

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180048A

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 G. Martinez at (602) 495-0806** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations, Robert G. Martinez will schedule your request 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 October 23, 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

October 23, 2018

Abandonment Staff Report: **V180048A**

Project# **17-1693**

Quarter Section: **19-29**

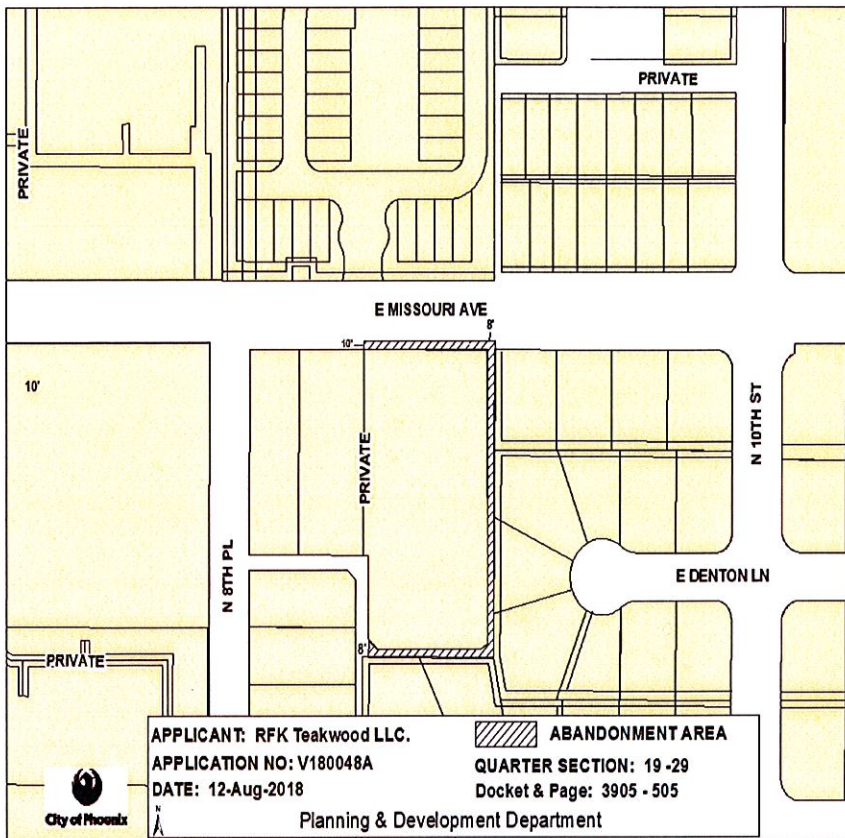
Location: 915 E Missouri Avenue

Applicant: RFK Teakwood, LLC

Request to abandon: To abandon the 8' wide alleyway directly East and South of 915 East Missouri Avenue and 10' right-of-way on entire parcel, along Missouri Avenue.

Purpose of request: The applicant states: The alley has not been used for its intended purposes. Evidenced of it not being serviced for garbage pickup is evident as there are very large and unattended trees within this area. It will benefit the area to clean it up.

Hearing date: **October 23, 2018 (Continued from August 28, 2018 and September 25, 2018)**



Hearing Summary

Ms. Leodra Bowdell was present to represent the abandonment case for RFH Teakwood, LLC. Ms. Bowdell stated that the new owners are planning on proposing a new Single Family Attached development. Part of this project would entail the absorption of the inoperable 8 ft. alley to the east and south of the property as well as the 10ft abandonment of the right-of-way to the north on Missouri. Ms. Bowdell stated that there were neighborhood meetings held to address the project with the homeowners and that there are no utilities within the alley.

Mr. Christopher DePerro, Hearing Officer, began by reading a letter that was received from Ms. Lisa Workman requesting that the abandonment hearing be continued. He addressed the continuance process to Ms. Workman's boyfriend and noted that the applicant can request a continuance, or the hearing officer, if it is determined that more time is needed for the decision to be made, not the public. Mr. DePerro also addressed the posting requirements that state, under the State Law and City Ordinance the requirement is for the City to post the hearing notice 15 days prior, which was done. The letters that were sent to the homeowners were asked to do so by us and not a requirement of the abandonment.

Ms. Kristin Zenk lives at 5320 N 9th St. Ms. Zenk has concerns about the trees behind her property, privacy and alley access. She would like the development to have greater setbacks or lower building height.

Brian Owen lives at 930 W. Denton Ln. Mr. Owen has concerns about privacy and losing access to their RV gate located in the back.

Todd Motter, on behalf of Lisa Workman, lives at 929 E. Denton Ln. Mr. Motter has concerns about losing access to the RV gate.

Mr. DePerro continued the case until September 25, 2018 pending the results of the use permit hearing.

Due to the use permit decision still under advisement, Mr. DePerro continued the abandonment hearing for October 23, 2018.

Hearing was held on October 23rd, 2018.

Ms. Bowdell briefly summarized the proposed development which is to revitalize the site.

Mr. DePerro reviewed the stipulations of Use Permit ZA-399-18 and its applicability to the site. Mr. DePerro explained how these stipulations effect the site and the adjacent properties.

Ms. Zenk expressed concern regarding the existing trees and possible privacy issues. Mr. DePerro explained that the use permit stipulations provide protection to the existing trees and require trees along property line to buffer from single-family residences.

The Hearing Officer approved the abandonment with a conditional approval and modified 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. 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 Value¹ 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.

¹ If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.

3. Retain a 10-foot sidewalk easement along Missouri Avenue.
4. Provide private ingress/egress easement to all lots which currently have gates that permit access along the east and south portion of the area to be abandoned; easement shall be executed between applicant and the property owners prior to the final Resolution of Abandonment.
5. 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: 10.30.18

REPORT SUBMITTED BY: Amanda Murrietta, Abandonment Secretary

cc: Applicant/Representative, RFK Teakwood, LLC
Christopher DePerro, Abandonment Hearing Officer