

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210044**

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro, Abandonment Hearing Officer**.

This request will NOT be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact the Abandonment Coordinator at (602) 256-3487** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council action.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is November 12, 2023**), this request will then expire. At that time a new submittal will be required along with the required payment for the abandonment process. A one-time, **two-year** extension can be requested prior to the expiration date, with applicable extension fee due.



## **City of Phoenix**

Planning and Development Department

October 28, 2021  
Abandonment Staff Report: **ABND 210044**  
Project# **21-4209**  
Quarter Section: **9-28**  
Council District: **8**

**Location:** 602 East Lincoln Street.

**Applicant:** Mark Abromovitz

**Request to abandon:** The 20-foot wide alley located at 602 East Lincoln Street, between APNs 112-31-048, 112-31-049A, and 112-31-088.

**Purpose of request:** The applicant states the non-working alley serves no purpose and is no longer in use. No other properties are adversely affected by the proposed abandonment.

**Hearing date:** **October 28, 2021**

## Planning and Development



## Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:35 am on October 28th, 2021. He then invited staff to introduce themselves.

Mr. Matthew Roth, the Abandonment Coordinator introduced the abandonment case ABND 210044 by reading the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Mark Abromovitz explained that the alley is no longer a working alley and it divides both pieces of his property. With the alley existing as is it makes the whole property unavailable to the South and is relegated to its existing use, which is not the best use for the property.

Mr. DePerro explained that there are extra criteria that is required by council to evaluate when abandoning an alley in downtown, including public meetings, which Mr. Abromovitz provided.

Mr. Roth provided a staff analysis of downtown abandonment criteria that addressed historic character, special circumstances, fewer driveways, block length, and development viability.

Mr. Roth explained that this development is not within a historic district nor were there any adjacent sites with historic designations. The alley currently functions as access to both the business to the south and the parking lot to the north. The abandonment of the alley would not have a negative effect on either site. South 6th Street is designated a Side Street in Chapter 12 of the Zoning Ordinance (Downtown Code). The site currently has one access point to 6th Street. The current block dimensions after the abandonment will become 300 feet on the west, 130.07 feet on the north, 300.36 feet on the east, and 139.1 feet on the southern end along East Lincoln Street. The proposed abandonment does not appear to impact the development of the surrounding properties as proposed.

Mr. DePerro asked Mr. Abromovitz if there were any questions and anything that need to expand upon, to which Mr. Abromovitz stated that Mr. Roth had summed it all up.

Mr. Roth reviewed City staff and utility provide comments with the applicant. Mr. DePerro reviewed the recommended stipulations of approval.

The Hearing Officer granted a conditional approval subject to the stipulations in the staff report revised as stated for the record in the abandonment hearing.

### **Hearing Officer Findings**

The Abandonment Hearing Officer agreed with the staff analysis and makes the following findings:

1) Historic Character – The alley is not in the Historic District, nor does it contribute to the historic character of the area. There is a parking lot to the north of the subject alley has been for several years. The property to the south was re-platted and redeveloped in 1998. There is no historic character associated with this alley.

Hearing Officer Finding: This development is not within a historic district nor are there any adjacent sites with historic designations.

2) Special Circumstances – The alley abandonment will reflect how the site current functions. In addition, the development already has adequate service facilities for the site.

Hearing Officer Finding: The alley currently functions as access to both the business to the south and the parking lot to the north. The abandonment of the alley would not have a negative effect on either site.

3) Fewer Driveways – The existing site currently functions as a driveway to the business to the south and the parking lot to the north. Currently the alley leads to a dead end. The South 7th Street bridge blocks the alley on the east end making it impossible for this alley to have the potential for thru traffic.

Hearing Officer Finding: South 6th Street is designated a Side Street in Chapter 12 of the Zoning Ordinance (Downtown Code). The site currently has one access point to 6th Street.

4) Block Length – The alley is located on a block that is approximately 140 feet on the north of the alley and 140.06 south of the alley. With the abandonment, the block length along South 6th Street will be 300 feet, meeting the requirement for block length.

Hearing Officer Finding: The current block dimensions after the abandonment will become 300 feet on the west, 130.07 feet on the north, 300.36 feet on the east, and 139.1 feet on the southern end along East Lincoln Street.

5) Development Viability – The parcels adjacent to the abandonment on the north side are a parking lot and to the south is a business. All the parcels have the same owner, and all lots operate in conjunction with the existing business. Allowing for the abandonment will reflect how it is currently functioning.

Hearing Officer Finding: The proposed abandonment does not appear to impact the development of the surrounding properties as proposed.

### **Hearing Officer Decision**

The request of abandonment has been granted **CONDITIONAL APPROVAL** by the Abandonment Hearing Officer, subject to the following stipulations:

1. Either a or b shall be complied with:
  - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
  - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.
3. No right-of-way within 40 feet of the 6th Street monument line may be abandoned.
4. All work in public right-of-way is to be done in accordance with plans approved by the Planning and Development Department and at no cost to the City.
5. The applicant shall contact the Street Transportation Department (Michael Vellotti) at (602) 495-5463 to coordinate the removal, salvage or purchase all existing City owned signs. No sign is to be removed until a copy of the abandonment resolution is provided to the Street Transportation Department.
6. The applicant shall contact the Street Transportation Department (Jason Fernandez) at (602) 256-4168 to coordinate the removal, relocation or transfer of ownership of all City

owned streetlights within the subdivision. This shall be done at no cost to the City.

7. All stipulations must be completed within **two years** from the Abandonment Hearing Officer's decision.

**This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.**

Hearing Officer Signature:  \_\_\_\_\_ Date: 12/7/2021

REPORT SUBMITTED BY: Matt Roth, Abandonment Coordinator

cc: Mark Abromovitz, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer