

BACKGROUND

Context

QuikTrip is requesting a Conditional Use Permit (CUP) for a 10-pump gas station associated with a 5,773 square foot convenience store proposed for the southwest corner of 95th Avenue and Olive Avenue. The 4.11 acre site is currently vacant and is located at the signalized intersection of Olive Avenue (arterial) and 95th Avenue (collector).

General Plan

The subject property is designated Low Density Residential (2-5 du/ac, target of 3 du/ac) on the General Plan Land Use Map. The Low Density Residential designation denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are desirable. Places of worship, parks, trails, open spaces, and public facilities are also compatible with this category.

Zoning

The site is zoned La Jolla Groves and La Jolla Landings Planned Area Development (PAD). The PAD is intended to provide an alternative zoning district to allow for greater flexibility in both uses and design. PADs consist of a compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, designed as an integrated unit. Gas stations are conditionally permitted within the La Jolla Groves and La Jolla Landings PAD which refers to the standards found in the Intermediate Commercial (C-2) zoning district, thereby requiring the Conditional Use Permit (CUP).

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and Zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant land	Low Density Residential	La Jolla Groves and La Jolla Landings PAD
North	Olive Avenue, then vacant land	Medium Density Residential	Intermediate Commercial (C-2)
South	Vacant land, then Single Family Homes	Low Density Residential	La Jolla Groves and La Jolla Landings PAD
East	95 th Avenue, then Single Family Homes	Estate Density Residential	Single Family Residential (R1-35)
West	Vacant land, then Outdoor Vehicle Storage	Low Density Residential	Central Commercial (C-3)

Other Related Policies and Project History

The site was rezoned in 2002 from Planned Community Commercial (PC-2) and Office Commercial (O-1), to its current designation of PAD, with underlining C-2 standards. The commercial portion of the PAD district has not been developed.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The 4.11 acre site is located at the southwest corner of 95th Avenue and Olive Avenue. The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow a gas station use.

QuikTrip operates Sunday through Saturday, 24 hours daily. According to the applicant, the site is envisioned to serve as a catalyst for future development on a vacant, infill site that has not developed in the 15 years since receiving zoning approval. The surrounding area is a mix of single-family homes, duplex units, and a self-storage facility to the west. The applicant intends to operate in a manner to ensure that adjacent businesses and homes are not negatively impacted by the proposed use.

Development Information

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|--------------------|--------------------------|
| • Existing Use: | Vacant land |
| • Proposed Use | Gasoline service station |
| • Project Acreage: | 4.11 acres |

DISCUSSION AND ANALYSIS

Applicability

The subject property is zoned La Jolla Groves and La Jolla Landings PAD. The PAD consists of a residential and commercial component. For commercial development, the PAD aligns its development standards with the Intermediate Commercial (C-2) zoning district pursuant to the Zoning Ordinance. Within the C-2 zoning district, the issuance of a Conditional Use Permit is required for a gas station use.

Section 14-39-12 *Administrative Procedures* of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Article 14-9-5-K *Non-Residential Uses* of the Zoning Ordinance provides the following limitations on gasoline service stations. Staff responses are in *italics*.

- a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.

The site has a frontage length of 415 feet on Olive Avenue.

- b. No part of any building, canopy, fuel dispenser, or accessory equipment shall be within 200 feet of any residentially zoned property.

All aspects of the business are located outside of the 200 foot separation requirement to the residential zoned property to the east of the site, across 95th Avenue. The site has addressed this by placing the majority of the parking lot on the east side of the building and canopy, creating a buffer of 235 feet. The applicant additionally has provided a tall parking lot screen wall and dense vegetation to mitigate any noise, visual, or lighting concerns.

- c. A minimum of 500 feet of separation is required between gas service stations located on the same side of the street. Gas Service Stations separated by arterial streets are not subject to this requirement.

A Circle-K gas station exists across the arterial street, Olive Avenue, thereby satisfying this requirement.

- d. All of the following development standards shall apply:

- 1) The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.

All portions of the building are located outside of this setback.

- 2) The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.

All portions of the building are located outside of this setback.

- 3) The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.

All portions of the building, fuel dispensers, accessory equipment, and canopies are located outside of this setback.

- 4) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.

All fuel pump mechanism and any accessory equipment dispensing fuel are covered by canopies.

- 5) Under-canopy mounted lights shall be flush with the underside of the canopy.

The lights are flush and the applicant has submitted a Design Review Waiver to lessen the requirement from 12 inches to 10 inches for the surrounding

fascia length. This will not cause any adverse effects into the neighboring residential homes to the east of the property.

- 6) Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 25-feet from any public street.

All tanks are located underground.

Compatibility With Surrounding Land Uses

The La Jolla Groves and La Jolla Landings PAD commercial portion has remained undeveloped since receiving zoning approval in 2002. The gas station will be located at the immediate corner of an arterial and collector intersection. A church occupies a parcel to the north of the site, a gas station to the northeast, and a large lot subdivision to the east. The remaining 12 acres of the commercial land area is available for future development. Staff does not anticipate any negative impacts that would affect adjoining or nearby uses as a result of this request nor has staff received any comments from residents or businesses in opposition to this application.

Access

The applicant has proposed two points of access onto Olive Avenue one point of access onto 95th Avenue. The driveway onto 95th Avenue is positioned between two residential homes to ensure headlights do not cause any glare into the residential homes. The eastern access point onto Olive Avenue (nearest to 95th Avenue) has been restricted to right-in, right-out only due to its proximity to the signalized intersection. The third point of access to the west of the site will allow full movement (right-in, right-out, left-in, and left-out). Additionally, this access point meanders further into the property to allow additional throat length for vehicles to queue when exiting the site and provides a centralized intersection for future development.

The applicant has agreed to increase the standard parking screen wall height from three feet (3') to four feet (4') along the eastern portion of the site to enhance screening of headlights from the parking stalls into the residences across 95th Avenue. Additionally, the applicant is proposing enhanced landscaping along this same frontage that will be maintained in a manner that will also provide dense screening and overall aesthetics. No lit banding will be allowed on the building or canopy to ensure Dark Skies compliance. The applicant has also provided a photometric plan that verifies that no light spills outside the bounds of the property.

If any issues arise regarding the operation of the business, Section 14-39-12.I of the Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that the Planning Manager may recommend to the Planning and Zoning Commission that a permit be revoked, modified, or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;

- b. The use authorized by the CUP has been exercised in violation of the conditions of approval.
- c. A change in circumstances where the following has occurred:
 1. Impacts from the approved CUP to neighboring properties; and
 2. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, no responses in support or opposition have been received.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

- The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
- The use, subject to the conditions of approval contained within this report, will operate in a manner that will not negatively impact the adjoining uses; and,
- The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0027, subject to the following conditions:

1. The development shall substantially conform to the Project Narrative (Exhibit C) and Site Plan (Exhibit D), as contained in the staff report to the Planning and Zoning Commission dated March 16, 2017.
2. Any material expansion of the use shall require an amendment to the Conditional Use Permit.
3. Per section 14-39-12.B.5 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on July 19, 2018 if the use has not been exercised or a building permit has not been obtained.

REPORT PREPARED BY

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ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Site Plan