

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210057

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 January 13, 2024**), 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

January 13, 2022
Abandonment Staff Report: **ABND 210057**
Project# **20-3324**
Quarter Section: **4-31**
Council District: **8**

Location:

Chipman Road, between 16th Street and 17th Street

Applicant:

Ran Edelman

Request to abandon:

Unimproved half street of Chipman Road, east of 16th Street and south of the lot identified by APN 122-46-015. Chipman Street between the alley east of the lot identified by APN 122-46-015 and 17th Street.

Purpose of request:

The applicant states that it to construct a private street with a cul-de-sac.

Hearing date:

January 13, 2022

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:33 am on January 13, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced ABND 210057 and read 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. Ran Edelman explained that a single family attached subdivision project is proposed for the site north of the Chipman Road abandonment. If abandoned, the developer would make Chipman Road a private street but keep the same configuration. Mr. Edelman shared that the neighbors to the south are in support of the application and the privatization of Chipman Road. Mr. Edelman also shared that the Chipman Road is not currently used except to help facilitate the dumping of trash.

Mr. DePerro asked Mr. Edelman what he had currently worked out with the property owners south of Chipman Road, explaining that if abandoned, ownership of Chipman Road would not be conveyed to the parcel Mr. Edelman is representing to the north, but to the neighbors to the south.

Mr. Edelman shared that there is a written agreement between the property owners to the south and the property owners to the north that, if abandoned, ownership would be conveyed to the property owners to the north permitting the land be developed as a private street.

Mr. DePerro explained that Chipman Road serves as the required legal street frontage for the lots immediately south of it. If Chipman Road were to be abandoned, the lots would lose their frontage. The lots would either need to be combined into once parcel with frontage on 16th Street, or a variance approval would be needed to allow lots without street frontage.

Mr. Themo Calderon, whose family owns property south of Chipman Road shared that there is an agreement in place between property owners. Mr. Calderon explained that he is in support of the proposed project and abandonment, as the abandonment and privatization of Chipman Road would ensure Chipman is not developed into a through street, which would be higher traffic volume to the area. Mr. Calderon also shared that the property fronting 16th Street was his father's restaurant and his home sits on the parcel to the east and at some point in the future his father may demo the existing home to expand the restaurant parking lot.

Mr. DePerro explained that with the parcel fronting 16th Street being commercial, they would not be able to combine the residential parcels with the commercial parcel to ensure legal street frontage is maintained.

Mr. Ran Edelman asked if the abandonment could be approved with the stipulation.

Mr. DePerro explained that typically a zoning entitlement should always be obtained before the conditional approval of an abandonment. Mr. DePerro shared that he would feel more comfortable giving this conditional approval with the stipulation that the variance for no street frontage receives approval given the fact that the applicant has been working with the neighboring property owners and agreements have been made between the two.

Mr. Edelman stated that this was not an issue with him as he was anticipating applying for a use permit anyway.

Mr. DePerro asked if there were any other attendees who wanted to make comment.

Mr. Joseph Calderon, whose family owns the property south of Chipman Road echoed that he is in support of the abandonment permitting they maintained ingress egress for the restaurant.

Ms. Maja Brkovic, representing the Street Transportation Department, asked if the applicant had worked closely with the property owner who would be conveyed ownership of the Chipman Road stub located at 17th Street.

Mr. DePerro suggested that this be discussed during review of the stipulations of conditional approval. Mr. DePerro reviewed the stipulations of conditional approval with the applicant. While reviewing stipulations, Mr. DePerro discovered that by abandoning the Chipman Road stub, access to an existing alley would be eliminated and would result in a dead end. Mr. DePerro asked Ms. Brkovic if the Street Transportation Department would be okay with abandoning Chipman Road if a 20 foot public ingress egress easement is retained. Ms. Brkovic indicated that would be okay and also asked to add a stipulation that no right-of-way within 25 feet of the centerline of 17th Street be abandoned.

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.

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 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 50 feet of the 16th Street monument line may be abandoned.
4. No right-of-way within 25 feet of the 17th Street monument line may be abandoned.
5. The portion of Chipman Road between 17th Street and the alley directly west of 17th Street shall be abandoned but retain a public utility easement, a refuse collection easement and a public ingress egress easement of a width approved by the Street Transportation Department. Improvements in this area shall also be as approved by the Street Transportation Department.
6. The applicant shall construct new curb, gutter and sidewalk along 17th Street and Chipman.
7. 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.
8. 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.
9. All resulting landlocked parcels shall be replatted, legally combined, or otherwise be provided legal access/frontage on a public street as approved by the Planning and Development Department, or the applicant shall obtain a variance to allow the existing

lots to front on a private street.

10. 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: 4/25/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Ran Edelman, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer