

City of Prescott

Board of Adjustment



March 21, 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 **March 21, 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 February 15, 2024 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve the minutes as presented
- B. **CUP24-001:** Request for a Conditional Use Permit for a Church. Land Development Code (LDC) Sections 3.2 and 9.3. Location: 4920 Willow Creek Road, APN 106-02-005N. Zoning: Residential (RE-2 ACRE). Owner: Yavapai Orthodox Presbyterian Church. Applicant: Distinctive Homes and Architecture.
Recommended Action: MOVE to approve or deny CUP24-001
- C. **CUP23-006:** Request for a Conditional Use Permit for Quick Trip Fueling Station & Convenience Store. Land Development Code (LDC) Sections 4.8 and 9.3. Location: 2280 E State Route 69 Prescott, AZ 86301, APN 112-05-058b. Zoning: BR (Business Regional). Property Owner: Sarti Properties Limited. Applicant: Kimley Horn and Associates.
Recommended Action: MOVE to approve or approve with conditions 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 3/14/24 at 9:30 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: March 21 Board of Adjustment
DATE: March 21, 2024
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the February 15, 2024 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the February 15, 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. February 15, 2024 BOA Minutes



City of Prescott

Board of Adjustment

February 15, 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 8:59 A.M.

2. ROLL CALL

Members:

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

3. DISCUSSION & ACTION ITEMS

- A. Approval of the January 18, 2024 Board of Adjustment Meeting Minutes.

MOTION BY BOARD MEMBER DAVIS TO APPROVE JANUARY 18, 2024 MINUTES; SECONDED BY BOARD MEMBER TEETERS: PASSED (6 - 0)

- 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.

George Worley, Planning Manager, spoke about the purpose of a Conditional Use Permit. He stated that a Conditional Use is one that is permitted by the zoning code but may require additional conditions on the use to make it compatible with surrounding properties. The conditional use process is not a yes or no on the use, it is only looking at whether or not additional conditions are necessary to make it compatible.

Board Member Tom Davis asked what distinguishes a convenience store, which is a permitted use by right, from a convenience store with fuel service and makes it require a Conditional Use Permit.

Mr. Worley stated that he believes it may have to do with the potential volume of traffic with people stopping for both the convenience store and fuel. He stated

that often times they are 24-hour operations and there could be concerns with lighting that the conditional use process can address.

Board Member Mark Hokeness stated for clarification that Quik Trip is authorized to build their station and the only thing the Board can do is apply conditions to the use of the approved location.

Mr. Worley stated that is correct and the Board will be looking to apply any conditions that will make the subject property more compatible with surrounding residential properties or other commercial properties of a different type.

Kaylee Nunez, Community Planner presented an aerial map showing the location of the subject property. She then presented a zoning map and pointed out that the subject property is in a Business Regional (BR) zoning district. She stated that the BR zoning can allow for commercial or residential uses. Ms. Nunez presented a map showing where on the property and how much of the property the proposed convenience store & fueling station occupies. She stated that the subject property is a five-acre parcel and the development will be set to the southwest quadrant.

Ms. Nunez presented a site plan showing that access is taken by a right in only from Highway 69 and exiting will be to the east via the Lowe's entrance. She also presented a landscaping plan for the subject property.

Summary:

- Site is approximately 5 acres
- Proposed store is 5,312 sq ft, fueling canopy 7,287 sq ft (design to match building). 8 double pumps, capable of serving up to 16 automobiles at a time.
- Exterior finish tan stucco with stone accents and traditional, red "Quik Trip" signage
- Enhanced landscaping and northern wall to provide buffering as well as reduction of heat island effects in summer.
- Store will be open 24 hours a day 7 days a week with approximately 2-6 employees on site at any given time.
- Proposed site plan meets all required building setbacks.
- Proposed site plan meets required parking spaces.
- Ingress taken via right-only off Highway 69, egress to be taken via Lowe's entrance.
- Conditional Use permit required for Service Stations in BG (Business General) & BR (Business Regional) Districts per LDC Table 2.3.

Review Criteria Applied (per LDC Section 9.3.5):

- Section 9.3.5.A Effect on Environment
- Section 9.3.5.B. Compatible with Surrounding Area
- Section 9.3.5.D. Infrastructure Impacts Minimized
- Section 9.3.5.C. External Impacts Minimized

- Section 9.3.5.E. Consistent with General Plan and Code
- Section 9.3.5.F Parcel Size
- Section 9.3.5.G Site Plan
- Section 9.3.6. Additional Conditions

Ms. Nunez stated that the project proposal was reviewed against and met all criteria and that the staff report provides a more detailed analysis.

Board Member Davis asked what the approximate distance is between the north side of the project and the property line.

Ms. Nunez stated that she does not have that information, but she did measure from the northern most lights in the parking lot to the northern property line and it was well beyond 100 feet.

Daniel Chambers, representative for Quik Trip, stated that he believes the store will be 300 feet from the nearest residential property line.

Ms. Nunez stated that it does exceed the setback requirements by approximately 200 feet.

Board Member Davis asked what restrictions are on the property to prevent the proposed project from expanding to the north.

Mr. Chambers stated that there are no restrictions but that it would be difficult to expand because of the terrain. He stated that Quik Trip met with the HOA board where they expressed concerns and offered ideas for the store. He stated that they retained all of the items suggested by the HOA.

Board Member Hokeness asked what, if any, restrictions on lighting there are on the Lowe's that is on an adjacent property.

Ms. Nunez stated that Lowe's must comply with section 6.11 (Outdoor Lighting) of the Land Development Code which, in part, states that they must minimize light pollution and light trespass for the enjoyment and use of property and the night environment.

Seven members of the public spoke, all in opposition, with the main concerns being:

- Property value diminishment
- Light trespass
- Fire hazard
- Traffic
- Possible fuel leakage

Board Member Hokeness asked if the Prescott Canyon Estates (PCE) development had access to Holiday Drive if that would give them a safe corridor

to exit.

Member of the public Roger Matthews responded that it would give them access to a traffic light to turn left.

Board Member Hokeness stated that the Prescott Canyon Dr. is a private road. He stated that he shares the concern about traffic. He asked if access to the development was created to go in and out of Holiday Drive if that would solve a significant problem.

Mr. Matthews stated yes it would.

Board Member Hokeness asked Mr. Chambers if a road were put in to cross their property [to Prescott Canyon Dr.].

Mr. Chambers stated that the subject property comes with access to Holiday Drive. He stated that they discussed a road from the PCE to Holiday Drive in the original meeting with the HOA. He stated that he believes it was voted down.

Board Member Hokeness pointed out along the back of the property as a potential for a road to go through from Prescott Canyon Dr. to Holiday Dr.

Mr. Chambers stated that they did not speak about that, they spoke about a drive running through the site behind the building making the drive aisle bigger to give access to the residents. He stated that Prescott Canyon is a private drive so the HOA would have to approve a road running along the back of the property. In his meeting with the HOA, Mr. Chambers stated they did not want Quik Trip to have access to their private drive and if you make a connection, there is potential for people to use the connection.

PCE HOA President, Karen Monks, stated that the HOA voted down sharing their driveway with Quik Trip as Quik Trip wanted to use their driveway to access Highway 69. She stated that the access Quik Trip offered the community went through the gas station. She stated with the average age of the community it would be impossible and that is why they voted it down. She stated that they would be open to considering a road behind the site.

Chairman Jim Lamerson stated that he has some concerns with potential [fuel] spillage into the creeks. He stated that he would like to have assurances that the runoff potential into the creeks would be mitigated.

Mr. Chambers stated that during construction they have to get a permit from the state of Arizona that outlines all of their construction procedures and how they will protect and make sure there is no runoff during construction. He stated that as part of their civil engineering plans that they will submit to the City, they have to do a stormwater management plan which has to account for everything that happens during construction and what happens post construction to make sure that everything that they disturb is completely remediated and restored.

Mr. Chambers stated that they have a Mechanical Best Management Practice

(BMP) device that is in place so that if there ever is a spill, it would be captured and not discharge any of the free product into the storm system to keep it out of the creeks and out of the City municipal storm sewer system. He stated that they have a group at corporate whose job is to do regular maintenance on the devices. There are quarterly inspections of all of the BMP devices to ensure that they don't get clogged.

Mr. Chambers stated that they use a double wall tank to hold their fuel, which has two fiberglass walls and a brine inside of it so that if there ever is a leak it will set off multiple sensors so that it can get fixed before it makes it to the second layer of the tank. He stated that Quik Trip has a very good track record with the EPA.

Mr. Chambers stated that all of the fuel pipes that they use are double wall fiberglass pipes. They are specifically manufactured to be certain lengths. He stated that every time there is a transition where there are two joints coming together there is bigger potential for a leak. All of the joints are set in very strategic places and are set in double fiberglass wall sumps so if there is a leak in the joint, it will fill up in the sump which is filled with sensors to let the technicians know that there is a leak.

Board Member James Myers stated that he believes that in the past there was access to Holiday Drive from the community. He asked if there is a recorded easement.

Mr. Worley stated that the first 100 or 150 feet of Holiday Drive behind the traffic signal is a public right of way and beyond that it becomes Lowe's property.

Mr. Mike Sarti, property owner, stated that they are happy to partner with Quik Trip as they are some of the most clean fueling stations with higher end offerings. He stated that he believes a fueling station on the north side of Highway 69 would be valuable given that there is no fueling station on that side of the road from Prescott Valley to Prescott.

Ms. Monks stated that it is important to the community to have a safe way to get to Holiday Drive. She stated that access cannot go through the back of the gas station as that is not safe. She stated that they are willing to consider a road behind the gas station.

Mr. Chambers stated that when they originally met with the HOA, they offered to rebuild Prescott Canyon Drive from Highway 69 to just behind the proposed store and the residents would be able to travel behind the store to access Holiday Drive. Based on the feedback from the HOA that they were not interested in a connection, Quik Trip changed the site plan so that the site was further away from Prescott Canyon Drive and as close to Highway 69 as possible.

Chairman Lamerson asked if all Quik Trip stores must have a gas station.

Mr. Chambers responded yes, that is a part of the business model for Quik Trip.

Chairman Lamerson asked if there is another use for the property besides a Quik

Trip.

Mr. Chambers stated that currently they only build Quik Trip stores.

Board Member Hokeness asked if it is appropriate with a Conditional Use Permit for the board to require Quik Trip to connect Prescott Canyon Drive to Holiday Drive.

Ms. Nunez stated that requiring a road is a substantial condition and Quik Trip would have to be amenable to it, but it can be requested.

Board Member Hokeness asked Mr. Chambers if they would be willing to connect Holiday Drive to Prescott Canyon Drive on the north side of the property.

Mr. Chambers asked if this would be a connection point separate from the facility.

Board Member Hokeness stated that it would be separate and to the north of the proposed store.

Mr. Chambers stated that it would take substantial funds the further they go back on the property as the grade gets more challenging and they get closer to the residents which they were trying to avoid. He stated that there are a lot of logistics that would need to be considered and they may have to have a partnership with Lowe's as the road would connect to their private property.

Matt Podracky, Assistant City Attorney, read from the LDC Section 9.3-Conditional Use Permits. He stated that the Board should use the review criteria within Code to make their decision. He stated that, in regards to the roadway they have been discussing, he does not know if the Board has enough information to consider it at this time. He suggested that City engineering take a look at it. He stated that it appears to be something they can consider based on LDC section 9.3.5.

Mr. Worley stated that the road would not be a public road, but it could be a dedicated driveway connecting Prescott Canyon Drive to Holiday Drive. He stated that there may be an issue with proximity and how the driveway would connect to the existing stub of Holiday Drive and that there may be a necessity for a connection between the site and the roadway to allow both to connect to Holiday Drive within the public right of way.

Chairman Lamerson stated that he does not believe the project is ready to vote on except to defer it.

Mr. Worley stated that the stretch of Highway 69 that the site is on is the highest intensity commercial zoning there is which was done intentionally because of the volume of traffic. He stated that this property will have something of high impact built on it even if this proposal does not work out. He stated that this process allows for there to be conditions placed on the project but other projects could be built without going through this process.

Board Member Davis stated that the permitted uses allowed in Business General zoning are very broad, including hospitals and lumberyards. He stated that these uses would not have to go through the Board of Adjustment. He stated that he supports the east/west road connecting Holiday Drive to Prescott Canyon Drive.

Mr. Podracky stated that if the City would consider the roadway be a City road, they would need additional legal action.

MOTION BY BOARD MEMBER HOKENESS TO DEFER CUP23-006 TO THE MARCH 21, 2024 BOARD OF ADJUSTMENT MEETING; SECONDED BY BOARD MEMBER DAVIS: PASSED (6 - 0)

4. STAFF UPDATES

None.

5. ADJOURNMENT

There being no further business to discuss, Chair Lamerson adjourned the meeting at 10:23 A.M.

Jim Lamerson, Chairman

ATTEST:

SARAH HILTON, Recording Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: March 21 Board of Adjustment
DATE: March 21, 2024
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **CUP24-001:** Request for a Conditional Use Permit for a Church. Land Development Code (LDC) Sections 3.2 and 9.3. Location: 4920 Willow Creek Road, APN 106-02-005N. Zoning: Residential (RE-2 ACRE). Owner: Yavapai Orthodox Presbyterian Church. Applicant: Distinctive Homes and Architecture.

ITEM SUMMARY

This request seeks a Conditional Use Permit (CUP) for a new church on an approximate 1 acre parcel. Per Land Development Code (LDC) Section 2.3/Land Use Table, Places of Worship, churches, are allowed in the Residential (RE-2 ACRE) 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.

BACKGROUND

SITE INFORMATION:

The proposed church will be developed on a vacant piece of property adjacent to an existing church on the neighboring property to the north. Access to the property is through the existing Pinion Oaks Unit 1 subdivision with no access off of Willow Creek Road and is shared with the adjacent church.

A Conditional Use Permit was approved for a church on this site on August 19, 2021, with a separate site plan. Per the Land Development Code, a CUP may expire within 12 months if construction has not begun. Staff discussed timeframes with the applicant to see if a request for an extension would be warranted. Since the applicant had no timeframe as to when they would be ready to move forward and the site plan was no longer valid, staff determined a new CUP was required due to the time from the approval and changes in the site plan.

PROPOSED USE:

In the request, the applicant states that the church will conduct regular worship services. The design includes a courtyard for a safe gathering area for children and adults before and after services and during social gatherings for meals.

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 church proposes hours of operation that are consistent with other churches in the

community. Even though the parcel does not meet the 2 acre minimum, it is a legal non-conforming parcel and development will need to meet all development criteria.

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.”

The proposed church is proposed adjacent to an existing church. Access is shared with the adjacent church with traffic coming through the residential neighborhood with no access to Willow Creek Road.

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.”

Noise from members arriving and departing, and parking are the only potential impacts on neighbors.

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.”

As a new build, it will connect to the city water and sewer infrastructure and the access is over city roads.

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. Churches are allowed by right in the Commercial and Industrial Zoning Districts, and in residential areas with the Conditional Use Permit to determine if any restrictions will need to be imposed to mitigate any concerns from the adjacent area.

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 parcel is legal non-conforming with regard to its size and is legal to develop.

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 proposed use meets all development criteria. Any expansion of the church will require an amendment to this CUP.

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.”

Staff recommends approving per the site plan.

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 Prescott Preservation or National Register district.

NEIGHBORHOOD COMMENTS:

Staff has sent mailings to the owners of record within 300’ of the property, posted the property, and published notices in the local paper. Staff has not received any public comments regarding this CUP request.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve or deny CUP24-001

ATTACHMENTS

1. Narrative
2. 1.1 Site Plan
3. pictures and maps 2



January 29, 2024

Prescott Presbyterian Church

PROJECT ADDRESS:

5680 Foxglove Pl.

Prescott, AZ 86301

We are submitting a Conditional Use permit for the Prescott Presbyterian Church. The proposed approximate 7,000 square foot building will be a simple but beautifully designed single story structure. The covered entry will welcome the congregants and the covered back patio will allow for comfortable conversations.

The sanctuary will allow seating for 140 parishioners and parking for 40 vehicles. The building will have classrooms, a nursery for the babies, a kitchen and a large gathering hall for sharing meals. The space will also include adequate bathrooms for both men and women's use. This church will be located off of Pinion Pine Subdivision down the Willow Creek Corridor.

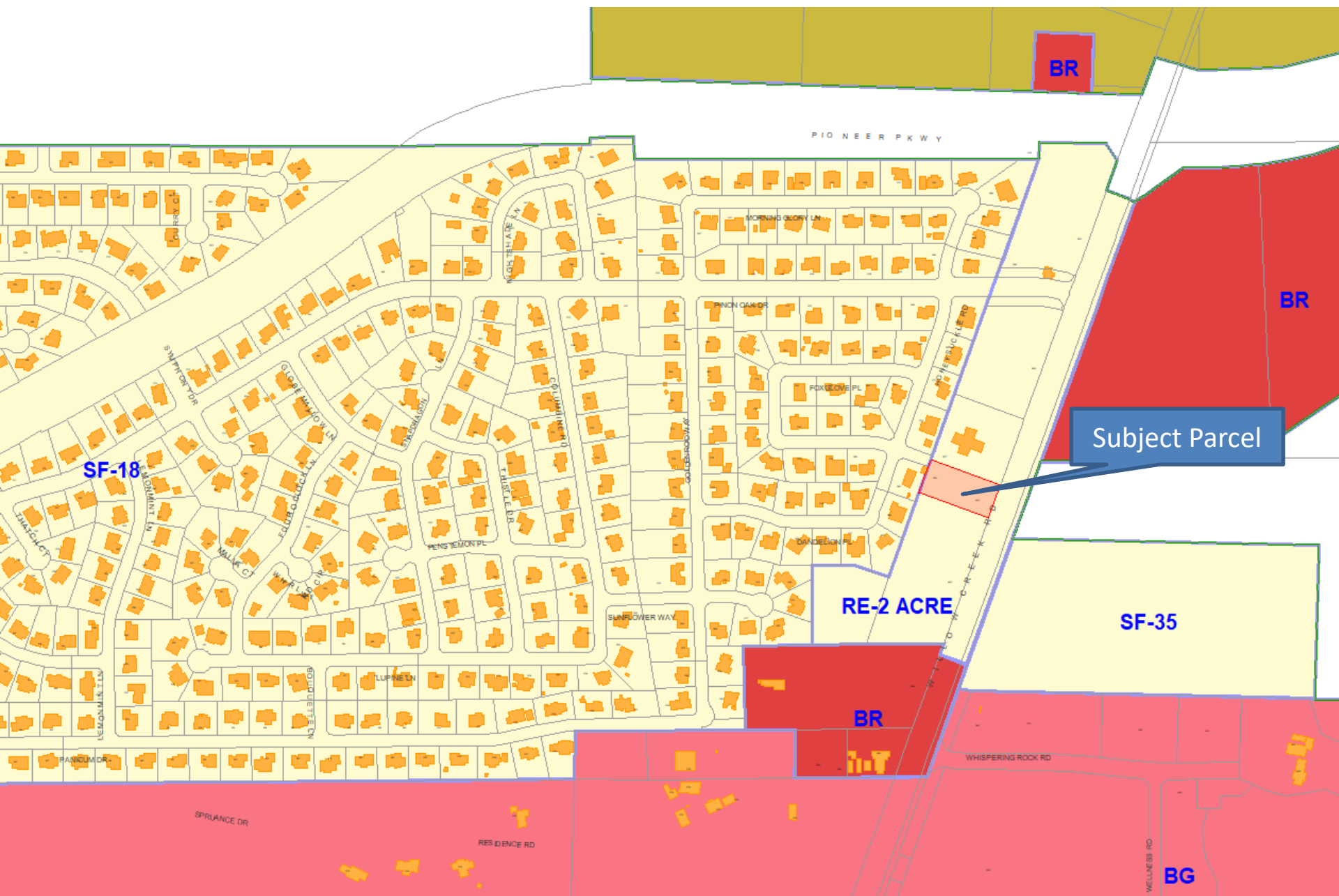
Thomas Terry
Head Architect
Distinctive Homes Inc.

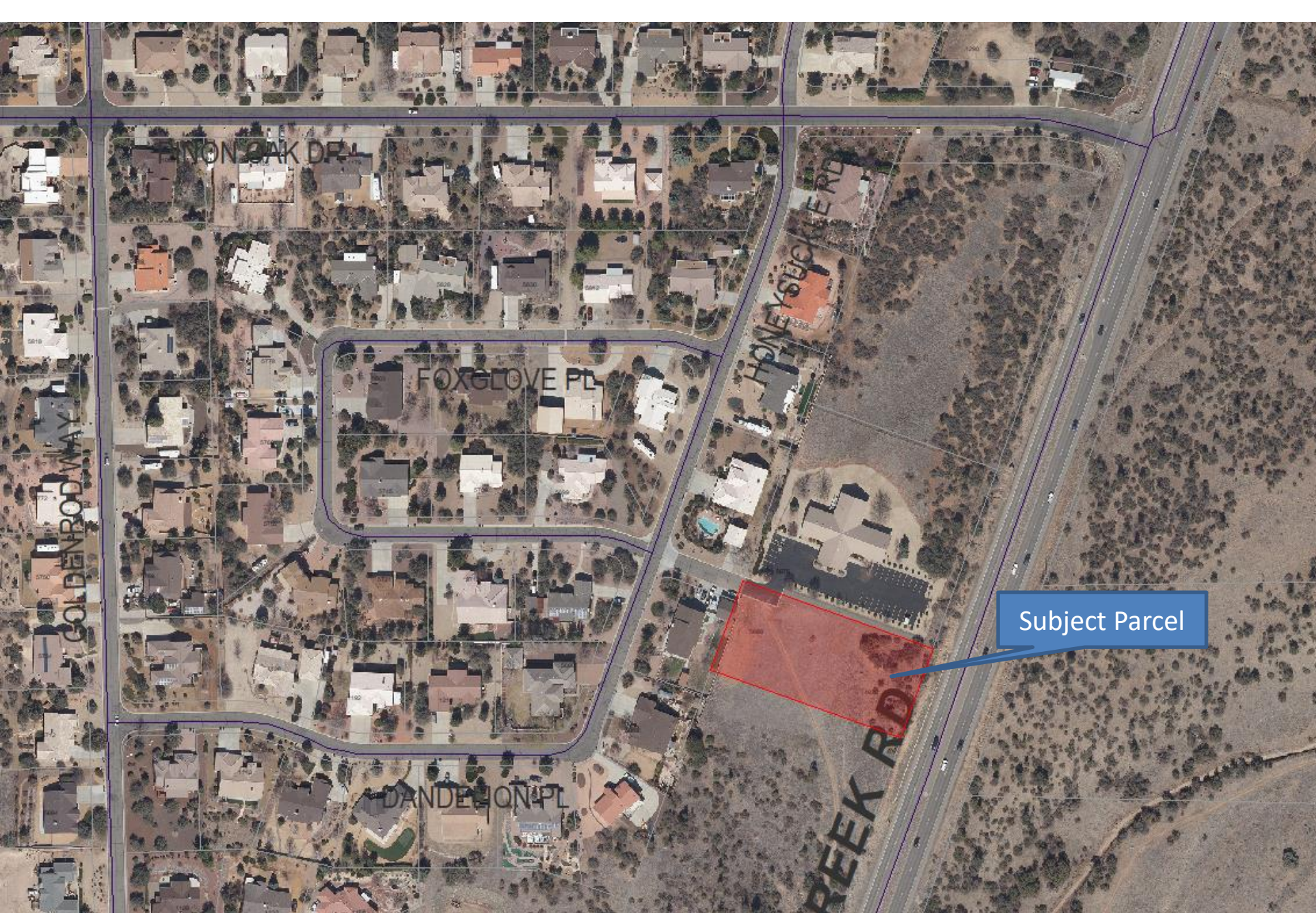


P.O. BOX 3988 PRESCOTT, ARIZONA 86302

P: 928-771-0948

Tom.Terry@DHomesAz.com





Subject Parcel



ACCESS ROAD TO SUBJECT PARCEL AND ADJACENT CHURCH



SUBJECT PARCEL

ACCESS ROAD TO SUBJECT PARCEL AND ADJACENT CHURCH

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ADJACENT CHURCH



An aerial photograph of a large, flat, brownish field, likely a dry lake bed or a cleared area. In the foreground, there is a dark asphalt road on the left and a concrete curb. A yellow rectangular label with the text "SUBJECT PARCEL" is placed over the field. In the background, there are several large, rocky hills or mountains under a clear blue sky. A white arrow points from the road towards the subject parcel.

SUBJECT PARCEL



TO: MAYOR AND CITY COUNCIL
AGENDA: March 21 Board of Adjustment
DATE: March 21, 2024
DEPT: Community Development
ITEM #: 3.C
SUBJECT: **CUP23-006:** Request for a Conditional Use Permit for Quick Trip Fueling Station & Convenience Store. Land Development Code (LDC) Sections 4.8 and 9.3. Location: 2280 E State Route 69 Prescott, AZ 86301, APN 112-05-058b. Zoning: BR (Business Regional). Property Owner: Sarti Properties Limited. Applicant: Kimley Horn and Associates.

ITEM SUMMARY

REQUEST:

This request seeks a Conditional Use Permit (CUP) for a fuel dispensing facility at 2280 E State Route 69. 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.

This item was previously brought to the February 16, 2024 Board of Adjustment (BOA) meeting, where the Board voted (6-0) to defer the item to the March 2024 BOA meeting. Reason for deferral was that further negotiations between Quik Trip and Prescott Canyon Estates needed to occur regarding the possible construction of a private driveway between Holiday Dr & Prescott Canyon Dr.

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.” For conditions to be reasonable they must mitigate or eliminate an adverse impact caused by business operations.

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 subject to enhanced landscaping depicted by the site plan. A requirement for a 6' landscape/screening wall on the north edge of the site was made at the 02.29.24 Planning & Zoning Commission Site Plan review.

NEIGHBORHOOD COMMENTS:

Staff sent mailings to all properties within a 500 ft buffer on 2/1/24. The first hearing for this project was held on 2/15/24, where several residents of Prescott Canyon Estates (PCE) were present, gave input and witnessed the Board vote (6-0) to defer the project to March 2024 Board of Adjustment pending further negotiations between Quik Trip and PCE HOA.

BACKGROUND

SITE INFORMATION:

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

An enhanced landscaping buffer will be provided along the majority of the north edge of the site. 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-only turn pocket off Highway 69, with egress occurring through the Lowe's entrance immediately adjacent to the east.

FINANCIAL IMPACT

There is no fiscal impact at this time.

RECOMMENDED ACTION

MOVE to approve or approve with conditions 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 Plan
5. 5 CUP23-006 Site Photos

SITE PLAN/CUP NARRATIVE

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



APPLICANT:



Daniel Chambers

QuikTrip Corporation

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(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.

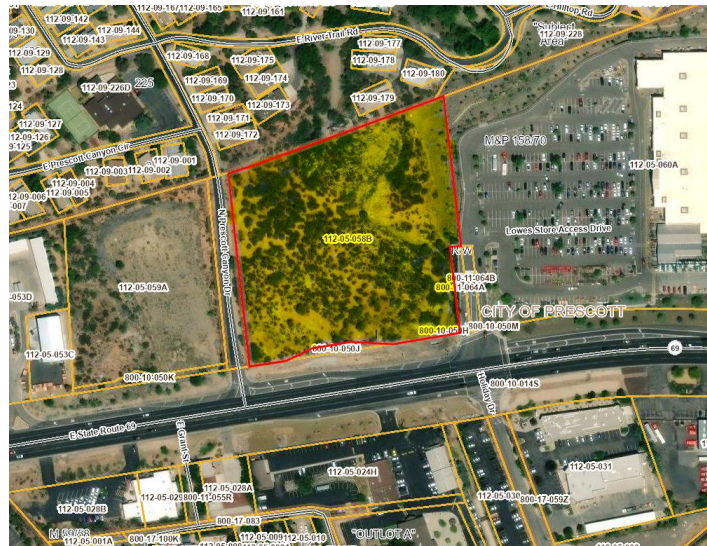
In conjunction with our site layout, QuikTrip strives to landscape our premises in a way that enhances our customers' experience. On our lot, landscaping islands are used to break up rows of parking spaces to reduce the heat island effect, as well as provide on-site shade. Around our building, at-grade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

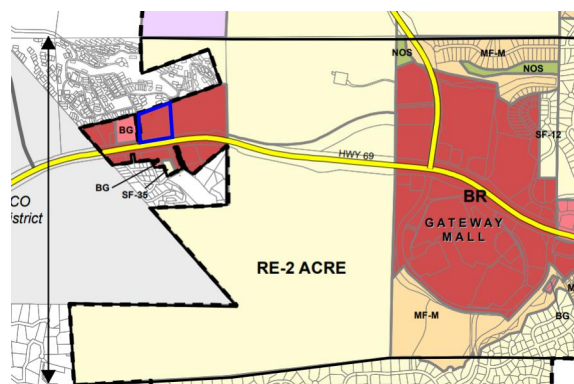
QuikTrip's store will be open 24 hours a day, 7 days a week. This store will employ dozens of individuals, and the number of staff present varies depending on demand. However, we expect that during the day there will be anywhere from 2-6 employees on site at a given time.

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,

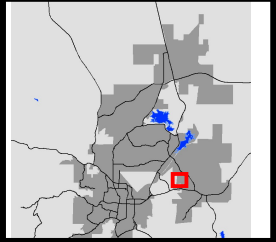
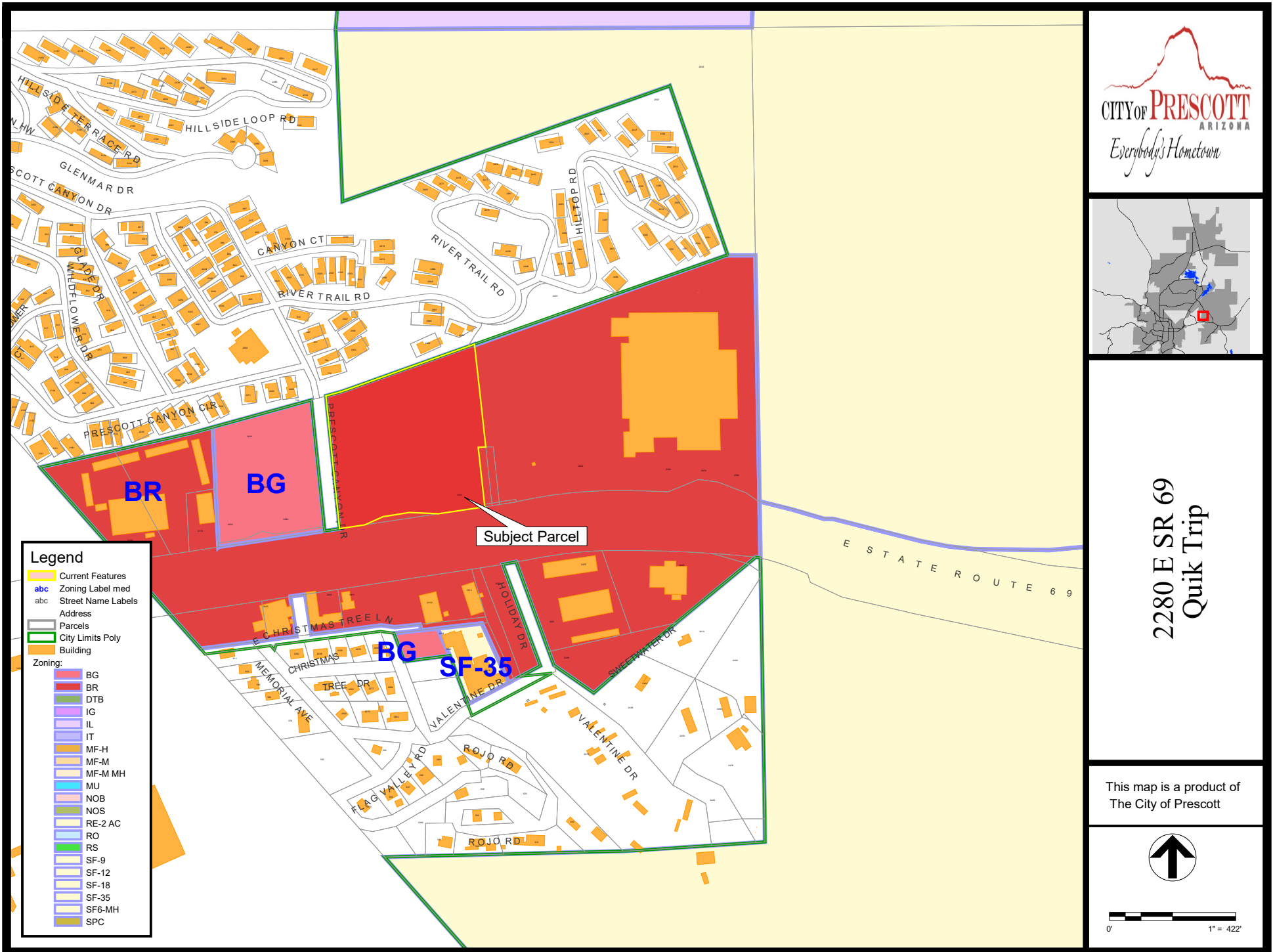


QuikTrip Corporation is proposing to redevelop this parcel to construct a new fueling center with convenience and food offerings. The entire site is currently zoned Business Regional (BR) and is in the city of Prescott, as shown in the zoning map below. A Conditional Use Permit to allow a gas station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



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

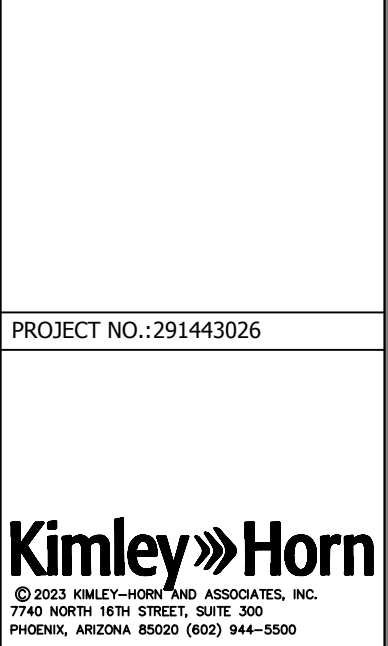




This map is a product of
The City of Prescott



0' 1" = 422'



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



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PROTOTYPE: P-111 (08/01/22)
DIVISION:
VERSION: 001
DESIGNED BY: RMH
DRAWN BY: MHH
REVIEWED BY: CGF

[illegible]

SHEET TITLE:
PRELIMINARY SITE PLAN

SHEET NUMBER:

SP2



View from SW
Corner
(Hwy 69)

