



City of Prescott Board of Adjustment

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

MINUTES

1. CALL TO ORDER

Chair Lamerson called the meeting to order at 9:00 a.m.

2. ROLL CALL

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

3. DISCUSSION & ACTION ITEMS

Councilman Ted Gambogi addressed the audience to thank them for their conduct at the past meetings.

A. Approval of the March 21, 2024 Board of Adjustment Meeting Minutes.

MOTION BY MEMBER DAVIS TO APPROVE THE MARCH 21, 2024 MINUTES; SECONDED BY MEMBER FREDERICKSON: (6 - 0)

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.

Kaylee Nunez, Planner, introduced the topic for discussion. She displayed site plan overlay maps of the proposed gas station that included two site plan options being considered. She also showed landscape plans, viewshed renderings to show examples of how the building would look from different angles nearby. Both site plans meet requirements per land development code.

Member Frederickson asked if the Prescott Canyon Drive was private, county or city.

Member Hokeness asked if QuikTrip had a preference for site plan number one or number two.

Ms. Nunez responded that site plan one was the original idea.

Daniel Chambers, QuikTrip representative, responded that he received

information that the Prescott Canyon Estates HOA voted and prefers site plan one.

Member Hokeness clarified that the HOA and QuikTrip worked together and reviewed details of site plan one with the QuikTrip representative.

Mr. Chambers commented that they are providing extra landscaping to establish a buffer on the back side of the gas station and shielding on the lighting.

Member Hokeness asked if the approval would include the additional landscaping agreement.

Ms. Nunez recommended the landscaping plan be tied to the site plan number one.

Member Davis clarified that the applicant prefers site plan one.

Chair Lamerson asked if the project meets all requirements but the city rejects it, would it be considered a taking.

Matt Podracky, Deputy City Attorney, responded not under these conditions, they are applying for a conditional use permit. He added that as long as the Land Development code criteria is adhered to and conditions are reasonable to ameliorate impacts to the development it will be copasetic.

Member Davis asked about the hours of operation, preservation of open space north of the gas station.

Member Frederickson asked If the Board were to incorporate conditions into any approval of the conditional use permit, would it lend extra weight to those conditions, considering they have already been applied by the Planning and Zoning Commission.

Mr. Podracky responded if the Board applies it as part of the conditions of the conditional use permit, then if they deviate from that, the conditional use permit is revoked, so they no longer have the right to operate. Yes, it will give a little extra weight.

Mr. Chambers, provided a presentation. QuikTrip is excited to come to the area and provide jobs. They are also a safe place for children to come any time of day or night. He showed the security plan for an example of a station, covered 100 percent in video coverage. He displayed a color rendering with landscaping with mature trees separating the neighborhood and the station.

Member Hokeness asked Mr. Chambers what the schedule is for start and completion of the project.

Mr. Chambers responded that with all the different phases of the project they are still a few years out for completion.

Member Hokeness asked about the timing of the Highway 69 road expansion.

Mr. Chambers stated they would like to time their construction as best they can but it also takes a while to produce the project plans.

Ms. Nunez added in reference to the timeline, the project still needs to go before the Water Issues Subcommittee and City Council so about a month to a month and a half before QuikTrip can submit for permits.

Mayor Goode commented on the plans of widening Highway 69. He stated that bids will be opened tomorrow and construction is expected to begin July 2024.

Karen Monks, Prescott Canyon Estates HOA President, they continue to oppose the gas station. Did work in good faith for separate access with the gas station. She urged the Board to deny the application due to non-compliance. Gas station is near a water flow area that flows to Watson Lake. Request to not have explosives used in the construction process, and requested business and delivery hours of 6 a.m. to 9 p.m.

Acacia Koa, neighborhood resident, commented that there is a need to address the issue of water, how much will be used in the course of business for the gas station. How much money will this bring the City, understands it will bring in revenue but believes there is a better location elsewhere.

Pat Mathews, neighborhood resident, spoke as the first home directly behind the proposed gas station. She is concerned with the effect on the environment, damage to homes from construction process, who would be responsible for the possible damage.

Roger Mathews, neighborhood resident, commented that the city will not see additional revenue, just taking revenue from existing sources. He is concerned about environmental damage, increased traffic and requested the Board to deny the project.

Leigh Mckinsey, neighborhood resident, commented that the creek runs in front of her house and she lives downhill from the proposed station, that waterway is important part of the upper Granite Creek. She believes this is not the right project for the location, potential for damage is enormous, and manmade systems fail. Requested the board to impose conditions on the project if they do not deny it.

Kellie Rutherford, neighborhood resident, stated that she is concerned about water, traffic, and safety, the gas station is better off somewhere else. She feels the neighborhood will depreciate if the gas stations is built and requested the board to not approve the conditional permit for the people.

Toni Perry, neighborhood resident, spoke to appeal to the board to deny the gas station. This will affect the peace of the neighborhood and home values that they are relying on. Project does not blend into the current neighborhood and cannot recoup financial loss from diminished home values.

Michael Calder, neighborhood resident, spoke as a biochemical scientist for over 40 years, gas stations always leak, referenced recent gas station leak, once gas leaks into the ground it is permanent, off gassing and fumes will be constant, and

chemically gasoline is dirty.

Craig Skiera, neighborhood resident, spoke as an environmental engineer with 30 years of experience regarding gas station exposure and health threats. He commented that many US Cities have adopted a minimum 500 feet public health safety zone for placement of gas stations away from residential areas.

John Sirochman, neighborhood resident, wondered why the gas station needed so many parking spots compared to other gas stations not having that many.

Andrea Anton, neighborhood resident, spoke to the concern of health and safety of the neighborhood being effected by a 24 hour gas station. She is also concerned wildlife will be scared away, and noise disruption will affect the neighborhood residents sleep which is very important for health.

Mike Sarti, property owner, pointed out that the location is a commercial property and in a high traffic corridor.

Dennis Anton, neighborhood resident, asked what the property owner has to gain.

Member of the public Deanne Martin spoke regarding her parents' property in the neighborhood and the pride of ownership shown throughout the neighborhood. She is concerned with the loss of property value, hoping a better location can be found for the gas station.

Will Monks, neighborhood resident, spoke regarding the landscape proposal, he believes there is more to the pictures that are shown in the renderings, please do not pass the proposal.

Sonia Clark, neighborhood resident, requested Mr. Sarti wait for a better opportunity for the property, and requested that it please not a gas station.

Member Frederickson asked the QuikTrip representative what the delivery hours usually are.

Mr. Chambers responded they could control the QuikTrip delivery hours, but cannot control the third party vendor delivery hours as well as gas delivery which is subject to the route.

Member Haubrich thanked the community for coming out.

Vice Chair Teeters asked how restricted delivery hours would affect the QuickTrip.

Mr. Chambers responded it would have a negative impact.

Member Davis commented that this is a challenging decision related to zoning and land development and added that the zone in question is very permissive, allowing for various uses without additional permits. The board must consider the broader context outlined in the zoning code and aim to mitigate any concerns raised by adding conditions.

Member Hokeness asked staff how long the current zoning has been in place at the property location.

Ms. Nunez responded that it predates the current 2003 code.

Chair Lamerson asked for a motion.

Member Davis asked what the next step would be if the applicant or neighbors wanted to appeal a decision made.

Attorney Podracky responded the next move would be an aggrieved person has the right to file a special action in Superior Court challenging the decision within 30 days.

MEMBER FREDERICKSON MOVED TO APPROVE CUP23-006 WITH MODIFICATIONS, SITE PLAN ONE (1), INCORPORATING THE LANDSCAPE PLAN AND SHIELDED LIGHTS, LIMITING DEVELOPMENT OF THE NORTH SIDE OF THE PROPERTY TO KEEP AS OPEN SPACE AND REQUIRING A SIX (6) FOOT WALL ALONG THE NORTH SIDE OF THE DEVELOPED PORTION OF THE PROPERTY; SECONDED BY MEMBER HOKENESS.

Ms. Nunez clarified and restated the motion as move to approve CUP23-006 as tied to site plan number one (1), which includes the landscape plan and reinforcing the condition for the 6 foot wall set forth by the Planning and Zoning Commission.

Attorney Podracky asked for clarification on the conditions, one condition of limiting development of the back half or others.

Member Frederickson responded there was the condition of the six foot wall along the north edge and leaving the north portion of the property open.

Member Davis asked if the members making the motions would consider the limitation of hours from 6 a.m. to 10 p.m.

Member Frederickson and Member Hokeness said that is not part of their motion but another motion could be made.

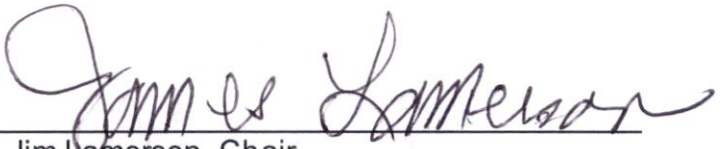
MOTION BY MEMBER FREDERICKSON TO APPROVE CUP23-006 WITH CONDITIONS AS TIED TO SITE PLAN NUMBER ONE (1) AND REINFORCING THE PLANNING AND ZONING COMMISSION'S CONDITIONS TO PRESERVE THE UNDISTURBED PORTION OF THE PROPERTY NORTH OF THE DEVELOPED SITE AND TO REQUIRE A SIX FOOT WALL NORTH OF THE SITE; SECONDED BY MEMBER HOKENESS: PASSED (5 - 1) MEMBER DAVIS DISSENTING

4. STAFF UPDATES

None.

5. ADJOURNMENT

There being no further business to discuss, Chair Lamerson adjourned the meeting at 10:32 a.m.


Jim Lamerson, Chair

ATTEST:


Torey Dawson, Deputy City Clerk