



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

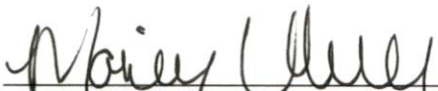
None.

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
Marikay Whisenand, for Sarah Hilton