



## Legislation Text

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**File #:** RES 12-1229, **Version:** 1

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Approving a zoning district boundary line adjustment stemming from right-of-way realignment and vacation at the intersection of Burns Avenue, Clarence Street, and Point Douglas Road.

WHEREAS, the Department of Public Works has initiated the vacation of portions of Point Douglas Road and Clarence Street and acquisition of new right-of-way for realignment of Clarence Street, affecting property located at 1347 Burns Avenue (Obb's Bar, PID # 34-29-22-33-0128), 260 Clarence Street (PID # 34-29-22-33-0127), and 243 Point Douglas Road (PID # 34-29-22-33-0115);and

WHEREAS, the portions of Point Douglas Road and Clarence Street to be vacated, along with a Public Works city-owned remnant parcel between these areas, will be attached to the property at 1347 Burns Avenue (Obb's Bar, currently zoned B2 community business) to be used for a new parking lot and patio for the bar as indicated on the attached site plan; and a remnant of a former gas station parcel (zoned B2) west of the new right-of-way being acquired for realignment of Clarence Street that will be too narrow for stand-alone use will be attached to the adjacent residential lot to the west that is zoned R4 one-family residential; and

WHEREAS, § 60.304(f) of the Zoning Code states, in part, that ". . . 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 [on the zoning map] . . . , 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; and § 60.305 of the Zoning Code states that "whenever any street . . . [is] vacated, such street . . . shall automatically be classified in the same zoning district as the property to which it attaches;" and

WHEREAS, under Zoning File # 12-059-528, the Zoning Committee of the Planning Commission, on June 7, 2012, considered a Zoning District Boundary Line Adjustment stemming from the vacation and right-of-way realignment at the intersection of Burns Avenue, Clarence Street and Point Douglas Road and, after discussion, recommended that the zoning district boundaries in the area of the intersection of Burns Avenue, Clarence Street and Point Douglas Road be adjusted to follow the center line of the realigned Clarence Street right-of-way, so that the narrow remnant of the former gas station parcel west of the new right-of-way would be zoned R4 one-family residential to match the R4 zoning of the adjacent residential lot to which it is being attached, and that the zoning district boundary line be adjusted so that the portions of Point Douglas Road, Clarence Street and the city-owned remnant parcel being vacated would have the same B2 community business zoning as the property at 1347 Burns Avenue (Obb's Bar) to which they are being attached; and WHEREAS, on June 15, 2012, the Planning Commission adopted the Zoning Committee's recommendation in Resolution 12-47;

NOW THEREFORE BE IT RESOLVED, under the authority of the City's Legislative Code, by the Saint Paul City Council that the zoning district boundaries in the area of the intersection of Burns Avenue, Clarence Street and Point Douglas Road be adjusted to follow the center line of the realigned Clarence Street right-of-way, so that the narrow remnant of the former gas station parcel west of the new right-of-way would be zoned R4 one-family residential to match the R4 zoning of the adjacent residential lot to which it is being attached, and that the zoning district boundary line be adjusted so that the portions of Point Douglas Road, Clarence Street and the city-owned remnant parcel being vacated would have the same B2 community business zoning as the property at 1347 Burns Avenue (Obb's Bar) to which they are being attached.