



Roll Call Number

Agenda Item Number

22

Date April 17, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM ELIZABETH CARTER FOR VACATION OF INGERSOLL AVENUE RIGHT-OF-WAY ADJOINING 539 POLK BOULEVARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2017, its members voted 11-0 to recommend APPROVAL of a request from Elizabeth Carter (owner) for vacation of approximately the south 13 feet of Ingersoll Avenue adjoining 539 Polk Boulevard, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk in Ingersoll Avenue, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

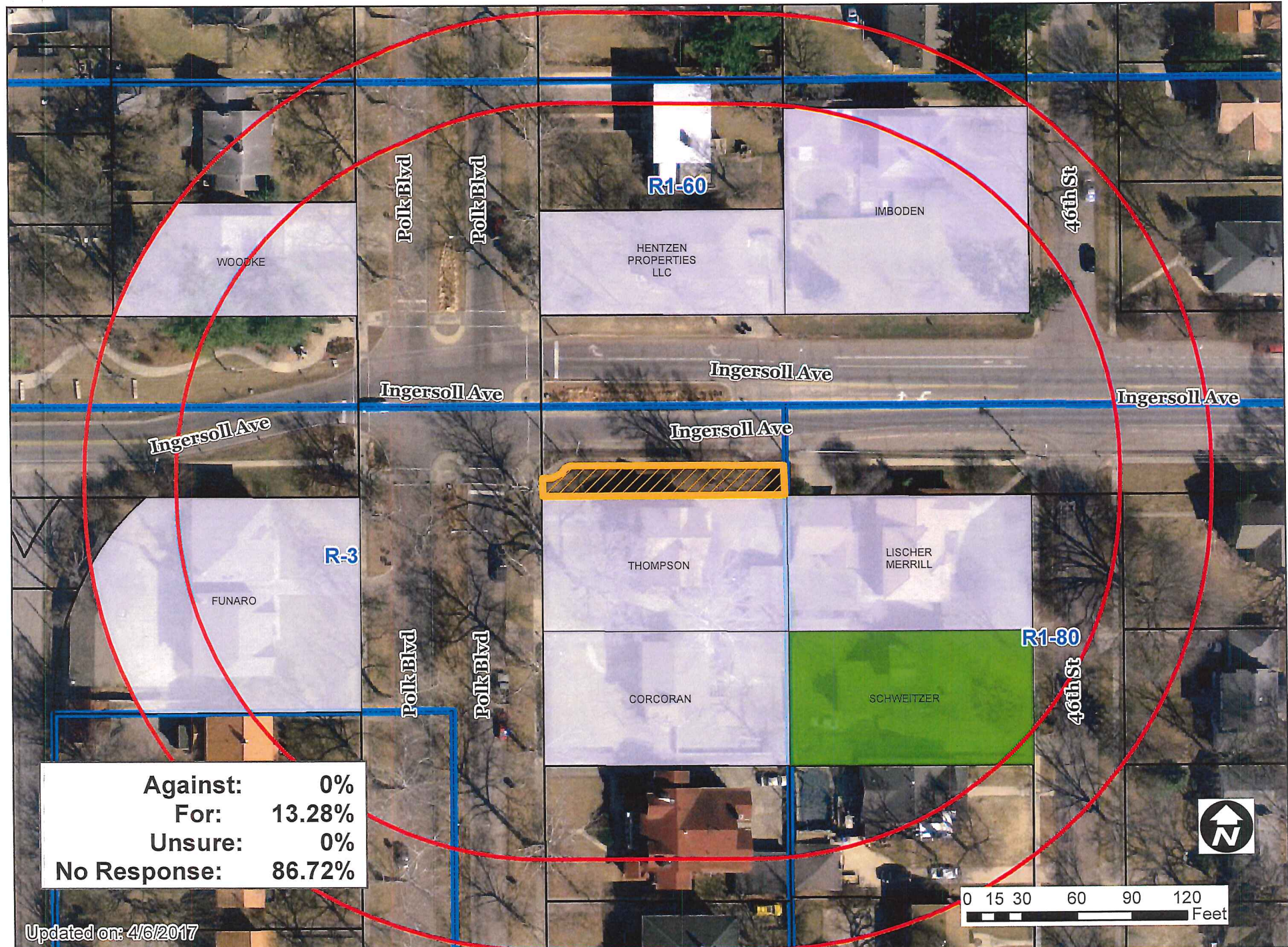
FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(11-2017-1.04)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, 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

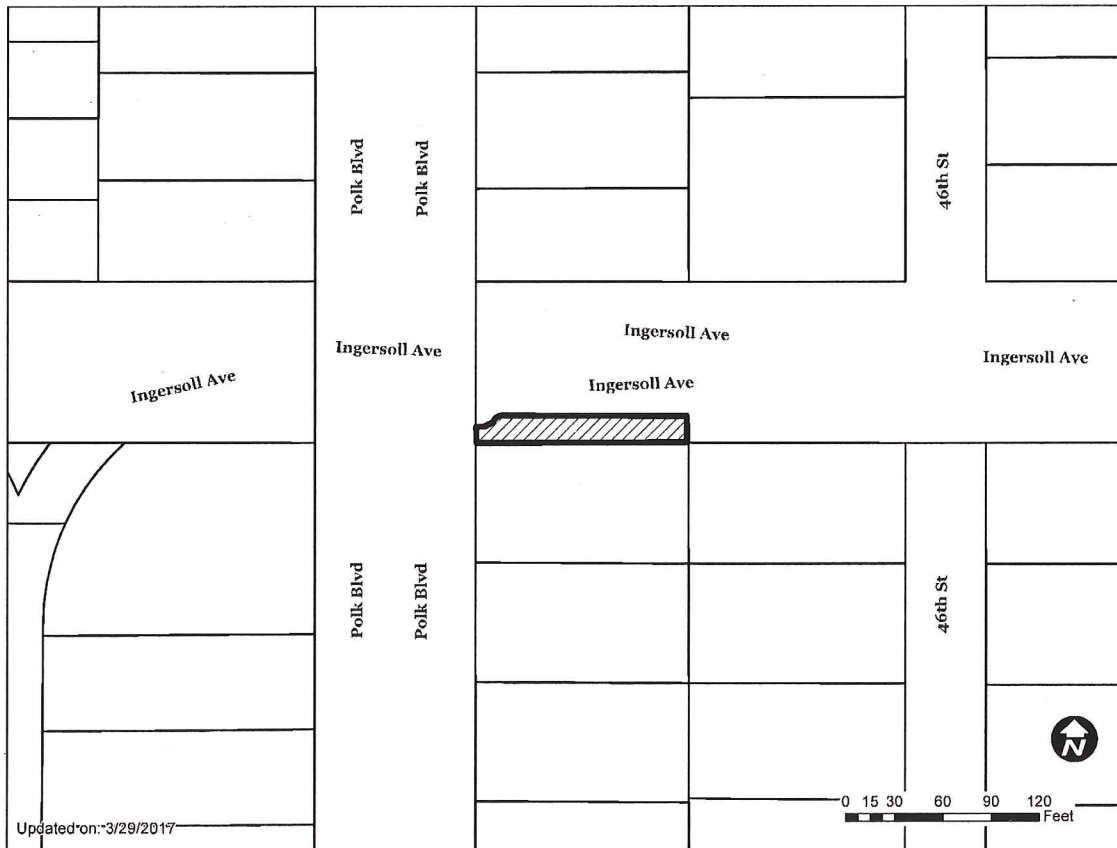


Against:	0%
For:	13.28%
Unsure:	0%
No Response:	86.72%

Elizabeth Carter (owner), 539 Polk Boulevard.		File #		
		11-2017-1.04		
Description of Action	Approval for Vacation of approximately the south 13 feet of Ingersoll Avenue adjoining the subject property, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk in Ingersoll Avenue, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
Plan/DSM Future Land Use	Current: Low-Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	1			
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Carter, 539 Polk Boulevard

11-2017-1.04



1 inch = 70 feet



CITY OF **DES MOINES**
COMMUNITY DEVELOPMENT

Date April 17 2017

Agenda Item 22

Roll Call # _____

April 10, 2017

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 April 6, 2017, the following action was taken regarding a request from Elizabeth Carter (owner), 539 Polk Boulevard, for vacation of approximately the south 13 feet of Ingersoll Avenue adjoining the subject property, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk in Ingersoll Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes				X
Lisa Howard				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier				X

APPROVAL of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
(11-2017-1.04)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Written Responses

1 in Favor

0 in Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow the property owner to install a 4-foot tall, 75% open ornamental fence along the perimeter of the side yard to within one (1) foot of the public sidewalk along Ingersoll Avenue.
2. **Size of Site:** 1600 square feet (0.04 acres).
3. **Existing Zoning (site):** "R-3" Multiple Family Residential District.
4. **Existing Land Use (site):** South right-of-way for Ingersoll Avenue at the intersection with Polk Boulevard.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-3" and "R1-60": Uses are Ingersoll Avenue and single family residential properties.
 - South* - "R-3": Use is multiple family residential properties.
 - East* – "R1-80": Use is single family residential properties.
 - West* - "R-3": Use is multiple family residential properties.
6. **General Neighborhood/Area Land Uses:** The subject site is located on the northwestern corner of the block bound by Ingersoll Avenue to the north and Polk Boulevard to the west. The surrounding area contains a mix of one- and two-family residential uses and multiple family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Shared Waterbury/Ingersoll Park Neighborhood area. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on March 17, 2017 and by mailing of the Final Agenda on March 31, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on March 27, 2017 (10 days prior to the public hearing) to the neighborhood associations and the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of right-of-way.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division. The Waterbury Neighborhood Association notices were mailed to Melissa Stalvey, 5605 Waterbury Road, Des Moines, IA 50312. The Ingersoll Park

Neighborhood Association notices were mailed to Paul Goodwin, 648 Harwood Drive, Des Moines, IA 50312.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The subject right-of-way is designated Low Density Residential on the PlanDSM future land use map. The plan defines this category as “primarily single family and two family residential units with up to 6 dwelling units per net acre.”

10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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: There are no identified sewer, water, or electrical facilities within the right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

2. Street System/Access: The subject right-of-way does not serve as an access way for the adjoining properties. The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Will Page moved staff recommendation for approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,


Jason Van Essen, AICP
Senior Planner

JMV:clw
Attachment

11-2017-1.04

Date 3-28-17

Item _____
 (am) (am not) in favor of the request.

(Circle One)

Print Name Tina Schweitzer

RECEIVED
COMMUNITY DEVELOPMENT

Signature Tina Schweitzer

Address 532 46th Street

APR 03 2017

Reason for opposing or approving this request may be listed below:

