

**PLANNING COMMISSION OF THE CITY OF ST. LOUIS**  
**Regular Meeting – Minutes**  
**Wednesday, March 4, 2015 at 5:30 P.M**  
**1520 Market St – Suite 2000 –Conference Room B**

Commissioners Present: Ald. Lyda Krewson, Michael Powers, Patrick Brown, Dan Jay, Ted Spaid, Dave Visintainer; by phone, Ivy Neyland-Pinkston, Rich Bradley

Commissioners Absent: Ald. Shane Cohn, Chair Susan Stauder  
(3 Commission vacancies)

Staff Present: Don Roe, Roman Kordal, Dick Zerega, Don Taylor; Mary Hart Burton (Zoning)

Counsel Present: David Meyer, City Counselor's Office

Guests: Betsy Bradley (Cultural Resources), Barbara Birkicht (City Counselor's Office), David Florek, Dustin Montgomery, Eric Zorumski, Kristopher Scruggs, Pennie Brown, Mildred Shelton, Sylvia Hennings, Juanita Norman, Rodney Norman, Stan Webb, Jamil Franklin, and several other members of the West End Neighborhood organization

At 5:40 p.m., Director Don Roe addressed the Commissioners and informed the members a quorum was present, and that Chair Stauder was unavailable and the members needed to select an acting chair from the citizen members. Alderwoman Krewson moved that Dan Jay serve as acting Chair, and Dave Visintainer seconded. The motion was approved by acclamation. Chair Jay then noted that the minutes of the February 4, 2015 meeting were extensive and had not been distributed enough in advance to allow for full review. He recommended deferral until the next meeting, and there was no objection to doing so, so approval of the minutes was deferred. Don Roe noted that if a request was submitted for the minutes in the interim, they could be made available, marked 'draft.'

Roman Kordal presented item 3, *PDA-155-04-CMP – Strategic Land Use Plan Amendment #13 – Approval to Conduct a Presentation and Public Hearing (at a Future Meeting) – Chouteau Gateway – Forest Park Southeast Neighborhood (CB 3957, 3965, 3993.21 & 5114.01)*. Roman provided an overview of the potentially affected area. Commissioner Brown moved to approve, and Commissioner Spaid seconded. All Commissioners present voted to approve by roll call vote: Ald. Krewson, Rich Bradley, Michael Powers, Ivy Neyland-Pinkston, Patrick Brown, Dan Jay, Ted Spaid, Dave Visintainer.

Dick Zerega presented item 4, *PDA-031-15-REZ – 19-43 N. Grand Blvd. – Rezoning by Petition – Rezone E & H to H only – proposed dormitory (CB 1959) – and Rezoning by Initiation – Rezone E, E & H and J to H – Frost Campus (CB 1959, 1960 & 3928) St. Louis University – Midtown Neighborhood*. Dick explained that the initial request from St. Louis University for

rezoning of one block on the Frost Campus led the staff to consider the broader area of the Frost campus and designate the entire Frost Campus under a zoning designation consistent with its current use as a college campus. Commissioner Spaid asked if there would be commercial uses on the property, and David Florek on behalf of SLU responded that there would be some commercial uses, but SLU was supporting the zoning amendment primarily because of the flexibility the new zoning designation offered. Commissioner Pinkston moved to approve, and Commissioner Brown seconded. Previous roll was requested. There was no objection to use of the previous roll, and the item was approved with all voting yes.

Dick Zerega presented item 5, *PDA-008-15-PRS – Demolition Decision Review from Preservation Board (2225 Chippewa) in the Marine Villa Neighborhood (CB 1655)*. He passed out the letter submitted November 18, 2014 by Eric Zorumski, counsel for the property owner, containing his argument, and a written argument prepared by Betsy Bradley, Director of Cultural Resources. He then introduced Ms. Bradley, appearing on behalf of the Preservation Board, and Mr. Zorumski, appearing on behalf of Young Abigail Willis. Chair Jay provided an overview of the process and reminded the parties that comments and questions should be limited to the record provided to the Commissioners from the Preservation Board. He noted that the arguments would be made that evening but the Commission had the discretion to continue its deliberation to a subsequent meeting if needed.

Ms. Bradley then presented her argument, reviewing the initial powerpoint presentation she had presented to the Preservation Commission and the criteria considered by the Preservation Board in making its determination to deny the demolition request. She outlined the three factors considered in order of importance. First, the building was a merit building and contributing resource to the Marine Villa Neighborhood National Register Historic District, and could only be demolished in unusual circumstances. Second, the building met the definition of ‘sound’ in the governing ordinance, meaning visible exterior walls and roofs appeared capable of standing for six months. Third, the economic hardship on the owner of the building was considered.

Next, Mr. Zorumski presented his argument. He noted that the economic viability of the property was minimal, because if the property was repaired it would be worth less than what was spent to repair it, especially since it had been stripped of its mechanical systems because the owner had been unable to maintain its security. He noted the record reflected that the casualty insurer had concluded if the property were rebuilt, it would exceed the limit on the policy. He also drew attention to the engineering reports in the record noting deterioration of the foundation. He said that houses on both sides of 2225 Chippewa were vacant, and one had been vacant at least five years and was owned by LRA. The other had been empty at least one year. He said that no real estate agency had been willing to take the listing. He acknowledged he had had the definition of ‘merit’ clarified and that the written argument he had previously submitted may have been somewhat moot.

As Ms. Bradley declined the opportunity to rebut Mr. Zorumski’s argument, the Commissioners then proceed to ask questions of the parties. The Commissioners addressed the three points relied upon by the Preservation Board in order. Ms. Bradley was asked to review the definition of ‘merit’ for the Commission in light of Mr. Zorumski’s discussion and she did so.

The Commissioners next asked questions about the soundness of the property. Mr. Zorumski was asked whether the foundation had suffered damage from the fire. He said that there had been some surface repairs, and prior owners had done some work. Ms. Bradley noted there was no evidence of shifting or bulging walls. Commissioner Spaid asked whether the roof had ever been secured with tarps, and Mr. Zorumski replied that it had not. Commissioner Powers asked what response Ms. Young had received from realtors. Mr. Zorumski replied that the testimony had been that four realtors had been contacted and did not want to list the property. Commissioner Spaid asked about testimony that a neighborhood resident may have been interested in buying the property, and Mr. Zorumski acknowledged that the discussion had taken place, but there were no offers and no further communications.

The Commissioners next asked questions about the economic hardship faced by the owner. Alderwoman Krewson said that if the property were unsecured, it would likely lead to problems. She noted that if \$296,000 in insurance and historic tax credits were available for rehabilitation she estimated that could mean approximately \$440,000 was actually accessible to renovate. In response to further questions, Mr. Zorumski responded that the property was an investment property owned by Ms. Willis approximately three years. Chair Jay asked what had been done to secure the property following the fire, and Mr. Zorumski responded that the property had been boarded up more than once following break-ins, but no tarp had been put on the roof. Commissioner Spaid noted that tarp on the roof would have helped protect the remaining structure. Commissioner Bradley observed that the evidence showed the roof had been open, and so the interior had now been exposed to the elements, including rain and snow, for the past fourteen months since the fire. He asked why the roof had not been enclosed, and Mr. Zorumski responded he could not speak to the reason. Commissioner Spaid noted that it is not uncommon to see claims for more money than the value of a structure in the City because of the nature of construction on older homes, and that real estate value and the cost of replacement were not necessarily a valid comparison. The statement by the insurer that repair would exceed \$296,000 to bring the property back to pre-loss condition was noted. Commissioner Pinkston asked whether the property's roof had been replaced several years ago following high winds, but Mr. Zorumski did not know the answer to that question.

The Commissioners concluded their questions of the parties and discussed the matter further. Alderwoman Krewson noted that substantial funds were shown to be available for repairs. Commissioner Bradley stated that the property owner should have taken measures to preserve the property after the fire. Having the roof open after fourteen months did not leave many choices. Commissioner Spaid observed there was no evidence the property owner had made an effort to fix the building.

Commissioner Spaid moved to uphold and affirm the Preservation Board decision. Commissioner Powers seconded. The following Commissioners present voted to approve by roll call vote: Ald. Krewson, Rich Bradley, Michael Powers, Ivy Neyland-Pinkston, Patrick Brown, Dan Jay, and Ted Spaid. Dave Visintainer abstained.

Other business for this meeting: Chair Jay recognized Commissioner Powers, who had an item under 'New Business.' Commissioner Powers said he had become aware of a zoning issue in the

West End neighborhood, and invited Jamil Franklin, who had volunteered to be the spokesman for the West End Neighborhood group, to present their concerns.

Mr. Franklin explained that the neighbors around the Village at Delmar Place, now under construction, found out about the impending development a week before the affordable housing project broke ground. Then they discovered the property, which was vacant, had been rezoned in 2012. They learned that notice would have been placed on utility poles, but the land had been vacant for approximately thirty years and it was likely the neighbors did not notice or realize what the signs meant. Upon learning of the present project, they asked the alderman about it, and he denied knowledge, but they did not believe that was plausible because the project had previously been rezoned with his support.

Because they had not realized the significance of the postings, the neighborhood sought a change to require notice of zoning changes to be mailed to property owners within a certain range of the property being rezoned. They suggested notice based on ward or precinct, but after discussion they also acknowledged a flat distance could work instead.

Mr. Franklin suggested the notice should contain a notice of who the applicant is, what they intend to do, and provide a notice of the public hearing. He also recommended that it be presented at the neighborhood ward meeting. If notified, then nobody can say they didn't know about it.

Mary Hart Burton stated that the current law requires notice to be posted on the block where the zoning modification is being requested, and the staff also posts an extra notice as near as possible to the site being modified.

The Commissioners discussed the need to adjust the size of the project with scope of the notice. Commissioners expressed an interest in learning what other communities do. Don Roe suggested that the staff could consider what comparable Missouri communities, acting under the same statutory scheme, do for notice and also that staff would summarize some national best practices.

Commissioner Pinkston indicated that she shared a concern with timing on notice matters, and suggested that a minimum of sixty days notice before a matter is taken up at HUDZ was reasonable.

A member of the group asked why an owner would request rezoning without a project. Don Roe responded that many reasons arise: it is possible that property was being prepared for sale and a different zoning designation may make it more marketable; perhaps a project was being developed but was not yet ready for public disclosure, or subsequently fell through. He noted that he encourages the public to research whenever they are buying property near vacant land to find its status.

Mrs. Norman suggested that the size of the typeface on signs or perhaps the signs themselves should be increased because often the print is very small and hard for people with difficulty seeing small print to read.

The discussion concluded with a request for staff to report their findings when they become available, and Don Roe committed to notify Mr. Franklin, as spokesman for the group, when the Planning Commission would take up the matter for further discussion and determination.

Don Roe noted that the list of items delegated to him for approval with his analysis and recommendations was included with the materials provided to the Commissioners and invited Commissioners who wish to discuss those items with him to do so at their convenience.

Chair Jay asked for a motion to adjourn. Motion made by Commissioner Brown; Alderwoman Krewson seconded. Hearing no objection, the meeting adjourned at 7:16 PM.

  
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Susan Stauder, Chair