



City of Prescott

Board of Adjustment

February 15, 2024 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Board of Adjustment** at their meeting to be held **February 15, 2024**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION & ACTION ITEMS**
 - A. Approval of the January 18, 2024 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve the minutes as presented
 - B. **CUP23-006:** Land Development Code (LDC) Sections 4.8 & 9.3. Request for a Conditional Use Permit for Quik Trip Fueling Station & Convenience Store. Zoning: BR (Business Regional). Location: APN 112-05-058b, 2280 E State Route 69 Prescott, AZ 86301. Property Owner: Sarti Properties Limited. Applicant: Kimley Horn and Associates. Staff: Kaylee Nunez, Community Planner.
Recommended Action: MOVE to approve, approve with conditions, or deny CUP23-006
4. **STAFF UPDATES**
5. **ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations

(A.R.S. §38-431.03(A)(5));

(6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));

(7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 2/8/24 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.



Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: February 15 Board of Adjustment
DATE: February 15, 2024
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the January 18, 2024 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the January 18, 2024 Board of Adjustment Meeting. Staff recommends approval of the minutes as presented.

BACKGROUND

None

FINANCIAL IMPACT

There is no fiscal impact at this time.

RECOMMENDED ACTION

MOVE to approve the minutes as presented

ATTACHMENTS

1. January 18, 2024 BOA Minutes



City of Prescott

Board of Adjustment

January 18, 2024 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chair Jim Lamerson called the meeting to order at 9:00 A.M.

2. ROLL CALL

Jim Lamerson, Chair
Tony Teeters, Vice Chair
James Myers, Member
Mark Hokeness, Member
Miriam Haubrich, Member
Mary Frederickson, Member
Tom Davis, Member

3. DISCUSSION & ACTION ITEMS

- A. Approval of the November 16, 2023 Board of Adjustment Meeting Minutes.

MOTION BY BOARD MEMBER HOKENESS TO APPROVE NOVEMBER 16, 2023 MINUTES; SECONDED BY BOARD MEMBER MYERS: PASSED (7 - 0)

- B. **V23-017** - Variance to Article 3, Section 3.3.3.F (SF-35/Minimum Setbacks) of the Land Development Code (LDC) to Allow a Reduction of the Required 12' Side Setback by 7' to Allow for a 5' Side Setback for a New Garage on a 0.51 Acre Parcel. Zoning: SF-35 (Single-Family-35 Density). Property Owner: M/C Stockstell Family Trust. Applicant: Prescott Engineering LLC. Location: APN 108-13-073C, 810 Kopavi Trail.

Tammy DeWitt, Community Planner presented a zoning map and stated that the subject property is located in an SF-35 zoning district. She stated that there are only seven properties that have the SF-35 zoning, which requires a twelve foot side setback. The properties to the north are zoned SF-9 and only require a seven foot side setback.

Ms. DeWitt presented an aerial view of the property and stated that to the north is a section that was part of a right-of-way but is now a part of the applicant's property. He is proposing to build a garage in that area due to other constraints on the property.

Ms. DeWitt stated that notices were sent to property owners within 300 ft of the subject property. She presented a map showing other properties in the area that have requested variances. She stated that the applicant provided three letters of

support from adjacent property owners.

Ms. DeWitt presented a site plan showing site topography and rock outcroppings as well as a sewer line that starts at the north and goes down to the house.

Ms. DeWitt stated that the applicant is asking for a five foot side setback for two reasons:

1. The sewer line runs adjacent to the house and they are trying to avoid it.
2. The property is in the Wildland Urban Interface, which requires a ten foot building separation. They would need the five foot setback to meet the ten foot building separation requirement.

Ms. DeWitt presented photos of the property to show where the garage is being proposed. She stated that the house is on a dead end street so it will not impact anyone else in the area.

Ms. DeWitt stated that the applicant provided three letters of support, staff received one additional letter of support and one letter of opposition was received. The letter of opposition voiced concern that the garage would block a trail. Ms. DeWitt stated that there is no trail through there.

Board Member Frederickson asked why the group of seven residences are zoned SF-35 larger setbacks required as opposed to matching the surrounding zoning.

Ms. DeWitt stated that she believes that when the property was annexed into the City of Prescott, SF-35 zoning was similar to the County zoning. She stated that when property is annexed into the city, they choose similar zoning to the County that maintains the lot size and setbacks unless they ask for a rezoning.

Board Member Frederickson stated that the letter of opposition talked about the trail and wondered if the trail is still there.

Ms. DeWitt stated that there is not a trail there anymore.

Board Member Hokeness asked if staff received opposition from the vacant property adjacent to the subject property.

Ms. DeWitt stated no they did not.

Board Member Davis pointed out an RV in one of the photos and asked if the garage would go in that location.

Ms. DeWitt stated confirmed that is the approximate location of the garage.

Board Member Davis asked why the garage is not attached to the home and if it is because of the sewer line.

Ms. DeWitt stated that it is proposed to be a detached garage. There are terrain issues that would prevent them from attaching it as well as the sewer line in the

area.

Board Member Davis stated that it is possible that the structure would be in the seven feet that was shown one of the site plans.

Ms. DeWitt stated that they need to move the garage two feet to maintain the ten feet building separation required by the Fire Department.

Board Member Davis asked if that is for sure.

Ms. DeWitt stated that it is required by the Fire Department because it is in the Wildland Urban Interface.

**MOTION BY BOARD MEMBER FREDERICKSON TO APPROVE V23-017;
SECONDED BY BOARD MEMBER DAVIS: (7 - 0)**

4. STAFF UPDATES

There are no staff updates.

5. ADJOURNMENT

There being no further business to discuss, Chair Lamerson adjourned the meeting at 9:14 A.M.

JIM LAMERSON, Chair

ATTEST:

SARAH HILTON, Recording Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: February 15 Board of Adjustment
DATE: February 15, 2024
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **CUP23-006:** Land Development Code (LDC) Sections 4.8 & 9.3. Request for a Conditional Use Permit for Quik Trip Fueling Station & Convenience Store. Zoning: BR (Business Regional). Location: APN 112-05-058b, 2280 E State Route 69 Prescott, AZ 86301. Property Owner: Sarti Properties Limited. Applicant: Kimley Horn and Associates. Staff: Kaylee Nunez, Community Planner.

ITEM SUMMARY

REQUEST:

This request seeks a Conditional Use Permit (CUP) for a fuel dispensing facility. Per Land Development Code (LDC) Section 2.3/Land Use Table, Service Stations (Gas) are allowed in the Business Regional (BR) zoning district by CUP.

In compliance with LDC Section 9.1.2/Common Procedure - Pre-Application Conference, and Section 9.3.3/Conditional Use Permits - Conditional Use Application Process, the applicant completed a meeting with staff prior to submitting the CUP application for the proposed use at this site and has met all other requirements of Section 9.1/Common Procedure.

PROPOSED USE:

The applicant proposes a convenience store & fueling facility with associated parking, lighting and landscaping.

CONDITIONAL USE REVIEW CRITERIA:

Conditional Uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A Conditional Use Permit may be granted only when the Board of Adjustment finds the proposal meets the general criteria, as detailed in LDC Section 9.3.5/Conditional Use Review Criteria.

Section 9.3.5.A. Effect on Environment

“The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.”

The proposed fueling station and convenience store have exceeded setback requirements and the site plan proposes ample buffering on the northern end of the parcel (to protect adjacent residences in Prescott Canyon Estates). Landscaping shown exceeds code requirements. The design submitted at permitting will also be required to meet the architectural guidelines and colors required by the Commercial Corridor Overlay district.

Section 9.3.5.B. Compatible with Surrounding Area

“The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious

with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like.”

As referenced in Section 9.3.5.A, the property is located in a Commercial Corridor Overlay District, which has additional development criteria related to architectural design and colors allowed, making it more compatible with surrounding development. The installation of double stack pumps aims to minimize customer wait times and shorten queue lines as well as the presence of a separate egress point through Holiday Dr (Lowe’s entrance).

At the time of building and engineering permit application submittals, the landscaping, site layout, circulation, and structure dimensions and setbacks will be reviewed in detail by staff for compliance with all codes and standards.

Section 9.3.5.C. External Impacts Minimized

“The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation response to these impacts.”

The site is off an existing, busy highway commercial corridor and will be providing services to existing traffic so additional noise/traffic impacts are expected to be negligible. Light trespass will be mitigated by following requirements set forth by LDC Section 6.11 (Outdoor Lighting).

Section 9.3.5.D. Infrastructure Impacts Minimized

“The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.”

Site ingress will be taken by a right only off Highway 69, egress will occur to the east via the existing Lowe’s entrance (which is signalized). Water and gas front the property and sewer will be extended through the northeast corner to connect to the main to the north of Lowe’s. Engineering and Building permit review by all applicable City staff will ensure compliance with all infrastructure regulations and standards.

Section 9.3.5.E. Consistent with General Plan and Code

“The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for locating the use in an area where it is only conditionally allowed.”

The proposed use, with Conditional Use Permit, is in conformance with the purposes of the LDC and General Plan, and all relevant policies and plans. Service Stations (Gas) are allowed by Conditional Use Permit in the Business Regional (BR) zoning districts and the area is designated Commercial by the General Plan Land Use Group map.

Section 9.3.5.F. Parcel Size

“The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the affected zoning district.”

This proposed use will not have impacts requiring additional land area; the proposed lot coverage is low at approximately 18%. As referenced in Section 9.3.5.A, setbacks are beyond what is required and provide ample distancing from the adjacent, northern residential development.

Section 9.3.5.G. Site Plan

“The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.”

The applicant has attended the required Pre-Application Conference. In-depth staff reviews will take place at the time of the building and engineering permit application submittals.

Section 9.3.6. Additional Conditions

“The Board of Adjustment may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use.”

Section 9.3.7.C. Expiration/Revocation of Approval

“The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an ongoing condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8.A.”

Section 9.3.8. Appeal

“An appeal from any final decision regarding a Conditional Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.”

Historic Preservation:

The site is not located within a Local or National Historic Preservation Register district. An archaeological survey of the site was performed in 1995 as part of Section 106 requirements for SR-69 requirements. Sites were found but no mitigation was required/recommended.

STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for a Fueling Station & Convenience Store at the proposed location, with the details proposed and summarized in this report.

NEIGHBORHOOD COMMENTS:

Staff sent mailings to all properties within a 500 ft buffer on 2/1/24. The Board will be apprised of any public comments via email ahead of the meeting or at the meeting itself if the commentary is received shortly before the meeting.

BACKGROUND

SITE INFORMATION:

The existing site is approximately 5 acres, is currently vacant and is bordered by [Yavapai] County land to the north. The project proposes a new, 5213 square foot convenience store and a 7287 square foot fueling canopy with eight double stack pumps.

A landscaping buffer/wall will be provided along the majority of the northern end of the parcel, which will be 3'-4' tall and constructed of block to match the main building. The outdoor light poles will not exceed 14' tall when within 100' of the residential [County] zoning district to the north.

The proposed total number of parking spaces for the building is 42 parking spaces, including two standard handicap spaces and one van accessible space. This does not include parking at pumps/queueing. Ingress will be taken by a right off Highway 69, with egress occurring through the Lowe's entrance immediately adjacent to the east.

At the time of building and engineering permit application submittals, the landscaping, site layout, circulation, and structure dimensions and setbacks will be reviewed in detail by staff for compliance with all codes and standards.

FINANCIAL IMPACT

There is no fiscal impact at this time.

RECOMMENDED ACTION

MOVE to approve, approve with conditions, or deny **CUP23-006**

ATTACHMENTS

1. 1 CUP23-006 Narrative
2. 2 CUP23-006 Aerial Map
3. 3 CUP23-006 Zoning Map
4. 4 CUP23-006 Site Photos
5. 5 CUP23-006 Site Plan

SITE PLAN/CUP NARRATIVE

QT #1548 – NEC of State Route 69 and Prescott Canyon Drive



APPLICANT:



Daniel Chambers

QuikTrip Corporation

1116 East Broadway Road

Tempe, AZ 85282

(480) 446-6321

dchamber@quiktrip.com

DESCRIPTION OF REQUEST

QuikTrip Corporation would like to begin the Site Plan Application process for our newest store in Prescott. We are excited to begin development on this project.

DESIGN & LANDSCAPING

QuikTrip's proposed store features a number of upgraded architectural features to the exterior aesthetics of its buildings, as well as significantly expanded offerings inside its stores. This proposed building utilizes high-quality materials.

The proposed store is 5,312 square feet and is our new, more efficient version of our successful Gen III. The building will predominantly feature stucco construction in "Tan" with accent bands of contrasting "Midnight". Additionally, the front of the store façade has Stacked Stone accents in "Sonoma" to provide variation between the materials. Pedestrian shading is provided by metal awnings with "QT Red" components. The store also prominently features large windows with steel framing, creating a sleek juxtaposition to the stone elements.

Inside, this QuikTrip will feature a newly designed full service counter. This new addition to QT provides a larger variety of products to our customers including ice cream cones, pizza, warm pretzels, toasted sandwiches and now full sub sandwiches. Hot and cold specialty coffees, smoothies and shakes are also served out of the full service counter.

Site layout is another area QuikTrip has been working to make more efficient. Our new building design, the additional services and the multiple entrances have added a need for sufficient parking on the site. This store will be able to provide the ultimate level of customer service to patrons with our new food and drink offerings, many of which will enjoy while on our premises. While these customers enjoy our products, it is vital to have parking available for other customers as well.

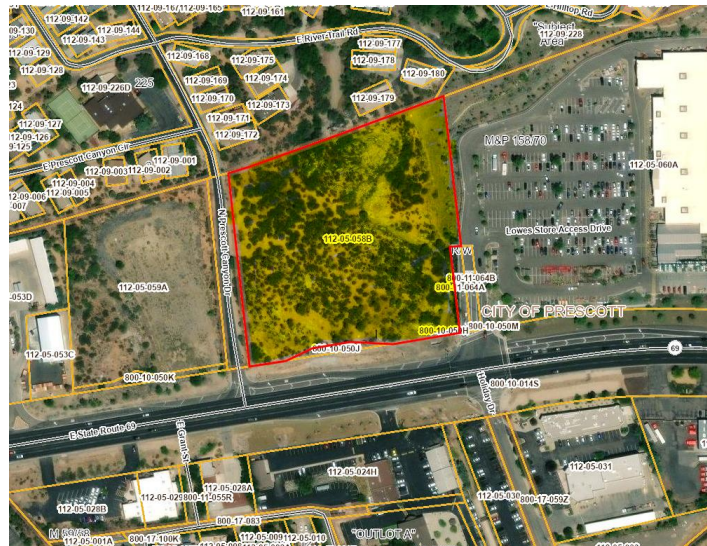
In conjunction with our site layout, QuikTrip strives to landscape our premises in a way that enhances our customers' experience. On our lot, landscaping islands are used to break up rows of parking spaces to reduce the heat island effect, as well as provide on-site shade. Around our building, at-grade planters will be used to tie the landscaping into our overall store design.

The fuel canopy has been designed to complement the design of the store and contains the same brick and metal elements for site cohesiveness. The canopy will be a double stack eight, to serve up to 16 automobiles at a time.

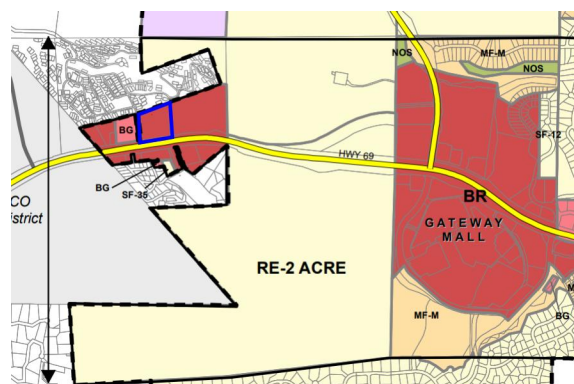
QuikTrip's store will be open 24 hours a day, 7 days a week. This store will employ dozens of individuals, and the number of staff present varies depending on demand. However, we expect that during the day there will be anywhere from 2-6 employees on site at a given time.

CURRENT & PROPOSED SITE CONDITIONS

QuikTrip is currently in discussions to purchase a 5.58 acre parcel on the NEC of State Route 69 and Prescott Canyon Drive (APN 112-05-058B), as shown in the image below,

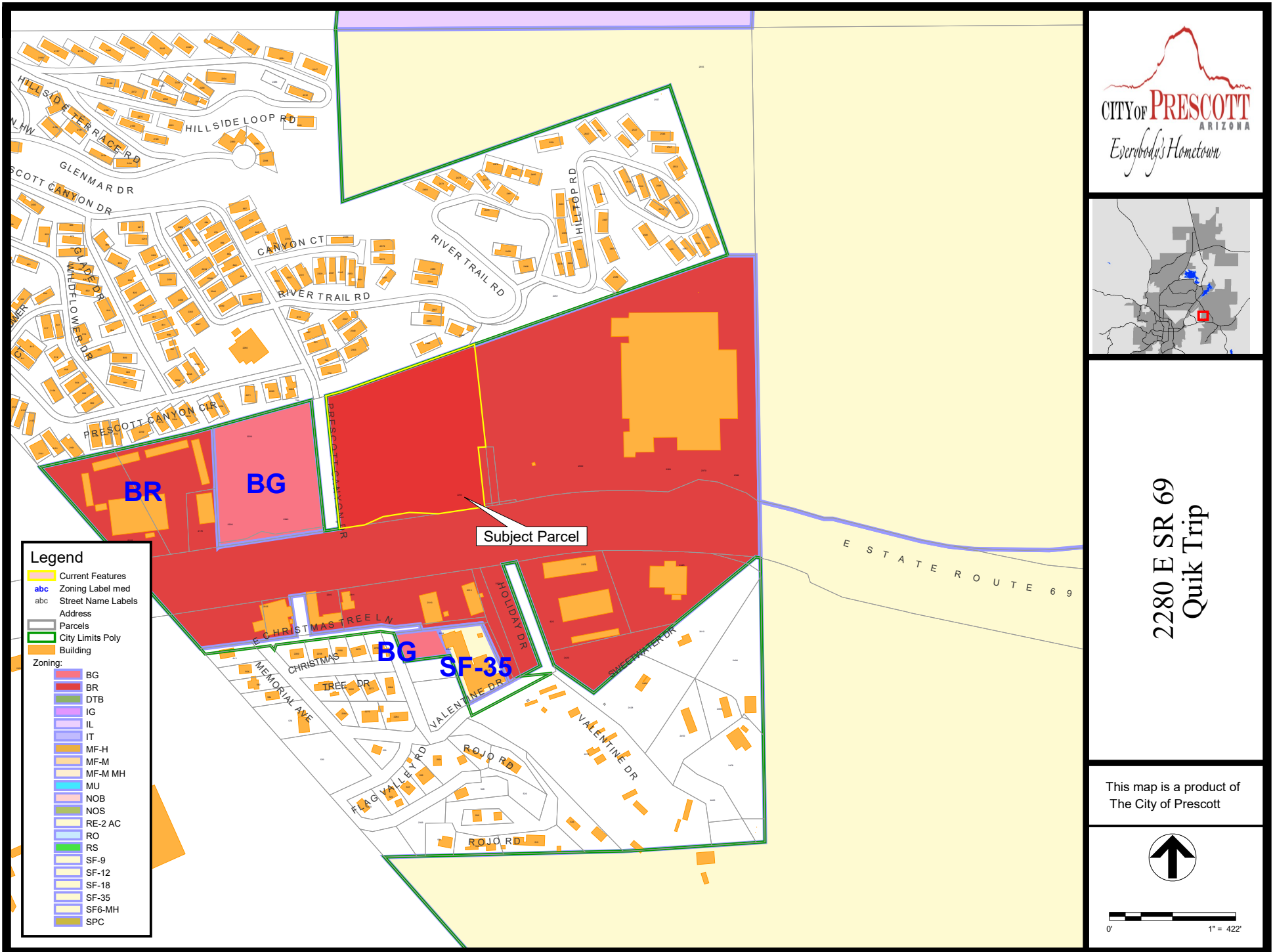


QuikTrip Corporation is proposing to redevelop this parcel to construct a new fueling center with convenience and food offerings. The entire site is currently zoned Business Regional (BR) and is in the city of Prescott, as shown in the zoning map below. A Conditional Use Permit to allow a gas station use is requested.



As pictured above, adjacent zoning is also a mix of BG and BR with mostly commercial uses being adjacent.







View from SW Corner
(Prescott Canyon Estates
Entrance)



View of site from SE Corner
(Lowe's entrance)

PER COBB FENDLEY, THE BASIS OF BEARING FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA BEING S89°43'26"W A DISTANCE OF 2787.78 FEET BETWEEN THE COMMON CORNER OF SECTIONS 25, 26, 35, & 36 SOF SAID TOWNSHIP BEING A 1927 GENERAL LAND OFFICE BRASS CAP AND THE COMMON QUARTER CORNER TO SAID SECTIONS 25 AND 36 BEING A 1926 GENERAL LAND OFFICE BRASS CAP

PER COBB FENDLEY, BENCHMARK DATUM: CITY OF PRESCOTT
CLOSING CORNER AT THE INTERSECTION OF THE NORTH LINE OF FRACTIONAL SECTION 35
TOWNSHIP 14 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI
COUNTY, ARIZONA AND THE EAST LINE OF THE YAVAPAI - PRESCOTT INDIAN RESERVATION
BEING A 1927 GENERAL LAND OFFICE BRASS CAP WITH AN ELEVATION = 5320.09' NAVD 88"

1. EXISTING/PROPOSED ZONING: BR
APN: 112-05-058B
ADDRESS: 2280 E STATE ROUTE 69
EXISTING USE: VACANT
PROPOSED USE: GAS STATION/CONV. STORE
2. PROPOSED BUILDING HEIGHT: 20'-0"
PROPOSED BUILDING SQUARE FOOTAGE: 5,312 SQ. FT.
AUTO FUEL CANOPY AREA: 7,416 SQ. FT.
PROPOSED FUEL CANOPY HEIGHT: 17'-0"
3. PARKING SPACES REQUIRED: 27 SPACES
(5,312 S.F. X 1 SPACE/200 S.F. FLOOR AREA)
PARKING SPACES PROVIDED: 45 SPACES (3 ADA PARKING SPACES)
4. GROSS SITE AREA: 295,856 SQ. FT. (6.79 ACRES)
5. NET AREA: 243,142 SQ. FT. (5.58 ACRES)
6. TOTAL LOT COVERAGE: 13,488 SQ. FT. (0.31 ACRES)
13,488 S.F. / 243,142 S.F. = 5.5% LOT COVERAGE



ACCORDING TO THE FLOOD INSURANCE RATE MAP #04025C2070G, DATED SEPTEMBER 3, 2010, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X". AREA OF MINIMAL FLOOD HAZARD.

SURVEYOR OF RECORD
COBB FENDLEY
TONY P. ELLEY, R.L.S. 43994
1121 WEST WARNER ROAD, STE 108
TEMPE, AZ, 85284
TEL: (480) 307-6923

QT CIVIL PROJECT MANAGER
QUIKTRIP CORPORATION
JULIE MORREALE
4705 SOUTH 129TH EAST AVE.
TULSA, OK 74134
TEL: (918) 615-7167
JMORREAL@QUIKTRIP.COM

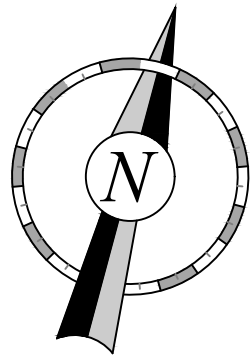


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VERSION: 001
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DRAWN BY: MHH
REVIEWED BY: CGF

[illegible]

SP1



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ORIGINAL ISSUE DATE: 04/12/2023

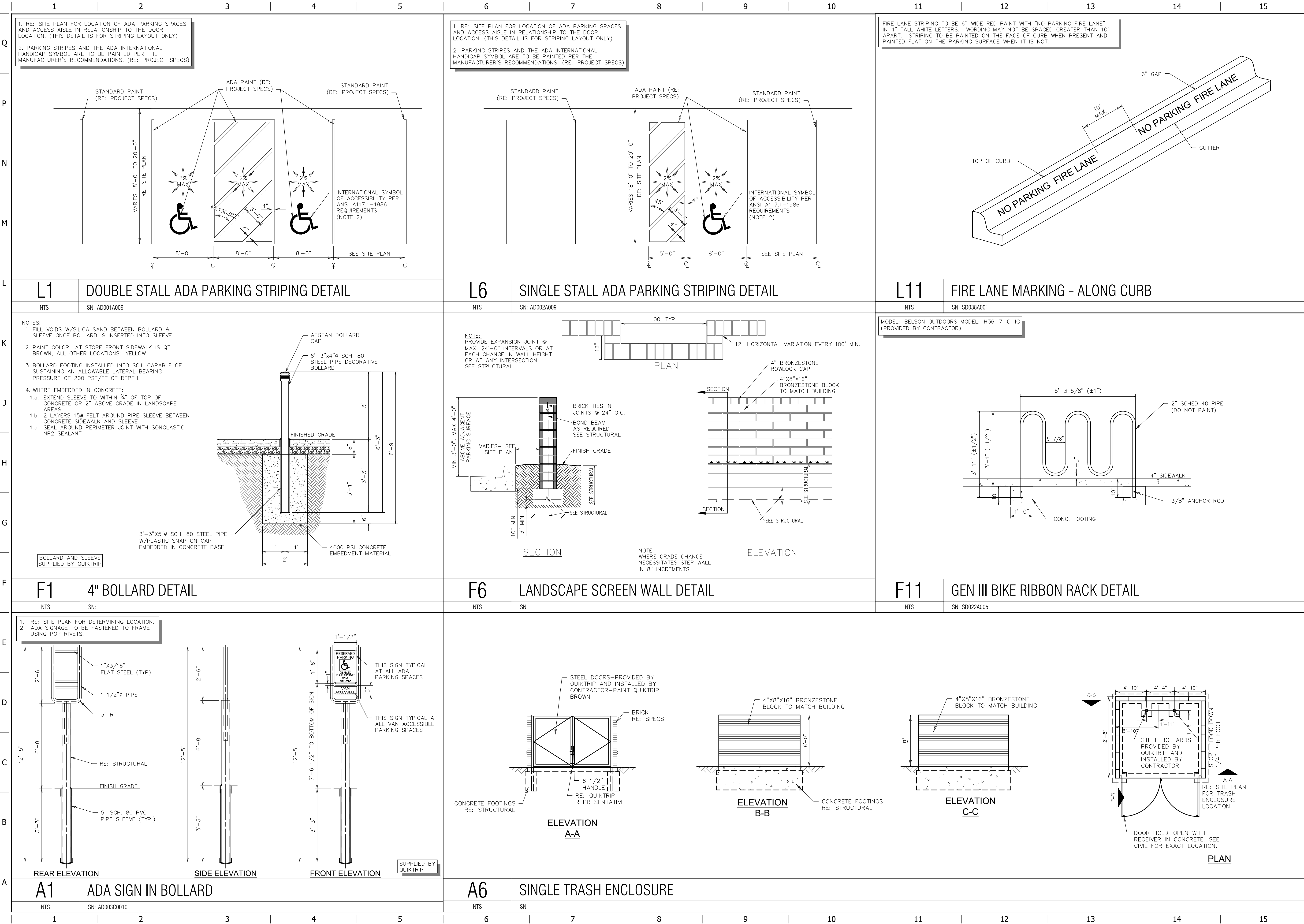
SHEET TITLE:

PRELIMINARY SITE PLAN

SHEET NUMBER

SP2

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Registered Professional Engineer (PE)

CERTIFICATE NO. 76339

ROBERT HANNEN

Exp. Signed: 12/09/23

ARIZONA, USA

Robert Hannen

PROJECT NO.: 291443026

Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
7740 NORTH 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020 (602) 944-0500

QuikTrip No. 1548

2280 EAST STATE ROUTE 69
PRESCOTT, AZ

QT

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VERSION: 001

DESIGNED BY: RMH

DRAWN BY: MHH

REVIEWED BY: CGF

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 04/12/2023

SHEET TITLE:

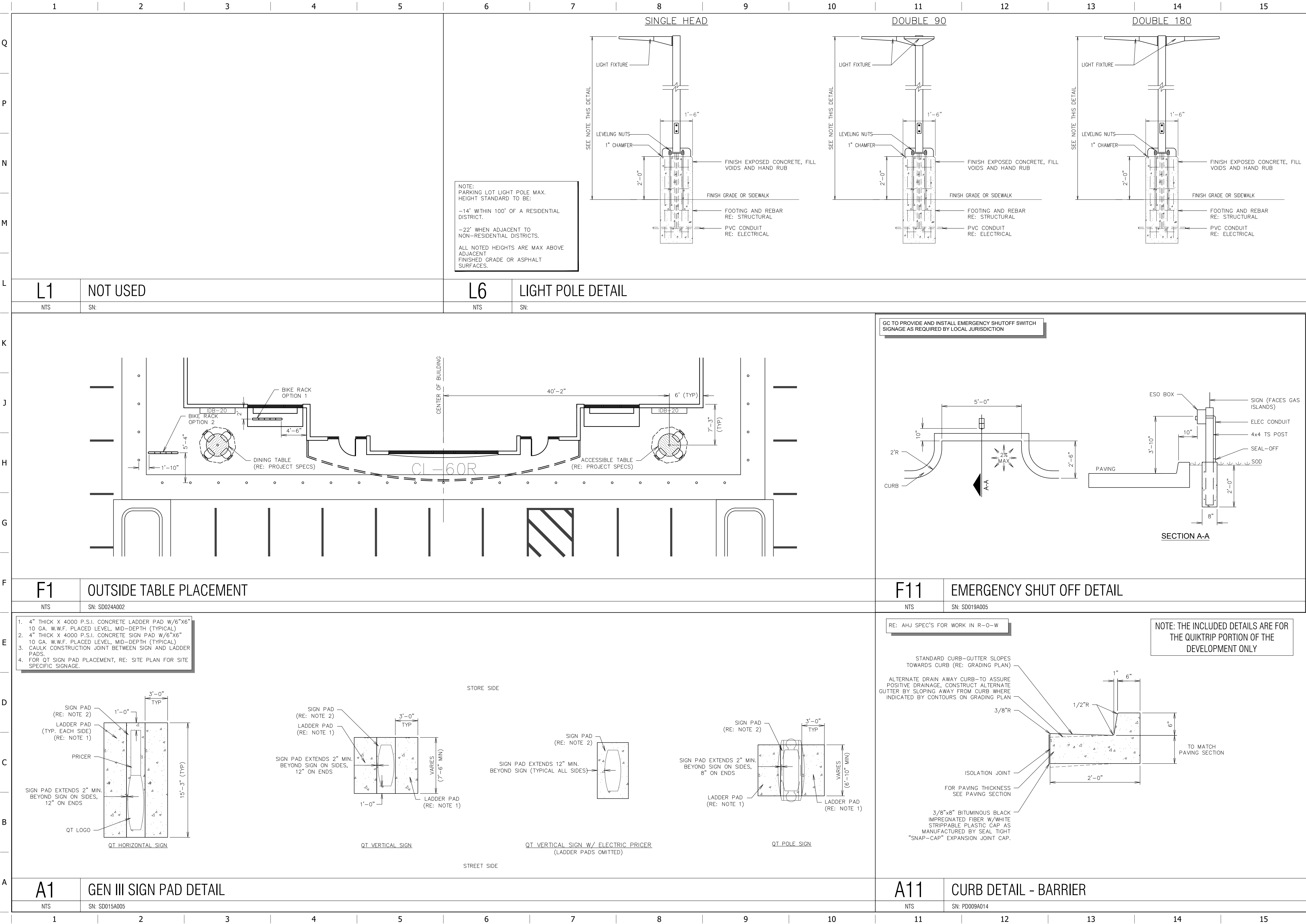
PRELIMINARY SITE DETAILS

SHEET NUMBER:

SP4

Page 21 of 22

FILE LOCATION: K:\PHX_Civil\291443026 - Q11548 - US 69 & Prescott Canyon\CAADD\1548 DETAILS SITE.dwg TAB NAME: SP5 USER: Hunter.Older SAVED: 12/14/2023 9:59 AM PLOTTED: 12/16/2023 3:47 PM



PROJECT NO.: 291443026

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
7740 NORTH 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020 (602) 944-5500

QuikTrip No. 1548
2280 EAST STATE ROUTE 69
PRESCOTT, AZ



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DIVISION:
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DRAWN BY: MHH
REVIEWED BY: CGF

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 04/12/2023

SHEET TITLE:

PRELIMINARY SITE DETAILS

SHEET NUMBER:

SP5