BILL NO.: **4986** **ORDINANCE NO.:** **4819**

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE AMENDING THE ZONING OF PARCEL 13K620136 (9379 KOENIG CIRCLE DRIVE), FROM R-2 SINGLE FAMILY TO M-1 INDUSTRIAL

WHEREAS, parcel 13K620136, known as 9379 Koenig Circle Drive, is a property located within the city limits of the City of Berkeley; and,

WHEREAS, the 2011 Zoning Map of the City of Berkeley shows this parcel to be zoned R-2 Single Family Residential; and

WHEREAS, this property is surrounded by the M-1 Industrial District; and,

WHEREAS, the St. Louis County parcel database shows that this property is not now, and never has been residential, nor has the surrounding area, as far back as 1937.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. Parcel 13K620136, known as 9379 Koenig Circle Drive is hereby rezoned from R-2 Single Family to M-1 Industrial.

Section 2. This Ordinance shall become effective thirty (30) days after the date of its passage.

1st Reading this 16th day of October 2023

2nd Reading this 16th day of October 2023

3rd Reading, PASSED and APPROVED, this **06th day of November, 2023**

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye X	Nay __	Absent __	Abstain __
Councilwoman Williams	Aye X	Nay __	Absent __	Abstain __
Councilman Hoskins	Aye X	Nay __	Absent __	Abstain __
Councilwoman Anthony	Aye X	Nay __	Absent __	Abstain __
Councilman Hindeleh	Aye X	Nay __	Absent __	Abstain __
Councilwoman-at-Large Crawford-Graham	Aye X	Nay __	Absent __	Abstain __
Mayor Deinbo	Aye X	Nay __	Absent __	Abstain __

STAFF REPORT

Case Number:	23-20
Date:	September 13, 2023
Petitioner:	City of Berkeley 8425 Airport Rd Berkeley MO 63134
Current Owner:	Various
Request:	Proposed Re-zoning of 9379 Koenig Circle Drive from R-2 Single Family to M-1 Industrial.
Location:	9379 Koenig Circle Drive.
Size:	.39 acres
Current Zoning:	R-2
Proposed Zoning:	M-1
Existing Use:	Vacant lot
Proposed Use:	unchanged.
Recommendation:	Staff recommends approval

REPORT TO CITY COUNCIL

To: **Mayor Deinbo and Members of the City Council**

FROM: Nathan Mai-Lombardo City Manager

DATE: October 16, 2023

SUBJECT: **Case No. 23-20: Re-zoning of 9379 Koenig Circle Drive from R-2 Single Family to M-1 Industrial**

The above Subject item has been investigated, and the findings are listed as follows:

BACKGROUND

This Ordinance proposes to change the zoning of one parcel (9379 Koenig Circle Drive) from single family to industrial zoning. Single-parcel zoning changes are generally discouraged as spot zoning. However, in this instance the circumstances make it not only allowable but preferable to make this change.

- This parcel is completely surrounded by industrially zoned parcels.
- Aerial photos on the St. Louis County Parcel Viewer website going back to 1937 show that neither this property, nor the land surrounding it, was ever residential (but for one house), and when it did develop, it developed as industrial.
- This parcel was consolidated with its neighbors by vote of Council on April 15, 2019, under Ordinance #4537, as part of a Special Use Permit the (current) owner applied for and received to operate a limousine service. The consolidation does not appear to have been recorded. *(the architect who drew the proposed consolidation died shortly after the Special Use Permit was approved.)

On September 27, 2023, the Plan Commission voted unanimously to recommend approval of this proposed rezoning.

RECOMMENDATION

Plan Commission recommends Approval of this Rezoning.

JUSTIFICATION

It is unclear why this parcel is zoned residential, or why the approved consolidation was never recorded. The Applicant for the 2019 Special Use and lot consolidation still owns these properties and still operates his business from them. Staff therefore recommend rezoning this lot to Industrial, as it was clearly intended to be.

SUPPORTING DOCUMENTS

1. Memorandum to Council, August 21, 2023.
2. Staff report for Amending 9379 Koenig Circle Drive from R-2 to M-1.
3. Ordinance #4537, approving the lot consolidation of 9373-79 Koenig Circle Drive.

IMPACT ON BUDGET

None.

Respectfully submitted,
Nathan Mai-Lombardo