

# Exhibit 5

## Project Narrative

### Fuel Center Conditional Use Permit (CUP) Application

## Fry's 56 Fueling Station

### CU23-03

NEC of North 83<sup>rd</sup> Avenue & West Olive Avenue  
City of Peoria  
APN No. – 142-15-534C

SUBMITTED: March 23, 2023  
UPDATED: May 5, 2023

#### OWNER

Desert Viking 83<sup>rd</sup> & Olive, LLC  
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Phoenix, AZ 85034  
ATTN: Niels Kreiphe

#### APPLICANT

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#### APPLICANT

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#### I. PROPERTY DESCRIPTION

The proposed development project is located on the northeast corner of North 83<sup>rd</sup> Avenue and West Olive Avenue in Peoria, Arizona, and consists of a single Maricopa County Assessor's parcel – APN Number 142-15-534C – which is proposed to be developed as a 7-island fuel station affiliated with a nearby Fry's Food store. The parcel is roughly square in shape with sides approximately 230 feet by 245 feet, and is a portion of Lot 2 of the final plat for "PARC @ ROUNDTREE RANCH" in Peoria, Arizona, (Recorded in Book 1467 of Maps, Page 27, Recorder's No. 2019-0471983, records of Maricopa County, Arizona) (hereinafter the "Subject Property").

Maricopa County Assessor's Office data for the property calculates the areas as 56,414 square feet or 1.295 acres.

The Subject Property is currently an undeveloped building pad immediately adjacent to the northeast corner of the intersection. The pad has been graded to remove most of the native vegetation. There are two additional undeveloped pads to the east.

The Subject Property is part of a larger Planned Area Development (PAD) (Case Z17-33), approved by the Peoria City Council on August 14, 2018, which established the zoning, land uses, and development standards for the 15.36 net acres that made up the Trellis at Roundtree Ranch project at the northeast corner of 83<sup>rd</sup> Avenue and Olive Avenue. This PAD also included the vacant property to the east of the Subject Property.

Per the approved PAD for Trellis at Roundtree Ranch, the commercial property is “Phase 2” of the overall development and was required to follow the C-2 standards of the Peoria zoning ordinance. This district is intended to provide a shopping center for the sale of convenience goods and personal services. It is intended that each development within the C-2 be contiguous and limited in scale, and generally restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The district’s regulations and development standards were designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

The proposed gas service station is a conditional use in the C-2 district, and will require a use permit approved by the City Council.

## **II. ADJACENT PROPERTIES**

The Subject Property is bound as follows:

- The parcel to the north (142-15-533) was also a part of the Trellis at Roundtree Ranch PAD, as described above, and has been developed as a large multi-family apartment complex.
- To the east are two additional undeveloped pads that were also a part of the Trellis at Roundtree Ranch PAD (142-15-534A and 142-15-534B).
- The southern property line is bounded by West Olive Avenue, a major arterial, and across Olive is a Circle K convenience store with a gas station, and east of that is an existing multi-family rental home subdivision platted as “Replat of Lot 2 of 83<sup>rd</sup> and Olive Promenade,” and marketed as “Villas on Olive.”
- To the west of the Subject Property is 83<sup>rd</sup> Avenue, a major arterial, and across 83<sup>rd</sup> is a Valero gas station and convenience store. North of the gas station is an existing multi-family rental home subdivision platted as “City Hall,” and marketed as “VLUX Peoria Heights.”
- On the southwest corner of West Olive Avenue and North 83<sup>rd</sup> Avenue, is an existing multi-family rental home subdivision platted and marketed as “Village at Pioneer Park.”

## **III. PROJECT REQUEST**

The Subject Property has been planned/developed as a fuel center, and will require the approval of this Use Permit request. That parcel’s development is proposed as follows,

- The proposed Fuel Center will be located on the south side of the parcel, with underground fuel tanks and parking to the north of the pumps and canopy. The Fuel Center will include seven (7) fuel islands under a 5,400 square foot shade canopy, a small (236 square foot) employee kiosk, and limited exterior merchandise sales. Fuel tanks will be located underground, are designed with a Stage 1 Vapor Recovery System that collects and traps any potential vapors that might escape during the fuel filling process, as well as a leak detection system. Peoria requires a Conditional Use Permit (CUP) for the development of the Fuel Center, and this narrative – as well as included CUP submittal requirements included as adjuncts as to this submittal – have been included with this submittal.
- The kiosk is a pre-fabricated building with 236 square feet of air-conditioned space. Hours of operation will be continuous (with credit card only), but an attendant will present only from 5:00am to 11:00pm. Current parking calculations for the development is 2 required spaces. A total of 2 spaces have been provided.

#### IV. DESIGN CONSIDERATIONS/DESIGN FEATURES

The following features have been incorporated into the Project design in order to make it a better fit within the surrounding residential neighborhood:

- The gas station will have four or five external sales stands – all within 8’ of the employee kiosk – for the sale of drinks, snacks and other miscellaneous items. These will have metal covers that will be locked after the operator kiosk closes at 11:00pm, after which time the gas pumps will operate only as a credit card point-of-purchase. Public restrooms access will also be provided, but will be locked after hours.
- Storm water retention will be provided in a surface basin located within the perimeter landscaping on the south side of the project, and in an underground retention basin located just north of the canopy.
- Parking lot lighting will provide nighttime customers and visitors with security and visibility, but will be directed away from surrounding businesses and roadways to meet Peoria code requirements. Lights under the canopy will be recessed into the ceiling of the canopy, not mounted externally, and the canopy façade will extend at least 12 inches below the lens of the light fixture.
- Access to the site will be provided from two drives – one accessing Olive Avenue to the south and the other accessing 83<sup>rd</sup> Avenue to the west. These driveways will be built in conjunction with the Dunkin store to the west, and that store’s development will also include two cross-access drives connecting it to the gas station site.
- Pedestrian access to the site will be via an east/west sidewalk along the north side of the project, as well as sidewalks in the right-of-way to be built in conjunction with the Dunkin store to the west.
- Colors and materials for the canopy, the screen walls, and the trash enclosure walls, will relate to, or will match, those of the adjacent Dunkin development and the multi-family project to the north.
- The site’s lot dimensions, building dimensions and setback conditions meet or exceed the conditions of the City’s Development Standards, and those of the associated PAD.

The requested CUP demonstrates compliance with the CUP evaluative criteria as outlined in Section 21-321.E of the Peoria Municipal Code as follows:

A. ***Is the use designated as a permitted Conditional Use within the zoning district in which it is located?***

Per the approved PAD for Trellis at Roundtree Ranch, the commercial property is required to follow the C-2 standards of the Peoria zoning ordinance. A Gas Service Station is a permitted Conditional Use in the C-2 district, and will require a use permit approved by the City Council.

B. ***Does the use meet the locational and developmental standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located?***

This C-2 district is intended to provide a shopping center for the sale of convenience goods

and personal services. It is intended that each development within the C-2 be contiguous and limited in scale, and generally restricted to the intersection of major arterial streets, while providing one-mile separation from other non-adjacent commercial districts. The district’s regulations and development standards were designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses. As part of a small strip of commercial property fronting a multi-family project, the gas station will support the local residential developments around it, and will share similar architectural colors and materials to the adjacent residential property, allowing it to meet the locational and developmental standards provisions of the zoning district near which the property is located.

C. ***Is the use consistent with the General Plan’s goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located?***

The use is consistent with the General Plan’s goals, policies, and intent of providing for planned communities that integrate residential and commercial activities within core areas to minimize travel time and miles and provide community needs approximate to residential users.

D. ***Is the use consistent with documentation and recommendations provided by reviewing City Departments?***

Initial Pre-Application comments from City staff have allowed that the “Gas Service Station” use is permitted with a CUP but that successful integration into the commercial center was key. Applicant has addressed all comments and believes that staff will support this application.

E. ***Does the use comply with all applicable City Codes, standards, and guidelines governing such use?***

As currently designed, the Gas Service Station use complies with all applicable City Codes, standards, and guidelines governing such use.

F. ***Will the use be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or will the use unreasonably interfere with the use and enjoyment of nearby properties?***

The Gas Service Station has been designed with a Stage 1 Vapor Recovery System that collects and traps any potential vapors that might escape during the fuel filling process, as well as a leak detection system, and it meets the requirements of Arizona Department of Environmental Quality (ADEQ). As such, these standards should ensure that the proposed use should not be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; nor should the use unreasonably interfere with the use and enjoyment of nearby properties.

These considerations include, but not be limited to the following factors:

- i. The use should create no damage or problems from noise, smoke, odor, dust, vibration, or illumination;
- ii. According to the attached TRAFFIC Impact Statement, there should be minimal impact on surrounding areas resulting from an unusual volume or character of traffic;

- iii. The two drives proposed for ingress and egress to the property is adequate;
- iv. The provided traffic study demonstrates that pedestrian and vehicular circulation, with reference to fire protection, has been provided;
- v. Parking and loading is sufficient for the use; and,
- vi. The use will have little or no Impact on public services, including schools, utilities, and recreation.

The CUP Narrative also demonstrates compliance with the Limitations on Uses Section of the Peoria Municipal code as outlined under Section 21-505.A.5 as follows:

- A. Minimum frontage of more than one hundred-eighty (180) feet on one arterial street has been provided.
- B. No part of any canopy, fuel dispenser, or fuel storage tank is within 200 feet of any single-family residentially zoned lot, not including common area tracts.
- C. A minimum of 500 feet of separation has been provided between this site and any gas service station located on the same side of the street and same side of the intersection.
- D. All of the following development standards have also been met:
  - i. All fuel pump mechanism and any accessory equipment dispensing fuel will be covered by canopies.
  - ii. Lights mounted under the canopy will be flush with the underside of the canopy, and the canopy will extend at least 12 inches below the lens of the light fixture
  - iii. All of this station’s fuel tanks will be located underground.

## **V. CONCLUSION**

Approval of the proposed Conditional Use Permit and Site Plan Review will provide no unusual or detrimental impacts on public health, safety, or welfare. No smoke, dust, vibration, or odor issues are anticipated for these uses. Any noise created will be minimal and will be consistent with the PAD’s anticipated use. The Applicant believes this project will meet current ordinances and design guidelines, is compatible with neighboring development, and will be of benefit to the citizens of Peoria.