

7-Eleven at Olive & 67th

Conditional Use Permit Narrative

Case Nos. CU24-07



WITHEY
MORRIS
BAUGH

A. Introduction

DeRito Partners, Inc. (“DeRito”) proposes to redevelop approximately .92-acres located at the immediate northwest corner of Olive Avenue and 67th Avenue (the “Property”), which is otherwise commonly known as Maricopa County Assessor’s Parcel Number (APN) 143-11-675 (the “Property”). See **Tab 1, Site Aerial Map**. The Property is located at an arterial-to-arterial intersection with commercial uses surrounding it. Specifically, the Property is part of the larger Olive Plaza commercial shopping center, which features a range of shops and service-based retail options. The Property is currently developed with a single building containing two tenants including a pawn shop and 7-Eleven convenience store, with no fueling pumps. As part of 7-Eleven’s modernization program, this Property is envisioned for redevelopment with a new, modern 7-Eleven convenience store with gas service station facilities.

With zoning in-place for the Property, this request is for a conditional use permit (“CUP”) and site plan approval for a convenience store and gas service station facility proposed for the Property, as described herein.

B. Site Overview

The City of Peoria General Plan designates the Property is “Commercial”. A convenience store with gas service station facility, as a commercial use, conforms to the General Plan designation for the Property. The Property is zoned Intermediate Commercial District (C-2). The proposed gas service station is permitted in the C-2 District, subject to approval of a CUP.

The Property is located at an arterial-to-arterial intersection, with existing commercial uses at each intersection corner. The surrounding land uses and zoning districts are as follows:

North: Commercial Shopping Center with an A-1 Auto Care (C-2 Zoning District)	East: Walgreens (City of Glendale / C-2)
South: Shell Gas Station (City of Glendale / C-2)	West: Commercial Shopping Center (C-2 Zoning District)

C. Project Overview

The conceptual site plan illustrates a well-organized site layout aimed at functionality and accessibility. The site plan features a 4,848-square-foot convenience store building, in addition to a dedicated fuel canopy covering eight (8) multi-product dispensers, each accessible from two points. The gas canopy area is shown as approximately 2,968 square feet and is located toward the south end of the Property. The conceptual site plan identifies 15 required and provided parking

spaces, meeting the city requirements for parking. Parking will be screened with a CMU parking screen wall, as appropriate. Access to/from the Project is proposed via a shared driveway along Olive Avenue and one (1) access drive along 67th Avenue, however vehicular cross-access with the larger Olive Plaza shopping center will also be maintained to ensure vehicular connectivity to the balance of the center.

The proposed building elevations reflect a contemporary architectural style, intended to integrate seamlessly with the surrounding environment while providing a modern, timeless design. The building elevations showcase a variety of high-quality, durable materials, including fiber cement panels in a cedar finish, enhancing warmth and visual appeal. A sophisticated color palette complements the building textures, contributing to a refined and cohesive appearance.

The building features clean lines and an organized layout, with well-defined parapets that vary between heights of 21' 8" and 26'-0", ensuring a balanced, proportional structure that enhances the visual appeal of the building. A black aluminum storefront with large windows provides transparency and an inviting atmosphere, fostering engagement with passersby.

The gas service station canopy and refuse enclosure are architecturally integrated with the primary building, to ensure consistency through matching colors and materials. The aluminum canopy, finished in matte black, provides shelter from the elements, and a sleek profile.

D. Gas Service Station Requirements

Section 21-505 of the Peoria Zoning Ordinance provides specific requirements that must be met for gas service stations. The proposed development complies with the requirements as provided below.

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

This requirement is met as the proposed development has approximately 200.03 feet of frontage along both arterial street frontages.

b. No part of any canopy, fuel dispenser, or fuel storage tank shall be within 200 feet of any single-family residentially zoned lot, not including common area tracts.

This requirement is met. The nearest single-family residential lot is located to the southwest of the Property, across Olive Avenue. The minimum distance from any on-site canopy, fuel dispenser, or fuel storage tank to the nearest single-family residential lot is 205 feet (**Tab 6**). There is an even greater separation between the development and nearest property to the northeast, given the distance of right-of-way and orientation of gas service station facilities within the south portion of the Property.

- 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.**

This requirement is met. There are no other gas service stations within 500 feet on the same side of the street(s).

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

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

This requirement is met, as illustrated on the enclosed conceptual site plan.

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

This requirement will be complied with.

- 3) 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.**

Fuel tanks will be located underground and will comply with all local and state requirements.

E. Conditional Use Permit Analysis

As noted above, the proposed project will contain gas service station facilities. Section 21-321.E. of the Peoria Zoning Ordinance requires specific criteria to be met for approval of a CUP. The development meets the criteria for approval, as outlined below.

- 1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.**

Gas service station uses are permitted conditional uses within the C-2 District, the governing zoning district for the Property. Thus, the correct zoning is established for the proposed use at the Property.

- 2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.**

As noted above in Section D, the use meets the locational and development standards applicable to gas service stations, including separation distances from residential and other gas service station uses.

3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.

The Property is part of the larger existing Olive Plaza shopping center, which provides a wide variety of goods and services for the surrounding neighborhoods and meets the intent of the General Plan. The proposed use meets several goals and policies of the General Plan, including:

- LUC-3 Integrate a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, and other community amenities.
- SC-4 Maximize opportunities for shade and appropriate pedestrian refuge while minimizing the potential for nuisance activity.
- 2.6 Goals: 7. Business Expansion and Retention: Grow the economy and employment base by supporting efforts to expand, scale and retain local businesses.

4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.

The development has been coordinated with city staff to ensure consistency with the city's reviews.

5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.

The proposed development will comply with all applicable city codes, standards, and guidelines.

6. Whether the use will 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 if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:

As a traditional commercial use located at an arterial-to-arterial intersection within an existing shopping center, the use will not be materially detrimental to the health, safety, or general welfare of persons residing or working in the area, or to the public welfare. The proposed development is a redevelopment opportunity which will be an upgrade from the dated structure on-site today. Additionally, as described herein, the use meets the separation requirements from residential and any other gas service station.

a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;

The Property is located within an existing shopping center at an arterial intersection. As such, it is not anticipated that noise, smoke, odor, dust, vibration or illumination will exceed the ambient condition that exists today.

b. Impact on surrounding areas resulting from an unusual volume or character of traffic;

The Property is already developed today with a convenience store; the addition of fueling pumps will provide convenience for those who live or work nearby, as well as commuters who already traverse a route of travel by the site. In addition, the Property does not have any direct access to surrounding neighborhoods.

c. Ingress and egress to the property and proposed structures;

Ingress and egress have been coordinated with the overall shopping center and comply with the City's requirements.

d. Pedestrian and vehicular circulation with particular reference to fire protection;

Site circulation has been designed with fire safety and protection in mind; the site will comply with the City's requirements for fire protection.

e. Parking and loading; and,

Parking and loading have been designed in accordance with the City's requirements.

f. Impact on public services, including schools, utilities, and recreation.

As a commercial redevelopment, the Property already has access to pertinent public services and utilities. This request will not generate impacts on schools or recreation as it is not a residential request.

F. Summary

This proposal, which offers a contextually appropriate, in-demand use at a high-traffic arterial intersection, is consistent with General Plan policies and zoning for the Property. The proposed use will provide an opportunity for redevelopment of the Property with a quality, timeless convenience store and gas service station use that will service the surrounding area and passerby traffic.

Tab 1



Site Aerial Map

<https://www.wmbattorneys.com/>



