back in the future to adjust that, but for starters, he felt 16% was appropriate. For the groundwater, he cannot speak for the rest of the Commissioners, but got a feeling that most people like retaining and not extinguishing the water rights. He said that was his input and commented that Staff is getting there and it sounded like there are more issues to be resolved in the ordinance (such as: location, G.9 and noise). He commented that if they are not ready to make a recommendation, his thought is the ordinance is not ready, or give it to the City Council and throw it at their laps and have them make a recommendation. But he feels they would expect the Commission to do more work before it is passed on to them. Chairperson Paulson thanked him and asked if anyone else from the Commission had any input at this time.

Commissioner Crawford said he would agree with Vice-chairperson Tolson with most of his comments. He thinks the Commission and Staff need to work on getting the language right as he wants to get it right. He noted they all have spent a lot of time but it needs more time to get it right.

Commissioner Brown said he would agree to work on the 90 acres and work on retaining the water rights by removing that language.

Commissioner Crawford said he is for retaining the water rights and his position on that is if water rights is an issue than take it to court and let the judge decide.

Chairperson Paulson asked for a recommendation for approval, approval with conditions, denial or continuance for Case No.: TA2023-006. Vice-Chairperson Tolson thanked staff for the hard work they have put in it and made a recommendation to continue this item to get the bugs out of the ordinance and allow more people to get on board. The motion was seconded by Commissioner Brown.

AYES: Chairperson Paulson, Vice-Chairperson Tolson, Commissioner Brown, Commissioner Saucedo and Commissioner Crawford
NAYS: None.

VIII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

- None.

IX. INFORMATIONAL ITEMS:

- None.

X. COMMUNICATIONS:

A. EX-OFFICIO MEMBER ANNOUNCEMENTS

- None.

B. COMMUNITY DEVELOPMENT DIRECTOR ANNOUNCEMENTS

- None.

XI. MOTION TO ADJOURN.

Chairperson Paulson asked for a motion to adjourn. Vice-chair Tolson made a motion to adjourn and was seconded by Commissioner Crawford. The adjournment passed with a vote of 5-0 and the meeting adjourned at approximately 7:25 p.m.

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Special Regular Meeting
Wednesday, July 26, 2023
6:00 p.m.**

I. CALL TO ORDER

Chairperson Steven Paulson called the meeting to order at 6:00 p.m.

II. ROLL CALL

*One or more members of the Planning and Zoning Commission may attend by telephonic means.

Members present:

- Chairperson Steven Paulson
- Vice-Chairperson Conrad Tolson
- Commissioner Larry Brown
- Commissioner Edward Saucedo
- Alternate Commissioner Kathryn Meyers
- Ex-Officio Sara Curtis

Members Absent:

- Commissioner Allen Crawford (excused)

Staff present:

- Jon Vlaming, Community Development Director
- Belinda Cota, Planner
- David Malewitz, City Manager
- Matt Rencher, Public Works Director/City Engineer
- Byron Gwaltney, Captain-Eloy Police Department
- Stephen R. Cooper, City Attorney

Others present/speakers:

- Rob Jarvis, Eloy Fire Marshal-Eloy Fire District
- Court Rich, Rose Law Group
- Tom Lozzi, Property Owner
- Jake Painter, NextEra
- Philip Potfen, NextEra
- Bill Golub, Savion

- Elijah Cardon, Property Owner
- Ralph Pew, Pew and Lake PLC
- Ed Brown, First United Methodist Church
- Autumn Johnson, Arizona Solar Energy Industries Association

III. INVOCATION

Chairperson Paulson led the Invocation and requested a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Chairperson Paulson led the recitation of the Pledge of Allegiance.

V. PUBLIC APPEARANCES

None.

VI. MOTION TO APPROVE THE MAY 30, 2023 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION

A. THE MEETING MINUTES FOR THE MAY 30, 2023 PLANNING & ZONING COMMISSION WILL BE INCLUDED IN THE PACKET FOR THEIR NEXT REGULARLY SCHEDULED MEETING.

VII. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. CONDUCT A PUBLIC HEARING FOR A STAFF INITIATED REQUEST TO AMEND THE ELOY CITY CODE, CHAPTER 21-ZONING: ARTICLE III. SECTION 21-3-1.39 SUPPLEMENTAL USE STANDARDS-SOLAR, UTILITY SCALE GENERATION FACILITIES: ARTICLE IX. SECTION 21-9-1 DEFINITIONS: ARTICLE IX. SECTION 21-9-2 ACRONYMS. SEVERAL LETTERS HAVE BEEN RECEIVED BY THE CITY RELATED TO THIS CASE, AND ARE ATTACHED. (CASE NO.: TA2023-006)

Chairperson Paulson opened the public hearing.

Mr. Vlaming gave a brief introduction of the case.

There were comments and discussion among those present, staff and the Commission.

Chairperson Paulson closed the public hearing.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, DENIAL OR CONTINUANCE FOR CASE NO.: TA2023-006 TO AMEND CHAPTER 21-ZONING: ARTICLE III. SECTION 21-3-1.39 SUPPLEMENTAL USE STANDARDS-SOLAR, UTILITY

SCALE GENERATION FACILITIES AND ARTICLE IX. SECTION 21-9-1 DEFINITIONS AND SECTION 21-9-2 ACRONYMS, AS PRESENTED.

Chairperson Paulson asked for a recommendation for approval, approval with conditions, denial or continuance for Case No.: TA2023-006. Vice-chairperson Tolson made a motion to approve with the following amendments:

- **To recommend the I-10 buffer option that has the black colored dots for the boundary.**

21-3-1.39 Solar, Utility Scale Generation and Battery Energy Storage System Facilities

- *A. Locational Criteria:*
 - 3. ***For formal, complete applications filed with the City after March 1, 2024, the project must be*** located contiguous to an existing and/or approved utility scale solar generation facility for a minimum distance of 2,600 feet (south of Interstate 10 only) ***and Section 21-3-1.39 (Acreage Limitation and Future Expansion) has not been exceeded.***
- *B. Acreage Limitation and Future Expansion: to stay with the 16%*
- *C. Conforming Development: That development of the utility scale solar generation and **supportive associated** BESS project shall be in compliance with the CUP narrative or Planned Area Development document and/or the Eloy Zoning Ordinance.*
- *F. Utility Scale Solar Development Standards: The development standards identified in Table 3-1-1 of this section apply to all principal uses and structures, except as otherwise expressly stated in this chapter. Regulations governing accessory uses and structures are identified in Section 21-3-2 of this chapter.*

TABLE 3-1-1 Utility Scale Solar Development Standards use 5% for limitation on lot coverage

Notes:

<i>Project Size, Minimum</i>	<i>Project Width, Minimum</i>	<i>Front Setback</i>	<i>Side Setback</i>	<i>Side Setback (Street)</i>	<i>Rear Setback</i>	<i>Lot Coverage, Maximum</i>	<i>Building Height, Maximum</i>
<i>160 acres</i>	<i>1,300 lineal feet</i>	<i>75' ^{1, 2}</i>	<i>75' ^{1, 2}</i>	<i>75' ^{1, 2}</i>	<i>75' ^{1, 2}</i>	<i>5.3%</i> ²	<i>As per underlying zoning district for principal structures. Accessory structures is fifteen feet (15')³</i>

Planning and Zoning Commission

Wednesday, July 26, 2023

1. *A setback of one hundred feet (100') shall occur between the utility scale solar generation project and any existing adjacent residential homes or acreage zoned R1-12, R1-6, R-2, and R-3.*
 2. *Freestanding, ground mounted solar arrays shall not count toward the lot coverage percentage. All inverters, inverter pads, BESS containers and on-site project substations are to be included in the lot coverage percentage determination.*
 3. *Does not apply to poles and other facilities associated with on-site substation uses.*
- *G. Development Conditions of Approval: The following minimum conditions of approval shall be imposed on every utility scale solar generation and supportive BESS project.*
 1. *Pre and Post Construction Property Maintenance: A Site Maintenance Agreement shall be mutually executed between the Property Owner or the Property Owner's designee and the City (as a condition of approval) to ensure that all undeveloped ~~and-developed~~ portions of the subject property shall be maintained in a ~~natural~~, debris-free, and weed-free condition. Subsequent to the construction of the solar arrays, native low growing vegetation shall be used to stabilize the site for the duration of the facility's use. Weed control or mowing shall be performed routinely and a performance bond reflecting the costs of such maintenance for a period of six (6) months shall be posted and maintained by the Property Owner or the Property Owner's designee. Solar panels shall be repaired or replaced or removed when they are either nonfunctional or in visible disrepair. Persistent failure, over a period of six (6) months, to maintain the site or its improvements may result in revocation of the conditional use permit or planned area development entitlements and initiate the facility's decommissioning by the City of Eloy...*
 - *G. Development Conditions of Approval: The following minimum conditions of approval shall be imposed on every utility scale solar generation and supportive BESS project.*
 10. **...to remain as revised by staff**
 11. b. *Battery Energy Storage Systems: The provision of a battery energy storage system, only ~~to directly support associated with~~ the utility scale solar generation facility, shall only be located within the boundaries of the benefitting utility scale solar generation facility.*
 - *H. Project Decommissioning: ... **to remain as revised by staff and the applicant***

- **Except the 1,000 foot buffer-to accept it as a zoning issue, so that it is not being ruled out, but it is not appropriate for this stage to apply it to the ordinance at this time.**

The motion was seconded by Commissioner Meyers.

AYES: Chairperson Paulson, Vice-Chairperson Tolson, Commissioner Brown and Alternate Commission Kathryn Meyers

NAYS: Commissioner Saucedo

The motion passed with a vote of 4-1.

VIII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. NONE.

IX. INFORMATIONAL ITEMS:

None.

X. COMMUNICATIONS:

A. Ex-Officio Curtis communicated the following.

- There is a state of the art facility in the Eloy Industrial Park called Vext Science where they will cultivate marijuana plants to ship to different locations
- The south side of Frontier Street has been landscaped by the City, but the idea was brought forward by a citizen of Eloy.

B. Community Development Director Announcements

- The next Planning and Zoning Commission meeting is scheduled for Wednesday, August 16, 2023 for a case proposing a new travel center south of I-10.
- The subject case for tonight's meeting is going to City Council on Monday, August 28, 2023 at 6:00 p.m.

XI. MOTION TO ADJOURN.

Chairperson Paulson asked for a motion to adjourn. Commissioner Brown made a motion to adjourn and was seconded by Vice-Chairperson Tolson. The meeting adjournment passed with a vote of 5-0 and the meeting adjourned at approximately 7:03 p.m.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VIII.A.**

Date: **8/16/2023**

Date submitted:
07/31/2023

Action: Other

Subject: Conduct a public hearing for an application submitted by Heather N. Dukes, Esq., c/o Javelina Development LLC, proposing to rezone approximately 17.15 acres consisting of Pinal County Assessor Parcel Numbers: 403-23-002A and 403-23-003B, located at the southwest corner of the intersection of Toltec Road and Houser Road in Eloy, Arizona, from R1-12 (Single-Family Residential) to C-2 (Community Commercial). Case No.: RZ2023-012 (Project Name: Love's Travel Stop).

TO: Planning and Zoning Commission

FROM: Jon Vlaming, Belinda Cota

RECOMMENDATION:

To be addressed in next agenda item

DISCUSSION:

The City has received an application from Heather N. Dukes, Esq. on behalf of Javelina Development, LLC, a Texas limited liability company, which has submitted an application for a Conditional Use Permit for the proposed Love's Travel Stop consisting of approximately 17.15 net acres located 150 feet south of the Interstate 10 (I-10) freeway/Toltec Road interchange off-ramp, Pinal County Assessor's Parcel numbers: 403-23-002A and 403-23-003B. Specifically, this application requests approval of a Conditional Use Permit application to allow the following uses on the property:

1. a truck stop in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
2. a truck wash in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
3. a restaurant with a drive-through in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and
4. five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory use to the truck stop in the Community Commercial (C-2) zoning district.

The applicant is seeking approval of the Rezoning Application and the CUP Application for purposes of developing a Love's Travel Stop within the Community Commercial (C-2) zoning district. This CUP Application is consistent with, and conforms to, the City of Eloy General Plan, which currently identifies the Property with a Community Commercial land use designation.

FISCAL IMPACT:

There is not a fiscal impact from conducting the public hearing.



Rezoning Narrative

Love's Travel Stop

Southwest Corner of Toltec Road/Houser Road (South of Interstate 10)

Submitted To:

City of Eloy
Community Development Department
595 N. C Street, Suite 102
Eloy, Arizona 85131

Submitted By:

Heather N. Dukes, Esq.
5527 N. 25th Street
Phoenix, Arizona 85016
Email: hdukesesq@gmail.com
Phone: 602.320.8866

1st Submittal: February 16, 2023

2nd Submittal: March 15, 2023

3rd Submittal: June 30, 2023

I. INTRODUCTION.

This narrative is being submitted in support of the rezoning application for the proposed Love's Travel Stop consisting of approximately 17.15 net acres located at the southwest corner of the intersection of Toltec Road and Houser Road in Eloy, Arizona (the "**Property**"). Specifically, this application requests approval of an amendment to the City of Eloy Official Zoning Map rezoning the Property from the Single-Family Residential (R1-12) zoning district to the Community Commercial (C-2) zoning district (the "**Rezoning Application**").

Section 6.2.2.G of the Eloy Zoning Ordinance allows concurrent processing of certain zoning applications with the approval of the Zoning Administrator and the applicant. The following applications are being processed concurrently with this Rezoning Application:

1. Conditional use permit application to allow the following uses on the Property:
 - a) a truck stop in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
 - b) a truck wash in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance
 - c) a restaurant with a drive-through in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and
 - d) five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory use to the truck stop in the Community Commercial (C-2) zoning district.
2. Preliminary site plan review application for the proposed Love's Travel Stop.

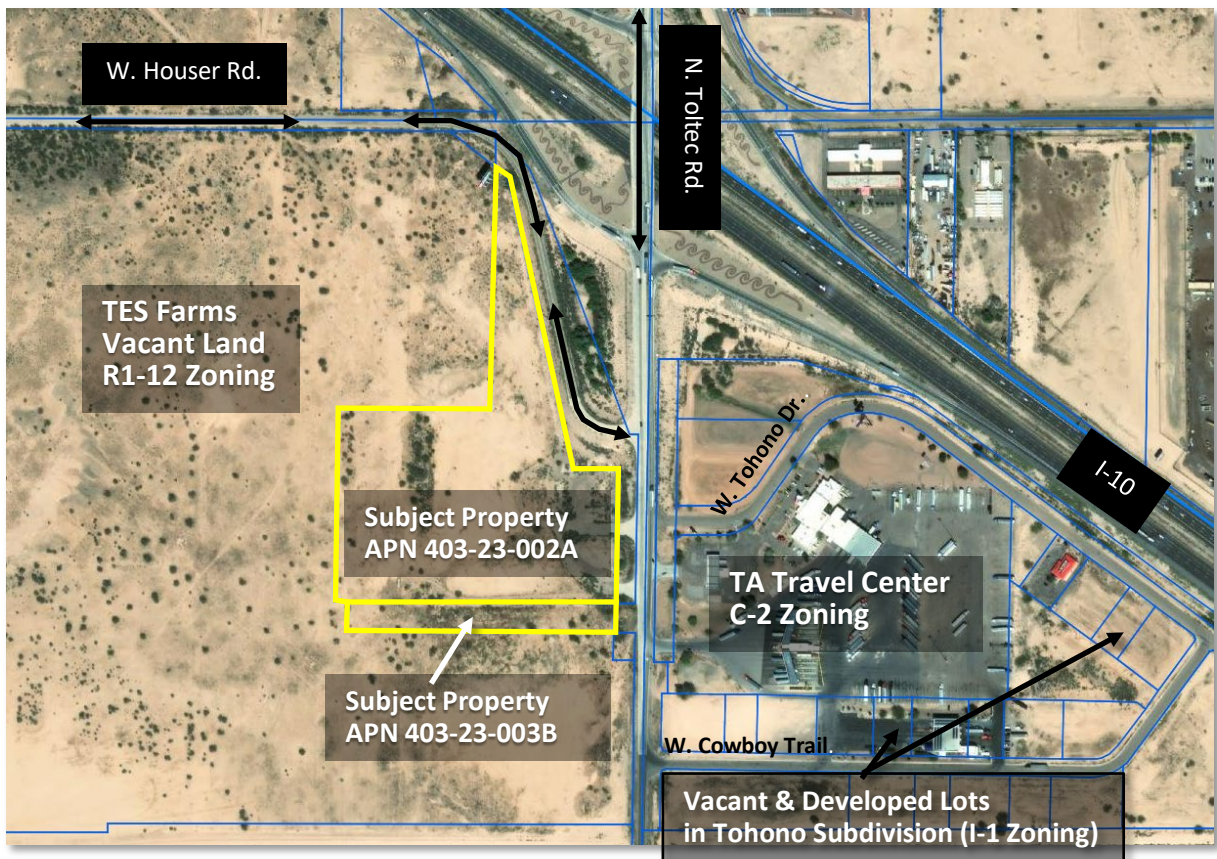
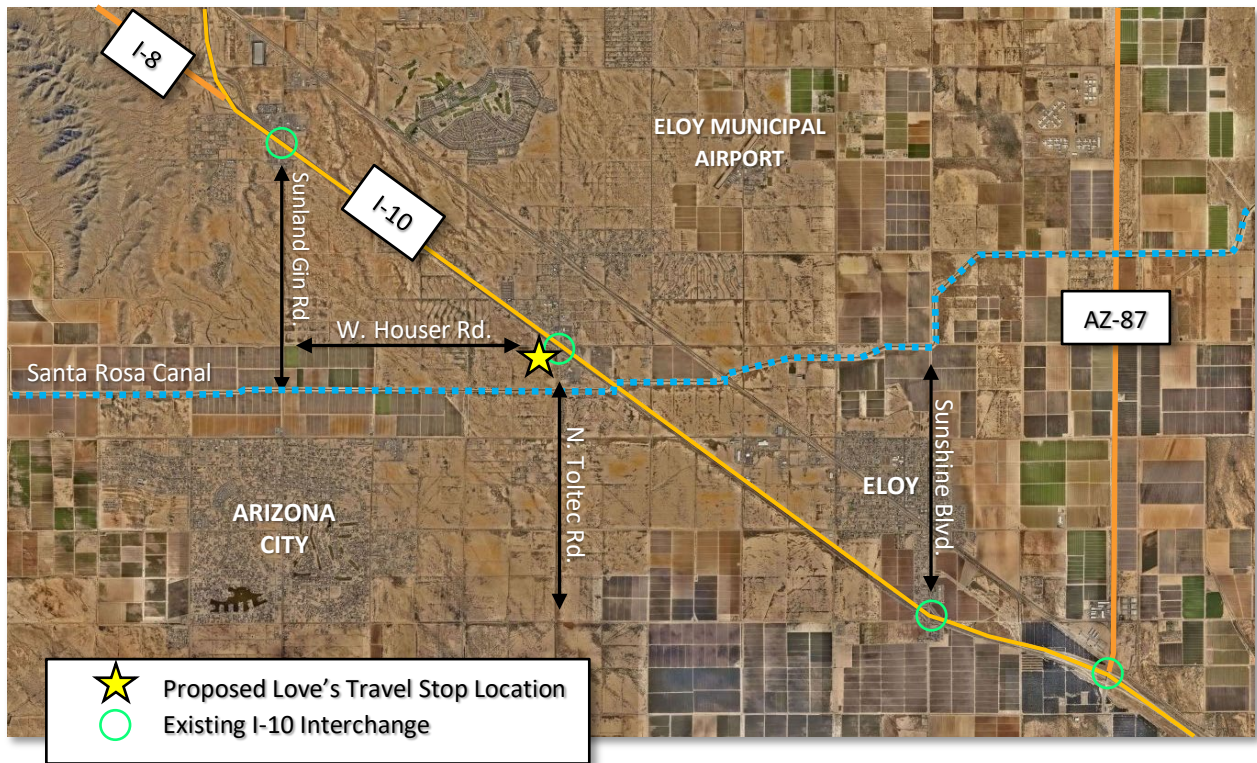
II. PROPERTY DESCRIPTION, LOCATION AND SURROUNDINGS.

The Property consists of two vacant parcels totaling approximately 17.15 net acres (747,054 s.f.) and 20.62 gross acres (898,088 s.f.) located south of the I-10 freeway at the southwest corner of the N. Toltec Road and W. Houser Road intersection.

LOVE'S TRAVEL STOP PROPERTY INFORMATION

APN	PRELIM. ADDRESS	SECTION	PARCEL SIZE	CURRENT USE	OWNER
403-23-002A	2950 N. Toltec Rd.	Section 33 T7S, R7E	Approx. 15 Acres	Vacant Land	Javelina Development, LLC, a Texas limited liability company
403-23-003B	2950 N. Toltec Rd.	Section 33 T7S, R7E	Approx. 2 Acres	Vacant Land	Javelina Development, LLC, a Texas limited liability company

CONTEXT AND VICINITY MAPS



As shown by the Vicinity Map, the Property is located approximately 150 feet south of the I-10 freeway/Toltec Road interchange off-ramp, providing ease of access for vehicles traveling to and from the freeway. Both Houser Road and Toltec Road are classified as major arterial roads with existing commercial and industrial properties fronting on Toltec Road. Battaglia Road is also a major arterial road, located approximately 3,500 feet south of the Property.

The Property is surrounded by vacant land owned by TES Farms to the west and south. The TES Farms parcel consists of approximately 266 acres and is currently zoned Single-Family Residential (R1-12) (APN 403-23-003F).

Along the north side of W. Houser Road (located northwest of the Property), several vacant parcels are zoned Light Industrial (I-1) (APNs 403-07-160H, -160G, -160E, -160B, and 403-24-362).

To the northeast of the Property, the State of Arizona owns a narrow parcel measuring approximately 3.9 acres along the W. Houser Road alignment as part of the I-10 right-of-way (APN 403-23-002B). This parcel is zoned Community Commercial (C-2).

The existing TA Travel Center with accessory A&W, Sbarro, and Taco Bell fast-food restaurants are adjacent to the Property on the east side of N. Toltec Road. The TA Travel Center consists of two parcels totaling approximately 22 acres and is also zoned Community Commercial (C-2) (APNs 404-22-012B and -012C).

The TA Travel Center is surrounded to the north, east and south by the Tohono Phase 1 industrial subdivision plat recorded in 1989, which created 23 lots within the Light Industrial (I-1) zoning district. Most of the lots in Tohono Phase 1 remain vacant and are owned by Theresa S. Y. Mao, as Trustee of The Theresa S.Y. Mao Family Trust dated March 20, 1997, with the exception of two uses: (i) Lot 3 has been developed as a Pizza Hut restaurant (APN 404-26-003), and (ii) Lots 16-19 have been developed as a Little Sister's Truck Wash (APNs 404-26-016, -017, -018, and -019).

III. DESCRIPTION OF PROPOSED USE.

A. About Love's Travel Stops.

Founded in 1964 and headquartered in Oklahoma City, Love's Travel Stops & Country Stores has more than 600 locations in 42 states, providing professional truck drivers and motorists with 24-hour access to clean and safe places to purchase gasoline, diesel fuel, Compressed Natural Gas (CNG), travel items, electronics, snacks, and restaurant offerings. The Love's Family of Companies has more than 38,000 employees in their travel stops, Speedco locations and country stores from coast to coast and their corporate offices.

A Love's Travel Stop is currently operating at the southwest corner of the I-10 freeway and Sunland Gin Road interchange, with an address of 5000 N. Sunland Gin Road. This travel stop includes a Speedco truck maintenance shop and two restaurants: Arby's and Godfather's Pizza.

The proposed Love's Travel Stop at Toltec Road is warranted despite the existing location at 5000 N. Sunland Gin Road given: (1) the intensity of the daily traffic along the I-10 freeway, (ii) the projected growth of interstate commerce along the I-10 and within Eloy, and (iii) the fact that the two Love's Travel Stops will offer different amenities and restaurants. For instance, the proposed Toltec Road location will include a truck wash, while the existing Sunland Gin Road location offers a Speedco truck maintenance shop.

B. The Proposed Love's Travel Stop at Toltec Road and Houser Road.

The proposed Love's Travel Stop will include auto and truck fueling stations, a convenience market, restaurants, a truck wash and a truck scale. Ample surface parking will be provided to customers. Five (5) overnight RV parking spaces will be provided with water and electrical hookups. The following table provides an overview of the uses:

LAND USE	SQUARE FOOTAGE	ADDITIONAL DETAILS
Convenience Store	11,448 SF	
Auto Fueling Canopy	8,028 SF	20 Fueling Positions
Truck Fueling Canopy	11,127 SF	9 Fueling Positions
Fast Food Restaurant w/out Drive-Through	1,884 SF	
Fast Food Restaurant w/ Drive-Through	3,434 SF	
Truck Wash	6,727 SF	
Total Lot Coverage	42,649 SF	5.7% Lot Coverage (42,649 SF / 747,054 NET SF)
PARKING	REQUIRED	PROVIDED
Truck Surface Parking	-	128 spaces (includes 2 ADA spaces)
Auto/RV Surface Parking	67 spaces	67 spaces (includes 3 ADA spaces)
Overnight RV Spaces	-	5 spaces

IV. AMENDMENT TO ZONING MAP / REZONING.

The applicant is seeking approval to rezone the Property from the Single-Family Residential (R1-12) zoning district to the Community Commercial (C-2) zoning district for purposes of developing a Love's Travel Stop. This rezoning request is consistent with and conforms to the City of Eloy's General Plan, which currently identifies the Property with a Community Commercial land use designation.

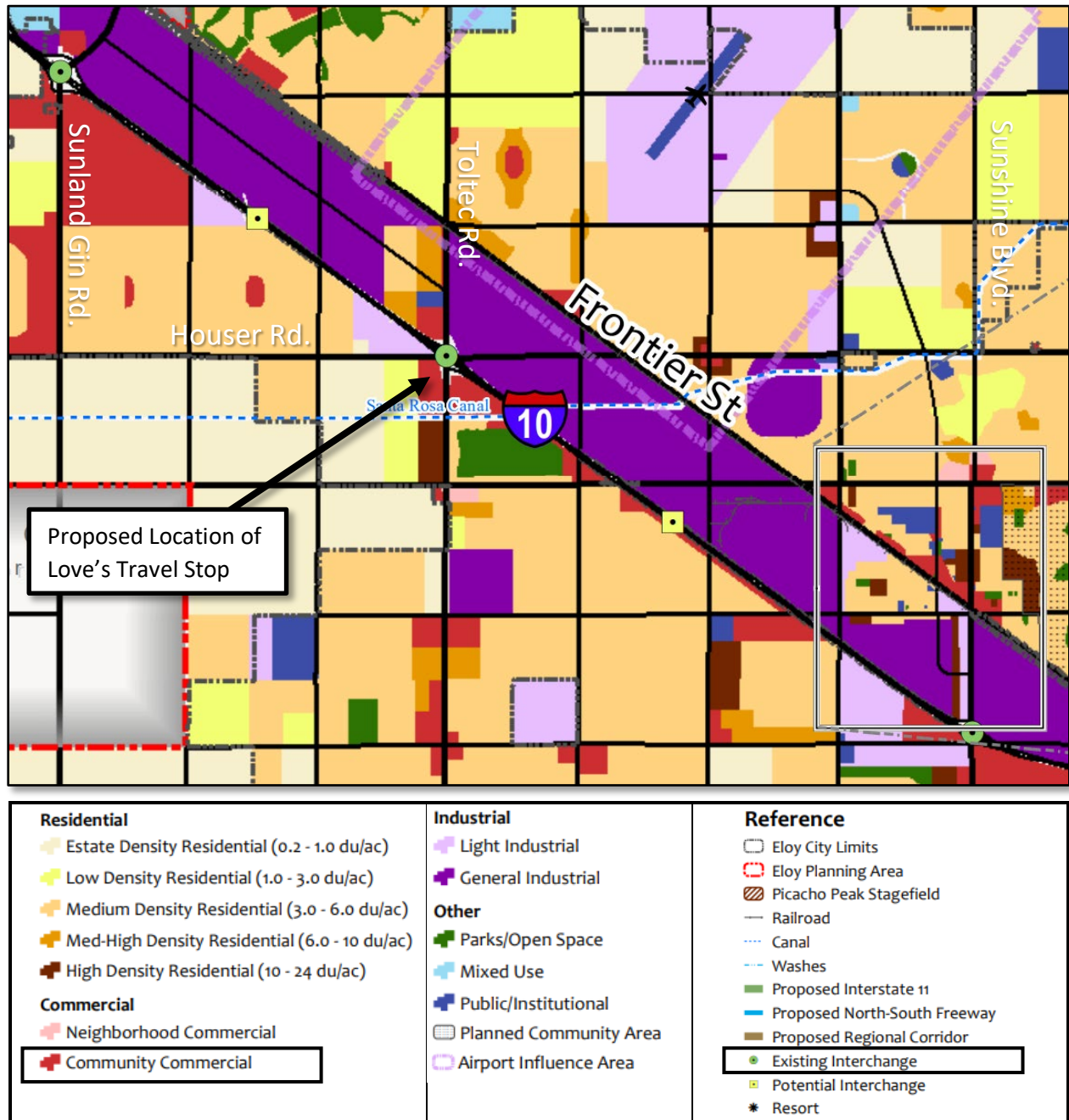
A. Eloy General Plan.

The Property is located in an area on the south side of "Toltec," which is comprised of community neighborhoods and freeway oriented commercial development. The Land Use Map from the City of Eloy General Plan (dated January 2023) designates the Property with a Community Commercial land use designation. With Toltec Road being the only I-10 interchange for approximately 8.5 miles (the closest being Sunland Gin Road to the west and Sunshine Boulevard to the east), Community Commercial land uses are appropriate. Community

Commercial land uses are also suitable at the intersection of two (2) major arterial roadways – Houser Road and Toltec Road.

The Land Use Map identifies Community Commercial, Light Industrial, and General Industrial as future land uses at the intersection of Toltec Road and the I-10 freeway, allowing for intensive uses at the freeway interchange. In addition, High Density Residential (10-24 du/ac) is designated to the south of the Property and the Santa Rosa Canal.

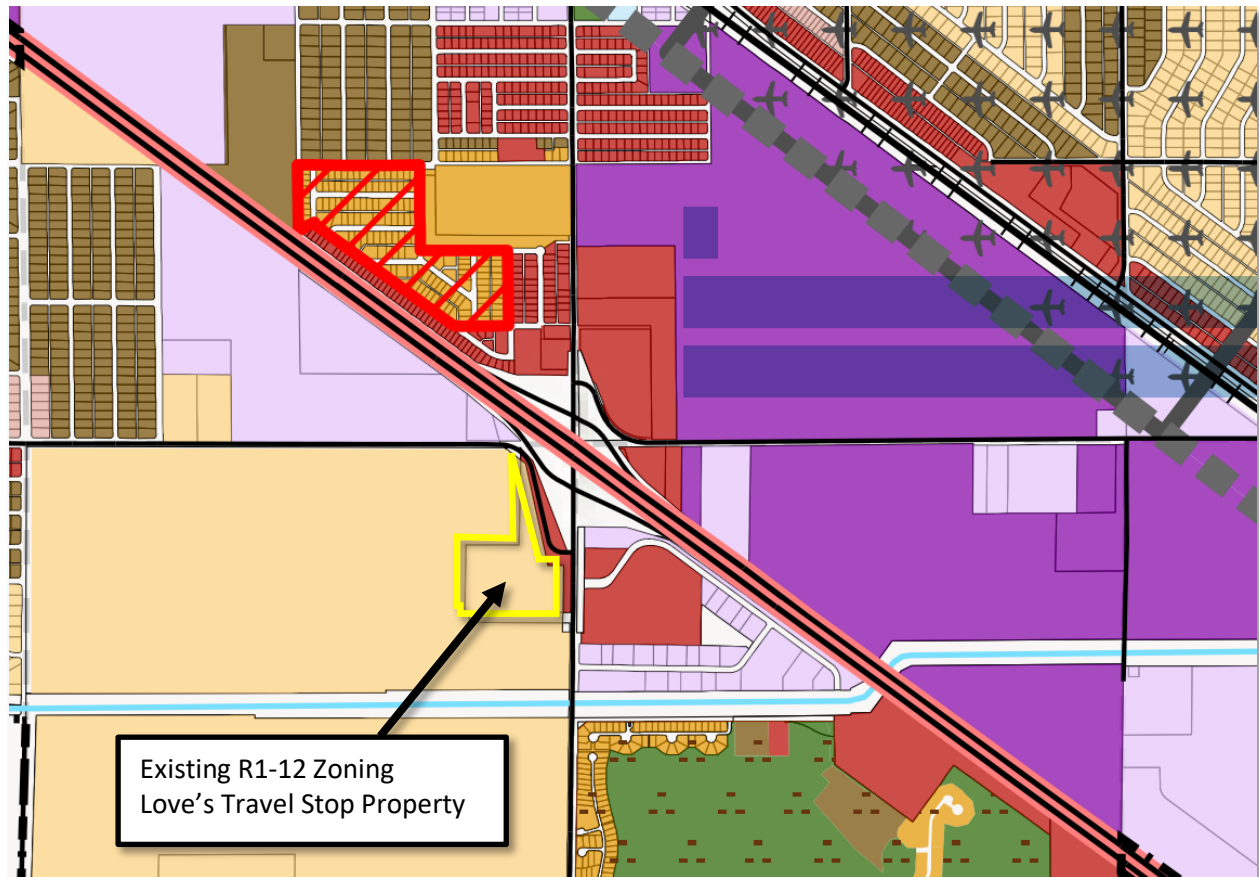
**Excerpt from Eloy Land Use Map LU-3
Dated January 2023**



B. Current and Proposed Zoning District.

The Official Zoning Map of the City of Eloy (dated January 2023) confirms that the Property is currently zoned R1-12 Single-Family Residential. The Property abuts vacant land zoned R1-12 district to the west and south. Parcels to the north, east and southeast of the Property are zoned Community Commercial (C-2) and Light Industrial (I-1).

Excerpt from Official Zoning Map of the City of Eloy dated January 2023 Existing Zoning – Single Family Residential R1-12



Residential Districts

- RR-20 Rural Residential (20 acres/du)
- RR-5 Rural Residential (5 acres/du)
- RR-2.5 Rural Residential (2.5 acres/du)
- R1-54 Estate Residential (54,450 sq. ft./du)
- R1-43 Estate Residential (43,560 sq. ft./du)
- R1-12 Single Family Residential (12,000 sq. ft./du)**
- R1-6 Single Family Residential (6,000 sq.ft/du.)
- R-2 Small Lot Residential (6-10 du/acre)
- R-3 Multiple Family Residential (10-24 du/acre)

Commercial Districts

- C-1 Neighborhood Commercial
- C-2 Community Commercial
- MU Mixed Use

Industrial Districts

- BP Business Park
- I-1 Light Industrial
- I-2 General Industrial

Public Facility Districts

- PF Public Facility

Open Space Districts

- OSC Open Space Conservation
- OSR Open Space Recreational

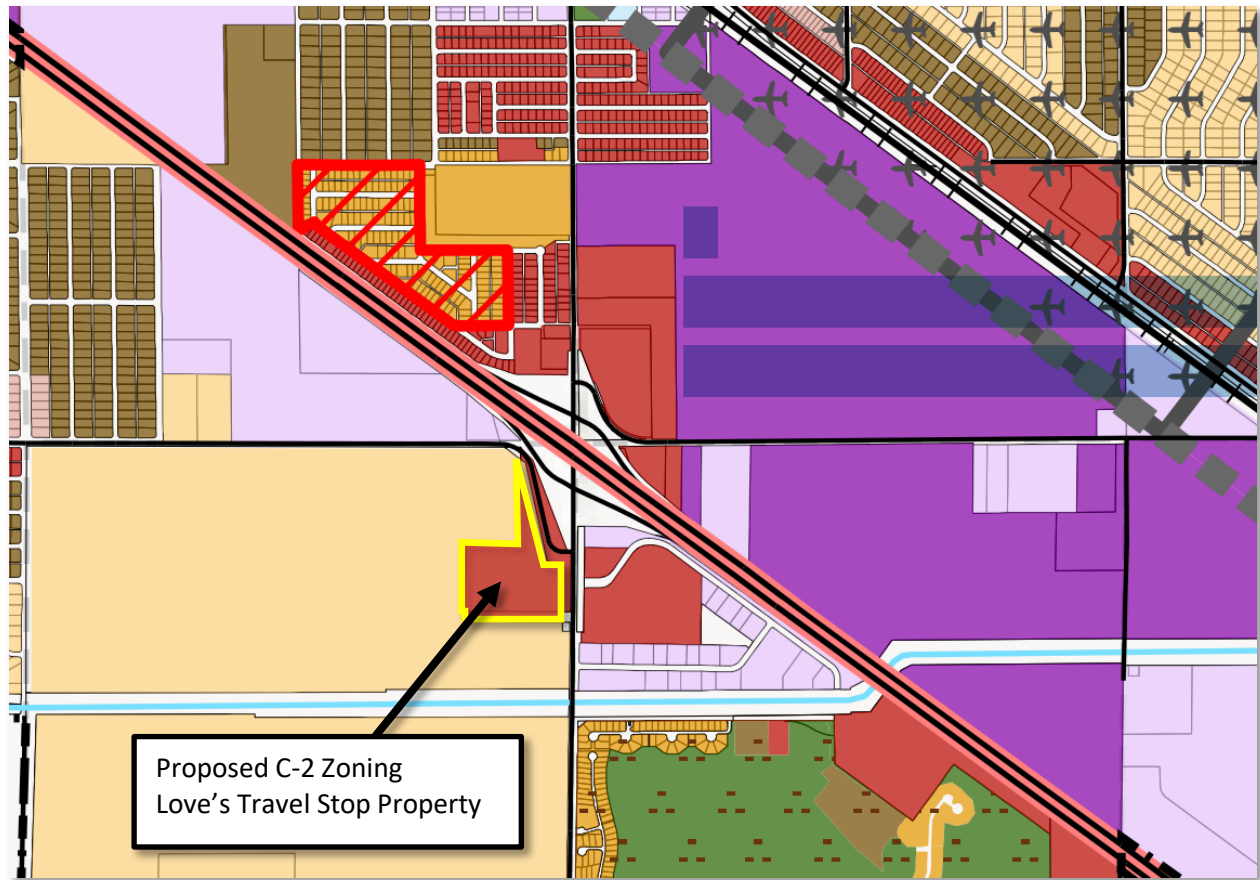
Overlay Districts

- DCO - Downtown Core Overlay
- MHO - Manufactured Home Overlay
- PAD - Planned Area Development
- AO - Aviation Overlay
- AIZ - Airport Influence Zone (1.5 nautical miles)

- Interstate
- State Highway
- Local Road
- Township Line
- Section Line
- Canal
- Railroad
- Other City

Official Signature Block
 Mayor - Joel C. Belloc 7/23/18
 City Clerk - Mary Myers 7/23/18

Demonstrative Created from Official Zoning Map of the City of Eloy dated January 2023
Proposed Zoning – Community Commercial C-2



Residential Districts - RR-20 Rural Residential (20 acres/du) - RR-5 Rural Residential (5 acres/du) - RR-2.5 Rural Residential (2.5 acres/du) - R1-54 Estate Residential (54,450 sq. ft./du) - R1-43 Estate Residential (43,560 sq. ft./du) - R1-12 Single Family Residential (12,000 sq. ft./du) - R1-6 Single Family Residential (6,000 sq. ft./du.) - R-2 Small Lot Residential (6-10 du/acre) - R-3 Multiple Family Residential (10-24 du/acre)	Commercial Districts - C-1 Neighborhood Commercial C-2 Community Commercial - MU Mixed Use Industrial Districts - BP Business Park - I-1 Light Industrial - I-2 General Industrial Public Facility Districts - PF Public Facility Open Space Districts - OSC Open Space Conservation - OSR Open Space Recreational	Overlay Districts - DCO - Downtown Core Overlay - MHO - Manufactured Home Overlay - PAD - Planned Area Development - AO - Aviation Overlay - AIZ - Airport Influence Zone (1.5 nautical miles)
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The proposed Zoning Map above and Section 2.3 of the Zoning Ordinance support this request to rezone the Property to Community Commercial (C-2) zoning district. Section 2.3 of the Zoning Ordinance provides the following general purpose statement for the commercial districts, including the C-2 zoning district specifically:

CITY OF ELOY CODE OF ORDINANCES, CHAPTER 21 - ZONING ORDINANCE

Section 21-2-3 Commercial Districts:

21-2-3.1 General Purpose The purpose of the commercial and mixed-use districts is to provide for a variety of goods, services and housing, each suited to specific retail, office, entertainment, and moderate to high density residential uses in order to foster economic health, community sustainability and also to maintain compatibility with adjacent uses. These districts are intended to provide attractive, well-designed developments that are appropriately located along primary roadways and multi-modal transportation facilities to serve Eloy residents, customers, and visitors.

21-2-3.2 Commercial and Mixed-Use Districts Enumerated:

...

B. General Commercial District (C-2) The purpose of this commercial zoning district is to provide a location for general business and commercial uses. The intent of this district is to allow for larger commercial uses to satisfy the needs of the community at large while providing for a broad range of retail, office and service-oriented activities.

The zone change to C-2 district is compatible with the existing zoning and land uses in the Toltec area. Furthermore, the proposed travel stop and restaurant uses are appropriately located along primary roadways (I-10 freeway and Houser Road/Toltec Road – major arterial streets) to serve Eloy residents, customers and visitors with retail and service-oriented activities.

C. Rezoning Issues for Consideration.

An applicant requesting a rezoning approval is required by state statute to demonstrate that the rezoning is “consistent with and conform(s) to the adopted general plan of the municipality.” See A.R.S. § 9-462.01.F. “A rezoning ordinance conforms with the land use element of the general plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the general plan.” *Id.*

In addition to the statutory requirements, Section 6.6.3.B.2 of the Eloy Zoning Ordinance requires the applicant of a zoning map amendment to submit a written narrative “identifying how the proposed zoning conforms with the adopted Eloy General Plan, compatibly integrates with the surrounding neighborhood, and why it is more appropriate for the property than the existing zoning.” Section 6.6.4 of the Zoning Ordinance also provides the following issues for consideration when determining whether to approve a zoning map amendment application:

A. Consistency (or lack thereof) with the adopted Eloy General Plan, and other adopted Plans;

- B. Compatibility with the existing zoning and conforming uses of nearby property and with the character of the neighborhood;
- C. Suitability of the subject property for uses permitted by the proposed zoning district;
- D. Suitability of the subject property for uses permitted by the existing district; and
- E. Availability of sewer and water facilities.

The following sections address the statutory requirements in A.R.S. § 9-462.01.F and each of the rezoning narrative topics and issues for consideration required in Sections 6.6.3.B. and 6.6.4 of the Zoning Ordinance.

1. *Consistency and Conformance with the Eloy General Plan and Other Adopted Plans.*

The applicant's request to rezone the Property to the Community Commercial (C-2) zoning district is consistent with and conforms to the adopted General Plan for the City of Eloy, particularly: (a) the Land Use Element, (b) the Circulation Element, (c) the Growth Areas Element, and (d) the Economic Prosperity Element.

a. *Land Use Element.*

As shown in Section IV.A of this narrative, the Property is designated with a Community Commercial land use designation. Section 3.1.4 of the Land Use Element in the City of Eloy General Plan confirms that the Community Commercial (C-2) zoning district is permitted within the Community Commercial land use designation. Section 3.1.4 also provides the following range of identified uses, intensities and development guidelines for the Community Commercial land use designation:

Community Commercial

Permitted Zoning District: Community Commercial (C-2)

Uses allowed within this designation include a variety of types and intensities of commercial development. Community Commercial areas typically consist of large shopping centers and districts that offer a wider variety of goods and services than neighborhood commercial areas. They rely on larger trade areas (two-mile radius or greater) and include such uses as department stores, bookstores, furniture stores, restaurants, theaters, and non-retail services, such as offices and banks. Major Community Commercial centers should be located with adequate controlled access and visibility to arterial streets.

Development Guidelines:

The City is located along an interstate highway that transports a significant amount of daily vehicular traffic between Phoenix and Tucson. The City of Eloy desires to create and diversify the community's economy by capturing a portion of the future commercial and industrial jobs that will locate along the corridor.

...

The guidelines presented below will influence the siting of Community Commercial uses.

All such uses are located at the intersection of arterial and/or collector streets, or with Mixed Use Centers.

Community Commercial developments may be required to submit, for review and approval, a traffic impact study as part of the site planning process to determine number and location of median and curb cuts for optimal traffic flow and adequate site ingress/egress.

Building design should utilize 360-degree architecture (four-sided attractive articulation).

Landscaping should be drought tolerant and evergreen.

Buffering (i.e. landscaping, distance and fencing) should be utilized to shield adjacent residential uses from noise, glare, and supply truck traffic generated from adjacent Community Commercial uses.

The proposed C-2 zoning will allow commercial uses aimed at serving the residents of Eloy and travelers along the I-10, such as vehicle fueling stations, a convenience store and restaurants. Rezoning this Property to the C-2 zoning district also conforms with the Community Commercial land use designation as a result of its location as a corner parcel at the major arterial intersection of Houser Road, Toltec Road and the I-10 freeway. The travel stop use relies upon a larger trade area and requires access to, and visibility from, the I-10 freeway, making this location ideal. As mentioned in the General Plan, the I-10 freeway transports “a significant amount of daily vehicular traffic between Phoenix and Tucson,” and Toltec Road is the only freeway interchange for approximately 8.5 miles. From 2019 to 2021, the Arizona Department of Transportation’s average annual daily traffic (AADT) counts along I-10 at the Toltec Road interchange significantly increased, particularly with regard to truck traffic. The increased traffic along the I-10 and latest traffic projections calculated by ADOT have resulted in the 2040 Future AADT counts being estimated at 110,610, which is approximately double the 2021 counts of 54,373.

**Comparison of 2019 and 2021 ADOT Average Annual Daily Traffic (AADT) Counts
along Interstate 10 at Toltec Road**

2019 AADT - Interstates				
I-10 Segment	2019 AADT	Single Truck	Combo Truck	2040 Future AADT
Exit 200 Sunland Gin to Exit 203 Toltec Rd.	44,656	1,518	8,217	68,301
Exit 203 Toltec Rd. to Exit 208 Sunshine Blvd.	43,361	1,506	8,022	66,506
2021 AADT - Interstates				
I-10 Segment	2021 AADT	Single Truck	Combo Truck	2040 Future AADT
Exit 200 Sunland Gin to Exit 203 Toltec Rd.	54,373	3,048	11,886	110,610
Exit 203 Toltec Rd. to Exit 208 Sunshine Blvd.	46,164	1,603	8,540	72,772

These numbers demonstrate the explosive number of vehicle trips expected along I-10 between now and 2040. Rezoning the Property to C-2 district for the Love's Travel Stop development will conform to the Community Commercial land use designation in the General Plan and will support the City of Eloy's desire to capture future commercial jobs and an increased property and sales tax base along the I-10 corridor.

The Love's proposal also conforms to the Development Guidelines for the Community Commercial land use designation in the General Plan. A traffic impact analysis prepared by Kimley-Horn and Associates has been submitted as part of this application. Drought-tolerant landscaping and appropriate buffering are also depicted in the preliminary site plan and landscape plan, with 8.35 acres of total landscaped area.

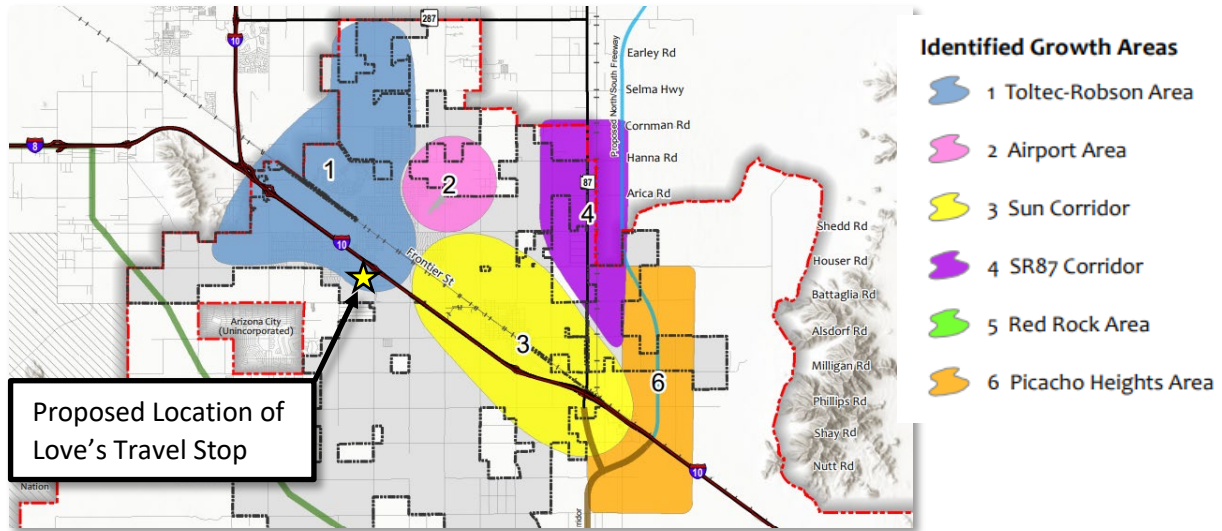
b. Circulation Element.

The proposed rezoning and Love's Travel Stop development are also consistent with certain objectives within the Circulation Element of the General Plan aimed at creating and enhancing a functional circulation network. Objective No. 6 in Section 3.2.5 of the General Plan calls for "incrementally upgrading existing roadways to comply with the street classification system, as demand warrants." The Traffic Impact Analysis submitted with this application concludes that the intersections in this vicinity, the project site driveways, and the existing two-way left turning lane on Toltec Road are expected to operate at acceptable levels of service. To accommodate the estimated 4,124 new daily trips generated by this development, the Traffic Impact Analysis recommends the installation of a continuous southbound right-turn deceleration lane for the two (2) Toltec Road driveways serving the Love's Travel Stop. Thus, this project is consistent with Objective No. 6 in the Circulation Element by incrementally upgrading the existing roadway as demand warrants.

c. Growth Areas Element.

This rezoning application is also consistent with the goals set forth in the Growth Areas Element of the Eloy General Plan. Section 3.3.1 of the General Plan "encourages orderly" and "mixed use" development within Growth Areas and promotes "commercial, employment and industrial development at identified Growth Area nodes." This Property is located within the southeastern area of the Toltec-Robson Growth Area. The Love's Travel Stop, together with its accessory truck wash, overnight RV spaces, and restaurant uses, constitutes the type of mixed-use and orderly commercial development that is encouraged within the Toltec-Robson Growth Area.

**Excerpt from Growth Areas Map of Eloy General Plan
Map GA-1 Dated January 2023**



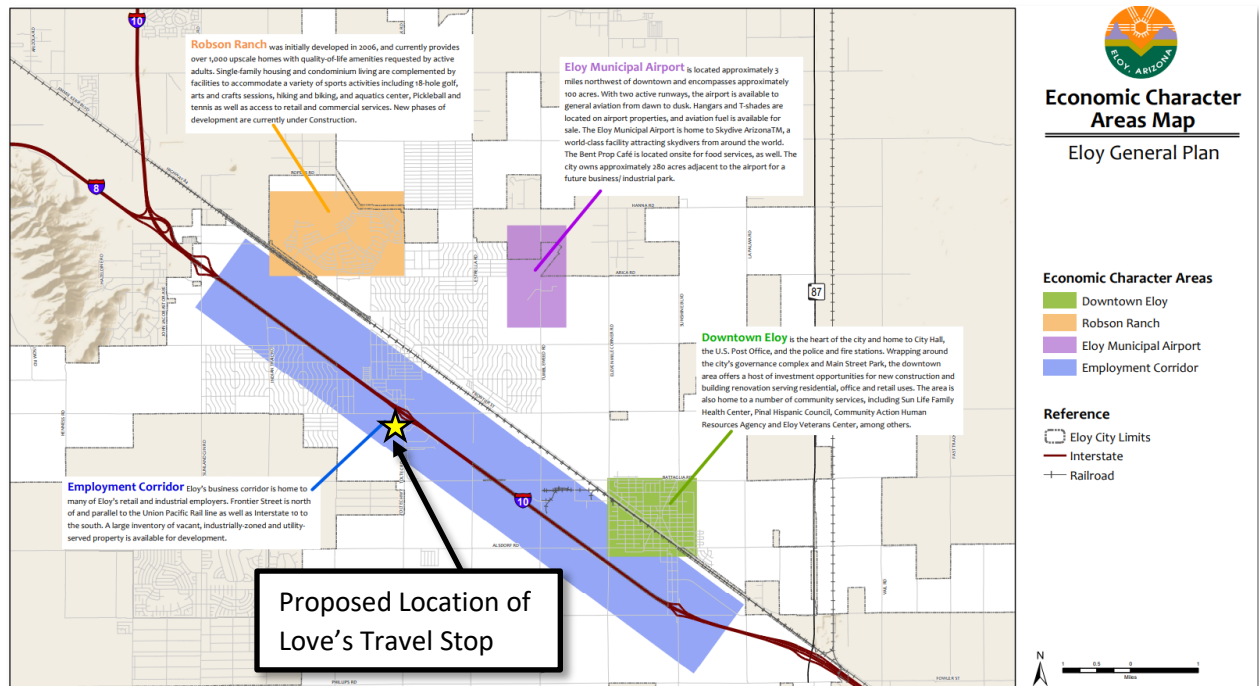
The Toltec-Robson Growth Area is also described as an area which should encourage “retail establishments catering to the interstate travelers.” The General Plan states that “transportation related industries are also ideally suited for this growth area.” With retail, restaurant, and service-oriented uses targeted towards both interstate travelers and local residents/employees, the Love’s Travel Stop is an appropriate development for the Toltec-Robson Growth Area.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

d. Economic Prosperity Element.

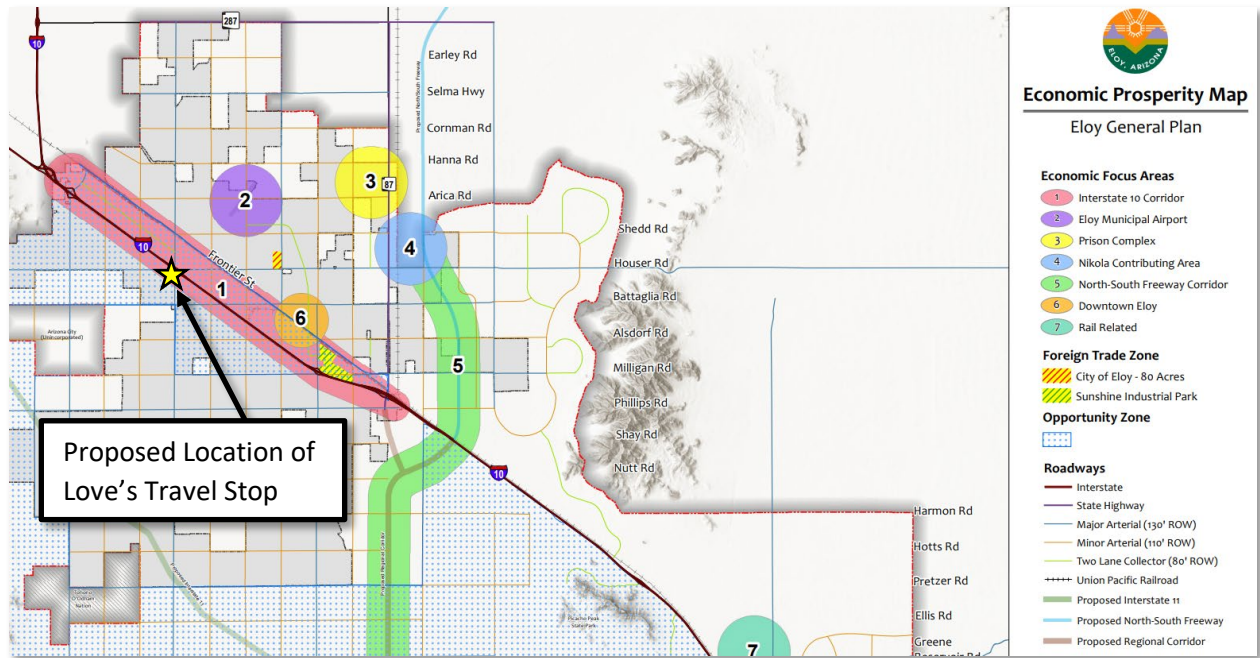
This rezoning application is also consistent with the Economic Prosperity Element of the Eloy General Plan. The Property is located within: (i) the Employment Corridor according to the Economic Character Areas Map, and (ii) the Interstate 10 Corridor Economic Focus Area according to the Economic Prosperity Map.

Economic Character Areas Map E-1 dated January 2023



The Employment Corridor is located south of, and parallel to, the Union Pacific Rail line and extends to the south of Interstate 10. The Corridor is “home to many of Eloy’s retail and industrial employers” with “a large inventory of vacant, industrially-zoned and utility-served Property” that is available for development. This area of Eloy is identified as a “strength” in the Economic Prosperity Element due to the approximately “20 miles of I-10 freeway frontage and the opportunity for Union Pacific rail spur service.” In Section 3.10.4 of the General Plan, the Economic Prosperity Element recognizes that “Eloy is well positioned on Interstate 10 and the Union Pacific rail line with excellent proximity to Arizona’s border with Mexico – three ideal assets for attracting manufacturing, distribution and warehousing operations.” The Love’s Travel Stop is a use which is essential to supporting the transportation demands of manufacturing, distribution and warehousing operations and simultaneously provides an opportunity to capture additional sales tax revenue from pass-through traffic along I-10.

Economic Prosperity Map E-2 dated January 2023



Also, in Section 3.10.4 and Table E.3 of the General Plan, the City has identified six (6) industry clusters which are suitable and potential targets for Eloy after evaluating employment growth, wages, market strength and existing business presence in the region. “Transportation & Logistics” was listed as one (1) of the six (6) industry clusters, with “warehousing and storage, rail transportation, and truck transportation” listed as industry targets. The proposed Love’s Travel Stop is a vital component of the truck transportation industry, providing fuel, meals and much needed truck parking. Thus, this rezoning application and the proposed use is consistent with the industry targets identified in the Economic Prosperity Element of the General Plan.

2. *Compatibility with the existing zoning and conforming uses of nearby property and with the character of the neighborhood.*

Rezoning the Property to the Community Commercial (C-2) district for the proposed Love’s Travel Stop would be compatible with the existing zoning and conforming uses of nearby property and with the character of the area. The Property is located at the south end of the Toltec area, immediately south of the I-10/Toltec Road interchange. The character of this area is predominantly commercial and industrial, as shown by the Existing Zoning Map in Section IV.B of this narrative. The City of Eloy General Plan also identifies this area as the home of many of Eloy’s industrial and retail employers. Adjacent properties to the north of Houser Road and east of Toltec Road are zoned Light Industrial and Community Commercial districts. An existing TA Travel Center, Pizza Hut and truck wash are located near the southeast corner of the Toltec Road and I-10 intersection, all of which are compatible with the proposed travel stop use.

Steps have been taken to minimize any potential or foreseen negative impacts to adjacent property owners. The Traffic Impact Analysis submitted with this application recommends the installation of two right-turn deceleration lanes to accommodate new vehicular trips generated by the proposed use which, in turn, supports and maintains the existing levels of service at the nearby intersections for the benefit of adjacent property owners. Significant landscape buffering is proposed along all Property boundaries and the proposed buildings and fueling stations have been oriented towards Toltec Road to minimize any impacts to the abutting vacant parcel zoned R1-12 Single Family Residential.

3. *Suitability of the subject property for uses permitted by the proposed zoning district.*

The Property is suitable for essentially all uses permitted in the Community Commercial (C-2) District. At approximately 17.15 net acres, the Property is of sufficient size to accommodate most commercial, office, retail and service uses which would require a significant building envelope and associated parking areas. The Property is also located at the intersection of two major arterial roadways and immediately south of the I-10 freeway, resulting in a location that could accommodate any traffic generated by permitted uses in the C-2 zoning district or uses subject to a conditional use permit approval.

4. *Suitability of the subject property for uses permitted by the existing district.*

The Property is currently zoned Single-Family Residential R1-12. Single-family residential would not be considered the highest and best use of this Property as a result of its unique location at the intersection of two (2) major arterial roads and the I-10 freeway. Toltec Road is the only existing freeway interchange for an approximate 8-mile stretch along 1-10 and has been appropriately designated as an Employment Corridor with industrial and commercial land use designations. A single-family residential development would not be suitable for this Property and would cause the City of Eloy to sacrifice the collection of considerable sales tax in the future.

5. *Availability of sewer and water facilities.*

According to the Preliminary Water and Wastewater Report prepared by Kimley-Horn and Associates, Inc. dated September 30, 2022, the proposed Love's Travel Stop will be served with adequate water and wastewater facilities.

With regard to the water supply, there is an existing 12-inch polyvinyl chloride ("PVC") water main located in Toltec Road that extends along the east side of the Property. There is a 12-inch PVC stub in Toltec Road aligned with the center of the site and an existing 6-inch asbestos cement pipe ("ACP") water main that branches off from the 12-inch main and extends northwest through the site and continues west along Houser Road. To accommodate the domestic water supply and fire flow demands of the future Love's Travel Stop, the following water supply improvements are proposed:

1. Construct a 12-inch ductile iron pipe (“DIP”) public water main to replace the existing 6-inch ACP water main through the site. The proposed main will connect to the existing system at the two existing connection points at the southeast and northwest corners of the Property as well as to the existing 12-inch stub in Toltec Road;
2. Construct an 8-inch DIP water main to connect to the proposed 12-inch water line and create a loop through the site;
3. Construct a 6-inch DIP line for a fire connection to each building;
4. Install 7 public fire hydrants; and
5. Install domestic and landscape water meters to serve the Property.

The Property is also located in close proximity to existing sewer infrastructure consisting of a 10-inch PVC sewer main south of the site in Cowboy Trail that flows east. Additionally, there is an existing manhole in the intersection of Toltec Road and Cowboy Trail approximately 500 feet south of the Property. The Love’s Travel Stop will require a connection to the existing manhole in Toltec Road and the extension of a new 10-inch PVC sewer main north. Each building on the Property will be served by a 6-inch PVC sewer service line that connects to the proposed 10-inch PVC main in Toltec Road.

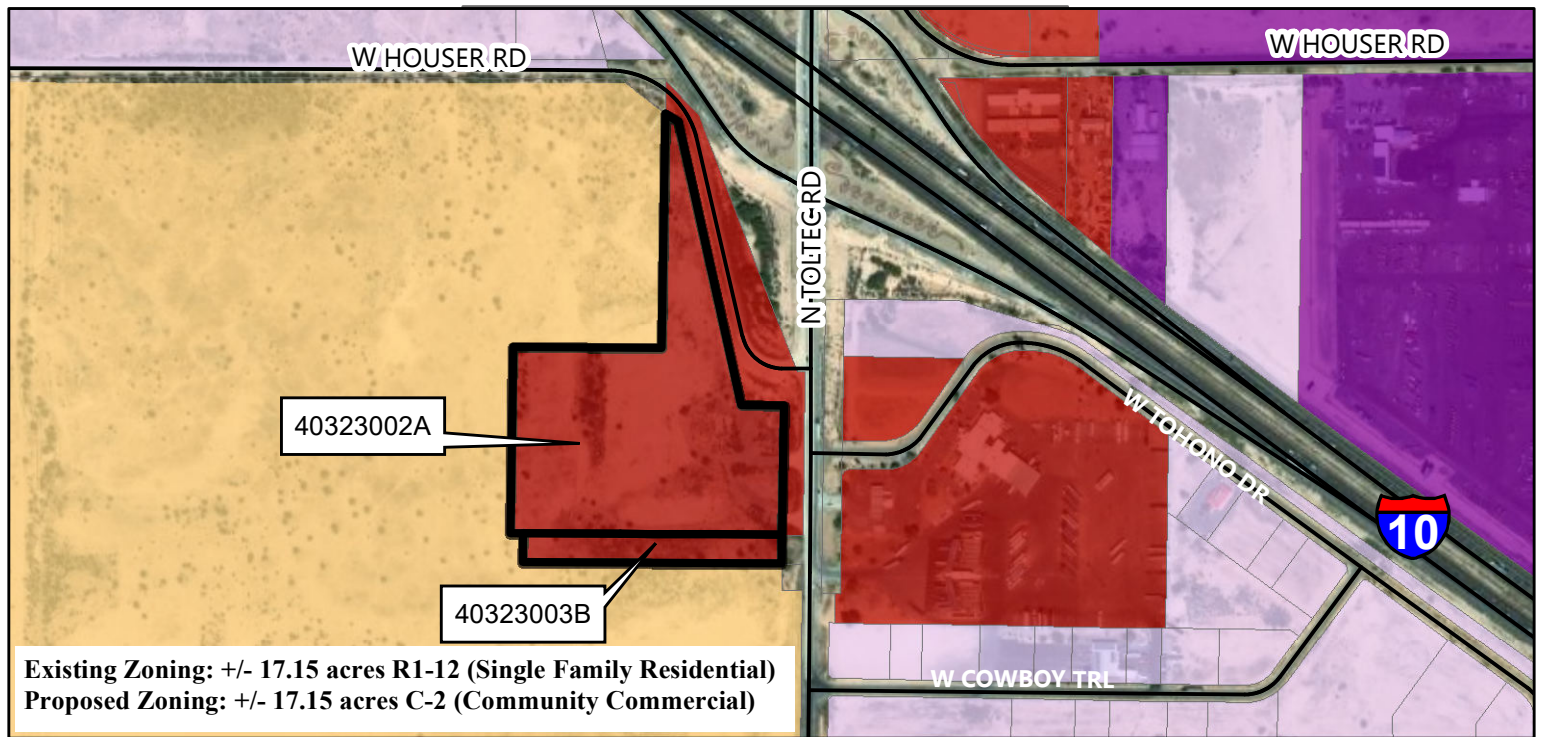
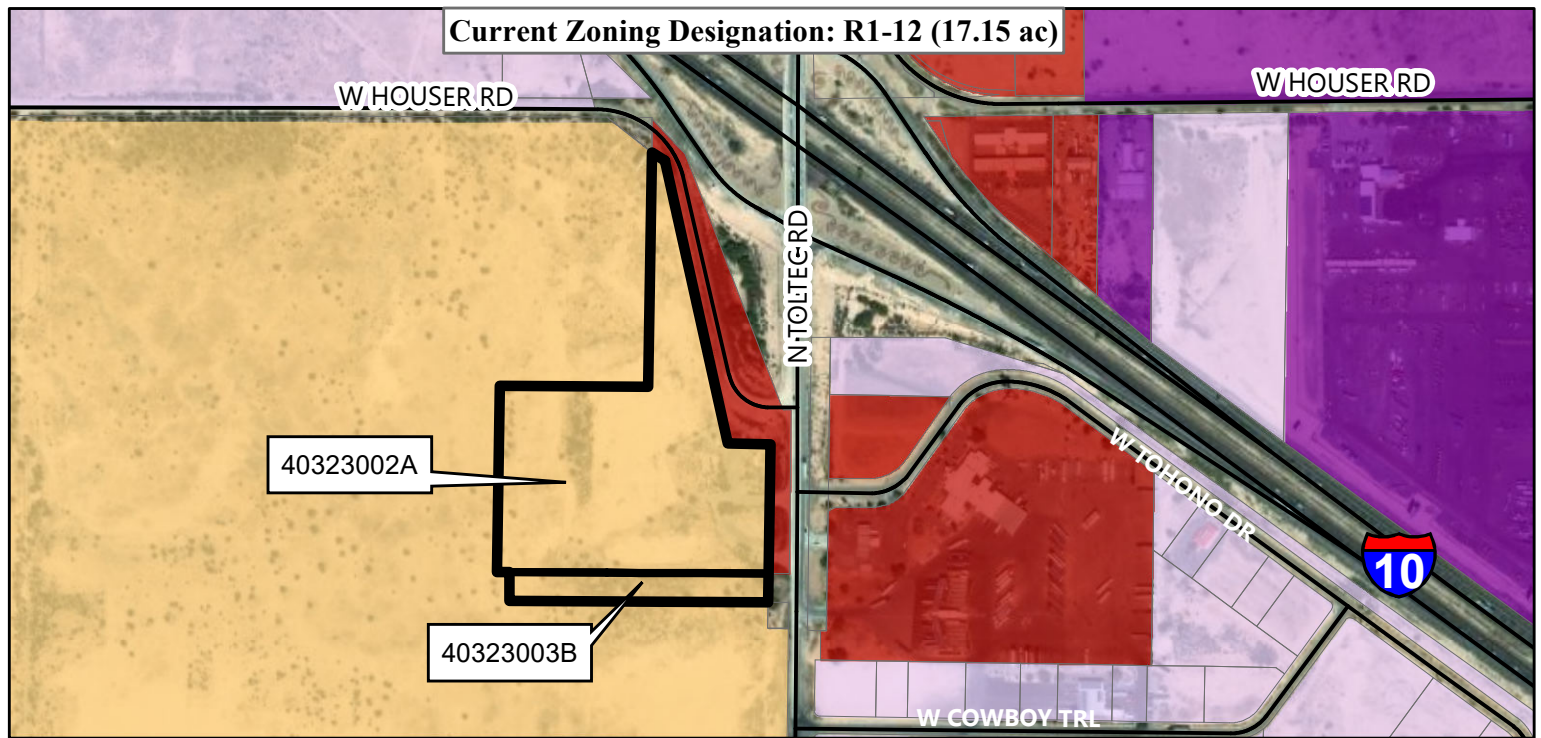
Based on the City of Eloy’s criteria and the existing infrastructure in the area, both the water and sewer service designs for this project are sufficient to serve the proposed Love’s Travel Stop development.

V. CONCLUSION.

The information provided in this Narrative confirms that the requested rezoning of the Property to the Community Commercial C-2 zoning district is consistent with, and conforms to, the City of Eloy General Plan. The applicant respectfully requests approval of the Rezoning Application for the proposed Love’s Travel Stop at the southwest corner of the Toltec Road and Houser Road intersection, south of the I-10 freeway.

Respectfully,

Heather N. Dukes, Esq.
602.320.8866 | hdukesesq@gmail.com



Love's Travel Stop
Rezoning Exhibit - Case No: RZ2023-012

Zoning Designations

Single Family

-  RR-20 Rural Residential (20 acres/du)
-  RR-5 Rural Residential (5 acres/du)
-  RR-2.5 Rural Residential (2.5 acres/du)
-  R1-54 Estate Residential (1.25 acres/du)
-  R1-43 Estate Residential (43,560 sq. ft.)
-  R1-12 Single Family Residential (12,000 sq. ft.)
-  R1-6 Single Family Residential (6,000 sq. ft.)

Multi-Family

- R-2 Small Lot Residential (6-10 du/acre)
- R-3 Multiple Family Residential (10-24 du/acre)

Commercial

-  C-1 Neighborhood Commercial
- C-2 Community Commercial
- MU Mixed Use

Industrial

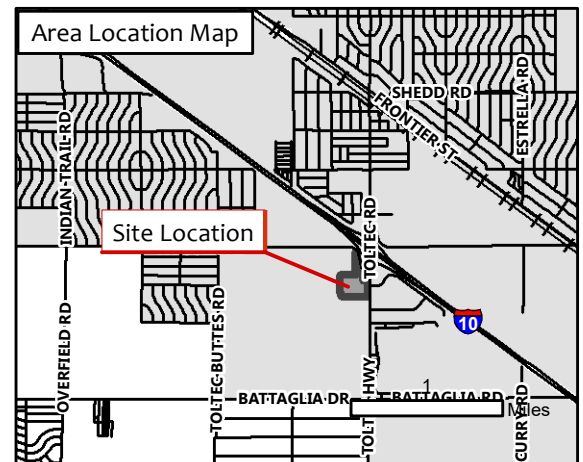
-  BP Business Park
-  I-1 Light Industrial
-  I-2 General Industrial

Public Facility

-  PF Public Facility

Open Space

- OSC Open Space Conservation
OSR Open Space Recreational



Disclaimer: This map is for reference purposes only and is not suitable for legal, financial, engineering, or surveying purposes or commitments. The City of Eloy assumes no responsibility for errors, omissions, or inaccuracies presented, and shall have neither liability nor responsibility for any direct or indirect loss or damage in connection with, or arising from, the information on this map. Any conclusions derived from this map are the responsibility of the user.

CITIZEN PARTICIPATION REPORT

LOVE'S TRAVEL STOP

SOUTHWEST CORNER OF TOLTEC ROAD/HOUSER ROAD (SOUTH OF INTERSTATE 10)

CASE NO. CUP2023-011, RZ2023-012, and SP2023-013

Updated August 4, 2023

This Citizen Participation Report is being submitted on behalf of the Applicant, Love's Travel Stops & Country Stores, Inc., in support of the rezoning, conditional use permit, and site plan review applications filed with the City of Eloy to allow for the development of a Love's Travel Stop on approximately 17.15 net acres located south of the Interstate 10 near the southwest corner of the Toltec Road and House Road intersection (the "**Love's Applications**"). The 17.15 net acres consist of two (2) parcels (Pinal County APNs 403-23-002A and 403-23-003B) (the "**Property**").

As described in detail in this Report, the citizen review processes for the Love's Applications have complied with Ariz. Rev. Stat. § 9-462.03 and Section 21-6-2.3 of the City of Eloy Zoning Ordinance (the "**Zoning Ordinance**"). This Report is being submitted more than seven (7) calendar days before the first public hearing in this matter (August 16, 2023) and provides a written summary of the neighborhood meeting, including the date, time and location of the meeting, a copy of the mailing list and meeting sign-in sheet, and a summary of how the applicant has addressed (or proposes to address) the issues, concerns and objections identified during the neighborhood meeting. See Section 21-6-2.3.F of the Zoning Ordinance.

I. Neighborhood Meeting Information for Love's Applications.

- A. Location:** The neighborhood meeting was held at a publicly accessible location approved by City staff: Eloy City Hall- Community Room, 595 N. C Street, Suite 104, Eloy, AZ 85131.
- B. Date and Time:** The neighborhood meeting was held on Thursday, March 16, 2023 from 5:00-6:00 pm. The required meeting was held at least 15 calendar days before the first public hearing to consider the Love's Applications and was scheduled on a weekday evening at a reasonable time in accordance with Sections 21-6-2.3.C and D of the Zoning Ordinance.
- C. Applicant's Meeting Attendees:** The following representatives of the Applicant attended the neighborhood meeting to provide information regarding the Love's Applications to members of the public:
 - 1. Heather N. Dukes, Zoning Attorney
 - 2. Anthony Beavers, Real Estate Project Manager, Western United States, Love's Travel Stops
 - 3. Garrett Frame, P.E., Kimley-Horn & Associates, Inc.

- D. **Meeting Format:** There were no members of the public who attended this meeting. If members of the public had attended the meeting, they would have been asked to complete a sign-in sheet. The meeting would have included a presentation by the Applicant's representatives and consultants. Meeting attendees would have also had the opportunity to ask questions and voice support, concerns, suggestions, etc.
- E. **Meeting Notification:** On March 6, 2023, the Applicant's representative sent notification letters via U.S. mail to real property owners with 300 feet of the outer boundary of the two subject parcels and any registered neighborhood associations and interested parties identified by the City. The notification letter included a brief description of the Love's Applications and the date, time and place of the neighborhood meeting. A rendered site plan was sent as an attachment to the letter. The notification letter was mailed not less than ten (10) calendar days prior to the date of the neighborhood meeting in compliance with Section 21-6-2.3.E of the Zoning Ordinance.
- F. **Affidavit of Notification:** As part of this Report, the Applicant submitted, to the City, an affidavit of notification with a copy of the neighborhood meeting notification letters also attached. See **Exhibit "A"** attached hereto.

II. **Neighborhood Meeting Summary.**

The neighborhood meeting, held on March 16, 2023, was attended by: (i) the Applicant's representatives listed above, (ii) Robert Jensen, a representative of the current owner of the Property, and (iii) Jeff Fairman, the City of Eloy Economic Development Manager. Again, no members of the general public attended the meeting. See Sign-In Sheet attached hereto as **Exhibit "B"**.

Kimley-Horn & Associates, Inc. prepared full-size presentation boards, which were displayed on easels at the neighborhood meeting. See **Exhibit "C"** attached hereto.

III. **Other Communications with Interested Persons.**

On March 16, 2023, zoning counsel, Heather Dukes, received an email from ltsakiris@aol.com with the following question: "Will Love's be improving West Houser Road?" The individual did not disclose a name, property address or any other identifying information in the email. On March 16th, Ms. Dukes responded to the inquiry by email, confirming that the proposed improvements to Houser Road include: a new curb and gutter, a five (5)-foot concrete sidewalk, and landscaping on the south/west side of the road as it abuts the Love's Property. See **Exhibit "D"** attached hereto. The Applicant and its representatives received no further communications from ltsakiris@aol.com, nor any additional emails or correspondence from interested persons.

IV. **Public Hearing Sign Posting.**

On July 31, 2023, Dynamite Signs erected the required public hearing sign on the Property, at least 15 days prior to the August 16, 2023 Planning and Zoning Commission hearing. The sign format and language was approved by City Planning staff, and a copy of the Affidavit of Sign Posting dated July 31, 2023 is attached hereto as **Exhibit "E"**.

EXHIBIT A



Affidavit of Notification

Neighborhood Meeting and Public Hearing Property Owner Lists

(For additional information, please call the Community Development Department at (520) 466-2578)

Application Nos.: CUP2023-011, RZ2023-012, SP2023-013

Applicant Name: Heather N. Dukes, Esq.

Location: SWC of N. Toltec Road and W. Houser Rd. Intersection (APNs 403-23-002A and 403-23-003B)

I, the undersigned, confirm that the property owner and registered neighborhood organization lists with attached envelopes contain all owners of record as contained within the Pinal County Assessor's Records as required for the Conditional Use Permit, Rezoning and Site Plan Review cases noted above.

Heather N. Dukes

March 14, 2023

Applicant/Representative Signature

Date

This instrument was acknowledged before me on this 14th day of March, 2023, by

Heather N. Dukes

In witness whereof I hereunto set my hand and official seal.

Holly Raines

Notary Public

My commission expires

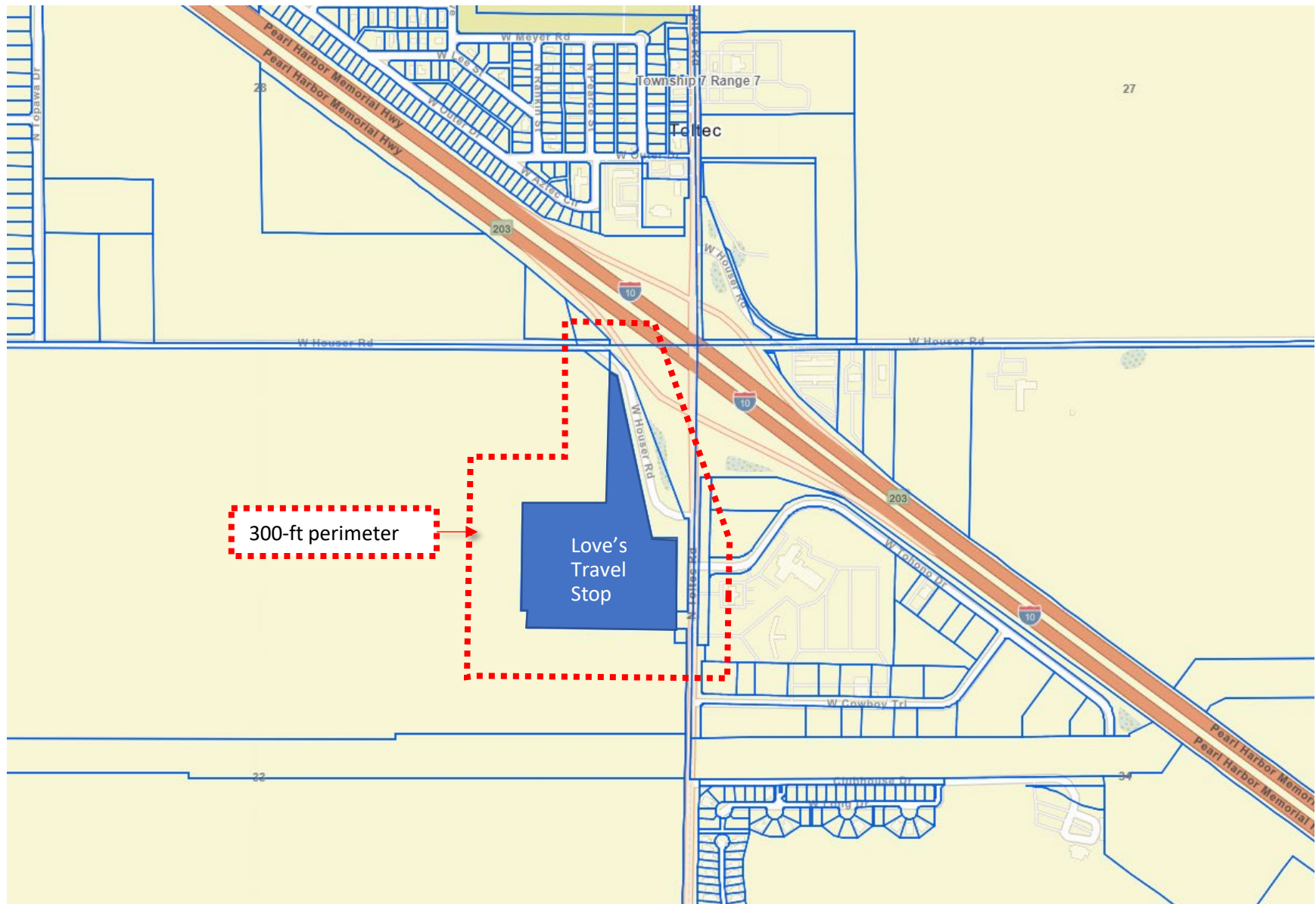
12-5-2025



NOTIFICATION LIST FOR LOVE'S TRAVEL STOP AT TOLTEC RD AND HOUSER RD - REZONING, CUP AND SITE PLAN REVIEW APPLICATIONS

Property Owner Name	Attention:	Mailing Address	City	State	Zip Code	Pinal County APN
Tes Farms		314 E. Rovey Ave.	Phoenix	AZ	85012	403-23-003F
State of Arizona		205 S. 17th Ave.	Phoenix	AZ	85007	404-22-012E, 404-26-025
State of Arizona		1616 W. Adams Street	Phoenix	AZ	85007	403-23-003G, -003H, -002B,
Louis A. Tsakiris Family Partnership, LTD.		2310 Baker Rd.	Houston	TX	77094	403-07-160H
HPT TA Properties Trust		24601 Center Ridge Rd Suite 200	Westlake	OH	44145	403-07-160G
The Theresa S.Y. Mao Family Trust		5570 NW 38th TER	Coconut Creek	FL	33073	404-22-012C, -012B
						404-26-001
Applicant						
Love's Travel Stops and Country Stores, Inc.	Attn: Anthony Beavers and Chad Burner	10601 N. Pennsylvania Ave.	Oklahoma City	OK	73120	
Applicant's Representatives						
Heather Dukes, Esq.		5527 N. 25th Street	Phoenix,	AZ	85016	
Kimley-Horn & Associates, Inc.	Attn: Garrett Frame, P.E.	7740 N. 16th Street, Suite 300	Phoenix,	AZ	85020	
Property Owner						
Javelina Development, LLC	Attn: Michael Horn	6959 Lebanon Road Suite 212	Frisco	TX	75034	403-23-002A and -003B

PROPERTIES LOCATED WITHIN 300' OF PROPOSED LOVE'S TRAVEL STOP
Pinal County APNS 403-23-002A and 403-23-003B



Tes Farms
314 E. Rovey Ave.
Phoenix, AZ 85012

State of Arizona
205 S. 17th Ave.
Phoenix, AZ 85007

State of Arizona
1616 W. Adams Street
Phoenix, AZ 85007

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2310 Baker Rd.
Houston, TX 77094

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Westlake, OH 44145

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5570 NW 38th TER
Coconut Creek, FL 33073

Love's Travel Stops and Country Stores, Inc.
Attn: Anthony Beavers and Chad Burner
10601 N. Pennsylvania Ave.
Oklahoma City, OK 73120

Heather Dukes, Esq.
5527 N. 25th Street
Phoenix, AZ 85016

Kimley-Horn & Associates, Inc.
Attn: Garrett Frame, P.E.
7740 N. 16th Street, Suite 300
Phoenix, AZ 85020

Javelina Development, LLC
Attn: Michael Horn
6959 Lebanon Road Suite 212
Frisco, TX 75034

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Tes Farms
314 E. Rovey Avenue
Phoenix, AZ 85012
(APN 403-23-003F)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

Dear Property Owner:

The purpose of this letter is to inform you that Love's Travel Stops & Country Stores, Inc. ("Love's") has recently filed a rezoning, conditional use permit and site plan review application for an approximately 17.15-acre vacant site located south of the Interstate-10 near the southwest corner of the N. Toltec Road and W. Houser Road intersection. Love's is requesting approval of these applications to develop a Love's Travel Stop which will include fueling areas, a convenience store, fast food restaurants, a truck scale, a truck wash facility and surface parking areas for both trucks and recreational vehicles. Attached is a copy of a vicinity map and the site plan for the proposed Love's Travel Stop.

We would like to invite you to a neighborhood meeting to discuss these zoning applications and the proposed development. A neighborhood meeting will be held on:

Thursday, March 16, 2023 from 5:00 – 6:00 pm
City of Eloy Community Room
595 N. C Street
Eloy, Arizona 85131

You are invited to attend this meeting to learn about the project and proposed zoning. If you are unable to attend, please contact me at hdukesesq@gmail.com or 602.320.8866 to learn more about the case and provide your input. The City of Eloy Planner assigned to this case is Belinda Cota, and she can be reached at bcota@eloyaz.gov or 520.466.2578. Ms. Cota can answer your questions regarding the City review and hearing processes.

March 6, 2023

Page 2 of 2

You may also submit comments on this case by writing to the City of Eloy Community Development Department, 595 N. C Street, Suite 102, Eloy, AZ 85131. Please reference the case numbers CUP2023-011, RZ2023-012, and SP2023-013, and your letter will be made part of the case files.

Please be advised that hearings before the Eloy Planning and Zoning Commission and City Council are planned to review this case. Specific hearing dates have not yet been set. You should receive a subsequent notice from the City of Eloy identifying the date and location of these future hearings when they have been scheduled.

Again, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. We hope to see you at the neighborhood meeting.

Very truly yours,

Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

STATE OF ARIZONA
205 S. 17TH Avenue
Phoenix, AZ 85007
(APNs 404-22-012E, 404-26-025,
403-23-003G, -003H, -002B)

March 6, 2023

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Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

STATE OF ARIZONA
1616 W. Adams Street
Phoenix, AZ 85007
(APNs 403-07-160H)

March 6, 2023

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VIA U.S. MAIL

Louis A. Tsakiris Family Partnership, LTD.
2310 Baker Road
Houston, TX 77094
(APNs 403-07-160G)

March 6, 2023

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March 6, 2023

Page 2 of 2

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Again, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. We hope to see you at the neighborhood meeting.

Very truly yours,

Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

HPT TA Properties Trust
24601 Center Ridge Road, Suite 200
Westlake, OH 44145
(APNs 404-22-012C, -012B)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

Dear Property Owner:

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595 N. C Street
Eloy, Arizona 85131

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Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

The Theresa S.Y. Mao Family Trust
5570 NW 38th TER
Coconut Creek, FL 33073
(APNs 404-26-001)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

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Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Love's Travel Stops and Country Stores, Inc.
Attn: Anthony Beavers and Chad Burner
10601 N. Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
(Applicant)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

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602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Kimley-Horn & Associates, Inc.
Attn: Garrett Frame, P.E.
7740 N. 16th Street, Suite 300
Phoenix, AZ 85020
(Applicant's Representative)

March 6, 2023

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Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Javelina Development, LLC
Attn: Michael Horn
6959 Lebanon Road, Suite 212
Frisco, TX 75034
(APN 403-23-002A and -003B)

March 6, 2023

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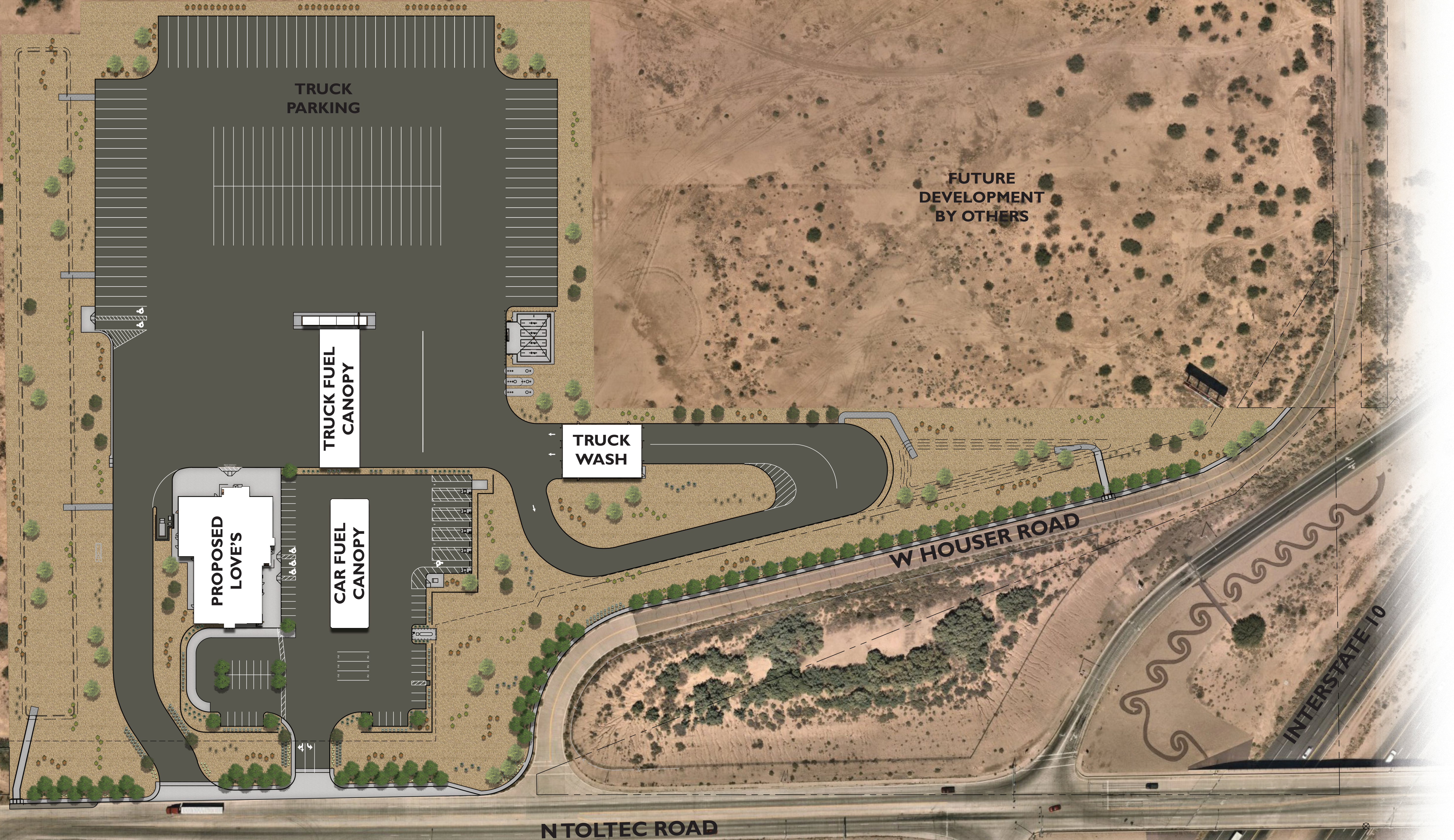
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RENDERED SITE PLAN - LOVE'S TRAVEL STOP
ELOY, ARIZONA



MARCH 2023

Kimley»Horn

EXHIBIT B

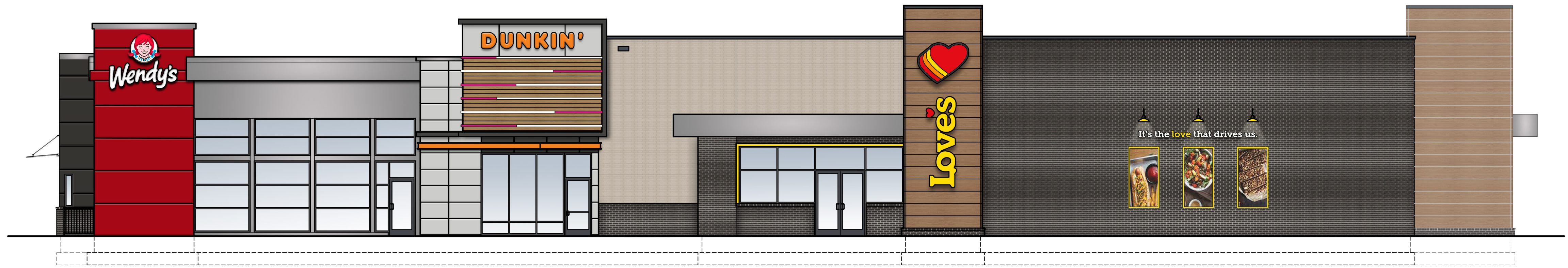
CITY OF ELOY CASE NOS. CUP2023-011, RZ2023-012, AND SP2023-013
Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road
APNs 403-23-002A and 403-23-003B

NEIGHBORHOOD MEETING SIGN-IN SHEET
March 16, 2023 at 5:00 PM

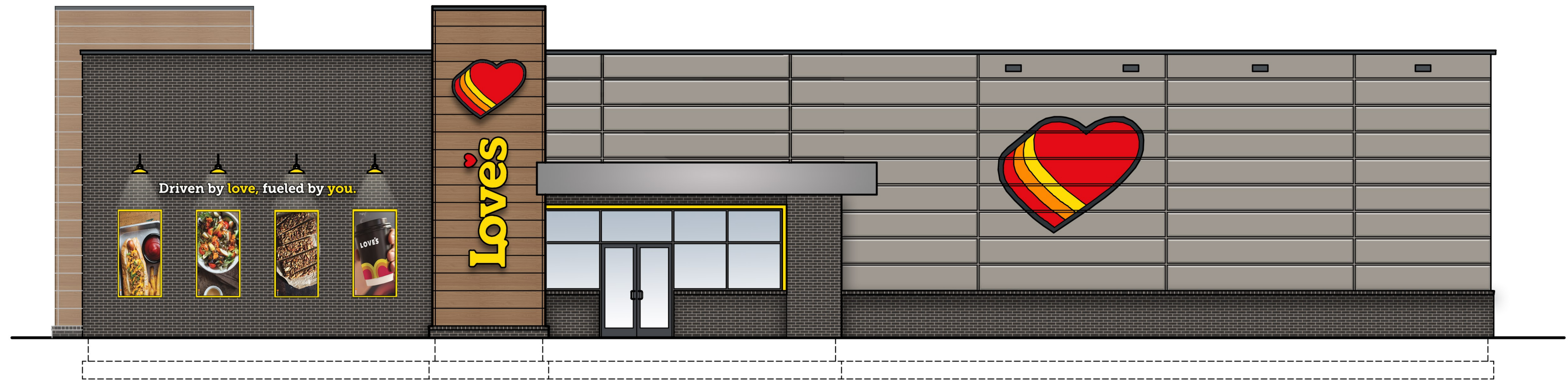
NAME	ADDRESS	EMAIL OR PHONE #
Heather Dukes	5527 N. 25th St. Phoenix, AZ 85014	HDUKES@GMAIL.COM 602-320-8864
Robert Jensen CREDE	38052 S. Loma Serena Dr. Tucson AZ 85739	bob.jensen@credegroupp.com 971-235-2336
Anthony Beltrius LOVES	9119 John Martin Dr LAS VEGAS, NV 89139	Anthony.Beltrius@LOVES.com 530-228-6398
GARRET FRAME Kimcey-Horn	7400 N. 16TH ST STE 300 Phoenix, AZ 85020	GARRET.FRAME@KIMCEY-HORN.COM 602 216 1233

EXHIBIT C

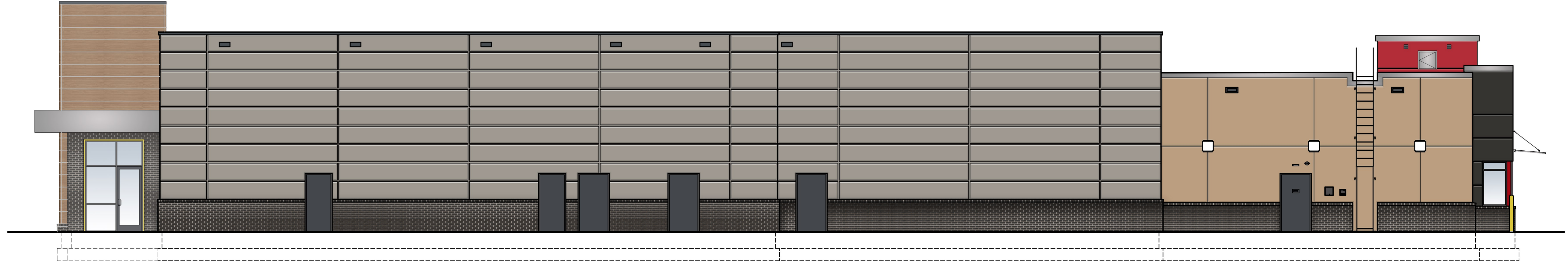




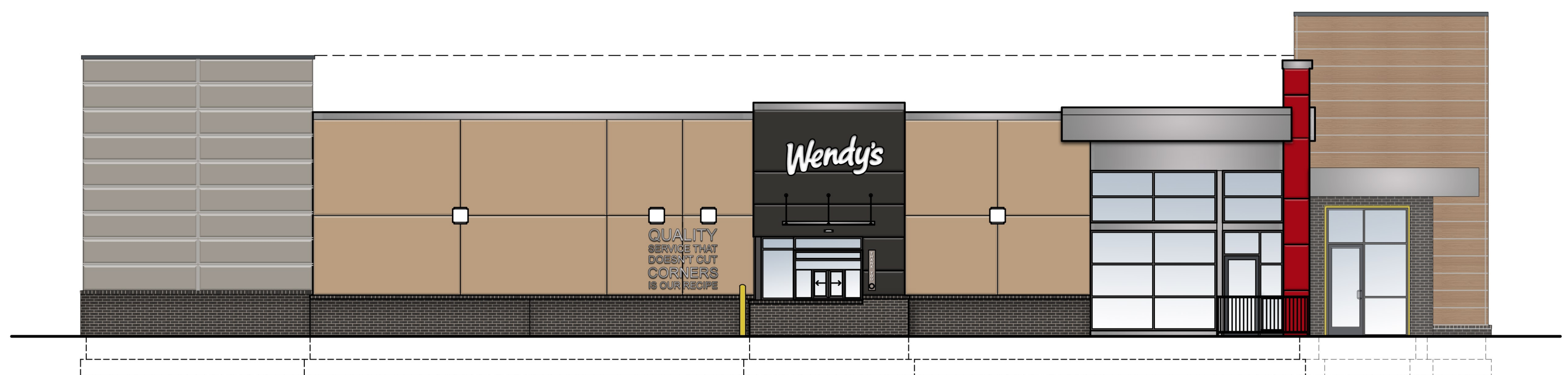
A NORTH ELEVATION
SCALE: 1/8" = 1'-0"



B WEST ELEVATION
SCALE: 1/8" = 1'-0"



C SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



D EAST ELEVATION
SCALE: 1/8" = 1'-0"



Pascal Aughtry & Associates, PC

405.463.3494
Fax 405.463.3493

937 East Britton Road
Oklahoma City, OK 73114
pascalarch.com

THIS DOCUMENT
IS PRELIMINARY IN
NATURE AND IS
NOT A FINAL
SIGNED AND
SEALED
DOCUMENT

A NEW TRAVEL STOP
TIER I
ELOY, AZ

Loves
Travel Stops

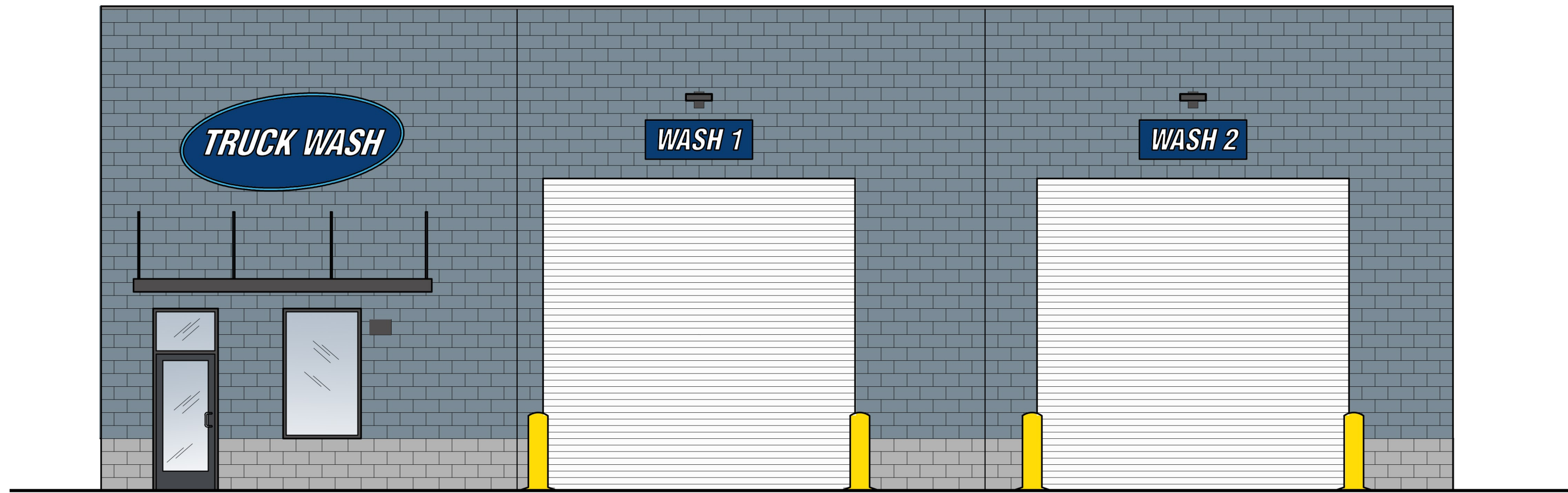
Revisions:	
No.	Date

Project No.: LVS----

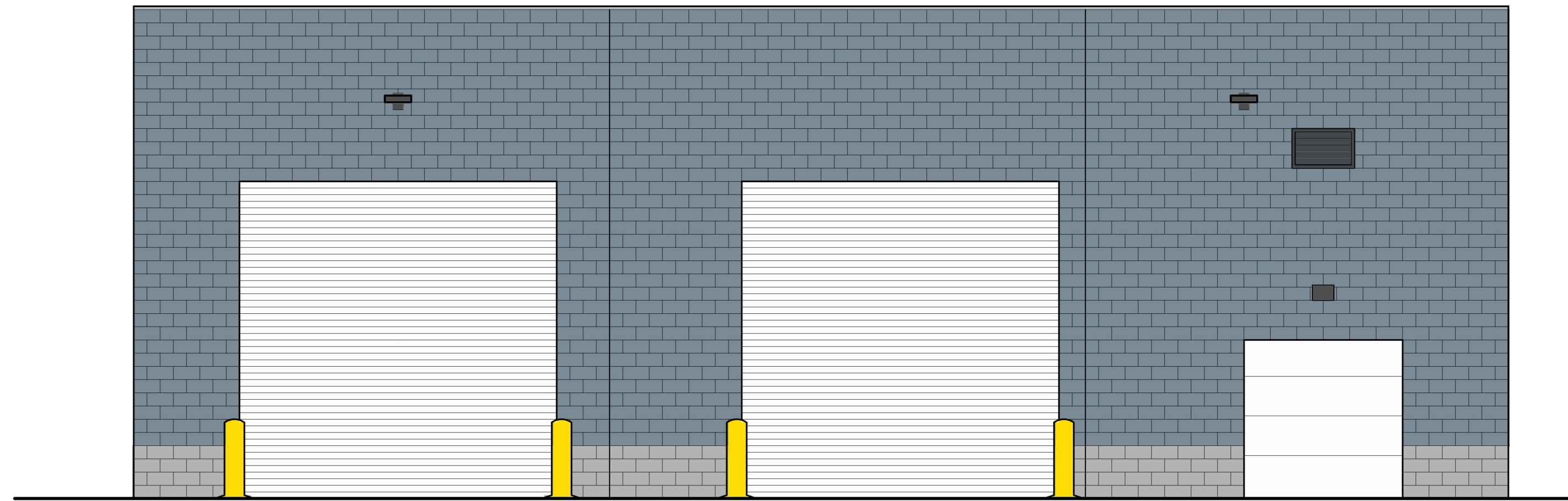
Date: --/--/----

Sheet No.:
A-X

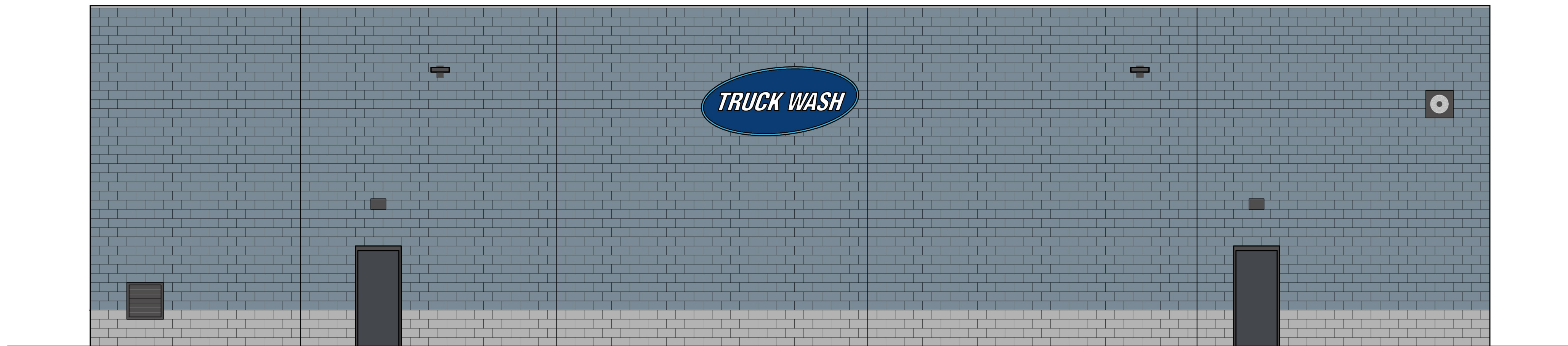
OF: XX



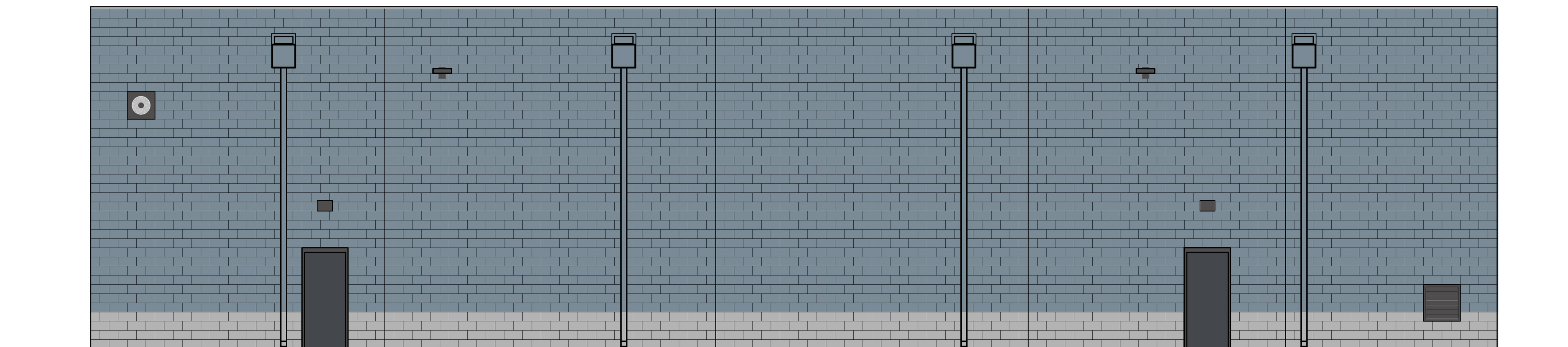
A NORTH ELEVATION
SCALE: 3/16" = 1'-0"



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SCALE: 3/16" = 1'-0"



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A NEW TRUCK WASH
TIER I
ELOY, AZ

Lov's
Travel Stops

Revisions:	
No.	Date

Project No.: LVS-----
Date: ---/---/---
Sheet No.:
A-X
OF: XX



Economic Prosperity Map

Eloy General Plan

Economic Focus Areas

- 1 Interstate 10 Corridor
- 2 Eloy Municipal Airport
- 3 Prison Complex
- 4 Nikola Contributing Area
- 5 North-South Freeway Corridor
- 6 Downtown Eloy
- 7 Rail Related

Foreign Trade Zone

- City of Eloy - 80 Acres
- Sunshine Industrial Park

Opportunity Zone



Roadways

- Interstate
- State Highway
- Major Arterial (130' ROW)
- Minor Arterial (110' ROW)
- Two Lane Collector (80' ROW)
- Union Pacific Railroad
- Proposed Interstate 11
- Proposed North-South Freeway
- Proposed Regional Corridor

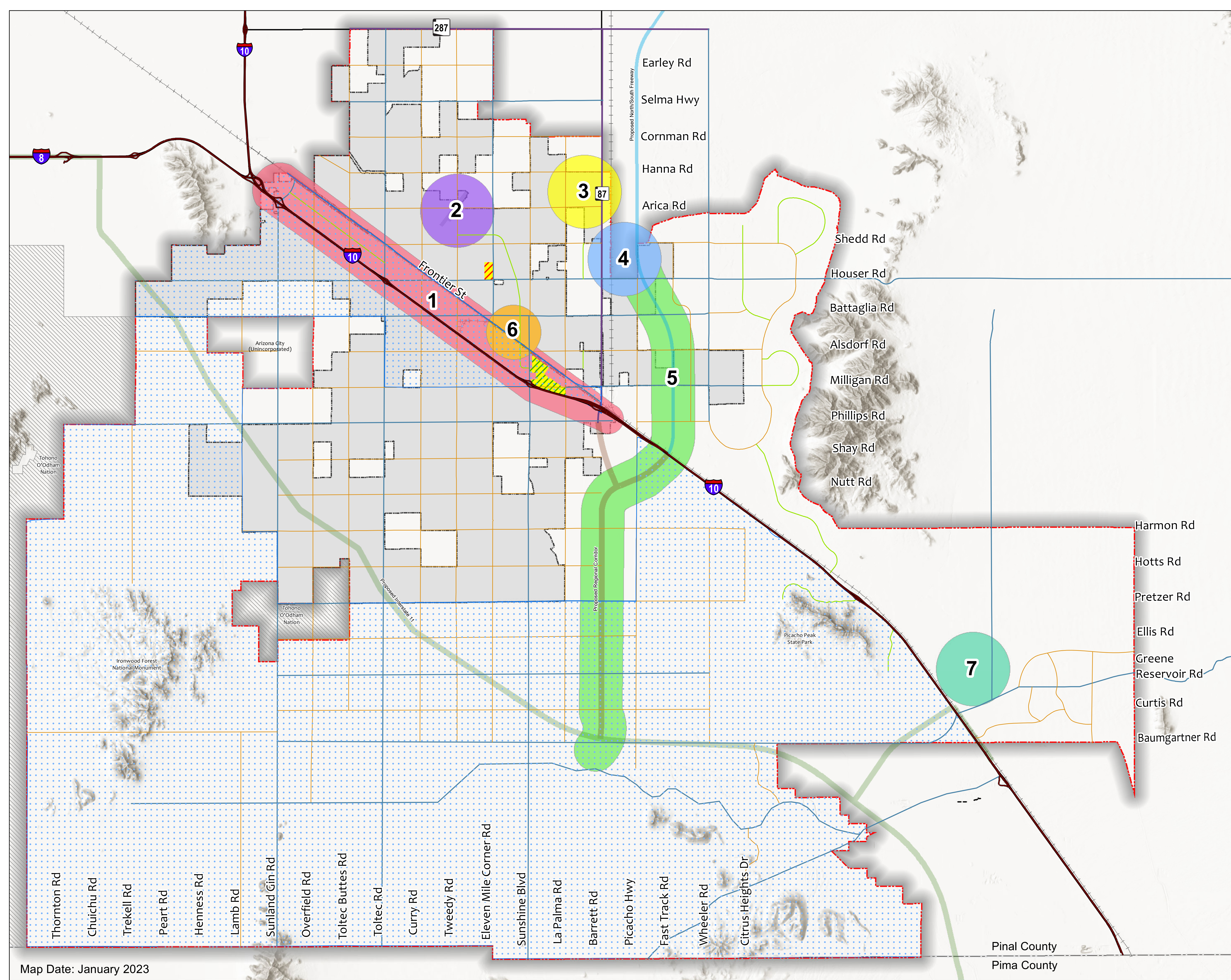
Reference

- Eloy City Limits
- Eloy Planning Boundary



Disclaimer: This map is furnished for reference purposes only and is not suitable for legal, financial, engineering, or surveying purposes or commitments. The City of Eloy assumes no responsibility for errors, omissions, or inaccuracies presented, and shall have neither liability nor responsibility for any direct or indirect loss or damage in connection with, or arising from, the information on this map. Any conclusions derived from this map are the responsibility of the user.

Service Layer Credits: Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystrelen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community





Land Use Map

Eloy General Plan

Land Use Designations

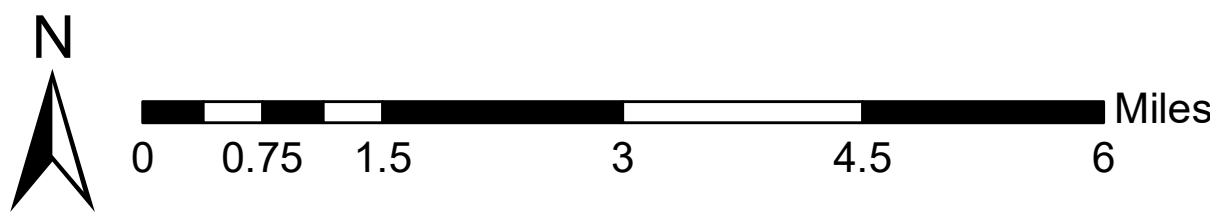
- Residential**
- Estate Density Residential (0.2 - 1.0 du/ac)
 - Low Density Residential (1.0 - 3.0 du/ac)
 - Medium Density Residential (3.0 - 6.0 du/ac)
 - Med-High Density Residential (6.0 - 10 du/ac)
 - High Density Residential (10 - 24 du/ac)

- Commercial**
- Neighborhood Commercial
 - Community Commercial

- Industrial**
- Light Industrial
 - General Industrial

- Other**
- Parks/Open Space
 - Mixed Use
 - Public/Institutional
 - Planned Community Area
 - Airport Influence Area

- Reference**
- Eloy City Limits
 - Eloy Planning Area
 - Picacho Peak Stagefield
 - Railroad
 - Canal
 - Washes
 - Proposed Interstate 11
 - Proposed North-South Freeway
 - Proposed Regional Corridor
 - Existing Interchange
 - Potential Interchange
 - Resort



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Downtown Detail

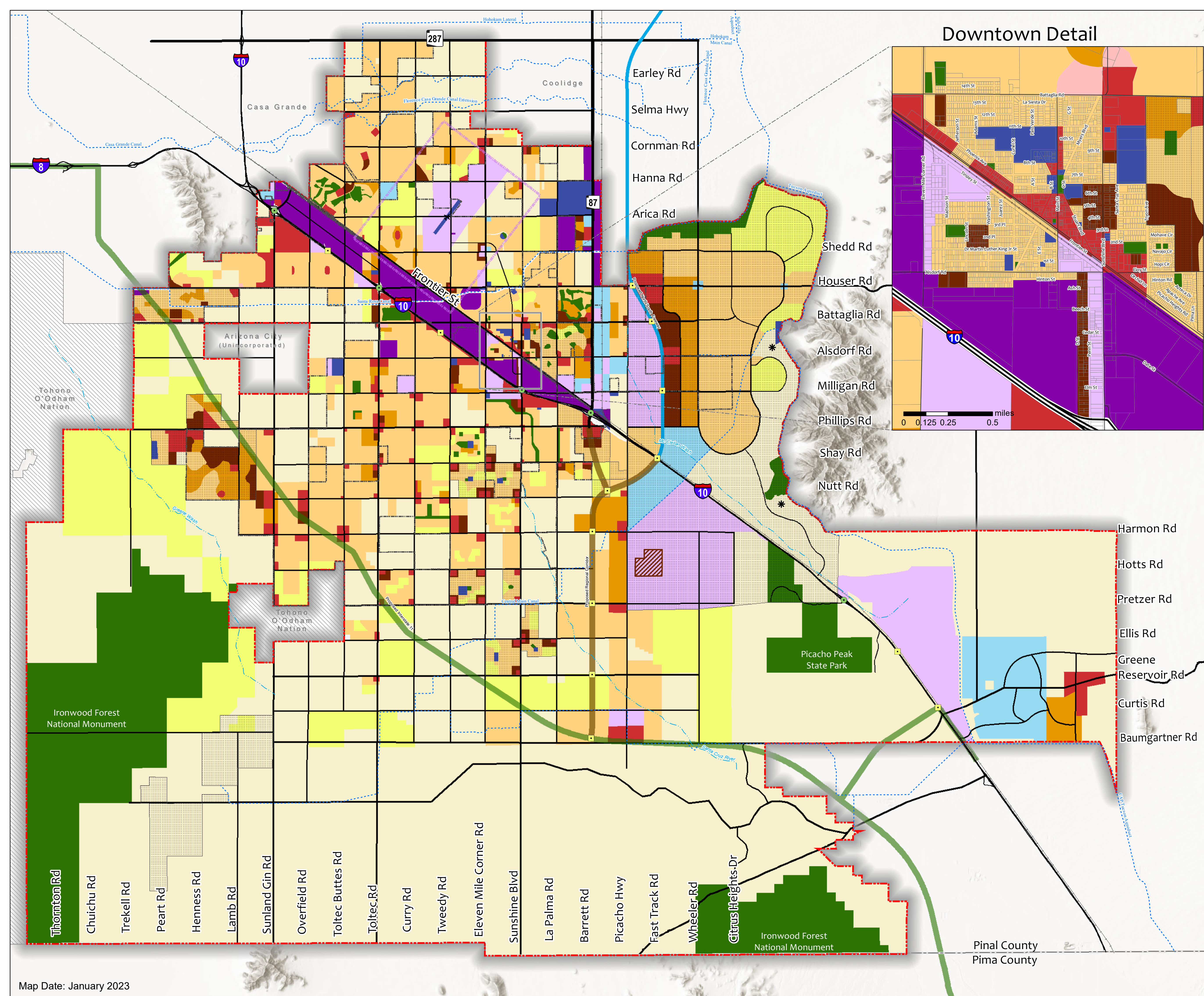
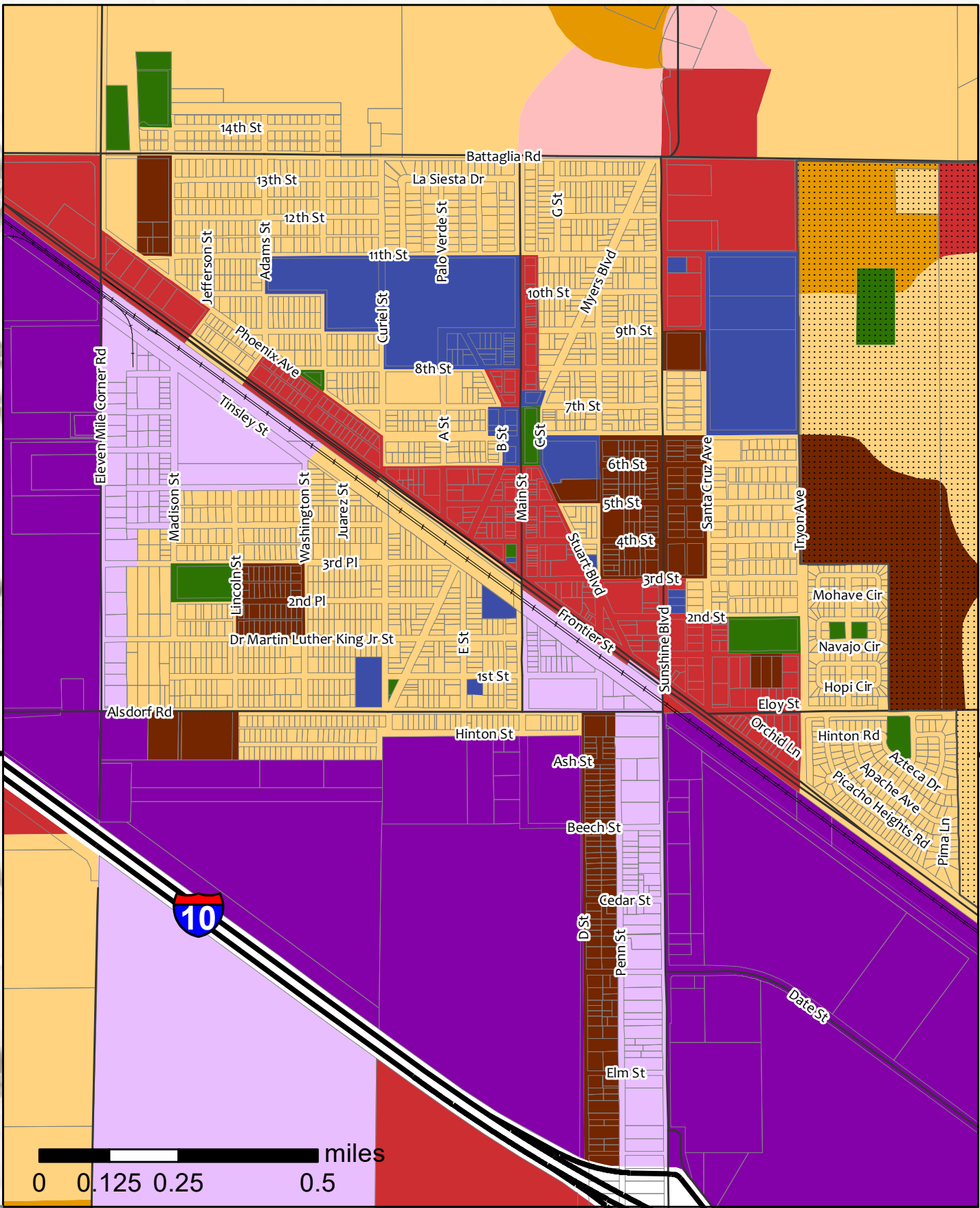


EXHIBIT D



Heather Dukes <hdukesesq@gmail.com>

Re: REZONING IN ELOY, ARIZONA - CASE CUP2023-011, RZ2023-012, SP2023-013

1 message

Heather Dukes <hdukesesq@gmail.com>

Thu, Mar 16, 2023 at 11:55 AM

To: Itsakiris@aol.com

Cc: "mbmagness3@aol.com" <mbmagness3@aol.com>, "lexi@ltrinc.net" <lexi@ltrinc.net>, "Frame, Garrett" <Garrett.Frame@kimley-horn.com>, "Moles, Richard" <richard.moles@kimley-horn.com>, "Loa-Sugihara, Kailee" <Kailee.Loa-Sugihara@kimley-horn.com>

Good afternoon. Thank you for reaching out regarding the Love's zoning and site plan applications.

I have confirmed with our engineers that the proposed improvements to Houser Road include: a new curb & gutter, 5' concrete sidewalk, and landscaping on the south/west side of the road as it abuts the Love's property.

Please let me know if you have any additional questions. Do you plan to join us at the neighborhood meeting this evening at the Eloy City Hall at 5 pm?

Sincerely,

Heather Dukes
602.320.8866

On Thu, Mar 16, 2023 at 10:19 AM <Itsakiris@aol.com> wrote:
| Will Love's be improving West Houser Road?

EXHIBIT E

AFFIDAVIT OF SIGN POSTING

The undersigned Applicant has complied with the City of Eloys' sign posting requirements for the site located at

SWC Toltec Rd & I-10 Hwy

, on 7/31/2023

See attached photo exhibit.

Dynamite Signs, Inc.

Sign Company Name

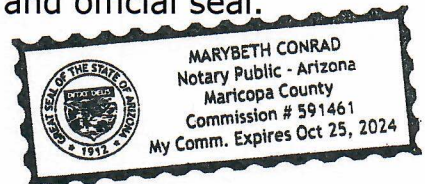
Meghan Liggett
Sign Company Representative

Subscribed and sworn to be on 7/31/2023 by

Meghan Liggett

IN WITNESS WHEREOF, I Hereto set my hand and official seal.

MaryBeth Conrad
Notary Public



My Commission expires: 10-25-24

City of Eloy Public Hearing Notice

Case Numbers: CUP2023-011, RZ2023-012, and SP2023-013

Rezoning, Conditional Use Permit and Site Plan Review Applications for a proposed truck stop with a convenience store, fueling stations, truck wash, restaurants with a drive-through, and five (5) overnight RV parking spaces.

Current Zoning: Single-Family Residential (R1-12)
Proposed Zoning: Community Commercial (C-2)

Planning & Zoning Commission Public Hearing

Date: Wednesday, August 16, 2023

Time: 6:00 PM

Location: City Council Chambers, 595 North C St., Eloy, AZ 85131

City Council Public Hearing

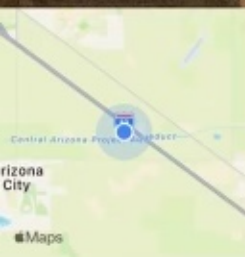
Date: Monday, September 25, 2023

Time: 6:00 PM

Location: City Council Chambers, 595 North C St., Eloy, AZ 85131

Applicant Name: Heather N. Dukes, Esq. / Phone Number: (602) 320-8866

Information Available at: City of Eloy Community Development: (520) 466-2578



Jul 31, 2023 at 5:48:41 AM
2744-2806 N Toltec Rd
Eloy AZ 85131
United States

CITY OF ELOY **REQUEST FOR COMMISSION ACTION**

Agenda Item: VIII.B.

Date: 8/16/2023

Date submitted:
07/31/2023

Action: Formal

Subject: Consideration, discussion, and recommendation to the Eloy City Council for approval, approval with conditions, denial or continuance of Case No.: RZ2023-012 (Project Name: Love's Travel Stop).

Date requested:
8/16/2023

TO: Planning and Zoning Commission

FROM: Jon Vlaming

RECOMMENDATION:

Staff recommends approval of Case No. RZ2023-12, Love's Travel Stop

DISCUSSION:

None

FISCAL IMPACT:

The fiscal impact of this recommendation for approval would increase both sales taxes and property taxes for the City of Eloy, upon construction and opening of the travel center.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VIII.C.**

Date: **8/16/2023**

Date submitted:
07/31/2023

Action: Other

Date requested:
8/16/2023

Subject: Conduct a public hearing for an application submitted by Heather N. Dukes, Esq., c/o Javelina Development LLC, to obtain a Conditional Use Permit for a proposed Love's Travel Stop, consisting of approximately 17.15 acres (zoned C-2, Community Commercial) located at the southwest corner of the intersection of Toltec Road and Houser Road in Eloy, Arizona. Specifically, this application requests the following uses on the property: a truck stop, a truck wash, and two fast-food restaurants with a drive-through pursuant to Section 21-2-3.3 and Table 2.3-1. Five (5) overnight recreational vehicle (RV) parking spaces are also included with limited electricity and water utility connections (as an accessory use) to the truck stop. Case No.: CUP2023-011. (Project Name: Love's Travel Stop)

TO: Planning and Zoning Commission

FROM: Jon Vlaming, Belinda Cota

RECOMMENDATION:

Staff recommends that the Planning & Zoning Commission approve the Conditional Use Permit for Case No. CUP2023-011.

DISCUSSION:

The City has received an application from Heather N. Dukes, Esq. on behalf of Javelina Development, LLC, a Texas limited liability company, which has submitted an application to rezone two (2) parcels for the purpose of developing a Love's Travel Stop. The property is located 150 feet south of the

Interstate 10 (I-10) freeway/Toltec Road interchange off-ramp, Pinal County Assessor's Parcel Numbers: 403-23-002A and 403-23-003B from R1-12, Single Family Residential to C-2, Community Commercial. Section 6.2.2.G of the Eloy Zoning Ordinance allows concurrent processing of certain zoning applications with the approval of the Zoning Administrator (which has been granted) and the applicant. The following applications are being processed concurrently with this Rezoning Application:

1. Conditional Use Permit application to allow the following uses on the property:
 - a) a truck stop in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
 - b) a truck wash in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
 - c) a restaurant with a drive-through in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and
 - d) five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory used for the truck stop in the Community Commercial (C-2) zoning district.
2. Preliminary Site Plan application for the proposed Love's Travel Stop (administratively reviewed and granted)

The property consists of two vacant parcels totaling approximately 17.15 net acres (747,054 s.f.) and 20.62 gross acres (898,088 s.f.) located south of the I-10 freeway at the southwest corner of the N. Toltec Road and W. Houser Road intersection.

The proposed Love's Travel Stop will include auto and truck fueling stations, a convenience market, restaurants, a truck wash and a truck scale.

The applicant's request to rezone the Property to the Community Commercial (C-2) zoning district is consistent with, and conforms to, the adopted General Plan for the City of Eloy, particularly: (a) the Land Use Element, (b) the Circulation Element, (c) the Growth Areas Element, and (d) the Economic Prosperity Element.

FISCAL IMPACT:

There is not a fiscal impact associated with this discussion.



Conditional Use Permit Narrative

Love's Travel Stop

Southwest Corner of Toltec Road/Houser Road (South of Interstate 10)

Submitted To:

City of Eloy
Community Development Department
595 N. C Street, Suite 102
Eloy, Arizona 85131

Submitted By:

Heather N. Dukes, Esq.
5527 N. 25th Street
Phoenix, Arizona 85016
Email: hdukesesq@gmail.com
Phone: 602.320.8866

1st Submittal: February 16, 2023

2nd Submittal: March 15, 2023

3rd Submittal: June 30, 2023

I. INTRODUCTION.

This narrative is being submitted in support of the conditional use permit application for the proposed Love's Travel Stop consisting of approximately 17.15 net acres located at the southwest corner of the intersection of Toltec Road and Houser Road in Eloy, Arizona (the "**Property**"). Specifically, this application requests approval of a conditional use permit application to allow the following uses on the Property:

1. a truck stop in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
2. a truck wash in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
3. a restaurant with a drive-through in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and
4. five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory use to the truck stop in the Community Commercial (C-2) zoning district (collectively, the "**CUP Application**").

Section 6.2.2.G of the Eloy Zoning Ordinance allows concurrent processing of certain zoning applications with the approval of the Zoning Administrator and the applicant. The following applications are being processed concurrently with this CUP Application:

1. An application to amend the City of Eloy Official Zoning Map rezoning the Property from the Single-Family Residential (R1-12) zoning district to the Community Commercial (C-2) zoning district (the "**Rezoning Application**").
2. Preliminary site plan review application for the proposed Love's Travel Stop.

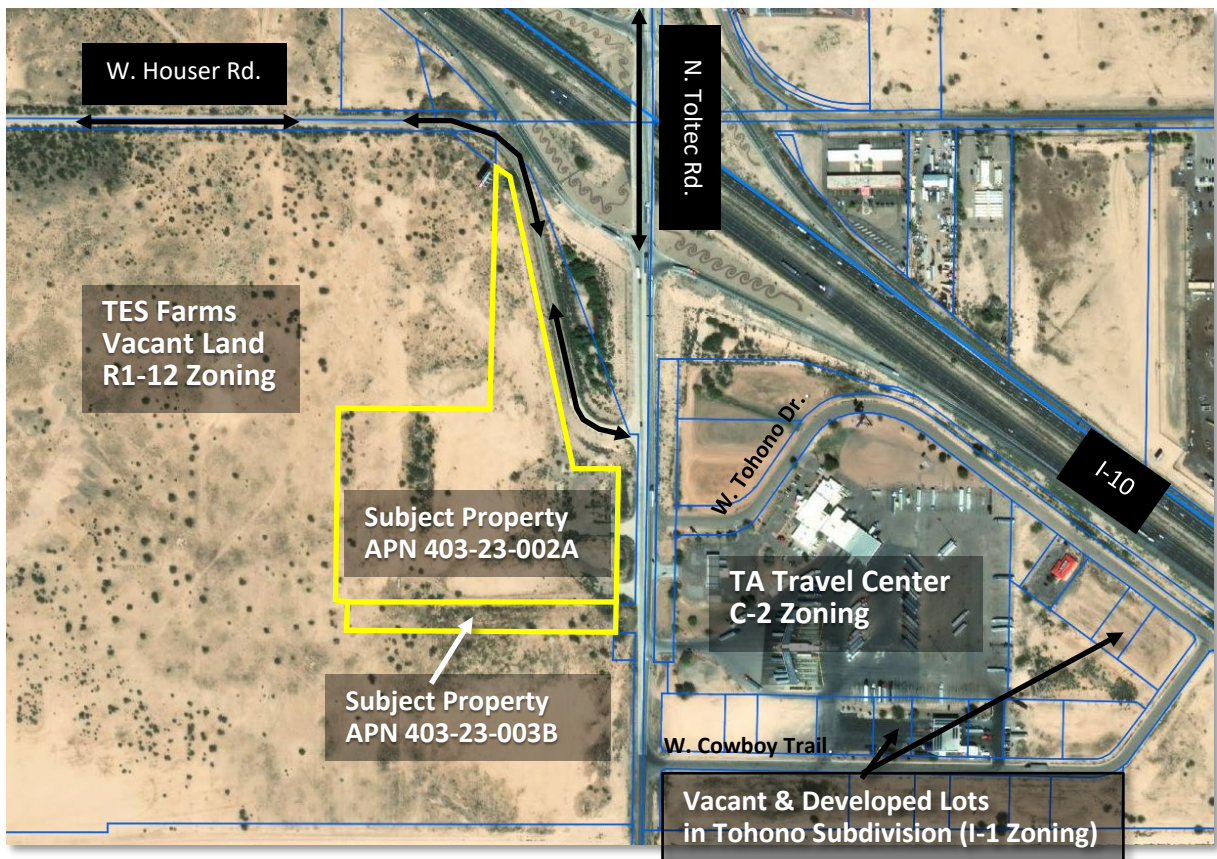
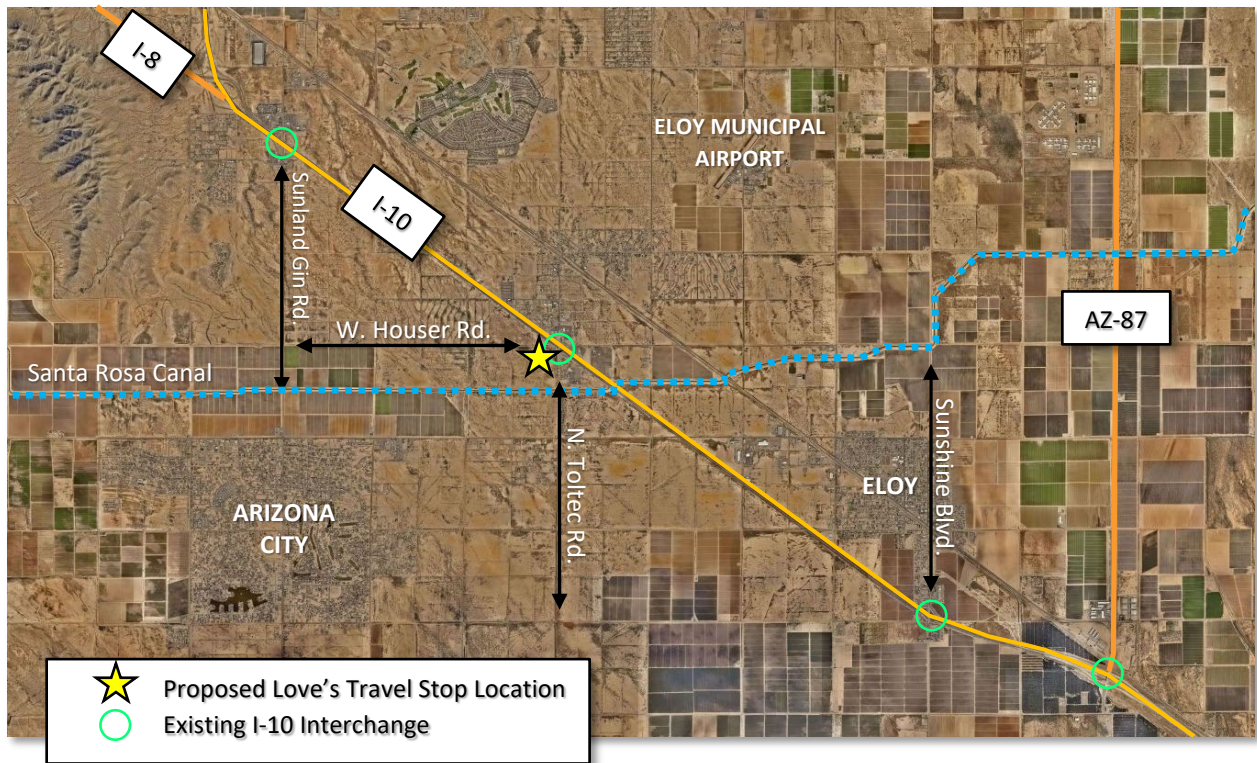
II. PROPERTY DESCRIPTION, LOCATION AND SURROUNDINGS.

The Property consists of two vacant parcels totaling approximately 17.15 net acres (747,054 s.f.) and 20.62 gross acres (898,088 s.f.) located south of the I-10 freeway at the southwest corner of the N. Toltec Road and W. Houser Road intersection.

LOVE'S TRAVEL STOP PROPERTY INFORMATION

APN	PRELIM. ADDRESS	SECTION	PARCEL SIZE	CURRENT USE	OWNER
403-23-002A	2950 N. Toltec Rd.	Section 33 T7S, R7E	Approx. 15 Acres	Vacant Land	Javelina Development, LLC, a Texas limited liability company
403-23-003B	2950 N. Toltec Rd.	Section 33 T7S, R7E	Approx. 2 Acres	Vacant Land	Javelina Development, LLC, a Texas limited liability company

CONTEXT AND VICINITY MAPS



As shown by the Vicinity Map, the Property is located approximately 150 feet south of the I-10 freeway/Toltec Road interchange off-ramp, providing ease of access for vehicles traveling to and from the freeway. Both Houser Road and Toltec Road are classified as major arterial roads with existing commercial and industrial properties fronting on Toltec Road. Battaglia Road is also a major arterial road, located approximately 3,500 feet south of the Property.

The Property is surrounded by vacant land owned by TES Farms to the west and south. The TES Farms parcel consists of approximately 266 acres and is currently zoned Single-Family Residential (R1-12) (APN 403-23-003F).

Along the north side of W. Houser Road (located northwest of the Property), several vacant parcels are zoned Light Industrial (I-1) (APNs 403-07-160H, -160G, -160E, -160B, and 403-24-362).

To the northeast of the Property, the State of Arizona owns a narrow parcel measuring approximately 3.9 acres along the W. Houser Road alignment as part of the I-10 right-of-way (APN 403-23-002B). This parcel is zoned Community Commercial (C-2).

The existing TA Travel Center with accessory A&W, Sbarro, and Taco Bell fast-food restaurants are adjacent to the Property on the east side of N. Toltec Road. The TA Travel Center consists of two parcels totaling approximately 22 acres and is also zoned Community Commercial (C-2) (APNs 404-22-012B and -012C).

The TA Travel Center is surrounded to the north, east and south by the Tohono Phase 1 industrial subdivision plat recorded in 1989, which created 23 lots within the Light Industrial (I-1) zoning district. Most of the lots in Tohono Phase 1 remain vacant and are owned by Theresa S. Y. Mao, as Trustee of The Theresa S.Y. Mao Family Trust dated March 20, 1997, with the exception of two uses: (i) Lot 3 has been developed as a Pizza Hut restaurant (APN 404-26-003), and (ii) Lots 16-19 have been developed as a Little Sister's Truck Wash (APNs 404-26-016, -017, -018, and -019).

III. DESCRIPTION OF PROPOSED USE.

A. About Love's Travel Stops.

Founded in 1964 and headquartered in Oklahoma City, Love's Travel Stops & Country Stores has more than 600 locations in 42 states, providing professional truck drivers and motorists with 24-hour access to clean and safe places to purchase gasoline, diesel fuel, Compressed Natural Gas (CNG), travel items, electronics, snacks, and restaurant offerings. The Love's Family of Companies has more than 38,000 employees in their travel stops, Speedco locations and country stores from coast to coast and their corporate offices.

A Love's Travel Stop is currently operating at the southwest corner of the I-10 freeway and Sunland Gin Road interchange, with an address of 5000 N. Sunland Gin Road. This travel stop includes a Speedco truck maintenance shop and two restaurants: Arby's and Godfather's Pizza.

The proposed Love's Travel Stop at Toltec Road is warranted despite the existing location at 5000 N. Sunland Gin Road given: (1) the intensity of the daily traffic along the I-10 freeway, (ii) the projected growth of interstate commerce along the I-10 and within Eloy, and (iii) the fact that the two Love's Travel Stops will offer different amenities and restaurants. For instance, the proposed Toltec Road location will include a truck wash, while the existing Sunland Gin Road location offers a Speedco truck maintenance shop.

B. The Proposed Love's Travel Stop at Toltec Road and Houser Road.

The proposed Love's Travel Stop will include auto and truck fueling stations, a convenience market, restaurants, a truck wash and a truck scale. Ample surface parking will be provided to customers. Five (5) overnight RV parking spaces will be provided with water and electrical hookups. The following table provides an overview of the uses:

LAND USE	SQUARE FOOTAGE	ADDITIONAL DETAILS
Convenience Store	11,448 SF	
Auto Fueling Canopy	8,028 SF	20 Fueling Positions
Truck Fueling Canopy	11,127 SF	9 Fueling Positions
Fast Food Restaurant w/out Drive-Through	1,884 SF	
Fast Food Restaurant w/ Drive-Through	3,434 SF	
Truck Wash	6,727 SF	
Total Lot Coverage	42,649 SF	5.7% Lot Coverage (42,649 SF / 747,054 NET SF)
PARKING	REQUIRED	PROVIDED
Truck Surface Parking	-	128 spaces (includes 2 ADA spaces)
Auto/RV Surface Parking	67 spaces	67 spaces (includes 3 ADA spaces)
Overnight RV Spaces	-	5 spaces

IV. GENERAL PLAN AND ZONING OVERVIEW.

The applicant is seeking approval of the Rezoning Application and the CUP Application for purposes of developing a Love's Travel Stop within the Community Commercial (C-2) zoning district. This CUP Application is consistent with and conforms to the City of Eloy's General Plan, which currently identifies the Property with a Community Commercial land use designation.

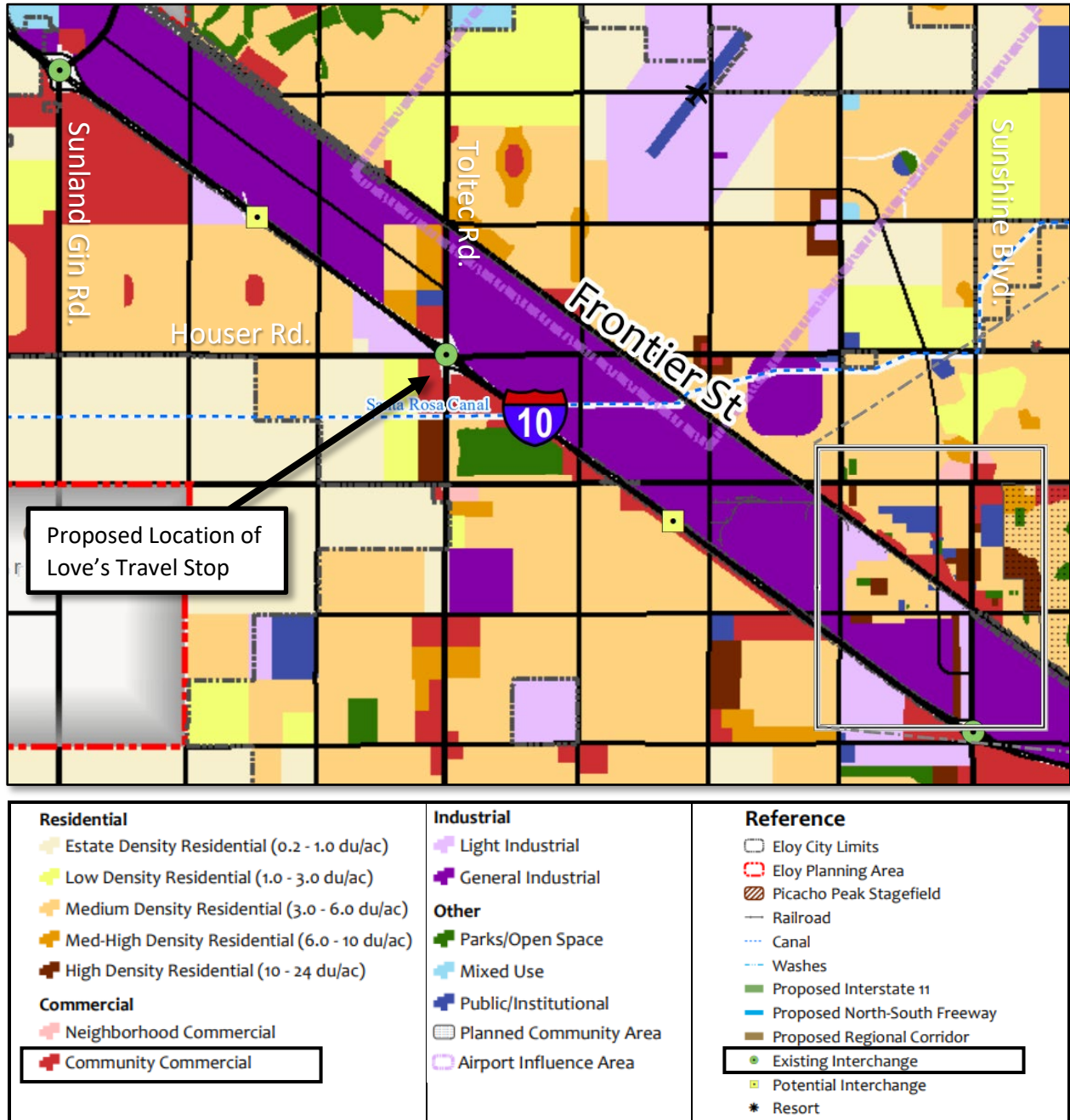
A. Eloy General Plan.

The Property is located in an area on the south side of "Toltec," which is comprised of community neighborhoods and freeway oriented commercial development. The Land Use Map from the City of Eloy General Plan (dated January 2023) designates the Property with a Community Commercial land use designation. With Toltec Road being the only I-10 interchange for approximately 8.5 miles (the closest being Sunland Gin Road to the west and Sunshine Boulevard to the east), Community Commercial land uses are appropriate. Community

Commercial land uses are also suitable at the intersection of two (2) major arterial roadways – Houser Road and Toltec Road.

The Land Use Map identifies Community Commercial, Light Industrial, and General Industrial as future land uses at the intersection of Toltec Road and the I-10 freeway, allowing for intensive uses at the freeway interchange. In addition, High Density Residential (10-24 du/ac) is designated to the south of the Property and the Santa Rosa Canal.

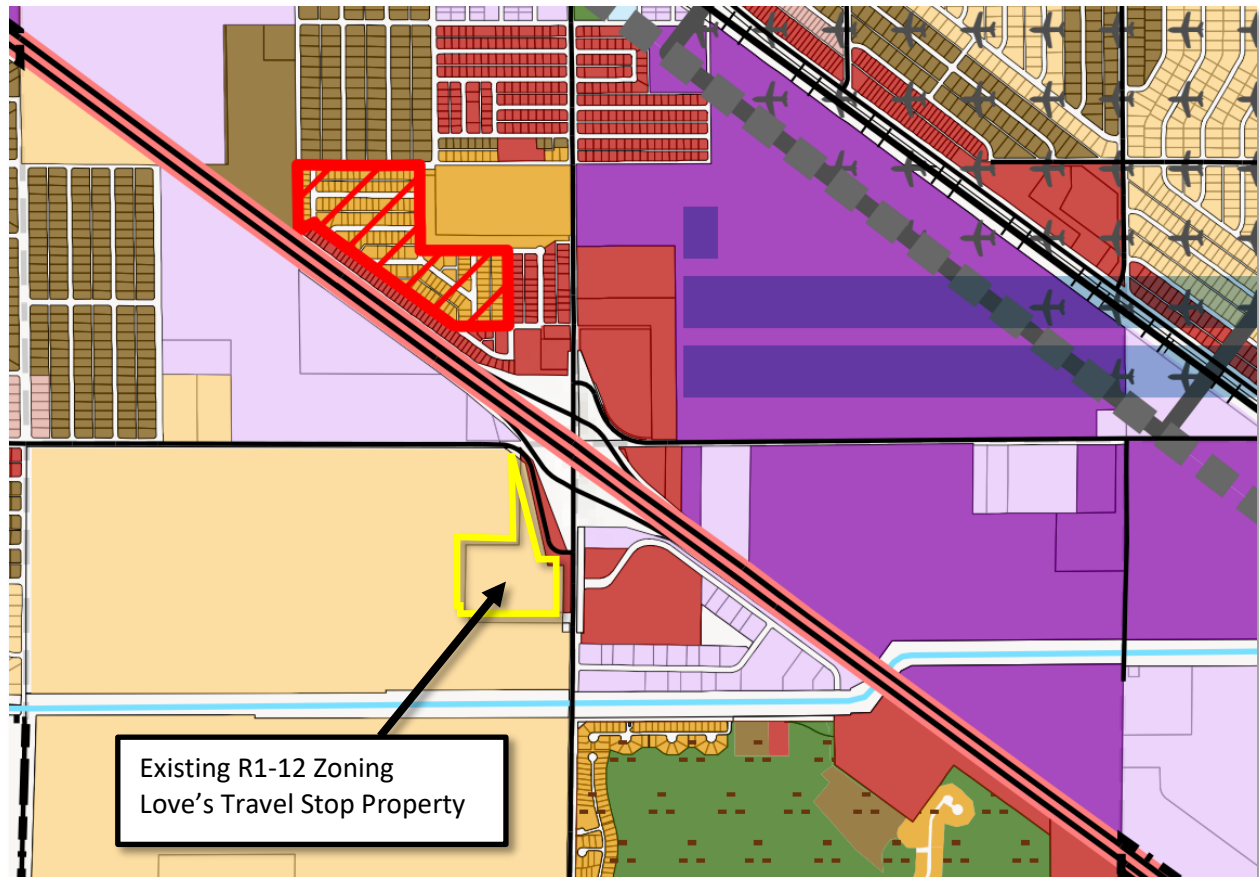
**Excerpt from Eloy Land Use Map LU-3
Dated January 2023**



B. Current and Proposed Zoning District.

The Official Zoning Map of the City of Eloy (dated January 2023) confirms that the Property is currently zoned R1-12 Single-Family Residential. The Property abuts vacant land zoned R1-12 district to the west and south. Parcels to the north, east and southeast of the Property are zoned Community Commercial (C-2) and Light Industrial (I-1).

Excerpt from Official Zoning Map of the City of Eloy dated January 2023 Existing Zoning – Single Family Residential R1-12



Residential Districts

- RR-20 Rural Residential (20 acres/du)
- RR-5 Rural Residential (5 acres/du)
- RR-2.5 Rural Residential (2.5 acres/du)
- R1-54 Estate Residential (54,450 sq. ft./du)
- R1-43 Estate Residential (43,560 sq. ft./du)
- R1-12 Single Family Residential (12,000 sq. ft./du)**
- R1-6 Single Family Residential (6,000 sq.ft./du.)
- R-2 Small Lot Residential (6-10 du/acre)
- R-3 Multiple Family Residential (10-24 du/acre)

Commercial Districts

- C-1 Neighborhood Commercial
- C-2 Community Commercial
- MU Mixed Use

Industrial Districts

- BP Business Park
- I-1 Light Industrial
- I-2 General Industrial

Public Facility Districts

- PF Public Facility

Open Space Districts

- OSC Open Space Conservation
- OSR Open Space Recreational

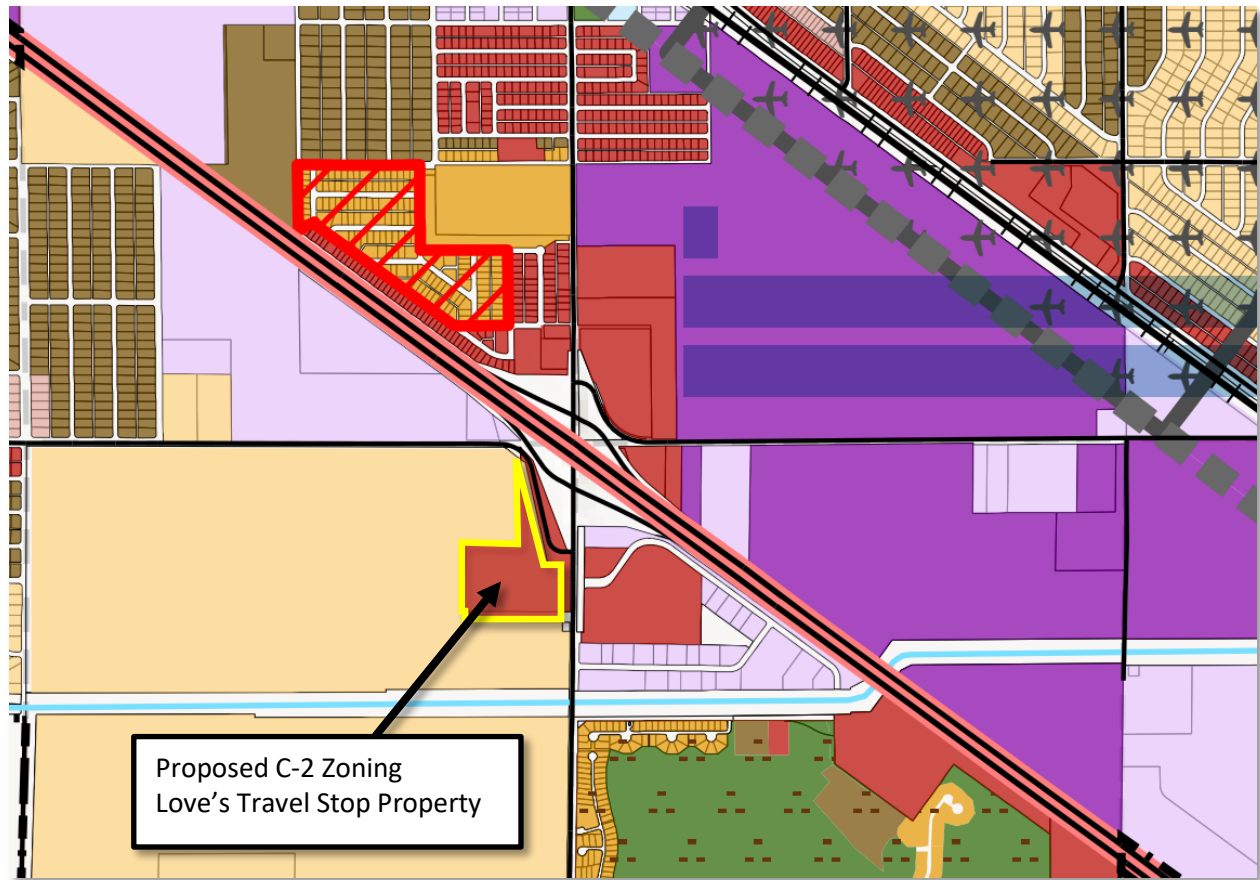
Overlay Districts

- DCO - Downtown Core Overlay
- MHO - Manufactured Home Overlay
- PAD - Planned Area Development
- AO - Aviation Overlay
- AIZ - Airport Influence Zone (1.5 nautical miles)

- Interstate
- State Highway
- Local Road
- Railroad
- Township Line
- Section Line
- Canal
- Other City

Official Signature Block
 Mayor - Joel C. Belloc 7/23/18
 City Clerk - Mary Myers 7/23/18

Demonstrative Created from Official Zoning Map of the City of Eloy dated January 2023
Proposed Zoning – Community Commercial C-2



Residential Districts - RR-20 Rural Residential (20 acres/du) - RR-5 Rural Residential (5 acres/du) - RR-2.5 Rural Residential (2.5 acres/du) - R1-54 Estate Residential (54,450 sq. ft./du) - R1-43 Estate Residential (43,560 sq. ft./du) - R1-12 Single Family Residential (12,000 sq. ft./du) - R1-6 Single Family Residential (6,000 sq. ft./du.) - R-2 Small Lot Residential (6-10 du/acre) - R-3 Multiple Family Residential (10-24 du/acre)	Commercial Districts - C-1 Neighborhood Commercial C-2 Community Commercial - MU Mixed Use Industrial Districts - BP Business Park - I-1 Light Industrial - I-2 General Industrial Public Facility Districts - PF Public Facility Open Space Districts - OSC Open Space Conservation - OSR Open Space Recreational	Overlay Districts - DCO - Downtown Core Overlay - MHO - Manufactured Home Overlay - PAD - Planned Area Development - AO - Aviation Overlay - AIZ - Airport Influence Zone (1.5 nautical miles) - Interstate - State Highway - Local Road - Township Line - Section Line - Canal - Railroad - Other City
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The proposed Zoning Map above and Section 2.3 of the Zoning Ordinance support this request to rezone the Property to Community Commercial (C-2) zoning district and the CUP Application. Section 2.3 of the Zoning Ordinance provides the following general purpose statement for the commercial districts, including the C-2 zoning district specifically:

CITY OF ELOY CODE OF ORDINANCES, CHAPTER 21 - ZONING ORDINANCE

Section 21-2-3 Commercial Districts:

21-2-3.1 General Purpose The purpose of the commercial and mixed-use districts is to provide for a variety of goods, services and housing, each suited to specific retail, office, entertainment, and moderate to high density residential uses in order to foster economic health, community sustainability and also to maintain compatibility with adjacent uses. These districts are intended to provide attractive, well-designed developments that are appropriately located along primary roadways and multi-modal transportation facilities to serve Eloy residents, customers, and visitors.

21-2-3.2 Commercial and Mixed-Use Districts Enumerated:

...

B. General Commercial District (C-2) The purpose of this commercial zoning district is to provide a location for general business and commercial uses. The intent of this district is to allow for larger commercial uses to satisfy the needs of the community at large while providing for a broad range of retail, office and service-oriented activities.

The zone change to C-2 district and the CUP Application are compatible with the existing zoning and land uses in the Toltec area. Furthermore, the proposed travel stop, truck wash, drive-through restaurant use and five overnight RV spaces are appropriately located along primary roadways (I-10 freeway and Houser Road/Toltec Road – major arterial streets) to serve Eloy residents, customers and visitors with retail and service-oriented activities.

V. CONDITIONAL USE PERMIT.

The applicant is requesting a concurrent approval of the Rezoning and Conditional Use Permit Application to allow the following uses on the Property:

1. a truck stop in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
2. a truck wash in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,
3. a restaurant with a drive-through in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and
4. five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory use to the truck stop in the Community Commercial (C-2) zoning district.

A. Required Findings for Conditional Use Permits.

Section 6.7.4 of the Zoning Ordinance provides a list of findings that the City Council must make when approving a conditional use permit. As set forth below and throughout this narrative, the proposed Love's Travel Stop satisfies the required findings in Section 6.7.4:

- 1. *The proposed use will not be detrimental to the health, safety or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.***

The Love's Travel Stop will not be detrimental to the health, safety or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general. The use will comply with all City of Eloy codes and ordinances. Adequate parking, traffic circulation and drive-through queue improvements will be provided to prevent any negative impacts to the surrounding area. Drainage, water and sewer improvements will be made in accordance with the reports submitted by Kimley-Horn and Associates to ensure surrounding properties are not impacted by drainage flows or increased water and sewer demands associated with this development. Onsite landscaping and landscaped buffers along the perimeter of the Property will also create separation and aesthetic improvements to the benefit of adjacent properties and the neighborhood. Furthermore, the proposed use is a 24/7 operation with employee presence and security systems and procedures in place to ensure a safe operation.

- 2. *The proposed use conforms with the purposes, intent and policies of the adopted Eloy General Plan and any applicable area, neighborhood, or other plan officially adopted by the City Council.***

The proposed Love's Travel Stop conforms with the purposes, intent and policies of the adopted Eloy General Plan, particularly: (a) the Land Use Element, (b) the Circulation Element, (c) the Growth Areas Element, and (d) the Economic Prosperity Element.

a. Land Use Element.

As shown in Section IV.A of this narrative, the Property is designated with a Community Commercial land use designation. Section 3.1.4 of the Land Use Element in the City of Eloy General Plan confirms that the Community Commercial (C-2) zoning district is permitted within the Community Commercial land use designation. Section 3.1.4 also provides the following range of identified uses, intensities and development guidelines for the Community Commercial land use designation:

Community Commercial

Permitted Zoning District: Community Commercial (C-2)

Uses allowed within this designation include a variety of types and intensities of commercial development. Community Commercial areas typically consist of large shopping centers and districts that offer a wider variety of goods and services than neighborhood commercial areas. They rely on larger trade areas (two-mile radius or greater) and include such uses as department stores, bookstores, furniture

stores, restaurants, theaters, and non-retail services, such as offices and banks. Major Community Commercial centers should be located with adequate controlled access and visibility to arterial streets.

Development Guidelines:

The City is located along an interstate highway that transports a significant amount of daily vehicular traffic between Phoenix and Tucson. The City of Eloy desires to create and diversify the community's economy by capturing a portion of the future commercial and industrial jobs that will locate along the corridor.

...

The guidelines presented below will influence the siting of Community Commercial uses.

All such uses are located at the intersection of arterial and/or collector streets, or with Mixed Use Centers.

Community Commercial developments may be required to submit, for review and approval, a traffic impact study as part of the site planning process to determine number and location of median and curb cuts for optimal traffic flow and adequate site ingress/egress.

Building design should utilize 360-degree architecture (four-sided attractive articulation).

Landscaping should be drought tolerant and evergreen.

Buffering (i.e. landscaping, distance and fencing) should be utilized to shield adjacent residential uses from noise, glare, and supply truck traffic generated from adjacent Community Commercial uses.

The CUP Application will allow commercial uses aimed at serving the residents of Eloy and travelers along the I-10, such as vehicle fueling stations, a convenience store, and restaurants. The CUP Application also conforms with the Community Commercial land use designation as a result of the Property's location at the major arterial intersection of Houser Road, Toltec Road and the I-10 freeway. The travel stop use relies upon a larger trade area and requires access to, and visibility from, the I-10 freeway, making this location ideal.

As mentioned in the General Plan, the I-10 freeway transports "a significant amount of daily vehicular traffic between Phoenix and Tucson," and Toltec Road is the only freeway interchange for approximately 8.5 miles. From 2019 to 2021, the Arizona Department of Transportation's average annual daily traffic (AADT) counts along I-10 at the Toltec Road interchange significantly increased, particularly with regard to truck traffic. The increased traffic along the I-10 and latest traffic projections calculated by ADOT have resulted in the 2040 Future AADT counts being estimated at 110,610, which is approximately double the 2021 counts of 54,373.

**Comparison of 2019 and 2021 ADOT Average Annual Daily Traffic (AADT) Counts
along Interstate 10 at Toltec Road**

2019 AADT - Interstates				
I-10 Segment	2019 AADT	Single Truck	Combo Truck	2040 Future AADT
Exit 200 Sunland Gin to Exit 203 Toltec Rd.	44,656	1,518	8,217	68,301
Exit 203 Toltec Rd. to Exit 208 Sunshine Blvd.	43,361	1,506	8,022	66,506
2021 AADT - Interstates				
I-10 Segment	2021 AADT	Single Truck	Combo Truck	2040 Future AADT
Exit 200 Sunland Gin to Exit 203 Toltec Rd.	54,373	3,048	11,886	110,610
Exit 203 Toltec Rd. to Exit 208 Sunshine Blvd.	46,164	1,603	8,540	72,772

These ADOT numbers demonstrate the explosive growth and number of vehicle trips expected along I-10 between now and 2040. The proposed Love's Travel Stop development will conform to the Community Commercial land use designation in the General Plan and will support the City of Eloy's desire to capture future commercial jobs and an increased property and sales tax base along the I-10 corridor.

The Love's proposal also conforms to the Development Guidelines for the Community Commercial land use designation in the General Plan. A traffic impact analysis prepared by Kimley-Horn and Associates has been submitted as part of this application. Drought-tolerant landscaping and appropriate buffering are also depicted in the preliminary site plan and landscape plan, with 8.35 acres of total landscaped area.

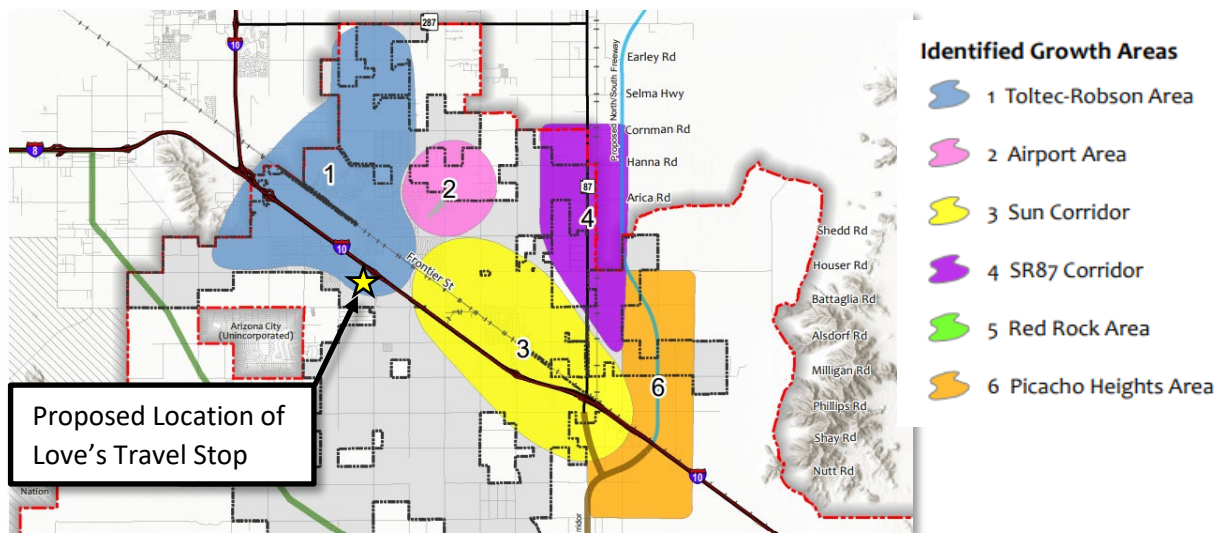
b. Circulation Element.

The CUP Application for the Love's Travel Stop is also consistent with certain objectives within the Circulation Element of the General Plan aimed at creating and enhancing a functional circulation network. Objective No. 6 in Section 3.2.5 of the General Plan calls for "incrementally upgrading existing roadways to comply with the street classification system, as demand warrants." The Traffic Impact Analysis submitted with this application concludes that the intersections in this vicinity, the project site driveways, and the existing two-way left turning lane on Toltec Road are expected to operate at acceptable levels of service. To accommodate the estimated 4,124 new daily trips generated by this development, the Traffic Impact Analysis recommends the installation of a continuous southbound right-turn deceleration lane for the two (2) Toltec Road driveways serving the Love's Travel Stop. Thus, this project is consistent with Objective No. 6 in the Circulation Element by incrementally upgrading the existing roadway as demand warrants.

c. Growth Areas Element.

This CUP Application is also consistent with the goals set forth in the Growth Areas Element of the Eloy General Plan. Section 3.3.1 of the General Plan “encourages orderly” and “mixed use” development within Growth Areas and promotes “commercial, employment and industrial development at identified Growth Area nodes.” This Property is located within the southeastern area of the Toltec-Robson Growth Area. The Love’s Travel Stop, together with its accessory truck wash, overnight RV spaces, and restaurant uses, constitutes the type of mixed-use and orderly commercial development that is encouraged within the Toltec-Robson Growth Area.

**Excerpt from Growth Areas Map of Eloy General Plan
Map GA-1 Dated January 2023**

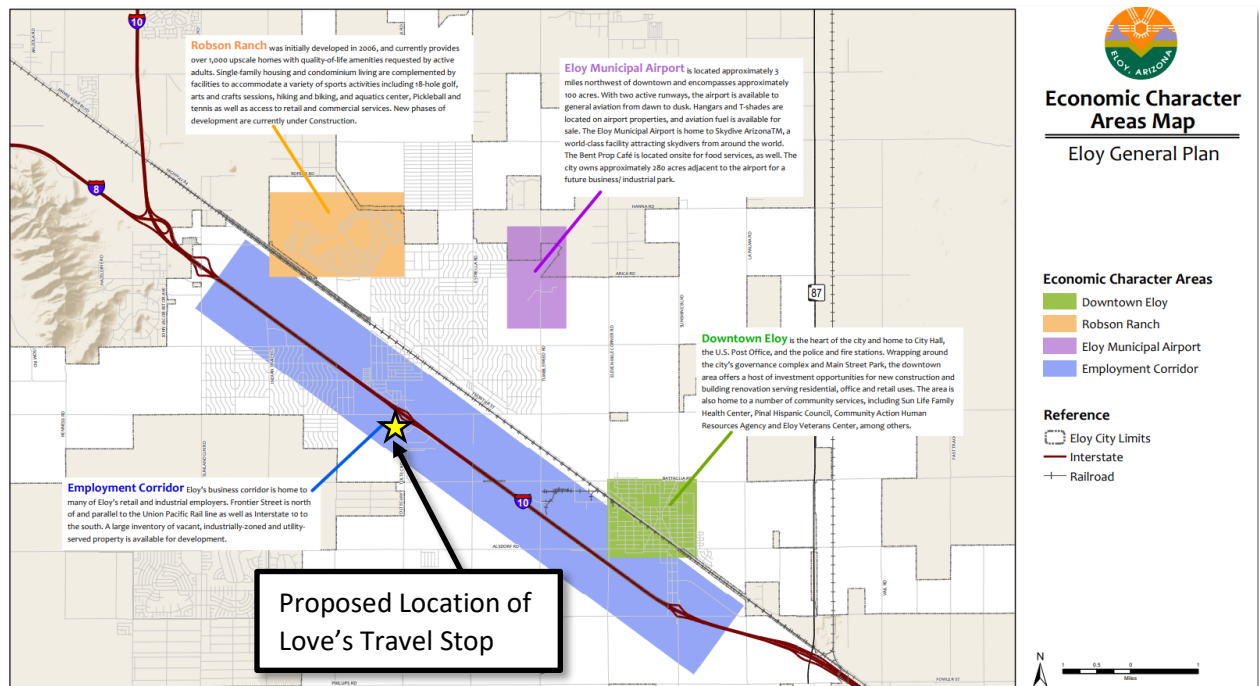


The Toltec-Robson Growth Area is also described as an area which should encourage “retail establishments catering to the interstate travelers.” The General Plan states that “transportation related industries are also ideally suited for this growth area.” With retail, restaurant, and service-oriented uses targeted towards both interstate travelers and local residents/employees, the Love’s Travel Stop is an appropriate development for the Toltec-Robson Growth Area.

d. Economic Prosperity Element.

This CUP Application is also consistent with the Economic Prosperity Element of the Eloy General Plan. The Property is located within: (i) the Employment Corridor according to the Economic Character Areas Map, and (ii) the Interstate 10 Corridor Economic Focus Area according to the Economic Prosperity Map.

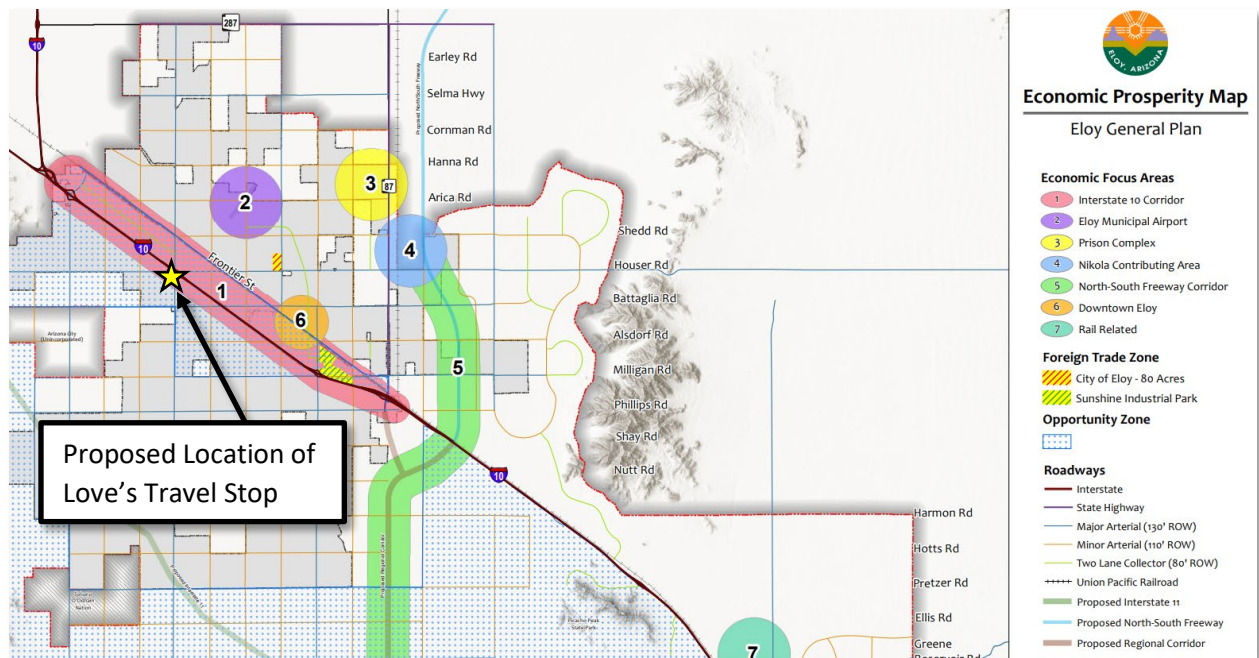
Economic Character Areas Map E-1 dated January 2023



The Employment Corridor is located south of, and parallel to, the Union Pacific Rail line and extends to the south of Interstate 10. The Corridor is “home to many of Eloy’s retail and industrial employers” with “a large inventory of vacant, industrially-zoned and utility-served Property” that is available for development. This area of Eloy is identified as a “strength” in the Economic Prosperity Element due to the approximately “20 miles of I-10 freeway frontage and the opportunity for Union Pacific rail spur service.” In Section 3.10.4 of the General Plan, the Economic Prosperity Element recognizes that “Eloy is well positioned on Interstate 10 and the Union Pacific rail line with excellent proximity to Arizona’s border with Mexico – three ideal assets for attracting manufacturing, distribution and warehousing operations.” The Love’s Travel Stop is a use which is essential to supporting the transportation demands of manufacturing, distribution and warehousing operations and simultaneously provides an opportunity to capture additional sales tax revenue from pass-through traffic along I-10.

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Economic Prosperity Map E-2 dated January 2023



Also, in Section 3.10.4 and Table E.3 of the General Plan, the City has identified six (6) industry clusters which are suitable and potential targets for Eloy after evaluating employment growth, wages, market strength and existing business presence in the region. “Transportation & Logistics” was listed as one (1) of the six (6) industry clusters, with “warehousing and storage, rail transportation, and truck transportation” listed as industry targets. The proposed Love’s Travel Stop is a vital component of the truck transportation industry, providing fuel, meals and much needed truck parking. Thus, this CUP Application and the proposed use is consistent with the industry targets identified in the Economic Prosperity Element of the General Plan

- The proposed use conforms with the conditions, requirements, or standards prescribed by this chapter and any other applicable local, state, or federal requirements.***

The Love’s Travel Stop will conform with all conditions, requirements, or standards prescribed by the City’s codes and ordinances and all state and federal requirements.

- The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall include the location, type and height of the building or structures and the type and extent of landscaping and screening on the site.***

The proposed Love’s Travel Stop conforms to the character of the neighborhood and the Community Commercial (C-2) zoning district, as more fully described in Sections IV.B of this narrative. Rezoning the Property to the Community Commercial (C-2) district and approving the

CUP Application for the proposed Love's Travel Stop would be compatible with the existing zoning and uses of nearby properties, as well as the character of the area. The Property is located at the south end of the Toltec area, immediately south of the I-10/Toltec Road interchange. The character of this area is predominantly commercial and industrial, as shown by the Existing Zoning Map in Section IV.B of this narrative. The City of Eloy General Plan also identifies this area as the home of many of Eloy's industrial and retail employers. Adjacent properties to the north of Houser Road and east of Toltec Road are zoned Light Industrial and Community Commercial districts. An existing TA Travel Center, Pizza Hut and truck wash are located near the southeast corner of the Toltec Road and I-10 intersection, all of which are compatible with the proposed travel stop use.

Steps have been taken to minimize any potential or foreseen negative impacts to adjacent property owners. The Traffic Impact Analysis submitted with this application recommends the installation of two right-turn deceleration lanes to accommodate new vehicular trips generated by the proposed use which, in turn, supports and maintains the existing levels of service at the nearby intersections for the benefit of adjacent property owners. Significant landscape buffering is proposed along all Property boundaries and the proposed buildings and fueling stations have been oriented towards Toltec Road to minimize any impacts to the abutting vacant parcel zoned R1-12 Single Family Residential.

The convenience store, restaurants, truck wash building and fueling stations are located on the east end of the Property along the Toltec Road frontage. This orientation of the buildings along the street frontage together with the landscaped buffers along the entire perimeter of the Property conform to the character of the area as an industrial and commercial employment corridor.

5. *Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.*

Adequate utilities, access roads, drainage, fire protection, and other necessary facilities will be provided for the Love's Travel Stop development. These facilities and infrastructure improvements are depicted and described in detail in the plans and reports submitted with this application.

With regard to water and wastewater utilities specifically, the Preliminary Water and Wastewater Report prepared by Kimley-Horn and Associates, Inc. dated September 30, 2022 demonstrates that the proposed Love's Travel Stop will be served with adequate water and wastewater facilities.

An existing 12-inch polyvinyl chloride ("PVC") water main is located in Toltec Road and extends along the east side of the Property. There is a 12-inch PVC stub in Toltec Road aligned with the center of the site and an existing 6-inch asbestos cement pipe ("ACP") water main that branches off from the 12-inch main and extends northwest through the site and continues west along Houser Road. To accommodate the domestic water supply and fire flow demands of the future Love's Travel Stop, the following water supply improvements are proposed:

1. Construct a 12-inch ductile iron pipe ("DIP") public water main to replace the existing 6-inch ACP water main through the site. The proposed main will connect to the existing system at the two existing connection points at the southeast and northwest corners of the Property as well as to the existing 12-inch stub in Toltec Road;
2. Construct an 8-inch DIP water main to connect to the proposed 12-inch water line and create a loop through the site;
3. Construct a 6-inch DIP line for a fire connection to each building;
4. Install 7 public fire hydrants; and
5. Install domestic and landscape water meters to serve the Property.

The Property is also located in close proximity to existing sewer infrastructure consisting of a 10-inch PVC sewer main south of the site in Cowboy Trail that flows east. Additionally, there is an existing manhole in the intersection of Toltec Road and Cowboy Trail approximately 500 feet south of the Property. The Love's Travel Stop will require a connection to the existing manhole in Toltec Road and the extension of a new 10-inch PVC sewer main north. Each building on the Property will be served by a 6-inch PVC sewer service line that connects to the proposed 10-inch PVC main in Toltec Road.

Based on the City of Eloy's criteria and the existing infrastructure in the area, both the water and sewer service designs for this project are sufficient to serve the proposed Love's Travel Stop development.

6. *Adequate measures shall provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on the public roads.*

Adequate measures are being implemented to provide ingress and egress in a manner that minimizes traffic hazards and traffic congestion on public roads. The Traffic Impact Analysis submitted with this application concludes that the intersections in this vicinity, the project site driveways, and the existing two-way left turning lane on Toltec Road are expected to operate at acceptable levels of service (see Traffic Impact Analysis for levels of service specific to each intersection, driveway or turning lane). To accommodate the estimated 4,124 new daily trips to this area, the Traffic Impact Analysis recommends the installation of a continuous southbound right-turn deceleration lane for the two (2) Toltec Road driveways serving the Love's Travel Stop.

7. *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas and will be consistent with the operations of other travel centers along the I-10 freeway.

8. ***The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair the property values within the neighborhood.***

The Love's Travel Stop will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair the property values in the neighborhood. For additional information in support of this finding, please see Section II above.

9. ***The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted with the zoning district.***

The Love's Travel Stop development will not impede the orderly development and improvement of surrounding properties. Instead, the orderly development and growth of surrounding properties will be supported by developing the approximate 17-acre site for a commercial use in conformance with the Eloy General Plan and identified as one of the six industry clusters being targeted by the City of Eloy.

VI. CONCLUSION.

With the above findings being satisfied, the applicant respectfully requests approval of the CUP Application for the Love's travel stop use, the truck wash, the restaurant drive-through facility, and the 5 overnight RV parking spaces.

Respectfully,

Heather N. Dukes, Esq.

602.320.8866 | hdukesesq@gmail.com

CITIZEN PARTICIPATION REPORT

LOVE'S TRAVEL STOP

SOUTHWEST CORNER OF TOLTEC ROAD/HOUSER ROAD (SOUTH OF INTERSTATE 10)

CASE NO. CUP2023-011, RZ2023-012, and SP2023-013

Updated August 4, 2023

This Citizen Participation Report is being submitted on behalf of the Applicant, Love's Travel Stops & Country Stores, Inc., in support of the rezoning, conditional use permit, and site plan review applications filed with the City of Eloy to allow for the development of a Love's Travel Stop on approximately 17.15 net acres located south of the Interstate 10 near the southwest corner of the Toltec Road and House Road intersection (the "**Love's Applications**"). The 17.15 net acres consist of two (2) parcels (Pinal County APNs 403-23-002A and 403-23-003B) (the "**Property**").

As described in detail in this Report, the citizen review processes for the Love's Applications have complied with Ariz. Rev. Stat. § 9-462.03 and Section 21-6-2.3 of the City of Eloy Zoning Ordinance (the "**Zoning Ordinance**"). This Report is being submitted more than seven (7) calendar days before the first public hearing in this matter (August 16, 2023) and provides a written summary of the neighborhood meeting, including the date, time and location of the meeting, a copy of the mailing list and meeting sign-in sheet, and a summary of how the applicant has addressed (or proposes to address) the issues, concerns and objections identified during the neighborhood meeting. See Section 21-6-2.3.F of the Zoning Ordinance.

I. Neighborhood Meeting Information for Love's Applications.

- A. Location:** The neighborhood meeting was held at a publicly accessible location approved by City staff: Eloy City Hall- Community Room, 595 N. C Street, Suite 104, Eloy, AZ 85131.
- B. Date and Time:** The neighborhood meeting was held on Thursday, March 16, 2023 from 5:00-6:00 pm. The required meeting was held at least 15 calendar days before the first public hearing to consider the Love's Applications and was scheduled on a weekday evening at a reasonable time in accordance with Sections 21-6-2.3.C and D of the Zoning Ordinance.
- C. Applicant's Meeting Attendees:** The following representatives of the Applicant attended the neighborhood meeting to provide information regarding the Love's Applications to members of the public:
 - 1. Heather N. Dukes, Zoning Attorney
 - 2. Anthony Beavers, Real Estate Project Manager, Western United States, Love's Travel Stops
 - 3. Garrett Frame, P.E., Kimley-Horn & Associates, Inc.

- D. **Meeting Format:** There were no members of the public who attended this meeting. If members of the public had attended the meeting, they would have been asked to complete a sign-in sheet. The meeting would have included a presentation by the Applicant's representatives and consultants. Meeting attendees would have also had the opportunity to ask questions and voice support, concerns, suggestions, etc.
- E. **Meeting Notification:** On March 6, 2023, the Applicant's representative sent notification letters via U.S. mail to real property owners with 300 feet of the outer boundary of the two subject parcels and any registered neighborhood associations and interested parties identified by the City. The notification letter included a brief description of the Love's Applications and the date, time and place of the neighborhood meeting. A rendered site plan was sent as an attachment to the letter. The notification letter was mailed not less than ten (10) calendar days prior to the date of the neighborhood meeting in compliance with Section 21-6-2.3.E of the Zoning Ordinance.
- F. **Affidavit of Notification:** As part of this Report, the Applicant submitted, to the City, an affidavit of notification with a copy of the neighborhood meeting notification letters also attached. See **Exhibit "A"** attached hereto.

II. **Neighborhood Meeting Summary.**

The neighborhood meeting, held on March 16, 2023, was attended by: (i) the Applicant's representatives listed above, (ii) Robert Jensen, a representative of the current owner of the Property, and (iii) Jeff Fairman, the City of Eloy Economic Development Manager. Again, no members of the general public attended the meeting. See Sign-In Sheet attached hereto as **Exhibit "B"**.

Kimley-Horn & Associates, Inc. prepared full-size presentation boards, which were displayed on easels at the neighborhood meeting. See **Exhibit "C"** attached hereto.

III. **Other Communications with Interested Persons.**

On March 16, 2023, zoning counsel, Heather Dukes, received an email from ltsakiris@aol.com with the following question: "Will Love's be improving West Houser Road?" The individual did not disclose a name, property address or any other identifying information in the email. On March 16th, Ms. Dukes responded to the inquiry by email, confirming that the proposed improvements to Houser Road include: a new curb and gutter, a five (5)-foot concrete sidewalk, and landscaping on the south/west side of the road as it abuts the Love's Property. See **Exhibit "D"** attached hereto. The Applicant and its representatives received no further communications from ltsakiris@aol.com, nor any additional emails or correspondence from interested persons.

IV. **Public Hearing Sign Posting.**

On July 31, 2023, Dynamite Signs erected the required public hearing sign on the Property, at least 15 days prior to the August 16, 2023 Planning and Zoning Commission hearing. The sign format and language was approved by City Planning staff, and a copy of the Affidavit of Sign Posting dated July 31, 2023 is attached hereto as **Exhibit "E"**.

EXHIBIT A



Affidavit of Notification

Neighborhood Meeting and Public Hearing Property Owner Lists

(For additional information, please call the Community Development Department at (520) 466-2578)

Application Nos.: CUP2023-011, RZ2023-012, SP2023-013

Applicant Name: Heather N. Dukes, Esq.

Location: SWC of N. Toltec Road and W. Houser Rd. Intersection (APNs 403-23-002A and 403-23-003B)

I, the undersigned, confirm that the property owner and registered neighborhood organization lists with attached envelopes contain all owners of record as contained within the Pinal County Assessor's Records as required for the Conditional Use Permit, Rezoning and Site Plan Review cases noted above.

Heather N. Dukes March 14, 2023
Applicant/Representative Signature **Date**

This instrument was acknowledged before me on this 14th day of March, 2023, by

Heather N. Dukes. In witness whereof I hereunto set my hand and official seal.

Holly Raines
Notary Public

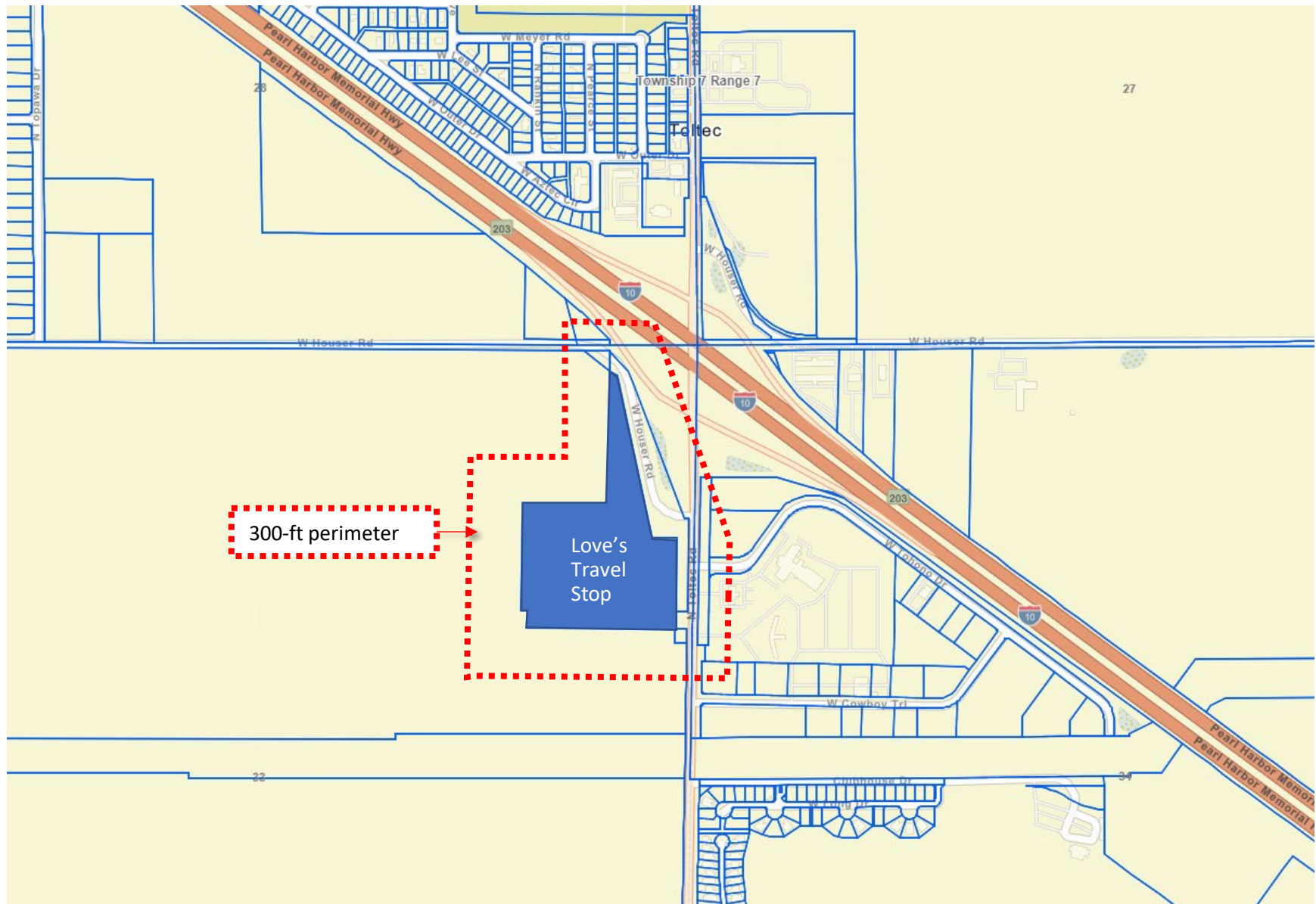
My commission expires 12-5-2025



NOTIFICATION LIST FOR LOVE'S TRAVEL STOP AT TOLTEC RD AND HOUSER RD - REZONING, CUP AND SITE PLAN REVIEW APPLICATIONS

Property Owner Name	Attention:	Mailing Address	City	State	Zip Code	Pinal County APN
Tes Farms		314 E. Rovey Ave.	Phoenix	AZ	85012	403-23-003F
State of Arizona		205 S. 17th Ave.	Phoenix	AZ	85007	404-22-012E, 404-26-025
State of Arizona		1616 W. Adams Street	Phoenix	AZ	85007	403-23-003G, -003H, -002B,
Louis A. Tsakiris Family Partnership, LTD.		2310 Baker Rd.	Houston	TX	77094	403-07-160H
HPT TA Properties Trust		24601 Center Ridge Rd Suite 200	Westlake	OH	44145	403-07-160G
The Theresa S.Y. Mao Family Trust		5570 NW 38th TER	Coconut Creek	FL	33073	404-22-012C, -012B
						404-26-001
Applicant						
Love's Travel Stops and Country Stores, Inc.	Attn: Anthony Beavers and Chad Burner	10601 N. Pennsylvania Ave.	Oklahoma City	OK	73120	
Applicant's Representatives						
Heather Dukes, Esq.		5527 N. 25th Street	Phoenix,	AZ	85016	
Kimley-Horn & Associates, Inc.	Attn: Garrett Frame, P.E.	7740 N. 16th Street, Suite 300	Phoenix,	AZ	85020	
Property Owner						
Javelina Development, LLC	Attn: Michael Horn	6959 Lebanon Road Suite 212	Frisco	TX	75034	403-23-002A and -003B

PROPERTIES LOCATED WITHIN 300' OF PROPOSED LOVE'S TRAVEL STOP
Pinal County APNS 403-23-002A and 403-23-003B



Tes Farms
314 E. Rovey Ave.
Phoenix, AZ 85012

State of Arizona
205 S. 17th Ave.
Phoenix, AZ 85007

State of Arizona
1616 W. Adams Street
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5570 NW 38th TER
Coconut Creek, FL 33073

Love's Travel Stops and Country Stores, Inc.
Attn: Anthony Beavers and Chad Burner
10601 N. Pennsylvania Ave.
Oklahoma City, OK 73120

Heather Dukes, Esq.
5527 N. 25th Street
Phoenix, AZ 85016

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Phoenix, AZ 85020

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Attn: Michael Horn
6959 Lebanon Road Suite 212
Frisco, TX 75034

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Tes Farms
314 E. Rovey Avenue
Phoenix, AZ 85012
(APN 403-23-003F)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

Dear Property Owner:

The purpose of this letter is to inform you that Love's Travel Stops & Country Stores, Inc. ("Love's") has recently filed a rezoning, conditional use permit and site plan review application for an approximately 17.15-acre vacant site located south of the Interstate-10 near the southwest corner of the N. Toltec Road and W. Houser Road intersection. Love's is requesting approval of these applications to develop a Love's Travel Stop which will include fueling areas, a convenience store, fast food restaurants, a truck scale, a truck wash facility and surface parking areas for both trucks and recreational vehicles. Attached is a copy of a vicinity map and the site plan for the proposed Love's Travel Stop.

We would like to invite you to a neighborhood meeting to discuss these zoning applications and the proposed development. A neighborhood meeting will be held on:

Thursday, March 16, 2023 from 5:00 – 6:00 pm
City of Eloy Community Room
595 N. C Street
Eloy, Arizona 85131

You are invited to attend this meeting to learn about the project and proposed zoning. If you are unable to attend, please contact me at hdukesesq@gmail.com or 602.320.8866 to learn more about the case and provide your input. The City of Eloy Planner assigned to this case is Belinda Cota, and she can be reached at bcota@eloyaz.gov or 520.466.2578. Ms. Cota can answer your questions regarding the City review and hearing processes.

March 6, 2023

Page 2 of 2

You may also submit comments on this case by writing to the City of Eloy Community Development Department, 595 N. C Street, Suite 102, Eloy, AZ 85131. Please reference the case numbers CUP2023-011, RZ2023-012, and SP2023-013, and your letter will be made part of the case files.

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Again, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. We hope to see you at the neighborhood meeting.

Very truly yours,

Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

STATE OF ARIZONA
205 S. 17TH Avenue
Phoenix, AZ 85007
(APNs 404-22-012E, 404-26-025,
403-23-003G, -003H, -002B)

March 6, 2023

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Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

STATE OF ARIZONA
1616 W. Adams Street
Phoenix, AZ 85007
(APNs 403-07-160H)

March 6, 2023

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Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Louis A. Tsakiris Family Partnership, LTD.
2310 Baker Road
Houston, TX 77094
(APNs 403-07-160G)

March 6, 2023

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March 6, 2023

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5527 N. 25th Street
Phoenix, AZ 85016
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VIA U.S. MAIL

HPT TA Properties Trust
24601 Center Ridge Road, Suite 200
Westlake, OH 44145
(APNs 404-22-012C, -012B)

March 6, 2023

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The Theresa S.Y. Mao Family Trust
5570 NW 38th TER
Coconut Creek, FL 33073
(APNs 404-26-001)

March 6, 2023

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595 N. C Street
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You are invited to attend this meeting to learn about the project and proposed zoning. If you are unable to attend, please contact me at hdukesesq@gmail.com or 602.320.8866 to learn more about the case and provide your input. The City of Eloy Planner assigned to this case is Belinda Cota, and she can be reached at bcota@eloyaz.gov or 520.466.2578. Ms. Cota can answer your questions regarding the City review and hearing processes.

March 6, 2023

Page 2 of 2

You may also submit comments on this case by writing to the City of Eloy Community Development Department, 595 N. C Street, Suite 102, Eloy, AZ 85131. Please reference the case numbers CUP2023-011, RZ2023-012, and SP2023-013, and your letter will be made part of the case files.

Please be advised that hearings before the Eloy Planning and Zoning Commission and City Council are planned to review this case. Specific hearing dates have not yet been set. You should receive a subsequent notice from the City of Eloy identifying the date and location of these future hearings when they have been scheduled.

Again, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. We hope to see you at the neighborhood meeting.

Very truly yours,

Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Love's Travel Stops and Country Stores, Inc.
Attn: Anthony Beavers and Chad Burner
10601 N. Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
(Applicant)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

Dear Mr. Beavers and Mr. Burner:

The purpose of this letter is to inform you that Love's Travel Stops & Country Stores, Inc. ("Love's") has recently filed a rezoning, conditional use permit and site plan review application for an approximately 17.15-acre vacant site located south of the Interstate-10 near the southwest corner of the N. Toltec Road and W. Houser Road intersection. Love's is requesting approval of these applications to develop a Love's Travel Stop which will include fueling areas, a convenience store, fast food restaurants, a truck scale, a truck wash facility, and surface parking areas for both trucks and recreational vehicles. Attached is a copy of a vicinity map and the site plan for the proposed Love's Travel Stop.

We would like to invite you to a neighborhood meeting to discuss these zoning applications and the proposed development. A neighborhood meeting will be held on:

Thursday, March 16, 2023 from 5:00 – 6:00 pm
City of Eloy Community Room
595 N. C Street
Eloy, Arizona 85131

You are invited to attend this meeting to learn about the project and proposed zoning. If you are unable to attend, please contact me at hdukesesq@gmail.com or 602.320.8866 to learn more about the case and provide your input. The City of Eloy Planner assigned to this case is Belinda Cota, and she can be reached at bcota@eloyaz.gov or 520.466.2578. Ms. Cota can answer your questions regarding the City review and hearing processes.

March 6, 2023

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Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Kimley-Horn & Associates, Inc.
Attn: Garrett Frame, P.E.
7740 N. 16th Street, Suite 300
Phoenix, AZ 85020
(Applicant's Representative)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

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March 6, 2023

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Very truly yours,

Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com

Heather N. Dukes, Esq.

5527 N. 25th Street
Phoenix, AZ 85016
602.320.8866

VIA U.S. MAIL

Javelina Development, LLC
Attn: Michael Horn
6959 Lebanon Road, Suite 212
Frisco, TX 75034
(APN 403-23-002A and -003B)

March 6, 2023

RE: Rezoning, Conditional Use Permit, and Site Plan Review Applications for Proposed Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road Intersection, APNs 403-23-002A and 403-23-003B (the "Property") – Case Nos. CUP2023-011, RZ2023-012, and SP2023-013

Dear Property Owner:

The purpose of this letter is to inform you that Love's Travel Stops & Country Stores, Inc. ("Love's") has recently filed a rezoning, conditional use permit and site plan review application for an approximately 17.15-acre vacant site located south of the Interstate-10 near the southwest corner of the N. Toltec Road and W. Houser Road intersection. Love's is requesting approval of these applications to develop a Love's Travel Stop which will include fueling areas, a convenience store, fast food restaurants, a truck scale, a truck wash facility, and surface parking areas for both trucks and recreational vehicles. Attached is a copy of a vicinity map and the site plan for the proposed Love's Travel Stop.

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March 6, 2023

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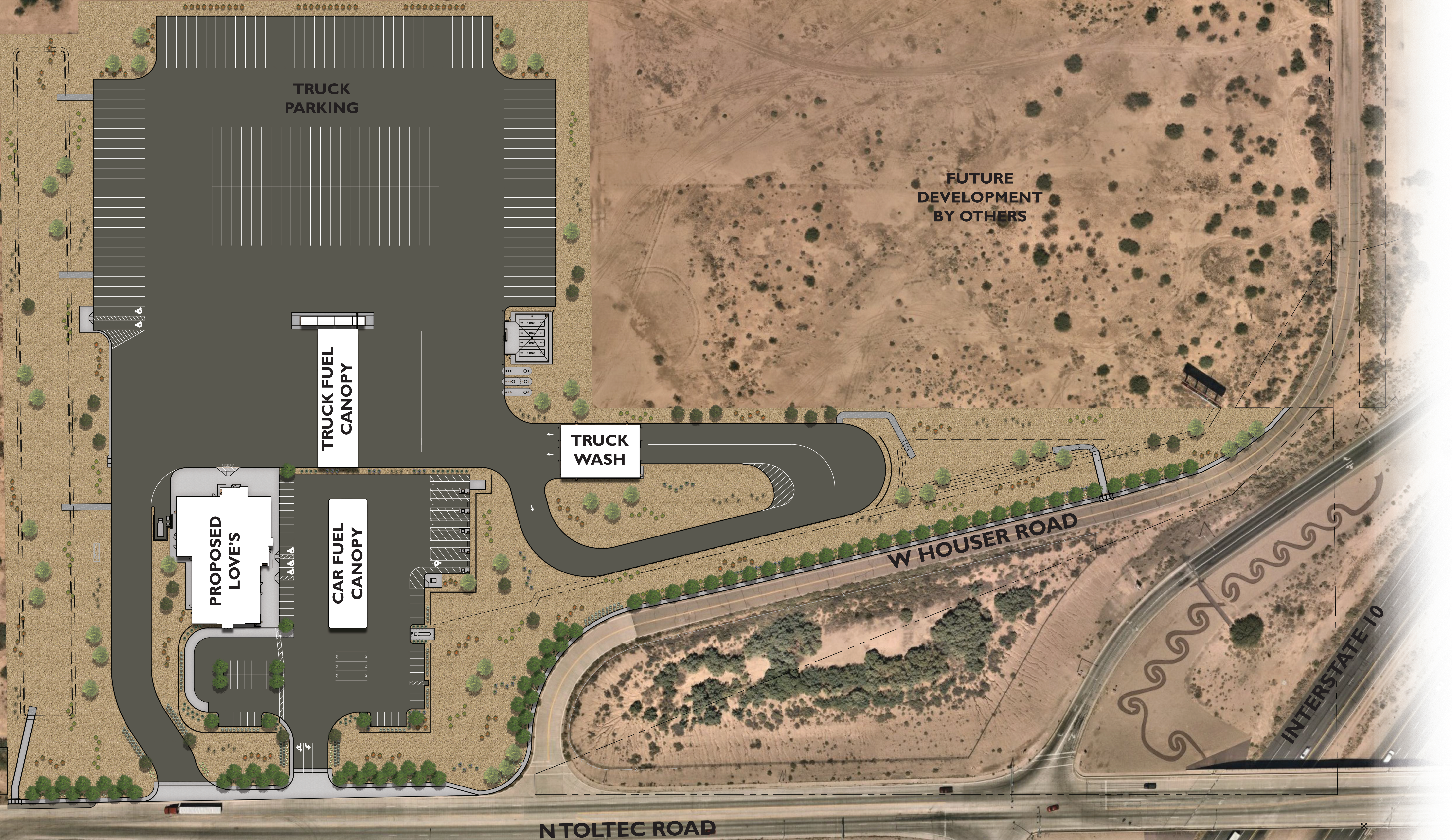
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Very truly yours,

Heather N. Dukes

602.320.8866 | hdukesesq@gmail.com



RENDERED SITE PLAN - LOVE'S TRAVEL STOP
ELOY, ARIZONA



MARCH 2023

Kimley»Horn

EXHIBIT B

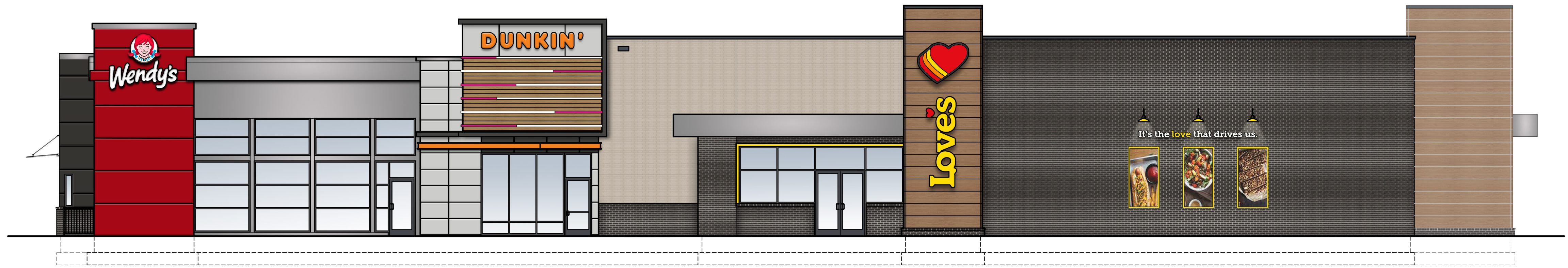
CITY OF ELOY CASE NOS. CUP2023-011, RZ2023-012, AND SP2023-013
Love's Travel Stop at Southwest Corner of N. Toltec Road and W. Houser Road
APNs 403-23-002A and 403-23-003B

NEIGHBORHOOD MEETING SIGN-IN SHEET
March 16, 2023 at 5:00 PM

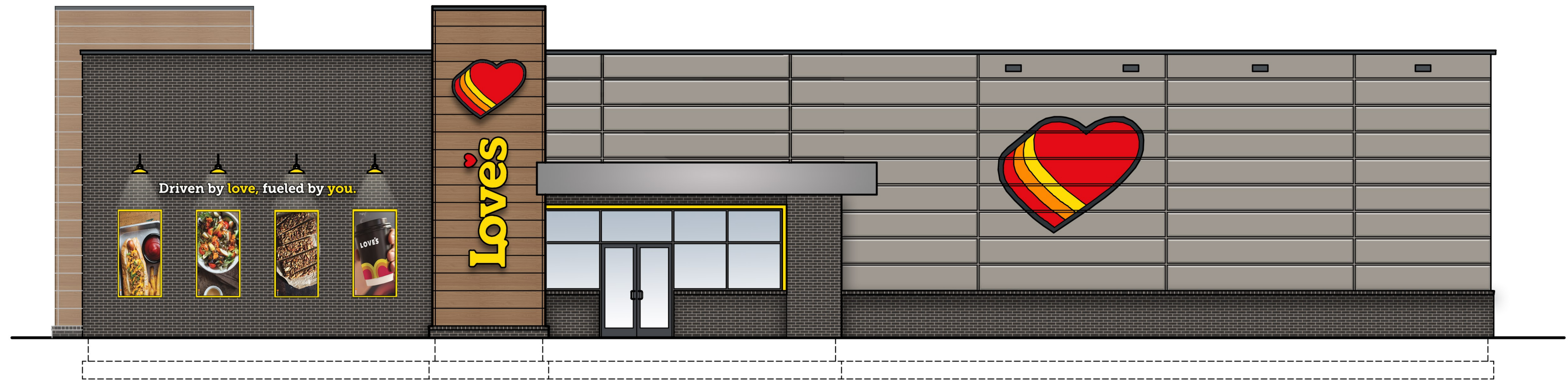
NAME	ADDRESS	EMAIL OR PHONE #
Heather Dukes	5527 N. 25th St. Phoenix, AZ 85014	HDUKES@GMAIL.COM 602-320-8864
Robert Jensen CREDE	38052 S. Loma Serena Dr. Tucson AZ 85739	bob.jensen@credegroupp.com 971-235-2336
Anthony Beltrius LOVES	9119 John Martin Dr LAS VEGAS, NV 89139	Anthony.Beltrius@LOVES.com 530-228-6398
GARRET FRAME Kimcey-Horn	7400 N. 16TH ST STE 300 Phoenix, AZ 85020	GARRET.FRAME@KIMCEY-HORN.COM 602 216 1233

EXHIBIT C

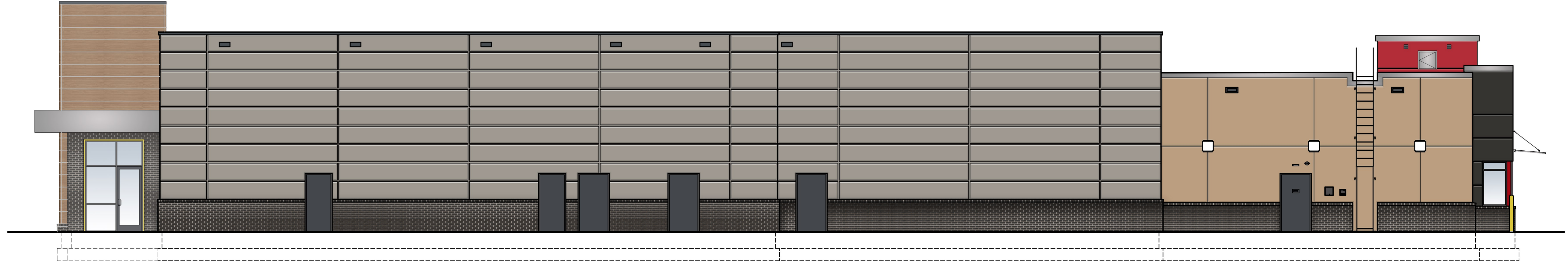




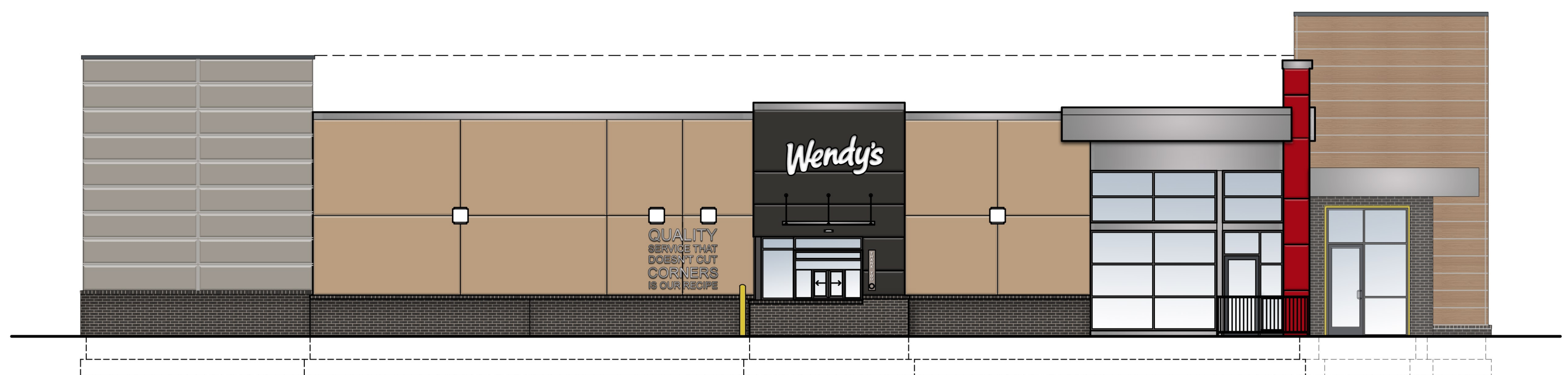
A NORTH ELEVATION
SCALE: 1/8" = 1'-0"



B WEST ELEVATION
SCALE: 1/8" = 1'-0"



C SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



D EAST ELEVATION
SCALE: 1/8" = 1'-0"



Pascal Aughtry & Associates, PC
405.463.3494
Fax 405.463.3493
937 East Britton Road
Oklahoma City, OK 73114
pascalarch.com

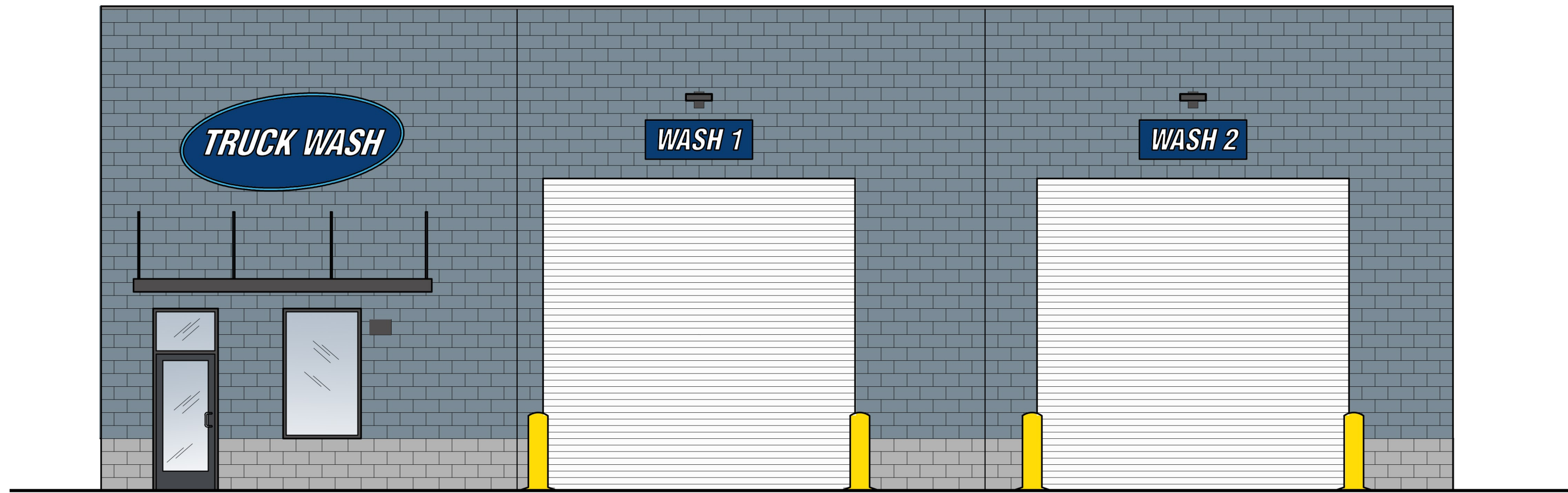
THIS DOCUMENT
IS PRELIMINARY IN
NATURE AND IS
NOT A FINAL
SIGNED AND
SEALED
DOCUMENT

A NEW TRAVEL STOP
TIER I
ELOY, AZ

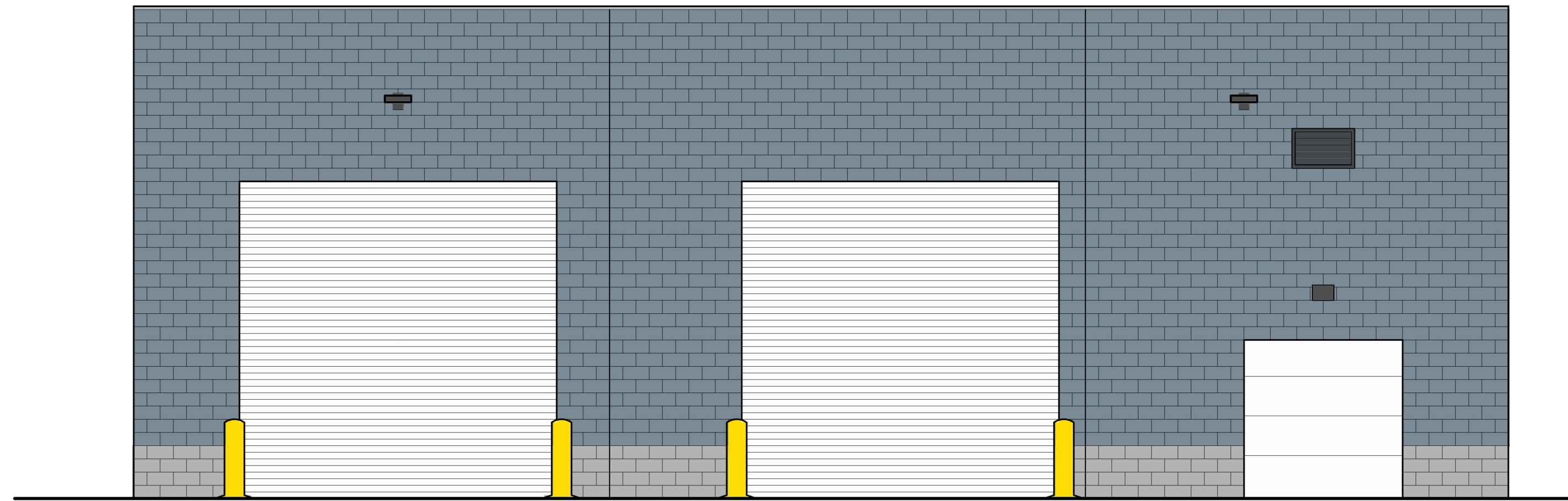
Loves
Travel Stops

Revisions:	
No.	Date

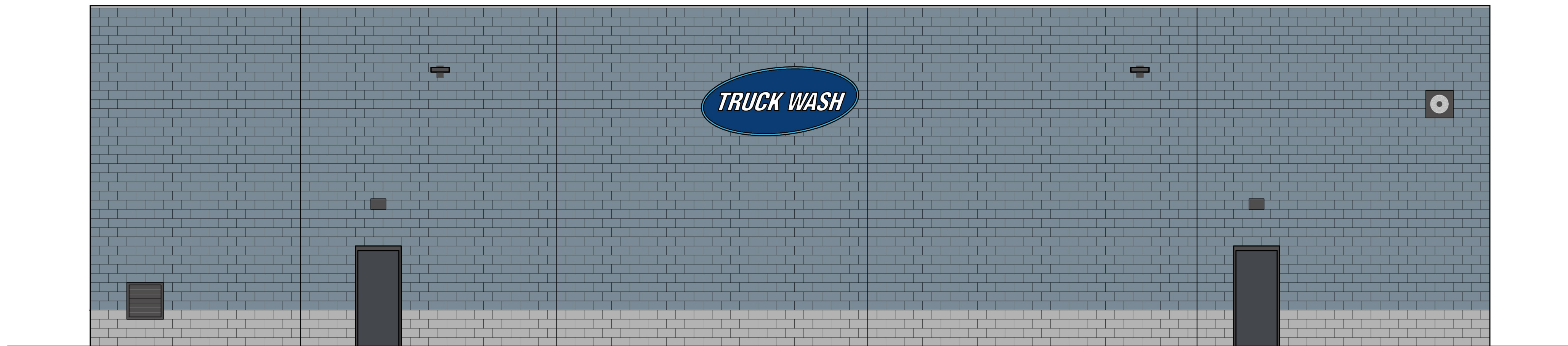
Project No.: LVS-----
Date: --/--/--
Sheet No.:
A-X
OF: XX



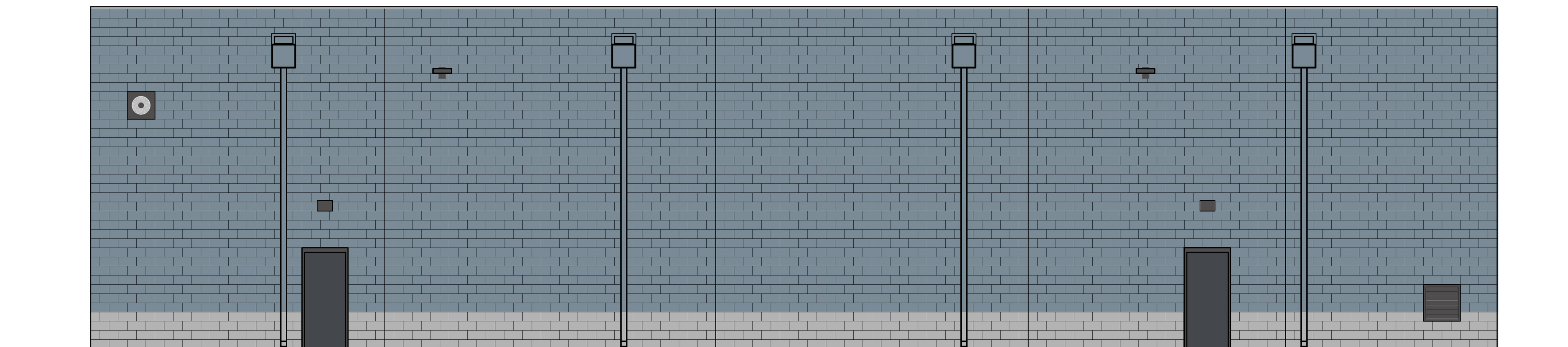
A NORTH ELEVATION
SCALE: 3/16" = 1'-0"



B SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



C EAST ELEVATION
SCALE: 3/16" = 1'-0"



D WEST ELEVATION
SCALE: 3/16" = 1'-0"



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Oklahoma City, OK 73114
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IS PRELIMINARY IN
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DOCUMENT

A NEW TRUCK WASH
TIER I
ELOY, AZ

Lovè's
Travel Stops

Revisions:	
No.	Date

Project No.:	LVS----
Date:	---
Sheet No.:	A-X
OF:	XX



Economic Prosperity Map

Eloy General Plan

Economic Focus Areas

- 1 Interstate 10 Corridor
- 2 Eloy Municipal Airport
- 3 Prison Complex
- 4 Nikola Contributing Area
- 5 North-South Freeway Corridor
- 6 Downtown Eloy
- 7 Rail Related

Foreign Trade Zone

- City of Eloy - 80 Acres
- Sunshine Industrial Park

Opportunity Zone

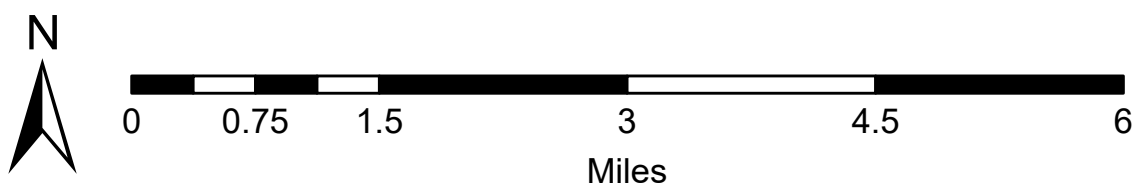


Roadways

- Interstate
- State Highway
- Major Arterial (130' ROW)
- Minor Arterial (110' ROW)
- Two Lane Collector (80' ROW)
- Union Pacific Railroad
- Proposed Interstate 11
- Proposed North-South Freeway
- Proposed Regional Corridor

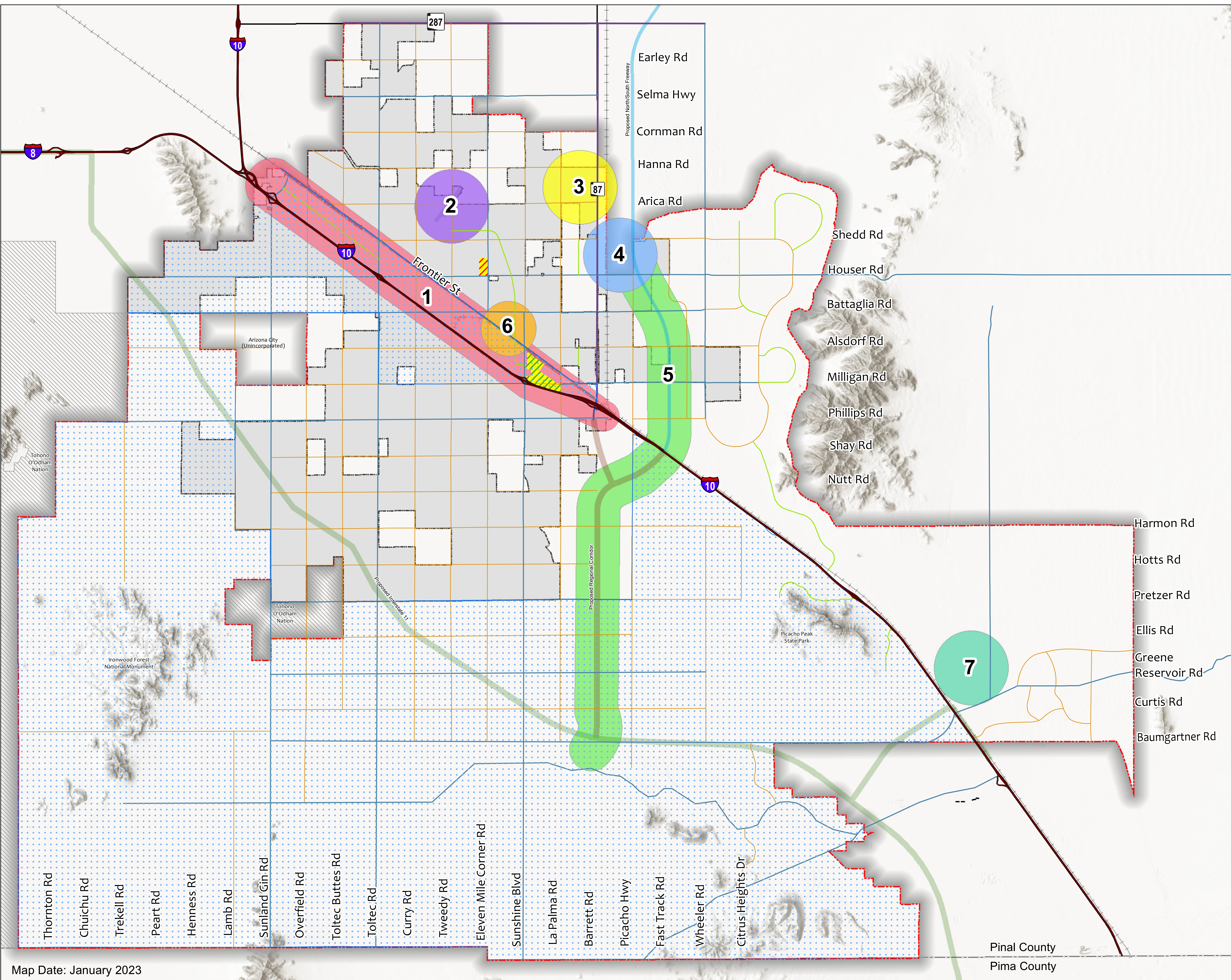
Reference

- Eloy City Limits
- Eloy Planning Boundary



Disclaimer: This map is furnished for reference purposes only and is not suitable for legal, financial, engineering, or surveying purposes or commitments. The City of Eloy assumes no responsibility for errors, omissions, or inaccuracies presented, and shall have neither liability nor responsibility for any direct or indirect loss or damage in connection with, or arising from, the information on this map. Any conclusions derived from this map are the responsibility of the user.

Service Layer Credits: Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystrelen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community





Land Use Map

Eloy General Plan

Land Use Designations

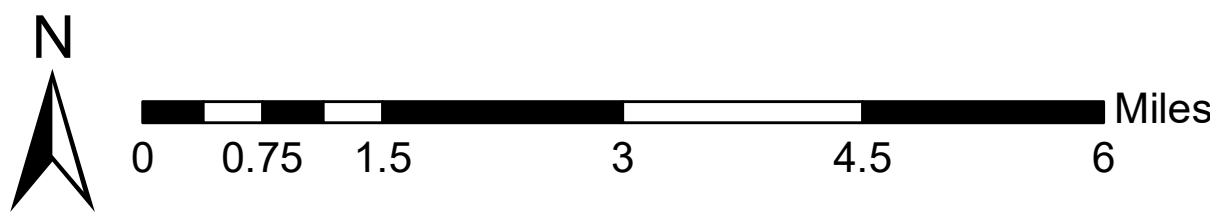
- Residential**
- Estate Density Residential (0.2 - 1.0 du/ac)
 - Low Density Residential (1.0 - 3.0 du/ac)
 - Medium Density Residential (3.0 - 6.0 du/ac)
 - Med-High Density Residential (6.0 - 10 du/ac)
 - High Density Residential (10 - 24 du/ac)

- Commercial**
- Neighborhood Commercial
 - Community Commercial

- Industrial**
- Light Industrial
 - General Industrial

- Other**
- Parks/Open Space
 - Mixed Use
 - Public/Institutional
 - Planned Community Area
 - Airport Influence Area

- Reference**
- Eloy City Limits
 - Eloy Planning Area
 - Picacho Peak Stagefield
 - Railroad
 - Canal
 - Washes
 - Proposed Interstate 11
 - Proposed North-South Freeway
 - Proposed Regional Corridor
 - Existing Interchange
 - Potential Interchange
 - Resort



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Downtown Detail

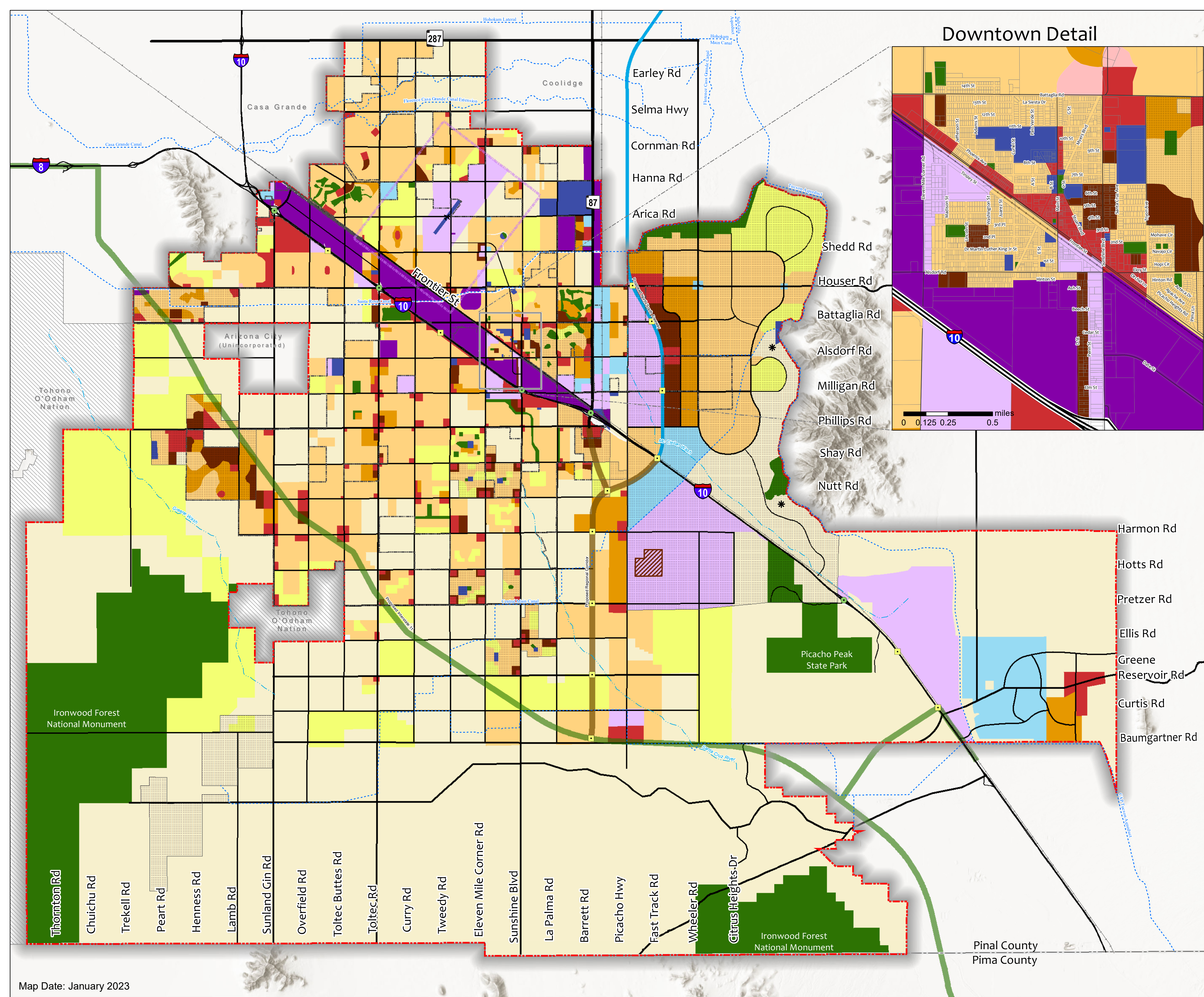
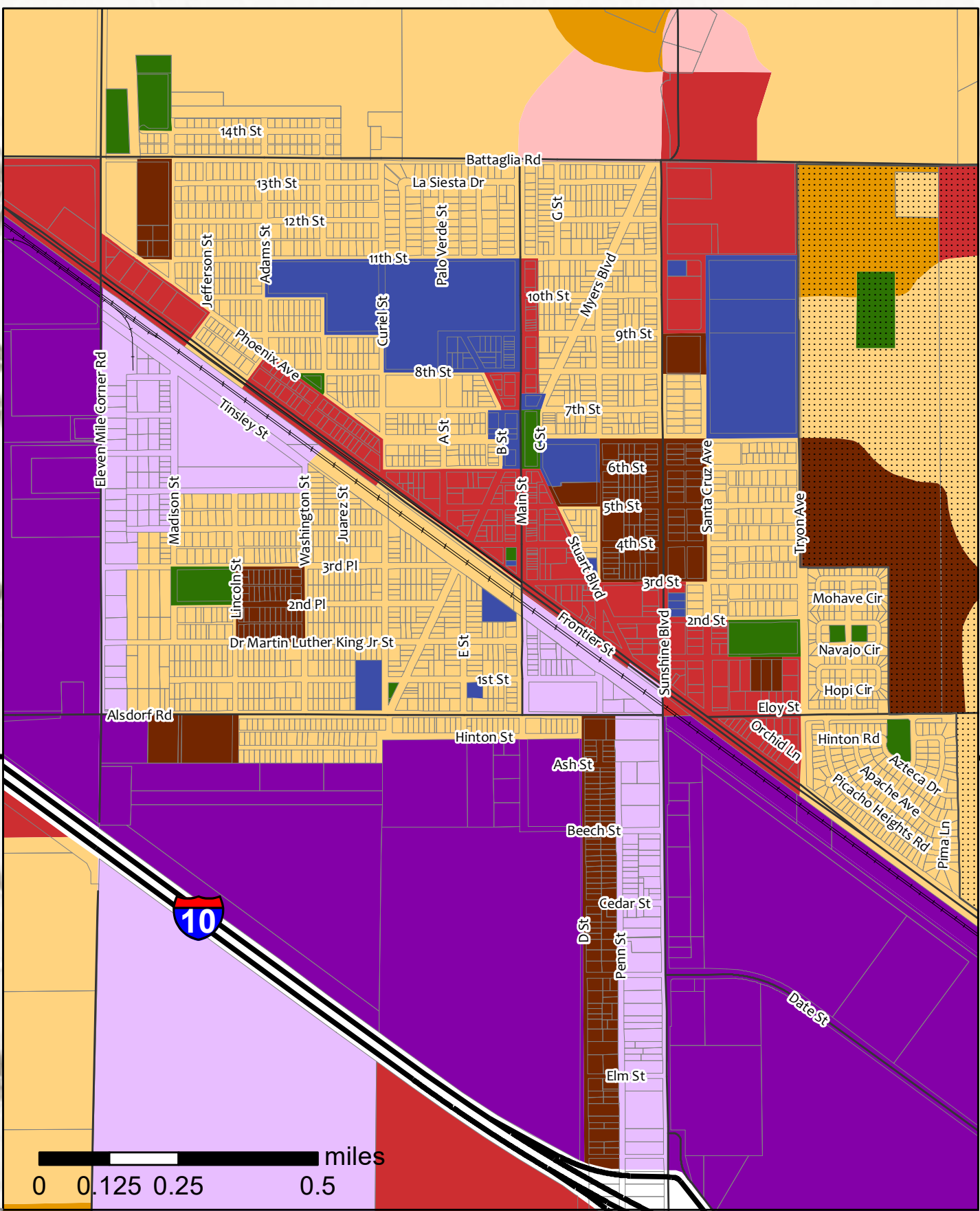


EXHIBIT D



Heather Dukes <hdukesesq@gmail.com>

Re: REZONING IN ELOY, ARIZONA - CASE CUP2023-011, RZ2023-012, SP2023-013

1 message

Heather Dukes <hdukesesq@gmail.com>

Thu, Mar 16, 2023 at 11:55 AM

To: Itsakiris@aol.com

Cc: "mbmagness3@aol.com" <mbmagness3@aol.com>, "lexi@ltrinc.net" <lexi@ltrinc.net>, "Frame, Garrett" <Garrett.Frame@kimley-horn.com>, "Moles, Richard" <richard.moles@kimley-horn.com>, "Loa-Sugihara, Kailee" <Kailee.Loa-Sugihara@kimley-horn.com>

Good afternoon. Thank you for reaching out regarding the Love's zoning and site plan applications.

I have confirmed with our engineers that the proposed improvements to Houser Road include: a new curb & gutter, 5' concrete sidewalk, and landscaping on the south/west side of the road as it abuts the Love's property.

Please let me know if you have any additional questions. Do you plan to join us at the neighborhood meeting this evening at the Eloy City Hall at 5 pm?

Sincerely,

Heather Dukes
602.320.8866

On Thu, Mar 16, 2023 at 10:19 AM <Itsakiris@aol.com> wrote:
| Will Love's be improving West Houser Road?

EXHIBIT E

AFFIDAVIT OF SIGN POSTING

The undersigned Applicant has complied with the City of Eloy's
sign posting requirements for the site located at

SWC Toltec Rd & I-10 Hwy

, on 7/31/2023

See attached photo exhibit.

Dynamite Signs, Inc.

Sign Company Name

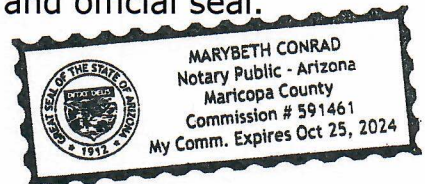
Meghan Liggett
Sign Company Representative

Subscribed and sworn to be on 7/31/2023 by

Meghan Liggett

IN WITNESS WHEREOF, I Hereto set my hand and official seal.

MaryBeth Conrad
Notary Public



My Commission expires: 10-25-24

City of Eloy Public Hearing Notice

Case Numbers: CUP2023-011, RZ2023-012, and SP2023-013

Rezoning, Conditional Use Permit and Site Plan Review Applications for a proposed truck stop with a convenience store, fueling stations, truck wash, restaurants with a drive-through, and five (5) overnight RV parking spaces.

Current Zoning: Single-Family Residential (R1-12)
Proposed Zoning: Community Commercial (C-2)

Planning & Zoning Commission Public Hearing

Date: Wednesday, August 16, 2023

Time: 6:00 PM

Location: City Council Chambers, 595 North C St., Eloy, AZ 85131

City Council Public Hearing

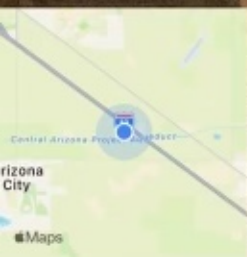
Date: Monday, September 25, 2023

Time: 6:00 PM

Location: City Council Chambers, 595 North C St., Eloy, AZ 85131

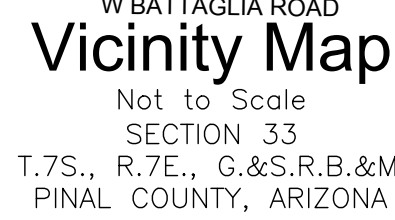
Applicant Name: Heather N. Dukes, Esq. / Phone Number: (602) 320-8866

Information Available at: City of Eloy Community Development: (520) 466-2578



Jul 31, 2023 at 5:48:41 AM
2744-2806 N Toltec Rd
Eloy AZ 85131
United States

k:\PHX_Civil\192243008 - Loves Travel Eloy\CAD\243008SP.dwg, Layout: SP1 Jun 30, 2023 - 8:22am Robert.Hammen
REFRESH: xbm xvf z1b xjt xid
WARNING: This document contains concepts and persons authorized herein, as an INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF ANY PART OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY VAULEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO VAULEY-HORN AND ASSOCIATES, INC.



PER SURVEY INNOVATION GROUP, THE BASIS OF BEARING IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 33. SAID LINE BEARS NORTH 00 DEGREES 45 MINUTES 41 SECONDS EAST.

PER SURVEY INNOVATION GROUP, THE BENCHMARK IS A
FOUND STAINLESS STEEL IRON ROD IN SLEEVE MARKED
NATIONAL GEODETIC SURVEY Q 516 1991 AT THE
SOUTHEAST CORNER OF THE INTERSECTION OF NORTH
TOLTEC ROAD AND BATTAGLIA DR.

APN: 403-23-003F
TES FARMS

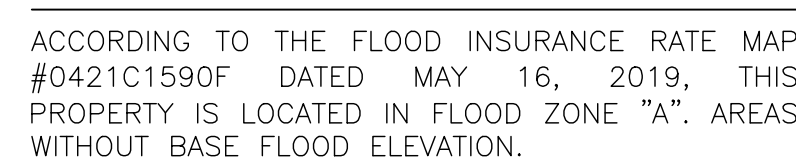
ENGINEER OF RECORD
KIMLEY-HORN AND ASSOCIATES, INC.
GARRETT FRAME, P.E.
7740 N. 16TH STREET, STE 300
PHOENIX, AZ, 85020
TEL: (602) 944-5500
GARRETT.FRAME@KIMLEY-HORN.COM

LOVE'S REAL ESTATE PROJECT MANAGER
LOVE'S TRAVEL STOPS & COUNTRY
STORES, INC.
ANTHONY BEAVERS
10601 NORTH PENNSYLVANIA AVE.
OKLAHOMA CITY, OK 73120
TEL: (405) 463-8663
ANTHONY.BEAVERS@LOVES.COM

SURVEYOR OF RECORD
SURVEY INNOVATION GROUP, INC.
JARED HANSMANN, RLS
22425 N. 16TH STREET, SUITE 1
PHOENIX, AZ 85024
TEL: (480) 922-0780
JHANSMANN@RICKENGINEERING.COM

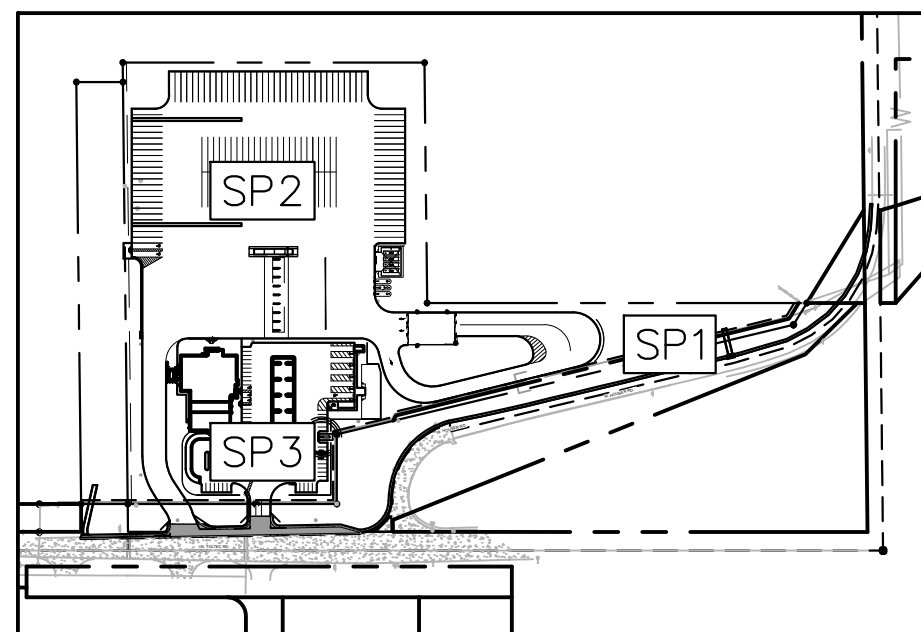
OWNER/DEVELOPER
LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC.
CHAD BURNER
10601 NORTH PENNSYLVANIA AVE.
OKLAHOMA CITY, OK 73120
TEL: (405) 463-8801
CHAD.BRUNER@LOVES.COM

1. EXISTING ZONING: R1-12, SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING: C-2, COMMUNITY COMMERCIAL
APN: 403-23-002A, 403-23-003B
EXISTING USE: VACANT
PROPOSED USE: TRAVEL CENTER/CONV. STORE/2 RESTAURANTS
2. PARKING SPACES REQUIRED: 67 SPACES
(10 PUMPS X 1 SPACE PER PUMP + 11,448 SF X 1 SPACE/300 SF)+
(1329.5 X 1 SPACE/75 SF PATRON SPACE)
PARKING SPACES PROVIDED: 67 SPACES (3 ADA PARKING SPACES)
TRUCK PARKING SPACES PROVIDED: 128 SPACES (2 ADA PARKING SPACES)
3. GROSS SITE AREA: 898,088 SQ. FT. (20.62 ACRES)
4. NET AREA: 747,054 SQ. FT. (17.15 ACRES)
5. TOTAL LOT COVERAGE:
BUILDING: 16,767 SQ. FT.
TRUCK WASH BUILDING: 6,727 SQ. FT.
AUTO CANOPY: 8,028 SQ. FT.
TRUCK CANOPY: 11,127 SQ. FT.
TOTAL: 42,649 SQ. FT.
42,649 S.F. / 747,054 S.F. = 5.7% LOT COVERAGE
6. TOTAL LANDSCAPE COVERAGE: 248,313 SQ. FT.
248,313 S.F. / 747,054 S.F. = 33.2% LOT COVERAGE

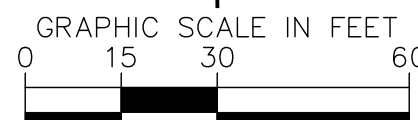
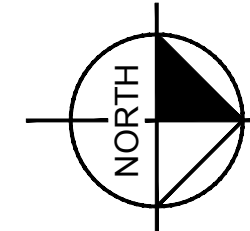


PARCEL NO. 1:
A PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER
BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33;
THENCE SOUTH 00 DEGREES 56 MINUTES 10 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF
1617.78 FEET;
THENCE NORTH 89 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 99.70 FEET TO A POINT ON THE SOUTHERLY
RIGHT-OF-WAY LINE OF I-10 HIGHWAY, THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 89 DEGREES 43 MINUTES 00 SECONDS WEST, A DISTANCE OF 946.11 FEET TO A FOUND PIN;
THENCE NORTH 00 DEGREES 57 MINUTES 19 SECONDS EAST, A DISTANCE OF 646.60 FEET TO A FOUND PIN;
THENCE SOUTH 89 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 515.20 FEET;
THENCE NORTH 00 DEGREES 56 MINUTES 10 SECONDS EAST A DISTANCE OF 813.67 FEET TO A POINT ON THE SOUTHERLY
RIGHT-OF-WAY LINE OF I-10 HIGHWAY;
THENCE SOUTH 57 DEGREES 31 MINUTES 27 SECONDS EAST, ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE
OF 54.67 FEET TO AN ALUMINUM CAP IN CONCRETE;
THENCE SOUTH 12 DEGREES 32 MINUTES 52 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF
1006.31 FEET, TO AN ALUMINUM CAP IN CONCRETE;
THENCE SOUTH 89 DEGREES 03 MINUTES 50 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF
149.43 FEET;
THENCE SOUTH 00 DEGREES 56 MINUTES 10 SECONDS WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND PARALLEL TO
THE EAST SECTION LINE, A DISTANCE OF 448.19 FEET TO THE TRUE POINT OF BEGINNING.

A PORTION OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON TOLTEC ROAD AND THE SOUTHERN BOUNDARY OF THE CARDON STATION PROPERTY LINE WHICH IS 620 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 33;
THENCE SOUTH ALONG TOLTEC ROAD, 100 FEET;
THENCE WEST 1004 FEET;
THENCE NORTH 100 FEET;
THENCE EAST 1004 FEET TO THE POINT OF BEGINNING.



KEY MAP
N.T.S.

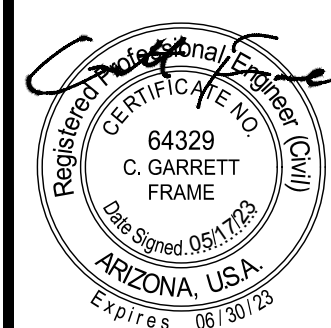


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PRELIMINARY SITE PLAN

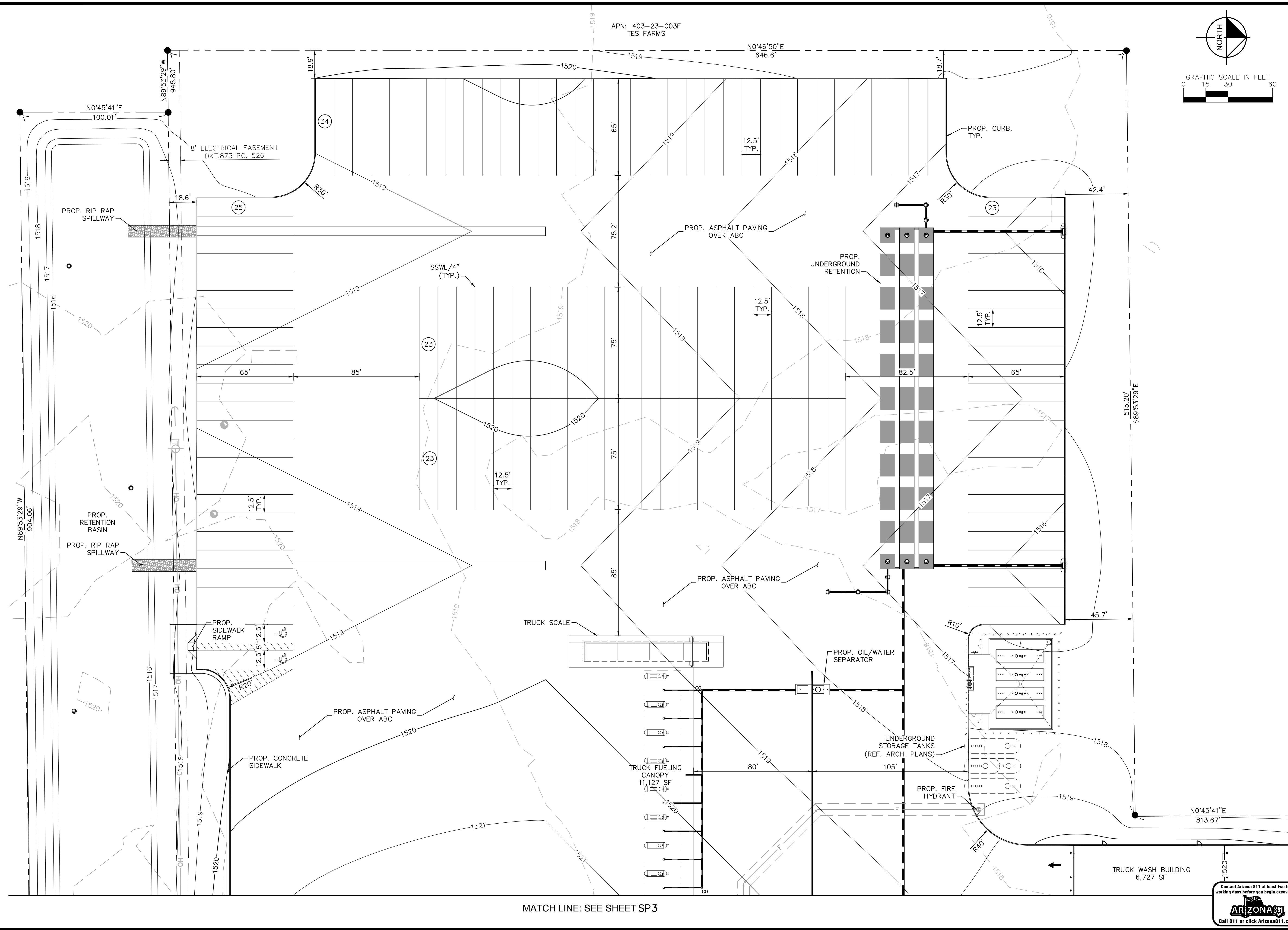
ELOY, AZ 85131

PROJECT No. 192243008
SCALE (H): 1"=30'
SCALE (V): NONE
DRAWN BY: HDO
DESIGN BY: RMH
CHECK BY: CGF
DATE: 05/17/23



SP1
1 OF 4 SHEETS

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REFRESH: XEM XVF ZIB XUT XCD
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MATCH LINE: SEE SHEET SP1

2950 N. TOLTEC RD.

PRELIMINARY SITE PLAN

2950 N. TOLTEC RD.

PROJECT No. 192243008
SCALE (H): 1"=3'
SCALE (V): NONE
DRAWN BY: HDO
DESIGN BY: RMH
CHECK BY: CGF
DATE: 05/17/23



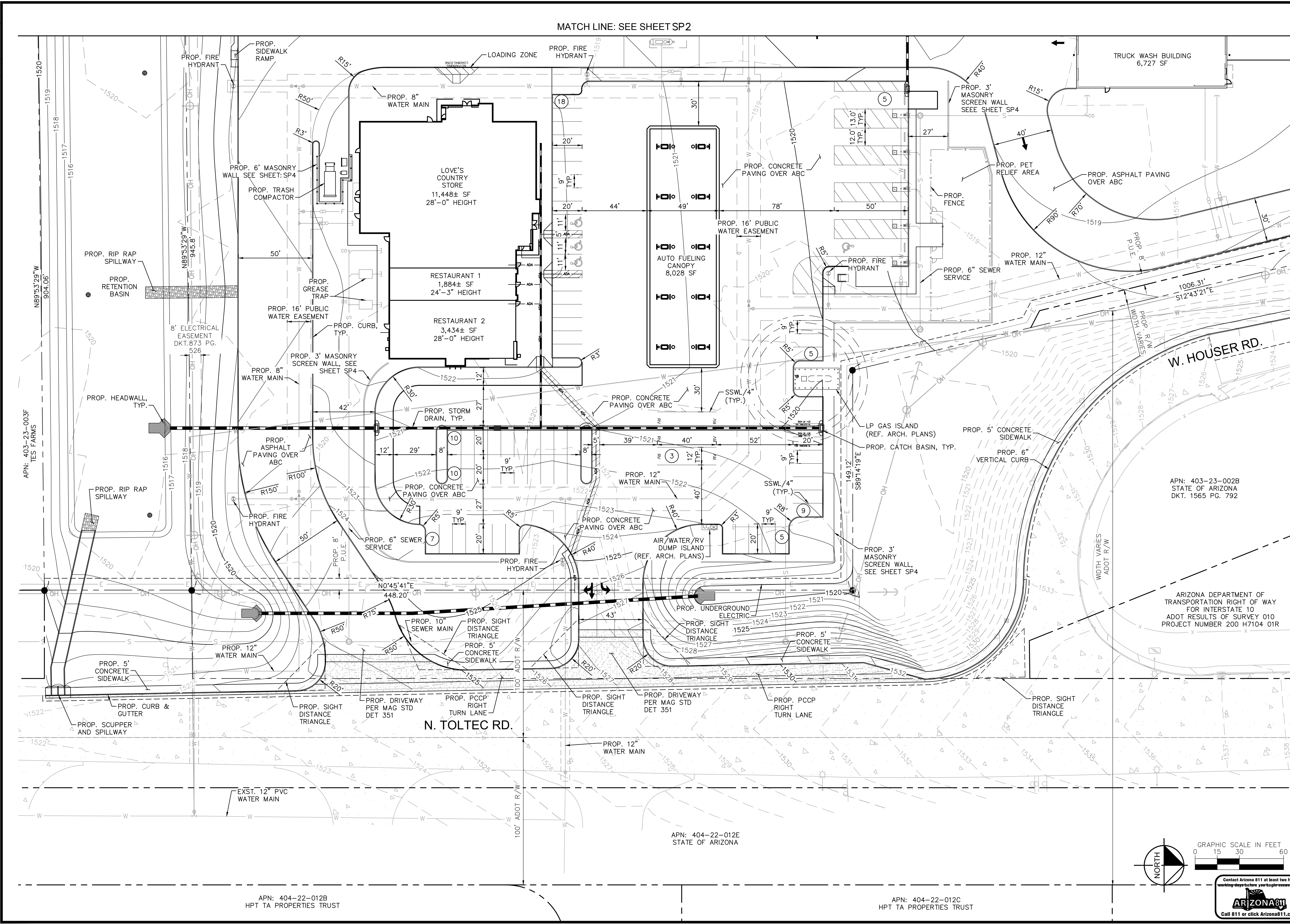
243008SP.dwg

SP2

2 OF 4 SHEETS

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 MATCH LINE: SEE SHEET SP1			
	PRELIMINARY SITE PLAN 2950 N. TOLTEC RD. ELOY, AZ 85131	PROJECT No. 192243008 SCALE (H): 1"=30' SCALE (V): NONE DRAWN BY: HDO DESIGN BY: RMW CHECK BY: CGF DATE: 05/17/23	243008SP.dwg SP3 3 OF 4 SHEETS

CITY OF ELOY **REQUEST FOR COMMISSION ACTION**

Agenda Item: **VIII.D.**

Date: **8/16/2023**

Date submitted:
07/31/2023

Action: Other

Subject: Consideration, discussion, and recommendation to the Eloy City Council for approval, approval with conditions, denial or continuance of Conditional Use Permit, Case No.: CUP2023-011. (Project Name: Love's Travel Stop)

Date requested:
8/16/2023

TO: Planning and Zoning Commission

FROM: Jon Vlaming, Belinda Cota

RECOMMENDATION:

Staff recommends that the Planning & Zoning Commission approve Case No.: CUP2023-011. (Project Name: Love's Travel Stop)

DISCUSSION:

None.

FISCAL IMPACT:

The indirect fiscal impact of this decision will allow for the design and construction of a new travel stop in the City of Eloy, which will contribute both sales and property tax proceeds to the City.