

**To:** City of St. Louis Planning Commission

**From:** Don Roe, Executive Director

**Subject:** Submittal of Resolution for Recommendation of Zoning District Map Amendment (Rezoning by Petition) – 401-33 DeBaliviere Avenue (City Block 5520)

**Date:** September 28, 2018

## Summary

**Submittal:** Proposed amendment of the Zoning District Map by petition for Planning Commission review and recommendation.

**Site:** This single parcel area of about 1.29 acres in size, is located at 401-33 DeBaliviere Avenue (City Block 5520) in the Skinker-DeBaliviere Neighborhood.

**Proposal:** The owner/petitioner, Michael Schwartz, wishes to subdivide this parcel into two parcels, as shown in the plat in Exhibit D. Given that this parcel is currently dual-zoned “D” and “H” and the current zoning has no exact legal description, the zoning administrator requested that the applicant pursue a rezoning in order to ensure that the legal description of the zoning matches the proposed parcel boundaries. The request is to rezone the proposed Lot “B” abutting McPherson Avenue as “D” Multiple-Family Dwelling District, and the proposed Lot “A” abutting DeBaliviere Avenue to “H” Area Commercial District.



*Figure 1- Aerial Map*

**Land Use:** The rezoning site currently consists of a commercial building with a large parking lot. The existing tenant is Busey Bank. Within Lot “A” The petitioner is proposing to convert the existing building into a mixed use building with commercial space on the ground floor, and apartments on the upper floor. The proposed development project will retain enough off-street parking spaces for both the commercial and residential uses. Additionally, within Lot “B”, the petitioner is proposing to sell the property for the development of residential homes.

**Petitioner:** Michael Schwartz of 415 DB LLC, the owner of the property.

## Recommended Action

That the Planning Commission finds the petition for the proposed Zoning District Map amendment for one (1) parcel known as 401-33 DeBaliviere Avenue in City Block 5520 to be in conformity with the City’s Strategic Land Use Plan and the Neighborhood Plan and **recommends approval** to the City’s Board of Aldermen.

## 1.0 Background

The rezoning site consists of one parcel – 401-33 DeBaliviere Ave. -- that is approximately 1.29 acres in size. The parcel is located at the northwest corner of DeBaliviere Ave. and Waterman Blvd. in the Skinker-DeBaliviere neighborhood.

According to city records, the existing building located at 401-33 DeBaliviere Avenue was built in 1921 as a corner commercial property with a store front on the first floor and residential above, which was commonplace during the early part of the 1900s. Since that time, the building has been converted to entirely commercial offices. This two story structure has several surface parking spaces located on the north side of the building. The Petitioner proposes to renovate the building to provide commercial spaces on the first floor and residential units on the second floor of this property.

The City’s Zoning Administrator cites in the attached letter (Exhibit ‘E’) that the petition is based on the Petitioner’s desire to bring the zoning of this parcel of and into conformance with its current and intended future uses. She states that currently, the dual zoning of both “D” Multiple-Family Dwelling District and “H” Area Commercial District, would require the parcel to be regulated by the most restrictive which is “D” Multiple-Family Dwelling District and could restrict the proposed Lot fronting DeBaliviere Avenue from using the building for commercial purposes. By rezoning the subject site “D” and “H” with legal descriptions matching the parcel boundaries, the property owner can ensure that each parcel can be used for its intended purpose in the future, and would bring the subject property into conformity with the Zoning Code.

Photos of the rezoning site and adjacent areas are included in Exhibit ‘F’.

## 2.0 Comments

PDA staff has reviewed the proposed “Petition for Zoning Amendment” for rezoning 401-33 DeBaliviere Avenue (City Block 5520) in the Carondelet Neighborhood.

### Strategic Land Use Plan (SLUP)

The City’s Strategic Land Use Plan designates the rezoning site as a Neighborhood Commercial Area (NCA). The NCA Strategic Land Use Category is defined as: “Areas where the development of new and rehabilitation of existing commercial uses that primarily serve adjacent neighborhoods should be encouraged...”

PDA Staff finds the petition for the proposed Zoning District Map amendment for this single parcel City Block 5520 to be in conformity with the City’s Strategic Land Use Plan’s Neighborhood Preservation Area designation which encourages the reuse of corner commercial buildings as they were originally intended.



Figure 2- Strategic Land Use Plan

Additionally, as previously mentioned, the petitioner aims to subdivide the parcel to accommodate residential development for the portion of the property which fronts McPherson Avenue (Lot “B”). While does not meet the NCA SLUP designation, the Plan recognizes that the designations are based on the projections for development and preservation and that these designations are not exact. The Planning Commission, in its discretion, may therefore consider a use to be in conformance with the plan when the proposed use is allowed under the Plan in a directly abutting area. Staff recommends approving the petition to zone the parcel to ‘D’ Multiple-Family Dwelling District and “H” Area Commercial District, following the boundaries of the proposed subdivision lot boundaries as being in conformity with the Strategic Land Use Plan.

### **Skinker DeBaliviere Neighborhood Urban Design and Development Plan**

The Planning Commission adopted this neighborhood plan on September 6, 2017. On September 5, 2018, the Commission clarified that the plan was also adopted as a supplement to the City’s Comprehensive Plan. This plan includes the subject site and identifies the area fronting DeBaliviere Avenue (Lot “A”) as a Neighborhood Edge, and the area fronting McPherson (Lot “B”) as a Neighborhood Core.

Within the Neighborhood Edge, the Plan aims to redevelop existing retail into urban, mixed-use development. The proposed mixed use development on proposed Lot “A” of the subject site meets that stated recommendation. Within the Neighborhood Core, the plan aims to preserve housing, and redevelop vacant properties. The proposed residential properties along McPherson meets this recommendation.

Staff finds the proposed petition to be in conformity with the Skinker-DeBaliviere Neighborhood Urban Design and Development Plan.

## **2.1 Public Input**

The Board of Aldermen’s Housing, Urban Development and Zoning (HUDZ) Committee will conduct a public hearing as part of the legislative process.

## **2.2 Previous Commission Action**

The Planning Commission adopted this neighborhood plan on September 6, 2017. On September 5, 2018, the Commission clarified that the plan was also adopted as a supplement to the City’s Comprehensive Plan.

## **2.3 Requested Action**

Section 26.92.010 of the City of St. Louis Revised Code requires that any amendment or change in the boundaries or regulations of the Zoning Code shall be initiated by motion of the Planning Commission or by the filing of a petition with the Zoning Administrator by the owner or owners of the property within the district.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 1 states that the Planning Commission shall be the official planning agency for the City. It shall also be the zoning commission for the City and perform all functions required by applicable state law to be performed by a municipal zoning commission.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 4 states that the Planning Commission shall recommend changes in the zoning ordinances and zoning district maps to the Board of Aldermen. No ordinance changing the zoning ordinances and zoning district maps shall be adopted over the negative recommendation of the Planning Commission, unless approved by a majority vote of all members of the Board of Aldermen.

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### **Requested Recommendation**

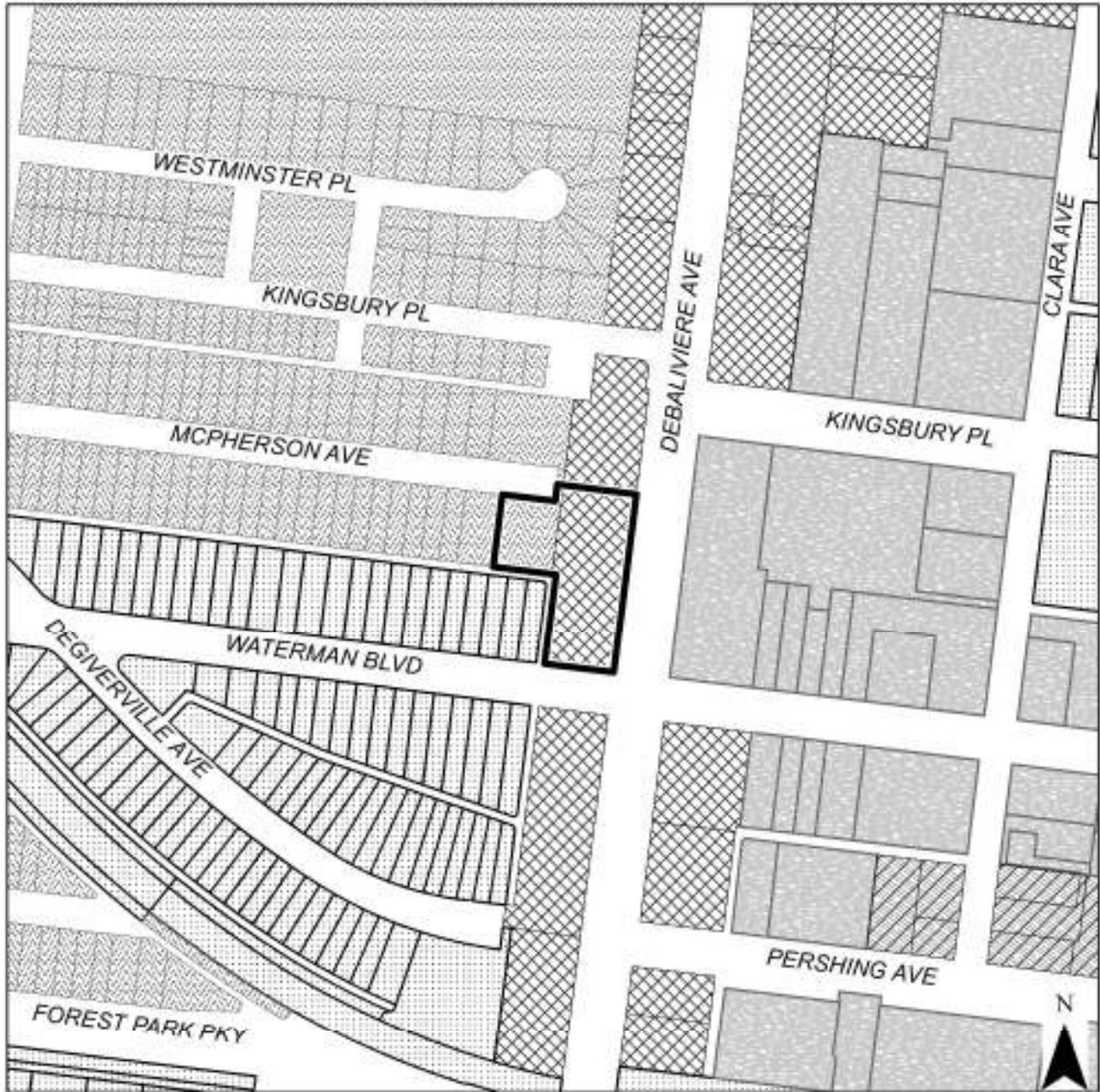
That the Planning Commission finds the petition for the proposed Zoning District Map amendment for one (1) parcel at 401-33 DeBaliviere Avenue in City Block 5520 to be in conformity with the Strategic Land Use Plan and the Skinker-DeBaliviere Neighborhood Urban Design and Development Plan and therefore recommends approval of the petition to amend zoning to “D” Multiple-Family Dwelling District and “H” Area Commercial District as presented to the City’s Board of Aldermen of the City of St. Louis.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ST. LOUIS PLANNING COMMISSION AS FOLLOWS:

1. The Petition for the Amendment of the Zoning District Map (to “D” Multiple-Family Dwelling District and “H” Area Commercial District following the proposed subdivision lot lines) for the single parcel (known as 401-33 DeBaliviere Avenue in City Block 5520) is in conformity with the City’s Strategic Land Use Plan and the Skinker-DeBaliviere Neighborhood Urban Design and Development Plan.
2. The Petition for the Amendment of the Zoning District Map (to “D” Multiple-Family Dwelling District and “H” Area Commercial District following the proposed subdivision lot lines) for the single parcel (known as 401-33 DeBaliviere Avenue in City Block 5520) is recommended for approval.
3. The Director of the Planning and Urban Design Agency of the City of St. Louis is hereby directed to notify the Board of Aldermen of the City of St. Louis of this recommendation.

# EXHIBIT A DISTRICT MAP



## Current Zoning District

-  A Single-Family Dwelling District
-  D Multiple-Family Dwelling District
-  E Multiple-Family Dwelling District
-  F Neighborhood Commercial District
-  H Area Commercial District

 Rezoning Area

# EXHIBIT B

## REZONING APPLICATION



### PETITION FOR ZONING AMENDMENT (REZONING)

CITY OF ST. LOUIS

Petitioner's Name 415 DB LLC

Contact Name (If above is a firm/an organization) MICHAEL SCHWARTZ

Address 2217 LOCUST ST., 1ST FLOOR, ST. LOUIS, MO 63103

Phone 314-391-8900 Fax 314-256-1722 Email MSCHWARTZ@BLACKLINESTL.COM

A complete Legal Description of Property to be Rezoned is required, use additional sheets if necessary (you may also attach any plans, conceptual drawings or proposals which you feel may aid in the evaluation of this request). SEE ATTACHED

Address(es) including street number(s) / name(s) of Property(s) to be Rezoned \_\_\_\_\_

401-33 DEBALIVIERE AVE., ST. LOUIS, MO 63112

City Block No. 5520 Parcel No. 275

Requested Zone/FBD Change From D/H To LOT A-H, LOT B-D  
(list specific zoning district or FBD Zone) (list specific zoning district or FBD Zone)

The following can be listed or mapped on additional sheets:

- Present Use of Property(s) COMMERCIAL WITH LARGE PARKING LOT
- Intended Use of Property(s) LOT A - MIXED USE WITH 42 SPACE PARKING LOT
- Grounds for Petition LOT B - READY FOR FUTURE RESIDENTIAL DEV.
- Grounds for Petition DUAL ZONING
- Are you the owner of the property described? YES
- If not, what is your legal interest in the property? \_\_\_\_\_
- The owner(s)-of-record of the petitioned property according to the City of St. Louis Assessor's Records is(are) known as 415 DB LLC

If you are NOT the owner(s)- of- record of the petitioned property you are REQUIRED to submit the Affidavit on Page 4, for each of the owner(s)- of- record of the petitioned property and it MUST be notarized.

Michael M. Schwartz 9/11/2018  
Signature(s) of Petitioner(s) Date Filed

Received and deemed complete by Zoning on 9/12/18  
City of St. Louis, Office of the Zoning Administrator  
Room 400, City Hall, St. Louis, MO 63103

# EXHIBIT C

## LEGAL DESCRIPTION

### LEGAL DESCRIPTION

#### LOT "A"

A tract of land being all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Block 2 of WASHINGTON HEIGHTS FIRST ADDITION, and in CITY BLOCK 5520 of the City of St. Louis

Records, and the North/South Alley, 15 feet wide, vacated by Ordinance Number 57765 of the City of St. Louis, and the South 1/2 of McPherson Avenue, 60 feet wide, vacated by Ordinance Number 58584 of the City of St. Louis, in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the Southeastern corner of said City Block 5520, said point being the intersection of the Westerly line of DeBaliviere Avenue, 100 feet wide, with the Northerly line of Waterman Boulevard, 80 feet wide; thence along the Northerly line of said Waterman Boulevard, North 83 degrees 16 minutes 30 seconds West, 125.00 feet to the Easterly line of a North/South Alley, 15 feet wide; thence along the Easterly line of said North/South Alley, North 06 degrees 59 minutes 00 seconds East, 165.00 feet to the Northerly line of an East/West Alley, 15 feet wide; thence along the Northerly line of said East/West Alley, North 83 degrees 16 minutes 30 seconds West, 20.00 feet to its intersection with the 5 foot chamfer of the Westerly line of said vacated Alley, thence along the Westerly line of said vacated Alley the following bearings and distances: North 51 degrees 51 minutes 15 seconds East, 7.09 feet; and thence North 06 degrees 59 minutes 00 seconds East, 125.50 feet to the Southerly line of said vacated McPherson Avenue, said point being the Northeastern corner of Lot 11 of said Subdivision; thence along the Southerly line of said vacated McPherson Avenue, North 83 degrees 16 minutes 30 seconds West, 3.00 feet to the Westerly terminus of said vacated McPherson Avenue; thence Northwardly along the Westerly terminus of said vacated McPherson Avenue, North 06 degrees 59 minutes 00 seconds East, 30.00 feet to the centerline of said vacated McPherson Avenue; thence along the centerline of said vacated McPherson Avenue, South 83 degrees 16 minutes 30 seconds East, 143.00 feet to the Westerly line of said DeBaliviere Avenue; thence along the Westerly line of said DeBaliviere Avenue, South 06 degrees 59 minutes 00 seconds West, 325.50 feet to the Point of Beginning, according to Survey Number 209066, executed by James Surveying Company, during the month of December, 2017, and containing 43,197 Square Feet, more or less.

#### LOT "B"

A tract of land being all of Lots 11, 12 and 13 in Block 2 of WASHINGTON HEIGHTS FIRST ADDITION, and in CITY BLOCK 5520 of the City of St. Louis Records, in the City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the Northwestern corner of said City Block 5520, said point being the intersection of the Easterly line of Laurel Street, 60 feet wide, with the Southerly line of McPherson Avenue, 60 feet wide; thence along the Southerly line of said McPherson Avenue, South 06 degrees 59 minutes 00 seconds East, 931 feet 1-1/8 inches to the Northwesterly corner of said Lot 13 and the True Point of Beginning of the tract of land herein described; thence continuing along Southerly line of said McPherson Avenue, South 06 degrees 59 minutes 00 seconds East, 99.00 feet to the Northeastern corner of said Lot 11, said point being at the intersection with the Westerly line of a North/South Alley, 15 feet wide, vacated by Ordinance Number 57765; thence along the Westerly line of said vacated Alley, the following bearings and distances: South 06 degrees 59 minutes 00 seconds West, 125.50 feet; and thence South 51 degrees 51 minutes 15 seconds West, 7.09 feet to the Southeastern corner of said Lot 11, said point being on the Northerly line of an East/West Alley, 15 feet wide; thence along the Northerly line of said

East/West Alley, North 83 degrees 16 minutes 30 seconds West, 94.00 feet to the Southwestern corner of said Lot 13; thence along the Westerly line of said Lot 13, North 06 degrees 59 minutes 00 seconds East, 130.50 feet to the True Point of Beginning, according to Survey Number 209066, executed by James Surveying Company, during the month of December, 2017, and containing 12,907 Square Feet, more or less.



# EXHIBIT E

## ZONING REPORT



JIMMIE M. EDWARDS  
DIRECTOR OF PUBLIC SAFETY

**City of St. Louis**  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF BUILDING AND INSPECTION  
LYDA KREWSON  
MAYOR



FRANK OSWALD  
BUILDING COMMISSIONER

**TO:** City of St. Louis Planning Commission

**FROM:** Mary Hart Burton, Zoning Administrator

**SUBJECT:** Rezoning – Skinker Debaliviere Neighborhood - City Block 5520 (401-15 Debaliviere Avenue)

**DATE:** October 3, 2018

### INITIATION:

Mr. Michael Schwartz of 415 DB LLC, the owner of record of the above referenced parcel in city block 5220, petitioned the Zoning Administrator as provided for in Chapter 26.92 of the 1994 Revised Code of the City of St. Louis, to change the Zoning District Map of the City in the Skinker Debaliviere Neighborhood. Specifically, the petition focused on one (1) parcel in city block 5520, known as 401-15 Debaliviere Avenue, and currently zoned both "D" Multiple-Family Dwelling District and "H" Area Commercial District. The subject parcel is located in the 26th Ward of the City of St. Louis.

### PURPOSE:

The request is based on the Petitioner's desire to bring the zoning of this parcel of land into conformance with its current and intended future uses. This is the site of a two story commercial structure and a large paved off-street parking area. The parcel is presently dual zoned, both "D" Multiple-Family Dwelling District and "H" Area Commercial District. The Petitioner proposes to subdivide the parcel into two parcels, at the present time known as Lot A and Lot B. Lot A will be the existing structure with two commercial spaces on the first floor and twenty (20) apartments on the upper floor and would also include 42 off-street parking spaces on the existing paved area, that would be restriped. Lot B is currently additional off street parking that is adjacent to established residential development and that would be sold for future residential development.

Currently, dual zoning of both "D" Multiple-Family Dwelling District and "H" Area Commercial District, with the more restrictive regulations of the "D" Multiple-Family Dwelling District applying, would not allow for the commercial component on Lot A. The Petitioner would like to rezone Lot A to "H" Area Commercial District to allow for the commercial component of their plans and also to be consistent with the existing zoning along Debaliviere Avenue. The petitioner would also like to

rezone Lot B to the "D" Multiple-Family Dwelling District to allow for future development of residential on this lot. This would allow for the proposal to be in compliance with the provisions of the Zoning Code.

Given that the proposed rezoning would allow for improvements and the continued use of an existing structure; that rezoning the remaining vacant portion of the parcel would protect existing residential development along McPherson Avenue; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a change in zoning classification would be appropriate and would enhance the general welfare of the City.

**RECOMMENDATION:**

It is the recommendation of the Zoning Administrator that the subject parcel in City Block 5520 be subdivided and the portion known as Lot A be rezoned to the "H" Area Commercial District and the portion known as Lot B be rezoned to the "D" Multiple-Family Dwelling District.

cc: Alderman Frank Williamson, 26th Ward  
Frank Oswald, Building Commissioner

**Building Safety is NO Accident**

**EXHIBIT F**

Photos of 401-33 DeBaliviere (Rezoning)  
(CB 5520)



**401-33 DeBaliviere Avenue (Rezoning)**  
Aerial view of rezoning site

**401-33 DeBaliviere Avenue (Rezoning)**  
Map view of rezoning site. Numbers Correspond  
with images below



**1) 401-33 DeBaliviere Avenue**  
(Subject Site)

**2) 5715-19 Waterman Blvd.**  
(Single-family residential west of the subject site)

**EXHIBIT F**

Photos of 401-33 DeBaliviere (Rezoning)  
(CB 5520)



**3) 5714-18 Waterman Blvd.**  
(Single-family residential southwest of the subject site )

**4) 301-31 DeBaliviere Ave.**  
(Commercial south of the subject site)



**5) 324 DeBaliviere Ave.**  
(Medical facility southeast of the subject site)

**6) 4673-89 Waterman Blvd.**  
(Multi-family residential east of the subject site)

**EXHIBIT F**

Photos of 401-33 DeBaliviere (Rezoning)  
(CB 5520)



**7) 4673-89 Waterman Blvd.**  
(Multi-family residential northeast of the subject site)

**8) 5708-10 Kingsbury Pl.**  
(Multi-family residential north of the subject site)



**9) 5726 McPherson Ave.**  
(Multi-family residential to the west of the subject site)