ATTACHMENT B

City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 220011

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.

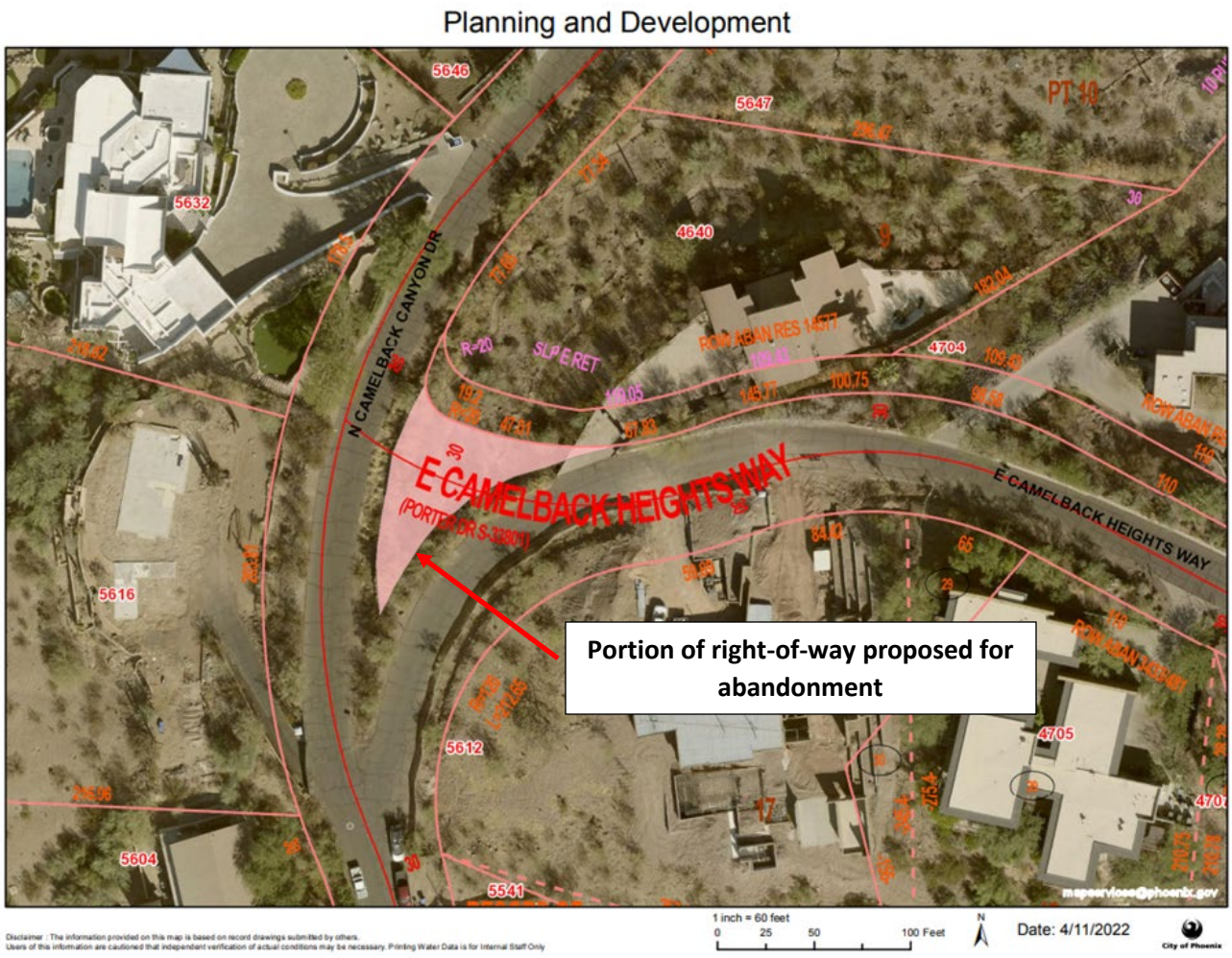
If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval **(your expiration date is April 14, 2024),** this request will then expire. At that time a new submittal will be required along with the required payment for the abandonment process. 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

April 14, 2022
Abandonment Staff Report: **ABND 220011**
Project# **99-3459**
Quarter Section: **20-38**
Council District: **6**

Location:	4640 East Camelback Heights Way
Applicant:	Lauren Proper Potter
Request to abandon:	The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.
Purpose of request:	The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.
Hearing date:	**April 14, 2022**



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220011 by reading 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.Charles Huellmantel, the applicant, explained that the proposed abandonment area is a tough piece of property that doesn't serve a purpose, nor is maintained, and his client would like the opportunity to landscape it and beautify it.

Mr. DePerro explained that because this property is hillside there would be a limitation to what can be done in terms of landscaping and disturbance.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Mr. DePerro explained that per the Street Transportation Department's comments, if the abandonment received conditional approval, it would only by for a portion of the original requested area. Mr. Huellmantel confirmed he understood.

Mr. DePerro then invited Mr. Benjamin Graff to provide public comment. Mr. Graff explained that he represented Kim Commando and Barry Young who lived across the Camelback Heights Way to the south. Mr. Graff explained that his clients had some concerns about the reasons the applicant was applying for the abandonment as stated on the application materials, such as to provide additional access to the property when existing access appears adequate. Mr. Graff also explained that the application states the abandonment would provide additional guest parking area, which raised concerns over additional disturbance area and reasons as to why such an ample amount of guest parking was being sought.

Mr. Graff requested a 30-day continuance on the case so that his client could meet with the applicant and learn more about the reasons for the request. and reasons for the request.

Ms. Lauren Proper Potter, the applicant, explained that there were no plans for additional work within the area and there would not be guest parking within the abandonment area. Ms. Potter stated that the nature of the request was to harmonize vegetation with the redevelopment of the property.

Mr. DePerro explained that even with the abandonment, the natural vegetation could not be touched or maintained without being part of the disturbance area. It must remain native and natural.

Mr. DePerro stated that he did understand Mr. Graff's concerns, but that these concerns fell outside of the purview of the abandonment request.

Mr. Graff explained that the only reason those concerns have been brought to the hearing are due to the fact that they are stated within the applicant's narrative and rationale on the abandonment application. Because the applicant stated during the hearing that the reasons for abandonment as provided on the abandonment application are not accurate, Mr. Graff shared that he was still confused as to the purpose of the abandonment request and requested continuance.

Ms. Potter stated that the abandonment would not impact Mr.Graff's concerns. Mr. Huellmantel stated that he was not supportive of a continuance.

Mr. DePerro explained that he was having trouble justifying a continuance as the abandonment request would not result in an additional hillside permissions.

Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. DePerro stated that the concerns voiced by the opposition have more to do with hillside and zoning regulations rather than the abandonment. He further explained that what needs to be done in an abandonment hearing is determine whether or nit the proposed right-of-way to be abandoned was need. Mr. DePerro felt that in this case the right-of-way was clearly not needed and that the proposed abandonment would not permit those things shared by the opposition as concerns.

Mr. Graff agreed that the concerns brought by the opposition were not generally proper for an abandonment hearing, however they were stated in the abandonment applicant narrative as reasons for the abandonment.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

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 30-feet of the Camelback Canyon Drive monument line may be abandoned.

4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.

5. The right-of-way shall be retained as a slope easement.

6. 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:** 9/15/22

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer