

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210004

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 Maggie Dellow at (602) 262-7399** 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 March 18, 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, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

March 18, 2021
Abandonment Staff Report: **ABND 210004**
Project# **20-952**
Quarter Section: **24-22**

Location: Southeast Corner of 31st Avenue and Northern Avenue

Applicant: Ashley Zimmerman Marsh, Tiffany & Bosco

Request to abandon: The 1' vehicular non-access easement (VNAE) along the western perimeter of APN 151-02-011F.

Purpose of request: The applicant states to allow for emergency and waste collection only along 31st Avenue, consistent with zoning case Z-28-20-5.

Hearing date: **March 18, 2021**

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer called the abandonment hearing to order and started the hearing with City staff introductions.

Ms. Maggie Dellow, the Abandonment Coordinator, read the case into the record by stating the location, applicant, abandonment request, reason to abandon and staff research conducted on the proposed abandonment site.

Mr. DePerro asked the applicants if they would like to add anything else to the case.

Ms. Ashley Zimmerman Marsh, the applicant provided a quick overview of the proposed project and the restrictions imposed on site due to the dedicated vehicular non-access easement along 31st Avenue. Ms. Zimmerman Marsh explained that the abandonment of the Vehicular Non-Access Easement (VNAE) would allow for an emergency and service vehicle ingress/egress to be built at 31st Avenue.

Mr. DePerro confirmed with the applicant that if the 1' Vehicular Non-Access Easement (VNAE) along 31st Avenue is abandoned, the 1' Vehicular Non-Access Easement (VNAE) at Augusta Avenue will be preserved and a 1' Vehicular Non-Access Easement (VNAE) at Winter Drive will be dedicated as part of the zoning case.

Mr. DePerro then opened the hearing to those in attendance to speak.

Ms. Degraffenreid was concerned that the abandonment of the Vehicular Non-Access Easement (VNAE) would result in future proposed access to the site along 31st Avenue, beyond the currently proposed emergency and service vehicular access. Ms. Degraffenreid requested that the access for a 31st Avenue ingress egress be restricted to so many feet as necessary to prevent future driveway development beyond what is currently proposed.

Ms. Zimmerman Marsh indicated that there are no plans to establish any additional driveways at 31st Avenue. She asked that the project not be stipulated to a restriction for the driveway width as they are still working through site plan review and the driveway width may be subject to change. She also reiterated that the allowed access would only be for emergency and service vehicles so traffic will not significantly increase along 31st Avenue.

Mr. DePerro reviewed the zoning case stipulations with Ms. Zimmerman Marsh and Ms. Degraffenreid. Mr. DePerro indicated that because of how the zoning case stipulations are written, the location of the proposed driveway is quite restricted, and any new proposed driveway could not be built much further north from where it is currently proposed.

Ms. Degraffenreid understood the restrictions imposed by the zoning case, but expressed concern that if the site is redeveloped at some point in the future, the abandonment of the Vehicular Non-Access Easement (VNAE) would allow for the construction of a driveway north of Lane Avenue, where traffic issues already exist.

Mr. DePerro asked the applicant if it would be an issue to limit the Vehicular Non-Access Easement (VNAE) abandonment to the area south of Lane Avenue.

Ms. Zimmerman Marsh indicated that she did not believe this would be an issue but indicated that she would prefer that the entire length of the Vehicular Non-Access Easement (VNAE) be abandoned for the benefit of flexibility.

The Hearing Officer reviewed the recommended stipulations of approval with the applicant.

The Hearing Officer granted a conditional approval with revised 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. The 1' Vehicular Non-Access Easement (VNAE) shall be retained along the south property line where adjacent to public right-of-way (Augusta Avenue).
2. No portion of the 1' Vehicular Non-Access Easement (VNAE) north of the centerline of Lane Avenue, where it intersects with 31st Avenue, shall be abandoned.
3. 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: 4.20.21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Applicant/Representative, Ashley Zimmerman Marsh, Tiffany & Bosco
Christopher DePerro, Abandonment Hearing Officer