

★ **Roll Call Number**

Agenda Item Number

19

October 24, 2011

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6 2011, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Kristin Konchalski (owner) 729 Bell Avenue, for vacation of a segment of a portion of Southwest 8<sup>th</sup> Street east of and adjoining the subject property and west of the travelled, improved portion of the street subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. The applicant is required to obtain relief from the Zoning Board of Adjustment to construct the fence within the required front yard setback.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Michael F. Kelley  
Assistant City Attorney

(11-2011-1.13)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

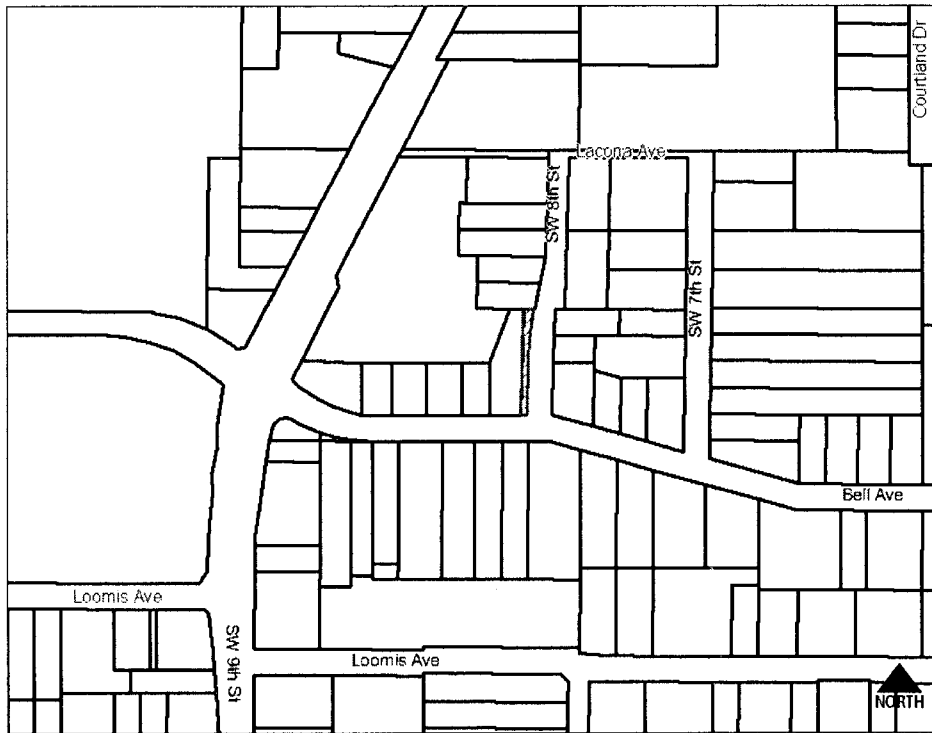
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

Request from Kristin Konchalski (owner) 729 Bell Avenue, for vacation of a segment of a portion of Southwest 8 <sup>th</sup> Street east of and adjoining the subject property and west of the travelled, improved portion of the street.				<b>File #</b>	
				11-2011-1.13	
<b>Description of Action</b>	Review and approval for vacation of a segment of a portion of Southwest 8 <sup>th</sup> Street east of and adjoining the subject property and west of the travelled, improved portion of the street.				
<b>2020 Community Character Plan</b>	Low-Density Residential				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District				
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

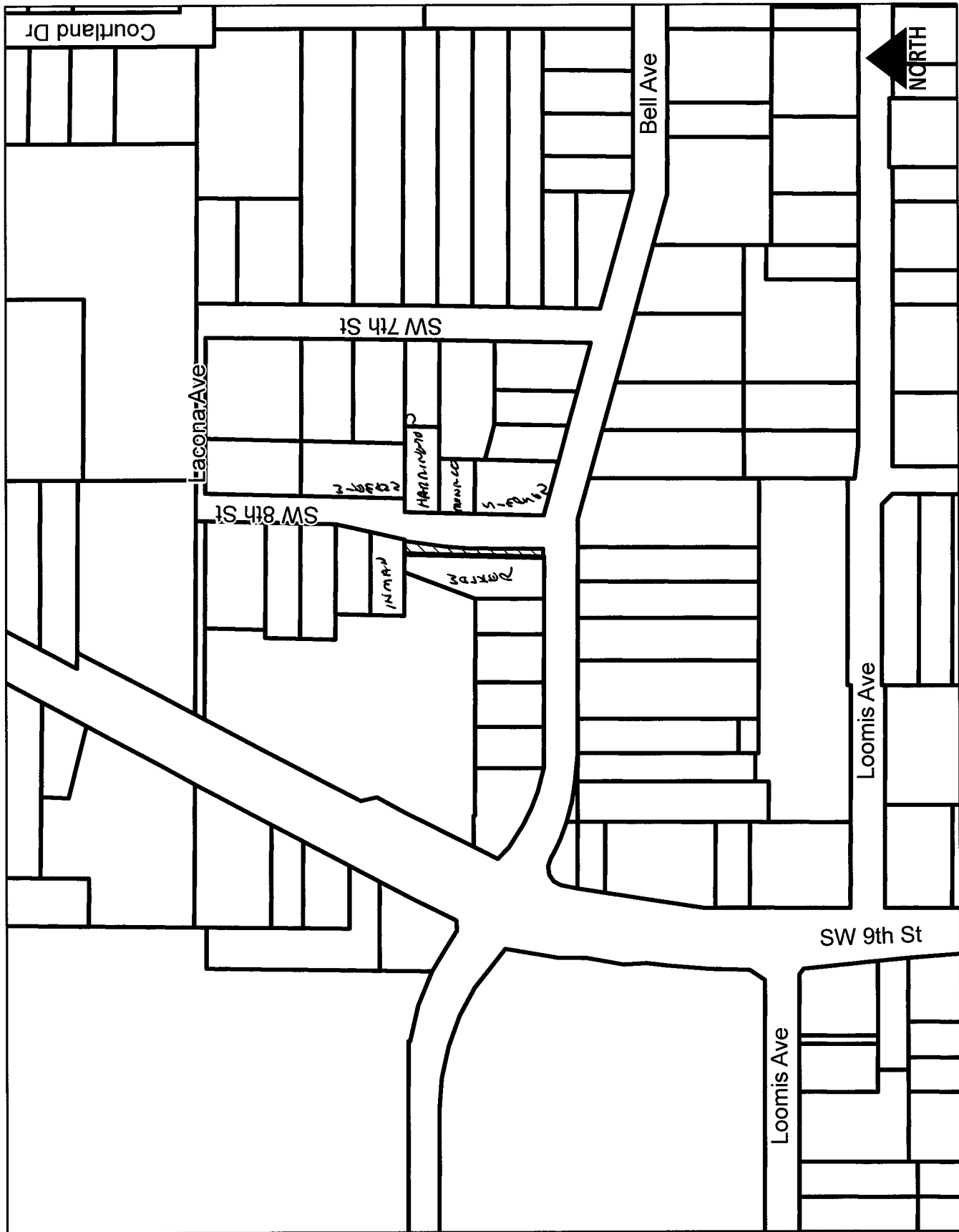
Kristin Konchalski - 729 Bell Avenue

11-2011-1.13



Kristin Konchalski - 729 Bell Avenue

11-2011-1.13



Date \_\_\_\_\_

Agenda Item 19

Roll Call # \_\_\_\_\_

October 12, 2011

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held October 6, 2011, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

**APPROVAL** of a request from Kristin Konchalski (owner) 729 Bell Avenue, for vacation of a segment of a portion of Southwest 8<sup>th</sup> Street east of and adjoining the subject property and west of the travelled, improved portion of the street subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. The applicant is required to obtain relief from the Zoning Board of Adjustment to construct the fence within the required front yard setback: 11-2011-1.13

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval for vacation of the requested right-of-way subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. The applicant is required to obtain relief from the Zoning Board of Adjustment to construct the fence within the required front yard setback.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow the undeveloped right-of-way to be assembled with the adjacent single-family residential property.
2. **Size of Site:** Approximately 2,200 square feet.
3. **Existing Zoning (site):** "R1-60" One-family Low-density Residential District.
4. **Existing Land Use (site):** Undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
  - North** – "R1-60", Use is single-family residential.
  - South** – "R1-60", Uses are single-family residential and Bell Avenue right-of-way.
  - East** – "R1-60", Uses are single-family residential and SW 8<sup>th</sup> Street right-of-way.
  - West** – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject alley right-of-way is located in a low-density residential area.
7. **Applicable Recognized Neighborhood(s):** Indianola Hills Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

### II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** No utilities have been identified within the right-of-way at this time. However, easements must be provided for any existing utilities until such time they are relocated at the applicant's expense.
2. **Access/Traffic:** The requested vacation of undeveloped right-of-way would not adversely impact the surrounding street network.
3. **Zoning Requirements:** The subject property would be required to maintain a 50-foot front yard (south) setback. It appears that approximately 30 feet of the 6-foot tall wood fence would encroach into the required 50-foot front yard (south) setback. The applicant would have to apply for relief from the Board of Adjustment in accordance

with Section 134-1296(i)(3)(a) for a Variance of 30 feet less than the minimum required 50-foot front yard (south) setback.

Sec. 134-1296. Permitted.

(i) Height restrictions for walls and fences.

(3) In any R residential districts, the following shall apply:

- a. No fence or wall in any required front yard may exceed three feet in height, except the fence or wall may be erected to a height of four feet if the fence or wall or that portion of the fence or wall in excess of three feet is constructed of materials which provide openings of not less than 75 percent in area of the vertical surface of the fence or wall to permit transmission of light, air and vision through the vertical surface at a right angle. On a corner lot, a fence not to exceed six feet in height may be erected in the rear yard area extended to the street side lot line, and in the street side yard with at a least **50-foot setback** from the front lot line, provided there is maintained a 15-foot vision clearance triangle whenever there is a driveway or alley within 15 feet of the fence or wall.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in support or opposition of the applicant's request.*

**COMMISSION ACTION**

Greg Jones moved staff recommendation to approve the vacation of the requested right-of-way subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. The applicant is required to obtain relief from the Zoning Board of Adjustment to construct the fence within the required front yard setback.

Motion passed 12-0.

Respectfully submitted,

  
 Michael Ludwig, AICP  
 Planning Administrator

MGL:clw

Attachment