

**Application #:** ZA-210-12-8 (Continued from 08/16/12) – APPROVED / STIPULATIONS  
**Existing Zoning:** C-2 ACOD  
**Location:** Southeast corner of 7th Street and Roosevelt Street  
**Quarter Section:** 11-29(F8)  
**Proposal:** 1) Use permit to allow packaged liquor sales within 300 feet of a residentially zoned property. Use permit required.  
2) Use permit to allow propane retail sales as an accessory use to a retail facility within 200 feet of a residentially zoned property. Use permit required.  
**Ordinance Sections:** 622.D.95.a. 623.D.146.a.  
**Applicant:** Circle K Stores, Inc.  
**Representative:** David Cisiewski / MD Partners, LLC  
**Owner:** VP 7th & Roosevelt, LLC

**ZONING ADJUSTMENT HEARING OFFICERS: MICHAEL WIDENER**  
**PLANNER: EDWARD KEYSER**

**DECISION:** This request for use permits was taken under advisement. On November 15, 2012, it was taken out from under advisement and approved with the following stipulations:

- 1) At the time the applicant receives the final certificate of occupancy for the facility on the south boundary of the intersection, applicant shall concurrently de-identify the station on the northeast corner of the intersection, including removing all signs on the building façade together with all Circle K logos and marks, and, unless prohibited from doing so under its lease (which shall be reviewed for conflict with the terms thereof by the hearing officer), the applicant shall remove the canopy on the northeast corner to maximize the visibility of the building. All wall surfaces of the building damaged by the removal of the signs and logos will be repainted to match the wall colors so that there are no "shadows" of the former occupant's name and logos in evidence.
- 2) Applicant shall hire and maintain on the site 24-hour per day security. This detail shall patrol the Circle K parking lot for the purpose of ejecting persons who are loitering and who are in possession of controlled substances or who are panhandling. The security will sweep the parking lot no fewer than 5 times per hour on duty at the store, and shall include the entire parking lot and the rear of the building on each patrol. In other words, the security guards will remain active and mobile on their shifts. The store's policy will be that if those invited to leave the parcel have not departed in a short time frame, the security will telephone the police precinct and report the presence of vagrants or improper transactions occurring in the parking lot.
- 3) The use permit required 24-hour security shall be reviewed within 6 months of issuance of the final Certificate of Occupancy(opening of the store) to ascertain the continued need for 24 hour security. The security guards shall keep a log of all contact made regarding theft, trespassing, panhandling or other issues. The

log shall record the time and type of incident and be provided to the Zoning Adjustment Hearing Officer concurrent with the 6 month review application. This data will be used to evaluate the continued need for security along with any other public comments made as part of the review process.

- 4) Applicant will post the area around the gas dispensing apparatus with signs warning that "no vagrancy or loitering" is permitted on the site, and reciting applicable city ordinances, and will complete the "authority to arrest" form with the Phoenix Police Department so that Phoenix police are entitled to apprehend and relocate or, if applicable, arrest, vagrants who are identified by the security detail to be loitering who do not scatter on command.
- 5) Beginning with the first meetings scheduled after the date the final certificate of occupancy for the building on the site is issued, for a period of three years, an assistant or shift manager, or a person within applicant's organization with higher rank familiar with the Roosevelt store will represent applicant at the Garfield and East Evans Churchill neighborhood associations and will remain at each such meeting until the representatives of these associations have had opportunity to vocalize grievances the neighborhoods have with the applicant's operation.
- 6) The applicant shall not sell or offer at retail to consumers (i) beer, malt liquor and related hops and malt beverages in single containers having a volume of 40 oz. or greater, (ii) beer or beer-related beverages with an alcohol content exceeding 8% alcohol, and (iii) wine or wine-ingredient beverages exceeding 13.5% in alcohol content. There shall be no "broken package" sales of alcoholic beverages; thus these beverages shall be sold only in the packages and formats in which they are delivered to the store loading dock by their distributors. There shall be no alcohol beverages displayed outside the store beyond the threshold of the front door.
- 7) The Police Department's Precinct Commander (or his or her designee) shall approve exterior lighting and security personnel conduct on the site at his/her reasonable discretion.
- 8) The applicant will make the sidewalk system along 7<sup>th</sup> Street on its property sufficiently wide to accommodate bicycle traffic northbound from Fillmore as well as any pedestrians as approved by the Planning and Development Department.