

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 200503

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 **three years** from the date of your conditional approval (**your expiration date is March 19, 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 19, 2020
Abandonment Staff Report: **ABND 200503**
Project# **99-8107**
Quarter Section: **22-26**

Location: Southeast Corner of Glendale Avenue and 8th Avenue

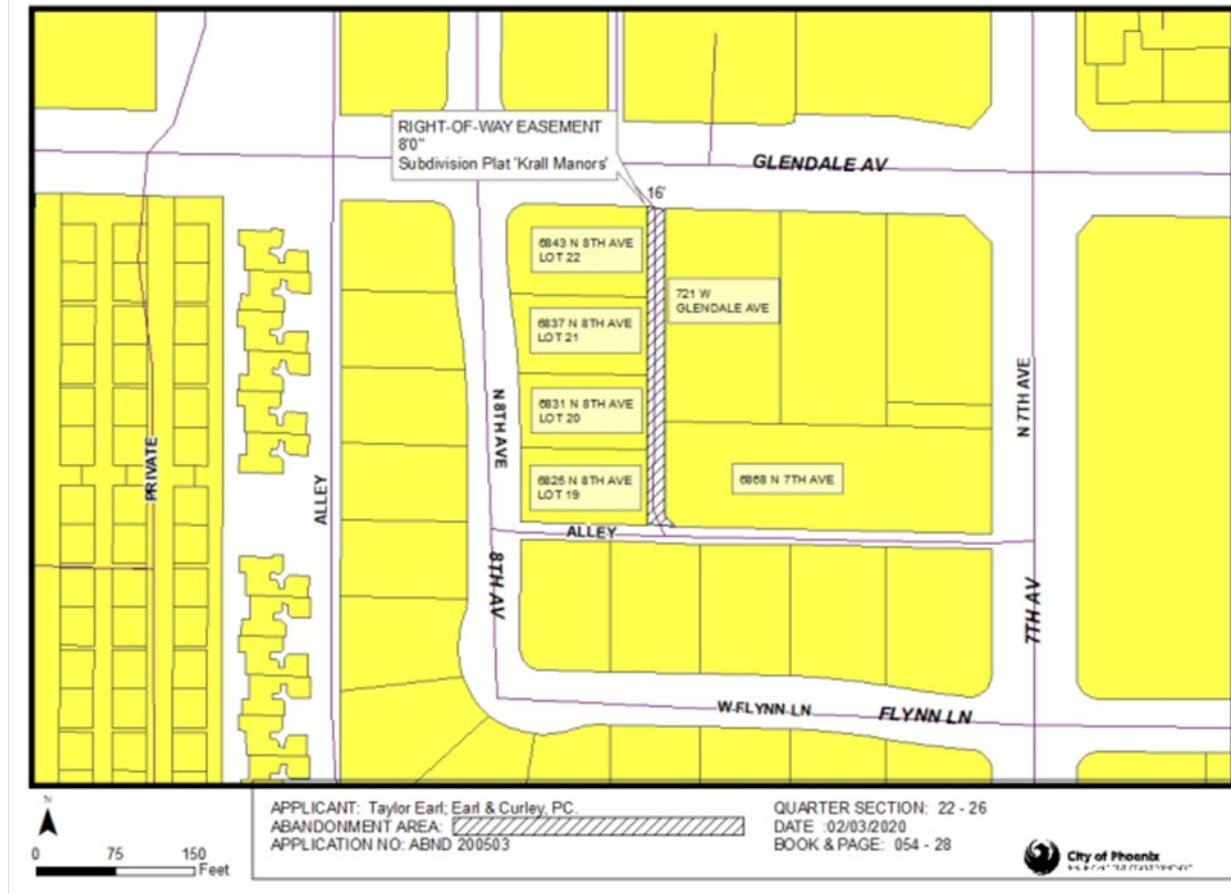
Applicant: Taylor Earl; Earl & Curley, PC

Request to abandon: To abandon a 16' alley adjoining APN's 156-23-048, 156-23-047, 156-23-046, 156-23-045, 156-23-060A, 156-23-061E and Glendale Avenue.

Purpose of request: The applicant states: Alley is no longer needed for refuse; curbside pickup is available. Alley has now become a place for litter and transients and is difficult to maintain. Abandonment will also clean up a title issue on residential properties and allow for more parking for office.

Hearing date: **March 19, 2020**

ATTACHMENT A - MAP



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing and provided instructions.

Ms. Wendy Turner, the Abandonment Coordinator, read the case into the record.

Mr. Christopher DePerro, clarified the research should say the west 8-feet of the alley then turned the discussion over to the applicant.

Mr. Taylor Earl mentioned the intent is to expand the dentist office. It's a small lot and to get the additional parking the 8 feet would make the difference for a few parking spaces. The property has access challenges since it does not have direct accessed through the arterial; we tried to rezone it to R-O and possibly access through the alley. Mr. Earl mentioned that they had reached out to the neighbors about the abandonment and noted that a few owners have taken over some of the alley. Through the discussions with the neighbors there is support from some of the adjacent owners. Mr. Earl provided photographs of the alley in question.

The Hearing Officer asked Mr. Alan Hilty if its retained as a public utility easement, if it would mean that the driveway will have to be reoriented. Mr. Alan Hilty agreed that the utility companies would need to have access and the driveway will have to be adjusted.

Mr. Earl noted that he was fine with adding a stipulation allowing easement access through the property.

Ms. Janis Smith co-owner of property 71 West Glendale stated that they were hoping that the abandonment would clean up the area from transients that are using the alley. They don't want any of their patience dealing with those transients.

Dr. Jonathan Park wanted to raise his concern regarding the utilities close to his property and Dr. Smith's property. His fear is potential accidents specifically damage to the structures and the utilities.

The Hearing Officer wanted to clarify that there is no relation between whether the alley is necessary or what the end result of the abandonment will be. He posed the question of potentially having a central drive way.

The Hearing Officer discussed a couple of emails on the record regarding the request. He also discussed the idea of submitting plans for the building modification which will likely require a minor site plan amendment. He suggested that the project go through a pre-application and involve the neighbors to discuss the potential changes and coming up with a resolution prior to sending the abandonment to council. He discussed the site review process.

The Hearing Officer discussed the stipulations 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. 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. Or, access is otherwise approved by the Planning and Development Department across the property known as 721 West Glendale Avenue.
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 Glendale Avenue monument line may be abandoned.
4. The site known as 721 West Glendale Avenue must have a pre-application meeting with the Planning and Development Department and submit and go through the preliminary review process prior to City Council approval of the abandonment, and either preliminary approval be granted, or written approval form Street Transportation Department and Planning and Development Department shall be provided for any reconfiguration of the driveways and sidewalks along Glendale Avenue. For said meetings, Dr. Park, owner of the property addressed as 6843 N. 8th Avenue, shall be notified of all pre-application and preliminary review meetings with the Planning and Development Department so that he may comment on any such proposals.
5. All stipulations must be completed within **three 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: 4/21/2020

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Taylor Earl; Earl & Curley, PC
Christopher DePerro, Abandonment Hearing Officer