



PLANNING & ZONING COMMISSION

STAFF REPORT

Meeting Date: 8/21/2025

Agenda Item(s): 2C

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Elias Valencia, Senior Planner
SUBJECT: Grand Avenue Fuel Station: Conditional Use Permit (CU25-08)
SWC of Grand Ave and 85th Ave

PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow for a new Gas Service Station.

APPLICATION INFORMATION

Case Numbers	Conditional Use Permit (CU25-08)
Applicant	Kat Alvarez
Request	Approval of a Conditional Use Permit (CUP) to operate a new Gas Service Station.

BACKGROUND AND CONTEXT

The proposed Gas Service Station would be located on a vacant parcel. The subject parcel contains a zoning designation of Intermediate Commercial (C-2). C-2 is the most common commercial zoning district designated on properties at arterial/arterial intersections within the city, and serves to provide common commercial goods and services within proximity to the residential area they serve. The subject parcel has served as ancillary parking for the surrounding commercial uses since its initial development in the early 1970s. The subject site abuts and utilizes shared access with the surrounding retail center.

CONTEXT:

North and east of the subject site is Grand Avenue and the BNSF rail line followed by Peoria Highschool. Abutting the site to the southeast is 85th Avenue followed by the K-May Donuts which is part of a largely vacant commercial center. To the South there is a vacant commercial parcel. West of the site is an existing Goodwill retail store and donation center (**Exhibit 2**).

APPLICANT'S PROPOSAL

The applicant is requesting to operate a Gas Service Station. The proposed gas station will have a drive through and fuel canopy for six gas pumps. Access to the site is provided via shared access driveways from both Grand Avenue and 85th Avenue. The Gas Service Station will operate 24 hours a day, 7 days a week, as described within the applicant's Project Narrative (**Exhibit 7**).

DEVELOPMENT INFORMATION:

<u>Existing Use:</u>	Vacant
<u>Proposed Use:</u>	Gas Service Station
<u>Development Site:</u>	Approximately 1.5 acres
<u>Development Size:</u>	Approximately 5,000 square foot Gas Service Station convenience store

STAFF ANALYSIS

ZONING HISTORY AND PROPERTY DEVELOPMENT:

The property was annexed into the City through Ordinance 47, on January 10, 1961. In 1976, the subject site was designated Intermediate Commercial (C-2) through Ordinance 211. Besides being used as a parking lot for an adjacent development that has since been demolished, the site has remained as a parking lot since initial development in the early 1970s.

APPLICABILITY:

Gas Service Stations are a conditionally permitted use within the C-2 Zoning District. As such a Conditional Use Permit (CUP) is required prior to development and operation. The City of Peoria Zoning Ordinance also prescribes Special Limitations outlined in Section 21-505.A.5 specific to the use in question. Those limitations on uses are discussed more specifically in the *Limitations on Uses* section of this staff report.

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.

Staff's review for compliance with the 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 Zoning Administrator or designee shall review applications and make a recommendation for approval or denial to the Planning and Zoning Commission based on the criteria identified in this Section:

1. The proposed use is consistent with the General Plan and all applicable provisions of this Zoning Ordinance, and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and meets any applicable use-specific standards within this Zoning Ordinance;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
6. Adequate assurances of continuing maintenance have been provided; and
7. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

LIMITATIONS ON USES:

Section 21-505.A.5 of the Peoria Zoning Ordinance sets the following limitations on Gas Service Stations. City staff responses identifying whether the site complies with these limitations is identified below the requirement in *italics*.

- a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.
The subject site exceeds this requirement via its Grand Avenue frontage.
- 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 residentially zoned lot is approximately 900 feet away across Grand Avenue.
- 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.
There are no Gas Service Stations located on the same side of the street.
- 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.
All proposed fuel pumps will be covered by a fuel canopy.
 2. Under canopy mounted lights shall be flush with the underside of the canopy.
The proposed lighting will meet the applicable flush mount requirement and will be reviewed as a part of the applicable Site Plan review (companion case SP25-12).
 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.
No above ground fuel tanks are proposed for the subject site.

CONTINUING JURISDICTION

The purpose of the Conditional Use Permit requirement for Gas Service Stations is to ensure compatibility with the surrounding area. As referenced above staff has reviewed the proposed development to ensure compliance with all applicable criteria and special limitations.

If any issues arise regarding the operation of the facility, Section 21-155.L.1.a of the Zoning Ordinance provides the Zoning Administrator with continuing jurisdiction over all Conditional Use Permits. This means that the Zoning Administrator 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.

COMMUNITY INVOLVEMENT

Public Noticing:

The application was properly noticed pursuant to Table 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 proposal meets the Conditional Use Permit standards and applicable special limitations within the Peoria Zoning Ordinance.
2. When operated in accordance with the recommended conditions of approval, the use is not expected to have an impact on adjacent properties.
3. On behalf of the owner, the applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined in **Exhibit 1**.

RECOMMENDATION

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

Approve the Conditional Use Permit under Case CU25-08, subject to the Conditions of Approval identified within Exhibit 1.

STAFF CONTACT

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