

ATTACHMENT F

Oct. 3, 2023

Racelle Escolar, AICP
Principal Planner
City of Phoenix
Planning and Development Department
Planning Division

Dear Racelle:

Thank you for speaking with me last week about the Planning and Development Department's Staff Report Z-14-23-4 ("Staff Report") regarding Circle K's zoning application for their property located at 1501 W. McDowell Rd. in Phoenix. I appreciated you forwarding the Village Planning Committee Meeting Summary from Sept. 11th, since a schedule conflict prevented me from attending that session.

As mentioned to you, my wife Terri and I reside at 1502 W. Lynwood St, Phoenix, AZ 85007. We have lived here full time since buying the property in March 2020. Our home is on the NW corner of W. Lynwood St. and N. 15th Ave and the residence closest to this Circle K store. A pool and casita are located behind the house on the north side of our lot, with the north wall of the casita facing the alley we share with Circle K.

The purpose of this letter is to provide our perspective on the zoning application and to request that certain stipulations listed in the prior to Planning Commission action.

Neighborhood

We enjoy living in F.Q. Story, have excellent neighbors and an active association. Each morning, we walk about 1.5 miles through the neighborhood. Afterwards I check on our alley, the bus stop and the east side of Circle K that faces N. 15th Ave. In late afternoon after finishing work, we swim and exercise in our pool year-round. During the morning and afternoon, if there's excessive noise from transients, loitering or encampments (either in the alley, at the bus stop, along the Circle K east wall or across the street at 1515 N. 15th Ave.), I'll call the police non-emergency number and request officers to stop by. The police have been very responsive and the transients usually move on. If and when they return later in the evening before bed or early the next morning around 5 a.m. (the start of my workday in the casita), I will call the non-emergency number and report the incidents. In certain instances when encampments occur, we will also connect with PHX C.A.R.E.S. for their assistance.

Having lived in downtown Philadelphia and New York City before moving to Phoenix, we are keenly aware of pros and cons of urban life and the need to be diligent and responsible neighbors. We want F.Q. Story to remain vibrant and safe.

Challenges

The key challenges we address while living here are:

1. Transient encampments or gatherings in the shared alley with Circle K, along the east wall of Circle K, at the bus stop (SE corner of Circle K's property), the west wall of LoanMax (directly

City of Phoenix Planning and Development Department Staff Report Z-14-23-4 (9/1/23)
Requested Revisions: Archie & Terri Simons – 1502 W. Lynwood St., Phoenix, AZ 85007 (10/3/23)

across the street from Circle K on the SE corner of McDowell and N. 15th Ave.) or in the front of the building south of LoanMax located at 1515 N. 15th Ave. Almost every day, transients gather at the east Circle K wall and the bus stop. Circle K does have no trespassing signs posted on their east wall and the south wall facing the alley, however these signs are old, worn out and need to be replaced. To our knowledge, Circle K has not filed an authority to arrest with the city and neither Circle K management nor their security personnel move transients from the east wall of their property or from the alley. We also believe Circle K's calls to the police to clear out transients are not made very often. In addition, there are two metal chairs at the bus stop but one of them has been moved by transients slightly to the north of the bus stop; this chair is normally occupied by transients during the day and sometimes at night. As a result, the bus stop is not a welcome place for anyone waiting to take the bus. Those people, instead of sitting in the one remaining chair, sometimes hang out in the alley or outside our garage gate that faces 15th Ave. until the bus arrives.

2. Transient behavior including loud noise, drug dealing, drug use, defecating and urinating in the shared alley with Circle K, behind the rear fence located on the south side of Circle K and along the Circle K east wall. The Circle K rear fence has been ripped apart for over two years and never repaired. Transients use that area either for a bathroom and/or drug use. The litter and feces in the fenced-in area is not removed by Circle K.
3. Trash removal on the front lawn and east sidewalk of our property facing N. 15th Ave and on the east wall of Circle K. Most of the trash, except discarded clothing, is from Circle K purchases - food, food wrappers, cups, cans, plastic containers, broken glass bottles and cigarette butts ("Circle K Trash"). Part of reason for too much Circle K Trash is the absence of any Circle K trash containers in or near the east wall of the property, along with only one city trash container by the bus stop. The city trash container gets filled up easily as Circle K patrons leave with food/drink purchased, some of which is then discarded near the Circle K east wall, around the bus stop, in the alley or along the 15th Ave. sidewalk adjacent to our home.
4. Our removal of Circle K Trash, along with excrement, drug paraphernalia (needles, spoons, burnt aluminum foil, etc.), discarded clothing, cardboard boxes and shopping carts ("Transient Trash") from the alley. We believe that Circle K makes no effort to keep the alley clean and safe. I know because I'm out there every day. They sometimes pick up stuff along the Circle K east wall but it's not a daily occurrence.
5. Circle K marketing flags (currently red and yellow ads for \$.25 gas discounts) that have recently been placed on the NE corner of the store. We see these flags all the time from our property. They are a nuisance, detract from the character of the neighborhood and should not be placed where we can see them.
6. Periodic robberies at Circle K which wake us up since they typically occur at night and negatively impact the safety of the neighborhood.

Recommendations

We want Circle K management to get better focused about meshing their business operations into the fabric of our community, today in the current store and then with the new building after it is completed. This viewpoint is consistent with the first Design Principle cited under General Plan Conformity in the Staff Report:

“CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on residential properties.”

In order to prevent negative impacts from this zoning proposal on the residential properties in F.Q. Story, below are specific changes that should be made to certain of the stipulations set forth in Report Z-14-23-4, including Stipulation No. 21 added by the Village Planning Committee.

- Stipulation No. 6: “Video surveillance shall be maintained **24 HOURS A DAY ON ALL FOUR SIDES OF THE BUILDING** to monitor activities in and around the store to discourage alcohol violations, **TRESPASSING, DRUG USE** and **OTHER** unlawful activities. **THE DEVELOPER SHALL MONITOR THE OCCURRENCE OF SUCH UNLAWFUL ACTIVITIES AND REPORT THESE ACTIVITIES TO THE PHOENIX POLICE DEPARTMENT ON A TIMELY BASIS.”**
- Stipulation No. 7: “An authority to arrest agreement shall be completed and maintained by the property owner, **FOR THE EXISTING PROPERTY ON OR BEFORE DEC. 31, 2023 AND, IF NEEDED BY THE PHOENIX POLICE DEPARTMENT, FOR THE NEW STORE PRIOR TO OCCUPANCY.** The agreements shall be signed and delivered to the Phoenix Police Department.”
- Stipulation No. 21 (added by the Village Planning Committee): “IN-PERSON FULL-TIME SECURITY, DEDICATED TO THIS STORE, SHALL BE PROVIDED **24 HOURS A DAY ON SITE.”**
- **NEW STIPULATION NO. 22: “IN ACCORDANCE WITH THE CITY OF PHOENIX CITY CODE CHAPTER 31, STREETS AND SIDEWALKS, SECTION 31-10, THE LANDOWNER IN CONTROL OF ANY LAND ABUTTING A SIDEWALK, ALLEY OR STREET SHALL MAINTAIN SUCH SIDEWALK, ALLEY OR STREET ON WHICH SUCH LAND ABUTS IN A CLEAN CONDITION IN SUCH MANNER AS TO BE FREE FROM: (1) LITTER, GARBAGE, DEBRIS, RUBBLE; (2) INSECT AND RODENT INFESTATION; (3) OVERGROWN VEGETATION, DEAD TREES, BRUSH AND WEEDS; AND (4) OTHER CONDITIONS THAT PRESENT A HEALTH, FIRE OR SAFETY HAZARD. THE DEVELOPER SHALL ACT IN A TIMELY MANNER TO COMPLY WITH THESE REQUIREMENTS OF SECTION 31-10.”**
- **NEW STIPULATION NO. 23: “THE DEVELOPER SHALL HAVE TWO LARGE TRASH CONTAINERS FOR CUSTOMERS LOCATED ON THE EAST SIDE OF THE BUILDING, ONE AT THE NE CORNER OF THE STORE AND THE OTHER NEAR THE SIDEWALK TO THE RIGHT OF THE BUS STOP. THESE TRASH CONTAINERS SHALL BE EMPTIED WHEN FULL ON A TIMELY BASIS.”**
- **NEW STIPULATION NO. 24: “THE DEVELOPER SHALL NOT PLACE MARKETING FLAGS IN FRONT OR ON THE SIDES OF THE STORE THAT ARE VISIBLE TO NEIGHBORING HOMES LOCATED SOUTH OF THE PROPERTY.”**

We appreciate the opportunity to comment on this Circle K zoning proposal and trust that the Planning Commission will adopt our recommendations.

Sincerely Yours,

Archie & Terri Simons