



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

**From:** Don Roe, Director

**Subject:** Submittal of Resolution for Recommendation of Zoning District Map Amendment (Rezoning by Petition) -- City Block 4455 (4967-71 Palm St.)

**Date:** December 30, 2016

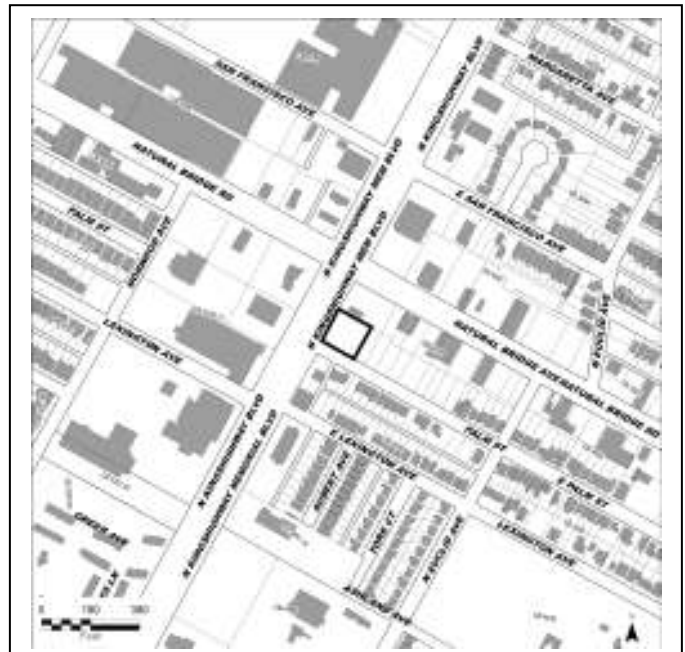
## Summary

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

**Site:** 0.42-acre site, consisting of a single parcel -- 4967-71 Palm St. -- located near the southeast corner of Kingshighway Blvd. and Natural Bridge Ave. in the Kingsway East neighborhood.

**Proposal:** Rezoning the subject parcel from the “B” Two-Family Dwelling District and “F” Neighborhood Commercial District to the “F” Neighborhood Commercial District.

**Land Use:** The site currently consists of a parking lot for a White Castle restaurant. The petitioner would like to consolidate this parcel with an adjacent parcel (4984-90 Natural Bridge Ave.) -- which includes the White Castle building and additional parking spaces and is zoned “F” Neighborhood Commercial District -- into a single parcel with the purpose of demolishing the existing White Castle restaurant and constructing a new one. The consolidation of parcels with different zoning districts would result in the more restrictive regulations of the “B” zoning district applying -- which prohibits restaurants. The rezoning of the subject parcel to the “F” Neighborhood Commercial District would allow for the proposed development project to be in compliance with the provisions of the Zoning Code.



**Petitioner:** Ingram Family Limited Partnership, which is the owner of the subject parcel.

**Support Letter:** The petitioner is seeking a support letter from Alderwoman Sharon Tyus (1st Ward).

## Recommended Action

That the Planning Commission finds the petition for the proposed Zoning District Map amendment for one parcel located in City Block 4455 -- 4967-71 Palm St. -- to be in conformity with the City's Strategic Land Use Plan and **recommends approval** to the City's Board of Aldermen.

## 1.0 Background

- The rezoning site consists of a single parcel -- 4967-71 Palm St. -- and is approximately 0.42 acres in size. It is located near the southeast corner of Kingshighway Blvd. and Natural Bridge Ave. in the Kingsway East neighborhood.
- The rezoning site currently consists of a parking lot for a White Castle restaurant. The rezoning site is currently zoned "B" Two Family Dwelling District and "F" Neighborhood Commercial District, with the "F" zoning district facing Kingshighway Blvd. and the "B" zoning district at the rear of the parcel. The petitioner would like to consolidate this parcel with an adjacent parcel (4984-90 Natural Bridge Ave.) into a single parcel. The adjacent parcel includes the White Castle building and additional parking spaces, and is currently zoned "F" Neighborhood Commercial District. The petitioner is proposing to demolish the existing White Castle restaurant and construct a new one. (City records indicate the original White Castle was built in 1985.) The consolidation of parcels with different zoning districts would result in the more restrictive regulations of the "B" zoning district applying -- which prohibits restaurants. The rezoning of the subject parcel to the "F" Neighborhood Commercial District would allow for the proposed development project to be in compliance with the provisions of the Zoning Code.
- No site plans, renderings or information regarding the new White Castle restaurant were submitted as part of the rezoning petition.
- The amendment proposes changing the zoning for the subject parcel from the "B" Two-Family Dwelling District and "F" Neighborhood Commercial District to the "F" Neighborhood Commercial District. As Exhibit "A" shows, most of the parcels located within a block of the intersection of Kingshighway Blvd. and Natural Bridge Ave. have commercial or industrial zoning as one would expect at a major intersection. The remainder of the 4900 block of Palm St. is zoned "B" Two-Family Dwelling District.
- The petitioner is Ingram Family Limited Partnership, which is the owner of the subject parcel, as well as the adjacent parcel to be consolidated with the rezoning site. The firm is based in Columbus, Ohio, where White Castle's corporate headquarters is located.
- Existing land uses adjacent to the rezoning site primarily include commercial uses. While the other three corners of the Kingshighway Blvd. and Natural Bridge Ave. intersection include diverse businesses -- BP, Walgreens and U.S. Bank -- a very heavy concentration of fast-food restaurants -- Taco Bell, Lee's Famous Recipe Chicken, McDonald's, Subway, Rally's, Church's and Burger King -- is located very close to this intersection. Photos of the rezoning site and adjacent areas are included in Exhibit "D".
- In its rezoning petition (see Exhibit "B"), the petitioner states as its Grounds for Petition: "Not allowed to consolidate parcels with different zoning"
- The City's Zoning Administrator cites in the attached letter (Exhibit "C") that: "Given that the proposed rezoning would allow for new and improved commercial development to serve the immediate area; 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 less restrictive zoning classification would be appropriate and would enhance the general welfare of the City." She further states that: "It is the recommendation of the Zoning Administrator that the subject

parcel in City Block 4455 (4967-71 Palm Street) be rezoned to the “F” Neighborhood Commercial District only.”

## 2.0 Comments

PDA staff has reviewed the proposed amendment of the Zoning District Map for a single parcel located at 4967-71 Palm St. and recommends approval of the rezoning to the “F” Neighborhood Commercial District. This recommendation is based on the reasons cited in the Zoning Administrator’s letter and the proposed rezoning’s conformity with the City’s Strategic Land Use Plan.

The Strategic Land Use Plan designates the rezoning site as a Neighborhood Commercial Area (NCA). This Strategic Land Use Category is defined as: *“Areas where the development of new and the rehabilitation of existing commercial uses that primarily serve adjacent neighborhoods should be encouraged. These areas include traditional commercial streets at relatively major intersections and along significant roadways where commercial uses serve multiple neighborhoods or where the development of new commercial uses serving adjacent neighborhoods is intended. Mixed use buildings with commercial at grade and a mix of uses on upper floors are an ideal type within these areas. These areas may include higher density mixed use residential and commercial and may initially include flexibility in design to allow ground floor uses to change over time e.g., ground floor space that can transition from residential to commercial use as the local demand for retail goods and services strengthens in the area.”*



The proposed rezoning would facilitate the replacement of an existing White Castle restaurant with a new White Castle restaurant. A restaurant certainly is a commercial use. Thus, the proposed rezoning is in conformity with the City’s Strategic Land Use 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

None.

### 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 parcel located in City Block 4455 -- 4967-71 Palm St. -- to be in conformity with the City's Strategic Land Use Plan and **recommends approval** to the City's Board of Aldermen.

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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 the "F" Neighborhood Commercial District) for one parcel (known as 4967-71 Palm St.) located in City Block 4455 is hereby found to be in conformity with the City's Strategic Land Use Plan.
2. The petition for the amendment of the Zoning District Map (to the "F" Neighborhood Commercial District) for one parcel (known as 4967-71 Palm St.) located in City Block 4455 is hereby recommended for approval.
3. The Director of the Planning and Urban Design Agency is hereby directed to notify the City's Board of Aldermen of this recommendation.

# EXHIBIT A DISTRICT MAP



### Current Zoning District

- |                                     |                               |
|-------------------------------------|-------------------------------|
| A Single-Family Dwelling District   | G Local Commercial District   |
| B Two-Family Dwelling District      | H Area Commercial District    |
| C Multiple-Family Dwelling District | I Central Business District   |
| D Multiple-Family Dwelling District | J Industrial District         |
| E Multiple-Family Dwelling District | K Unrestricted District       |
| F Neighborhood Commercial District  | L Jefferson Memorial District |

Rezoning Area

Rezoning Petition  
from "B"/"F" to "F"

PDA-010-17-REZ





PETITION FOR ZONING AMENDMENT (REZONING)

CITY OF ST. LOUIS

EXHIBIT B

Petitioner's Name INGRAM FAMILY LIMITED PARTNERSHIP  
 Contact Name (If above is a firm/an organization) CRAIG G. ELLERS  
 Address 555 W. GOODALE ST. COL, OH. 43215  
 Phone (614) 559-2729 Fax (614) 224-1787 Email ELLERS@CWHITECASTLE.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 \_\_\_\_\_

4967-4971 Palm Street

City Block No. 4455 Parcel No. 260

Requested Zone/FBD Change From F and B To F

(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) Restaurant w/ Drive-Thru
- Intended Use of Property(s) Restaurant w/ Drive-Thru
- Grounds for Petition Not allowed to consolidate parcels with different 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 INGRAM FAMILY LIMITED PARTNERSHIP

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.

C. A. Owens 12/19/16  
 Signature(s) of Petitioner(s) Date Filed

Received and deemed complete by Zoning on 12/19/16  
 City of St. Louis, Office of the Zoning Administrator  
 Room 400, City Hall, St. Louis, MO 63103

HEIDEMAN ASSOCIATES, INC.

A Zak Company

240 Lerkin Wilcox Industrial Ct | Forton, Missouri 63026 | p 636 402 3200 | f 636 402 3202



Description for Zoning White Castle SL-23

A tract of land being part of Lot 48 and all of Lots 49, and 50 of North Cote Brilliance in Block 4455 of the City of St. Louis, Missouri, and being more particularly described as:  
Commencing at the intersection of the South line of Natural Bridge Avenue, 100 feet wide, with the East line of Kingshighway Memorial Blvd., 150 feet wide; thence South 28 degrees 24 minutes 58 seconds West along the East line of said North Kingshighway a distance of 109.87 feet to the point of beginning of the tract being described; thence leaving the East line of said North Kingshighway South 61 degrees 13 minutes 38 seconds East along the line common to Lots 47, 48, 49, 50 and 45, 46, 47 of said City Block a distance of 122.66 feet to the corner common to Lots 44, 45 and 50, 51; thence leaving said common line South 29 degrees 12 minutes 31 seconds West along the line common to Lots 50 and 51 a distance of 150.02 feet to a point on the North line of Palm Street (50 feet wide); thence leaving said common line North 61 degrees 18 minutes 44 seconds West along the North line of said Palm Street a distance of 120.58 feet to a point in the East line of said North Kingshighway; thence leaving said North line North 28 degrees 24 minutes 58 seconds East along the East line as aforesaid a distance of 150.20 feet to the place of beginning and containing 18,255 square feet.

Subject to Easements, Restrictions and Covenants of record if any



RICHARD GRAY  
DIRECTOR OF PUBLIC SAFETY

**City of St. Louis**  
**DEPARTMENT OF PUBLIC SAFETY**  
DIVISION OF BUILDING AND INSPECTION  
FRANCIS G. SLAY  
MAYOR

**EXHIBIT C**



FRANK OSWALD  
BUILDING COMMISSIONER

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

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

**SUBJECT:** Rezoning – Kingsway East Neighborhood - City Block 4455 (4967-71 Palm Street)

**DATE:** January 4, 2017

**INITIATION:**

Mr. Craig Eilers of the Ingram Family Limited Partnership, the Owner of Record for the above referenced parcel in city block 4455, 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 Kingsway East Neighborhood. Specifically, the petition focused on one (1) parcel in city block 4455, known as 4967-71 Palm Street and zoned both, "B" Two-Family Dwelling District and "F" Neighborhood Commercial District. The subject parcel is located entirely in the 1st 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 future use. The Petitioner also owns the adjacent parcel at 4984-90 Natural Bridge Avenue, which is the site of the majority of the original White Castle restaurant, and it is zoned "F" Neighborhood Commercial District. They propose to consolidate both parcels, demolish an existing White Castle restaurant at this location and construct a new White Castle restaurant. Our records indicate that when the original White Castle was constructed in 1985, the application was made at a secondary address of 3524 N. Kingshighway Memorial Blvd. (which is the secondary address for 4984-90 Natural Bridge Avenue) and at that time the parcel was zoned "F" Neighborhood Commercial District. Consolidation of both parcels as zoned would result in an even larger dual zoned parcel, both "B" Two-Family Dwelling District and "F" Neighborhood Commercial District, with the more restrictive regulations of the "B" Two-Family Dwelling District applying. However, a rezoning of the parcel to the "F" Neighborhood Commercial District would allow for the proposal to be in compliance with the provisions of the Zoning Code.



Given that the proposed rezoning would allow for new and improved commercial development to serve the immediate area; 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 less restrictive 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 4455 (4967-71 Palm Street) be rezoned to the "F" Neighborhood Commercial District only.

cc: Alderwoman Sharon Tyus, 1st Ward  
Frank Oswald, Building Commissioner

**Building Safety is NO Accident**

Exhibit "D"

Photos of  
Rezoning Site in City Block 4455



**1) Rezoning site  
White Castle parking lot, 4967-71 Palm St.  
(Looking eastward)**



**2) Development site  
White Castle building, 4984-90 Natural Bridge  
Ave., & White Castle parking lot, 4967-71 Palm  
St.  
(Looking eastward)**



**3) Development site  
White Castle building, 4984-90 Natural Bridge  
Ave., & White Castle parking lot, 4967-71 Palm  
St.  
(Looking northward)**



**4) Development site  
White Castle building, 4984-90 Natural Bridge  
Ave., & White Castle parking lot, 4967-71 Palm  
St.  
(Looking southward)**

Exhibit "D"

Photos of  
Rezoning Site in City Block 4455



**5) Adjacent properties  
Vacant lots, 4900 block of Palm St.  
(Looking eastward)**



**6) Adjacent properties  
Missouri Title Loans, 4976 Natural Bridge Ave.  
(Looking southward)**



**7) Adjacent properties  
Walgreens, 3720 N. Kingshighway Blvd.  
(Looking northward)**



**8) Adjacent properties  
U.S. Bank, 3515 N. Kingshighway Blvd.  
(Looking westward)**