

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** James Johnson **FILE #** 12-059-528
2. **APPLICANT:** James Johnsen Holdings LLC **HEARING DATE:** June 7, 2012
3. **TYPE OF APPLICATION:** Zoning district boundary line change
4. **LOCATION:** 260 Clarence St,
5. **PIN & LEGAL DESCRIPTION:** 342922330127, Kamnetz Add Part Lying Nly Of The Fol Desc Line Beg At A Pt On The W Lot Line Of Lot 12 Dist 10 Ft N Of Sw Cor Of Sd Lot 12 Thence Epar With S Line Of Sd Lot 12 For 95 Ft Thence N Par With W Line Of Sd Lot 12 For 10 Ft Thence E Par With Sd S Line Of Sd Lo
6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** R4
7. **ZONING CODE REFERENCE:** §60.304(f) and §60.305
8. **STAFF REPORT DATE:** May 29, 2012 **BY:** Kate Reilly
9. **DATE RECEIVED:** May 21, 2012 **60-DAY DEADLINE FOR ACTION:** July 20, 2012

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- A. **PURPOSE:** Zoning District Boundary Line Adjustment stemming from right-of-way vacation and realignment
 - B. **PARCEL SIZE:** The area for which the zoning district boundary line will be adjusted is centered on three parcels and one area of Public Works right-of-way totaling approximately 45,000 sq. ft. The three parcels are on Clarence Street and the area of right-of-way is between Clarence Street and Point Douglas Road.
 - C. **EXISTING LAND USE:** Commercial and residential (B2 Community business and R4, single family residential)
 - D. **SURROUNDING LAND USE:** The property is surrounded on three sides by single-family homes zoned R4. The west side is commercially used and zoned B2.
 - E. **ZONING CODE CITATION:** §60.304(f) establishes that the city council will pass a resolution determining the exact location of a zoning district boundary when the exact location of the boundary line is in question. §60.305 states that whenever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.
 - F. **HISTORY/DISCUSSION:** Zoning case history on this property is spotty. On May 1, 1928 a permit was approved for this property (Z.F. #161). In February of 1929 the property was rezoned (Z.F.# 203) and in May, 1937 a permit was granted (Z.F. #596). In 2010 an adjustment of common boundary was approved for 1347 Burns Avenue (Z.F. 10-119215). On March 1, 2010 a variance for number of off-street parking spaces and driveway setback from residential property was approved subject to conditions (Z. F. 10-121081). One of those conditions was that a re-zoning be approved for portions of parcels at 260 Clarence and 1365 Burns from R4 One family residential to B2 Community business for the establishment of a parking lot (Z.F. # 10-1210378). According to the rezoning file, Jim Johnsen provided a history of the property: "Prior to 1933, the property at 1347 Burns was used a grocery store and owned by the applicant's family. After the Prohibition era ended (1933), the property was used for "on sale liquor." In the late 1940s, the applicant's family added a small kitchen, bathroom, and dining room, and expanded it again to include a bar in the 1950s. The applicant's family used the property as a bar and grill until 1982, when they sold it; the property continued to operate as a bar and grill after this time under different ownership. Mr. Johnsen purchased the property back in 2001, and has made interior/exterior renovations to it since then, adding an outdoor patio in 2004."

The proposed zoning district boundary line adjustment stems from Mr. Johnsen expanding his parking lot to the adjacent Public Works right-of-way.

- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council had not made a recommendation when this staff report was prepared.

H. **FINDINGS:**

1. §60.304(f) of the zoning code states: *Where un-zoned property may exist, or where public right-of-way may be realigned, or where there is an uncertainty, contradiction or conflict as to the intended location of district boundaries shown thereon, interpretation concerning the exact location of the district boundary lines shall be determined by resolution of the city council upon recommendation by the planning commission.* In this case, the applicant is expanding a parking lot onto Public Works right-of-way and a street is being realigned to accommodate the parking lot expansion.

2. §60.305 states: *Whenever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.* The property to which it rightly attaches is the property at 1347 Burns Avenue, known as Obb's Bar, as that is the property to which the parking is an accessory use.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Zoning District Boundary Line Adjustment stemming from right-of-way vacation and realignment.