



Meeting Date: August 15, 2016

Report No.: CC-16-72 (Continued from August 1,2 016)

Agenda Item No.: 6-b

Status: Public Hearing

Purpose: Request to close a portion of the right-of-way adjacent to 710 and 712 W. 9th Avenue.

Background Summary: The applicant of the subject property constructed a 6-foot tall privacy fence that extends through the front yard and into the public right-of-way of 9th Avenue. According to the applicant, the fence was constructed to improve the neighborhood and to deter intruders onto the property. The fence is non-compliant for two reasons in that it extends into the public right-of-way and it is taller than 4-feet through the front yard setback.

The request is to close 15 feet of the public right-of-way so that the applicant can keep the non-compliant fence. Closing, and subsequently vacating, the right-of-way would move the property line 15 feet closer to the curb, thus moving the required front yard set-back line 15 feet farther from the house.

Staff has made the following findings:

1. 9th Avenue is classified as a major collector (per functional classification map approved by City Council 8/5/13). City Code Section 23-80(b) establishes a minimum 70-foot right-of-way for streets classified as collectors.
2. 9th Avenue has a continuous 100-foot right-of-way from Perkins Road to Washington Street.
3. The distanced requested to be closed is approximately 50-feet or 1/6th of the length of the block and is located on the north side of 9th Avenue, mid-block between Ramsey and Hester.
4. The full width of the existing right-of-way may be needed for future street widening, utilities and/or transportation or other infrastructure related amenities.
5. The closing request is not in the public's best interest.

Budget Impact: There is no budget impact.

Prior Council Action or Part of an Approved Project: No

Related Items: None

Alternatives: The following alternatives are identified:

1. Approve the request to close a 15 foot wide portion of the right-of-way of West 9th Avenue. Direct staff to prepare an ordinance for the next City Council meeting.

2. Deny the closing request. The applicant will be ordered to remove the fence from within the right-of-way and shorten the fence to 4 feet tall within the front yard set-back.

Recommendation: Staff recommends denial of the request to close right-of-way adjacent to 710 and 712 West 9th Avenue.

Prepared by: Patty Evans, Planner II

Reviewed by: Paula Dennison, DS Director

Submitted by: Dan Blankenship, Deputy City Manager

Attachments: Area Map, Survey