



PLANNING & ZONING COMMISSION

STAFF REPORT

Meeting Date: 06/05/2025

Agenda Item(s): 2C

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Sarah Dircks, Senior Planner
SUBJECT: 7-Eleven on Olive and 67th Avenue: Conditional Use Permit (CU24-07)
6720 W Olive Ave, Peoria 85345

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow for a new Gas Service Station to replace the current convenience store on an existing commercial site.

APPLICATION INFORMATION

Case Numbers	Conditional Use Permit (CU24-07)
Applicant	Adam Baugh of Withey Morris Baugh PLC on behalf of the Dimension Group
Request(s)	Approval of a Conditional Use Permit (CUP) to allow the operation of a Gas Service Station

LOCATION AND CONTEXT

SUBJECT SITE

The subject site is located at 6720 W Olive Ave, Peoria 85345, as shown in more detail in **Exhibit 2**. The site is located on an approximately 1 acre existing commercial pad site within the Olive Plaza Commercial Center, which is located on the northwest corner of Olive Avenue and 67th Avenue.

CONTEXT:

To the north of the subject site is a collection of in-line commercial suites within the Olive Plaza composed of a variety of uses including retail, restaurant, personal service, professional office, and an auto service establishment, followed by multi-family residential and self-storage. To the east is 67th Avenue, followed by the City of Glendale's jurisdictional boundary which includes a Walgreens pharmacy and convenience store and Royal Shadows mobile home subdivision. To the south is Olive Avenue, followed by the City of Glendale's jurisdictional boundary which includes a fueling station, car wash, and single family residential. To the west is the remainder of the Olive Plaza Commercial Center followed by the Hacienda del Sol townhome subdivision.

APPLICANT'S PROPOSAL

The subject site is currently developed with a 7-Eleven convenience store and Super Pawn pawnshop. The existing 7-Eleven does not have a fueling station. Hence, the applicant is seeking to modernize the current location by redeveloping the existing site. This would result in the demolition of the existing building, removal of the pawnshop use, and constructing a new gas station and convenience store. There is a companion application for a Site Plan (SP24-36) currently under administrative review by City staff to

establish the finite details of the site layout and building elevations. The conceptual layout of the new fueling station is shown in **Exhibit 4**. The anticipated elevations are identified in **Exhibit 5**. These plans are currently under administrative review and may be subject to further refinement.

DEVELOPMENT INFORMATION:

<u>Existing Use:</u>	Pawn Shop and Convenience Store
<u>Proposed Use:</u>	Gas Service Station
<u>Development Site:</u>	Approximately 1 acre
<u>Building Size:</u>	Approximately 4,800 square feet
<u>Hours of Operation:</u>	24 hours, daily

STAFF ANALYSIS

ZONING HISTORY AND PROPERTY DEVELOPMENT:

The property was annexed into the City through Ordinance 121, on November 23, 1971. The property was rezoned from *General Agriculture (AG)* to *Intermediate Commercial (C-2)* on June 24, 1980, through ORD 80-35. The center was developed shortly after 1986.

APPLICABILITY:

Within the Section 21-503 of the City of Peoria Zoning Ordinance the *Intermediate Commercial District (C-2) Zoning District* lists the permitted, conditional, or accessory uses for that district. Within the C-2 Zoning District the ‘*Gas Service Station*’ is a conditionally permitted use.

CONDITIONAL USE PERMIT:

The purpose of a Conditional Use Permit is to ensure that the physical and operating characteristics inherent with the land use have been sufficiently resolved or mitigated, optimizing compatibility with the surrounding area, and that the use is not injurious to the health, safety, and general welfare of the community.

Within the C-2 Zoning District, a Gas Service Station requires a Conditional Use Permit. The use must operate in compliance with the review criteria and special limitations set forth in the Peoria Zoning Ordinance. Staff’s review for compliance with Zoning Ordinance and overall examination of the project characteristics are outlined below:

Review Criteria:

Section 21-155 of the Peoria Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. The Planning and Community Development Department shall review applications and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria:

1. The use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. The use meets any conditions which are deemed necessary to mitigate potential impacts and ensure compatibility of the use with surrounding development and the City as a whole, and which are required to preserve the public health, safety, and general welfare.
3. The City has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

Limitations on Uses:

The following are the regulatory criteria specific to the proposed use, found in Section 21-505.A.5.a through d.3 of the City of Peoria Zoning Ordinance as well as the City staff analysis for compliance with the applicable regulation:

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

Both Olive and 67th Avenues are arterial roadways. The street frontage along both arterials is approximately 200 linear feet, therefore the use complies with this requirement (Exhibit 4).

- 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.

The nearest single-family residential lot is located to the southwest of the Property, across Olive Avenue. The distance from the on-site facilities to the nearest single-family residential lot is approximately 205 feet, therefore the use complies with this requirement (Exhibit 3).

- 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.

The closest gas service station is an existing Shell gas station located on the southeast corner of Olive Avenue and 67th Avenue. The proposed gas station is separated by an arterial roadway; therefore it is not subject to a minimum of 500 feet separation requirement. The next closest gas station is located 1 mile away, across an arterial roadway.

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

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

An approximately 2,900 square foot canopy is proposed to cover all fuel pump mechanisms and any accessory equipment dispensing fuel.

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

The companion site plan application (Case #SP24-36), is currently under review. As shown in the conceptual elevations, the canopy lighting will be recessed or flushed under the canopy (Exhibit 5).

- 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 underground. Tanks will not be above ground or visible from a public street as identified in Exhibit 4.

CONTINUING JURISDICTION

The purpose of the Conditional Use Permit requirement for Gas Service Stations is to ensure compatibility with the surrounding area. The proposed establishment will be developed in accordance with the special limitations identified within Section 21-505 of the Peoria Zoning Ordinance.

If any issues arise regarding the operation of the business, Section 21-155.K 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 may be revoked, modified, or suspended should any of the following occur:

1. The permit was obtained by fraud or misrepresentation;
2. The use authorized by the permit has been exercised in violation of the conditions of its approval;
3. A change in circumstances consisting of any of the following has occurred:
 - a. Impacts from the approved conditional use to neighboring properties.
 - b. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
4. The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.
 - a. Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications.

COMMUNITY INVOLVEMENT

Public Noticing:

The application was properly noticed pursuant to the Section 21-146 of the Peoria Zoning Ordinance , which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of 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, Staff had not received written opposition or support.

KEY FINDINGS

1. The request is allowed within the Intermediate Commercial (C-2) Zoning District subject to approval of a Conditional Use Permit;
2. The proposal meets the special limitations identified within Section 21-505 of the City of Peoria Zoning Ordinance;
3. When operated in accordance with the recommended conditions of approval, the use is not expected to have an impact on adjacent properties; and
4. On behalf of the owner, the applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

RECOMMENDATION

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

Approve the applicant's request for a Conditional Use Permit under Case CU24-07, subject to the attached Exhibit 1 Conditions of Approval.

STAFF CONTACT

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