

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – V190048A

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 Robert Martinez at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Robert Martinez will schedule your request for City Council action.

If the stipulations of abandonment are not completed within **one year** from the date of your conditional approval (**your expiration date is August 15, 2020**), 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, **one-year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

August 15, 2019
Abandonment Staff Report: **V190048A**
Project# **02-1501**
Quarter Section: **23-32**

Location: 23rd Street cul-de-sac west of 23rd Street,
between Glenn Dr. and Lincoln Way.

Applicant: Porchlight Homes

Request to abandon: To abandon 23rd street, the 8-foot public
utility easement and 10-foot drainage
easement in Hayden Views Estates as
recorded in Book 659, page 08 MCR.

Purpose of request: The applicant states: abandonment of 23rd
street in Hayden Views Estates as recorded
in Book 659, Page 08 MCR is required to
replat the site.

Hearing date: **August 15, 2019**

APPLICANT: PORCHLIGHT HOMES
 ABANDONMENT AREA:
 APPLICATION NO: V190048A

QUARTER SECTION: 23-32
 DATE: 24-JUN-2019
 BOOK: 659 PAGE: 8



Ms. Rocio Iniguez, the Abandonment Coordinator, read the abandonment request, purpose and research into the record.

Mr. Christopher DePerro, the Hearing Officer opened the discussion by asking the applicant to introduce himself and explain the abandonment request.

Mr. Jeff Giles, from Clouse Engineering representing Porchlight Homes, introduced himself and explained the abandonment request. Mr. Giles stated the subdivision has been platted for quite some time now and has never been developed. Mr. Giles then stated how Porchlight Homes is interested in developing the subdivision. Mr. Giles also stated that preliminary site plan approval was granted by the City of Phoenix. There was one stipulation as part of the preliminary approval that needed to be met which was to abandon portions of 23rd Street. The new layout is almost identical to the previously platted development; however, the cul-de-sac is deeper and longer, the center line does not overlay the original center line. Mr. Giles moved on to say that it would be easier to abandon the whole thing since they will be replatting. Currently there is no

access to that street nor any utilities in the Public Utility Easement (PUE) or nothing in the drainage easement as it exists today.

Mr. DePerro then presented to the hearing attendees the proposed revised design of the new subdivision.

Mr. Giles, with his engineering experience then explained the differences of the old subdivision to the new design, referencing the drainage easement and how the new design would work. He noted that in the original subdivision had a 10-foot drainage easement off the cul-de-sac, flows down to the south west corner of the subdivision into a drainage system. The proposed design, instead of a 10-foot drainage easement will now drain entirely into a retention area that is dedicated as a tract. The design of the subdivision will direct all of the water into the end of the cul-de-sac.

Ms. Kathryn Fuller, resident of 2236 East Cactus Wren Drive, explained her concerns for the abandonment of the drainage easement.

Mr. Giles addressed Ms. Fuller's concerns by explaining the process of the drainage reports they are required to do. He moved on to reassure her they are very sensitive when it comes to the drainage easement.

Mr. DePerro opened the hearing to additional attendees wanting to speak.

Ms. Elizabeth Pisarcik, resident of 2232 East Cactus Wren Drive, expressed her concern for the portion of the abandonment request that is directly behind her backyard.

Mr. Giles explained the new design and how it would relate to her backyard.

Mr. DePerro then reviewed the drafted stipulations with Mr. Giles, agreeing to all the stipulations with no revisions.

The Hearing Officer granted a conditional approval with stipulations.

Stipulations of Conditional Approval

The request of abandonment, is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

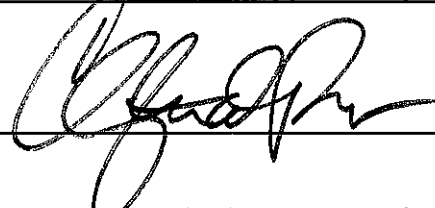
1. Either a or b shall be complied with:
 - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company.
 - b. All right-of-way shall be retained as a public utilities 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 25 feet of the 23rd Street monument line may be abandoned.
4. This abandonment shall run concurrently with the replat of the subdivision. All landlocked parcels shall be replatted, legally combined, or have an alternate legal access provided (private ingress/egress easement) to a public street.
5. The applicant/property owners shall dedicate a water easement for the 6" water main that is located within the 10' ft. drainage easement or Abandon the water main all the way back to the main within 23rd St. prior to the Resolution of Abandonment in accordance with plans submitted to and approved by the Planning and Development Department, or as otherwise approved by the Water Services Department. All work is to be done by a licensed contractor at no expense to the City of Phoenix.
6. All stipulations must be completed within **one year** from the Abandonment Hearing Officer's decision.

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

Hearing Officer Signature: _____



Date: _____

11.6.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Porchlight Homes
Christopher DePerro, Abandonment Hearing Officer