

Attachment E

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

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|--|---|--|-----------|------------------|
| FORM TO REQUEST PC to CC I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON: 11/4/2020 | | | | |
| APPLICATION NO/ LOCATION | PHO-1-20--Z-242- 81-6 Northwest corner of 32nd Street and Turney Avenue | (SIGNATURE ON ORIGINAL IN FILE) | | |
| | | opposition | x | applicant |
| APPEALED FROM: | 10/1/2020 | Bobby Berland 602-315-0680 tim@timlasota.com | | |
| | <i>PC DATE</i> | <i>NAME / PHONE / EMAIL</i> | | |
| TO CC HEARING | 11/4/2020 | 3135 East Turney Avenue Phoenix, AZ 85016 | | |
| | <i>CC DATE</i> | <i>STREET ADDRESS/CITY/STATE/ZIP</i> | | |
| REASON FOR REQUEST: The stipulation that was attached to this zoning case in the early 1980s to limit the height of the building on the southern portion of the property, the portion of the property closest to residences, was clearly important to the rezoning. Undoubtedly, this was a concession from the rezoning applicant at that time, that the building would be kept to one story. Now the application seeks to take away what was conceded as a condition of securing the prior zoning. And they do not provide any real reason for this either, except for their own convenience. It is very important that zoning applicants not be permitted to offer a concession to secure zoning and then subsequently remove it, against the wishes of those property owners closest to the affected area. Removing the stipulation also allows for a two-story building and parking garage that is nearly on top of the property line. This will have a negative impact on the privacy of the nearby homeowners, as well as be aesthetically unpleasing. | | | | |
| RECEIVED BY: | Michael Pierce | RECEIVED ON: | 10/7/2020 | |

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Leah Swanton
Vikki Cipolla-Murillo
Danielle Jordan
Village Planner



CITY OF PHOENIX

OCT 07 2020

Planning & Development
Department

The **PLANNING COMMISSION** agenda for **October 1, 2020** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **October 8, 2020**.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., **October 8, 2020**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **October 8, 2020**.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **October 15, 2020**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

PH0-1-20-Z-242-81-6
APPLICATION NO.

Northwest corner of 32nd St. + Turney Ave.
LOCATION OF APPLICATION SITE

10-1-20

DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Michael Pierce 10/7/20
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Bobby Berland
PRINTED NAME OF PERSON APPEALING

BOBBY BERLAND
SIGNATURE

3135 E. Turney Ave.
STREET ADDRESS

10/6/20
DATE OF SIGNATURE

Phoenix, AZ 85016
CITY, STATE & ZIP CODE

602-315-0680
TELEPHONE NO.

tim@finlasota.com
EMAIL ADDRESS

REASON FOR REQUEST

Please See Attached.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

REASON FOR REQUEST (Attachment to form completed for appeal to City Council):

The stipulation that was attached to this zoning case in the early 1980's to limit the height of the building on the southern portion of the property, the portion of the property closest to residences, was clearly important to the rezoning. Undoubtedly, this was a concession from the rezoning applicant at that time, that the building would be kept to one story. Now the applicant seeks to take away what was conceded as a condition of securing the prior zoning. And they do not provide any real reason for this either, except for their own convenience. It is very important that zoning applicants not be permitted to offer a concession to secure zoning and then subsequently remove it, against the wishes of those property owners closest to the affected area.

Removing the stipulation also allows for a two-story building and parking garage that is nearly on top of the property line. This will have a negative impact on the privacy of the nearby homeowners, as well as be aesthetically displeasing.