



City of Prescott

Board of Adjustment

April 18, 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 **April 18, 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 March 21, 2024 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented
 - B. **CUP23-006:** Land Development Code (LDC) Sections 4.8 and 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 & QuikTrip Corp. Staff: Kaylee Nunez, Community Planner.
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 4/11/24 at 8:30 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: April 18 Board of Adjustment
DATE: April 18, 2024
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the March 21, 2024 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the March 21, 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 minutes as presented

ATTACHMENTS

1. March 21, 2024 BOA Minutes



City of Prescott

Board of Adjustment

March 21, 2024 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

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

2. ROLL CALL

Members:

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

3. DISCUSSION & ACTION ITEMS

- A. Approval of the February 15, 2024 Board of Adjustment Meeting Minutes.

**MOTION BY MEMBER DAVIS TO APPROVE THE MINUTES AS PRESENTED;
SECONDED BY MEMBER TEETERS: PASSED (5 - 0) MEMBER FREDERICKSON
ABSTAINING**

- 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.

Tammy DeWitt, Community Planner, stated that the request is for a Conditional Use Permit for a new church located off of Willow Creek Rd next to the Pinon Oaks Subdivision. There is another church to the north of the subject property. She presented an aerial map and stated that the property is zoned Rural Estate 2 Acre (RE-2 Acre). She stated that when the property was annexed into the City, the underlying zoning was probably RCU2A and when a property is annexed, the property is rezoned to a similar zoning. There have been no rezoning requests in that area except for the property to the south.

Ms. DeWitt presented an aerial map of the area and stated that the property is vacant and that the access to the subject property would be through the Pinon Oaks subdivision, similar to the adjacent church to the north.

Ms. DeWitt presented a sight plan and stated that there was a similar request on the subject property in 2021. They asked for a variance to reduce the side setbacks. She stated that the request was denied but a Conditional Use Permit was approved. She stated that because of the time frame and the changes to the site plan staff requested that they reapplied for the Conditional Use Permit.

Ms. DeWitt stated that staff has not heard from any of the people that they sent notices to. She stated that the meeting was posted on the main road and on the property.

Ms. DeWitt presented a photo of the main access to the parcel and to the adjacent church. She stated that it is a side road that dead ends into the two churches. She presented a photo looking down the road at the adjacent church and the subject parcel. She also presented separate photos of the adjacent church and the subject parcel.

Conditional Use Review Criteria

- Effect on Environment – There is no effect on the environment.
- Compatible with surrounding area – Churches are allowed in residential neighborhoods and there is already a church next door.
- External impacts minimized – The applicant is building a wall and landscaping along the residence to the west.
- Infrastructure impacts minimized – There is already infrastructure in the area.
- Consistent with General Plan and Code
- Parcel size – Adequate parcel size for the church.
- Site Plan – Meets all development criteria.

Ms. DeWitt presented a Use Table from the Land Development Code that shows that churches are allowed with a Conditional Use Permit in residential zoning districts. They are also allowed in commercial and industrial areas.

Ms. DeWitt stated that staff sent mailings to the owners of record within 300 feet of the property, posted the property, and published a notice in the local paper and didn't hear anything from any of the residents.

Board Member Mary Frederickson asked if the issue with the setbacks has been resolved from the previous variance request.

Ms. DeWitt stated that the site plan meets all development criteria including the setbacks.

Board Member Frederickson asked if the site plan is different from the one they saw at the previous meeting in 2021.

Ms. DeWitt replied that it is and stated that the previous site plan was presented with the variance but was denied and a Conditional Use Permit was approved. She stated that because of the changes to the site plan and the time frame which

is that the applicant must start construction within 12 months, staff asked them to submit a new site plan.

MOTION BY MEMBER FREDERICKSON TO APPROVE CUP24-001; SECONDED BY CHAIRMAN LAMERSON: PASSED (6 - 0)

- 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.

This item was discussed first per Chairman Lamerson.

Ms. Nunez, Community Planner, stated that the applicant is asking for a deferral. She stated that Quik Trip is still in negotiations with Prescott Canyon Estates HOA.

Board Member Mark Hokeness asked if the applicant could explain their reason for the deferral.

Daniel Chambers, representative for Quik Trip, stated that they are requesting a deferral as they are working with the HOA and have not reached an agreement. He stated that he would like to defer so that he can bring back the final product.

Karen Monks, President of the Prescott Canyon Estates HOA, stated that the HOA has been working with Quik Trip to try to come to a resolution. She stated that they have not heard from Quik Trip in thirteen days and they are hoping for more cooperation between the parties.

MOTION BY MEMBER HOKENESS TO DEFER CUP23-006 TO THE APRIL 18, 2024 BOARD OF ADJUSTMENT MEETING; SECONDED BY MEMBER DAVIS: PASSED (6 - 0)

4. STAFF UPDATES

None.

5. ADJOURNMENT

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

ATTEST:

Jim Lamerson, Chairman

SARAH HILTON, Recording Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: April 18 Board of Adjustment
DATE: April 18, 2024
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **CUP23-006:** Land Development Code (LDC) Sections 4.8 and 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 & QuikTrip Corp. Staff: Kaylee Nunez, Community Planner.

ITEM SUMMARY

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.

An alternative Site Plan was provided ahead of the 4/18/24 BOA meeting which features an access driveway at the north end of the development connecting Holiday Dr. and Prescott Canyon Dr. This Site Plan will be referred to as 'Site Plan 2' for the remainder of the Staff Report and the original Site Plan will be referred to as 'Site Plan 1.

Site Plan 1: Proposed total number of parking spaces is 44 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 Holiday Drive (Lowe's entrance).

Site Plan 2: Proposed total number of parking spaces is 36, including two standard handicap spaces and one van accessible space. This does not include parking at pumps/queueing. Ingress can be taken by either Prescott Canyon Estates or via Holiday Drive as well as egress (Prescott Canyon Estates).

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."

Both Site Plans: 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".

Both Site Plans: 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 Plan 1: Site ingress will be taken by a right only off Highway 69; egress will occur to the east via Holiday Drive (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.

Site Plan 2: Ingress can be taken by either Prescott Canyon Estates or via Holiday Drive as well as egress (Prescott Canyon Estates). Holiday Drive 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."

Both Site Plans: 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."

Both Site Plans: 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 or approval with conditions 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. A second deferral was requested by the applicant at the 3/21/24 hearing in order to finalize negotiations with PCE HOA.

Attachments:

1. **Narrative**
2. **Aerial Map**
3. **Zoning Map**
4. **Site Plans**
5. **Site Photos**
6. **Viewshed Renderings**

BACKGROUND

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 Homeowners Association (HOA) needed to occur regarding the possible construction of a private driveway between Holiday Dr & Prescott Canyon Dr. It was brought to the Board**

for a second time at the March 21, 2024 meeting in which the applicant (Quik Trip) asked to defer another month in order to finalize negotiations with Prescott Canyon Estates HOA.*

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 Plans
5. 5 CUP23-006 Site Photos
6. 6 CUP23-006 Viewshed Analyses

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.

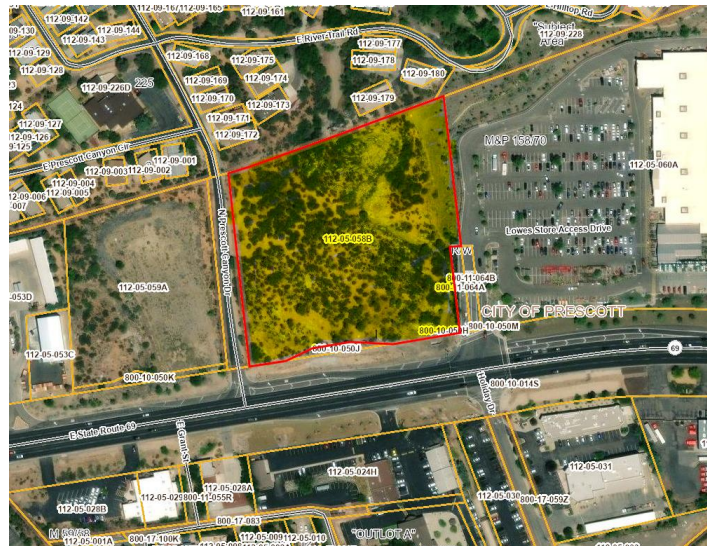
In conjunction with our site layout, QuikTrip strives to landscape our premises in a way that enhances our customers' experience. On our lot, landscaping islands are used to break up rows of parking spaces to reduce the heat island effect, as well as provide on-site shade. Around our building, at-grade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

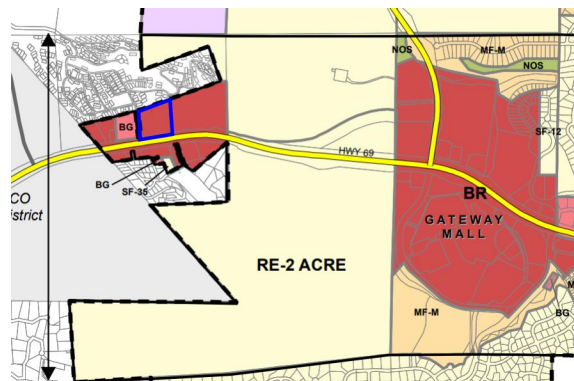
QuikTrip's store will be open 24 hours a day, 7 days a week. This store will employ dozens of individuals, and the number of staff present varies depending on demand. However, we expect that during the day there will be anywhere from 2-6 employees on site at a given time.

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,

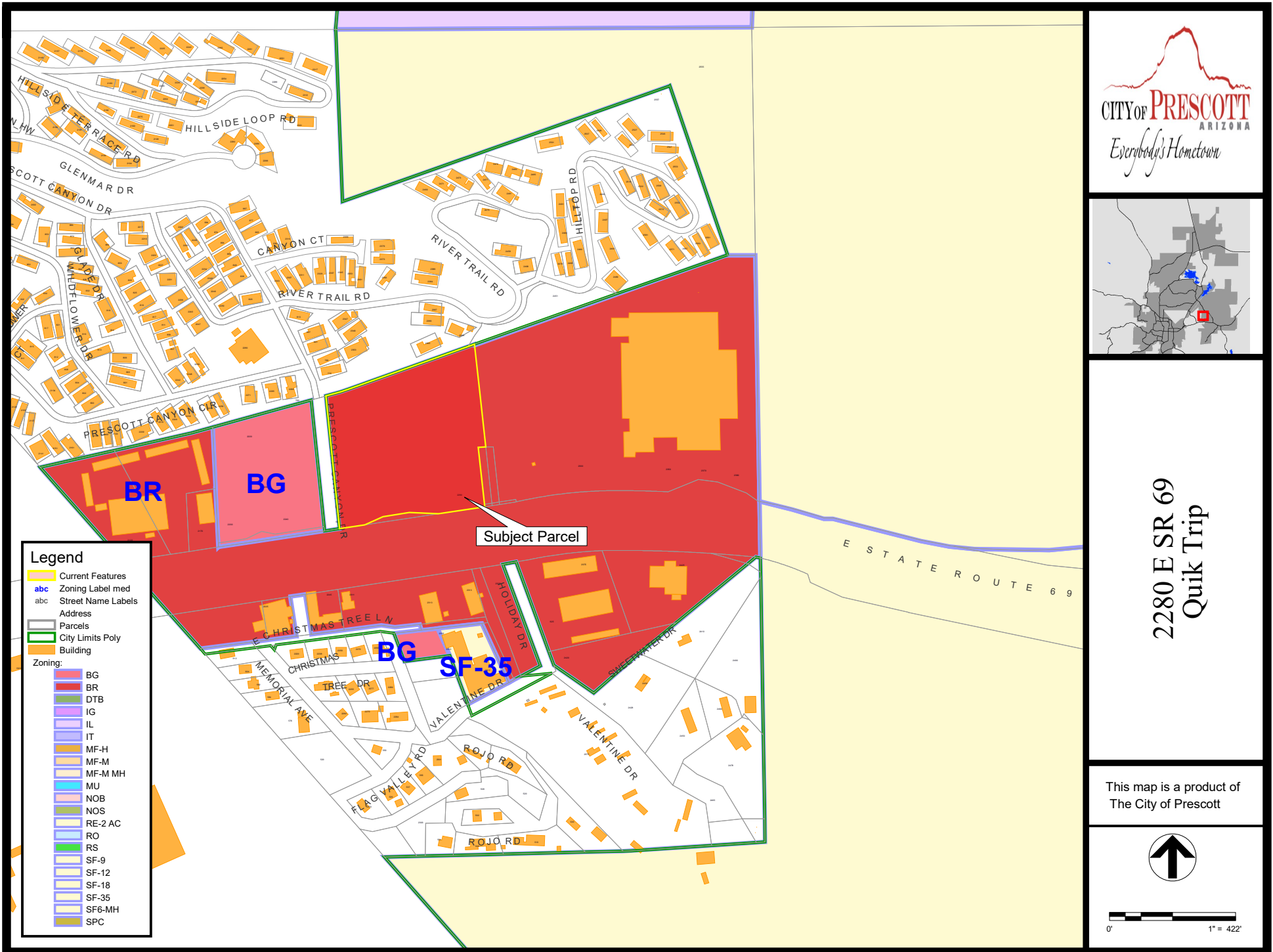


QuikTrip Corporation is proposing to redevelop this parcel to construct a new fueling center with convenience and food offerings. The entire site is currently zoned Business Regional (BR) and is in the city of Prescott, as shown in the zoning map below. A Conditional Use Permit to allow a gas station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

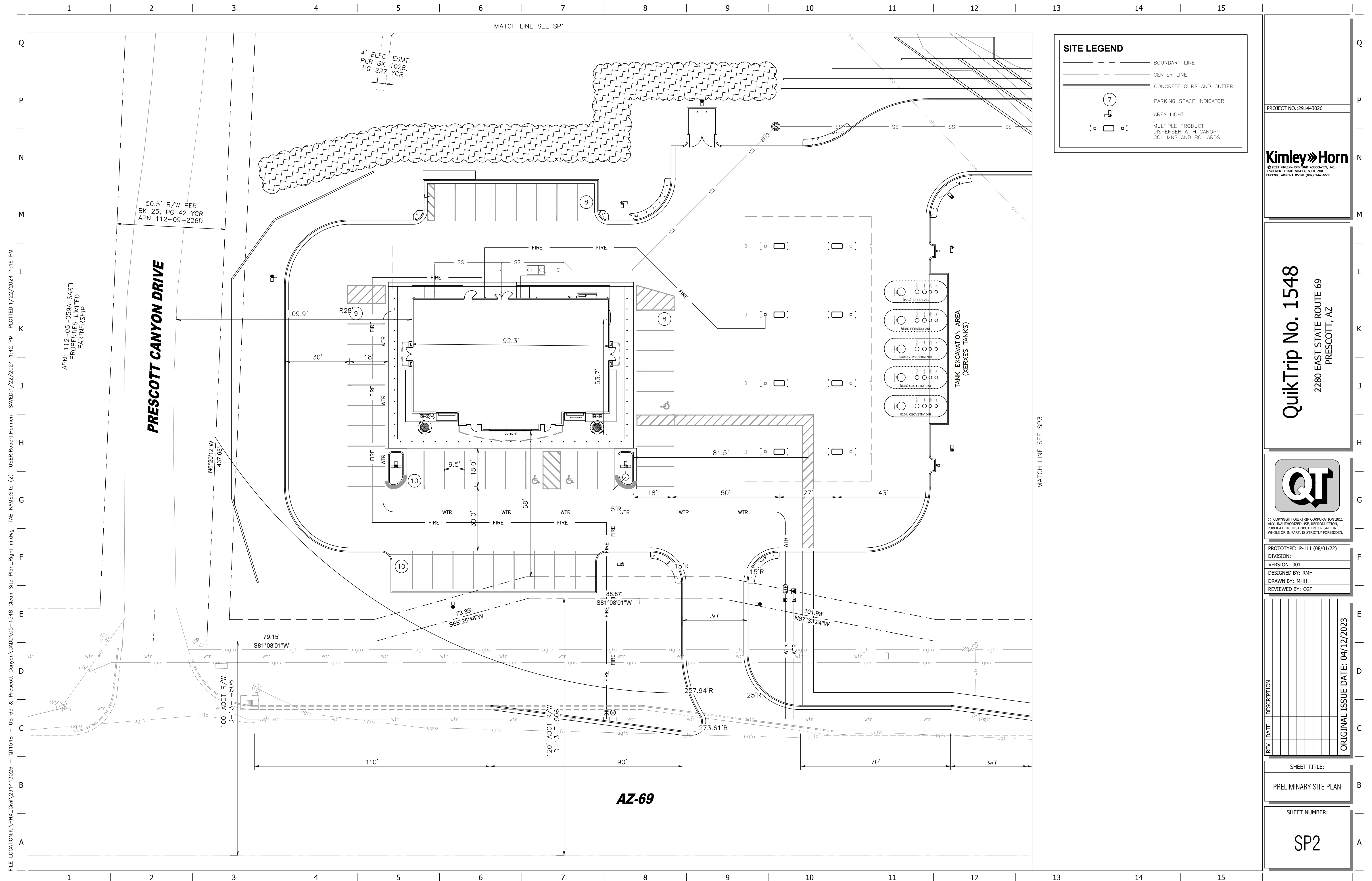


As pictured above, adjacent zoning is also a mix of BG and BR with mostly commercial uses being adjacent.

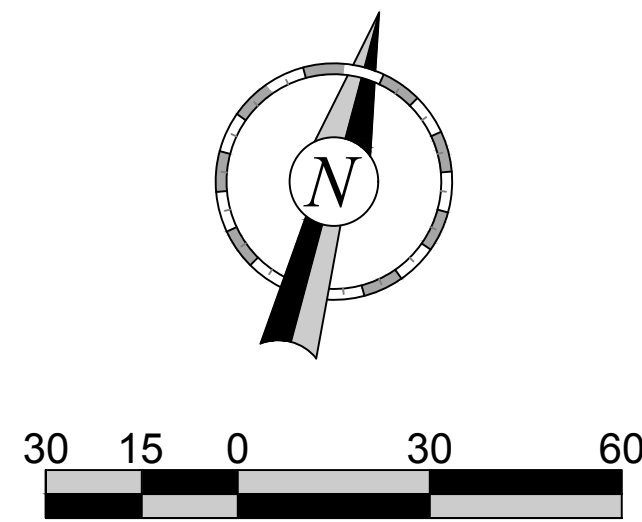
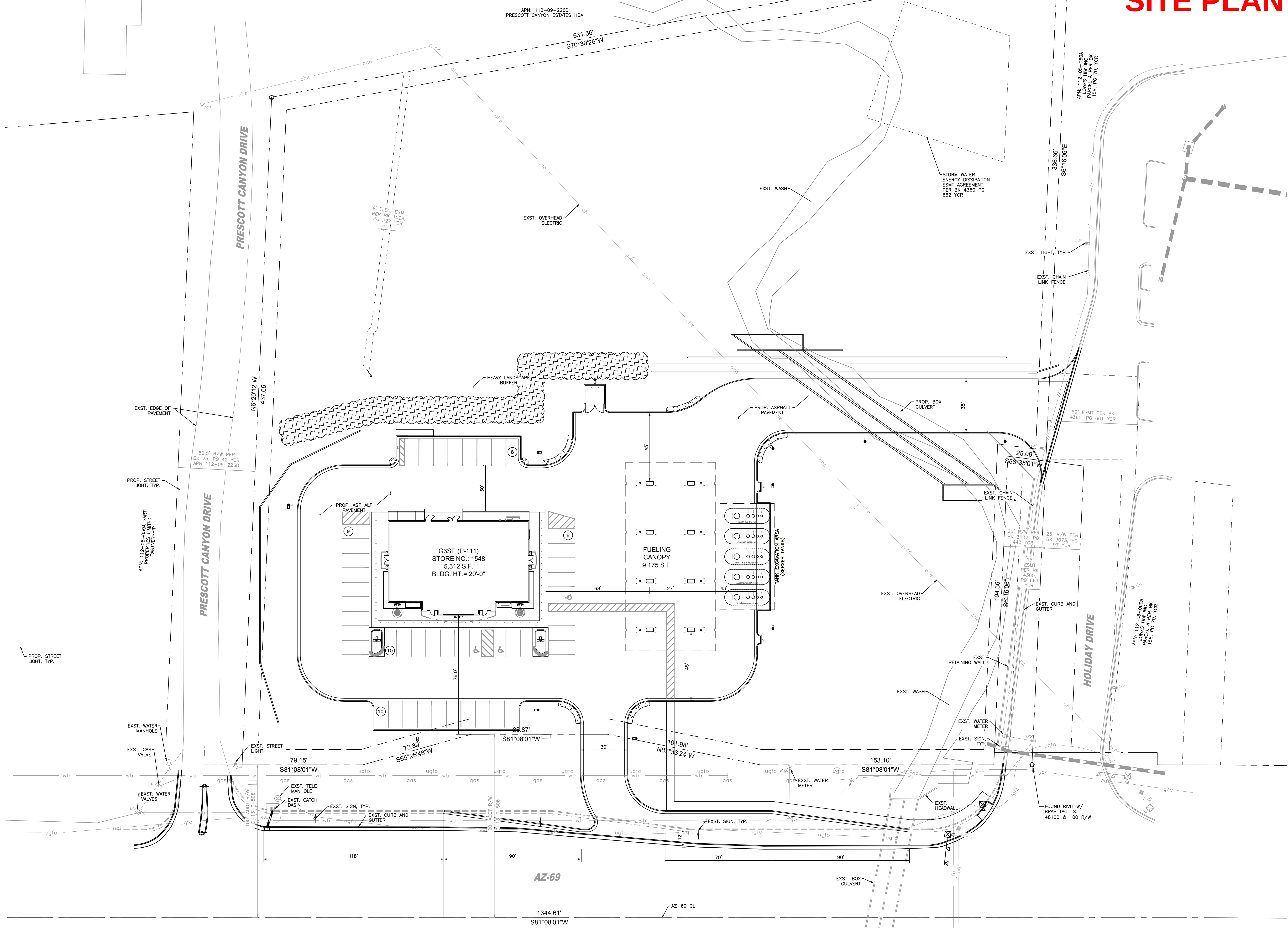




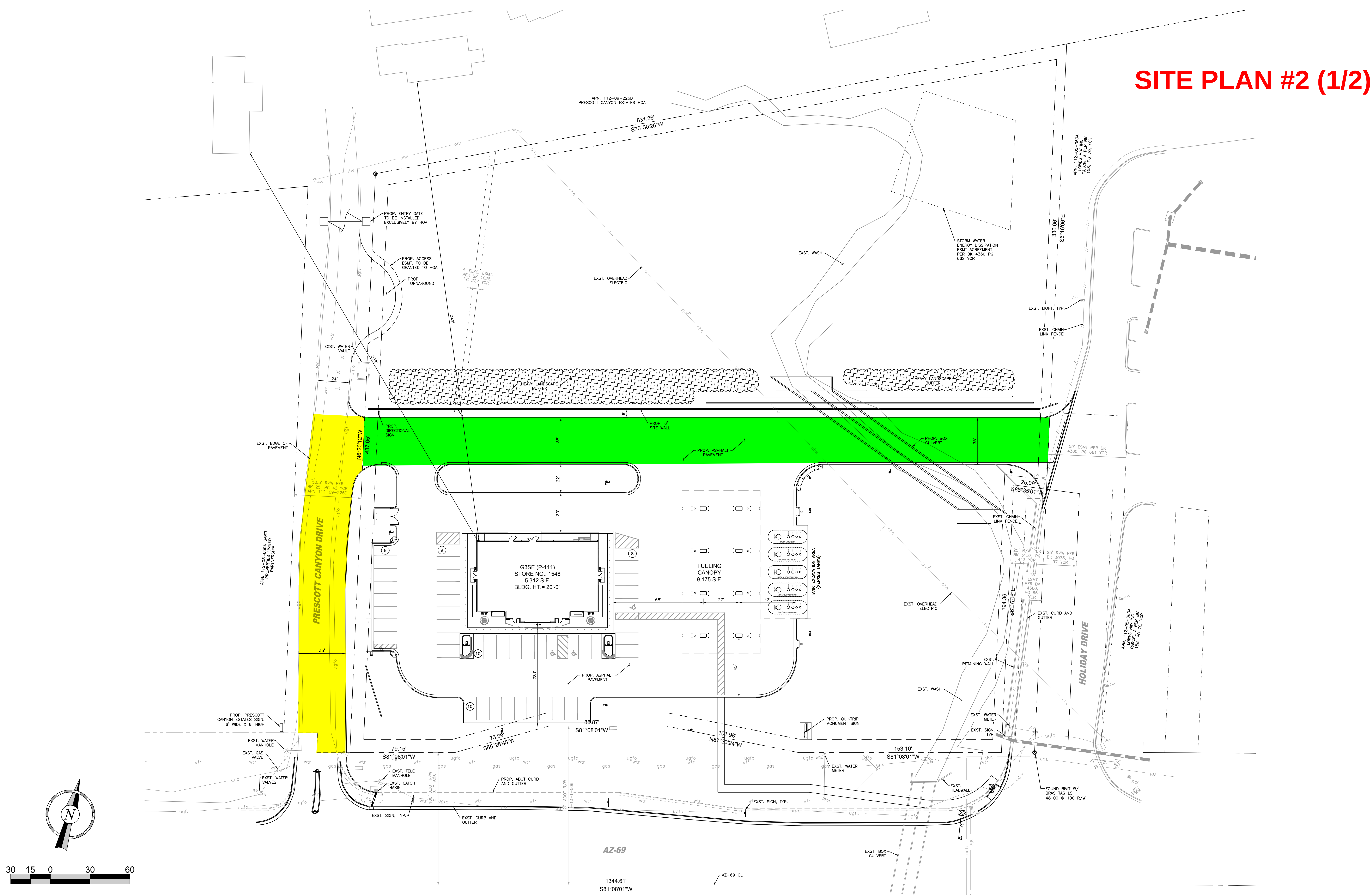
SITE PLAN #1 (1/2)



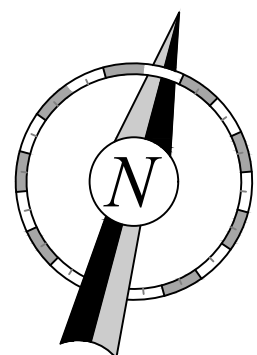
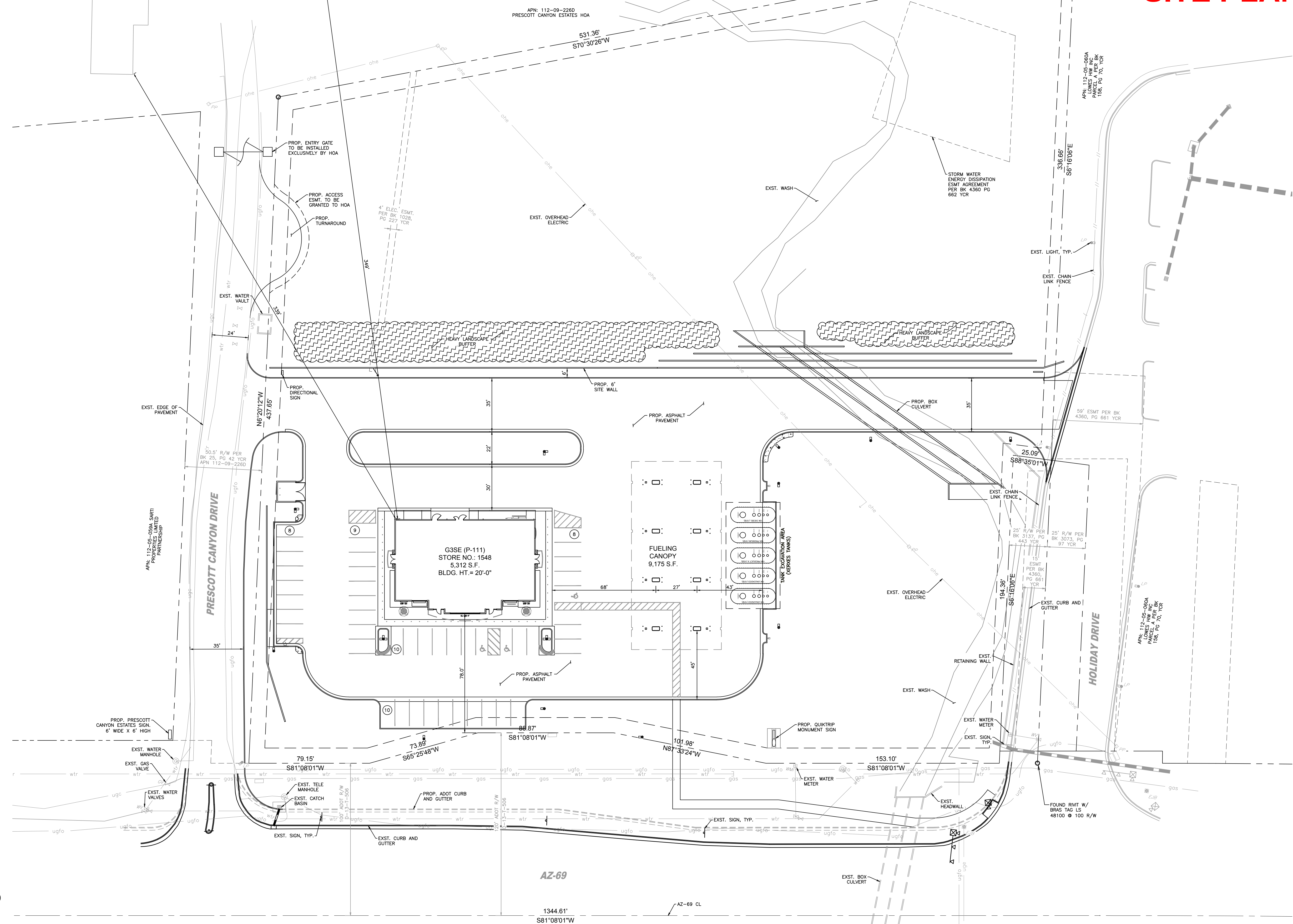
SITE PLAN #1 (2/2)



SITE PLAN #2 (1/2)



SITE PLAN #2 (2/2)





View from SW
Corner
(Hwy 69)



View from
SE Corner
(Hwy 69)



