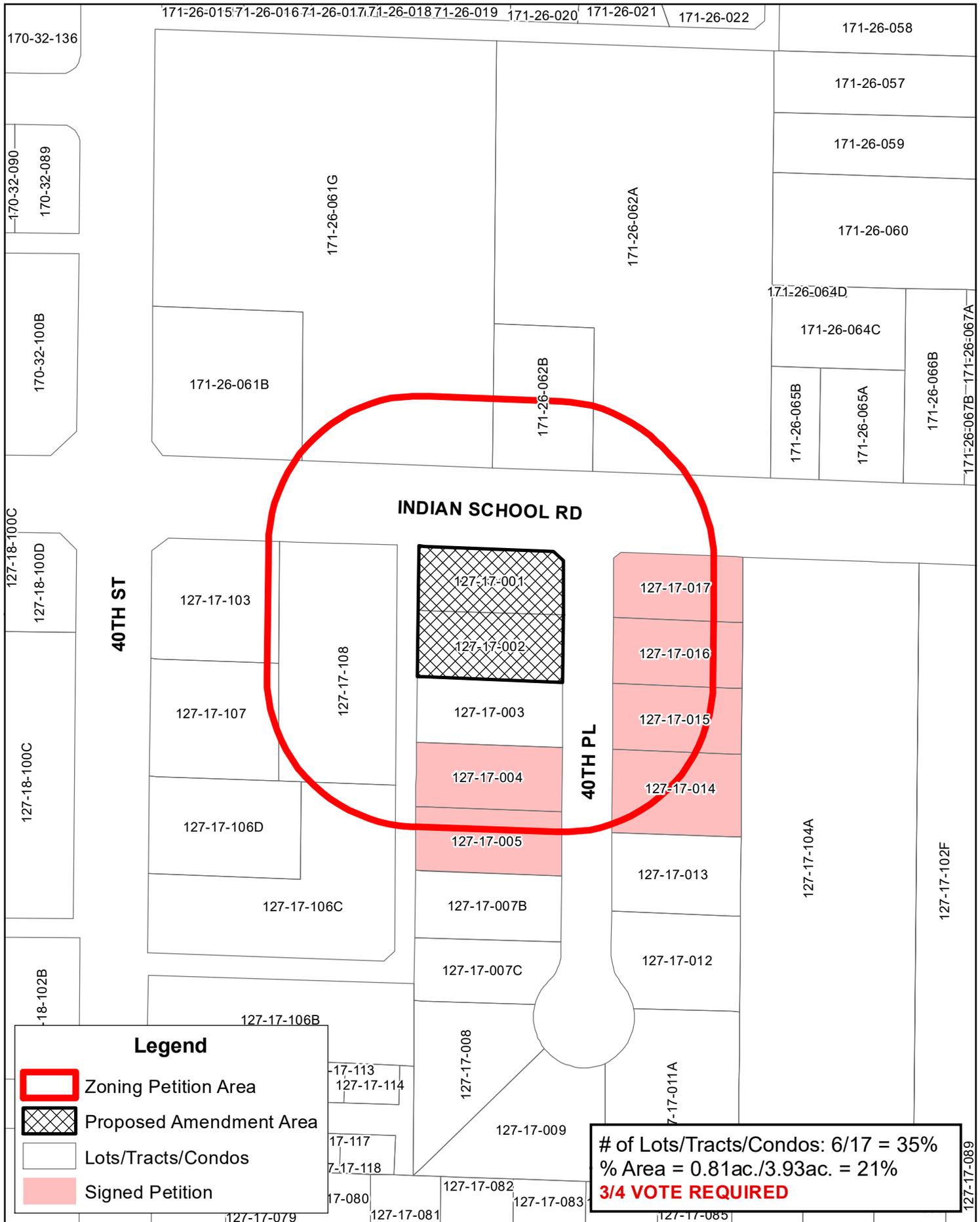


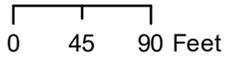
Attachment E



Legend

-  Zoning Petition Area
-  Proposed Amendment Area
-  Lots/Tracts/Condos
-  Signed Petition

of Lots/Tracts/Condos: 6/17 = 35%
 % Area = 0.81ac./3.93ac. = 21%
3/4 VOTE REQUIRED



Petition Verification Map for Z-43-21-6

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC			
I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON: 12/1/2021			
APPLICATION NO/ LOCATION	Z-43-21-6 Southwest corner of 40th Place and Indian School Road	(SIGNATURE ON ORIGINAL IN FILE)	
		opposition	x
Phoenix, AZ 85013	PC 11/4/2021	4026 North 40th Place Phoenix, AZ 85018	
	<i>PC DATE</i>	<i>STREET/ADDRESS/CITY/STATE/ZIP</i>	
TO PC/CC HEARING	CC 12/1/2021	Jennifer Johnson Collier (480) 216-4779 jlynjohnson@aol.com	
	<i>CC DATE</i>	<i>NAME / PHONE / EMAIL</i>	
REASON FOR REQUEST:			
<ul style="list-style-type: none"> • Community concerns have not been addresses fairly or ethically. • “No parking” signs are not a viable solution. <p>See attachment for details.</p>			
RECEIVED BY:	Kim Steadman	RECEIVED ON:	11/9/2021

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
David Urbinato
Vikki Cipolla-Murillo

Greg Harmon
Samantha Keating
Paul M. Li
Village Planner: Sofia Mastikhina
GIS
Applicant



The **PLANNING COMMISSION** agenda for **November 4, 2021** 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. **November 11, 2021**.

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., **November 11, 2021**.

- 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. **November 11, 2021**.

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. **November 18, 2021**.

FORM TO REQUEST CITY COUNCIL HEARING

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

Application form with handwritten entries: APPLICATION NO. 2-43-21-6; LOCATION OF APPLICATION SITE 4048 N. 40th PLACE PHOENIX AZ 85018; PLANNER Kim Steadman; DATE APPEALED FROM 11/4/21 - PLANNING COMMISSION; checkboxes for OPPOSITION (checked) and APPLICANT (unchecked).

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Signature section with handwritten entries: PRINTED NAME OF PERSON APPEALING JENNIFER JOHNSON COLLIER; SIGNATURE [Signature]; STREET ADDRESS 4026 N. 40th PLACE; DATE OF SIGNATURE 11/9/21; CITY, STATE & ZIP CODE PHOENIX, AZ 85018; TELEPHONE NO. (480) 216-4779; EMAIL ADDRESS jlynjohnson@aol.com

CITY OF PHOENIX

NOV 09 2021

Planning & Development Department

REASON FOR REQUEST PLEASE SEE ATTACHED LETTER DATED NOVEMBER 8, 2021

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

November 8th, 2021

City of Phoenix Planning & Development Dept.
Attn: Zoning Section
Case No.: Z-43-21
Rezoning of 4048 N 40th Place
Phoenix, AZ 85018

Dear City of Phoenix Planning Commission and City Council Members,

The purpose of this communication is to formally appeal rezoning case no. Z-43-21. I do not believe my community's concerns have been handled fairly or ethically and feel strongly that an investigation with training interventions is in order for both the City of Phoenix Zoning and Planning employees and also community members that have been called to follow the Board and Commissions Ethics Handbook put out by the City of Phoenix. Our community has experienced major errors at multiple points in this process which cause us as a community to question if the process put in place allows for fair treatment of community tax payers and voters.

At the Village Planning meeting, two of our community members Ruth Ewaldt and Matt Reyhons, were confirmed to speak in opposition by City of Phoenix employee Sofia Mastikhina, Planner II, however neither were listed or allowed to speak during the meeting. In addition, multiple individual letters were written with confirmed receipt as well as a combined community letter that included ten of the thirteen homes in opposition to the rezoning of this home. One letter made it into the Village Planning report. During the meeting they stated that there was no opposition. Apologies were offered after the case was approved and advanced to the Planning Commission; however, no action was taken to correct the errors and make our community whole in the mistreatment that occurred.

At the Planning Commission Meeting on November 4th, 2021, four of our community members were allowed to speak in opposition. Studio Ma had a previous client the Brokery, claim that their project exclusively increased residential values not the strong real estate market to dismiss our concerns that property values could be impacted. Further, not a single community member spoke in support of this project that didn't have a previous business / financial relationship with Studio Ma. Of equal concern was Planning Commission Member Nico Howard and his gleeful excitement to review another Studio Ma project that evening. According to Nico Howard's Linked in profile he is a corporate attorney turned real estate developer. It is unclear how close his connections are to Studio Ma or if there should be ethical reporting of business interactions between the two. He made biased statements prior to our case being presented. He appeared

November 8th, 2021

Page 2

smug and gloating to our community residents. We found his behavior odd and in opposition to the City of Phoenix Board and Commissions Ethics Handbook.

The Planning Commission made a recommendation to the project that Studio Ma be required to post no parking signs to correct the current and likely continued parking issues our community faces due to the lack of parking in their existing project. This rezoning case proposes that they duplicate the current plan increasing our community's street parking frustrations as business parking occurs in front of our homes despite the posted signs we currently have. Planning Commission member Justin Johnson made recommendation that new signs be posted even though Studio Ma could not likely be solely responsible for the enforcement of the signs. In his recommendation, it is clear that Commissioner Johnson is not familiar enough with the community to be taking a position in supporting or opposing this project. Recommending an intervention such as signs that we already have, to remedy the parking issues we currently have is not a solution to make the rezoning or this property a viable option for our community. Our community is asking that further information be gathered and reported related to the number of employees and visitors requiring parking spaces each day as the current plan has led to visibility and Indian School access issues.

It is my hope that the City of Phoenix Planning and Development Department and City Council Members will take note of the errors that have been made against our community throughout this rezoning process and address the community concerns in a fair and unbiased manner. Thank you for your time in reading this lengthy letter of appeal.

Sincerely,

Jen Johnson Collier
4026 N. 40th Place
Phoenix, AZ 85018



PHOTO TAKEN 11/8/2021 5PM



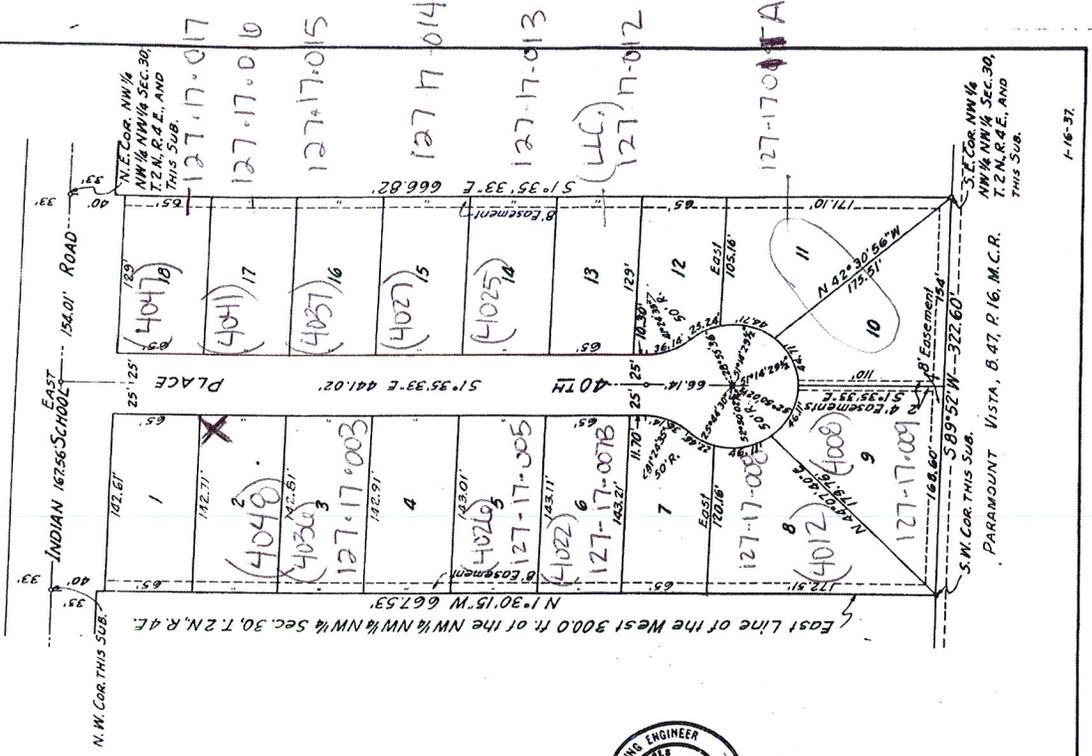
PHOTO TAKEN @ 5PM 4/8/21



PHOTO 11/8/21 5 PM

GARY LYN

A SUBDIVISION OF PART OF THE NW 1/4 NW 1/4
NW 1/4 SEC. 30, T. 2 N., R. 4 E., G. & S. R. M.,
MARICOPA COUNTY, ARIZONA.
SURVEY No. 50411A
BY: HARRY E. JONES



DOCUMENT



SCALE 1" = 60'

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Ray Bradley and Wilma G. Bradley, his wife, have subdivided under the name of GARY LYN, the NW 1/4 NW 1/4 NW 1/4 Sec. 30, T. 2 N., R. 4 E., G. & S. R. M., Maricopa County, Arizona, except the West 300.0 ft. thereof, and hereby publish this plat as and for the plat of said GARY LYN, and hereby declare that said plat sets forth the location and gives the dimensions of the lots, streets and easements constituting same, and that each lot and street shall be known by the number or name given to each respectively on said plat, and we hereby dedicate to the public for use as such the streets, and the use of the easements as such for public utilities as shown on said plat and included in the above described premises.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 10th day of May, 1950.

Ray Bradley
Ray Bradley
Wilma G. Bradley
Wilma G. Bradley

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF MARICOPA

On this, the 10th day of May, 1950, before me, the undersigned officer, personally appeared Ray Bradley and Wilma G. Bradley, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.
My commission expires Oct. 14, 1953.

Harry E. Jones
Harry E. Jones
Notary Public.

CERTIFICATE OF SURVEY

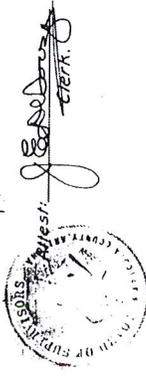
This is to certify that the survey and subdivision of the premises as described and platted hereon was made under my direction by J.D. Roeder during May, 1950.

Harry E. Jones
Harry E. Jones
Registered Civil Engineer.

APPROVAL

Approved by the Board of Supervisors of Maricopa County, Arizona, this 10th day of May, 1950.

John E. ...
John E. ...
Chairman.



**Petition for THREE- FOURTHS (3/4) Vote by City Council for
 REZONING APPLICATION # Case No.: Z-43-21-6
 Request: R1-6 to RO
 Rezoning of 4048 N 40th Place Phoenix, AZ 85018**

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

Date	SIGNATURE	Print Name	ADDRESS	APN
8 Nov 2021		Jen Johnson	4026 N 40th PL	PHX AZ 85018
11-8-21		Erin Bent Vecehion	4022 N 40th Pl	Phx AZ 85018
11/8/21		Heather Greiner	4012 N 40th Pl	Phx AZ - 85018
11/8/21		Kyle Greiner	4012 N 40th Pl	127-17-008
11/8/21		Jason Lupin	4025 N. 40th Pl.	Phoenix AZ 85018
11/8/21		Katie Baccus	4025 N. 40th Pl.	Phoenix AZ 85018
11/8/21		Michael Bivens	4036 W 40th Pl	127-17-008
11/8/21		Matthew Reynolds	4071 N 40th Pl	PHX, AZ 85018
11/8/2021		Anthony Deberger	4037 N. 40th Pl	PHX, AZ 85018
11/8/2021		Ruth Edwardt	4027 N 40th Pl	127-17-016
11/8/2021		Ruth Edwardt	4027 N 40th Pl	PHX AZ 85018

CITY OF PHOENIX

NOV 09 2021

Planning & Development
 Department

**Petition for THREE- FOURTHS (3/4) Vote by City Council for
 REZONING APPLICATION # Case No.: Z-43-21-6
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Date	SIGNATURE	Print Name	ADDRESS	APN
11-9-2021	<i>Barbara Foster</i>	Barbara Foster	4048 N 40 th Place	

127-17-00

CITY OF PHOENIX

NOV 09 2021

Planning & Development
 Department

