

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 230017

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 Dru Maynus at 602-262-7403** 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 October 12, 2025**), 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.

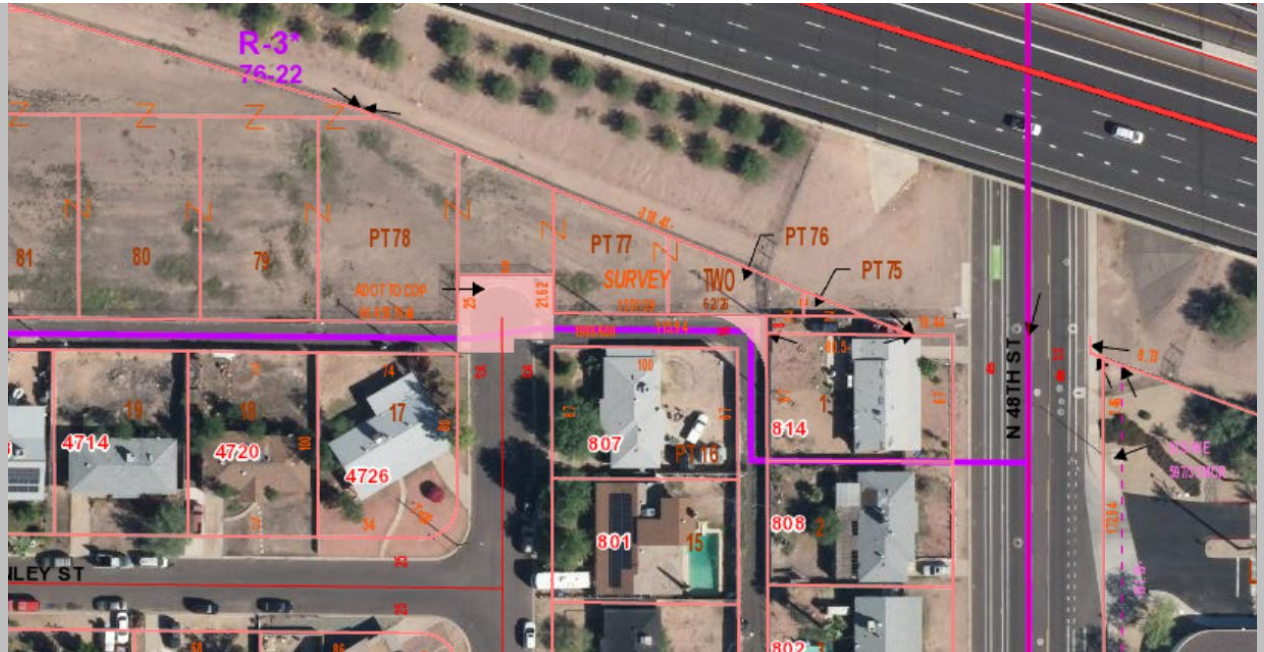


City of Phoenix

Planning and Development Department

October 12, 2023
Abandonment Staff Report: **ABND 230017**
Project# **22-1334**
Quarter Section: **11-38**

<u>Location:</u>	East McKinley Street and North 47 th Place
<u>Applicant:</u>	Northbridge Development/ Michael Dooley
<u>Request to abandon:</u>	To abandon a portion of the outside corner of East/West and North/South intersection of the alley East of North 47 th Place and West of North 48 th Street; North of what would be the McKinley street alignment, South of the Loop 202.
<u>Purpose of request:</u>	Applicant states: "North 47 th Place dead ends into the property. Abandonment would delete the unused portion of North 47 th Place that extends into the property. Abandonment of this portion of the alley would allow for an access driveway out to North 48 th Street.
<u>Hearing date:</u>	October 12, 2023 (Continued from September 28, 2023, August 24, 2023, July, 13, 2023, June 8, 2023 and May 11, 2023)



Hearing Summary

From May 11, 2023:

Mr. Christopher DePerro, the Abandonment Hearing Officer calls the meeting to order on May 11, 2023.

Mr. Craig Messer, acting Abandonment Coordinator, introduced abandonment ABND 230017 and read the case into the record by stating the applicant, location, and purpose of the request, as well as City staff research.

Mr. DePerro asks the applicant if he would like to add comment.

Mr. Michael Dooley, applicant states that the neighbors on North Forty-Seventh Place were concerned with traffic coming through their neighborhood for proposed development and their intention to provide access out to North Forty-Eighth Street.

Mr. DePerro asks Streets Transportation Representative, Joshua Rogers for comments regarding request.

Mr. Rogers states that the Streets Transportation Department concern is maintaining access through the alleyway while maintaining sixteen-foot-wide access through alleyway.

Mr. DePerro asks the applicant what the reason is to clip the corner on the East side of the alley.

Mr. Dooley responds by stating they would gain an additional eight or ten feet of access to abutting Arizona Department of Transportation land.

Mr. DePerro asks questions of the applicant based on request and proposed site plan. Explaining that there would need to be a dedication for the applicant to move forward with the project. The

alley is still being used by Public Works Department for trash collection.

Mr. Dooley states that he ran his proposal by The Streets Transportation and Public Works Departments, and they gave the okay if they maintain a sixteen-foot-wide alley.

Mr. DePerro reiterates that section must be legally dedicated so the other piece may be abandoned. He provides the applicant with options as to next steps and possibly continuing the case for further research and preparation. Current standards are fifteen by fifteen dedication.

Mr. Dooley states there is a better chance for them to ask property owners for a ten by ten dedication rather than fifteen by fifteen to make the turning radiuses work.

Mr. DePerro reads City Code Section thirty-two - twenty-seven on alleys. Explains if the abandonment is approved today, the dedication would need to be apart of the conditions of approval. Gives option to continue hearing or applicant could work with Streets Transportation and other departments for dedication requirements. Continues hearing for correct wording on street improvements and stipulation from Streets Transportation Department as well as alley requirements. Continues hearing for June 8, 2023.

From June 8, 2023

Mr. Michael Dooley requested a continuance to July 13, 2023 hearing to allow more time to work out issues with the Streets Department.

From July 13, 2023

Mr. Michael Dooley requested a continuance to July 13, 2023 hearing to allow more time to work out issues with the Streets Transportation Department.

From August 24, 2023

Mr. Larry Lazarus has requested a continuance to September 28, 2023 to work out design with the Streets Dept.

From September 28, 2023

Michael Dooley requested to continue the abandonment to the October 12, 2023.

From October 12, 2023

Mr. Christopher DePerro, the Abandonment Hearing Officer calls the meeting to order on October 12, 2023.

Ms. Alyssa Neitzel, the Abandonment Coordinator introduced abandonment ABND 230017 and read the case into the record by stating the applicant, location, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the Abandonment Coordinator how many times the application has been continued.

Ms. Neitzel stated that the application has been continued each month since May 2023.

Mr. DePerro then asked Mr. Josh Rogers would he like to speak on what if any solutions the Streets Department and the applicant has come up with on the alley and street abandonment.

Mr. Rogers went on to explain that both the Streets Department and the applicant have been actively working on the design for the corner next to lot 16 of the alley so that it extends to meet the turning radiuses requirements needed for the City's waste services trucks. He then stated that within their research they learned that they were unable to utilize portions of lot 16 to achieve what is needed for the design. As a result, the applicant will be dedicating additional land on the north side and east side of the alley on their currently land to accommodate the extension of the alley which would then allow for the required turning radiuses

Mr. DePerro then asked the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Michael Dooley, explains that he doesn't have anything to add and that Mr. Rogers did a great job explaining it.

Mr. DePerro requests to hear comments from various departments and attendees.

Ms. Neitzel reads comments from various city departments and utility companies.

Mr. DePerro then reads over stipulations of approval.

Mr. Rogers, Streets Transportation Department Representative explains recommended stipulation #3 as it relates to ensuring that there will be a continuous 16-foot east/west alley across 47th Place. He then explains stipulation #4 as a requirement to dedicate right-of-way along lot 16 of the Delano Estates Plat to allow the necessary turning radius for waste service vehicles.

The Hearing Officer grants conditional approval for abandonment 230017 subject to stipulations in staff report dated October 12, 2023.

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 may be abandoned resulting in less than a continuous 16-foot east/west alley across 47th Place.
4. Right-of-way shall be dedicated to expand the existing alley along Lot 16 of the Delano Estates Plat (Book 62 of Maps Page 26) to accommodate the vehicular turning radius, as depicted on the attached Abandonment Exhibit: Crosscut Commons, dated October 10, 2023.
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: 1.12.24

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator

cc: Applicant/Representative, Michael Dooley
Christopher DePerro, Abandonment Hearing Officer

