WILDWOOD

CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
7:30 PM
Monday, February 8, 2016

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES – January 25, 2016 Work Session & Regular Agenda Minutes

Documents: 1-25-16 DRAFT CITY COUNCIL MINUTES.PDF

V. MAYOR APPOINTMENTS/ANNOUNCEMENTS

VI. PUBLIC PARTICIPATION

VII. PUBLIC HEARING(S)

VII.I. P.Z. 14-15 City Of Wildwood Planning And Zoning Commission, C/O Department Of Planning, 16860 Main Street, Wildwood, Missouri 63040

(Postponed at the January 11, 2016 City Council Meeting and Referred to the Planning/Economic Development/Parks Committee – Ready for Action)

A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. (Wards - All)

Documents: PUBLIC HEARING - PZ 14-15 CITY OF WW-ELECTRONIC MESSAGE BOARDS - PART 1.PDF, PUBLIC HEARING - PZ 14-15 CITY OF WW-ELECTRONIC MESSAGE BOARDS-PART 2.PDF

VII.II. A Response To A Communication From Jenny Mitchell, Director Of Property Management For The Desco Group, Which Is Dated October 20, 2015, Regarding St. Louis County's P.C. 219-85 Alfred L. Hicks And J.L. Mason Of Missouri, Inc.

(Postponed at the January 11, 2016 City Council Meeting – To Remain Postponed)

Amended MXD Mixed-Use Development District; south side of Manchester Road, east of Old Fairway Drive (Street Address: 16506 Manchester Road/Locator Number: 23U120480); seeking modifications to an existing site-specific ordinance that governs the Schnucks Wildwood Crossing Center to allow for a third freestanding monument sign along the property's Manchester Road frontage. (Ward - Seven)

VII.III. A Response To A Communication From Drew Bextermueller, Director Of Real Estate For Dierbergs Markets, Inc., Which Is Dated November 17, 2015, Regarding P.Z. 14-98 Dierbergs Wildwood Town Center

(Postponed at the January 25, 2016 City Council Meeting – Ready for Action)

Amended C-8 Planned Commercial District (Downtown District Designation under the Town Center Plan); south side of State Route 100, east of Taylor Road (Street Address: 2400 Taylor Road/Locator Number: 23V320195); that seeks modifications to the existing site-specific ordinance (Ordinance #1001) that governs the Dierbergs Wildwood Town Center development relative to the uses permitted on Outlots G and H, as well as the addition of a drive-thru facility, as part of Outlot G. (Ward - Eight)

Documents: PUBLIC HEARING INFO - PZ 14-98 DIERBERGS WILDWOOD TOWN CENTER.PDF

VIII. LEGISLATION

VIII.I. UNFINISHED BUSINESS

VIII.I.A. BILL #2146
AMENDED

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A REAL ESTATE CONTRACT AND ADDENDUM THERETO FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 4285 FOX CREEK ROAD WITHIN THE CITY OF WILDWOOD. *Recommended by the Department of Public Works* (Second Reading) (Ward - Six)

Documents: 2146 AMENDED FOX CREEK TREE FARM.PDF

VIII.I.B. BILL #2149
AN ORDINANCE DETERMINING THE COMPENSATION FOR THE OFFICE OF THE MAYOR AND AMENDING SECTION 110.040 OF THE MUNICIPAL CODE. *Recommended by the Administration/Public Works Committee* (Second Reading) (Wards - All)

Documents: 2149 MAYOR COMPENSATION.PDF

VIII.I.C. BILL #2150
AN ORDINANCE DETERMINING THE COMPENSATION FOR CITY COUNCIL MEMBERS AND AMENDING SECTION 110.110 OF THE MUNICIPAL CODE. *Recommended by the Administration/Public Works Committee* (Second Reading) (Wards - All)

Documents: 2150 COUNCIL MEMBER COMPENSATION.PDF

VIII.I.D. BILL #2151
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO ENTER INTO A CONTRACT WITH GERSHENSON CONSTRUCTION FOR THE DEVELOPMENT OF PHASE TWO OF THE COMMUNITY PARK PROJECT, AS INDICATED IN THE BID DOCUMENTS AND SPECIFICATIONS, WHICH INCLUDES THE BASE PROPOSAL AND THE SINGLE ADD ALTERNATE (#1), IN KEEPING WITH THE DOCUMENTATION SUBMITTED BY SUCH IN RESPONSE TO THE CITY'S ADVERTISEMENT IN THIS REGARD. *Recommended by the City Council and the*

Planning/Economic Development/Parks Committee (Second Reading) (Ward - One)

Documents: 2151 COMMUNITY PARK PHASE 2 - GERSHENSON CONSTRUCTION.PDF

VIII.I.E. BILL #2152

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT AUTHORIZES CHANGES IN AMENDED C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #1389 TO ACCOMMODATE THE REUSE OF THE EXISTING BUILDING, BEING LOCATED IN THE TOWN CENTER AREA, FOR RETAIL, OFFICE, AND THE CUSTOM FABRICATION OF FURNITURE, THEREBY FACILITATING ITS RE-OCCUPANCY IN THIS REGARD, ALL BEING CONSISTENT WITH THE LETTER OF RECOMMENDATION APPROVED BY THE PLANNING AND ZONING COMMISSION ON OCTOBER 12, 2015 AND FORWARDED TO CITY COUNCIL FOR CONSIDERATION AND ACTION. *Recommended by the Planning and Zoning Commission* (Second Reading) (Ward - Eight)

Documents: 2152 DANIEL STERNS- PC CLIFF RUFKHAR.PDF

VIII.II. NEW BUSINESS

VIII.II.A. BILL #2153

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI, TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH N. B. WEST CONTRACTING COMPANY FOR CONSTRUCTION OF THE MANCHESTER ROAD RESURFACING AND BIKE LANE IMPROVEMENT PROJECT, INCLUDING TRAFFIC CONTROL AND OTHER INCIDENTAL ITEMS AS SHOWN ON CONSTRUCTION DRAWINGS AND SPECIFICATIONS. *Recommended by the Administration/Public Works Committee* (First Reading) (Ward - One)

Documents: 2153 MANCHESTER ROAD RESURFACING AND BIKE LANES.PDF

VIII.II.B. BILL #2154

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI, TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH J. M. MARSCHUETZ CONSTRUCTION COMPANY FOR CITY-WIDE CONCRETE STREET AND SIDEWALK REPLACEMENT, INCLUDING TRAFFIC CONTROL AND OTHER INCIDENTAL ITEMS AS SHOWN ON CONSTRUCTION DRAWINGS AND SPECIFICATIONS. *Recommended by the Administration/Public Works Committee* (First Reading) (Wards - All)

Documents: 2154 2016 CONCRETE STREET AND SIDEWALK REPLACEMENT.PDF

VIII.II.C. BILL #2155

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO EXECUTE A SUPPLEMENTAL AGREEMENT ON BEHALF OF THE CITY OF WILDWOOD WITH TWM, INC. FOR ADDITIONAL DESIGN SERVICES REQUIRED FOR THE MANCHESTER ROAD STREETSCAPE PROJECT, PHASE 3 IMPROVEMENT PROJECT WITHIN THE CITY OF WILDWOOD. *Recommended by the Administration/Public Works Committee* (First Reading) (Ward - Eight)

Documents: 2155 SUPPLEMENTAL DESIGN CONTRACT WITH TWM.PDF

VIII.II.D. BILL #2156

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO EXECUTE AN AGREEMENT WITH AMEREN MISSOURI FOR THE INSTALLATION OF POWER POLES, ASSOCIATED LINES, AND EQUIPMENT TO PROVIDE ELECTRICAL SERVICE TO THE WILDWOOD COMMUNITY PARK – PHASE ONE. *Recommended by the Planning/Economic Development/Parks Committee* (First Reading) (Ward - One)

Documents: 2156 ORDINANCE FOR AMEREN MO AT COMM PARK.PDF

VIII.III. RESOLUTION(S) - NONE

IX. OTHER

IX.I. Receive & File

A response to a communication from Douglas B. Gilberg, owner of Gilberg Perennial Farms and Wildwood Green Arts, LLC., which is dated October 29, 2015, requesting amendments to an Amended Conditional Use Permit (CUP) in the NU Non-Urban Residence District **(St. Louis County's P.C. 162-89 Douglas Gilberg),** which governs the use of this 7.34 acre site that is located on the east side of Ossenfort Road, north of Melrose Road (Locator Number: 24Y420183/Street Address: 2906 Ossenfort Road.) **Proposed Use: The addition of an education center, meeting space, and acoustic entertainment, all within the existing buildings that are located on the subject site, along with the previously authorized plant nursery, with sales room.** (Ward - Six)

Documents: RECEIVE AND FILE - PC 162-89 DOUGLAS GILBERG.PDF

IX.II. Receive & File

A recommendation report of the Site Plan Subcommittee of the Planning and Zoning Commission regarding a Site Development Plan (SDP) Package for **P.Z. 20-14 Happy Hounds Playground, L.L.C., c/o Clayton Engineering, Steve Quigley;** Conditional Use Permit in the NU Non-Urban Residence District; east side of Pond Road, south of State Route 100; which authorizes the use of this recreational facility for a private dog park. (Ward - One)

Documents: RECIEVE AND FILE - PZ 10-14 HAPPY HOUNDS PLAYGORUND.PDF

IX.III. Construction Project Update

Documents: CONSTRUCTION PROJECT UPDATE 2-5-2016.PDF

X. ADJOURNMENT

If you would like to submit a comment regarding an item on this meeting agenda, please visit the Form Center.

City Council Will Consider and Act upon the Matters Listed above and Such Others as May Be Presented at the Meeting and Determined to Be Appropriate for Discussion at That Time.

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: Legal Actions, Causes of Action, Litigation or Privileged Communications Between the City's Representatives and its Attorneys [RSMO 610.021(1) 1994]; Lease, Purchase or Sale of Real Estate [RSMO 610.021 (2) 1994]; hiring, firing, disciplining or promoting employees by a public governmental body [RSMO 610.021 (3) 1994]; bidding specification [RSMO 610.021 (11) 1994]; sealed bids and related documents, until the bids are opened' and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected [RSMO 610.021 (12) 1994]; and/or individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment [RSMO 610.021 (13) 1994]

The City of Wildwood Is Working to Comply with the Americans with Disabilities Act Mandates. Individuals Who Require an Accommodation to Attend a Meeting Should Contact City Hall, (636) 458-0440 at Least 48 Hours in Advance.

WILDWOOD

CITY OF WILDWOOD

JANUARY 25, 2016 RECORD OF PROCEEDINGS

CITY OF WILDWOOD
MEETING OF CITY COUNCIL
WILDWOOD CITY HALL
16860 MAIN STREET
WILDWOOD, MO 63040

The meeting was called to order at 7:30 P.M.

A roll call was taken, with the following results:

Present at Roll Call:	Mayor Tim Woerther Council Member Greg Stine Council Member Jeff Levitt Council Member Debra McCutchen Council Member Dave Bertolino Council Member Sue Cullinane Council Member Jim Baugus Council Member Larry Goodson Council Member Joe Garritano Council Member Jim Bowlin Council Member Marc Cox Council Member Katie Dodwell Council Member Ed Marshall Council Member Ray Manton
Absent:	Council Member McGowen Council Member DeHart
A quorum was present	
Also present:	Mr. Ryan Thomas, City Administrator Mr. Rob Golterman, City Attorney Mr. Joe Vujnich, Director of Planning and Parks Mr. Rick Brown, Director of Public Works Ms. Liz Weiss, City Clerk

DRAFT

PLEDGE OF ALLEGIANCE

Mayor Woerther led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes of the January 11, 2016, City Council meeting were submitted for approval. A motion was made by Council Member Marshall, seconded by Council Member Manton, to approve the minutes. A mistake was noted regarding the use of the incorrect pronoun, in reference to one of the public speakers. This item was noted, and City Clerk Weiss added it would be corrected. A voice vote was taken with an affirmative result and the motion was declared passed on the minutes, as amended (Council Member Bowlin abstained).

MAYOR APPOINTMENTS/ANNOUNCEMENTS

Mayor Woerther thanked the Department of Planning and Parks for another successful recreation event on Saturday, January 23, 2016. He noted the annual Frozen Feet Half Marathon Trail Run was well-attended and enjoyed by all, thanks to the efforts of City Staff and volunteers.

Mayor Woerther requested the support from the City Council in appointing the following individuals to the Committee to review whether to extend the Pond-Grover Loop Road into the Villages at Bright Leaf Development and to State Route 100 at Taylor Road: Ed Marshall (Council Member Ward 2); Jim Baugus (Council Member Ward 3); Joe Garritano (Council Member Ward 8); Paul Pohlers (Sandalwood Creek Subdivision); Christy Pitney (Hickory Manor Subdivision); and Debbie Sinden (Evergreen Subdivision). Mayor Woerther added he chose the aforementioned individuals because he believed they could be objective and base their recommendation(s) on information gathered during the review process.

A motion was made by Council Member Manton, seconded by Council Member Garritano, to confirm the appointment of members to the Pond-Grover Loop Road Committee, as recommended by Mayor Woerther.

Discussion was held among City Council Members regarding the following items: the belief the committee will be beneficial in determining an outcome for the Pond-Grover Loop Road and will listen to all interested parties involved; concern with the appointment of Debbie Sinden, since she is running for Council Member in Ward 5; the belief one of the current Council Members of Ward 5, Debra Smith McCutchen, should be appointed to serve on this committee and had requested to be appointed to it; and the belief there is a discrepancy in appointing one of the candidates running for Council Member in Ward 5.

A roll call vote was taken with the following results:
Ayes – Cullinane, Baugus, Goodson, Garritano, Cox, Dodwell, Marshall, and Manton
Nays – Stine, Levitt, McCutchen, Bertolino, and Bowlin
Absent – McGowen and Dehart
Whereupon Mayor Woerther declared the motion approved.

Director of Planning and Parks Vujnich noted he would begin contacting those appointed, and determine what dates and times would be convenient for the Pond-Grover Loop Road Committee to meet.

PUBLIC PARTICIPATION

Tammy Shea, 18132 Sunny Top Court, stated it was her belief that Mayor Woerther violated the City's Code of Conduct at the City Council Meeting on January 11, 2016 and has concerns with some of the newly appointed Pond-Grover Loop Committee Members' ability to be objective. She stated she does not believe the City Council is acting in a consistent manner.

Gary Schroeder, 16642 Evergreen Forest Drive, stated he had submitted an application to be on the Pond-Grover Loop Road Committee but was not chosen. However, he would like to stay involved and contribute to the committees' review process.

Betsy Vanderheyden, 16560 Birch Forest Drive, stated her concerns with the appointed members to the Pond-Grover Loop Road Committee and echoed the statements made by Tammy Shea.

PUBLIC HEARING(S)

(To Remain Postponed – Postponed at the January 11, 2016 City Council Meeting and referred to the Planning/Economic Development/Parks Committee of City Council.)

P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. (Wards – All)

(To Remain Postponed - Postponed at the January 11, 2016 City Council Meeting)

A response to a communication from Jenny Mitchell, Director of Property Management for the Desco Group, which is dated October 20, 2015, regarding St. Louis County's P.C. 219-85 Alfred L. Hicks and J.L. Mason of Missouri, Inc.; Amended MXD Mixed-Use Development District; south side of Manchester Road, east of Old Fairway Drive (Street Address: 16506 Manchester Road/Locator Number: 23U120480); seeking modifications to an existing site-specific ordinance that governs the Schnucks Wildwood Crossing Center to allow for a third freestanding monument sign along the property's Manchester Road frontage. (Ward Seven)

A response to a communication from Drew Bextermueller, Director of Real Estate for Dierbergs Markets, Inc., which is dated November 17, 2015, regarding P.Z. 14-98 Dierbergs Wildwood Town Center; Amended C-8 Planned Commercial District (Downtown District Designation under the Town Center Plan); south side of State Route 100, east of Taylor Road (Street Address: 2400 Taylor Road/Locator Number: 23V320195); that seeks modifications to the existing site-specific ordinance (Ordinance #1001) that governs the Dierbergs Wildwood Town Center development relative to the uses permitted on Outlots G and H, as well as the addition of a drive-thru facility, as part of Outlot G. (Ward Eight)

Director of Planning and Parks Vujnich requested a postponement of the public hearing regarding **P.Z. 14-98 Dierbergs Wildwood Town Center**. He noted this item has not yet been acted upon by the Planning and Zoning Commission due to the cancellation of their meeting on January 19, 2016 because of inclement weather.

A motion was made by Council Member Goodson, seconded by Council Member Manton, to postpone the public hearing regarding P.Z. 14-98 Dierbergs Wildwood Town Center. A voice vote was taken with a unanimous affirmative result and the motion to postpone was declared passed.

UNFINISHED BUSINESS

AMENDED

BILL # 2145 **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT AUTHORIZES THE CHANGE IN THE ZONING OF NINE (9) PROPERTIES THAT TOTAL 78.7 ACRES OF AREA FROM THE NU NON-URBAN RESIDENCE DISTRICT, THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT, THE R-4 7,500 SQUARE FOOT RESIDENCE DISTRICT, AND THE R-6 AND R-6A 4,500 SQUARE FOOT RESIDENCE DISTRICT, WITH A PLANNED ENVIRONMENT UNIT (PEU) AND A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT (PRD), TO THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT (TOWN CENTER "NEIGHBORHOOD GENERAL DISTRICT" AND "NEIGHBORHOOD EDGE DISTRICT"), WITH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT (PRD), WHICH ARE ALL LOCATED ON THE NORTHWEST CORNER OF TAYLOR ROAD AND STATE ROUTE 100, WHICH WILL ALLOW THIS SITE'S USE FOR ONE HUNDRED NINETY-FOUR (194), SINGLE FAMILY DETACHED DWELLINGS ON INDIVIDUAL LOTS, WITH PUBLIC SPACE AND COMMON GROUND. *Recommended by the City Council (*Second Reading) (Ward Five)**

A motion was made by Council Member Bertolino, seconded by Council Member Cullinane, for the second reading of Amended Bill #2145. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Amended Bill #2145 was read for the second time by title only.

A roll call vote was taken for passage and approval of Amended Bill #2145, with the following results:
Ayes – Stine, Levitt, McCutchen, Bertolino, Cullinane, Baugus, Goodson, Garritano, Bowlin, Cox, Dodwell, Marshall and Manton
Nays – None
Absent – McGowen and DeHart
Whereupon Mayor Woerther declared Amended Bill #2145 approved, passed and it became ORDINANCE #2145.

BILL #2146 **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A REAL ESTATE CONTRACT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 4285 FOX CREEK ROAD WITHIN THE CITY OF WILDWOOD *Recommended by the Department of Public Works* (Second Reading) (Ward Six)**

A motion was made by Council Member Bowlin, seconded by Council Member Manton, for the second reading of Bill #2146. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2146 was read for the second time by title only.

A motion was made by Council Member Bowlin, seconded by Council Member Manton, for the postponement of Bill #2146 in order for an addendum to be prepared, with final passage expected at the next City Council Meeting.

A roll call vote was taken for the postponement of Bill #2146, with the following results:
Ayes – Stine, Levitt, McCutchen, Bertolino, Cullinane, Baugus, Goodson, Garritano, Bowlin, Cox, Dodwell, Marshall and Manton
Nays – None
Absent – McGowen and DeHart
Whereupon Mayor Woerther declared Bill #2146 postponed.

BILL #2147 **AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY DEDICATION PLAT FOR FOX CREEK ROAD, TO BE OBTAINED FROM LAND AREA OWNED BY THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI, BEING PART OF ROCKWOODS RANGE, AND A PORTION OF PRIVATELY-HELD PROPERTY OWNED BY FOX CREEK TREE FARM LLC, ALL OF WHICH ARE LOCATED WITHIN THE SOUTH HALF OF**

THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 3 EAST, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI, AND MORE SPECIFICALLY SITUATED ON THE EAST AND WEST SIDES OF FOX CREEK ROAD, SOUTH OF STATE ROUTE 100, INCLUSIVE OF ADDITIONAL AREA ON THE EAST SIDE OF FOX CREEK ROAD TO ACCOMMODATE A TEMPORARY CONSTRUCTION EASEMENT, FOR THE PURPOSE OF ROADWAY IMPROVEMENTS, INCLUDING A BRIDGE REPLACEMENT. *Recommended by the Department of Planning* (Second Reading) (Ward Six)

A motion was made by Council Member Bowlin, seconded by Council Member Cullinane, for the second reading of Bill #2147. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2147 was read for the second time by title only.

A motion was made by Council Member Levitt, seconded by Council Member Baugus, for the postponement of Bill #2147. Council Member Baugus withdrew his second. Council Member McCutchen seconded the motion for postponement.

A roll call vote was taken for the postponement of Bill #2147, with the following results:
Ayes – Stine, Levitt, McCutchen, and Bowlin
Nays – Bertolino, Cullinane, Baugus, Goodson, Garritano, Cox, Dodwell, Marshall, and Manton
Absent – McGowen and DeHart
Whereupon Mayor Woerther declared the motion to postpone failed.

A roll call vote was taken for passage and approval of Bill #2147, with the following results:
Ayes – Bertolino, Cullinane, Baugus, Goodson, Garritano, Bowlin, Cox, Dodwell, Marshall, and Manton
Nays – Stine, Levitt, and McCutchen
Absent – McGowen and DeHart
Whereupon Mayor Woerther declared Bill #2147 approved, passed and it became ORDINANCE #2147.

BILL #2148 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH COCHRAN ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE DEVELOPMENT OF A SALT STORAGE FACILITY TO BE LOCATED ADJACENT TO THE INTERSECTION OF MANCHESTER ROAD AND ST. ALBANS ROAD WITHIN THE CITY OF WILDWOOD. *Recommended by the Administration/Public Works Committee* (Second Reading) (Ward One)

A motion was made by Council Member Marshall, seconded by Council Member Dodwell, for the second reading of Bill #2148. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2148 was read for the second time by title only.

A roll call vote was taken for passage and approval of Bill #2148, with the following results:
Ayes – Stine, Levitt, McCutchen, Bertolino, Cullinane, Baugus, Goodson, Garritano, Bowlin, Cox, Dodwell, Marshall and Manton
Nays – None
Absent – McGowen and DeHart
Whereupon Mayor Woerther declared Bill #2148 approved, passed and it became ORDINANCE #2148.

NEW BUSINESS

BILL #2149 **AN ORDINANCE DETERMINING THE COMPENSATION FOR THE OFFICE OF THE MAYOR AND AMENDING SECTION 110.040 OF THE MUNICIPAL CODE.** ***Recommended by the Administration/Public Works Committee*** **(First Reading) (Wards – All)**

A motion was made by Council Member Dodwell, seconded by Council Member Levitt, for the first reading of Bill #2149. A voice vote was taken with an affirmative result and the motion was declared passed (Council Members Cullinane, Baugus, and Manton voted Nay). Bill #2149 was read for the first time by title only.

BILL #2150 **AN ORDINANCE DETERMINING THE COMPENSATION FOR CITY COUNCIL MEMBERS AND AMENDING SECTION 110.110 OF THE MUNICIPAL CODE.** ***Recommended by the Administration/Public Works Committee*** **(First Reading) (Wards – All)**

A motion was made by Council Member Levitt, seconded by Council Member Bowlin, for the first reading of Bill #2150. A voice vote was taken with an affirmative result and the motion was declared passed (Council Members Cullinane, Baugus, Cox, and Manton voted Nay). Bill #2150 was read for the first time by title only.

BILL #2151 **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO ENTER INTO A CONTRACT WITH GERSHENSON CONSTRUCTION FOR THE DEVELOPMENT OF PHASE TWO OF THE COMMUNITY PARK PROJECT, AS INDICATED IN THE BID DOCUMENTS AND SPECIFICATIONS, WHICH INCLUDES THE BASE PROPOSAL AND THE SINGLE ADD ALTERNATE (#1), IN KEEPING WITH THE DOCUMENTATION SUBMITTED BY SUCH IN RESPONSE TO THE CITY'S ADVERTISEMENT IN THIS REGARD.** ***Recommended by the City Council*** **(First Reading) (Ward One)**

A motion was made by Council Member Baugus, seconded by Council Member Cullinane, for the first reading of Bill #2151. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2151 was read for the first time by title only.

BILL #2152 **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT AUTHORIZES CHANGES IN AMENDED C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #1389 TO ACCOMMODATE THE REUSE OF THE EXISTING BUILDING, BEING LOCATED IN THE TOWN CENTER AREA, FOR RETAIL, OFFICE, AND THE CUSTOM FABRICATION OF FURNITURE, THEREBY FACILITATING ITS RE-OCCUPANCY IN THIS REGARD, ALL BEING CONSISTENT WITH THE LETTER OF RECOMMENDATION APPROVED BY THE PLANNING AND ZONING COMMISSION ON OCTOBER 12, 2015 AND FORWARDED TO CITY COUNCIL FOR CONSIDERATION AND ACTION.** ***Recommended by the Planning and Zoning Commission*** **(First Reading) (Ward Eight)**

A motion was made by Council Member Garritano, seconded by Council Member Goodson, for the first reading of Bill #2152. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2152 was read for the first time by title only.

RESOLUTION(S)

RESOULTION #2016-02 **A RESOLUTION AUTHORIZING AN AGREEMENT WITH LOCHMUELLER GROUP INC. FOR THE COMPLETION OF A TRAFFIC STUDY FOR THE PROPOSED EXTENSION OF POND-GROVER LOOP ROAD WITHIN THE CITY OF WILDWOOD. (Ward Five)**

A motion was made by Council Member Bertolino, for the reading of Resolution #2016-02, which motion was seconded by Council Member Cullinane. A voice vote was taken with an affirmative result and the motion was

declared passed (Council Member McCutchen voted Nay). Resolution #2016-02 was read into the record. A voice vote was taken for the approval of Resolution #2016-02 with an affirmative result (Council Member McCutchen voted Nay).

RESOLUTION #2016-03 A RESOLUTION AUTHORIZING THE CITY OF WILDWOOD, TOGETHER WITH OTHER Saint Louis COUNTY MUNICIPALITIES, TO JOINTLY ENGAGE R. J. SCHERR & ASSOCIATES FOR CERTAIN LEGISLATIVE LOBBYING SERVICES. (Wards – All)

A motion was made by Council Member Levitt, for the reading of Resolution #2016-03, which motion was seconded by Council Member Cullinane. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Resolution #2016-03 was read into the record. A voice vote was taken for the approval of Resolution #2016-03 with a unanimous affirmative result.

RESOLUTION #2016-04 A RESOLUTION AUTHORIZING AN AGREEMENT WITH ACCORD BUILDING SERVICES FOR CUSTODIAL SERVICES AT THE WILDWOOD MUNICIPAL BUILDING, INCLUDING THE WILDWOOD POLICE PRECINCT, AND OLD POND SCHOOL. (Wards One and Eight)

A motion was made by Council Member Goodson, for the reading of Resolution #2016-04, which motion was seconded by Council Member Garritano. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Resolution #2016-04 was read into the record. A voice vote was taken for the approval of Resolution #2016-04 with a unanimous affirmative result.

RESOLUTION #2016-05 A RESOLUTION AUTHORIZING AN AGREEMENT WITH MURPHY COMPANY FOR PREVENTIVE MAINTENANCE OF THE HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS AT THE WILDWOOD MUNICIPAL BUILDING, INCLUDING THE WILDWOOD POLICE PRECINCT. (Ward Eight)

A motion was made by Council Member Garritano, for the reading of Resolution #2016-05, which motion was seconded by Council Member Goodson. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Resolution #2016-05 was read into the record. A voice vote was taken for the approval of Resolution #2016-05 with a unanimous affirmative result.

OTHER

Approval of Expenditures

A motion was made by Council Member Cullinane, seconded by Council Member Baugus, to approve the January 2016 Expenditures. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Council Member McCutchen stated her disappointment regarding the appointments to the Pond-Grover Loop Road Committee and stated that desires of Ward 5 resdidnets are being ignored.

ADJOURNMENT

A motion was made by Council Member Marshall, seconded by Council Member Baugus, to adjourn the meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. There being no further business to come before the City Council; the meeting was adjourned at 8:44 p.m.

Approved this _____ day of _____, 2016.

_____
Timothy Woerther, Mayor

ATTEST:

_____
City Clerk

DRAFT

COUNCIL WORK SESSION MINUTES
COUNCIL CHAMBERS

WILDWOOD CITY HALL
16860 Main Street
City of Wildwood, Missouri 63040

MONDAY, JANUARY 25, 2016
6:45 P.M.

Present	Absent
Stine	McGowen
Levitt	DeHart
McCutchen	
Bertolino	
Cullinane	
Baugus	
Goodson	
Garritano	
Bowlin	
Cox	
Dodwell	
Marshall	
Manton	

EXECUTIVE [CLOSED] SESSION with regard to legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys [RSMO 610.021(1) 1994]; lease, purchase or sale of real estate [RSMO 610.021 (2) 1994]; hiring, firing, disciplining or promoting employees by a public governmental body [RSMO 610.021 (3) 1994]; bidding specification [RSMO 610.021 (11) 1994]; sealed bids and related documents, until the bids are opened and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected [RSMO 610.021 (12) 1994]; and/or individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment [RSMO 610.021 (13) 1994]

MAYOR'S COMMETNS/ANNOUNCEMTNS APPOINTMENTS - None

CITY ADMINISTRATOR DISCUSSION ITEMS

Contract for Custodial Services (Ward – Eight)

City Administrator Thomas noted that Resolution #2016-04 has been placed on the January 25, 2016 City Council Agenda for authorization of a new contract for custodial services at City Hall (including the Police Precinct) and Old Pond School. He stated

the Department of Administration is recommending a new contract with Accord Building Services for City custodial services, for an initial three (3) year term.

Discussion was held among City Council Members regarding the following items: how long the City has used the current custodial services; if the references provided by Accord Building Services were checked; and if the cleaning of the steps in City Hall could be improved.

Contract for City Hall HVAC Services (Ward – Eight)

City Administrator Thomas noted that Resolution #2016-05 has been placed on the January 25, 2016 City Council Agenda for authorization of a new contract for HVAC preventative maintenance services at City Hall (including the Police Precinct). He stated the Department of Administration is recommending a new contract with Murphy Company for City Hall HVAC Preventative Maintenance Services, for an initial one (1) year term.

Contract for Legislative Services – 2016 Legislative Session (Wards – All)

City Administrator Thomas noted Resolution #2016-03 has been prepared for the January 25, 2016 City Council Meeting, which would authorize a joint agreement with the firm, R. J. Scherr & Associates, for lobbying services related to legislation which may impact the St. Louis County Sales Tax distribution under consideration during the current Missouri Legislative Session. He added numerous municipalities have expressed interest in being a party to this agreement, which totals $40,000 for the current legislative session, with the cost distributed between municipalities on a per capita basis. Thus, depending on the ultimate number of municipal partners, the total cost to the City of Wildwood is estimated to be in the range of $7,000 - $10,000.

COMMITTEE ACTION ITEM(S)/RECOMMENDATION(S)

Update on Rural Internet Access Project (Wards - All)

Director of Planning and Parks Vujnich noted a memorandum had been provided for the City Council's review and that he was available to answer any questions they may have regarding the Rural Internet Access Project. Director Vujnich also noted the three (3) new poles in the south half of the City went active on Friday, January 15, 2016, with the completion of the electrical connection to the facility on Allenton Road. The Department has also contacted Wisper ISP about the next steps in restarting efforts in the north half of the City, including the option of fiber optic service to the Wild Horse Creek Road Area. Given the efforts of Bays ET in the south half of the City, the Department is seeking to gain momentum within the north half of the City as well, since there are a number of residences not served at this time as well.

Status of the Master Plan Update Process – Public Input Session on January 20, 2016 (Wards – All)

Director of Planning and Parks Vujnich provided an update the Master Plan Advisory Committee (MPAC) and the public input session it held on the Preliminary Draft of the 2016 Version of the Master Plan. He noted the meeting was held at the St. Louis Community College – Wildwood Campus and approximately thirty (30) participants were in attendance with the comments from the two (2) small groups provided at the end of the update letter provided. He concluded that he was available to answer any questions they may have regarding the Master Plan Advisory Committee (MPAC).

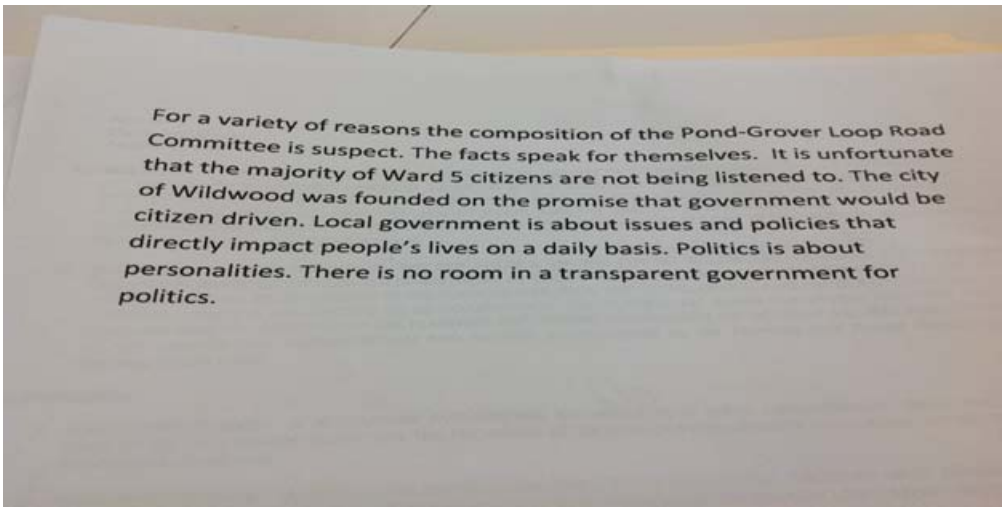
Work Session was adjourned at 6:57 p.m.

Elizabeth Weiss

From: Debra McCutchen <debra1447@sbcglobal.net>
Sent: Sunday, February 07, 2016 10:07 PM
To: Elizabeth Weiss
Subject: Comment for public record

Liz,

Please enter my comments into the public record of the January 25, 2016 City Council Meeting.



Thank you,

Deb

WILDWOOD

January 26, 2016

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: **Electronic Message Boards – Referred to Committee by City Council (Wards – All)**

Council Members:

At the January 11, 2016 meeting of the City Council, a public hearing was held on the matter of electronic message boards, after the Planning and Zoning Commission had completed its review, but failed to reach a consensus, and forwarded a recommendation that indicated the matter had failed for a lack of majority. The Letter of Recommendation described an approach to allowing these types of signs, which are currently prohibited, through a Conditional Use Permit (CUP) process, along with creating the basic regulations for these types of displays and their unique characteristics in the Zoning Ordinance (Sign Regulations). The Conditional Use Permit (CUP) process and its application to requests for these types of signs was determined to be the best approach, if the current prohibition was to be eliminated in this regard.

At the aforementioned public hearing of the City Council, a discussion ensued on the merits of making a change to the regulations, which currently prohibit these types of signs, and the reasons they are not allowed in the City. As this discussion continued forward, it was apparent the members wanted additional information about this matter and more time to study the potential benefits and issues, if the current regulations were to be changed. Accordingly, the City Council agreed, by vote, to forward this matter to the Planning/Economic Development/Parks Committee for its consideration, review, and recommendation.

Attached to this report is the Planning and Zoning Commission's Letter of Recommendation on this matter, which describes the proposed process, if electronic message boards were to be allowed in the City and a list of the key requirements that any such sign would have to meet to even be allowed to be considered for said allowance. This list, along with the characteristics of the graphics that are displayed on these reader boards, was never fully developed, given the Commission could not reach a majority in terms of whether or not to allow these types of signs. Therefore, these components were critical to the Committee's discussion on this point.

The first item the Committee believed was essential to understanding if these types of signs were suitable for the community of Wildwood was the planned process an application for such would

follow upon submittal and sufficient to protect the City's unique character. The proposed steps in this process are as follows:

1. An application would be filed by a not-for-profit or public entity to the City of Wildwood for the Planning and Zoning Commission's review and action.
2. The location of this application would have to be on a property that is zoned NU Non-Urban Residence District or any "R" Residence District designated lot to be allowed for this type of consideration.
3. If these first two (2) requirements were not met, the application would not be accepted for processing by the Department of Planning.
4. If these first two (2) requirements can be met, the Department would then review the application and determine its completeness for the required public hearing.
5. The Department would consider this application first based upon the standard zoning regulations of the Conditional Use Permit (CUP) process, i.e. completed application, fee, Preliminary Development Plan, and sign renderings and descriptions of operating parameters for the selected display.
6. If this information is not submitted, in whole or part, the application is rejected and a comment letter would be sent to the applicant noting such and reasons for this action.
7. If the application's shortfalls are corrected, then the specifics of the sign are analyzed for compliance to the underlying code's noted criteria, specifically the following items:

    a. The signs, notwithstanding their specific characteristics associated with the display boards, would have to comply with the City's underlying Sign Regulations for placement (setbacks) and other similar requirements.
    b. The lighting of these signs, particularly their brightness, would minimally have to comply with the City's Outdoor Lighting Requirements of its Zoning Ordinance. Additionally, all sign applications for these types of electronic message boards would have to be reviewed by the City's Lighting Consultant.
    c. The sign must be placed/incorporated into a monument (base) type design, with all materials used for this purposes matching the primary building located on the same lot as the sign.
    d. The owner of the sign would have to provide landscaping at the base of the monument, which would be consistent with the City's Landscape Manual and Sustainable Plantings Guide.
    e. The sign would be required to have a primary background color that is dark, with light lettering used. Graphics would have to comply as well.
    f. The display of messages would not be authorized after 10:30 p.m., to help preserve the night sky. The operation of these types of signs in the morning hours would not be authorized until 6:30 a.m.
    g. The sign would have to be located on the lot, where the primary use is situated.
    h. The number of these signs on a single lot would be regulated by the City's current requirements for monument signs in conjunction with institutional and other uses, but no more than one (1) electronic message board per location, regardless of total users.

i. The size of these signs would be regulated by the City's current requirements for monument signs in conjunction with institutional uses – 50 square feet.

8. If the Preliminary Development Plan and related information indicates these components are addressed to the minimum levels, then the matter could be scheduled for a public hearing before the Planning and Zoning Commission to consider its merits based upon compliance to the Sign Regulations, as well as the four (4) components of the Conditional Use Permit (CUP) regulations that must be considered for all applications for these types of considerations. These four (4) criteria include the following items:

   a. such developments and uses are deemed consistent with good planning practice;
   b. can be operated in a manner that is not detrimental to the permitted developments and uses in the district;
   c. can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and
   d. deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of Wildwood.

9. The Planning and Zoning Commission would conduct its public hearing on the matter and then prepare a report, with recommendation, regarding its review. If this report were to be favorable for a sign application, the specifics of the sign would be addressed therein, which would include the following: Brightness; Message Hold Time (how long a single message is visible); Transition Method (a.k.a. the "Frame Effect" - how the message changes to the next); and Transition Duration (how long that change takes to complete).

Once the process that is administered by the Planning and Zoning Commission is completed, the recommendation and action is forwarded to the City Council for review and consideration. The City Council can exercise its 'power of review' and start the process over again, beginning with the request's consideration by the Planning/Economic Development/Parks Committee. The Committee, once completed with its review and recommendation, then forwards it to City Council. Therefore, no application could be allowed, without numerous steps to ensure its appropriateness.

This process, if applied appropriately and fairly, however, does not guarantee a minimum number of signs will be allowed within the City. The process only guarantees the signs that are authorized meet the levels of review to ensure the four (4) criteria of the Zoning Ordinance are met, while minimizing the impacts of their respective installations. The concern of too many signs in one (1) location, such as Clayton Road and State Route 109, can only be controlled by this process. Therefore, if multiple locations in a single area could all meet these high standards, then the potential for a grouping of these types of signs is possible. This situation was a concern and an item the Committee believed justified further scrutiny of this matter.

That further scrutiny came through further discussions at this meeting relating to electronic message boards and their potential role in Wildwood, which led to the Committee determining the following in this regard:

1. The character of Wildwood would not be enhanced by the addition of electronic message boards, particularly the many rural environments, where a large number of institutional uses already exist in the City.
2. The need is limited, while the risks (litigation) associated with electronic message boards is substantial, particularly when possible regulations would allow one (1) user the right and another not, i.e. institutional versus commercial.
3. The precedence was determined to be too great, regardless of the review process associated with allowing such signs on a case-by-case basis.
4. The aesthetic impact was finally determined to be a component of any allowance for electronic message boards in the City and, any application in Wildwood, a negative.

Therefore, the Committee is forwarding to City Council a recommendation not supporting any changes to the Wildwood's Sign Regulations to eliminate the current prohibition on electronic message boards. The Committee's vote on this matter, based upon the majority of the discussion points identified above, was 4 to 2.

The Committee will provide greater detail in regards to this recommendation at tonight's meeting. If any of the Committee Members have questions or comments about this information, please feel free to contact the Department of Planning and Parks at (636) 458-0440. Thank you for your consideration of this information and direction on the same.

Respectfully submitted,
CITY OF WILDWOOD

Jim Baugus, Chair*
Planning/Economic Development/Parks Committee

Cc: The Honorable Timothy Woerther, Mayor
Ryan S. Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks

* The Department of Planning and Parks developed this report, in conjunction with the Planning/Economic Development/Parks Committee. Content reflects the Committee's consideration of this subject, and not necessarily an individual's position or opinion.

WILDWOOD

December 7, 2015

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Council Members:

The Planning and Zoning Commission has completed its review of potential changes to the City of Wildwood Zoning Code (Chapter 415 of the Wildwood Municipal Code) for the consideration of changes and additions to its sign Regulations for the allowance of electronic message boards in the NU Non-Urban Residence District, all "R" Residence Districts, and all "C" and "M" Districts and prepared the following recommendation regarding this matter for City Council's consideration. This recommendation was completed in accordance with the requirements of the Zoning Code of the City of Wildwood relative to the review and consideration of rezoning requests (Chapter 415.560), as defined by those specific regulations. This recommendation is as follows:

Petition No.:	**P.Z. 14-15**
Petitioner:	**City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040**
Request:	A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.
Wards:	All
Public Hearing Date:	July 20, 2015
1st Presentation of Information Report:	August 17, 2015
Date and Vote on Information Report:	November 16, 2015 – Motion to approve the Department's recommendation by a vote of 5 to 5, thereby failing for a lack of majority (Voting Aye – Renner, Lee, Archeski, Peasley, and Woerther; Voting Nay – Gragnani, Bauer, Liddy, Manton, and Bopp)
Date and Vote on Letter of Recommendation:	December 7, 2015 - Vote of 7 to 3 to approve the Letter of Recommendation, which reflects a 5 to 5 action and the matter failing for a lack of majority (Voting Aye –

Renner, Lee, Gragnani, Bauer, Liddy, Manton, and Bopp; Voting Nay – Archeski, Peasley, and Woerther)

Report: Attachment A

Background Information: Attachment B

A copy of the City of Wildwood Zoning Code (Chapter 415 of the Municipal Code) is on file in the City Clerk's Office.

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

R. Jon Bopp, Chair

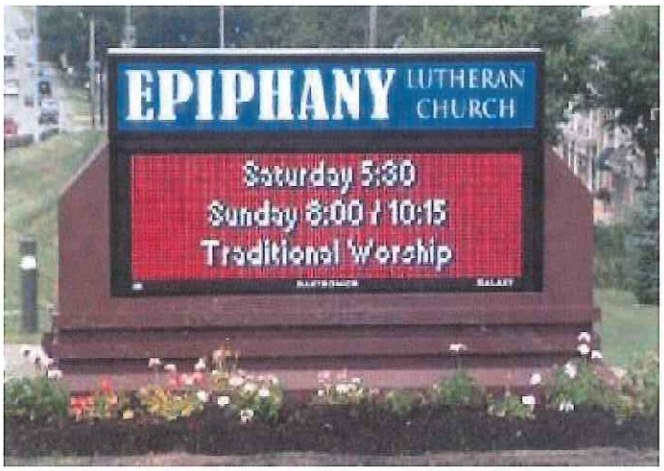
ATTEST:

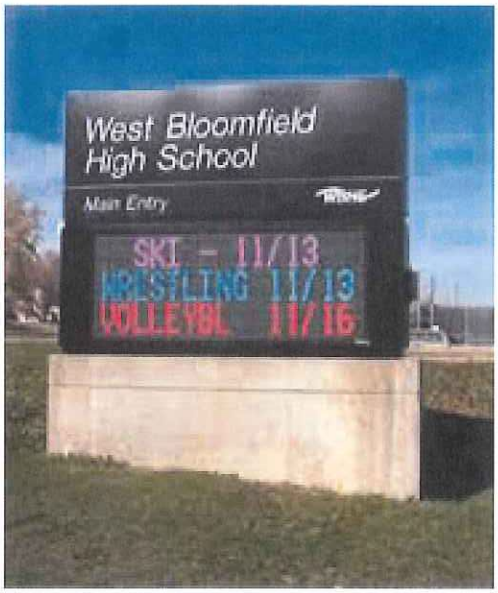
Joe Vujnich, Director
Department of Planning

Cc: The Honorable Timothy Woerther, Mayor
Ryan S. Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
John Shaughnessy, Principal, Lafayette High School

< Background >

The City of Wildwood has been contacted by a number of different parties over the last few years about electronic message boards and their application in this community. These parties have primarily been groups affiliated with schools, churches, and businesses located in the City. Signs of this nature, which display a programmable message on their faces, are very popular and located in many of the surrounding municipalities. Specifically, a few examples of these signs are provided below for the City Council's review.





Such signs are currently prohibited in the City of Wildwood. The prohibition on this type of sign is due to the impact the flashing and changeable copy of the reader board can have on the surrounding area, where they might be installed. In Wildwood, with its dark sky environment, particularly in areas west of State Route 109, signs of this nature can have profound effects. Additionally, for one (1) type of sign user, businesses in the Town Center Area, its specific sign regulations are designed to achieve more than providing advertising information to an individual or individuals in an automobile, but rather with a more pedestrian approach, which also complements the architecture of the buildings and streetscape, where they are placed. Therefore, electronic message boards are not in keeping with the design standards and architectural guidelines of the City's Town Center Plan.

One (1) potential user of this type of sign is Lafayette High School, which currently has a changeable copy type of monument sign along its Clayton Road frontage, which includes the sign frame and an internally illuminated sign face that allows individual letters to be placed on it to convey school-related information. According to district officials, Lafayette High School is the only facility of its four (4) high schools that does not have an electronic message board for its primary signage. The school raised money for this type of electronic message board. Those plans for this sign are attached to this report. As mentioned earlier, however, other institutional uses and businesses have inquired about these signs as well, so certainly, the high school would not be the only application the City would receive in this regard.

In considering these types of signs, the Commission would note that much of the current literature regarding them focuses on five (5) areas of regulations, if they are allowed in a community. These five (5) areas include the following:

1. Brightness
2. Message Hold Time (how long a single message is visible)
3. Transition Method (a.k.a. the "Frame Effect" - how the message changes to the next)
4. Transition Duration (how long that change takes to complete)
5. Area or Square Footage of Sign – % of allowable square feet

Each of these areas of regulations must be addressed, if requirements are developed for the purposes of these types of signs. It is important to note that much of the discussion that has occurred about these types of signs in the past has related to their brightness and impacts and what might be acceptable levels, in the context of sign size and distance for viewing it. The next three (3) areas of regulation relate to how fast or slow the messages are transitioned on the board and the manner how that is accomplished. The final area is size, which is already addressed in the City's current Sign Regulations, and cannot generally exceed fifty (50) square feet. Regardless of these five (5) areas, differing opinions exist on this type of sign's impact on traffic safety, with the industry noting they are "traffic neutral." Regardless, the impact of these signs would be substantial, given they are completely different than any other types currently allowed in the City of Wildwood.

< Current Request >

The City Council is being requested to consider amending the current Sign Regulations for all zoning districts to potentially add an allowance for electronic message boards in the City of Wildwood. This type of sign is currently prohibited in the City of Wildwood. Specifically, the request again is as follows: **P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. (Wards – All)

< Analysis >

The Planning and Zoning Commission's consideration of this request identified several components associated with it. These components were the determinants used in evaluating if the City's Sign Regulations should be modified to accommodate electronic message boards of the nature described above. These components were as follows:

1. The impact on the character of the City by the introduction of these types of signs;
2. The potential number of applications, if these types of signs are authorized in the City;
3. The necessity of these types of signs; and
4. The regulations and requirements used for these types of signs, where allowed by other communities.

Each of these components must be studied and addressed, resulting in a determination for each, which can only be positive, if the Planning and Zoning Commission is to recommend to the City Council a favorable action in this regard. Accordingly, this study of these components has determined the following outcomes.

>>> The Impact on the Character of the City by the Introduction of These Types of Signs >>>

The Commission would first note that advancements in the technology supporting these types of electronic reader boards have been very quick over the last few years. Since 1995/1996, signs could display electronic messages, but not to the quality and quantity as today. Signs of this nature, when the City first incorporated, did not have the capabilities of today's technology to control the lighting, message, transitions, and fade. With these advancements, these message boards have become more commonplace, particularly along roadways where so many of them are located, given the competition that exists between users for the limited viewing time of a driver that passes them.

Given the improvements in sign technology, many of these former characteristics that once were inappropriate can now be controlled, but not completely eliminated. Therefore, regardless of how the message board is conditioned through the City's Sign Regulations, some impact should be expected. Is that impact too great for the Wildwood community? In the Commission's opinion, such is not the case. The Commission does believe these types of signs could be allowed in Wildwood, but only under a set of specific conditions administered under the City's Conditional Use Permit (CUP) process. This process, as was the case in the discussions of outdoor game courts and roof-mounted solar panels, can assure the City that each application is reviewed based upon the site-specific characteristics associated with it and conditions added to ensure impacts are minimized to the immediate area, if granted.

As with any Conditional Use Permit (CUP) request, the responsibility to provide proof the criteria of this process can be met is that of the petitioner, not the City, so each of them must be positive or the permit cannot be granted ('the petitioner shall have the burden of establishing that the requested use satisfies these standards and further there is a public necessity for such use'). Those four (4) criteria are as follows:

(1.) The Planning Commission may permit those developments and uses only where such developments and uses are deemed consistent with good planning practice; (2.) can be operated in a manner that is not detrimental to the permitted developments and uses in the district; (3.) can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and (4.) are deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of Wildwood.

Additionally, the permitting process does require a public hearing, so all nearby property owners can have an opportunity to comment on the request and provide direct input into its outcome. If impacts are determined to be too great at the suggested location for the sign, the permit should not be granted and the area preserved from such.

Accordingly, the Commission believes that, if such electronic reader boards are authorized in the City, the appropriate zoning district designations should be amended to consider them conditional uses, thereby elevating their discussion and review to the City's highest levels of review. The zoning districts that would be suitable for these types of signs would be the NU Non-Urban Residence District, R-1 One Acre Residence District, the R-1A 22,000 square foot Residence District, the R-2 15,000 square foot Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, and the R-6A 4,500

square foot Residence District, given almost all appropriate users are located in that category, such as schools, churches, recreation facilities, and other institutional type users. Along with this modification to the Sign Regulations, they would need to establish minimum requirements for such in terms of brightness, message hold time (how long a single message is visible), transition method (a.k.a. the "Frame Effect" - how the message changes to the next), transition duration (how long that change takes to complete), and area or square footage of the sign – % of allowable square feet. These minimum standards could be made more restrictive, as part of the permitting process associated with the Conditional Use Permit (CUP). Again, with the required steps associated with this permitting process, impacts would be considered first and foremost.

<<< The Potential Number of Applications, if These Types of are Authorized in the City >>>

As the Planning and Zoning Commission was discussing this issue, the members requested to understand the implications of this change relative to the potential number of applications that might be expected, if the City's Sign Regulations were amended to allow electronic reader boards of this nature. This question can only first be addressed by defining the zoning districts where the signage is allowed. In terms of the Commission's recommendation of potentially allowing these types of signs via a Conditional Use Permit (CUP) in the NU Non-Urban Residence District and all "R" Residence Districts, but with none of the City's commercial or industrial zoning district designations being authorized for such.

With the application involving only the residential zoning districts of the City, a total of twenty-six (26) total locations may be submitted at some point in the future. This total number of applications is reflective of all of the existing churches or schools in Wildwood, as shown on the attached map, along with the Wildwood Family YMCA and the Pond Athletic Association. This number is significant and certainly creates concerns for the Department. However, the Commission believes it is appropriate to assume that not all of these potential locations will seek such, given the cost of these types of signs, the permitting process associated with them, and need.

>>>The Necessity of These Types of Signs>>>

Over the past few years, the City has modified its Sign Regulations on several occasions to address considerations relating to comments or concerns about their restrictiveness and the negative impact they have had on business development and visibility of sites for a range of users. These changes have included more signs, banners, and sponsorship advertisement for certain types of activities. Collectively, such an approach has expanded the number of regulations to the point that, now, some are criticizing the City for the complexity of the Sign Regulations it applies. These changes were based upon the comments indicating a necessity for such.

The necessity of these types of signs appears to be growing, given the ease of displaying the messages, the safety associated with placing the messages upon/within the signs, and the variability this media provides in terms of the number of messages that can be programmed for display in any given day of use. The placement of these signs in residential areas notwithstanding, where most schools and churches are located, does not appear to be an issue to the entity seeking the sign, but rather the desire to offer this new technology to interested parties that drive-by the roadway for advertisement and informational purposes[1]. From the Commission's perspective, the necessity of these types of signs is not caused solely by need, since many other options exist, but convenience and flexibility. Therefore, the allowance for these

[1] Seems contrary to all new mediums for communication, like websites, Facebook, Instagram, Twitter, e-mail, etc.

types of signs in dark environments must be balanced against those two (2) characteristics – convenience and flexibility.

As technology advances in terms of hardware, applications, and costs, the support of these signs will not lessen among potential users. Additionally, as these advances have been introduced into sign applications, the controls to better address their impacts have also been added, which include the selection of background colors, lettering colors, intensity of lighting, amount of time the message is displayed, and the transition method and duration from one message to another. These controls allow any governing entity to address the character of the sign.

>>>The Regulation of Such Signs, when Allowed by Other Communities>>>

In this current instance, this type of sign is a major departure from any allowed to date along a roadway in the City of Wildwood. Monument type signs, both in commercially and residentially-zoned areas have been limited to exterior lighting or internal lighting, but with a dark background and light-colored lettering to limit their respective impacts. These signs, if not appropriately regulated, can have far-reaching impacts, which is why they are currently prohibited in Wildwood and some other communities, such as Ellisville. However, the Cities of Ballwin, Chesterfield, and Town and Country do reference these types of displays in their respective Sign Regulations. Therefore, not all communities believe them to be necessary, but some do. This situation certainly does not make the City of Wildwood the only exception to this allowance.

However, if the City of Wildwood were to allow these types of signs, the Commission would recommend the following regulations be considered in this regard:

1. The allowance for these signs in the City of Wildwood would be limited to the NU Non-Urban Residence District and all "R" Residence Districts, but only if granted by a Conditional Use Permit (CUP) via the Planning and Zoning Commission and City Council.
2. The signs, notwithstanding their specific characteristics associated with the display boards, would have to comply with the City's underlying Sign Regulations for placement (setbacks) and other similar requirements.
3. The lighting of these signs, particularly their brightness, would minimally have to comply with the City's Outdoor Lighting Requirements of its Zoning Ordinance. Additionally, all sign applications for these types of electronic message boards would have to be reviewed by the City's Lighting Consultant.
4. The owner of the sign would have to provide landscaping at the base of the monument, which would be consistent with the City's Landscape Manual and Sustainable Plantings Guide.
5. The sign would be required to have a primary background color that is dark, with lighting lettering used. Graphics would have to comply as well.
6. The message hold time and the transition method and duration would all have to be programmed to ensure the driver can reasonably see the information being displayed, but cannot be programmed in a manner that it is intermittent, flashing, or otherwise viewed as a nuisance to the driving public by any of its aspects, including brightness.
7. The display of messages would not be authorized after 10:30 p.m., to help preserve the night sky. The operation of these types of signs in the morning hours would not be authorized until 6:30 a.m.
8. The sign must be placed/incorporated into a monument (base) type design, with all materials used for this purposes matching the primary building located on the same lot as the sign.
9. The sign would have to be located on the lot, where the primary use is situated.
10. The signs must be maintained regularly and in good operating condition always.

11. The number of these signs would be regulated by the City's current requirements for monument signs in conjunction with institutional and other uses.
12. The size of these signs would be regulated by the City's current requirements for monument signs in conjunction with institutional uses – 50 square feet.

The Commission believes this list of conditions would address many of the concerns associated with these signs, while ensuring the City and its residents have ample notification and opportunity to comment and understand their applications in their neighborhoods. As with all regulations, the application of them with the initial installation of the sign is critical, but also, thereafter, when time passes and others not associated with the first approval follow and make changes inconsistent with these conditions. Accordingly, these situations become enforcement actions, which generally create issues for all parties. Given this knowledge, the Commission believes it is necessary to ensure the on-going use of these signs, if allowed in the City, remain compliant.

< Summary and Recommendation >

In this report, the Commission has identified these types of signs will have impacts on the areas where they are allowed, given their nature, but these can be minimized, but not eliminated, by utilizing the City's Conditional Use Permit (CUP) process to oversee their applications. The Commission has noted the extent of potential applications in the City, along with suggesting the necessity of this type of sign is not premised on the impacts of the City, but the benefits to the user, while all parties discount current electronic means of communication and other sign options. Other communities allow and prohibit these types of signs as well. However, if allowed by the City, the Commission has developed a list of requirements that should be included to any changes to the Sign Regulations of the Zoning Ordinance to address them to the greatest extent possible for the benefit to all parties. However, when tallied on this matter, the Commission split on its vote, therefore lacking a majority to proceed with the submittal of a report indicating a favorable action in this regard. Accordingly, the matter failed for a lack of majority amongst the ten (10) members of the Commission (a 5 to 5 vote).

WILDWOOD

2nd ADDENDUM

to

Department of Planning's Information Report (first issued on August 17, 2015)

for the

City of Wildwood Planning and Zoning Commission

November 16, 2015 Executive Meeting

"Planning Tomorrow Today"

Petition No.:	**P.Z. 14-15**
Petitioner:	**City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040**
Request:	A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.
Location:	Citywide
Hearing Date:	July 20, 2015
Presentation of Information Report:	August 17, 2015 – Postponed for Further Research October 5, 2015 – Postponed for Further Research

The Department of Planning has been researching the issues the Planning and Zoning Commission identified at its last meeting, where this matter of electronic message boards was last heard. This meeting date was October 5, 2015. These issues were developed, after a long discussion on the merits of possibly allowing electronic message boards in the City of Wildwood. Specifically, the issues that were identified included the following:

1. **Traffic Safety** - The concerns associated with these types of signs, given their brightness, flashing graphics, and rotating messages, on drivers' safety and the potential for increased accidents.
2. **Sign Characteristics, particularly Brightness** - The relative brightness of these types of signs compared to the current monument type that is in place at the high school location and their effects on the night sky.
3. **Legal Issues** - The legality of allowing a test sign at the high school to determine its impact on an area like Wildwood that is still rural in many regards.

To address these issues, the Department engaged several resources to assist it at the aforementioned meeting. These resources included the St Louis County Police Department – Wildwood Precinct, the City Attorney, and Randy Burkett Lighting Design. These resources were provided the concerns and considerations of the Planning and Zoning Commission that were identified in this regard and requested their study of them and to provide any opinions and comments on such, as part of their review. Attached to this addendum are the reports of these outside resources.

The results of this study indicated the following information in regard to the major issues noted above:

1. **Traffic Safety** – the St. Louis County Police Department – Wildwood Precinct was asked to study the impact of signage on traffic flow and safety, where electronic message boards are placed, as well as existing signage at Lafayette High School, Eureka High School, Rockwood Summit High School in unincorporated St. Louis County, and Taylor Road and Main Street. Captain Tim Tanner, Commander, of the Wildwood Precinct of the St. Louis County Police Department, undertook this analysis and provided the attached information to this Addendum. Along with this information, the police department also provided a report from two (2) professors at Texas A&M University about the correlation of electronic message boards and their operation and the impact on traffic safety. This report is also attached to this Addendum.

   In reviewing this provided information, the Department of Planning would note the impact of electronic message boards on traffic safety is debatable and no direct casual relationship can be developed from the information provided by the police department. However, the study from the two (2) professors seems to indicate no direct effect and, therefore, it not being an issue. The industry that fabricates and installs these types of signs identifies this matter of traffic safety as being 'traffic neutral.' Therefore, the industry supports their use and does not concur with any type of prohibition of these types of signs on traffic safety concerns.

   The Department does continue to believe any distractions to any drivers are not appropriate and, if these signs are allowed by the City, restrictions on brightness, graphics, transitions, colors, and other operational parameters need to be in place. These restrictions would control these parameters and, in principle, address traffic safety, as reasonably as possible. All of these restrictions would be a function of the Conditional Use Permit (CUP) process.

2. **Sign Characteristics** – The Department of Planning engaged Randy Burkett Lighting Design to study the issues relating to the brightness of the current sign that is in place at the high school property and how it compares to an electronic message board, specifically the newly-installed structure at Marquette High School. The analysis of these two (2) existing signs is included as an attachment to this Addendum. The information contained in this report also addresses the character of the environment, where the Lafayette High School sign would be located.

In reviewing this information, the consultant notes the current sign located at Lafayette High School has a greater brightness than the electronic message board at Marquette High School, even with the changeable graphics and transitioning messages. The Department also requested the lighting consultant review the ambient environment in the vicinity of the proposed sign at the high school and, in the letter provided in this regard, it is noted the environment is somewhat different at this location versus just to the east on Clayton Road. However, in the consultant's summary statement, it is noted that both areas do not exhibit an over-lighted condition, given their different development patterns, relative ages in terms of construction, and the existence, or lack thereof, of associated woodland areas.

The analysis does indicate a managed electronic message board may emit less luminance than a more traditional sign. Given the area, over-lighting should remain an important consideration, since any addition would, in all likelihood, have an impact on the current condition, regardless of where they might be placed. Therefore, if electronic message boards are authorized in the City, the Conditional Use Permit (CUP) process must be employed to ensure these types of signs are carefully reviewed and managed.

3. **Legal Issues** – The Department would note the City Attorney was consulted in this regard and noted the Board of Adjustment could consider such a temporary allowance for a test of these types of signs. However, as was noted at the Planning and Zoning Commission's meeting on October 5, 2015, the cost of these signs, in the tens of thousands of dollars, would either negate anyone from agreeing to a test or, more likely, once installed very difficult to remove, if the test is considered unsuccessful or too impactful.

   The more likely approach for this testing of the sign would be to determine if a portable type is available, which has generally the same characteristics, and place it at this location and utilize it there for the purposes of understanding the impacts and benefits. The Department has not determined a specific supplier of this type of portable sign, but would believe such does exist in some appropriate form for its use in this test. If a test is still desired by the Planning and Zoning Commission, the Department will investigate this option further.

As has been noted in the Department's Information Report, it believes the desire of potential users of these electronic message boards will continue to increase in interest, given the derived benefits for this type of display and the changes in lighting technology. Despite the pressure for the City to consider them, it does not have to change its current sign regulations, given other cities across the country prohibit them as well. However, if allowed in the City, these types of signs should only be considered on a case-by-case basis and through the City's established Conditional Use Permit (CUP) process.

If any of the Commission Members should have questions or comments in this regard, please feel free to contact the Department of Planning at (636) 458-0440. Thank you for direction on this matter and consideration of this information.

VEHICLE CRASH DATA
2012 - PRESENT
CLAYTON ROAD (ENTRANCE TO LAFAYETTE HIGH SCHOOL)

DATE	REPORT #	INJURY Y/N	# INJURED	# VEHICLES	DEER Y/N	PC CIRCUMSTANCE
2012						
3/5/2012	12-13492	N		2	N	Inattention
6/18/2012	12-36042	N		2	N	Following Too Close
10/11/2012	12-60782	N		2	N	Failed To Yield
10/16/2012	12-61814	Y	1	2	N	Violation Signal/Sign
2012 Total	4					
2013						
1/4/2013	13-000788	N		2	N	Failed To Yield
4/2/2013	13-018368	N		2	N	Failed To Yield
12/19/2013	13-071747	N		3	N	Following Too Close
2013 Total	3					
2014						
2/27/2014	14-011041	N		2	N	Failed To Yield
12/12/2014	14-064759	N		2	N	Improper Passing
2014 Total	2					
2015						
5/1/2015	15-026157	N		2	N	Following Too Close
5/5/2015	15-026706	N		2	N	Following Too Close
8/21/2015	15-046824	N		2	N	Failed To Yield
9/17/2015	15-051915	N		2	N	Following Too Close
2015 Total	4					
Cumulative Total		13				

VEHICLE CRASH DATA
2012 - PRESENT
CLAYTON ROAD (ENTRANCE TO LAFAYETTE HIGH SCHOOL)

2012 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	25.0%
Following Too Close	1	25.0%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	0	0.0%
Inattention	1	25.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	1	25.0%
Deer Strikes	0	0.0%
Injury Crashes	1	25.0%
Persons Injured	1	
Total Vehicles Involved	8	

2013 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	2	66.7%
Following Too Close	1	33.3%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	7	

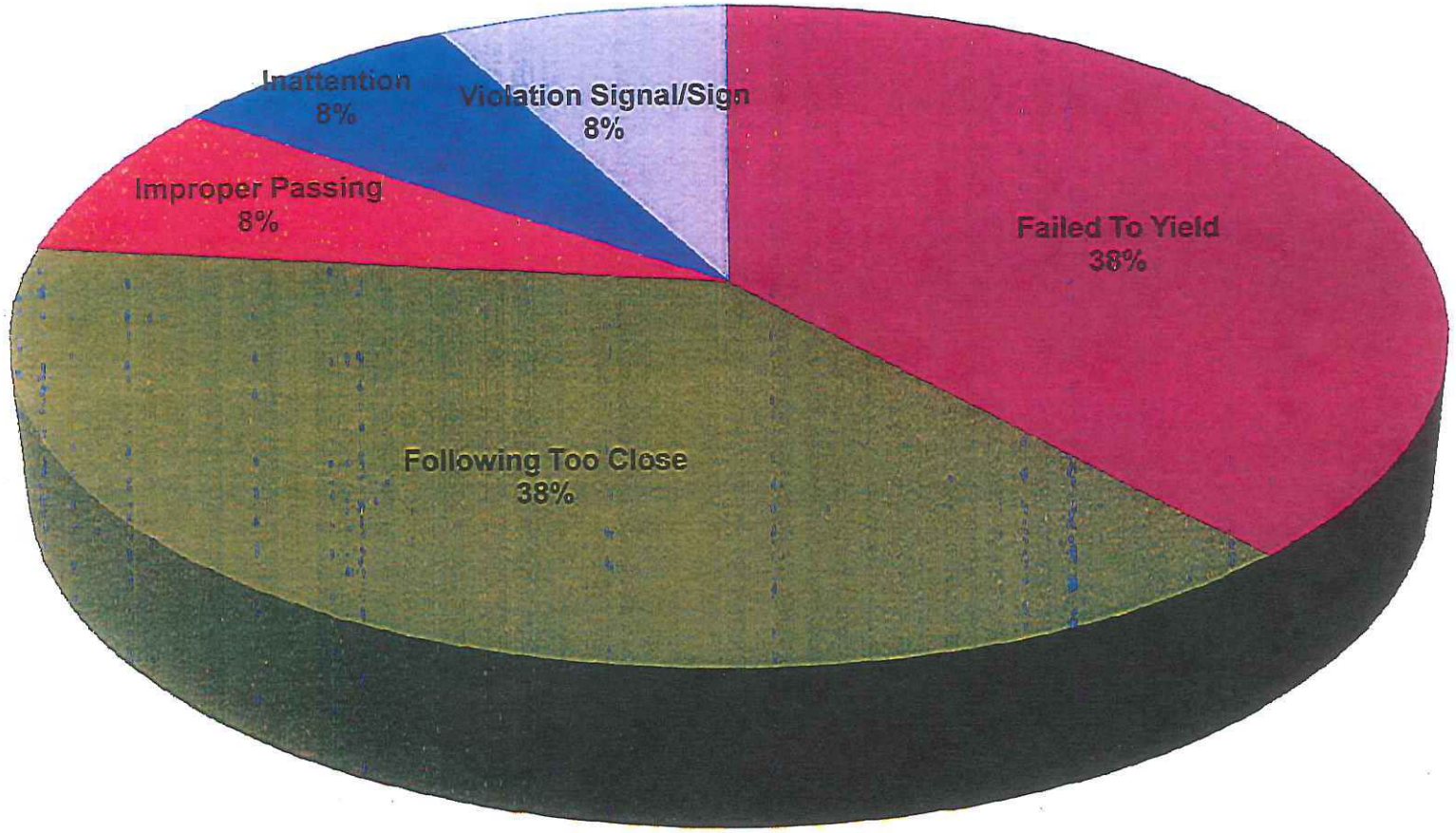
CUMULATIVE CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	5	38.5%
Following Too Close	5	38.5%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	1	7.7%
Inattention	1	7.7%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	1	7.7%
Deer Strikes	0	0.0%
Injury Crashes	1	7.7%
Persons Injured	1	
Total Vehicles Involved	27	

2014 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	50.0%
Following Too Close	0	0.0%
Improper Backing	0	0.0%
Improper Lane Use/Chang	0	0.0%
Improper Passing	1	50.0%
Inattention	0	0.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	4	

2015 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	25.0%
Following Too Close	3	75.0%
Improper Backing	0	0.0%
Improper Lane Use/Chang	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	8	

CUMULATIVE TOTALS:		
Single Vehicle	0	0.0%
Multi Vehicle	13	100.0%
Total Crashes	13	

Probable Contributing Circumstance Crash Data
2012 to Present
Entrance to Lafayette High School



VEHICLE CRASH DATA
2012 - PRESENT
MO 109 at Eureka High School

DATE	REPORT #	INJURY Y/N	# INJURED	# VEHICLES	DEER Y/N	PC CIRCUMSTANCE
2012						
2012 Total	0					
2013						
2013 Total	0					
2014						
2014 Total	0					
2015						
1/25/2015	15-108	N		2	N	Failed To Yield
2/5/2015	15-151	N		2	N	Too Fast for Conditions
7/30/2015	15-971	Y		1	N	None
2015 Total	3					
Cumulative Total		3				

VEHICLE CRASH DATA
2012 - PRESENT
MO 109 at Eureka High School

2012 CIRCUMSTANCE TOTALS:		
Alcohol	0	#DIV/0!
Failed To Yield	0	#DIV/0!
Following Too Close	0	#DIV/0!
Improper Backing	0	#DIV/0!
Improper Lane Use/Change	0	#DIV/0!
Improper Passing	0	#DIV/0!
Inattention	0	#DIV/0!
None	0	#DIV/0!
Physical Impairment	0	#DIV/0!
Speed - Exceeded Limit	0	#DIV/0!
Too Fast for Conditions	0	#DIV/0!
Unknown	0	#DIV/0!
Violation Signal/Sign	0	#DIV/0!
Deer Strikes	0	#DIV/0!
Injury Crashes	0	#DIV/0!
Persons Injured	0	
Total Vehicles Involved	0	

2013 CIRCUMSTANCE TOTALS:		
Alcohol	0	#DIV/0!
Failed To Yield	0	#DIV/0!
Following Too Close	0	#DIV/0!
Improper Backing	0	#DIV/0!
Improper Lane Use/Change	0	#DIV/0!
Improper Passing	0	#DIV/0!
Inattention	0	#DIV/0!
None	0	#DIV/0!
Physical Impairment	0	#DIV/0!
Speed - Exceeded Limit	0	#DIV/0!
Too Fast for Conditions	0	#DIV/0!
Unknown	0	#DIV/0!
Violation Signal/Sign	0	#DIV/0!
Deer Strikes	0	#DIV/0!
Injury Crashes	0	#DIV/0!
Persons Injured	0	
Total Vehicles Involved	0	

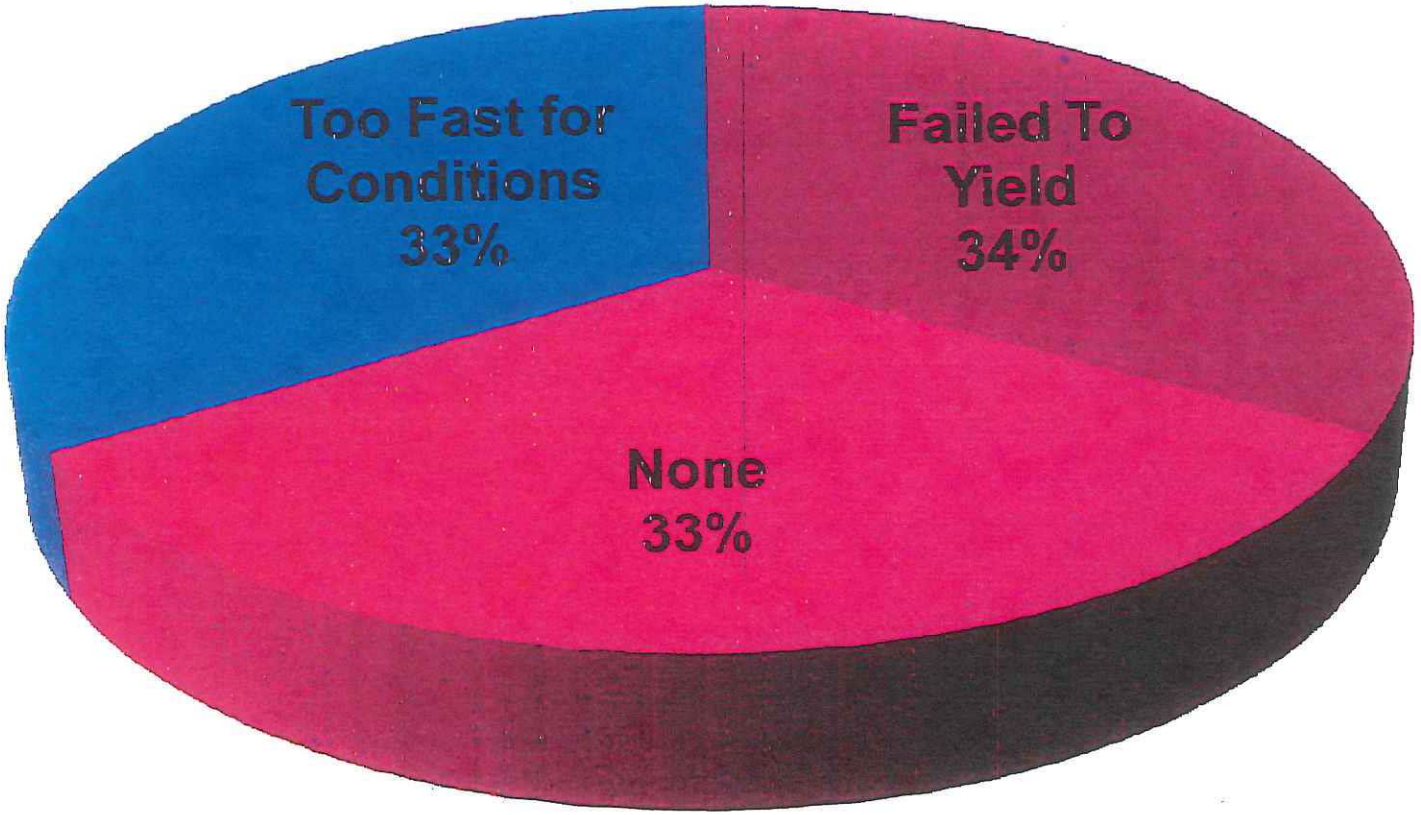
CUMULATIVE CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	33.3%
Following Too Close	0	0.0%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	1	33.3%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	1	33.3%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	1	33.3%
Persons Injured	0	
Total Vehicles Involved	5	

2014 CIRCUMSTANCE TOTALS:		
Alcohol	0	#DIV/0!
Failed To Yield	0	#DIV/0!
Following Too Close	0	#DIV/0!
Improper Backing	0	#DIV/0!
Improper Lane Use/Chang	0	#DIV/0!
Improper Passing	0	#DIV/0!
Inattention	0	#DIV/0!
None	0	#DIV/0!
Physical Impairment	0	#DIV/0!
Speed - Exceeded Limit	0	#DIV/0!
Too Fast for Conditions	0	#DIV/0!
Unknown	0	#DIV/0!
Violation Signal/Sign	0	#DIV/0!
Deer Strikes	0	#DIV/0!
Injury Crashes	0	#DIV/0!
Persons Injured	0	
Total Vehicles Involved	0	

2015 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	33.3%
Following Too Close	0	0.0%
Improper Backing	0	0.0%
Improper Lane Use/Chang	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	1	33.3%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	1	33.3%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	1	33.3%
Persons Injured	0	
Total Vehicles Involved	5	

CUMULATIVE TOTALS:		
Single Vehicle	1	33.3%
Multi Vehicle	2	66.7%
Total Crashes	3	

Probable Contributing Circumstance Crash Data
2012 to Present
MO 109 at Eureka High School



VEHICLE CRASH DATA
2012 - PRESENT
Taylor Road and Main Street

DATE	REPORT #	INJURY Y/N	# INJURED	# VEHICLES	DEER Y/N	PC CIRCUMSTANCE
2012						
12/4/2012	12-71515	N		2	N	Inattention
2012 Total	1					
2013						
1/21/2013	13-4240	N		2	N	Failed To Yield
2/13/2013	13-9058	N		2	N	Following Too Close
6/24/2013	13-35973	N		1	N	Physical Impairment
9/28/2013	13-56008	Y		2	N	Following Too Close
2013 Total	4					
2014						
7/14/2014	14-38890	N		2	N	Following Too Close
2014 Total	1					
2015						
5/30/2015	15-31538	N		2	N	Following Too Close
3/26/2015	15-12912	N		2	N	Following Too Close
2015 Total	2					
Cumulative Total		8				

VEHICLE CRASH DATA
2012 - PRESENT
Taylor Road and Main Street

2012 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	0	0.0%
Following Too Close	0	0.0%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	0	0.0%
Inattention	1	100.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	2	

2013 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	25.0%
Following Too Close	1	25.0%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	0	0.0%
Physical Impairment	1	25.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	7	

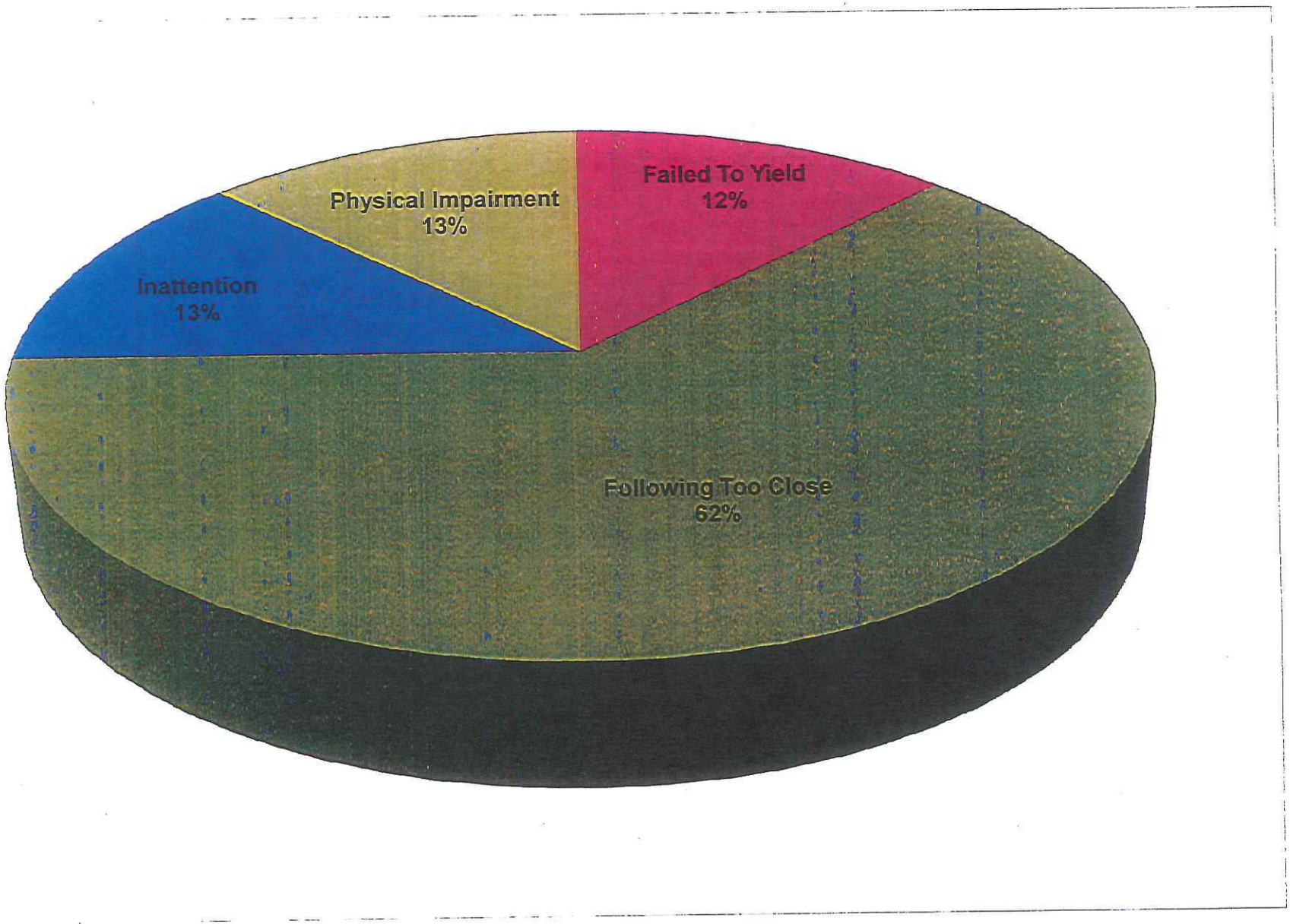
CUMULATIVE CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	1	12.5%
Following Too Close	5	62.5%
Improper Backing	0	0.0%
Improper Lane Use/Change	0	0.0%
Improper Passing	0	0.0%
Inattention	1	12.5%
None	0	0.0%
Physical Impairment	1	12.5%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	1	12.5%
Persons Injured	0	
Total Vehicles Involved	15	

2014 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	0	0.0%
Following Too Close	1	100.0%
Improper Backing	0	0.0%
Improper Lane Use/Chang	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	2	

2015 CIRCUMSTANCE TOTALS:		
Alcohol	0	0.0%
Failed To Yield	0	0.0%
Following Too Close	2	100.0%
Improper Backing	0	0.0%
Improper Lane Use/Chang	0	0.0%
Improper Passing	0	0.0%
Inattention	0	0.0%
None	0	0.0%
Physical Impairment	0	0.0%
Speed - Exceeded Limit	0	0.0%
Too Fast for Conditions	0	0.0%
Unknown	0	0.0%
Violation Signal/Sign	0	0.0%
Deer Strikes	0	0.0%
Injury Crashes	0	0.0%
Persons Injured	0	
Total Vehicles Involved	4	

CUMULATIVE TOTALS:		
Single Vehicle	1	12.5%
Multi Vehicle	7	87.5%
Total Crashes	8	

Probable Contributing Circumstance Crash Data
2012 to Present
Taylor and Main



RANDY
BURKETT
LIGHTING
DESIGN

To: Joe Vujnich

From: Ron Kurtz RK

Subject: City of Wildwood – Sign Brightness Studies

Date: October 29, 2015

Copies: File/

As requested, during the nighttime hours of October 22, 2015 (nominally between the hours of 7:30 and 9:00 PM) we reviewed the monument signage for Lafayette High School and Marquette High School, as well as lighting conditions in residential areas to the north and east of Lafayette High School. Our results and impressions are summarized herein.

Signage

Measurements were taken of brightness (luminance) of the monument signs at both Lafayette and Marquette High Schools using a Minolta LS-110 $1/3^{O}$ luminance meter. Luminance is the intensity of light from a surface per unit area in a given direction. The most common unit for luminance is candelas per square meter (cd/m^2), otherwise known in the signage industry as a "nit". Luminance measurement is an indication of brightness, but not necessarily glare. Glare is a function of brightness in relation to the surrounding ambient light conditions.

The Lafayette High School sign consists of a luminous (white) background and black applied lettering. Atop the luminous section are individual halo-lit letters, silhouetted against a dark painted metal background.

The Marquette High School sign is comprised primarily of RGB LED, pixelated points used to create changing messages. Atop this reader board is a luminous box with a blue background and white typography.

The Lafayette High School luminous sign does not meet the City of Wildwood Lighting Ordinance, Section 415.450.D.4.f regarding sign construction and luminous material.

Actual measurements of luminance was as follows:

Lafayette High School

Luminous face: 600 cd/m^2
Backlit amber letters: 35 cd/m^2

Luminance is similar from most typical viewing directions.

Marquette High School

Static, backlit luminous panel

Blue background: 5 cd/m^2
White typography: 190 cd/m^2 max

LED Reader Board ("black" LED's not considered)

Scrolling info of different colors 30 – 280 cd/m^2 on sign axis

Values are diminished when measured off-axis

RANDY
BURKETT
LIGHTING
DESIGN

Subjective Review of Residential Areas

Generally described, much of Clayton Road area east from Lafayette High School to Strecker Road has a more rural lighting character. Ambient levels of light are relatively low. Distances between residences and the substantial tree canopy are key contributors to the ambient character. There is, however, evidence that visible light is making an impact on the night environment within this area.

1. The use of retrofit style LED replacement lamps (bulbs) in coach lanterns and post top lights are becoming common place. LED replacement is a valid option; however, most of those installed have very cool color temperatures (4000°K or greater). Cool color temperatures are seen as brighter than a warm temperature of equivalent output (incandescent is quite warm 2200° to 2500° for example). Therefore some homes have fixtures that seem more glarey than others.

2. Several homes have had substantial installations of landscape/hardscape/floodlights. Where occurring, this changes the ambient character of the immediate surround.

The neighborhood immediately north of Lafayette High School has a more suburban character. Houses are close together, the tree canopy is immature to non-existent, streetlight are more prevalent with fixtures of greater brightness.

Here, cool color temperature sources seem to be more often used, adding to the overall feelings of brightness and glare.

While the neighborhood has a greater ambient light condition, we would not describe the area as overlighted, since, it does not exhibit the more rural character to the east.

Upon your review please contact us with any questions.

RK:vh

Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety

by

H. Gene Hawkins, Jr., Ph.D., P.E.
Associate Professor and Research Engineer
Zachry Department of Civil Engineering
Texas A&M University

Pei-Fen Kuo
Graduate Research Assistant
Texas A&M Transportation Institute

and

Dominique Lord, Ph.D.
Associate Professor and Research Engineer
Zachry Department of Civil Engineering
Texas A&M University

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ABBREVIATIONS

The abbreviations shown below are used in this report.

AADT	Annual Average Daily Traffic
ADT	Average Daily Traffic
AASHTO	American Association of State Highway and Transportation Officials
AIC	Akaike Information Criterion
ANOVA	Analysis of Variance
BIC	Bayesian Information Criterion
CEVMS	Commercial Electronic Variable Message Signs
CG	Control Group
DF	Degrees of Freedom
EB	Empirical Bayes
EBB	Electronic Billboard
FHWA	Federal Highway Administration
HSIS	Highway Safety Information System
HSM	*Highway Safety Manual*
LCD	Liquid Crystal Display
LED	Light-Emitting Diode
MS	Mean of Sum of Squares
MSE	Error Mean Square
MST	Treatment Mean Square
RTM	Regression to the Mean
SAR	Spatial Autoregressive Model
SEM	Spatial Error Model
SFI	Signage Foundation, Inc.
SPF	Safety Performance Function
SS	Sum of Squares
SSE	Sum of Squares for Error
SST	Total Sum of Squares
TTI	Texas A&M Transportation Institute

TABLE OF CONTENTS

Page

List of Figures v
List of Tables vi
Executive Summary vii
Chapter 1: Introduction 1
Research Approach 1
Description of a Digital Sign 1
Research Activities and Report Organization 2
Chapter 2: Background Information 3
On-Premise Digital Signs 3
Off-Premise Digital Signs 4
Safety Effects 4
Characteristics of the Evaluation Methods Used in Previous Studies 7
Chapter 3: Study Data 9
Crash Data 9
Sign Data 11
Data-Merging Procedure 12
Chapter 4: Study Methodology 16
A Before-After Study and a Cross-Sectional Study 16
The Before-After Study 16
Common Methods for Conducting a Before-After Study 18
Naïve Method 18
Control Group Method 19
Empirical Bayes Method 20
Calculation Procedures and Examples 21
Chapter 5: Results 25
Individual and Combined Results 25
Results for Crashes Related to Multiple and Single Vehicles 28
Results for Crashes Related to Different Types of Signs 29
Impact of Sign Hold Time 32
Chapter 6: Summary and Conclusions 34
Chapter 7: References 36
Appendix A: Step-By-Step Instructions for Students to Record Sign Data 39
Appendix B: Statistical Symbols 41

LIST OF FIGURES

Page

Figure 1. Summary of study results viii
Figure 2. The flow chart for data collection and merging procedure 13
Figure 3. Example work table of site data collection 15
Figure 4. A comparison of sample sizes from similar studies 26
Figure 5. The safety effectiveness index and the 95 percent confidence interval for each state (all crash types) 27
Figure 6. The safety effectiveness index and the 95 percent confidence interval for each state (multi-vehicle crashes) 28
Figure 7. The safety effectiveness index and the 95 percent confidence interval for each state (single-vehicle crashes) 29
Figure 8. The histogram of digital signs for each sign dimension 31
Figure 9. Example screenshot of Google Maps 40
Figure 10. Example screenshot of Google Earth 40

LIST OF TABLES

Page
Table 1. Safety effects of off-premise digital signs 6
Table 2. HSIS crash coverage and roadway length by state 10
Table 3. Coefficients for multi and single-vehicle crash regression model 22
Table 4. Sign site sample size yield 26
Table 5. Results of statistical analysis of before-after crash condition 27
Table 6. The typical form of a one-way ANOVA table 30
Table 7. Analysis of variance table (color) 31
Table 8. Analysis of variance table (sign dimension) 32
Table 9. Analysis of variance table (six business types) 32
Table 10. Analysis of variance table (two business types) 32
Table 11. Summary of sign hold times 33
Table 12. Example work table of site data collection procedure 39

EXECUTIVE SUMMARY

The use of digital on-premise signs, which are typically business-related signs that have the ability to change the displayed message, has increased significantly in recent years. On-premise digital signs are located on the same property as the businesses they promote, and some part — or a significant part in some cases — of the sign contains a digital display that can be programmed to change the message at pre-set intervals. Because the use of these signs has increased, jurisdictions have used local sign codes or ordinances to regulate the manner in which digital messages are displayed. Jurisdictions typically justify these regulations by citing traffic safety impacts. However, no comprehensive and scientifically based research efforts have evaluated the relationship between on-premise digital signs and traffic safety.

In this study, researchers collected large amounts of sign and crash data in order to conduct a robust statistical analysis of the safety impacts of on-premise digital signs. The statistical tools used the latest safety analysis theory developed for analyzing the impacts of highway safety improvements. The research team acquired the crash data from the Highway Safety Information System, which is a comprehensive database of crash records from several states. One of the advantages of these data is that they also include information about roadway characteristics, such as the number of lanes, speed limit, and other factors. The research team then acquired information about the location of on-premise digital signs from two sign manufacturing companies. Through significant effort by the researchers, these two datasets were merged into a single dataset that represented potential study locations in California, North Carolina, Ohio, and Washington. Of the initial set of over 3,000 possible sites, the research team was able to identify 135 sign locations that could be used for the safety analysis. Potential sites were eliminated from consideration due to any of the following factors:

- The sign location was not on a roadway that was included in the crash dataset; only major roads were represented in the crash data.
- The sign location provided by a sign manufacturing company could not be verified through online digital images of the location.
- Only signs installed in calendar years 2006 or 2007 could be included in order to have adequate amounts of crash data before and after the sign was installed.

The research team then used the empirical Bayes method to perform a before-after statistical analysis of the safety impacts of the on-premise digital signs. In a before-after study, the safety impact of a treatment (in this case, the installation of an on-premise digital sign) is defined by the change in crashes between the periods before and after the treatment was installed. However, simply comparing the crash frequencies (known as a naïve before-after analysis) is not adequate to account for factors such as regression to the mean (a statistical concept that explains why after data can be closer to the mean value than the before data) and to provide a means of controlling for external factors that can also cause a difference in crash frequencies. The empirical Bayes method represents the recommended procedure for evaluating the impacts of safety treatments because it overcomes the deficiencies of the naïve method. The safety impacts are represented by the safety index, which is indicated by the symbol θ. In simple terms, the safety index represents a ratio of safety in the after period compared to safety in the before period, although it is not as

simple as dividing the crashes in the after period by the crashes in the before period. A safety index greater than 1.0 indicates an increase in crashes in the after period, and a value less than 1.0 indicates a reduction in crashes in the after period. However, because of the variability in the crash data, the analysis must have statistical validity. Statistical variability is established by defining the 95 percent confidence interval for the safety index, which is based on factors such as sample size and the variability of the data. If the 95 percent confidence interval includes the value of 1.0, then there is a 95 percent chance that there is no statistically significant change in crashes between the before and after periods.

The results of the statistical analysis are presented in Figure 1. This figure shows that the safety index for all of the states was 1.0 with a 95 percent confidence interval that ranged from 0.93 to 1.07. This indicates that, for the 135 sites included in the analysis, there was no statistically significant change in crashes due to the installation of on-premise digital signs. The same can also be said about the results for each of the four states on an individual basis because the confidence interval for safety index for each state includes 1.0. The larger confidence intervals for some of the states are due to greater variability in the data and/or smaller sample sizes. The researchers also analyzed single-vehicle and multi-vehicle crashes and found the same result of no statistically significant change in crashes. Finally, the researchers performed an analysis of variance for the sign factors of color, size, and type of business and found no statistically significant differences in the mean safety index values for individual factors.

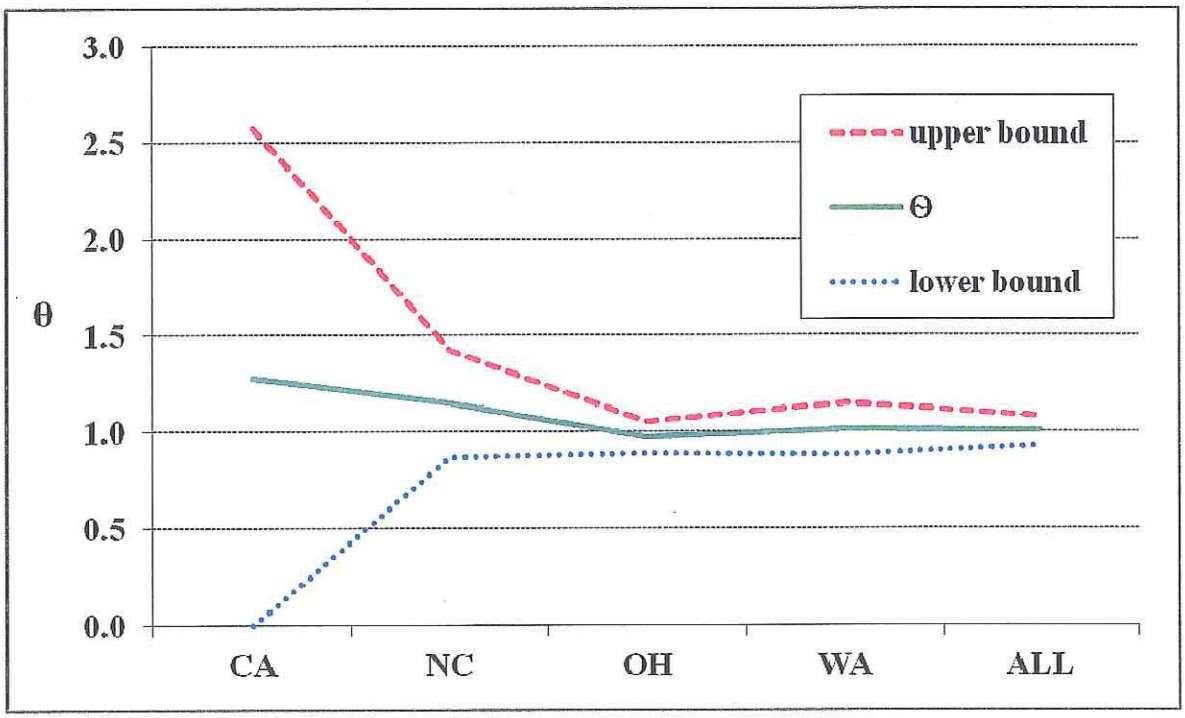

Figure 1. Summary of study results

The results of this study provide scientifically based data that indicate that the installation of digital on-premise signs does not lead to a statistically significant increase in crashes on major roads.

CHAPTER 1:
INTRODUCTION

For many generations, most signs — including both traffic and business signs — were static. They displayed only one message that did not change with time. Advances in information display technologies in recent years have led to an increase in the use of many types of digital signs, particularly in the area of on-premise and off-premise business signs. On-premise digital signs provide the ability to communicate a wide variety of messages and to change the manner in which the message is presented over time. As such, these digital signs represent a significant advancement in communication technologies and the ability to deliver valuable marketing information to potential customers. However, some groups have raised questions related to the traffic safety aspects of business signs that change messages on a frequent basis. The traffic safety concerns are often related to issues of potential driver distraction from the roadway due to the dynamic nature of these signs. These safety concerns are sometimes addressed through local regulation of these types of signs, which may prohibit or limit the use of on-premise digital signs. These regulations tend to be developed at the local level and do not have a significant level of scientific, nationally based research supporting the regulations.

The traffic safety concerns associated with on-premise digital signs have existed for some time, but there has been little research, particularly on a national level, that directly addresses the safety impacts of on-premise digital signs. In part, this is due to the fact that the use of such signs has grown only in the last 5–10 years. The research described in this report was conducted to provide a scientifically based, national analysis of on-premise digital signs so that the traffic safety impacts of such signs can be better understood.

RESEARCH APPROACH

The basic research method used in this study is a before-after statistical analysis of the change in traffic crashes at locations where digital signs were installed. The research team used digital sign installation information provided by sign manufacturers to identify locations in selected states where digital signs had been installed in the 2006–2007 time frame (this time frame was selected to provide adequate numbers of crashes in both the before and after periods). The analysis locations were limited to California, North Carolina, Ohio, and Washington because these states are part of the Federal Highway Administration (FHWA) Highway Safety Information System (HSIS). The HSIS is a database of crash records that includes detailed information about the roadway and crashes, including such factors as the number of lanes, the speed limit, crash severity, and other factors. The researchers then mapped the sign sites to the crash datasets to identify locations with crashes. These locations were then analyzed to compare the crashes before installation of the digital sign to the crashes after installation of the sign using statistical analysis procedures.

DESCRIPTION OF A DIGITAL SIGN

For the purposes of this study, a digital sign is defined as a sign that uses an electrical display, such as a liquid crystal display (LCD) or light-emitting diode (LED), to provide changeable

messages or graphics. There are several types of digital signs, including digital billboards, indoor video advertisements, and street-level advertisements (such as LED signs on bus shelters). For this study, the researchers focused only on on-premise digital signs, which are signs located on the same property as the business with which they are associated. The research effort did not include or address off-premise signs or billboards.

RESEARCH ACTIVITIES AND REPORT ORGANIZATION

There were five major activities associated with this research effort. The study began by reviewing and evaluating previous research on the safety aspects of digital signs and the statistical methods that other researchers have used to evaluate the safety aspects of signs. Chapter 2 describes the results of the review of background information. The researchers then began to collect information related to digital signs and crash data in the selected states. The sign information included the location and date of installation, and the crash data included the location and date. The researchers then devoted extensive effort to matching the locations and dates of the signs and crash datasets. Chapter 3 describes the sign and crash data and how the two datasets were merged together. Once this was accomplished, the next step was to develop a valid and scientifically based statistical analysis procedure to determine if there were any statistically significant changes in crashes after installation of digital signs. Chapter 4 describes the development of a statistical methodology, including a comparison of the advantages of the different options for conducting the statistical analysis. Finally, the research team used the results of the statistical analysis to define the key study findings, which are described in Chapter 5. Chapter 6 presents the conclusions and recommendations for the research study.

CHAPTER 2:
BACKGROUND INFORMATION

This chapter provides a review of the literature related to on-premise digital signs and their impacts on traffic safety. The review also includes a summary of statistical methods that can be used for evaluating the safety effects for these types of signs. Although the majority of the work has been related to off-premise digital signs, key studies associated with off-premise signs are nonetheless briefly discussed here. It should be pointed out that compared to other types of roadway-related operational and design features, such as access point density on urban arterials or on-street parking designs, the number of documents that are related to either on- or off-premise signs is relatively small.

On-premise signs are signs that are located on the same property as the activity described in the sign, while off-premise signs are located away from the activity identified in the sign. Off-premise signs are also known as third-party signs or outdoor advertising, and the most common example is a billboard. In general, off-premise signs have a larger visible area, which is attributed to the fact that these signs usually have greater surface areas and have higher mounting heights than on-premise signs. Furthermore, off-premise signs have a larger viewership because they are usually located adjacent to freeways and major highways with higher traffic volume. On the other hand, on-premise signs are installed on private property where a company conducts its business, and most are located along urban streets or local roadways. According to *The Signage Sourcebook* (U.S. Small Business Administration, 2003), the viewing opportunities for outdoor advertising (typically 333,350 cars per day) are much greater than those for an on-premise sign (30,000 cars per day).

The literature review is divided into two sections. The first section summarizes studies related to on-premise digital signs. The second section presents the summary of two key studies associated with off-premise digital signs.

ON-PREMISE DIGITAL SIGNS

This section describes the characteristics of the studies that have examined the relationship between safety and on-premise digital signs. To the knowledge of the authors, only two studies have investigated this relationship. It should be pointed out that the safety relationships identified in these research documents were not based on crash data but more on opinions and hypotheses, which limits their value as a direct measure of on-premise sign safety. The first study was conducted by Mace (2001). This author performed a literature review and listed two hypotheses about how on-premise signs can influence crash risk. The first hypothesis states that on-premise business signs distract drivers' attention from their primary driving tasks, resulting in higher crash risks. The second hypothesis asserts that on-premise business signs may mask the visibility of regulatory and warning road signs, which also can negatively influence crash risk.

On the other hand, Mace (2001) noted positive effects associated with commercial signs. He reported that commercial signs could reduce unnecessary traffic exposure by providing adequate navigation information for drivers, such as providing restaurant information for hungry drivers.

However, only measuring the frequency and duration of drivers' distraction may not represent the safety impacts of on-premise signs because a study published earlier showed that half of the objects that drivers see are not related to driving tasks (Hughes and Cole, 1986). In other words, besides on-premise signs, other roadside features may also distract drivers. The possible solution to minimize the negative effects of an on-premise sign, but still keep its positive effects, is to separate the sign's content to primary (navigation) and secondary (commercial) information.

Although, in the past, on-premise signs and off-premise signs were treated as distinct signage, they are becoming more homogeneous in terms of characteristics. In the second study, Wachtel (2009) mentioned that more roadside businesses, especially those with multiple users (e.g., shopping centers, auto malls, sports complexes, and entertainment places), now install larger-sized on-premise digital signs because of the lower cost and better performance of the LED display. Wachtel indicated that the largest digital advertising sign in the world is an on-premise sign in New York City. This sign is 90 ft tall and 65 ft wide, and is mounted on a 165-ft-tall steel post on the roof of the warehouse. The visible distance is over 2 miles. Wachtel also suggested that some on-premise signs affect traffic safety more than some off-premise digital signs because the locations and elevations of on-premise signs might be closer to the road users. In addition, the angles of on-premise signs may be out of the cone of vision and require extreme head movements to read.

In summary, these two studies showed more research is needed for understanding the relationship between on-premise digital signs and crash risk.

OFF-PREMISE DIGITAL SIGNS

This section is divided into two parts. The first part describes two key studies that have examined the safety effects of off-premise digital signs. The second part covers methodologies that have been used for estimating these effects.

Safety Effects

There are two reports that provide reviews of the findings, methods, and key factors related to the safety effects of off-premise digital signs. The first systematic study related to the impacts of off-premise signs was conducted 11 years ago by Farbry et al. (2001). Their study reviewed earlier reports and analyses (including those about electronic billboards and tri-vision signs) and provided the foundation for the second study written by Molino et al. (2009). In the second report, Molino et al. (2009) reviewed 32 related studies, which included those initially reviewed by Farbry et al. (2001), and noted that the majority of studies reported a negative effect between digital billboards and traffic safety. Although the number of studies that showed harmful impacts is five times more than the number of studies that showed no harmful impacts, the authors suggested that this ratio may not be strong evidence to prove the negative effects linked to electronic billboards (EBBs). The individual studies considered by these researchers had very different study methods and statistical powers, which can have a significant effect on the quality and results of the research.

Another important finding in the Molino et al. (2009) report is that drivers usually have spare attention capacities, and they can be distracted from their driving tasks by roadside objects (such as EBBs). However, these distractions may be riskier when the driving demands increase, such as in fixed hazard areas (e.g., intersections, interchanges, and sharp curves), in transient risky conditions (e.g., adverse weather, vehicle path intrusions, and slow traffic), or when other important information is processed at the same time (e.g., an official traffic sign). In other words, not only will the sign's internal characteristics (overall size, legend size, color, contrast, luminance level, etc.) affect crash risk, but so will external environmental factors (type of road, speed, weather conditions, time of day, etc.). Hence, Molino et al. list all possible key factors and suggest further studies to examine how they could influence safety. These factors are categorized into two groups: independent and dependent variables. The independent variables are separated by subject into five subgroups: billboard, roadway, vehicle, driver, and environment. It should be noted that the relationship between EBBs and on-premise signs is discussed in the environment subgroup, and dynamic factors of on-premise signs, such as change rate, motion, video, and sound, are listed as extremely important. The dependent variables are separated into vehicle behavior, driver/vehicle interaction, driver attention/distraction, and crash categories. Since there are hundreds of related key factors, the authors claimed that "No single experiment can provide the solution" and suggested future research programs to address the following topics: (1) determining when distraction caused by commercial electronic variable message signs (CEVMSs) affects safe driving, (2) investigating the relationship between distraction and various CVEMS parameters, and (3) examining the relationship between distraction and safety surrogate measures, such as eye glance and traffic conflicts.

Table 1 summarizes the literature review results from these two reports. This table shows that the results of crash studies are not consistent, and most studies have some important weaknesses, such as neglecting biases related to the regression to the mean (RTM) (discussed below) and site-selection effects (using the naïve method), low statistical power, and analysis results based on erroneous assumptions. It should be noted that only post-hoc crash studies are listed here because this study focuses on the change of crash rate caused by on-premise digital signs.

As mentioned, Table 1 shows that the results related to the safety effects of off-premise signs are inconsistent. The inconsistencies can be fully or partly attributed to various study limitations. For instance, the studies in the Wachtel and Netherton report (1980) and Wisconsin Department of Transportation report (1994) both used a naïve before-after study methodology (methodology approaches are described in Chapter 4), and they did not account for the RTM bias, which may change their estimates of crash rate and safety effects of signs. The general idea of RTM is that when observations are characterized by very high (or low) values in a given time period and for a specific site (or several sites), it is anticipated that observations occurring in a subsequent time period are more likely to regress toward the long-term mean of a site (Hauer and Persaud, 1983). Also, these studies should provide the variance of estimators (that is the uncertainty associated with the estimator) for judging the statistical significance of their results. Moreover, grouping studies where the objectives or types of signs are different is not appropriate. For example, the goal of the report prepared by Tantala and Tantala (2007) was to study the safety impacts caused by converting traditional billboards to digital billboards, while other studies focused on the safety impacts after installation of new digital billboards. Those are two distinct effects that are examined and should not be grouped together to evaluate the safety effects of on-premise digital

signs. Wachtel (2009) also noted other limitations in Tantala and Tantala's study, such as a lack of adequate before-after and comparison group data; no clear definition and reasonable calculation of the visual range and legibility range of EBBs; and no crash data related to adverse weather, impaired drivers, and interchanges.

Table 1. Safety effects of off-premise digital signs

Study	Methods	Data Type	Results	Location	Sample Size
Wachtel and Netherton (1980)	Naïve before-after study	Crash frequency	The crash reduction of target area was 10% less than the overall reduction (after the installation of the signs)	Tele-Spot sign, Boston	Not provided
Wisconsin Department of Transportation (1994)	Naïve before-after study	Crash frequency, Average daily traffic (ADT)	Crash rate (eastbound): all crashes increased 36%, sideswipe crashes increased 8%, and rear-end crashes increased 21%	Milwaukee, Wisconsin	2
			Crash rate (westbound): all crashes increased 21%, sideswipe crashes increased 35%, and rear-end crashes increased 35%		
Smiley et al. (2005)	Before-after study (empirical Bayes)	Crash frequency, ADT, safety performance function	Downtown intersection sites: no significant change in crash rate (all crashes increased 0.6%, injury crashes increased 43%, and rear-end crashes increased 13%)	Toronto, Canada	3
	Before-after study (control group)	Crash frequency, ADT, control group	Rural sites: no significant change in crash rate based on most compared sites	Toronto, Canada	1
Tantala and Tantala (2007)	Naïve before-after study	Crash frequency, control group, ADT	No significant change in crash rate	Cuyahoga, Ohio	7
Tantala and Tantala (2009)	No description of the method		No significant change in crash rate	Cuyahoga, Ohio	7

The second shortcoming in Tantala and Tantala (2007) is that they used a simple correlation analysis between sign density and crash rate to examine safety effects of billboards. Using this approach, they found that the correlation coefficients among the scenarios analyzed were very low (around 0.20), indicating that the installation of billboards did not increase the number of crashes. This may well be true, but they did not use the right analysis tool. For investigating the relationship between sign density and the number of crashes, it is more appropriate to develop one or several regression models since the safety analyst can have a better control over other factors that can influence the number and severity of crashes (Lord and Mannering, 2010). In a regression model, several independent variables can be included, which is better to estimate the variable of interest (such as the installation of digital signs). However, it should be pointed out that the before-after study, as performed in this study, still remains the best methodological approach for estimating the safety effects of an intervention.

Among all studies in Table 1, Smiley et al. (2005) provides the more reliable results since they used a before-after method using a control group (CG) and empirical Bayes (EB) approach. The

only limitation is related to the small sample size. The authors of the study only evaluated three sites. Even with a small sample size, the EB method can still be successfully used to evaluate the safety effects of an intervention, as was done by Ye et al. (2011). Ye et al. (2011) used the EB method to estimate the safety impacts of gateway monument signs, which can be categorized as one type of off-premise sign. Gateway monuments are roadside structures used to introduce a city or town. These monuments usually have the name of the city or town and are located at the city limits.

According to Wachtel et al. (2009) and Farbry, (2001), using crash data might not be a precise method because crashes usually have multiple causal events, which are difficult to extract from crash datasets. For example, they noted that sign internal variables (such as size, brightness, viewing angle, etc.) might play main roles in drivers' distraction or ignoring of official traffic signs, while other external factors affect conflicts and crash risk. Although those reasons may be legitimate, utilizing crash data is still the best approach for evaluating the safety effects of interventions as well as those associated with operational and design features (Hauer 1997). As stated by Hauer, "*It follows that, in the final account, to preserve the ordinary meaning of words, the concept of safety must be linked to accidents.*" Furthermore, using crash data have other advantages: lower cost and fewer artificial errors. Firstly, the cost of conducting a before-after crash study is much lower than human-centered methods because the researchers do not need to purchase equipment and hire participants for conducting driving tests. Secondly, crash data are based on crash reports, which can provide a more accurate measure of safety than surrogate measures such as speed, driver behavior, or other measures. Only by conducting a before-after crash study can one provide results that combine multiple casual variables in the real world. Other methods cannot displace the above advantages, which explain why the research team selected the before-after methodology for estimating the safety effects of digital signs.

Characteristics of the Evaluation Methods Used in Previous Studies

This section describes the characteristics of other methods used in previous studies for examining the safety effects of off-premise digital signs. In addition to a crash before-after study approach, the most common study methods that have been used for examining the safety impacts of off-premise signs include eye fixations, traffic conflicts, headways and speeds, and public surveys. Most studies used one or more of the above methods to examine the impacts of off-premise signs (Molino et al., 2009). For instance, Smiley et al. (2005) used four different methods (eye fixation, conflict study, before-after crash study, and public survey) for examining a video sign located in Toronto. On the other hand, Lee et al. (2007) used eye fixations and a questionnaire for their study. It should be noted that the results from multiple measurements are usually inconsistent.

Briefly, the eye fixation study method uses an eye-tracking system to record drivers' eye movements. The results (e.g., eye glances and durations) can provide direct evidence of where drivers are looking while driving, leading to assumptions as to whether drivers are distracted when they are driving near or toward a sign (or at other roadside features). Traffic conflicts, often referred to as surrogate measures of safety, can be used for identifying risky driving behaviors, such as braking without good reason, inappropriate lateral lane displacement, and delays at the start of the green traffic signal phase. Headways and vehicle speed can be used to

assess distracted drivers since those drivers tend to have shorter headways and higher speed variances.

Most details about experiment design, such as the participant number, study site size, driving route length, and experiment duration can be found in Appendix B of the report prepared by Molino et al. (2009). In the current study, the researchers focus the discussion on the before-after crash data study method for two reasons. First, Molino et al. (2009) did not provide a detailed experimental design for using crash data, and some studies were criticized for inappropriate methodology (Tantala and Tantala, 2007; 2009). Second, the costs associated with other experimental methods are significant and are greater than the resources that were allocated for the current research study. According to Molino et al. (2009), the budgetary costs to conduct research using other experimental methods vary between $0.4 million and $0.8 million for using on-road instrumented vehicles, $2 million and $4 million for conducting a naturalistic driving study, and $1 million and $3 million for using an unobtrusive observation approach.

CHAPTER 3:
STUDY DATA

To conduct the safety analysis, the research team had to develop plans for collecting the necessary data, manipulating the data into a format that could be used for the safety analyses, and then conducting the statistical analysis to identify the safety impacts of on-premise digital signs. The success of this project relied upon the ability to acquire two distinct sets of data and the robustness of the individual datasets. The two datasets needed for the analysis included (1) information regarding the location and installation dates for on-premise digital signs, and (2) data regarding crash histories on the roadways in the vicinity of the on-premise digital signs. The latter also included information about operational (e.g., traffic flow and speed limit) and geometric (e.g., functional class and lane width) design features located at and adjacent to the on-premise digital signs. From the beginning of the project, the research team expected to use the HSIS crash data for the crash history dataset. The real challenge of this project was identifying specific information about on-premise digital signs for the states represented in the HSIS, and the researchers encountered numerous challenges in acquiring this information. Once the data for both groups were acquired, the researchers had to overcome differences in the datasets so that the data could be merged into a single dataset for analysis. The activities associated with the acquisition of the crash data, acquisition of the sign data, and the merging of the two datasets are described in this chapter.

CRASH DATA

The HSIS is operated and maintained by the FHWA, and is widely used for safety research programs that provide input for public policy decisions. The HSIS is a multistate relational database that contains crash, roadway, and vehicle information. Crash information/files contain basic crash information, such as location (based on reference location or mile-point), time of day, lighting condition (e.g., daylight, dark and no lighting, dark and roadway lighting, etc.), weather conditions, crash severity, the number of related vehicles, and the type of crash (e.g., head-on, right angle, sideswipe, etc.). Each row in the spreadsheet file contains crash information for individual crashes and a unique ID number, and each column represents a variable. The roadway information/files provide traffic and geographic information for each roadway segment, such as annual average daily traffic (AADT), speed limit, beginning mile-point, end mile-point, number of lanes, lane and median width, shoulder width and type, rural or urban designation, and functional classification. The vehicle information/files contain driver and vehicle information, such as a crash identification number, driver gender, driver age, contributing factor (possible casual factor), vehicle type, and others. These individual file types can be linked together as a whole dataset. For example, crash files and road files can be linked by their location information (route number and mileage), or crash files and vehicle files can be linked together by their crash identification number.

Currently, there are seven states that actively participate in the HSIS: California, Illinois, Maine, Minnesota, North Carolina, Ohio, and Washington. However, the HSIS has an upper limit on the amount of data that can be requested by researchers (including the number of states, the request area, and total variables). To maximize the value of the crash data that they could request, the

research team held discussions with the research advisory panel to identify the states (from the list of seven HSIS participating states) where there would be higher concentrations of on-premise digital signs. Based on this input, the research team requested HSIS data for California, North Carolina, Ohio, and Washington in order to get a maximum number of study sites. All crash datasets were downloaded from the HSIS website and stored in a spreadsheet format. The definitions for the variables in a state's crash data were found in the HSIS guidebooks. It should be noted that each state has its own guidebook and data record format. In other words, one specific variable might be available for some states, but this variable may have different meanings or category types, or even be unavailable for other states. The inconsistent definitions among different states' crash datasets can affect the quality of analysis and results when selecting specific variables for identifying target crashes (such as rear-end crash) needed for more advanced analysis. The differences between states also create challenges when trying to merge data into a single dataset for analysis.

Although the HSIS dataset provides the most comprehensive crash data from different states, the HSIS has some limitations. First, the HSIS only includes crashes that occur on major roads, such as interstate highways, U.S. highways, and state highways. The HSIS dataset may not include crash-related data for secondary roads in rural areas or city streets in urban areas, including arterial streets that are major roads in a city but are not on the state highway system. Table 2 identifies the level of crash coverage and roadway length for each state selected for the analysis.

Table 2. HSIS crash coverage and roadway length by state

California	1. More than 500,000 crashes occur each year; HSIS includes about 38% of those crashes. 2. HSIS includes 15,500 miles of mainline (non-ramp) roadways.
North Carolina	1. About 230,000 crashes occur each year; HSIS includes 70% of those crashes. 2. Of the 77,000 miles of roadway on the North Carolina state system, approximately 62,000 miles are included in the database.
Ohio	1. About 380,000 crashes occur each year; HSIS includes 40% of those crashes. 2. In Ohio, about 116,000 miles of highway in total; HSIS includes approximately 19,500 miles of roadway.
Washington	1. 130,000 crashes occur each year; HSIS includes 37% of those crashes. 2. HSIS contains 7,000 miles of mainline (non-ramp) roadway.

Another limitation of the HSIS data is that the dataset is not continuously updated. The HSIS data represent the final crash datasets from each state after the state has processed the crash data. As a result, the HSIS dataset may not include the last several months or more of crash data from a state. Currently, the most updated HSIS crash data are through 2009 (California is updated to 2008), so the most recent one or two years of crashes are not included in the HSIS data. Also, the oldest HSIS crash data extend back only through 2004. Limiting crash data to the period from 2004 to 2009 was a significant consideration in this research project because the large growth of on-premise digital signs is relatively recent, having mostly grown since the mid- to late 2000s. The lack of data for the last two to three years created challenges with respect to developing a robust statistical analysis procedure. For a comparison of safety impacts of a treatment (such as installation of a digital sign) to be meaningful, both the before and after analysis periods need to be about equal and as long as possible. This meant that, to have two-year analysis periods (two years before and two years after) in the safety analysis, on-premise digital signs needed to be

installed in either 2006 or 2007. In order to focus the safety analysis on the long-term impacts of on-premise digital signs, the researchers did not include the calendar year of installation of a sign in the analysis. For example, if a sign was installed in 2006, the before period was calendar years 2004 and 2005, and the after period was calendar years 2007 and 2008.

An additional limitation of the HSIS crash data is that the crash location within the HSIS is identified to the nearest 0.1 mile (528 ft) on the roadway. This required the safety analysis to be conducted for the tenth of a mile length of roadway that a sign was located within. The level of accuracy is the primary reason that 0.1 miles was chosen as the effective area of the sign.

The researchers viewed the limitations mentioned above as minor and ones that had minimal impact on the study results. There are no comparable crash datasets available to researchers that could be used for a similar type of analysis of crashes. The only alternative available to the researchers would have been to try and obtain crash data from individual agencies where on-premise digital signs have been installed. Such an approach may have provided more specific data about individual signs and site characteristics, but would have resulted in an extremely small dataset. The researchers felt that such small sample sizes would not provide sufficient robustness for statistical analysis and that the approach using the HSIS data provided greater scientific validity and robustness, as discussed in the previous chapter.

SIGN DATA

With the acquisition of the HSIS data, the research team had information to analyze crashes but had no idea about where to conduct the analysis. Determining the location for the crash analysis required information regarding the location of on-premise digital signs. Furthermore, due to the date limitations of the HSIS data, only sign sites where the sign was installed in 2006 or 2007 could be used for the crash analysis. So the research team began the process of identifying locations in California, North Carolina, Ohio, and Washington where on-premise digital signs had been installed on major roads in 2006 or 2007.

Initial attempts to identify sign locations focused upon getting information from the Signage Foundation, Inc., (SFI) research advisory panel. However, the results did not provide a large enough sample size for a robust statistical analysis. The research team began to contact sign installation companies but encountered challenges in acquiring the large amount of data needed to conduct the research. The primary challenge associated with contacting sign installation companies (which are the same companies that market the signs to individual businesses) was the proprietary nature of the business information the research team was requesting. Another challenge was the large number of individual companies that needed to be contacted to develop a robust sample size.

Because of the challenges of working with sign installation companies, the research team shifted the focus to sign-manufacturing companies. Eventually, the research team was able to work with two electronic sign-manufacturing companies to get a list of on-premise digital signs installed in any of the four study states during 2006 or 2007. Each of the two lists was converted into datasets for use in the research effort. The first dataset (dataset #1) contained 2,953 sign sites and 27 variables, which included the characteristics of signs and roads, such as sign order date, sign

address (road, county, and state), the nearest cross street and its distance from the sign, the nearby cross street with the highest volume and its distance from the subject intersection, and traffic volume on the subject road. The research team did not use the road information from dataset #1, relying instead upon the road data in the HSIS crash dataset. This ensured consistency in the approach with the different sign datasets. Also, the sign installation date was considered to be the sign order date plus two weeks. This assumption was based on input from the sign-manufacturing company. Since the entire year that the sign was installed was excluded from the analysis, this was considered not to be a critical issue.

The second dataset (dataset #2) had 63 site addresses and 10 variables. Unlike the first dataset, most variables in dataset #2 were related to product information, such as installation data, sales representative, product name, matrix, color, customer ID (address), and status of signs.

For the analysis, these two datasets were combined as one for use in analyzing the crashes by individual state. The combined dataset was further refined by removing all sign locations that were not installed in either 2006 or 2007. The calendar year that a sign was installed was treated as the construction year, and the crashes that occurred in that year were removed from the analysis. The entire calendar year was removed from the analysis due to uncertainty over the actual installation date of the sign since the data provided only the order date for the sign. Removing the entire calendar year associated with installation also eliminated the novelty effect associated with implementing a new feature. The second variable, the sign installation address, was used to select related crashes by the sign's location and default sign-effective areas. For example, the researchers defined the crashes located within 0.1 miles from the target signs as related crashes. In reality, the effective area could be larger or smaller depending upon the sign size. The procedure used for this analysis did not adjust the effective area based on sign size or other factors. Overall, significant effort was put into ensuring the accuracy of the sign datasets because the quality of the data had a huge impact on the precision and accuracy of the analysis.

DATA-MERGING PROCEDURE

The previous sections explain how the researchers obtained their study data (the sign dataset and the crash dataset) and the characteristics of each dataset. This section gives more details about the dataset-merging procedure. Several steps were involved in merging the crash and sign location datasets into a single dataset that could be used for statistical analysis. The early steps focused on confirming that the digital sign was still in place and near the road that it is related to. This was needed because a site could have an address on one road but have the sign facing traffic on another road bordering the site property. The later steps focused upon converting the street address of the sign location to a route and milepost value that could be used with the crash dataset. This complex effort was necessary due to the fact that the sign and crash datasets used different location methods. The sign dataset was based on the site address, while the crash database was based on route number and milepost. For example, a location in the sign dataset would record a location with "1234 North Highway 101, Anytown, WA 98584," but the HSIS would show the same location as "route number = 23101" and "mile post = 335.72." In order to define the related crashes that were adjusted to the target signs, the researchers needed to transfer sign locations into the HSIS location system. The basic steps are described below and illustrated in Figure 2.

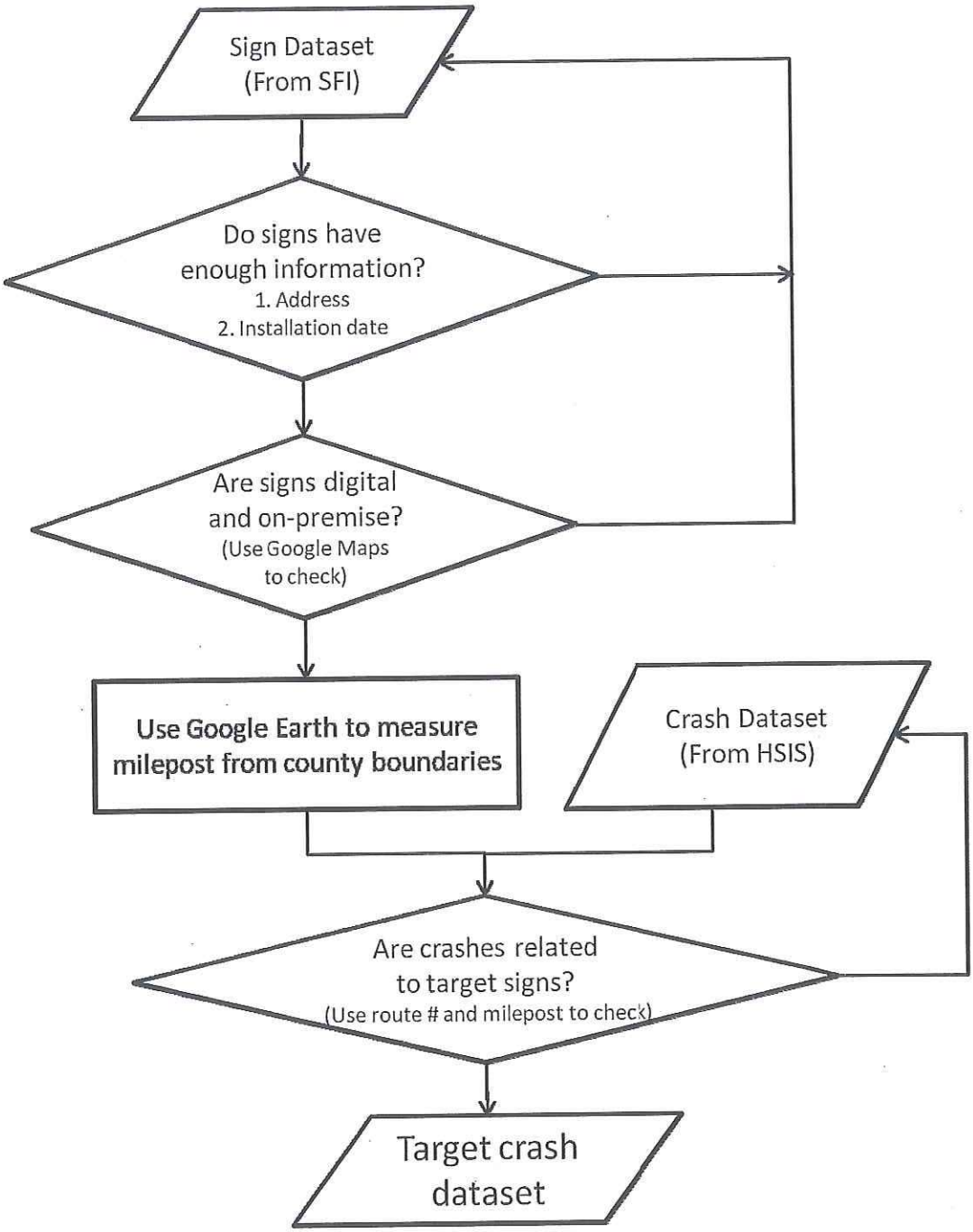

Figure 2. The flow chart for data collection and merging procedure

1. For each record of the combined sign dataset (3,016 total records), the research team evaluated the location information (typically a street address) and the sign order date. Records with missing or incomplete location information or with assumed sign installation dates that were not in 2006 or 2007 were deleted from the dataset.

2. Research team members then verified the location of the sign using the site address in the sign dataset and taking the steps listed below. Figure 3 shows an example table that the researchers used for the above data collection, including screenshots of Google Maps and Google Earth (Google Earth, 2008). Columns 1–3 are the address information given by the sign companies. Columns 4–7 are determined through Google Maps, and Columns 8–11 are determined through Google Earth.
   a. The sign was located in Google Maps using the site address.
   b. Using the Street View feature of Google Maps, a member of the research team identified the sign on the site or deleted the record with a note that the on-premise digital sign could not be identified. There were some challenges associated with finding digital signs using the Street View pictures from Google Maps, including fuzzy pictures with low resolution, which made it difficult to evaluate some signs, and digital signs that were not obvious during the daytime (Street View provides only daytime pictures).
   c. The screen image of the subject sign was saved, and basic sign characteristics were identified and/or estimated. Examples include sign color, size, and business type.
   d. An initial determination was made as to whether the sign was located on a major road that would be part of the HSIS crash dataset. If the road was not expected to be a major road, the record was deleted from the dataset.
3. The sign location was entered into Google Earth to determine the county in which the sign was located and the mileage from the county border. This included identifying the county identification code in the appropriate HSIS manual for a given state. This provided the milepost location information needed to relate the sign location to the location information in the crash dataset. Defining the milepost information required doing the following:
   a. Identifying the neighboring county, which was used to determine in which direction the mileposts were increasing.
   b. If the county had mileposts restarting at zero at the county borders, determining in which direction they were increasing, based on the number of lanes at the borders. If the direction could not be determined, a general rule of increasing from west to east or south to north was used.
   c. Using the path tool in Google Earth to measure the distance from the county border to the sign. This distance and the beginning milepost at the county border established the milepost of the sign.

An example (using the above procedure) can be founded in Appendix A. After target sign locations were transferred into the HSIS locating system, a statistics software package, "R," was used to select the related crashes among the whole HSIS dataset.

Sign ID	Address	Installation date	Google Map				Google Earth				Note
			Picture	Color (Single/ Multi.)	Dimension	Business Type	County ID	Route #	Distance	Mile post	

Figure 3. Example work table of site data collection

CHAPTER 4:
STUDY METHODOLOGY

Evaluating the effects of treatment on the number and severity of crashes is a very important topic in highway safety. For the last 30 years, various methods have been proposed for evaluating safety treatments (Abbess et al., 1981; Danielsson, 1986; Davis, 2000; Hauer, 1980a; Hauer, 1980b; Hauer et al., 1983; Maher and Mountain, 2009; Miranda-Moreno, 2006; Wright et al., 1988). The methods are classified under two categories: the before-after study and the cross-sectional study. In a before-after study, the safety impacts of an improvement or treatment at a given location are determined by comparing the change in crashes before and after the improvement/treatment was installed. In a cross-sectional study, crashes or crash rates on two different facilities with similar characteristics except for the improvement of interest are compared. The before-after study is typically more desirable because it provides a more direct evaluation of the safety impacts. Although they have been used by some researchers (Noland, 2003; Tarko et al., 1998), cross-sectional studies are more difficult to conduct because different facilities are rarely identical in all features except the one of interest. Hence, the cross-sectional approach was not used in this research. The before-after type of study can be further divided into several types:

- naïve before-after study,
- before-after study with control group,
- before-after study using the EB method, and
- before-after study using the full Bayes approach.

The before-after study using the full Bayes approach is a more recent development in statistical safety analysis, developed and used by several noted safety researchers (Hauer and Persaud, 1983; Hauer et al., 1983; Hauer, 1997; Li et al., 2008; Persaud and Lyon, 2007). The advantages and disadvantages for each of the above before-after methods are described in more detail in this chapter.

A BEFORE-AFTER STUDY AND A CROSS-SECTIONAL STUDY

As mentioned previously, observational crash studies can be grouped into two types: the before-after study and the cross-sectional study. The selection of the study type is based on the availability of historical crash data, traffic volume, or the comparison group. The following sections provide details about the before-after methodology.

The Before-After Study

The before-after study is a commonly used method for measuring the safety effects of a single treatment or a combination of treatments in highway safety (Hauer, 1997). Short of a controlled and full randomized study design, this type of study is deemed superior to cross-sectional studies since many attributes linked to the converted sites where the treatment (or change) was implemented remain unchanged. Although not perfect, the before-after study approach offers a

better control for estimating the effects of a treatment. In fact, as the name suggests, it implies that a change actually occurred between the "before" and "after" conditions (Hauer, 2005).

As described by Hauer (1997), the traditional before-after study can be accomplished using two tasks. The first task consists of predicting the expected number of target crashes for a specific entity (i.e., intersection, segment where an on-premise sign was installed, etc.) or series of entities in the after period, had the safety treatment not been implemented. In other words, the before-after approach described by Hauer compares the expected number of crashes in the after period with the treatment installed to the expected number of crashes in the after period had the treatment not been installed. The calculation for each expected number of crashes is based on numerous factors, including the actual number of crashes in the before condition, the actual number of crashes in the after period, and incorporation of site-specific and statistical considerations. The symbol π is used to represent the expected number of crashes in the after period (a summary of all statistical symbols used in this report are presented in Appendix B). The second task consists of estimating the number of target crashes (represented by the symbol λ) for the specific entity in the after period. The estimates of π and λ are $\hat{\pi}$ and $\hat{\lambda}$ (the caret or hat represents the estimate of an unknown value). Here, the term "after" means the time period after the implementation of a treatment; correspondingly, the term "before" refers to the time before the implementation of this treatment (an on-premise digital sign in this study). In most practical cases, either $\hat{\pi}$ or $\hat{\lambda}$ can be applied to a composite series of locations (the sum of i's below) where a similar treatment was implemented at each location.

Hauer (1997) proposed a four-step process for estimating the safety effects of a treatment. The process is described as follows (see also Ye and Lord, 2009):

- Step 1: For $i = 1, 2, ..., n$, estimate $\lambda(i)$ and $\pi(i)$. Then, compute the summation of the estimated and predicted values for each site i, such that $\hat{\lambda} = \sum \hat{\lambda}(i)$ and $\hat{\pi} = \sum \hat{\pi}(i)$.
- Step 2: For $i = 1, 2, ..., n$, estimate the variance for each, $Var\{\hat{\lambda}(i)\}$ and $Var\{\hat{\pi}(i)\}$. For each single location, it is assumed that observed data (e.g., annual crash counts over a long time frame) are Poisson distributed and $\hat{\lambda}(i)$ can be approximated by the observed value in the before period. On the other hand, the calculation of $Var\{\hat{\pi}(i)\}$ will depend on the statistical methods adopted for the study (e.g., observed data in naïve studies, method of moments, regression models, or EB technique). Assuming that crash data in the before and after periods are mutually independent, then $Var\{\hat{\lambda}\} = \sum Var\{\hat{\lambda}(i)\}$ and $Var\{\hat{\pi}\} = \sum Var\{\hat{\pi}(i)\}$.
- Step 3: Estimate the parameters δ and θ, where $\hat{\delta} = \hat{\pi} - \hat{\lambda}$ (again, referring to estimated values) is defined as the reduction (or increase) in the number of target crashes between the predicted and estimated values, and $\hat{\theta} = \hat{\lambda} / \hat{\pi}$ is the ratio between these two values. When θ is less than one, the treatment results in an improvement in traffic safety, and when it is larger than one, the treatment has a negative effect on traffic safety. The term θ has also been referred to in the literature as the index of effectiveness (Persaud et al., 2001). Hauer (1997) suggests that when less than 500 crashes are used in the before-after study, θ should be corrected to remove the bias caused by the small sample size using

the following adjustment factor: $1/[1+Var\{\hat{\pi}\}/\hat{\pi}^2]$. The total number of crashes was over 500, but the adjustment factor had to be applied when subsets of the data, such as single- or multi-vehicle crashes, were analyzed.

- Step 4: Estimate the variances $Var\{\hat{\delta}\}$ and $Var\{\hat{\theta}\}$. These two variances are calculated using the following equations (note: $Var\{\hat{\theta}\}$ is also adjusted for the small sample size):
  - $Var\{\hat{\delta}\} = Var\{\hat{\lambda}\} + Var\{\hat{\pi}\}$ (Eq. 1)
  - $Var\{\hat{\theta}\} = \frac{\hat{\theta}^2[(Var\{\hat{\lambda}\}/\hat{\lambda}^2)+(Var\{\hat{\pi}\}/\hat{\pi}^2)]}{[1+(Var\{\hat{\pi}\}/\hat{\pi}^2)]^2}$ (Eq. 2)

The four-step process provides a simple way for conducting before-after studies. Three common before-after methods will be introduced in the following sections. All three methods use the same four-step process.

COMMON METHODS FOR CONDUCTING A BEFORE-AFTER STUDY

Having selected the before-after study approach, the research team then needed to decide which specific before-after method would be the most appropriate for analyzing the safety impacts of on-premise digital signs. This section of the report describes the methodologies and data needs associated with three before-after study types: naïve before-after studies, before-after studies with a CG, and the EB method.

Naïve Method

Among all the before-after methods, the naïve method is the simplest. The estimation of θ is simply equal to the ratio between the number of crashes in the after period and the number of crashes in the before period (which is used to predict the number of crashes in the after period if the treatment was not implemented). Equation 3 illustrates how the index of safety effectiveness is calculated. This method is very straightforward, but it is seldom used in the current safety study because it does not account for the RTM bias. Not including the RTM bias could overestimate the effects of the treatment or underestimate the safety impacts. The naïve method does not account for external factors that occur at the local or regional level, such as changes in weather patterns or economic conditions.

$$\hat{\theta}_{naive} = \frac{\hat{\lambda}}{\hat{\pi}} = \frac{\sum_{i=1}^{n}\sum_{j=1}^{t} N_{ij2}^{T}}{\sum_{i=1}^{n}\sum_{j=1}^{t} N_{ij1}^{T}} \quad \text{(Eq. 3)}$$

Where

$\hat{\theta}_{naive}$ = the estimate of safety effectiveness by using the naïve method,
$\hat{\pi}$ = the predicted number of crashes for the treatment group in the after period,
$\hat{\lambda}$ = the estimated number of crashes for the treatment group in the after period,
n = the sample size,
t = the time period,

N_{ij1}^{T} = the observed response for site i (T = treatment group) and year j (in the before period), and

N_{ij2}^{T} = the observed response for site i (T = treatment group) and year j (in the after period).

The result can be adjusted when the traffic flow and time interval are different between the before and after periods. It is adjusted by modifying the predicted number of crashes as shown in Equation 4:

$$\pi = r_d r_f \sum_{i=1}^{n} \sum_{j=1}^{t} N_{ij1}^{T} \quad \text{(Eq. 4)}$$

Where

r_d = the ratio of the duration between the after and before periods, and

r_f = the ratio of the traffic flow between the after and before periods.

Control Group Method

The CG method can be used to help control for external factors. The number of crashes collected at the control sites is defined as μ (before) and ν (after). The adjusting factor, the ratio of ν to μ, is used to remove the effects caused by other external factors from π in the theorem. Equation 5 illustrates how to adjust the naïve estimate. It should be pointed out that the RTM could technically be removed if the characteristics of the control group are exactly the same as those of the treatment group. However, getting control group data with the exact same characteristics may not be possible in practice, as discussed in Kuo and Lord (2012). Collecting control group data usually adds extra cost and time compared to the naïve method since more data needs to be collected.

$$\hat{\theta}_{CG} = \frac{\hat{\lambda}}{\hat{\pi} \times \frac{\hat{\nu}}{\hat{\mu}}} = \frac{\sum_{i=1}^{n} \sum_{j=1}^{t} N_{ij2}^{T}}{\sum_{i=1}^{n} \sum_{j=1}^{t} N_{ij1}^{T} \times \sum_{i=1}^{n} \sum_{j=1}^{t} \frac{N_{ij2}^{C}}{N_{ij1}^{C}}} \quad \text{(Eq. 5)}$$

Where

$\hat{\theta}_{CG}$ = the estimate of safety effectiveness by using the control group method,

$\hat{\lambda}$ = the estimated number of crashes for the treatment group in the after period,

$\hat{\pi}$ = the predicted number of crashes for the treatment group in the after period,

$\hat{\nu}$ = the estimated number of crashes for the control group in the after period,

$\hat{\mu}$ = the estimated number of crashes for the control group in the before period,

N_{ij1}^{T}, N_{ij1}^{C} = the observed responses for site i (T = treatment group and C = control group) and year j (in the before period), and

N_{ij2}^{T}, N_{ij2}^{C} = the observed responses for site i (T = treatment group and C = control group) and year j (in the after period).

Empirical Bayes Method

The EB method is recommended in the *Highway Safety Manual* (HSM), published by the American Association of State Highway and Transportation Officials (AASHTO) and approved for use by the FHWA (AASHTO, 2010). The HSM is a recent document that defines standardized procedures for conducting safety analyses of highway safety improvements. The EB method combines short-term observed crash numbers with crash prediction model data in order to get a more accurate estimation of long-term crash mean. The EB method is used to refine the predicted value by combining information from the site under investigation and the information from sites that have the same characteristics, such as range of traffic flow, number of lanes, lane width, etc.

As an illustration, Hauer et al. (2002) use a fictional "Mr. Smith" to illustrate use of the EB method: Mr. Smith is a new driver in a city. He has no crash records during his first year of driving. Based on past crash histories for the city, a new driver in that city has 0.08 accidents per year. Based only on Mr. Smith's record, it is not reasonable to say that he will have zero accidents or have 0.08 accidents for the next year (based on the average of all new drivers but disregarding Smith's accident record). A reasonable estimate should be a mixture of these two values. Therefore, when estimating the safety of a specific road segment, the accident counts for this segment and the typical accident frequency of such roads are used together.

The index of safety effectiveness is illustrated in Equation 6. With the EB method, the analyst first estimates a regression model or safety performance function (SPF) using the data collected with the control group. Then, the model is applied to the sites where the treatment was implemented to get a preliminary predicted value for the after period. The EB method is then used to refine the estimate to account for the RTM bias and the external factors. It is possible for the EB method to be biased if the characteristics of the treatment and control groups are not the same (Lord and Kuo, 2012).

$$\hat{\theta}_{EB} = \frac{\hat{\lambda}}{\hat{\pi}} = \frac{\sum_{i=1}^{n}\sum_{j=1}^{t} N_{ij2}^{T}}{\sum_{i=1}^{n}\sum_{j=1}^{t} M_{ij1}^{T}} \qquad \text{(Eq. 6)}$$

Where

$\hat{\theta}_{EB}$ = the estimate of safety effectiveness based on the EB method;

$\hat{\pi}$ = the predicted number of crashes for the treatment group in the after period;

$\hat{\lambda}$ = the estimated number of crashes for the treatment group in the after period;

M_{ij1} = the expected responses for site i for the EB method,

$$\mathrm{M_{ij1}} = \mathrm{W} \times (\hat{\Lambda}_1) + (1 - \mathrm{W}) \times (\sum_{\mathrm{j=1}}^{\mathrm{t}} N_{\mathrm{ij1}});$$

W = the weight for sites for the EB method, $W = \frac{1}{1 + \hat{\Lambda}_1 \times \hat{\alpha}}$;

$\hat{\Lambda}_1$ = the estimate for the average number of crashes of all sites in the before period; and

$\hat{\alpha}$ = the estimate of the dispersion parameter.

$\hat{\Lambda}_1$ and $\hat{\alpha}$ can be estimated using two different approaches (Hauer, 1997). They can be estimated based on a regression model or the method of moment. Both are calculated using data collected as part of the control group. For this research, the average number of crashes and dispersion parameter were estimated using a regression model.

CALCULATION PROCEDURES AND EXAMPLES

The EB before-after method was applied to this study with the regression models or SPFs selected from the HSM (AASHTO, 2010), which includes road types from two to five lanes. As for sites located on wider roads (six lanes and eight lanes, which are not covered in the HSM), the researchers used the SPFs from a Texas A&M Transportation Institute (TTI) study (Bonneson and Pratt, 2009). The number of crashes in each year during the before period (Λ_i) was estimated using the regression model shown in Equation 7:

$$\Lambda_i = \exp(a + bLn(AADT_i) + Ln(L_i)) \quad \text{(Eq. 7)}$$

Where
Λ_i = the estimator for the average number of crashes per year for site i,
a, b = the coefficients in the regression model,
$AADT_i$ = the average daily traffic volume for site i,
L_i = the road length for site i, and
Ln = natural logarithm.

Table 3 shows the regression coefficients (a, b) used in Equation 7 for multi- and single-vehicle crashes.

One of the sign sites in Ohio provides an example of the detailed calculation of $M_{i,EB}$. This site is on an urban 4-lane divided highway segment in Allen County. As shown in Table 3, its intercept is -12.34 for multi-vehicle crashes and -5.05 for single-vehicle crashes, while the coefficients for the AADT are 1.36 and 0.47, respectively. For the analysis used in this report, a multi-vehicle crash is one involving two or more vehicles in the same collision.

Using the EB method, the analysis procedure to get the expected number of crashes in the before period has the following steps:

1. Identify the route number and milepost by the site's address. More specifically, the address of the example site is "1234 ABC St, Name of City, Allen County, OH." Follow the data analysis procedures discussed in Chapter 3 to identify that the route number is 657676309 and the milepost is 7.58.

Table 3. Coefficients for multi and single-vehicle crash regression model

Crash Type	Road Type*	Regression Coefficients		Dispersion Parameter (α)
		Intercept (a)	AADT (b)	
Multi-vehicle	2U	−15.22	1.68	0.84
	3T	−12.4	1.41	0.66
	4U	−11.63	1.33	1.01
	4D	−12.34	1.36	1.32
	5T	−9.7	1.17	0.81
Single-vehicle	2U	−5.47	0.56	0.81
	3T	−5.74	0.54	1.37
	4U	−7.99	0.81	0.91
	4D	−5.05	0.47	0.86
	5T	−4.82	0.54	0.52

Note: *U = undivided road, T = road with two-way left turn lane, D = divided road.

2. Based on the route number and milepost obtained above, use R statistical software to select the related crashes and road files from the HSIS dataset, which includes (1) the observed crashes near the target sign site, (2) the observed crashes in the control group sites (10 sites, which are adjusted to the target sign site on the same road), and (3) the target road file, such as traffic volume, the number of lanes, and median type. For example, the number of observed crashes at the example site is 1 in 2004, and the crash counts of the related 10 control group sites are 0, 0, 1, 1, 0, 0, 0, 0, 1, and 1. The AADT of the site is 19,753 (vehicles/day), and it has four lanes.
3. Use Equation 9 to predict the crash number of the example site:

$$\hat{\Lambda}_{2004} = \exp(a + b(Ln(AADT)) + Ln(L)$$

$$\hat{\Lambda}_{2004,\text{multi}} = \exp(-12.34 + 1.36 \times Ln(19753) + Ln(0.2)) = 0.61$$

$$\hat{\Lambda}_{2004,\text{single}} = \exp(-5.05 + 0.47 \times Ln(19753) + Ln(0.2)) = 0.13$$

$$\hat{\Lambda}_{2004} = \hat{\Lambda}_{2004,\text{multi}} + \hat{\Lambda}_{2004,\text{single}} = 0.74 \text{ (crashes/year)}$$

   The estimated crash counts of the site and its control group sites are 0.74 and 6.64, respectively (the estimated multi-and single crash counts of its control group are 5.36 and 1.28).
4. Due to using the SPFs from the HSM instead of the local SPFs from any existing studies conducted in the same study area, it is necessary to multiply the results by a calibration factor to adjust the prediction value (refer to Appendix A in the HSM for more details). The calibration factor of single-vehicle crashes at the example site in 2004 is 3.13, which is equal to the ratio of observed crashes in the control group divided by the predicted crash number in the control group (3.13 = (1×4+0×6)/1.28). By multiplying the above calibration factor, the final crash number estimation for the example site in 2004 should be 0.42 (=0.13×3.13). A calibration factor was calculated for each site and each year included in the study.

5. Repeat steps 3 and 4 to get the final prediction crash number for the example site for each year in the before period. By doing so, the estimated multi- and single-vehicle crash counts of the site in 2005 are 4.65 and 0.21, respectively. Using the summary of this prediction crash number and dispersion parameter (obtained from Table 3) results in the weights (W) for this site for the multi- and single-vehicle crashes, which are 0.07 and 0.65, respectively:

$$W = \frac{1}{1+\hat{\Lambda}_1 \times \hat{\alpha}}$$

$$W_{multi} = \frac{1}{1+(5.43+4.65)\times 1.32} = \frac{1}{1+10.08\times 1.32} = 0.07,$$

$$W_{single} = \frac{1}{1+(0.42+0.21)\times 0.86} = \frac{1}{1+0.63\times 0.86} = 0.65$$

6. Because traffic volume and other explanatory variables may change between the before and after periods, the researchers used one factor to account for this difference. The crash counts of the example site in 2007 and 2008 can be estimated by repeating steps 3 and 4. The estimated multi- and single-vehicle crash counts of the site in the after period are 0.84 and 0.67, respectively. Factors are estimated by:

$$r = \hat{\Lambda}_{after} / \hat{\Lambda}_{before}$$

$$r_{i,multi} = (12.76/3)/(10.08/2) = 0.84$$

$$r_{i,single} = (0.63/3)/(0.63/2) = 0.67$$

Also, if the time periods (Y) of the before and after periods are different, one factor is needed to adjusted it. Here, the before and after period are both two years:

$$t_i = Y_{i,after} / Y_{i,before} = 3/2 = 1.5$$

7. Using the EB method, the expected total number of crashes that would occur during the after period had the on-premise digital sign not been installed was 2.63:

$$M_{i,EB} = \left[W \times (\hat{\Lambda}_1) + (1-W) \times (\sum_{j=1}^{t} N_{ij1}) \right] \times r_i \times t_i$$

$$M_{i,multi,EB} = [0.07\times 10.08 + (1-0.07)\times 0] \times 0.84 \times 1.5 = 1.14$$

$$M_{i,single,EB} = [0.65\times 0.63 + (1-0.65)\times 3] \times 0.67 \times 1.5 = 1.49$$

$$M_{i,all,EB} = 1.14 + 1.49 = 2.63$$

8. The variance of the EB estimate at the example site is calculated by:

$$Var(M_{1,EB}) = (1-W) \times M_{1,EB} \times r_i \times t_i$$

$$Var(M_{1,multi,EB}) = (1-0.07)\times 1.14 \times 0.84 \times 1.5 = 1.31$$

$$Var(M_{1,single,EB}) = (1-0.65)\times 1.49 \times 0.67 \times 1.5 = 0.54$$

$$Var(M_{1,all,EB}) = 1.31 + 0.54 = 1.85$$

9. The safety index of the example site is:

$$\hat{\theta}_{EB} = \frac{\hat{\lambda}}{\hat{\pi}} = \frac{\sum_{i=1}^{n}\sum_{j=1}^{t} N_{ij2}^{T}}{\sum_{i=1}^{n}\sum_{j=1}^{t} M_{ij1}^{T}} = \frac{9}{2.63} = 3.43$$

10. The 95 percent confidence interval of the example site is given as.

$$\hat{\theta} \pm Z_{0.25}\sqrt{Var\left(M_{1,EB}\right)} = \left[3.43 \pm 1.96 \times \sqrt{1.85}\right] = \left[0.76, 6.10\right]$$

The same method was applied to other locations using the appropriate SPFs. The next chapter provides the final results of the completed safety analysis.

CHAPTER 5:
RESULTS

The previous chapter explained why the research team chose to use the EB analysis procedure and provided an example of how the EB analysis was conducted. The first section of this chapter provides the results of the before-after study for each state and all the states combined. The second section provides more details about how digital on-premise signs impact traffic safety for multi-vehicle and single-vehicle crashes. The third section provides a description of an analysis of variance of the means of the safety index (θ) among the different sign characteristics such as sign color, sign size, and type of business.

INDIVIDUAL AND COMBINED RESULTS

As described in Chapter 3, the research team acquired the sign dataset from sign manufacturers. However, many signs were excluded from the analysis because of missing information in the dataset provided by the sign manufacturers or limitations in the HSIS crash dataset. The researchers retained only sign sites satisfying the following conditions:

1. the sign was located in Washington, North Carolina, Ohio, or California;
2. the sign was installed in 2006 or 2007 in order to have adequate time in both the before and after analysis periods to compare crash histories; and
3. the sign was located on a major road because the HSIS crash dataset usually does not include crashes that are located on minor roads or private driveways.

Table 4 shows the progression in sample sizes based on sites meeting the conditions identified above. For example, the original dataset for Washington included 413 site addresses that might have an on-premise digital sign. In order to make sure there was an adequate before-after crash data period for further analysis, the researchers had to filter these site addresses. The first filter excluded sites where the sign was not installed in 2006 or 2007, which was needed so that there was adequate time before and after the sign was installed to perform the safety analysis. About 40 percent of the Washington sites (159 sites) met this criterion. Then, the research team used the Street View function in Google Maps to double-check whether a digital sign was present at the given addresses and whether the sign was on a major road since the HSIS crash dataset only included crashes on major roads. Only 33 sites fit this criterion. The result was that in Washington, the research team was able to use about 33 of the 400 original sites, giving an 8.0 percent yield on the raw data.

Chapter 3 mentions that the main advantage of this study is the large sample size of data and advanced statistical methods that provide more accurate results than in similar studies. Figure 4 shows the sample size of this study in relation to other published papers and reports. This study has 135 sites from four states, a number much higher than the sample size of other similar studies. Hence, the results of this study are more robust and accurate.

Table 4. Sign site sample size yield

Number of Sites	California	North Carolina	Ohio	Washington	All States
Included in original list from sign manufacturers	86	249	372	413	1,120
Sign installation time between 2006–2007	27	94	178	159	458
Digital signs & located on major roads	6	40	73	34	153
With HSIS crash data (all crashes)	6	33	63	33	135
Data yield rate	7.0%	13.3%	16.9%	8.0%	12.1%
With HSIS crash data (multiple-vehicle crashes)	6	31	61	33	131
With HSIS crash data (single-vehicle crashes)	6	32	63	33	134

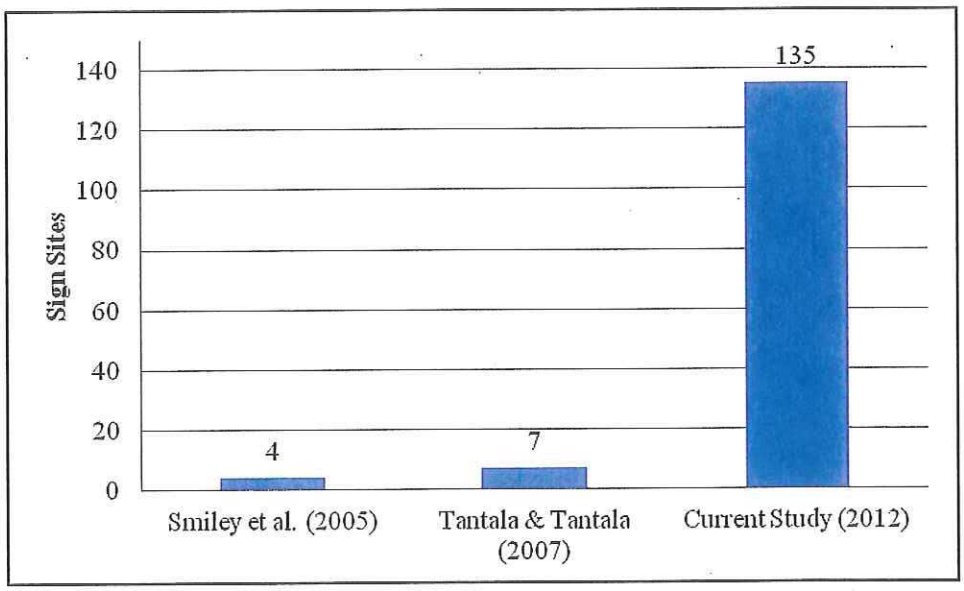

Figure 4. A comparison of sample sizes from similar studies

Table 5 presents the before-after results from the EB and the naïve statistical analysis methods. The naïve method results are provided only for comparison purposes as the naïve analysis method does not provide as meaningful results as the EB method. The results are also presented graphically in Figure 5. A safety effectiveness index (θ) of 1.0 indicates that there was no change in crashes between the before and after conditions. An index greater than 1.00 indicates that there was an increase in crash frequency in the after condition, while a value less than 1.00 indicates a decrease in crash frequency. The upper and lower bounds indicate the limits of statistical significance. If the value for θ is between the upper and lower bounds, then the change in crashes is not statistically significant at a 95 percent confidence level. A larger sample size usually leads to a smaller difference between the upper and lower bounds, but this may not always be the case since it is also governed by the variability observed in the data.

Table 5. Results of statistical analysis of before-after crash condition

State	EB Method			Naïve Method		
	Lower Bound	θ	Upper Bound	Lower Bound	θ	Upper Bound
California	0.00	1.25	2.53	0.28	0.85	1.41
North Carolina	0.87	1.14	1.41	0.88	1.13	1.39
Ohio	0.89	0.97	1.05	0.95	1.05	1.15
Washington	0.88	1.01	1.15	0.79	0.90	1.01
All states*	0.93	1.00	1.07	0.93	1.00	1.07

Notes: *"All states" represents the combined data of the four states.
Naïve method values provided for comparison purposes only.

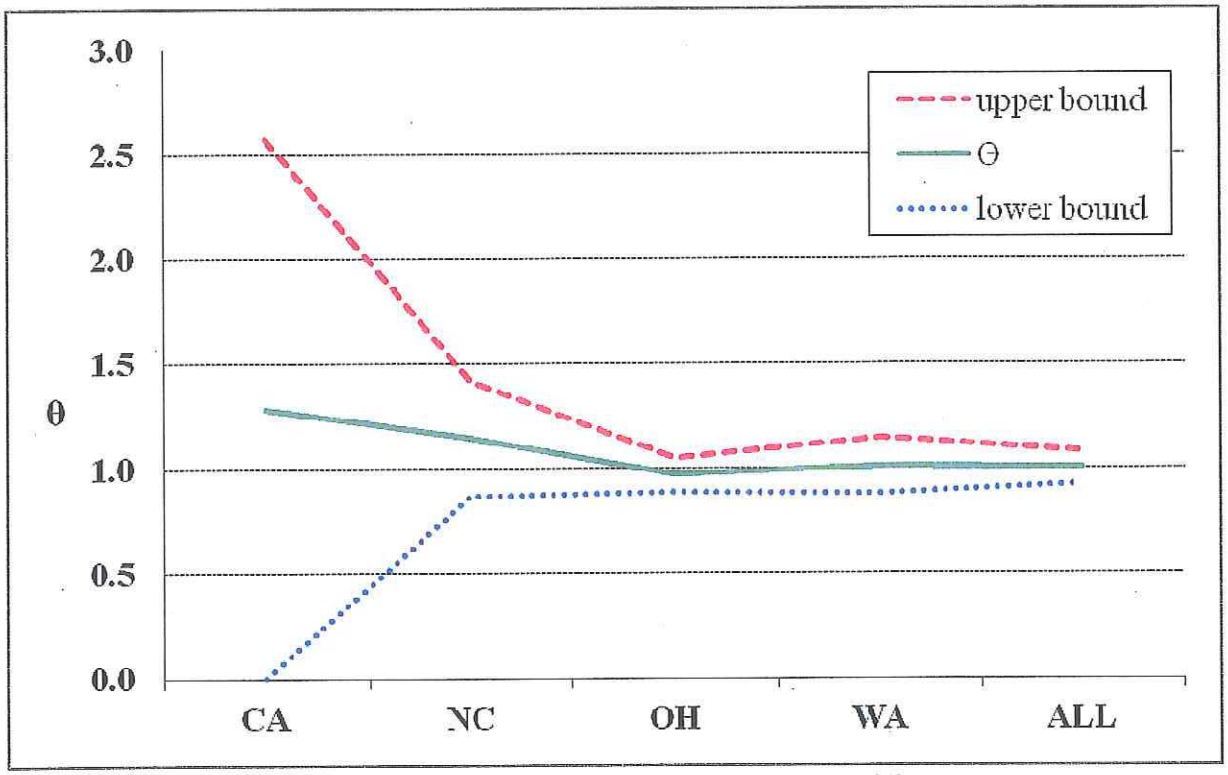

Figure 5. The safety effectiveness index and the 95 percent confidence interval for each state (all crash types)

The overall results show that there is no statistically significant increase in crash frequency after installing the on-premise digital sign because the safety effectiveness index (θ) for the entire dataset (all states) is 1.00, and the 95 percent confidence interval is 0.93–1.07 (which includes the index value of 1.00). The results for individual states are similar: no statistically significant safety impacts were observed after the installation of digital signs. In addition, one can see the width of the 95 percent confidence interval is largest for the California data. This is due to the variability of the California data and the small size of the sample set (only 6 sites). Comparing the width of the confidence intervals, from the widest to narrowest, the order is California > North Carolina > Washington > Ohio > All States.

RESULTS FOR CRASHES RELATED TO MULTIPLE AND SINGLE VEHICLES

The next analysis effort evaluated the possible safety impacts of on-premise digital signs on different types of crashes. There are several common methods to group crashes into different categories, such as the number of related vehicles, the injury levels, the collision types, and so on. Such groupings may provide some insight into the safety impacts of specific crash types, but the estimated impacts might not be precise because of a smaller sample size.

The additional analysis separated crashes into two subgroups: single- and multi-vehicle crashes. All calculations and notations were the same as used previously. By using the EB method to analyze crash data related to multiple vehicles, the researchers determined that the safety effectiveness index is equal to 1.00 for all states, and the 95 percent confidence interval varies between 0.96 and 1.21. Because the confidence interval of the safety effectiveness includes 1.00, there is no statistically significant change in crash frequency after installing the on-premise digital sign. Figure 6 graphically illustrates the results for multi-vehicle crashes. The 95 percent confidence intervals are slightly larger in this figure than in Figure 5.

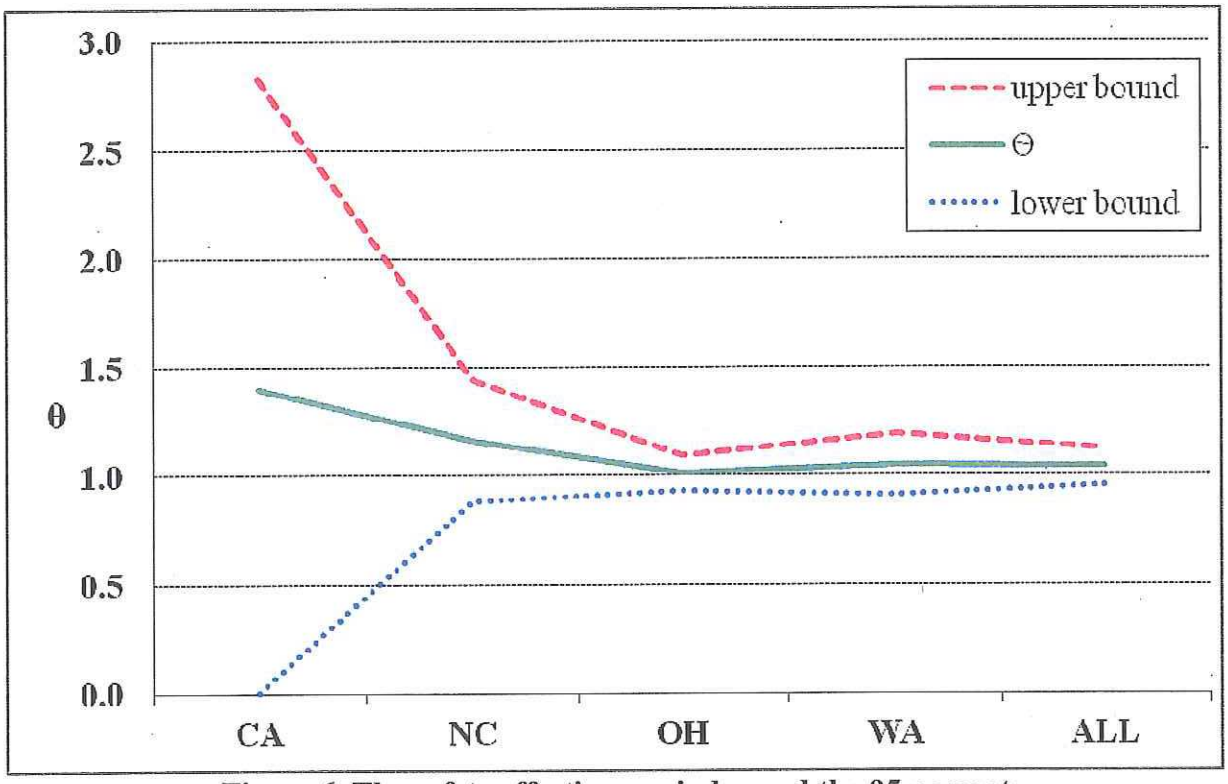

Figure 6. The safety effectiveness index and the 95 percent confidence interval for each state (multi-vehicle crashes)

The results for single-vehicle crashes are presented in Figure 7. The overall results are the similar: there are no statistically significant safety impacts from digital signs, except for California. The California results for single-vehicle crashes indicate a statistically significant decrease in crash frequency in the after period. Although the before-after results of California show a decrease in the after period, it does not affect the overall result because the low sample

size (6 sites) makes it more difficult to establish statistical significance in the analysis results. It is also worth noting that the North Carolina data has the largest confidence interval, due to the variability in the North Carolina single-vehicle crash data.

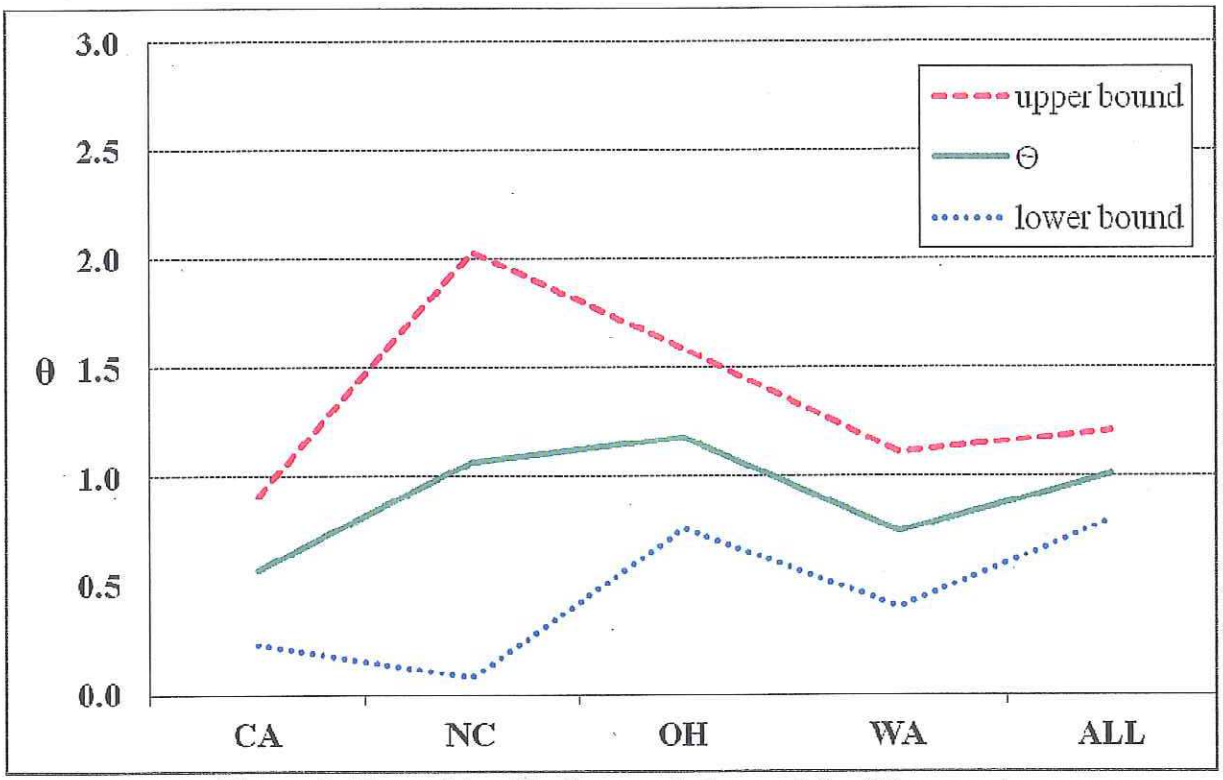

Figure 7. The safety effectiveness index and the 95 percent confidence interval for each state (single-vehicle crashes)

RESULTS FOR CRASHES RELATED TO DIFFERENT TYPES OF SIGNS

The research team also conducted an analysis to investigate the impacts of specific on-premise digital sign characteristics on the safety impacts of those signs. Specific sign characteristics that the research team evaluated included color (single or multi-color), size (small, medium, or large), and type of business. The research team used the analysis of variance (ANOVA) analysis method to evaluate whether the means of the safety index (θ) among the different characteristics of signs are equal.

An ANOVA is one of the most common statistical methods used to compare two or more means in the analysis of experimental data. In short, ANOVA provides a statistical test of whether or not the means of multiple groups are all equal, while a t-test is suitable only for the two-group case because doing multiple two-sample t-tests would increase the risk of a Type I error (for datasets containing more than 30 observations). In addition, when there are only two means to compare, the t-test and the ANOVA are equivalent. As a result, the research team chose the one-way ANOVA as the study tool to simplify the methodology, although some digital sign characteristics, such as sign color, have only two subgroups (i.e., single color and multi-color).

The theory of an ANOVA test is to separate the total variation in the data into a portion due to random error (sum of squares for error [SSE]) and portions due to the treatment (total sum of squares [SST]). Table 6 shows the typical form of a one-way ANOVA table. If the calculated F value (= treatment mean square [MST] / error mean square [MSE]) is significantly larger than F (k-1, N-k), the null hypothesis is rejected. F (k-1, N-k) is the critical value when the means of each group are equal. Most statistic software will also provide the corresponding p-value for researchers making their decisions in different confidence intervals.

Table 6. The typical form of a one-way ANOVA table

Source	SS	DF	MS	F	P(>F)
Treatments	SST	k-1	SST / (k-1)	MST/MSE	
Error	SSE	N-k	SSE / (N-k)		
Total (corrected)	SS	N-1			

Notes: *SS* = sum of squares, *DF* = degrees of freedom, *MS* = mean of sum of squares, *F* = F-distribution (because the test statistic is the ratio of two scaled sums of squares, each of which follows a scaled chi-squared distribution), *P(>F)* = the p-value when the F value (= MST/MSE) is larger than F (k-1, N-k), *k* = number of treatments, and *N* = total number of cases.

There are three data assumptions for applying the ANOVA method:

1. Independence: The study data are independently, identically, and normally distributed.
2. Normality: The distributions of the data or the residuals are normal. This assumption is true when the sample size is larger than 30.
3. Homogeneity of variability: Equality of variances — the variance of data between groups — should be the same.

If the above conditions do not exist, the ANOVA results may not be reliable. However, if the sample size of each group is similar, one can usually ignore independence and homogeneity problems. Or statisticians may transform data (such as into the logarithmic form) to satisfy these assumptions of the ANOVA.

Based on the existing sign dataset, the research team focused on three digital sign characteristics: color (single color or multi-color), sign dimension (small, medium, or large), and business type (restaurants, pharmacies and retail stores, hotels, gas stations, auto shops, or others). The definitions of sign dimension level are based on the balance principle (making the sample size of each group equal). Figure 8 shows the distribution of signs as a function of different dimensions, and the research team defined signs with an area less than 10 ft^2 as small signs. The medium sign size had an area of at least 10 ft^2 but no more than 15 ft^2, and the large sign size had an area greater than 15 ft^2. The sign size represents the area of the electronic display, not the overall size of the complete sign. It was estimated from the Street View image in Google Maps and may not be an accurate assessment of the sign dimensions.

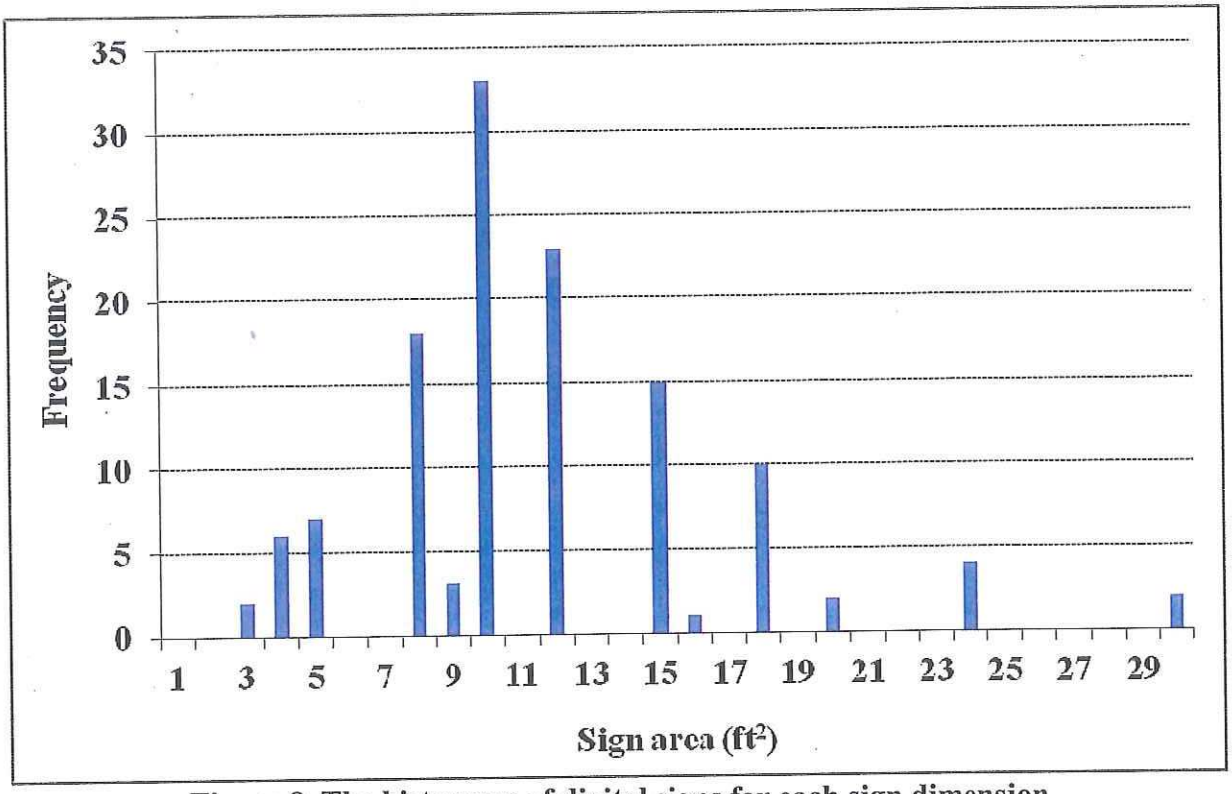

Figure 8. The histogram of digital signs for each sign dimension

Using the ANOVA method to analyze crash data related to specific design characteristics of the sign led to the conclusion that there is no statistically significant difference among the population means of the safety effectiveness index. The following descriptions provide more detail for each of the digital sign characteristics:

- **Color:** According to images obtained from the Street View feature of Google Maps, 89 signs are single-color signs, and 37 signs are multi-colored signs. Table 7 shows the ANOVA results. The test statistic (F value) is 2.07, and its p-value is 0.1527. Because the probability is larger than the critical value (0.05 for 95 percent confidence interval), the null hypothesis of equal population means cannot be rejected. In other words, the ANOVA table shows no significant difference between the mean of safety index (θ_{EB} = crash mean in the before period/crash mean in the after period) among signs having a single color or multiple colors.

Table 7. Analysis of variance table (color)

	Df	Sum Sq	Mean Sq	F value	Pr(>F)
Group	1	4.464	4.4640	2.0704	0.1527
Residuals	124	267.352	2.1561		

- **Sign dimensions:** In the final sign dataset, 36 signs have a sign area less than 10 ft^2, 56 signs have a sign area 10–15 ft^2, and 34 signs have a sign area greater than 15 ft^2. In Table 8, the F value is 0.7767, and its p-value is 0.4622. Because the probability is larger

than the critical value (0.05 for 95 percent confidence interval), the null hypothesis of equal population means cannot be rejected. Accordingly, researchers conclude that there is no (statistically) significant difference among the population means.

Table 8. Analysis of variance table (sign dimension)

	Df	Sum Sq	Mean Sq	F value	Pr(>F)
Group	2	3.39	1.6950	0.7767	0.4622
Residuals	123	268.43	2.1823		

- **Business type:** In the final sign dataset, 7 signs are for restaurants, 18 for pharmacies and retail stores, 3 for hotels, 3 for gas stations, 7 for auto shops, and 84 for other business types. Based on Table 9, the F value is 0.5401, and its p-value is 0.7455. As with the above types, the null hypothesis of equal population means cannot be rejected because the p-value is much larger than the critical value (0.05). The sample size of some business type groups is less than 30, so the research team combined all categories of business types with less than 20 samples into one large group, the "other" category. The resulting ANOVA analysis (Table 10) provides similar results: there is no significant difference among the population means.

Table 9. Analysis of variance table (six business types)

	Df	Sum Sq	Mean Sq	F value	Pr(>F)
Group	5	5.983	1.1966	0.5401	0.7455
Residuals	120	265.833	2.2153		

Table 10. Analysis of variance table (two business types)

	Df	Sum Sq	Mean Sq	F value	Pr(>F)
Group	1	0.728	0.7289	0.333	0.5649
Residuals	123	271.088	2.18619		

IMPACT OF SIGN HOLD TIME

As an additional effort for this research effort, the research team worked with members of the SFI advisory panel to identify the potential impact of hold time on the relationship between on-premise digital signs and traffic safety. One of the advantages of digital signs is the ability to change the displayed message. The minimum length of time that a message must be displayed is often an element of local sign codes because some believe that frequent changing of sign messages can increase driver distraction and lead to increased crashes. Because the researchers were working with a large number of individual sites and crash records for the after period that spanned two years, it was not possible within the available resources of this project to determine what message(s) were displayed at the time of a crash or the hold time used at a particular site at the time of a crash.

As a surrogate for including hold times as part of the individual site characteristics, the research team acquired information for the hold time regulations in the jurisdictions where the signs were

located. The 135 sign sites were located in 108 jurisdictions. A member of the SFI advisory panel contacted these jurisdictions and was able to identify hold time regulations for 66 of them. The hold time regulations of these 66 jurisdictions are summarized in Table 11. Input from the advisory panel indicated that when a jurisdiction has no statutory language regarding digital sign hold times, it most often means that sign users are able to program their sign to change messages as often as they see fit. In some cases, it could mean that the state standard for digital signs applies, which ranges from 6 to 8 seconds in the four states included in the analysis.

Table 11. Summary of sign hold times

Minimum Hold Time	Number of Jurisdictions
2–6 seconds	14
7–10 seconds	12
20 seconds	3
1–60 minutes	2
24 hours	2
Variance required*	4
No specific restriction	29
Total	66

* Hold times were established by variance on a case-by-case basis.

CHAPTER 6:
SUMMARY AND CONCLUSIONS

While there have been significant amounts of research devoted to the safety impacts of geometric design features and other aspects of the publicly owned transportation infrastructure, the same cannot be said about research on the safety impacts of privately owned signs that are directed to users of public roads. This research effort focused on addressing the safety impacts of on-premise digital signs. Previous research by others has documented the safety effects of on- and off-premise digital signs and their potential influence on crash risk to some extent. However, the results of recent crash studies are not consistent, and most studies have some important weaknesses, such as neglecting biases related to the regression-to-the-mean effects, low statistical power, and analysis results based on erroneous assumptions. In addition, Molino et al. (2009) report that the results from these studies are not comparable because of their different study methods, statistical powers, and cares of execution, which affected the quality of the research.

The research effort described in this report examined the safety impacts of on-premise digital signs using a large sample size of data and advanced statistical methods that provide more accurate results than previous studies. With the help of sign data provided by sign-manufacturing companies and crash data obtained from the Federal Highway Administration Highway Safety Information System, the research team obtained extensive datasets for signs and crashes in four states. The research team began the safety analysis with 1,120 potential study sites, but only 135 sites were usable due to limitations related to the individual signs or the related crash data. Although the yield of usable data was only 11.3 percent, the final sample size of 135 sites was much higher than the sample size of other published papers and reports related to on- and off-premise signs, indicating the results of this research are more robust and accurate.

The research team used the empirical Bayes (EB) statistical analysis method, which is the method recommended in the *Highway Safety Manual*, to conduct the safety analysis described in this report. The *Highway Safety Manual* is a recently published document that is recognized within the transportation profession as the authoritative document for analyzing the safety impacts of various transportation improvements or treatments. The EB analysis procedure uses a before-after approach, with the before and after values modified to address local safety characteristics, regression to the mean, and other factors. The EB method reports the safety impacts through the use of a safety index indicator (represented by θ). A value greater than 1 indicates an increase in crashes, and a value less than 1 indicates a decrease in crashes from the before to the after period. However, for the results to be statistically significant, the θ value must be outside the limits of the 95 percentile confidence interval.

For the entire sample size of 135 sites, the results from the EB method show that there is no statistically significant change in crash frequency associated with installing on-premise digital signs because the safety effectiveness index (θ) is determined to be 1.00, and the 95 percent confidence interval is equal to 0.93 to 1.07 (which includes 1.00, indicating no statistically significant change). The research team also conducted the analysis for each of the four individual states and obtained the same results: there are no statistically significant safety impacts from

installing on-premise digital signs. In addition, the researchers analyzed the safety impacts related to both single- and multi-vehicle crashes. The results for these analyses were also the same: there is no statistically significant increase in crashes associated with the installation of on-premise digital signs. Chapter 5 includes plots that illustrate the safety index values and confidence intervals for all of these results. As a final analysis, the research team performed an ANOVA to evaluate whether the means of the safety index (θ) varied as a function of sign factors (color, size, and type of business). The color analysis evaluated whether there was a difference in the means of the safety index for single- and multi-colored signs, and the results did not find a difference. The size analysis divided the signs in the study into three categories (<10 ft^2, 10–15 ft^2, and >15 ft^2), and the results did not find a difference. Signs were also categorized by the type of business (restaurants, pharmacies and retail stores, hotels, gas stations, auto shops, and others). Once again, there were no differences in the means. Overall, the ANOVA analysis did not identify any factor that led to an increase or decrease in traffic safety for the subcategories evaluated in the ANOVA.

Based on the analysis performed for this research effort, the authors are able to conclude that there is no statistically significant evidence that the installation of on-premise signs at the locations evaluated in this research led to an increase in crashes.

CHAPTER 7:
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APPENDIX A:
STEP-BY-STEP INSTRUCTIONS FOR STUDENTS TO RECORD SIGN DATA

1. Open one SFI sign dataset (e.g., "Washington_2006-2007.xls"). This dataset includes about 150 signs located in the state of Washington during 2006–2007.
2. Input the address information (such as Primary Street Address, City, ZIP Code, County Name, and State) of each sign in Google Maps and use the Street View function to identify the target signs. Please see this link, http://maps.google.com/help/maps/starthere/index.html#streetview&utm_campaign=en&utm_medium=et&utm_source=en-et-na-us-gns-svn&utm_term=gallery, for a demo about how to use the Street View. If you did not find any on-premise digital signs near this site, please make a note in Table 12. Check the characteristics of each sign (including colors, dimensions, and business types) and fill out Table 12. Then, use the "Print Screen" button to copy each sign's picture, and paste it in this document (such as Figure 9). The different business types are classified as (1) Restaurant, (2) Pharmacy and Retail Store, (3) Hotel, (4) Gas Station, (5) Auto Shop, and (6) Other.

Table 12. Example work table of site data collection procedure

Sign ID	Address	Installation Date	Google Maps				Google Earth				Note
			Picture	Color (Single/ Multi.)	Dimension (Estimated)	Business Type	County ID	Route #	Distance	Mile-post	
79016	19330 N US HIGHWAY 101 Shelton 98584 Mason County, WA	2006/9/15	Fig 2	S	3 ft × 6 ft	6	Mason (23)	101	19.3	335.72	

3. Then, use Google Earth to determine the county and route number, and to measure the distance between the closet county boundaries and sign location along the route (recorded in the distance column). The corresponding ID for county and route number is based on the HSIS data manual (file name: guidebook_WA[1].pdf). Then, estimate the milepost value of the sign by the distance and the milepost of the route in the boundaries (based on the HSIS road file, such as wa04road.xls). Take Figure 10; for example, the end mile point of Highway 101 in the county boundary is 355.18, and the distance between the sign and the county boundary is 19.3; so, the milepost of our sign is 335.72. Generally, the milepost value increases from south to north and from west to east. However, the best way to check it is to compare the value of the milepost of adjusted counties. For example, the milepost of US 101 in Mason County is 313.96~355.18, and the milepost of US 101 in Thurston County (located south of Mason) is 355.18~365.56. So, it is known that the mileposts increase from north to south in Mason County. The above variables will be used in the R software to select target crashes from HSIS crash datasets.
4. Write down any questions or comments in the note column. Feel free to ask us if you have any questions.

Figure 9. Example screenshot of Google Maps

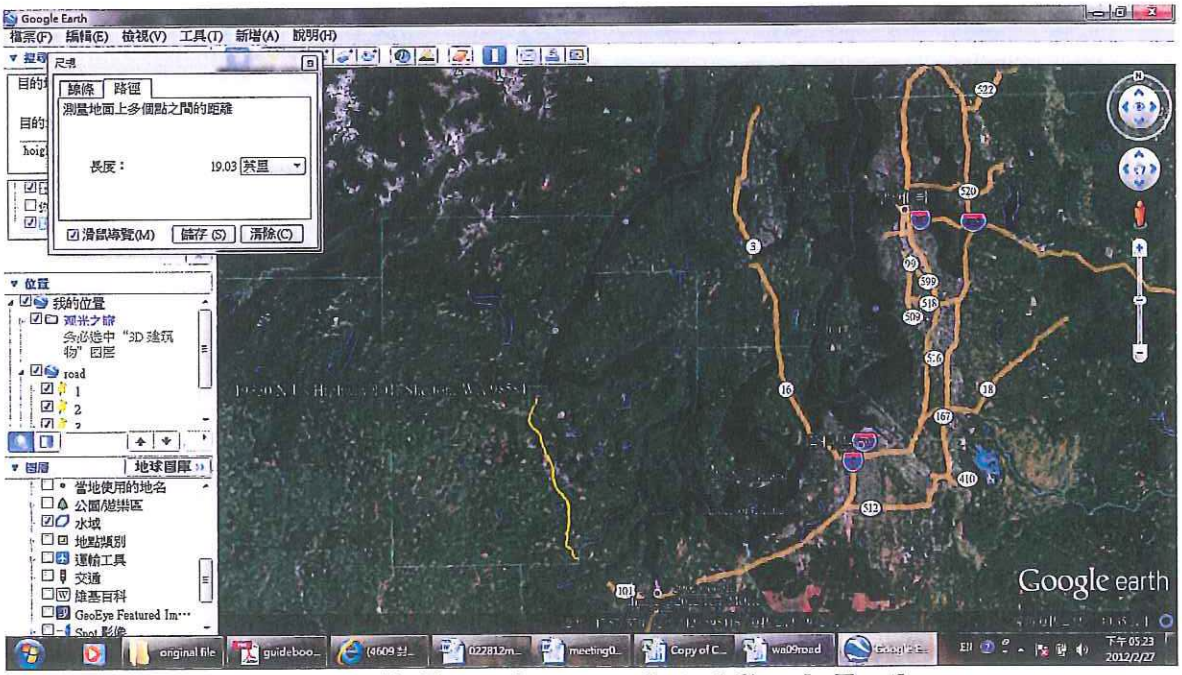


Figure 10. Example screenshot of Google Earth

APPENDIX B:
STATISTICAL SYMBOLS

The following statistical symbols are used throughout this report.

θ = the safety effectiveness, $0 < \theta \leq 1$ (can be theoretically higher, but not in this study).
n = the sample size.
α = the dispersion parameter (of the negative binomial model).
t = the time period.
$\hat{\theta}_{CS}$ = the estimate of safety effectiveness by using the CS method.
$\hat{\theta}_{naive}$ = the estimate of safety effectiveness by using the naïve method.
$\hat{\theta}_{CG}$ = the estimate of safety effectiveness by using the control group method.
$\hat{\theta}_{EB}$ = the estimate of safety effectiveness by using the EB method.
$\hat{\lambda}$ = the estimated number of crashes for the treatment group in the after period.
$\hat{\pi}$ = the estimated number of crashes for the treatment group in the before period.
$\hat{\nu}$ = the estimated number of crashes for the control group in the after period.
$\hat{\mu}$ = the estimated number of crashes for the control group in the before period.
N_{ij1}^{T}, N_{ij1}^{C} = the observed responses for site i (T = treatment group and C = control group) and year j (in the before period).
N_{ij2}^{T}, N_{ij2}^{C} = the observed responses for site i (T = treatment group and C = control group) and year j (in the after period).
M_{ij1} = the expected responses for site i for the EB method,

$$M_{ij1} = W \times (\hat{\Lambda}_1) + (1 - W) \times (\sum_{j=1}^{t} N_{ij1})$$

W = the weight for sites for the EB method, $W = \dfrac{1}{1 + \hat{\Lambda}_1 \times \hat{\alpha}}$.
$\hat{\Lambda}_1$ = the estimate for the average crash rate of all sites in the before period.
$\hat{\alpha}$ = the estimate of the dispersion parameter (from the negative binomial model).

WILDWOOD

ADDENDUM

to

Department of Planning's Information Report (first issued on August 17, 2015)

for the

City of Wildwood Planning and Zoning Commission

November 16, 2015 Executive Session (First issued on October 5, 2015)

"Planning Tomorrow Today"

Petition No.:	**P.Z. 14-15**
Petitioner:	**City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040**
Request:	A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.
Location:	Citywide
Hearing Date:	July 20, 2015
Presentation of Information Report:	August 17, 2015 – Postponed for Further Research

The Department of Planning has been considering the comments and questions the Planning and Zoning Commissioners offered, when this matter was presented to them during its presentation of the Information Report on August 17, 2015. The discussion of the Department's Information Report and associated recommendation was thorough, but did not conclude with a formal action, given the ramifications associated with this proposed change due to the very different nature of these types of signs, i.e. electronic message boards. The discussion at this meeting concluded with a postponement on any action to allow the Department more time to conduct additional research. The Department has been undertaking this additional research over the past month and is ready to respond to this matter.

The Department's responses to the Commission's comments and questions and findings of its additional research are as follows:

QUESTIONS >>>

Comments-Questions of Commissioners	Responses from Department
The methods the school currently uses to communicate information.	Many, from social media to the existing changeable copy monument sign located in the front of the school on Clayton Road. Additionally, parents groups and others promote special events as well. It was noted by a student, who attended a City Council meeting, the changeable copy sign is hard to manage and unsafe during inclement weather for whoever is responsible for its maintenance.

Comments-Questions of Commissioners	Responses from Department
The advertisement for this public hearing.	The Department followed the required procedures for a request of this nature, which included the following: posting in the newspaper (St. Louis Countian), posting at City Hall, placement on the City's website and social media forums, and direct contacts to interested parties.
The options on these types of signs.	Many types of signs exist for use, but none offer the ease to modify or update the message on the board as these types, while also offering graphics and colors. These signs, as noted in the Department's Information Report, are very popular at this time and will only become less expensive to purchase and install in the future, as the technology in them becomes less costly.
The variability of brightness during the day versus at night.	The technology of these signs can address this matter to a certain degree and can be required as a condition of revised regulations.
The high potential for negative comments from the public, if this is approved.	The community has, on many occasions, noted its appreciation of, and concern about, preserving the night sky in Wildwood, so comments against these signs, if allowed and installed, would be expected.
The ability to turn off the sign at night.	The ability to manage the sign appears to exist with the current technology and can be required as a condition of revised regulations.
The potential for it to distract drivers and other safety concerns.	The industry identifies these signs as "traffic neutral," but the Department is aware of issues, where these signs, if too bright, can create light trespass and nuisance glare and be a public safety nuisance.
The potential for setting a precedent and the possible proliferation of these types of signs.	Both of these concerns are appropriate, but the Department would recommended, as noted in its Information Report, their allowance be limited to residential districts and institutions legally allowed there.
The proposed location for the sign at Lafayette High School.	The current freestanding monument sign is located on the school's Clayton Road frontage, but it, and any new sign, could remain there or be located to the State Route 109 area as well. Additionally, with the recent changes made to the Sign Regulations, this use could have two (2) signs, one (1) of them situated on each frontage onto an arterial roadway.
The money for the sign at the high school, which was raised by it and not part of a bond issue.	The money for the purchase of the sign was collected through fund raising efforts of the students, faculty, and staff. This matter is not in the purview of the Commission.
The desire to have the high school use the money raised for the sign to go to the hiring of a new teacher, instead of this installation.	The money for the purchase of the sign was collected through fund raising efforts of the students, faculty, and staff. This matter is not in the purview of the Commission.
The ability to differentiate the approval of signage on institutional properties versus commercial users.	The City Attorney has been asked about this matter and believes it to be allowable and legal and the City, in many regards, already makes this differentiation with certain other signs, i.e. institutional uses located outside of Town Center.
The desire for research on these types of signs and other cities' ordinances.	The Department had conducted research in this regard, prior to its preparation of its Information Report on this matter. Additional research is noted in the next section.
The desire to understand other potential locations, where these signs might be requested.	The Department noted in its Information Report that approximately twenty-six (26) other locations exist in the City that would be eligible for these types of signs, under its recommendation. These locations are institutional uses located in the residential zoning district designations of Wildwood, but would be primarily situated in the NU Non-Urban Residence District.

Comments-Questions of Commissioners	Responses from Department
The determination for treating commercial uses differently than institutional uses.	See above.
The place within the Zoning Code, where this requirement would exist.	Chapter 415.410 Sign Regulations for the "FP," "NU," and all "R" Districts.
The contradiction to New Urbanism of electronic message boards;	The concepts of New Urbanism promote different approaches to the use of signage than traditional models of development in suburban and rural environments. The intent is to let the streetscapes, architecture of the buildings, and other coordinated features define the location, not signs that blot out each other due to size, shape, location, and lighting.
The addition of a restriction on any proposed sign to have its intensity based upon ambient light.	This restriction can be required as a condition of the revised regulations.
The review of the proposed modification by the City's Lighting Consultant.	The Department would support this review at all levels.
The size requirements that would be placed on the sign portion and the monument portion of these signs.	The sign size is determined on the area defined as follows, but not the support structure, per se: *"the outline area of a monument sign shall include the area within a continuous perimeter of a plane enclosing the limits of writing, representation, logo or any figure or similar character together with the outer extremities of any frame or other material or color forming an integral part of the display which is used as a background for the sign. The area of a monument sign of individually cut out writing, representation, logo or any figure or similar character which is not enclosed by framing and which projects from a sign support or main body of a sign is the sum of the areas of all of the triangles or parallelograms necessary to enclose each writing, representation, logo or any figure or similar character, including the space between individual letters comprising a word, but not including the space between individual words."*
The list of other locations, besides Lafayette High School, which have requested these types of signs, including the Wildwood Family YMCA, Wildwood Christian Church, LaSalle Springs Middle School, and St. Alban Roe Church and School.	This item is addressed in the associated question, i.e. Wildwood Family YMCA, Wildwood Christian Church, LaSalle Springs Middle School, and St. Alban Roe Church and School.
The concern these signs are a distraction to drivers; and the concern that, with off-site locations paying to advertise on these signs, but this consideration being prohibited by other locations within the Code.	See above and, if used to advertise another location or activity, other than those types located on the property, where the sign is erected, it would be an advertising type and another set of requirements exist for such in the City's Zoning Ordinance.
The necessary restriction on moving graphics and specifics on the proposed regulations.	This restriction can be required as a condition of the revised regulations.

ADDITIONAL RESEARCH >>>

The Department had provided a sampling of Sign Regulations from surrounding communities in regards to their respective treatments of these types of signs. These communities, which included Chesterfield, Ballwin, and Ellisville, were referenced, given their proximity to Wildwood and the impact they have on residents of this community due to the network of roadways that provides access into and through them as well. More recently, the Department reviewed a few other communities having similar characteristics as Wildwood, with the findings provided below:

CASTLE ROCK, COLORADO - 19.04.054 - Electronic message signs.
In addition to any other applicable requirement or restriction imposed by this Title, the common sign plan or a sign program approved as part of a planned development, electronic message signs shall be subject to the following conditions:

A. New electronic message signs, or any electronic message sign that requires a structural permit, must be compatible with the site design and building architecture.
B. Commercial messages displayed on the electronic message signs shall not direct attention to a business, product or service or entertainment conducted, sold or offered off the premises that is not also conducted, sold or offered on the premises on which the electronic message sign is located. Noncommercial community event messaging shall be permitted on any electronic message sign.
C. Message screens or contents appearing on the electronic message sign shall remain on the screen and not change for a minimum of ten seconds. The electronic message sign shall contain static messages only, changed only through dissolve or fade transitions, but which may otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The change of messages using a dissolve or fade transition shall not exceed three-tenths seconds of time between each message displayed on the sign.
D. Electronic message signs shall not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between one-half hour before sunset and one-half hour after sunrise.
E. Electronic message signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewings. The intensity of the light source shall not produce disability glare as defined by the illumination code (Section 17.69.040 of this Code), the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety and welfare.

GERMANTOWN, TENNESSEE - Prohibited signs.
The following types of signs are prohibited under this chapter:

(7) Changing signs (automatic or flashing), including all changing exterior signs and any changing interior signs that are visible from outside the building within which the signs are located;

Changing sign (automatic) means a sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Flashing sign means any sign, which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classified as flashing signs.

SHAWNEE MISSION, KANSAS - 5.64.045 Prohibited Signs and Devices:
The following are prohibited signs and devices:

E. Flashing signs or lights, which intermittently go on or off or appear to go on or off including electronic message center signs. This restriction shall also apply to signs, devices or lights located within buildings if readily visible from outside the building;

WELLINGTON, FLORIDA –
Electronic Message Board Signs. An electronic message board sign shall be permitted for any of the following uses: public and private elementary, secondary and post-secondary schools, including colleges and universities; places of worship; public or private hospitals; public or private not-for-profit artistic and cultural agencies; and public facilities operated by a federal, state, county or municipal government or agency. Electronic message board signs shall comply with the standards listed below.

1. Maximum Size. The maximum size of sign shall not exceed eight (8) feet in height and ten (10) feet in length. The sign shall not exceed thirty-two (32) square feet in sign area.
2. Illumination. External illumination is prohibited. Internal illumination is permitted. Use of neon lighting is prohibited, and illumination shall not include colored lighting, unless otherwise provided herein. Illumination shall consist of light emitting diodes or similar technology in a white or neutral color suitable for and commonly used with this type of sign.
3. Size of Lettering, Numbering and Graphics. The letters and numbers shall not exceed thirty-six (36) inches in height. Graphics may exceed the maximum permitted size of letters and numbers.
4. Message Content. Commercial messages are prohibited. The sign content of an electronic message sign must relate to providing information for events and activities associated with the principal use or information of a public or community nature.
5. Number and Location.
    a. Number permitted. One (1) electronic message board sign is permitted per principal use. The sign must be located along the principal street frontage of the project.
    b. Minimum set back. Signs shall maintain a minimum setback of at least ten (10) feet from all property lines.
    c. Off-premise sign standards. Off-premise signs may be permitted, subject to the standards listed below.
        i. The sign is approved by the Architectural Review Board.
        ii. The sign is located within a public right-of-way in an easement approved by the Village Council or the sign is approved by the property owner for a location within a private road right-of-way or easement.
        iii. The sign is included within an approved Master Sign Plan for a residential or nonresidential development, including size, location, appearance, colors and materials.
        iv. The sign is located on an arterial or collector road.
6. Nonconforming Signs. If an electronic message board sign exists as of August 1, 2009, the sign shall be considered a legal nonconforming structure. Repair or replacement of such sign shall be subject to the provisions of Article 1, Chapter 8, regarding nonconforming structures.
7. Landscaping. All signs shall be landscaped immediately around the base of the sign. The area of landscaping shall be not less than twice the area of the sign face and shall consist of materials that do not affect the visibility of the sign face.

As indicated in reviewing these four (4) cities, two (2) of them do not allow these types of signs, like Wildwood at this time, while two (2) others have created regulations for them within their respective communities. It appears to the Department that no distinctive pattern exists in this regard, whether a community allows them or not, given it depends on the individual circumstances associated with each of them. However, those communities that do allow electronic message boards, regulate them extensively, which is the approach the Department would recommend in this regard.

The Department has attached its updated Information Report to this Addendum in this regard for discussion at tonight's meeting. If any of the Commission Members should have questions or comments in this regard, before

tonight's meeting, please contact the Department of Planning in this regard at (636) 458-0440. Thank you for your consideration of this information.

WILDWOOD

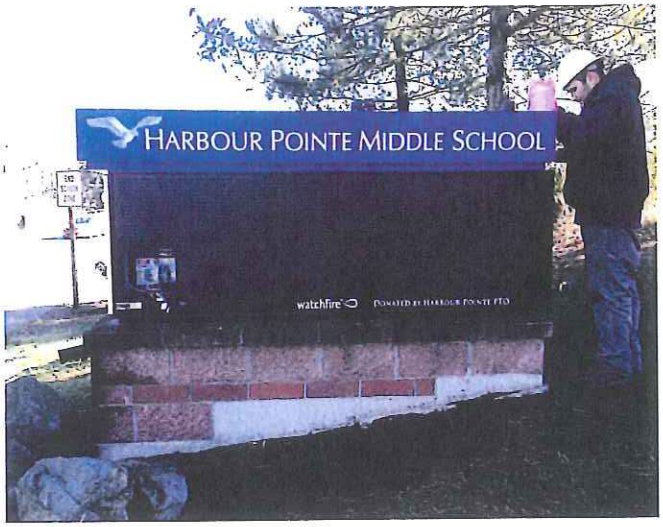
INFORMATION REPORT

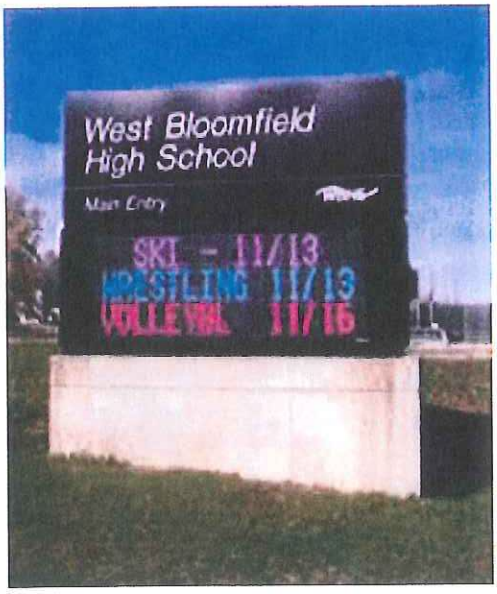
Prepared by
Department of Planning
for the
Planning and Zoning Commission
City of Wildwood, Missouri
Re-Issued – October 5, 2015 Executive Meeting
3rd Issuance – November 16, 2015 Executive Session
"Planning Tomorrow Today"

Petition No.:	**P.Z. 14-15**
Petitioner:	**City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040**
Request:	A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.
Wards:	All
Public Hearing Date:	July 20, 2015
1st Presentation of Information Report:	August 17, 2015
Date and Vote on Information Report:	November 16, 2015 - TBD
Report:	Attachment A
Background Information:	Attachment B

< Background >

The Department of Planning has been contacted by a number of different parties over the last few years about electronic message boards and their application in Wildwood. These parties have primarily been groups affiliated with schools, churches, and businesses located in the City. Signs of this nature, which display a programmable message on their faces, are very popular and located in many of the surrounding municipalities. Specifically, a few examples of these signs are provided below for the Commission's review.





Such signs are currently prohibited in the City of Wildwood. The prohibition on this type of sign is due to the impact the flashing and changeable copy of the reader board can have on the surrounding area, where they might be installed. In Wildwood, with its dark sky environment, particularly in areas west of State Route 109, signs of this nature can have profound effects. Additionally, for one (1) type of sign user, businesses in the Town Center Area, its specific sign regulations are designed to achieve more than providing advertising information to an individual or individuals in an automobile, but rather with a more pedestrian approach, which also complements the architecture of the buildings and streetscape, where they are placed. Therefore, electronic message boards are not in keeping with the design standards and architectural guidelines of the City's Town Center Plan.

One (1) potential user of this type of sign is Lafayette High School, which currently has a changeable copy type of monument sign along its Clayton Road frontage, which includes the sign frame and an internally illuminated sign face that allows individual letters to be placed on it to convey school-related information. According to district officials, Lafayette High School is the only facility of its four (4) high schools that does not have an electronic message board for its primary signage. The school raised money for this type of electronic message board. Those plans for this sign are attached to this report. As mentioned earlier, however, other institutional uses and businesses have inquired about these signs as well, so certainly, the high school would not be the only application the City would receive in this regard.

In considering these types of signs, the Department would note that much of the current literature regarding them focuses on five (5) areas of regulations, if they are allowed in a community. These five (5) areas include the following:

1. Brightness
2. Message Hold Time (how long a single message is visible)
3. Transition Method (a.k.a. the "Frame Effect" - how the message changes to the next)
4. Transition Duration (how long that change takes to complete)
5. Area or Square Footage of Sign – % of allowable square feet

Each of these areas of regulations must be addressed, if requirements are developed for the purposes of these types of signs. It is important to note that much of the discussion that has occurred about these types of signs in the past has related to their brightness and impacts and what might be acceptable levels, in the context of sign size and distance for viewing it. The next three (3) areas of regulation relate to how fast or slow the messages are transitioned on the board and the manner how that is accomplished. The final area is size, which is already addressed in the City's current Sign Regulations, and cannot generally exceed fifty (50) square feet. Regardless of these five (5) areas, differing opinions exist on this type of sign's impact on traffic safety, with the industry noting they are "traffic neutral." Regardless, the impact of these signs would be substantial, given they are completely different than any other types currently allowed in the City of Wildwood.

< Current Request >

The Planning and Zoning Commission is being requested to consider amending the current Sign Regulations for all zoning districts to potentially add an allowance for electronic message boards in the City of Wildwood. This type of sign is currently prohibited in the City of Wildwood. Specifically, the request again is as follows: **P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not- for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. (Wards – All)

< Analysis >

The Department of Planning's consideration of this request believes there are several components associated with it. These components will be the determinants, if the City's Sign Regulations should be modified to accommodate electronic message boards of the nature described above. These components are as follows:

1. The impact on the character of the City by the introduction of these types of signs;
2. The potential number of applications, if these types of signs are authorized in the City;
3. The necessity of these types of signs; and
4. The regulations and requirements used for these types of signs, where allowed by other communities.

Each of these components must be studied and addressed, resulting in a determination for each, which can only be positive, if the Department is to recommend to the Planning and Zoning Commission a favorable action in this regard. Accordingly, this study of these components has determined the following outcomes.

>>> The Impact on the Character of the City by the Introduction of These Types of Signs >>>

The Department would first note that advancements in the technology supporting these types of electronic reader boards have been very quick over the last few years. Since 1995/1996, signs could display electronic messages, but not to the quality and quantity as today. Signs of this nature, when the City first incorporated, did not have the capabilities of today's technology to control the lighting, message, transitions, and fade. With these advancements, these message boards have become more commonplace, particularly along roadways where so many of them are located, given the competition that exists between users for the limited viewing time of a driver that passes them.

Given the improvements in sign technology, many of these former characteristics that once were inappropriate can now be controlled, but not completely eliminated. Therefore, regardless of how the message board is conditioned through the City's Sign Regulations, some impact should be expected. Is that impact too great for the Wildwood community? In the Department's opinion, such is not the case. The Department does believe these types of signs could be allowed in Wildwood, but only under a set of specific conditions administered under the City's Conditional Use Permit (CUP) process. This process, as was the case in the discussions of outdoor game courts and roof-mounted solar panels, can assure the City that each application is reviewed based upon the site-specific characteristics associated with it and conditions added to ensure impacts are minimized to the immediate area, if granted.

As with any Conditional Use Permit (CUP) request, the responsibility to provide proof the criteria of this process can be met is that of the petitioner, not the City, so each of them must be positive or the permit cannot be granted ('the petitioner shall have the burden of establishing that the requested use satisfies these standards and further there is a public necessity for such use'). Those four (4) criteria are as follows:

(1.) The Planning Commission may permit those developments and uses only where such developments and uses are deemed consistent with good planning practice; (2.) can be operated in a manner that is not detrimental to the permitted developments and uses in the district; (3.) can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and (4.) are deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of Wildwood.

Additionally, the permitting process does require a public hearing, so all nearby property owners can have an opportunity to comment on the request and provide direct input into its outcome. If impacts are determined to be too great at the suggested location for the sign, the permit should not be granted and the area preserved from such.

Accordingly, the Department believes that, if such electronic reader boards are authorized in the City, the appropriate zoning district designations should be amended to consider them conditional uses, thereby elevating their discussion and review to the City's highest levels of review. The zoning districts that would be suitable for these types of signs would be the NU Non-Urban Residence District, R-1 One Acre Residence District, the R-1A 22,000 square foot Residence District, the R-2 15,000 square foot Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, and the R-6A 4,500

square foot Residence District, given almost all appropriate users are located in that category, such as schools, churches, recreation facilities, and other institutional type users. Along with this modification to the Sign Regulations, they would need to establish minimum requirements for such in terms of brightness, message hold time (how long a single message is visible), transition method (a.k.a. the "Frame Effect" - how the message changes to the next), transition duration (how long that change takes to complete), and area or square footage of the sign – % of allowable square feet. These minimum standards could be made more restrictive, as part of the permitting process associated with the Conditional Use Permit (CUP). Again, with the required steps associated with this permitting process, impacts would be considered first and foremost.

<<< The Potential Number of Applications, if These Types of are Authorized in the City >>>

As the Planning and Zoning Commission was discussing this issue, the members requested to understand the implications of this change relative to the potential number of applications that might be expected, if the City's Sign Regulations were amended to allow electronic reader boards of this nature. This question can only first be addressed by defining the zoning districts where the signage is allowed. In terms of the Department's recommendation of potentially allowing these types of signs via a Conditional Use Permit (CUP) in the NU Non-Urban Residence District and all "R" Residence Districts, none of the City's commercial zoning district designations would be authorized for such.

With the application involving only the residential zoning districts of the City, a total of twenty-six (26) total locations may be submitted at some point in the future. This total number of applications is reflective of all of the existing churches or schools in Wildwood, as shown on the attached map, along with the Wildwood Family YMCA and the Pond Athletic Association. This number is significant and certainly creates concerns for the Department. However, the Department believes it is appropriate to assume that not all of these potential locations will seek such, given the cost of these types of signs, the permitting process associated with them, and need.

>>>The Necessity of These Types of Signs>>>

Over the past few years, the City has modified its Sign Regulations on several occasions to address considerations relating to comments or concerns about their restrictiveness and the negative impact they have had on business development and visibility of sites for a range of users. These changes have included more signs, banners, and sponsorship advertisement for certain types of activities. Collectively, such an approach has expanded the number of regulations to the point that, now, some are criticizing the City for the complexity of the Sign Regulations it applies. These changes were based upon the comments indicating a necessity for such.

The necessity of these types of signs appears to be growing, given the ease of displaying the messages, the safety associated with placing the messages upon/within the signs, and the variability this media provides in terms of the number of messages that can be programmed for display in any given day of use. The placement of these signs in residential areas notwithstanding, where most schools and churches are located, does not appear to be an issue to the entity seeking the sign, but rather the desire to offer this new technology to interested parties that drive-by the roadway for advertisement and informational purposes[1]. From the Department's perspective, the necessity of these types of signs is not caused solely by need, since many other options exist, but convenience and flexibility. Therefore, the allowance for these

[1] Seems contrary to all new mediums for communication, like websites, Facebook, Instagram, Twitter, e-mail, etc.

types of signs in dark environments must be balanced against those two (2) characteristics – convenience and flexibility.

As technology advances in terms of hardware, applications, and costs, the support of these signs will not lessen among potential users. Additionally, as these advances have been introduced into sign applications, the controls to better address their impacts have also been added, which include the selection of background colors, lettering colors, intensity of lighting, amount of time the message is displayed, and the transition method and duration from one message to another. These controls allow any governing entity to address the character of the sign.

>>>The Regulation of Such Signs, when Allowed by Other Communities>>>

In this current instance, this type of sign is a major departure from any allowed to date along a roadway in the City of Wildwood. Monument type signs, both in commercially and residentially-zoned areas have been limited to exterior lighting or internal lighting, but with a dark background and light-colored lettering to limit their respective impacts. These signs, if not appropriately regulated, can have far-reaching impacts, which is why they are currently prohibited in Wildwood and some other communities, such as Ellisville. However, the Cities of Ballwin, Chesterfield, and Town and Country do reference these types of displays in their respective Sign Regulations. Therefore, not all communities believe them to be necessary, but some do. This situation certainly does not make the City of Wildwood the only exception to this allowance.

However, if the City of Wildwood were to allow these types of signs, the Department would recommend the following regulations be considered in this regard:

1. The allowance for these signs in the City of Wildwood would be limited to the NU Non-Urban Residence District and all "R" Residence Districts, but only if granted by a Conditional Use Permit (CUP) via the Planning and Zoning Commission and City Council.
2. The signs, notwithstanding their specific characteristics associated with the display boards, would have to comply with the City's underlying Sign Regulations for placement (setbacks) and other similar requirements.
3. The lighting of these signs, particularly their brightness, would minimally have to comply with the City's Outdoor Lighting Requirements of its Zoning Ordinance. Additionally, all sign applications for these types of electronic message boards would have to be reviewed by the City's Lighting Consultant.
4. The owner of the sign would have to provide landscaping at the base of the monument, which would be consistent with the City's Landscape Manual and Sustainable Plantings Guide.
5. The sign would be required to have a primary background color that is dark, with lighting lettering used. Graphics would have to comply as well.
6. The message hold time and the transition method and duration would all have to be programmed to ensure the driver can reasonably see the information being displayed, but cannot be programmed in a manner that it is intermittent, flashing, or otherwise viewed as a nuisance to the driving public by any of its aspects, including brightness.
7. The display of messages would not be authorized after 10:30 p.m., to help preserve the night sky. The operation of these types of signs in the morning hours would not be authorized until 6:30 a.m.
8. The sign must be placed/incorporated into a monument (base) type design, with all materials used for this purposes matching the primary building located on the same lot as the sign.
9. The sign would have to be located on the lot, where the primary use is situated.
10. The signs must be maintained regularly and in good operating condition always.

11. The number of these signs would be regulated by the City's current requirements for monument signs in conjunction with institutional and other uses.
12. The size of these signs would be regulated by the City's current requirements for monument signs in conjunction with institutional uses – 50 square feet.

The Department is believes this list of conditions would address many of the concerns associated with these signs, while ensuring the City and its residents have ample notification and opportunity to comment and understand their applications in their neighborhoods. As with all regulations, the application of them with the initial installation of the sign is critical, but also, thereafter, when time passes and others not associated with the first approval follow and make changes inconsistent with these conditions. Accordingly, these situations become enforcement actions, which generally create issues for all parties. Given this knowledge, the Department believes it is necessary to ensure the on-going use of these signs, if allowed in the City, remain compliant.

< Summary and Recommendation >

In this report, the Department has identified these types of signs will have impacts on the areas where they are allowed, given their nature, but these can be minimized, but not eliminated, by utilizing the City's Conditional Use Permit (CUP) process to oversee their applications. The Department has noted the extent of potential applications in the City, along with suggesting the necessity of this type of sign is not premised on the impacts of the City, but the benefits to the user, while all parties discount current electronic means of communication and other sign options. Other communities allow and prohibit these types of signs as well. However, if allowed by the City, the Department has developed a list of requirements that should be included to any changes to the Sign Regulations of the Zoning Ordinance to address them to the greatest extent possible for the benefit to tall parties. Accordingly, the Department is recommending the information presented herein be discussed by the Commission, staff, and interested parties, before any formal action on amending the City's Sign Regulations be formalized.

ATTACHMENT B
Background Materials

WILDWOOD

CITY OF WILDWOOD
JANUARY 11, 2016 RECORD OF PROCEEDINGS

CITY OF WILDWOOD
MEETING OF CITY COUNCIL
WILDWOOD CITY HALL
16860 MAIN STREET
WILDWOOD, MO 63040

The meeting was called to order at 7:30 P.M.

A roll call was taken, with the following results:

Present at Roll Call:	Mayor Tim Woerther Council Member Greg Stine Council Member Jeff Levitt Council Member Debra McCutchen Council Member Dave Bertolino Council Member Sue Cullinane Council Member Jim Baugus Council Member Larry McGowen Council Member Glen DeHart Council Member Larry Goodson Council Member Joe Garritano Council Member Marc Cox Council Member Katie Dodwell Council Member Ed Marshall Council Member Ray Manton
Absent:	Council Member Jim Bowlin Council Member David Sewell
A quorum was present	
Also present:	Mr. Ryan Thomas, City Administrator Mr. Rob Golterman, City Attorney Mr. Joe Vujnich, Director of Planning and Parks Mr. Rick Brown, Director of Public Works Ms. Liz Weiss, City Clerk

PLEDGE OF ALLEGIANCE

Mayor Woerther led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes of the December 14, 2015 City Council meeting were submitted for approval. A motion was made by Council Member Marshall, seconded by Council Member Manton, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

MAYOR APPOINTMENTS/ANNOUNCEMENTS

Mayor Woerther acknowledged and thanked the St. Louis County Police Department – Wildwood Precinct, City Staff, and first responders for their hard work and response to the historic flooding, that took place at the end of December.

PUBLIC PARTICIPATION

Jeff Bone, 323 Harbour Pointe Drive, provided photographs and described an on-going issue he has had with an adjacent property owner's installation of an expanded driveway. He stated the City should enact stricter regulations with regards to the installation of flatwork.

Victoria Allen, 651 Idle Rock Farm, stated her concern with the EPA (Environmental Protection Agency's) response to the City's inquires and the de-listing of contaminated properties. She added it was her belief that a Human Health Risk Assessment should be completed by Dr. DeFur.

Barbara Sprenger, 84 Strecker Road, stated her concern with the EPA (Environmental Protection Agency's) response to the City's inquires in its letter and the de-listing of contaminated properties. She added it was her belief that a Human Health Risk Assessment should be completed by Dr. DeFur.

Mary Morton, 211 Strecker Farms Court, stated her concern with the EPA (Environmental Protection Agency's) response to the City's inquires in its letter and the de-listing of contaminated properties. She added it was her belief that a Human Health Risk Assessment should be completed by Dr. DeFur.

Christine Walker, 16616 Green Pines Drive, stated her concern with increased traffic on her street and believes that if Birch Forest Drive was extended into the proposed Bright Leaf development, if could alleviate traffic. She also implored the City Council to listen to all residents.

Christy Pitney, 16919 Hickory Crest Drive, stated her concern with the roadway extensions noted in Bill #2145 and was under the impression the City was going to meet with residents before considering legislation. She requested the City Council vote no on Bill #2145 and considers the roadway connections to the proposed Bright Leaf development separately.

Joyce Fermanek, 2405 Evergreen Forest Court, stated her concerns with Bill #2145, the proposed Bright Leaf Development, and noted the importance of the City's Master Plan, green space, and accountability to the citizens.

Bill Houston, 16583 Birch Forest Drive, stated his concerns with Bill #2145, the proposed Bright Leaf Development, and the connection of it to Birch Forest Drive.

Linda Roth, 16928 Kingstowne Place Drive, stated her opposition to the extension of the Pond Grover Loop Road, in association with the proposed Bright Leaf development.

Valentin Militchin, 15931 Sandlewood Creek Drivem stated his concern with traffic associated with the proposed Bright Leaf development.

Betsy Ragelis, 15960 Sandalwood Creek Drive, stated her concerns with Bill #2145 and the proposed Bright Leaf Development and asked the City Council to vote against it.

Susan Treiber, 15912 Sandalwood Creek Drive, stated her concerns with Bill #2145 and the proposed Bright Leaf Development, and asked the City Council to vote against it.

Gary Schroeder, 16642 Evergreen Forest Drive, stated his concerns with Bill #2145 and the proposed Bright Leaf Development, and asked the City Council to vote against it.

Betsy Vanderheyden, 16560 Birch Forest Drive, stated her concerns with Bill #2145 and the proposed Bright Leaf Development, and stated the importance of trails as connectors between developments.

Scott Johnson, 2404 Winter Forest Court, stated his concerns with Bill #2145 and the proposed Bright Leaf Development, and stated the importance of trails as connectors between developments.

Pam Cassell, 16586 Birch Forest Drive, stated her concerns with Bill #2145 and the proposed Bright Leaf Development, and asked the City Council to vote against it.

Roger Pierson, 16587 Birch Forest Drive, stated his concerns with Bill #2145 and the proposed Bright Leaf Development, and stated the importance of trails as connectors between developments.

Joseph A. King, 16912 Kingstowne Place Drive, stated his concerns with Bill #2145 and the proposed Bright Leaf Development.

Tammy Shea, 18132 Sunny Top Court, stated her concern with the EPA (Environmental Protection Agency's) response to the City's inquires in its letter dated and the de-listing of contaminated properties. She added it was her belief the City should have a Human Health Risk Assessment completed by Dr. DeFur.

PUBLIC HEARING(S)

A public hearing regarding the compensation provided for the elected positions of Mayor and City Council Member for the City of Wildwood. The current compensation for the Mayor is $5,000.00 per year, and the current compensation for a City Council Member is $100.00 per City Council Meeting attended. The compensation is set by ordinance, separately for each position, as determined by the City Council. No change in such compensation can become effective until the commencement of a new term of office, as provided for in the City Charter. (Wards – All)

Mayor Woerther opened the public hearing. City Clerk Weiss read the public hearing into the record.

City Administrator Thomas noted at the October 27, 2015 Administration/Public Works Committee Meeting, discussion was held regarding the compensation provided to the Mayor and City Council Members for the City of Wildwood. Per the Charter, the City Council shall determine the compensation of both the Mayor and City Council Members by Ordinance, but no increase in such compensation shall become effective for the Mayor or any City Council Member until the commencement of a new term of office. He added the Administration/Public Works

Committee recommended the following increases in compensation (approved by a 4-2 vote): Mayor from $5,000/Year to $10,000/Year; and City Council Member from $100/City Council Meeting to $200/City Council Meeting. He concluded, this recommendation was supported by a majority of the City Council and tonight's public hearing is to allow consideration of it, followed by consideration of the necessary legislation to amend the compensation provided for the Mayor and City Council Members.

Discussion was held among City Council Members regarding the following: concern with individuals serving as an elected official just for compensation; and the belief the recommended increase in compensation is consistent with other local municipalities.

A motion was made by Council Member Levitt, seconded by Council Member Stine, to authorize the preparation of the necessary legislation regarding the increased compensation of the Mayor and City Council Members, as recommended by the Administration/Public Works Committee.

A roll call vote was taken with the following results:
Ayes – Stine, Levitt, McCutchen, McGowen, DeHart, Goodson, Garritano, Dodwell, and Marshall
Nays – Bertolino, Cullinane, Baugus, Cox, and Manton
Absent – Bowlin and Sewell
Whereupon Mayor Woerther declared the motion approved.

There being nothing further, Mayor Woerther closed the public hearing.

P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. (Wards – All)

Mayor Woerther opened the public hearing. City Clerk Weiss read the public hearing into the record.

Director of Planning Vujnich stated the Planning and Zoning Commission has completed its review relating to the request to amend sections of the City's Sign Regulations and to consider the addition of new language to allow electronic message boards for certain institution, not-for-profit, and commercial organizations. He added, as part of the Commission's review, information relating to how these types of signs are treated by other cities was considered. He concluded by noting, the vote to approve the Letter of Recommendation failed for a lack of majority.

Discussion was held among the City Council Members regarding the following: the objections to this type of signage identified by the Planning and Zoning Commission; reluctance to consider these sign requests as a Conditional Use Permit (CUP) request; the suggestion to refer this item to the Planning/Economic Development/Parks Committee for further review; the belief electronic message boards are distracting and not aesthetically pleasing; and the number of many potential organizations could request this type of signage.

Tammy Shea, 18132 Sunny Top Court, stated the significance that this request failed at the Planning and Zoning Commission and that it is her belief the aesthetics of electronic message boards don't fit the character of the City of Wildwood.

A motion was made by Council Member Cox, seconded by Council Member Dodwell, to refer this request to the Planning/Economic Development/Parks Committee of the City Council to consider it further.

A roll call vote was taken with the following results:
Ayes – Levitt, Bertolino, Cullinane, Baugus, McGowen, DeHart, Garritano, Cox, Dodwell, and Marshall
Nays – Stine, McCutchen, Goodson, and Manton
Absent – Bowlin and Sewell
Whereupon Mayor Woerther declared the motion approved.

(TO BE POSTPONED)

A response to a communication from Jenny Mitchell, Director of Property Management for the Desco Group, which is dated October 20, 2015, regarding St. Louis County's P.C. 219-85 Alfred L. Hicks and J.L. Mason of Missouri, Inc.; Amended MXD Mixed-Use Development District; south side of Manchester Road, east of Old Fairway Drive (Street Address: 16506 Manchester Road/Locator Number: 23U120480); seeking modifications to an existing site-specific ordinance that governs the Schnucks Wildwood Crossing Center to allow for a third freestanding monument sign along the property's Manchester Road frontage. (Ward – Seven)

A motion was made by Council Member Levitt, seconded by Council Member Stine, to postpone the public hearing. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

UNFINISHED BUSINESS

AMENDED

BILL # 2141 **AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF WILDWOOD, MISSOURI, FOR THEIR APPROVAL AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON THE 5TH DAY OF APRIL, 2016, A PROPOSITION TO AUTHORIZE THE CITY TO CONTINUE APPLYING AND COLLECTING THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER. *Recommended by the Administration/Public Works Committee* (Second Reading) (Wards – All)**

A motion was made by Council Member Levitt, seconded by Council Member Cullinane, for the second reading of Amended Bill #2141. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Amended Bill #2141 was read for the second time by title only.

A roll call vote was taken for passage and approval of Amended Bill #2141, with the following results:
Ayes – Stine, Levitt, McCutchen, Bertolino, Cullinane, Baugus, McGowen, DeHart, Goodson, Garritano, Cox, Dodwell, Marshall and Manton
Nays – None
Absent – Bowlin and Sewell
Whereupon Mayor Woerther declared Amended Bill #2141 approved, passed and it became ORDINANCE #2141.

BILL #2144 **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO RENEW A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH COCHRAN ENGINEERING, INC. FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES WITHIN THE CITY OF WILDWOOD. *Recommended by the Administration/Public Works Committee* (Second Reading) (Wards – All)**

A motion was made by Council Member Marshall, seconded by Council Member Dodwell, for the second reading of Bill #2144. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2144 was read for the second time by title only.

A roll call vote was taken for passage and approval of Bill #2144, with the following results:
Ayes – Stine, McCutchen, Bertolino, Cullinane, Baugus, McGowen, DeHart, Goodson, Garritano, Cox, Dodwell, Marshall and Manton
Nays – None
Absent – Levitt, Bowlin, and Sewell
Whereupon Mayor Woerther declared Bill #2144 approved, passed and it became ORDINANCE #2144.

NEW BUSINESS

BILL #2145 **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT AUTHORIZES THE CHANGE IN THE ZONING OF NINE (9) PROPERTIES THAT TOTAL 78.7 ACRES OF AREA FROM THE NU NON-URBAN RESIDENCE DISTRICT, THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT, THE R-4 7,500 SQUARE FOOT RESIDENCE DISTRICT, AND THE R-6 AND R-6A 4,500 SQUARE FOOT RESIDENCE DISTRICT, WITH A PLANNED ENVIRONMENT UNIT (PEU) AND A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT (PRD), TO THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT (TOWN CENTER "NEIGHBORHOOD GENERAL DISTRICT" AND "NEIGHBORHOOD EDGE DISTRICT"), WITH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT (PRD), WHICH ARE ALL LOCATED ON THE NORTHWEST CORNER OF TAYLOR ROAD AND STATE ROUTE 100, WHICH WILL ALLOW THIS SITE'S USE FOR ONE HUNDRED NINETY-FOUR (194), SINGLE FAMILY DETACHED DWELLINGS ON INDIVIDUAL LOTS, WITH PUBLIC SPACE AND COMMON GROUND. *Recommended by the City Council* (First Reading) (Ward Five)**

A motion was made by Council Member Bertolino, seconded by Council Member Cullinane, for the first reading of Bill #2145. A voice vote was taken with an affirmative result and the motion was declared passed (Council Members Stine and McCutchen voted Nay). Bill #2145 was read for the first time by title only.

A motion was made by Council Member Marshall, seconded by Council Member McGowen, to extend the meeting past 10:00 p.m. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL #2146 **AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A REAL ESTATE CONTRACT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 4285 FOX CREEK ROAD WITHIN THE CITY OF WILDWOOD *Recommended by the Department of Public Works* (First Reading) (Ward Six)**

A motion was made by Council Member Goodson, seconded by Council Member Manton, for the first reading of Bill #2146. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2142 was read for the first time by title only.

BILL #2147 **AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY DEDICATION PLAT FOR FOX CREEK ROAD, TO BE OBTAINED FROM LAND AREA OWNED BY THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI, BEING PART OF ROCKWOODS RANGE, AND A PORTION OF PRIVATELY-HELD PROPERTY OWNED BY FOX CREEK TREE FARM LLC, ALL OF WHICH ARE LOCATED WITHIN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 3 EAST, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI, AND MORE SPECIFICALLY SITUATED ON THE EAST AND WEST SIDES OF FOX CREEK ROAD, SOUTH OF STATE ROUTE 100, INCLUSIVE OF ADDITIONAL AREA ON THE EAST SIDE OF FOX CREEK ROAD TO ACCOMMODATE A TEMPORARY CONSTRUCTION EASEMENT, FOR THE PURPOSE OF ROADWAY IMPROVEMENTS, INCLUDING A BRIDGE REPLACEMENT. *Recommended by the Department of Planning* (First Reading) (Ward Six)**

A motion was made by Council Member Dodwell, seconded by Council Member Goodson, for the first reading of Bill

#2147. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2147 was read for the first time by title only.

BILL #2148 **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH COCHRAN ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE DEVELOPMENT OF A SALT STORAGE FACILITY TO BE LOCATED ADJACENT TO THE INTERSECTION OF MANCHESTER ROAD AND ST. ALBANS ROAD WITHIN THE CITY OF WILDWOOD. *Recommended by the Administration/Public Works Committee* (First Reading) (Ward One)**

A motion was made by Council Member McGowen, seconded by Council Member DeHart, for the first reading of Bill #2148. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #2148 was read for the first time by title only.

RESOLUTION(S)

RESOLUTION #2016-01 A RESOLUTION AUTHORIZING A CONTRACT WITH CONTEMPORY PRODUCTIONS, L.L.C., FOR THE SCHEDULING OF A MUSIC PERFORMANCE THAT HAS A FEE IN EXCESS OF $5,000.00, AS PART OF THE 2016 WILDWOOD CONCERT SERIES (Wards – All).

A motion was made by Council Member Manton, for the reading of Resolution #2016-01, which motion was seconded by Council Member Garritano. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Resolution #2016-01 was read into the record. A voice vote was taken for the approval of Resolution #2016-01 with a unanimous affirmative result.

OTHER

United States Environmental Protection Agency (EPA) Written Response to Letter Sent by Mayor Woerther and Future Actions (Wards – All)

City Administrator Thomas noted the City received a letter from the United States Environmental Protection Agency (EPA), in response to the City's letter of August 25, 2015 regarding the Ellisville Superfund Site. He noted the EPA has provided much of the technical information that was requested but has offered very little in terms of future actions. He then stated, this item was placed on tonight's agenda to provide the City Council the opportunity to discuss what steps the City should now take following receipt of this letter and accompanying information. He concluded by listing the recommendations in the memorandum prepared for discussion.

A motion was made by Council Member Stine, seconded by Council Member Levitt, to complete the items as recommended in the memorandum provided by City Administrator Thomas, with the addition of also engaging the US Army Corp of Engineers. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Update Regarding Recent Flooding within the City of Wildwood (Wards – All)

City Administrator Thomas and Director of Public Works Brown provided an update on the recent flooding within the City of Wildwood.

RECEIVE & FILE

P.Z. 10-15 St. Charles Tower, c/o Kathryn Roderique, 4 West Drive, Suite 100, Chesterfield, Missouri, 63017 - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District for a 10.6 acre tract of land, of which two thousand (2,000) square feet of this total lot's area is to be utilized for a telecommunications tower facility and encumbered by a lease area established for this purpose. This tract of land is generally located northwest of the intersection of Babler Park Drive and Old Eatherton Road (Locator Number 21W310270/Street Addresses: 1400 Babler Park Drive – Lifepointe Church). Proposed Use - A one hundred twenty (120) foot telecommunications tower and related equipment shelter area. The tower is proposed to be a monopole type, with exterior antenna arrays. (Ward Three)

Director of Planning Vujnich stated after review and discussion, the Planning and Zoning Commission approved the Conditional Use Permit (CUP) for the telecommunications tower facility at Lifepointe Church.

A recommendation report of the Site Plan Subcommittee of the Planning and Zoning Commission regarding P.Z. 7-13 Butler Durrel Security, c/o Dennis Tacchi and Associates - Architects, 12 Rockwood Forest Glen, Wildwood, Missouri 63025 – A request for a change is zoning from the NU Non-Urban Residence District to the C-8 Planned Commercial District (Town Center "Workplace" District) for a one (1) acre tract of land located on the north side of Manchester Road, east of Woods Road (Locator Number 24V530551/Street Address: 16941 Manchester Road). Proposed Use: General and Professional Offices, with associated parking. (Ward Eight)

Director of Planning Vujnich stated the Site Plan Subcommittee of the Planning and Zoning Commission had completed its review of the aforementioned Site Development Plan and related items and believed they meet the site-specific ordinance's requirements in this regard.

OTHER

A motion was made by Council Member Garritano, seconded by Council Member Goodson, to authorize the preparation of the necessary legislation regarding **St. Louis County's P.C. 112-89 Cliff Rufkahr (Ezekiel and Sterns),** which had been withdrawn by the petitioner following the public hearing. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

A motion was made by Council Member Marshall, seconded by Council Member Cullinane, to adjourn the meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. There being no further business to come before the City Council; the meeting was adjourned at 10:41 p.m.

Approved this 25 day of January, 2016.

Timothy Woerther, Mayor

ATTEST:

City Clerk

COUNCIL WORK SESSION MINUTES
COUNCIL CHAMBERS

WILDWOOD CITY HALL
16860 Main Street
City of Wildwood, Missouri 63040

MONDAY, JANUARY 11, 2016
6:30 P.M.

Present	Absent
Stine	Bowlin
Levitt	Sewell
McCutchen	
Bertolino	
Cullinane	
Baugus	
McGowen	
DeHart	
Goodson	
Garritano	
Cox	
Dodwell	
Marshall	
Manton	

EXECUTIVE [CLOSED] SESSION with regard to legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys [RSMO 610.021(1) 1994]; lease, purchase or sale of real estate [RSMO 610.021 (2) 1994]; hiring, firing, disciplining or promoting employees by a public governmental body [RSMO 610.021 (3) 1994]; bidding specification [RSMO 610.021 (11) 1994]; sealed bids and related documents, until the bids are opened and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected [RSMO 610.021 (12) 1994]; and/or individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment [RSMO 610.021 (13) 1994]

A motion was made by Council Member Levitt, seconded by Council Member Bertolino, to go into Executive Session at 6:03 p.m. with regard to hiring, firing, disciplining or promoting employees by a public governmental body [RSMO 610.021 (3) 1994].

A roll call vote was taken with the following results:
Ayes - Stine, Levitt, McCutchen, Bertolino, Cullinane, Baugus, McGowen, DeHart, Goodson, Garritano, Cox, Dodwell, Marshall, and Manton

Nays – None
Absent – Bowlin and Sewell
Whereupon Mayor Woerther declared the motion passed.

A motion was made by Council Member Levitt, seconded by Council Member Manton, to go out of Executive Session at 7:00 p.m. with regard to hiring, firing, disciplining or promoting employees by a public governmental body [RSMO 610.021 (3) 1994].

A roll call vote was taken with the following results:
Ayes - Stine, Levitt, McCutchen, Bertolino, Cullinane, Baugus, McGowen, DeHart, Goodson, Garritano, Cox, Dodwell, Marshall, and Manton
Nays – None
Absent – Bowlin and Sewell
Whereupon Mayor Woerther declared the motion passed.

MAYOR'S COMMETNS/ANNOUNCEMTNS APPOINTMENTS

Formation of a Committee Regarding the Pond-Grover Loop Road Extension (Ward Five)

Mayor Woerther discussed the formation of the Committee to review whether to extend Pond-Grover Loop Road into the Villages at Bright Leaf Development and to Route 100, at Taylor Road. He noted he will be seeking three (3) residents from the surrounding subdivisions of Hickory Manor, Sandalwood Creek and Evergreen (one from each), three (3) Council Members and himself. He added that the goal is to have the Committee appointed at the January 25, 2016 City Council Meeting, so they can begin work immediately. He concluded that any Council Members interested in serving on the Committee should notify him directly, and any resident volunteers should complete the online form to serve on Boards and Commissions on the City's website.

Discussion was held among City Council Members regarding the following items: if residents outside the subdivisions mentioned will be considered to serve on the committee; the belief residents from Evergreen Forest Subdivision should be included as committee members; the belief conducting a traffic study at this time of year is premature; and conversely, the belief a traffic study will provide valuable information that will be useful to the committee.

CITY ADMINISTRATOR DISCUSSION ITEMS

Traffic Study Regarding the Pond-Grover Loop Road Extension and Surrounding Roadways (Ward Five)

Director of Public Works Brown noted the Department is recommending the City enter into a contract with Lochmueller Group to assess the traffic impact resulting from the proposed extension of Pond-Grover Loop Road. He added the Department also requested to have Lochmueller Group complete limited conceptual design of the project. He noted the conceptual design, which is included in the $25,000 cost, would provide a roadway plan, typical section, exhibits of the proposed improvement and an estimate of construction cost. He then stated the following rationales for the recommendation: the fee proposal submitted by Lochmueller Group is within the $25,000 budget established for the project; they have demonstrated a good understanding of the project through their Statement of Qualifications and has excellent experience completing traffic studies such as this; they have recently completed the traffic impact study for Main Street Crossing development project; they demonstrated recent and relevant traffic calming project experience locally; and Lochmueller Group has significant local traffic engineering staff capable of completing this traffic study to meet our short schedule. He concluded the Department is requesting approval of the City Council to prepare a Resolution which would allow the Mayor to execute an engineering contract with Lochmueller Group to complete the

traffic engineering study and concept design. If approved, the Resolution would be placed on the City Council agenda for approval on January 25, 2016.

Discussion was held among City Council Members regarding the following items: how long the traffic study would take to complete; and the belief that pedestrian traffic cannot be measured accurately during the winter months.

A motion was made by Council Member Dodwell, seconded by Council Member Baugus, to approve the recommendation made by the Department of Public Works to authorize the preparation of a resolution to engage Lochmueller Group to complete the traffic engineering study and concept design. A voice vote was taken with an affirmative result and the motion was declared passed (McCutchen voted Nay).

Public Finance Request Submitted by Payne Family Homes for Main Street Crossing (Wards – All)

Director of Planning Vujnich noted the City received a filing relating to the City's Development Finance Incentives Policy, which was first adopted by the City Council in 2006. He noted the applicant for this public financing request is Payne Family Homes, L.L.C. and specific to the Main Street Crossing Project that is located on State Route 109, south of State Route 100, and extends to the east to Eatherton Road. He added this project, as the City Council may recall, includes the extension of Main Street and work within the State Route 109 right-of-way area, which requires the installation of a roundabout. Director Vujnich then noted, the Development Finance Group, made up of the City Administrator, City Attorney, Director of Public Works, and the Director of Planning, will review the application, the application materials, request any additional information that is determined to be needed for full consideration of the request, and provide a recommendation to the City Council in this regard.

COMMITTEE ACTION ITEM(S)/RECOMMENDATION(S)

Update on Rural Internet Access Project (Wards All)

Director of Planning and Parks Vujnich noted a memorandum had been provided for the City Council's review and that he was available to answer any questions they may have regarding the Rural Internet Access Project.

Planning/Economic Development/Parks Committee

Phase II of the Community Park – Road Construction Bids and Request to Prepare Legislation (Ward One)

Director of Planning and Parks Vujnich noted that on Tuesday, December 8, 2015, a bid opening was held at City Hall for the Phase 2 portion of the overall Community Park project. Five (5) bids were received for general contracting and related services, with the low bid from Gershenson Construction. Director of Planning and Parks Vujnich stated this matter is being presented at tonight's Work Session due to an issue regarding timing. He noted the area that is planned for the extension of the park's internal roadway has been identified as habitat for the Brown Indiana Bat and any clearing in that area must be completed by March 31, 2016 or would be delayed to November 1, 2016. Thus, he added, given the meeting schedule for this January, with the Planning/Economic Development/Parks Committee not scheduled to convene until January 26, 2016, such would mean this matter could not be considered by City Council until February 9, 2016, with final passage on February 23, 2016. Accordingly, the needed time to complete the contract, hold a pre-construction meeting, then authorize the project to proceed, would leave very few days before the tree removal allowance by the federal government would end, thereby delaying this project until November 2, 2016, the start of the winter season. He then noted this timing is the reason the item is being presented to the City Council at this time, as a whole, in lieu of the Committee on park matters first.

Director of Planning and Parks Vujnich went on to note the intent is to present this matter to the Planning/Economic Development/Parks Committee at its January 26, 2016 meeting and address any questions or changes then, before the final passage of a bill would be considered in February. The bill would be introduced, if authorized for preparation, on January 25, 2016. He concluded by noting, the Department would never ignore the Committee process, but believes that, in this circumstance, the timelines make it appropriate, along with the favorable bid that has been received for the project as well.

A motion was made by Council Member Cullinane, seconded by Council Member Baugus, to approve the recommendation made by the Department of Planning and Parks to authorize the preparation of legislation to engage Gershenson Construction for Phase II of the Community Park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Work Session was adjourned at 7:32 p.m.

WILDWOOD

16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC HEARING
before the City Council
Monday, January 11, 2016, at 7:30 p.m.

AS A RESIDENT OR PROPERTY OWNER THAT HAS ATTENDED A RECENT PLANNING AND ZONING COMMISSION MEETING TO PARTICIPATE IN DISCUSSION REGARDING THE CITY'S SIGN REGULATIONS, THE CITY OF WILDWOOD WOULD LIKE TO ENSURE YOU ARE AWARE OF THIS REQUEST/PROPOSAL. YOUR COMMENTS ARE ENCOURAGED, ALONG WITH YOUR PARTICIPATION AT THE SCHEDULED HEARING OR MEETING. THIS ITEM IS SCHEDULED FOR DISCUSSION AND ITS OUTCOME MAY IMPACT YOUR HOME, NEIGHBORHOOD, OR AREA, SO PLEASE CAREFULLY READ THE DESCRIPTION AND PARTICIPATE AT YOUR DISCRETION. THE CITY OF WILDWOOD ENCOURAGES CITIZEN INPUT AT ALL OF ITS HEARINGS OR MEETINGS AND YOUR INVOLVEMENT WILL ASSIST IT IN REACHING THE BEST DECISION POSSIBLE FOR ALL PARTIES.

*** PLEASE SEE YELLOW BOX ON OPPOSITE SIDE OF THIS MAILER FOR A LIST OF WAYS TO EITHER COMMENT ON AND/OR TRACK THIS ITEM.**

THE CITY WELCOMES AND ENCOURAGES YOUR COMMENTS AND PARTICIPATION IN ITS PUBLIC PROCESSES.

The **City Council** of the City of Wildwood will conduct a public hearing on **Monday, January 11, 2016, at 7:30 p.m., in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040** for the purposes of obtaining testimony regarding request(s) for either the modification of zoning district designations, application of special procedures, change in the underlying regulations of the Zoning Ordinance, action on Record Plats, update on zoning matters, or amendment of the Master Plan, which will then be considered for action. This hearing is open to all interested parties to comment upon this request, whether in favor or opposition, or provide additional input for consideration. If you do not have comments regarding this request, no action is required on your part. Written comments are requested to be submitted prior to this hearing and should be addressed to the **City Council**, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040 or via the City's website at **www.cityofwildwood.com/comment**. The following request will be considered at this time:

P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. **(Wards – All)**

***RESIDENT OR PROPERTY OWNER - PLEASE COMMENT ON AND/OR TRACK THIS REQUEST BY:**

1) Submitting a comment online by visiting: **http://www.cityofwildwood.com/comment.**
2) Submitting a written comment prior to the hearing and addressed to the Planning and Zoning Commission, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040.
3) Viewing the Planning and Zoning Commission's agenda, which is available on the City's website at: **www.cityofwildwood.com**, the Friday before the aforementioned meeting date.

If you should have any questions regarding this information, please feel free to contact the Department of Planning at (636) 458-0440. Thank you in advance for your interest in this matter.

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
DECEMBER 7, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, December 7, 2015, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (10)	ABSENT- (0)
Chair Bopp	
Commissioner Archeski	
Commissioner Peasley	
Commissioner Renner	
Commissioner Lee	
Commissioner Gragnani	
Commissioner Liddy	
Commissioner Bauer	
Council Member Manton	
Mayor Woerther	

Other City Officials present: Director of Planning Vujnich, Director of Public Works Brown, City Administrator Thomas, City Attorney Golterman, Planner Newberry, and Assistant Director of Planning and Parks Arnett.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the November 16, 2015 Meeting

A motion was made by Commissioner Archeski, seconded by Council Member Manton, to approve the minutes from the November 16, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

Director Vujnich introduced Planner Newberry to the Commission.

V. Public Hearings – No Items for Consideration

VI. Old Business – Two (2) Items for Consideration

Letter of Recommendations – Two (2) Items for Consideration

(a.) **P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.

Assistant Director Arnett read the request into the record.

Director Vujnich provided an overview of the draft of the Commission's Letter of Recommendation, which reflected the tie vote on the Department's Information Report. The 5-5 vote resulted in a Letter of Recommendation which will be forwarded to the City Council reflecting neither its support nor denial of the recommendation, since it failed for a lack of majority.

Dr. John Shaughnessy, Principal of Lafayette High School (LHS), noted the current sign was erected in 1989, and the school funded a $3,500 renovation of it four (4) years ago. He noted the sign looks nice, but is stagnant, and, in the evening, the brightness exceeds what an electronic message board would produce. He expressed his frustration with the sign's inefficiency, since it takes three (3) people to change the type and the message is limiting. He then stated it was his belief the sign does not meet the needs at the high school, which is a hub of community events and information. He then cited two (2) random weeks this school year noting the number of events at it, which exceeded fifty-five (55) and many of them were community related types, not just school events. He then showed a one (1) minute video of the potential digital marquee. He concluded by noting it was his belief that all of the Commission's concerns expressed in previous meetings could be addressed with the latest technology and offered his services to the City to be part of a group that would determine a way to move forward with permitting these signs and honor the history of the City and its natural environment.

Discussion was held regarding the type of events held at the high school that are not school-sponsored.

Becca Leslie, 19200 Brookhollow Drive, noted she is a student at Lafayette High School and that she has completed research and found that there are studies showing electronic message boards do not cause traffic issues. She supports the permission of this type of sign to allow for the high school to better communicate with the student body and community.

Drew Cusumano, 2719 Valley Road, noted his support for the electronic message boards due to the following: the replacement of the existing sign would benefit the area, because it is too bright; the safety of people who change the sign; the availability of new technology, which is more up to date; and the aesthetically appealing nature of the digital marquee.

Denise Foley, 1513 Garden Valley Drive, noted her support of the conditional use permit process for the permission of electronic message boards. She noted that LHS is an important part of the community and should be allowed to provide their information in this fashion and she finds these signs no more distracting than other types.

Gary Schroeder, 16642 Evergreen Forest Drive, noted his support of these types of marquee signs for the high school. He has no investment in this issue, but wanted to speak on behalf of LHS.

Director Vujnich reviewed the Department's support of these types of signs, but only authorized for not-for-profit institutions and only through a conditional use permit. He noted the Department believes electronic

message boards are a trend that the City should be out in front of and is requesting a motion, and vote, to forward this recommendation to City Council for public hearing.

Discussion was then held among the Commission Members regarding the following: the lack of clear direction to City Council, if the vote is a tie and moves forward with a lack of majority; the current request to determine if the Commission wants to move forward with a sign ordinance modification; the review process, on a site-by-site basis, that would be covered by this ordinance, if changed; and the process the Commission would use to review these types of requests.

A motion was made by Mayor Woerther, seconded by Commissioner Peasley, to have the Department draft a Letter of Recommendation which would include the potential conditions that, if the Conditional Use Permit process was established, how such would address the identified issues and concerns with these types of signs.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Renner, Commissioner Archeski, Commissioner Peasley, and Mayor Woerther.
Nays: Commissioner Lee, Commissioner Gragnani, Commissioner Bauer, Commissioner Liddy, Council Member Manton, and Chair Bopp.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion failed by a vote of 4-6.

A motion was made by Commissioner Lee, seconded by Commissioner Liddy, to forward the Letter of Recommendation, as written, and reflecting a tie vote, which failed for lack of a majority to the City Council.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Renner, Commissioner Lee, Commissioner Gragnani, Commissioner Bauer, Commissioner Liddy, Council Member Manton, and Chair Bopp.
Nays: Commissioner Archeski, Commissioner Peasley, and Mayor Woerther.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 7-3.

b.) **P.Z. 12 and 13-15 The Villages at Bright Leaf, Fischer & Frichtel Custom Homes L.L.C. and Consort Homes L.L.C., 16640 Chesterfield Grove Road, Suite 130, Chesterfield, Missouri, 63005** – A request for a change in zoning from the NU Non-Urban Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, the R-6 and R-6A 4,500 square foot Residence District, with a Planned Environment Unit (PEU) and a Planned Residential Development Overlay District (PRD), to the R-3 10,000 square foot Residence District (Town Center "Neighborhood General District" and "Neighborhood Edge District"), with a Planned Residential Development Overlay District (PRD), for nine (9) properties that total 78.7 acres of area, which are located on the north side of State Route 100, east of State Route 109 (Locator Numbers 23V230041, 23V230050, 23V240327, 23V310064, 23V330022, 23V330031, 23V330206, 23V330215, 23V330233, and 23V610917/Street Addresses: 2350 and 2344 Eatherton Road, 2531, 2555, and 2567 Taylor Road, 16721 Manchester Road, and 16615, 16602, and 16618 Overlook Hills Drive). **Proposed Use: A total of one hundred ninety-four (194), detached single-family dwellings (Town Center Building**

Type – House), with common ground, and required public space areas. Included in these requests is the construction of a portion of the Pond-Grover Loop Road. **(Ward Five)**

Assistant Director Arnett read the request into the record.

Director Vujnich first noted that several items have been provided to the Commission members, since their last meeting, including a revised Preliminary Development Plan, which does not show the connection of Pond-Grover Loop Road or Birch Forest Drive, and public comments that had been submitted online, since the packet was posted on Friday afternoon. He then reviewed the Department's addendum to the Letter of Recommendation, which noted the following: the Town Center Plan, which is an addendum to the Master Plan, should be followed; the Town Center Plan, which was used to forestall commercial development on this property, cannot be applied only when popular; the variety of ways the City has allowed for comment on this project and the changes that have been made to the plan due to them; the letters from agency providers supporting the extensions, including Rockwood School District and Metro West Fire Protection District. Finally, he noted the Letter of Recommendation drafted reflects the tie vote from the previous meeting.

Discussion was then held regarding the following: the potential future issues that will be caused by the lack of connection of the Pond-Grover Loop Road; the proposed design of Pond-Grover Loop Road; the alleviation of traffic with the construction of Old Fairway Drive at the time of the construction of the Enclaves at Cherry Hills Subdivision; and the only subdivision within the City, not just within the Town Center Area, to not have stub streets connected was Wynncrest Subdivision.

Gary Cassell, 16584 Birch Forest Drive, noted he supports the development, but opposes the extension of Birch Forest Drive due to safety concerns and the disruption of the environment on his street.

Christy Pitney, 16919 Hickory Crest Drive, noted the confusion by residents of where the Town Center boundary exists. She also noted her opposition to the street extensions, given her safety concerns and preference for the new plan submitted by the petitioner, which includes an increase in trails and the lack of road extensions.

Joyce Furmanek, 2405 Evergreen Forest Court, noted she selected to build her house in the Evergreen Subdivision in 1987 due to the amount of trees retained in the area. She is opposed to the extension of the Pond-Grover Loop Road, given its proximity to her residence and the noise the traffic would generate.

Debra Smith McCutchen, 16548 Birch Forest Drive, noted she was speaking on her behalf and as her role as the Council Member for Ward 5. She noted her opposition to the development and connection of the streets because the Town Center criteria shouldn't apply to the areas around the development, which are outside of its boundaries. She distributed a handout to the Commission with additional comments, which has been made a part of these minutes.

Scott Johnson, 2407 Winter Forest Court, noted he is in support of the revised plan that does not extend the Pond-Grover Loop Road or Birch Forest Drive. He supports the trail extensions to connect the existing neighborhoods with the proposed development.

Gary Schroeder, 16642 Evergreen Forest Drive, noted he supports the newest plan, since it is what the people in the area have requested.

Paula Clark, 16916 Hickory Crest Drive, noted she is opposed to the extension of the Pond-Grover Loop Road due to safety concerns and the effect it will have on the environment behind her home.

Paul Pohlers, 2323 Sandalwood Creek Court, noted his support for the extension of the roads, as an important part to the City's street network. He noted the Wildwood Business Association is in approval of the extension of Pond-Grover Loop Road, as is the Fire District and the School District.

Susan Treiber, 15912 Sandalwood Creek Drive, noted her support of the new plan that does not extend the Pond-Grover Loop Road or Birch Forest Drive. She questioned who makes up the Department of Planning, and why streets should be connected into the Suburban Residential Area around the Town Center Area.

Michael Tarr, 16575 Birch Forest Drive, noted he opposes the extension of Pond-Grover Loop Road and especially, Birch Forest Drive, due to safety concerns.

Larry Ball, 16632 Green Pines Drive, noted his opposition to the extension of the roads due to safety and noise concerns.

John Gragnani, 1510 Scofield Valley, noted the Master Plan and Town Center Plan are not the Bible, nor are they written in stone, and both should be modified if citizens are opposed to the plans' content.

Lauren Oliver, 16630 Evergreen Forest Drive, did not wish to speak at the meeting, but completed a Speaker's Card, so her comments could be included in the record. Her comments were as follows: My household is not in favor of building near the cul-de-sac behind Evergreen Forest. Thank you!

Chief John Bradley, Metro West Fire Protection District, noted two (2) of the five (5) fire stations of the District, serving over 100,000 residents, are located in Wildwood. He stated he understands the importance and emotion surrounding this proposal, but the District supports the extension of the streets within this development. If the road does not go through, however, they will still provide service, but these connections would improve their response time. Their computer-aided dispatch system also benefits from multiple points of access.

Discussion was then held among the Commission Members regarding the following: the construction of a trail extension, if used for fire equipment access, would have to support a 60,000 pound truck; the preference of the Fire District that if only one (1) of the two (2) roads were to be connected, it would be Pond-Grover Loop Road; the type of pavers that could be used for a trail and support the weight of the fire trucks; the previous votes in 2010 authorizing the extension of these roads, as part of the Town Center Plan update; and the current plan, which does not comply with the Town Center Street Network Plan and was not advertised as a variation to it, and if the recently submitted plan is approved, the need for a public hearing to amend the Town Center Street Network Plan.

Mike Doster, attorney representing the development team, noted the petitioner has complied with requests from residents, staff, and the Commission over the past five (5) months. The petitioners can build any of the plans they have submitted, but requested something move forward to the City Council with a favorable vote, since they are approaching their contractual deadlines.

Discussion was then held among the Commission Members regarding the following: the application of the Town Center Plan; and the policy of the City to extend all stub streets, not just in the Town Center Area.

Linda Crothers, 16915 Crestview Drive, noted she understands the residents' concerns with not wanting their neighborhood disrupted, but she will be moving to the Evergreen Subdivision area soon and supports the connection of the streets, as part of this development.

Discussion was then held among the Commission Members regarding the possible votes that could take place tonight.

A motion was made by Commissioner Peasley, seconded by Mayor Woerther, to reconsider the action taken on the Letter of Recommendation at the November 16th meeting.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Peasley and Mayor Woerther.
Nays: Commissioner Lee, Commissioner Renner, Commissioner Liddy, Commissioner Archeski, Commissioner Gragnani, Commissioner Bauer, Council Member Manton, and Chair Bopp.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion failed by a vote of 2-8.

Discussion was then held regarding the type of vote needed at the City Council, if the tie vote is forwarded by the Commission to the City Council.

A motion was made by Mayor Woerther, seconded by Council Member Manton, to extend the meeting past 10:00 p.m. A voice vote was taken regarding the motion for extending the meeting. Hearing no objections, Chair Bopp declared the motion approved.

A motion was made by Mayor Woerther, seconded by Commissioner Peasley, to forward the Letter of Recommendation to the City Council reflecting the tie vote, which failed for lack of a majority.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Renner, Commissioner Peasley, Commissioner Liddy, Council Member Manton, Mayor Woerther, and Chair Bopp.
Nays: Commissioner Lee, Commissioner Archeski, Commissioner Gragnani, and Commissioner Bauer.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 6-4.

Information Reports – No Items for Consideration

VII. New Business – One (1) Item for Consideration

a.) Review and action by the Planning and Zoning Commission upon the City's Five (5) Year Capital Improvement Plan, as required by Chapter 89 of the Missouri Revised Statutes, which states this administrative body must review and act on this planning program, so as to ensure consistency with the City's Master Plan (Transportation Element). **(Ward – All)**

Director Vujnich noted the Planning and Zoning Commission is required to review public improvements proposed by the City, as part of its Five (5) Year Capital Improvement Plan. He then reviewed the proposed plan, which extends through the time period of 2016 to 2020. This plan addresses road and bridge projects, as well as park and trail facility projects. He then outlined the major projects proposed throughout the City for 2016, which total over $6,000,000 for the road and bridge projects and $6,000,000 for park and trail projects, as well.

Discussion was then held among the Commission Members regarding the following: the revenue sources used for funding capital improvements; the longevity of concrete and asphalt; the projected completion of the community park; the property acquisition line item, which can't be discussed specifically outside of an Executive Session; the budgeting for improvements to Pond-Grover Loop Road; the potential for athletic fields on a portion of the St. Louis Community College Campus; and the reallocation of funds that are not used within the designated fiscal year.

A motion was made by Mayor Woerther, seconded by Commissioner ARcheski, to approve the Capital Improvement Plan, as presented.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Peasley, Commissioner Lee, Commissioner Renner, Commissioner Archeski, Commissioner Gragnani, Commissioner Bauer, Commissioner Liddy, Council Member Manton, Mayor Woerther, and Chair Bopp.
Nays: None
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 10-0.

VIII. Site Development Plans-Public Space Plans-Record Plats – No Items for Consideration

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

A motion was made by Commissioner Archeski, seconded by Commissioner Renner, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 10:22 p.m.

Approved by: Gerald W. Peasley

Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight's meeting, they have been attached and made part of the official record.

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
NOVEMBER 16, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, November 16, 2015, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (10)	ABSENT- (0)
Chair Bopp	
Commissioner Archeski	
Commissioner Peasley	
Commissioner Renner	
Commissioner Lee	
Commissioner Gragnani	
Commissioner Liddy	
Commissioner Bauer	
Council Member Manton	
Mayor Woerther	

Other City Officials present: Director of Planning and Parks Vujnich, Director of Public Works Brown, City Administrator Thomas, City Attorney Golterman, and Assistant Director of Planning and Parks Arnett.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the November 2, 2015 Meeting

A motion was made by Commissioner Peasley, seconded by Council Member Manton, to approve the minutes from the November 2, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

The Department did not have any opening remarks.

V. Public Hearings – No Items for Consideration

VI. Old Business – Three (3) Items for Consideration

Letter of Recommendations – One (1) Item for Consideration

(a.) **P.Z. 12 and 13-15 The Villages at Bright Leaf, Fischer & Frichtel Custom Homes L.L.C. and Consort Homes L.L.C., 16640 Chesterfield Grove Road, Suite 130, Chesterfield, Missouri, 63005** – A request for a change in zoning from the NU Non-Urban Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, the R-6 and R-6A 4,500 square foot Residence District, with a Planned Environment Unit (PEU) and a Planned Residential Development Overlay District (PRD), to the R-3 10,000 square foot Residence District (Town Center "Neighborhood General District" and "Neighborhood Edge District"), with a Planned Residential Development Overlay District (PRD), for nine (9) properties that total 78.7 acres of area, which are located on the north side of State Route 100, east of State Route 109 (Locator Numbers 23V230041, 23V230050, 23V240327, 23V310064, 23V330022, 23V330031, 23V330206, 23V330215, 23V330233, and 23V610917/Street Addresses: 2350 and 2344 Eatherton Road, 2531, 2555, and 2567 Taylor Road, 16721 Manchester Road, and 16615, 16602, and 16618 Overlook Hills Drive). **Proposed Use: A total of one hundred ninety-four (194), detached single-family dwellings (Town Center Building Type – House), with common ground, and required public space areas.** Included in these requests is the construction of a portion of the Pond-Grover Loop Road. **(Ward Five)**

Assistant Director Arnett read the request into the record.

Director Vujnich first noted that public comments had been submitted online, since the packet was posted for tonight's meeting and this information has been provided at each Commissioner's chair. He then presented the Letter of Recommendation, which outlined the Commission's vote of support of this rezoning request and special procedure, which occurred at the previous meeting.

Dalton Jayaraj, 2449 Forest Leaf Parkway, noted he and his friends spend a lot of time playing in the area, where the roads would be extended, and he is opposed to the street extensions. He is concerned with safety, if the roads would be extended.

Ginger Jackson, 16920 Hickory Crest Drive, noted she backs to Pond-Grover Loop Road and she is opposed to its extension, given her safety concerns.

Christy Pitney, 16919 Hickory Crest Drive, noted her opposition to the extension of the roads, due to safety concerns and the additional traffic. She then requested a meeting between the Commission Members and the neighbors to discuss a compromise for residents and the City.

Betsy Vanderheyden, 16560 Birch Forest Drive, noted her opposition to the road extensions, as part of this proposed development, due to safety concerns and her desire to increase walkability of her neighborhood.

Dale Ireland, 16535 Oak Forest Court, thanked the Commission for its time and then noted that he and his wife are avid walkers and have noticed the amount of speeding traffic on the streets around this area. He is opposed to the extension of Birch Forest Drive, which he believes will increase the amount of speeding in the neighborhood.

Gary Schroeder, 16642 Evergreen Forest Drive, noted he abuts the eight (8) lot cul-de-sac on the north end of the Pond-Grover Loop Road and that he appreciates the thirty (30) foot separation distance between that street and his lot, but he believes a one hundred (100) foot separation would be more appropriate. He noted his belief that connectivity is not necessary in an urban design.

Debra Smith McCutchen, 16548 Birch Forest Drive, proposed an alternate configuration of the lots for this development, which does not include the extension of the streets, as shown on the current plans. Her proposal includes trail connections and public space in the area where the streets are currently shown to be

extended. A copy of this configuration is included with these minutes.

Paul Pohlers, 2323 Sandalwood Creek Court, noted his support of the extension of the Pond-Grover Loop Road and the other proposed road extensions for better circulation, connectivity, emergency access, and access to the Community Park.

Susan Treiber, 15912 Sandalwood Creek Drive, noted her opposition to the road extensions due to safety concerns. She requested the Commission listen to the residents, who are coming to speak at the meetings.

Betsy Ragelis, 15960 Sandalwood Creek Drive, noted she is opposed to the extension of the Pond-Grover Loop Road due to safety concerns, decrease in property values, and the loss of a grassy view and wildlife from her backyard.

Tim Gau, 2427 Forest Leaf Parkway, supports the development, but opposes the extension of Birch Forest Drive, due to the increase of traffic on Forest Leaf Parkway from this road extension. He noted the Pond-Grover Loop Road extension would place additional traffic behind all of the houses nearby, but Birch Forest Drive is in front of homes.

John Gragnani, 1510 Scofield Valley, noted he is not in support of one side or the other, but he believes the Commission needs to listen to the people in attendance, who are the most affected by this development.

Joyce Furmanek, 2405 Evergreen Forest Court, submitted a card to have comments made part of the record, but did not wish to speak at the meeting. Her comments were: Living at the end of the cul-de-sac on Evergreen Forest Court, I do not want Pond-Grover Loop Road to expand behind my house. Nor do I want a six (6) foot plastic fence put up as a barrier to noise of traffic. I built my home in 1987.

Linda Thompson, 16571 Birch Forest Drive, submitted a card to have comments made part of the record, but did not wish to speak at the meeting. Her comments were: Let's keep Birch Forest West safe. No extensions.

Discussion was held among the Commission members regarding the following: the lack of adherence to the Town Center design standards, particularly the garage setbacks; the issues that can be addressed during the Site Development Plan process; the remaining steps in the process; the number of homes currently permitted on the site; the density permissible in the Town Center Area; the safe route to school for future homeowners in this development; the dispersion of traffic, when connectivity happens, and there are multiple choices of routes; the previous attempts to slow traffic on roads in the area; the difference between the design standards of St. Louis County and the City regarding streets; the possibility of increasing the buffer on the northern cul-de-sac and the eastern most cul-de-sac; the transition within the eastern portion of the development from the Evergreen Subdivision by utilizing traditional styles and lots and, then, the neo-traditional portion of the development on the western side of the project; the interconnectivity of the development and adjacent neighborhoods; and the desire to see a plan that does not extend the roads.

Mike Doster, attorney for the petitioners, noted the ordinance is drafted to allow the setback distances of garages in Villages A, C, and E to be discussed at Site Development Plan review time and the petitioner is fine with this process. He noted the petitioner has always been told the roads needed to be connected and they have done what they could to meet requests of staff, Commission Members, and citizens. If there are further delays, they may run into issues with their time constraints on their contract.

Director Brown noted the proposed budget item relative to the Pond-Grover Loop Road would be to first

conduct a traffic study to evaluate the impact on the existing roads and develop a design for traffic calming on the existing part of Pond-Grover Loop Road.

Director Vujnich noted that Villages A and C contain the traditional residences and would have garage setbacks similar to the abutting Evergreen Subdivision, but Village E is the cottages that have varying setbacks of two feet (2') to ten feet (10'). All other villages would have a minimum garage setback of seven and one-half feet (7 ½').

Commissioner Lee noted he would like to postpone the request to have the petitioner submit a revised plan that does not show the road extensions.

Mike Doster noted the petitioner is comfortable with a six (6) foot minimum garage setback in Village E.

Discussion was then held regarding the following: the work that needs to be completed, before the roads are connected; and the width of the right-of-way and pavement on the portion of Pond-Grover Loop Road within the development.

Rod Holman, 2457 Forest Leaf Parkway, noted he lives at the intersection of Forest Leaf Parkway and Birch Forest Drive and has never seen a patrolman on Forest Leaf Parkway in the ten (10) years he has lived there. He noted Forest Leaf Parkway currently takes all of the traffic and he supports the extension of the Pond-Grover Loop Road to help alleviate the traffic on his street.

Roger Pierson, 16587 Birch Forest Drive, urges the Commission to delay, while there is still time to have flexibility in the design.

A motion was made by Mayor Woerther, seconded by Council Member Manton, to approve the Letter of Recommendation and include a six (6) foot minimum garage setback in Village E.

Tyler Thomas, 16578 Birch Forest Drive, noted the Commission should not extend the roads and should listen to the residents.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Peasley, Commissioner Renner, Council Member Manton, Mayor Woerther, and Chair Bopp.
Nays: Commissioner Archeski, Commissioner Gragnani, Commissioner Lee, Commissioner Liddy, and Commissioner Bauer.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion failed for lack of a majority by a vote of 5-5.

A motion was made by Commissioner Lee, seconded by Commissioner Liddy, to postpone forwarding the final recommendation to the City Council and retain the item at the Planning and Zoning Commission to allow the petitioner the opportunity to submit a new plan that shows the same development, but without the road extensions, while also including a system of trails that can accommodate emergency vehicle access in the area of the Pond-Grover Loop Road right-of-way on the subject site.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Peasley, Commissioner Renner, Commissioner Archeski, Commissioner Gragnani, Commissioner Lee, and Commissioner Liddy.
Nays: Commissioner Bauer, Council Member Manton, Mayor Woerther, and Chair Bopp.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 6-4.

Information Reports – Two (2) Items for Consideration

(b.) **P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.

Assistant Director Arnett read the request into the record.

Director Vujnich provided an overview of the Department's recommendation for the addition of this type of signage, but only through a Conditional Use Permit (CUP) process, and for institutional uses. He provided the information that was gathered since the last meeting on this request, which including research conducted by Captain Tanner regarding the lack of an impact on traffic related issues by these types of signs at the high schools within the Rockwood School District and an evaluation completed by Randy Burkett Lighting Design, which noted the existing sign at Lafayette High School (LHS) is brighter than the existing electronic message board at Marquette High School. He then noted the possibility of utilizing a temporary sign at Lafayette High School, as a test of the effectiveness and brightness of these types of signs. Finally, he noted the Department still wants a few questions answered, before it would request a final action, but would ask for the opportunity to bring back the proposed conditions the CUP process would contain.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to begin discussion. A voice vote was taken regarding the motion to open discussion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion was then held regarding the following: the items that should be part of the CUP process, including a pre-lighting study; the limitation of only one (1) electronic message board per property; the limitations on colors of the text; a prohibition on moving graphics; the transition timing; the limitation of additional onsite signs; a prohibition on these types of signs for commercial entities; the limitation on times the sign can be in operation; the location of the proposed sign at LHS; the potential for twenty-six (26) locations for these types of signs; the possibility for approving the change in the sign code, but only allowing applications for a brief amount of time and then establishing a moratorium for future applications; the concern with setting a precedent; the difficulty with enforcing lighting and other compliance issues with the CUP; the potential traffic issues; the parties who benefit from these signs; the need for this change, when there has not been an overwhelming public outcry; the potential to limit these types of signs to arterial roadways; and the issue of whether the current sign at LHS complies with the City's Outdoor Lighting Requirements.

Paul Huensch, 2575 Hickory Manor, noted his opposition to these types of signs because of safety issues and

his belief they are a distraction and traffic statistics show that distractions of two (2) seconds can cause an accident. Finally, he noted these types of signs should definitely not be located near residential properties.

A motion was made by Commissioner Lee, seconded by Commissioner Archeski, to approve the Department's recommendation to authorize these types of signs and draft the Conditional Use Permit conditions they would have to meet.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Peasley, Commissioner Lee, Commissioner Renner, Commissioner Archeski, and Mayor Woerther.
Nays: Commissioner Liddy, Commissioner Gragnani, Commissioner Bauer, Council Member Manton, and Chair Bopp.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion failed for lack of majority by a vote of 5-5.

(c.) **P.Z. 18-15 Villas of Wildwood Senior Residences, c/o Scott Puffer, Gardner Capital Development, Inc., 8000 Maryland Avenue, Suite 910, Clayton, Missouri 63105** – A request for the modification of the Town Center Plan's Regulating Plan for two (2) lots that are a 3.7 acre area of Phase II of the Wildwood Town Center Project, thereby altering their current designation from "Downtown" District to "Neighborhood General" District to accommodate a change in zoning from the C-8 Planned Commercial District to the Amended C-8 Planned Commercial District for this same area of the site, being located on the south side of State Route 100, north of Plaza Drive, and west of Fountain Place (Locator Numbers 23V220242 and 23V220233/Street Addresses 251 and 261 Plaza Derive). **Proposed Use: A three (3), story senior housing facility, which would allow a maximum of forty-eight (48) units. (Ward Eight)**

Assistant Director Arnett read the request into the record.

A motion was made by Mayor Woerther, seconded by Council Member Manton, to extend the meeting past 10:00 p.m. A voice vote was taken regarding the motion to extend the meeting. Hearing no objections, Chair Bopp declared the motion approved.

Director Vujnich provided an overview of the Department's recommendation for denial of the Regulating Plan change and cited the following reasons in support of it: the lack of compliance with the Regulating Plan of the Town Center Plan; the reduction in land area for the Downtown District designated properties; the low level of lot coverage ratio; the lack of mixed use; the low utilization of the property; the issues that are anticipated with the future residents of this development when they would be surrounded by Downtown District properties; and the lack of community benefit.

Scott Puffer, 333 Par Lane, representative of Gardner Capital, noted his surprise of the recommendation, since they have done what was requested by the City throughout the process. He also noted that active seniors are an important element to the Town Center Area and there is no research showing senior housing negatively impacts neighboring commercial properties. Finally, he noted they would be happy to accommodate modifications to the architectural design and materials.

Paul Olsen, 1909 Prospector Ridge Drive, noted he was excited to hear about this development, as a place for his in-laws to live close to him in a quality, affordable development. He believes these units would have

active residents, who choose to live in the urban center.

Scott Haley, 8025 Forsyth Boulevard, representing Koman Properties, provided a letter to the Commission that has been made a part of these minutes. He noted, as the property owner, they have tried to get a user for nine (9) years on this property and he believes residential would be a benefit to the area. He then questioned why this project's recommendation is for denial, when they have a site-specific ordinance that encourages residential uses on their property.

Joe Garritano, 16312 Cherry Orchard Drive, Council Member Ward 8, noted he is in agreement with the Department's recommendation and has heard from a number of residents, who also oppose this development. He is concerned with the City's economic benefits from this development and the loss of prime real estate for commercial uses, in the heart of the Town Center, would be detrimental to the future success of it.

Tim Gau, 2427 Forest Leaf Parkway, believes that more commercial will be necessary, with the increase in residential lots.

Director Vujnich noted a letter was sent to the developer on August 28, 2015 for the petitioner to begin its process through HUD/State for tax credits. Mr. Golterman noted this letter included a statement noting zoning compliance was still necessary and did not preclude the City's process.

Director Vujnich noted the Department has not met extensively with the petitioner and, while it supports this type of use within the Town Center, it does not support it on this property. He also noted the Department's initial review letter seeks compliance with the minimum zoning standards, but does not deny applications, as that would preclude the need for the Planning and Zoning Commission and City Council. Finally, he noted the Charter requires compliance with the Master Plan Conceptual Land Use Categories Map, and the site-specific ordinance governing these tracts of land showed mixed use on these properties and at a different scale than the proposal.

A motion was made by Commissioner Archeski, seconded by Council Member Manton, to accept the Department's recommendation.

Discussion was held regarding the following: the desire for this use, but in a different location; the amount of residential that is currently under review by the City, which will help boost the Town Center; the extent of the boundary of the Downtown District; the other senior housing development in Wildwood, and in the vicinity of Wildwood; and the focus of the recommendation on land use and not the quality of the development.

Scott Haley noted his belief that most of the commercial entities in the Town Center are not thriving.

Scott Puffer noted the units are not rent-subsidized and the program is through the federal tax credit process, not HUD. He then requested a postponement, so dialogue could take place between the petitioner and the City to make this a viable project.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to postpone this request.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Peasley, Commissioner Lee, Commissioner Renner, Commissioner Gragnani, Commissioner Liddy, Commissioner Bauer, Mayor Woerther, and Chair Bopp.
Nays: Commissioner Archeski and Council Member Manton.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 8-2.

VII. New Business – No Items for Consideration

VIII. Site Development Plans-Public Space Plans-Record Plats – No Items for Consideration

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

A motion was made by Council Member Manton, seconded by Commissioner Peasley, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 10:47 p.m.

Approved by: Gerald D Peasley

Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight's meeting, they have been attached and made part of the official record.

Kathy Arnett

From: Jim Bowlin
Sent: Monday, November 16, 2015 3:47 PM
To: Kathy Arnett
Cc: Tim Woerther; Ray Manton
Subject: PZ 14-15

Kathy:

I am unable to attend the hearing on this item tonight, and am sending this to be provided to P&Z members and included in the record of the matter.

I would like to reiterate the points I made at an earlier hearing of this matter.

1. I cannot imagine anything more inconsistent with Wildwood than electronic message boards/signs. The fact that other municipalities may allow them is irrelevant - Wildwood is not like other municipalities, and Wildwood should decide what is best for Wildwood based on the unique characteristics of our City and the matter at hand.

2. It strains reason to think that these types of signs will not be additionally distracting. The data demonstrate that. Allowing them, at of all places a school with children, seems ill-advised.

Thanks,
Jim

James R. Bowlin
Council Member - Ward 6
City of Wildwood
636-458-0440, ext. 210
www.cityofwildwood.com

Miriam Krajewski
17511 Adams Way Court
Wildwood MO 63005

November 13th, 2015

Planning and Zoning Commission
City of Wildwood
16860 Main Street
Wildwood MO 63040

Dear Commission,

P.Z. 14-15 City of Wildwood – Sign Regulations – Electronic Message Boards

I attended the Wildwood Planning and Zoning Commission meeting in October and spoke in support of Lafayette High School at that time, but in the moment became flustered and didn't say quite what I wanted to, so I'd like to put my arguments forward in more organized way.

Preserving Wildwood's Character

It was brought up by many people at the last meeting that Wildwood appeals because of its semi-rural nature. I moved here 3 years ago from Sydney, Australia. Sydney is a big city with all the benefits of that, but also with all the negative aspects – gritty streets, trash on the sidewalks, too much traffic and of course, plenty of flashy billboard advertising. The very opposite of Wildwood and everything it doesn't want to be. I am very much appreciating the wide open spaces, the trees and wildlife (LOVE the deer), and the complete lack of advertising and litter in Wildwood. This place has a very different feel to a big city and I completely understand why it would want to stay that way and would want to resist moves to change it.

However, billboards and flashing advertising signs are absolutely not in the same category as school (or church) information boards. The notices on these boards help to create a sense of community. They let me know about events going on, achievements being made (with my tax dollars, after all), thank you shout outs to bus drivers or teachers that remind me to be grateful myself, and more. If there is a big event going on that is likely to affect traffic flow, I know to avoid the area that day. I get the value of those signs from all schools in the area including those which my children do not attend. This is not the same as being bombarded by advertising messages at all.

Staying Semi-Rural but also Being Modern

If we accept the usefulness of having a community based sign outside a not-for-profit or community funded facility, then there is no reason that it needs to be low tech. The

Wildwood community wants to live in a semi-rural city, but I think this relatively young community also wants to live in a modern one.

I didn't see Wildwood or Lafayette High School before I moved here (although my husband did). We chose this neighbourhood to live because of two factors – proximity to our workplace and the reputation of the school district. Out of several choices we eventually decided on proximity to LHS as our first priority. Having made this decision, when I finally saw the school I recall commenting to my husband with some disappointment that it looked dated. I'm not sure exactly what aspect of the school gave me the impression it was dated, but thinking about it now, the information board at the front has to have been a part of that. As it turns out I have not been disappointed with the school (AT ALL), but it was a disappointing first impression.

It is possible to have a beautiful semi-rural city and still be modern. These are not two conflicting concepts. The problem with digital signs in big cities isn't that they are digital, it is that they are ubiquitous, huge, intrusive (through animations) and almost universally are projecting advertising messages.

Since I became aware of the petition by the school to update the sign, and the reasons that so far the City has disallowed this, I have spoken to many people in the community about it (including those who do not have an association with the school). The main reaction is one of disbelief that this is even an issue. I've found myself arguing the City's case that you simply want to preserve the semi-rural character of the city. But while people agree that that is a good and worthwhile goal, it is more about quantity and qualities of signs that is the issue rather than the medium the sign employs. I really don't think there will be any major community backlash if you allow Lafayette to upgrade its sign to a modern format.

<u>The Risk of Digital Sign Spread</u>

There was also concern that if this is allowed for the high school, that all the other schools and churches in the city would want to upgrade, and then that businesses would want to. I think if other schools and churches have the resources to upgrade (which many won't for some foreseeable time) they should be able (and even encouraged) to do so. This is a still a small number of signs overall, they are generally small signs, and I think the digital signs would be much less intrusive than the existing backlit signs.

But in saying this I think the City should continue to say no to commercial digital signs. Businesses are much more likely to have the resources to purchase digital signage, and many would want larger signs with more animated features. Allowing commercial digital signs would likely mean a higher number of signs, larger signs, more animated signs, and all for the purpose of advertising for profit rather than sharing information. This definitely would change the character of Wildwood and I support the City in continuing to resist such change. However I think it is a very easy distinction to make, and a concern that businesses might ask for permission to erect digital signs shouldn't be the reason to disallow Lafayette from having one.

Alternate Sources of Information

Another argument put up against the sign is that the school can disseminate that information to the school community in other ways. This seems slightly irrelevant to me, given that there is no argument that the current sign is going to be taken away. We are not arguing the case between having a sign or having no sign. Nonetheless, there are several other reasons that this isn't really relevant.

- The school does already share information through its website, its newspaper, bulletin boards, notices pinned on the school walls, social media, reminders in class, emails and notes sent home. However, it still finds value in putting notices on the information board outside of the school because this particular method is succinct, highly visible and very timely. That advertisers, schools, churches and even the council rely on this kind of sign suggests that it is an effective communication tool in a way that other options are not.

- There is a LOT that goes on at this high school that I as a parent am not given information about. I know a lot about the sports and activities that my kids are involved in. I don't know much at all about those things they are not involved in. I like to have timely notice about a school concert, the volleyball team playing in finals, auditions for the school play or a weekend fundraiser because otherwise I wouldn't hear about those things, and I may very well want to be involved or at least be aware of those events.

- Many of the notices support the school community but many are of equal interest to the community at large that does not access the various sources of information produced by the school. The school hosts a number of community events and this is a very effective way of letting the community know about them. Even if you don't want to attend a high school event, surely as a local resident being aware of likely traffic issues or congestion on the day of the event is valuable.

Safety of the Sign

There is an argument that the sign will be such a distraction that it will cause accidents – potentially fatal ones. I'm not sure why the new sign would do this any more than the current sign does. I'm not sure there is any evidence that accidents are caused by drivers reading such signs. Apart from within the City of Wildwood, advertising and community signs in our area are so ubiquitous that drivers have learned to juggle them. We can select to ignore them while we drive, and select to read them when we are stopped or driving slowly. If there was a strong correlation between accidents and signs then cities like Sydney where there is at least one sign of some sort at every junction would be simply too dangerous to drive in at all.

- No doubt there is a lot of traffic at the school at certain hours of the day, but it is generally slow moving. Also there is very little pedestrian traffic and of those pedestrians, very few are young children. The argument made at the last meeting about the increased traffic near the elementary school interfering with parents walking their children to school is very relevant to that situation but not to this one.

First because there is nothing about the new sign that will increase traffic flow compared to the existing sign. Second because distracted drivers are usually moving slowly in this environment and any accident is likely to be bumping into each other into the car park, rather than hitting people or children or each other which such force that there is a likelihood of increased deaths (as was suggested).

- Even so, the raft of distractions available to teenagers is so wide that this particular one of the digital sign barely rates a mention. The information on those signs is generally of low relevance to students who are in the best position to be already aware of what is going on at the school (through the previously mentioned channels let alone chatting to their friends at the lunch table). Those signs are directed mostly at parents, visitors and the community around the school. I think if you polled student drivers about what was written on the sign on any particular day they would have very low awareness. (Students who are passengers will more likely notice the sign). Student drivers are far more likely to be distracted by the conversations going on with passengers in their car, with drivers or pedestrians outside their car, adjusting their music channels, or (sadly) reading their phones, than they are by a new digital sign vs the backlit one already there.

- At any rate, the new sign would be arguably much easier to ignore than the existing sign, at least at dusk and evening. The existing backlit sign is very bright. It glows in the night from a long way away (as do other church and school signs in the area). The new sign could have a dark background and be far less intrusive, and easier (and faster) to read. While the technology can allow flashing, transitional affects, bright colors and quick changing graphics the City of Wildwood could decide to limit use of those features. I don't think Lafayette is looking to use those features anyway.

- I think it is also worth mentioning that being able to change a digital sign is safer for the students and staff at the school than manually changing the current one, especially in poor weather. I understand from my teenage daughter that the sign is notoriously awkward and slow to change. Furthermore there is much efficiency to be gained by one person being able to update the sign essentially instantly rather than having to send out a team to laboriously slide in the individual letters while holding up the heavy glass cover. Clearly a new sign would eliminate a time consuming task and simultaneously allow the sign to be more accurate and timely by being updated more frequently. As a taxpayer I'm happy for the school to reap such efficiencies and as a parent, I'd rather my daughter was engaged in active learning or other more meaningful service than spending half an hour helping to change a sign that in the modern era, is entirely unnecessary.

Thank you for the opportunity to contribute my views to this matter.

Miriam Krajewski

WILDWOOD
16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC MEETING
before the Planning and Zoning Commission
Monday, November 16, 2015, at 7:30 p.m.

AS A RESIDENT OR PROPERTY OWNER THAT HAS ATTENDED A RECENT PLANNING AND ZONING COMMISSION MEETING TO PARTICIPATE IN DISCUSSION REGARDING THE CITY'S SIGN REGULATIONS, THE CITY OF WILDWOOD WOULD LIKE TO ENSURE YOU ARE AWARE OF THIS REQUEST/PROPOSAL. YOUR COMMENTS ARE ENCOURAGED, ALONG WITH YOUR PARTICIPATION AT THE SCHEDULED HEARING OR MEETING. THIS ITEM IS SCHEDULED FOR DISCUSSION AND ITS OUTCOME MAY IMPACT YOUR HOME, NEIGHBORHOOD, OR AREA, SO PLEASE CAREFULLY READ THE DESCRIPTION AND PARTICIPATE AT YOUR DISCRETION. THE CITY OF WILDWOOD ENCOURAGES CITIZEN INPUT AT ALL OF ITS HEARINGS OR MEETINGS AND YOUR INVOLVEMENT WILL ASSIST IT IN REACHING THE BEST DECISION POSSIBLE FOR ALL PARTIES.

*** PLEASE SEE YELLOW BOX ON OPPOSITE SIDE OF THIS MAILER FOR A LIST OF WAYS TO EITHER COMMENT ON AND/OR TRACK THIS ITEM.**

THE CITY WELCOMES AND ENCOURAGES YOUR COMMENTS AND PARTICIPATION IN ITS PUBLIC PROCESSES.

Listed below is a request that was presented to the Planning and Zoning Commission at a public hearing held on July 20, 2015. You and many of your neighbors may have expressed interest in its outcome and the Commission is scheduled to take action upon this item at their upcoming meeting. If inclined, the Commission encourages you to attend this meeting and hear the Department of Planning's recommendation on this matter and participate in its discussion. The meeting will be held on **Monday, November 16, 2015, at 7:30 p.m.** in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040. The specific request under consideration is as follows:

P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. **(Wards – All)**

***RESIDENT OR PROPERTY OWNER - PLEASE COMMENT ON AND/OR TRACK THIS REQUEST BY:**

1) Submitting a comment online by visiting: **http://www.cityofwildwood.com/comment.**
2) Submitting a written comment prior to the hearing and addressed to the Planning and Zoning Commission, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040.
3) Viewing the Planning and Zoning Commission's agenda, which is available on the City's website at: **www.cityofwildwood.com**, the Friday before the aforementioned meeting date.

If you should have any questions regarding this information, please feel free to contact the Department of Planning at (636) 458-0440. Thank you in advance for your interest in this matter.

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
OCTOBER 5, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, October 5, 2015, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (10)	ABSENT - (0)
Chair Bopp	
Commissioner Archeski	
Commissioner Peasley	
Commissioner Renner	
Commissioner Lee	
Commissioner Gragnani	
Commissioner Liddy	
Commissioner Bauer	
Council Member Manton	
Mayor Woerther	

Other City Officials present: Director of Planning Vujnich, Director of Public Works Brown, City Attorney Golterman, and Senior Planner Arnett.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the September 21, 2015 Meeting

A motion made by Commissioner Peasley, seconded by Commissioner Bauer, to approve the minutes from the September 21, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

The Department did not have any opening remarks.

V. Public Hearings – No Items for Consideration

VI. Old Business – Two (2) Items for Consideration

Information Reports – Two (2) Items for Consideration/Reconsideration

(a.) **P.Z. 12 and 13-15 The Villages at Bright Leaf, Fischer & Frichtel Custom Homes L.L.C. and Consort Homes L.L.C., 16640 Chesterfield Grove Road, Suite 130, Chesterfield, Missouri, 63005** – A request for a change in zoning from the NU Non-Urban Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, the R-6 and R-6A 4,500 square foot Residence District, with a Planned Environment Unit (PEU) and a Planned Residential Development Overlay District (PRD), to the R-3 10,000 square foot Residence District (Town Center "Neighborhood General District" and "Neighborhood Edge District"), with a Planned Residential Development Overlay District (PRD), for nine (9) properties that total 78.7 acres of area, which are located on the north side of State Route 100, east of State Route 109 (Locator Numbers 23V230041, 23V230050, 23V240327, 23V310064, 23V330022, 23V330031, 23V330206, 23V330215, 23V330233, and 23V610917/Street Addresses: 2350 and 2344 Eatherton Road, 2531, 2555, and 2567 Taylor Road, 16721 Manchester Road, and 16615, 16602, and 16618 Overlook Hills Drive). **Proposed Use: A total of one hundred ninety-four (194), detached single-family dwellings (Town Center Building Type – House), with common ground, and required public space areas.** Included in these requests is the construction of a portion of the Pond-Grover Loop Road. **(Ward Five)**

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich noted the petitioner, after reviewing the proposed Information Report, submitted a request earlier in the day, which requested this item be postponed, so they have additional time to review the recommended conditions. He noted that, since the mailing had already been sent to the neighboring property owners and the item had also been posted on the website for several days, the decision to postpone was at the discretion of the Planning and Zoning Commission. Finally, he noted that due to the importance of this proposal, the Department does not object to the postponement request.

A motion was made by Mayor Woerther, seconded by Council Member Manton, to postpone P.Z. 12 and 13-15 The Villages at Bright Leaf, following discussion.

Discussion was held regarding the rationale for the postponement request, particularly the reduction in the ten (10) lot cul-de-sac to four (4) lots on the north end of the site.

Mike Doster, petitioner's legal representative, noted the petitioner is generally supportive of the modifications, but does not believe the four (4) lots granted would be marketable and wishes further time to study.

There was no opposition to allowing public comment.

Jane Finnegan, 2517 Rain Forest Court, questioned the following items: the access location for construction traffic to the site; if there has been an update on the Caulks Creek Study; and if the bridges and roads at risk in the Caulks Creek Watershed, which were identified a number of years ago, have been repaired. She also expressed a desire for a light study to be completed, before the trees are removed, and noted her concern with the lack of buffer on the eastern portion of the subject site.

Marianne Tow, 16626 Evergreen Forest Drive, noted she moved in about a year and a half ago for green space and trees and is opposed to the ten (10) lot cul-de-sac on the north end of the Pond-Grover Loop Road and she is concerned with water runoff.

Susan Treiber, 15912 Sandalwood Creek Drive, presented a petition requesting the Pond-Grover Loop Road not be extended and an alternative trail corridor be developed from Birch Forest Drive, and a pocket park be created at the terminus of the Pond-Grover Loop Road. *[Petition is made a part of these minutes and available, upon request, from the City Clerk's office.]* She is opposed to the extension of the Pond-Grover Loop Road and believes it should be a park.

Andrea Darmon, 16936 Hickory Crest Drive, noted she is opposed to the extension of the Pond-Grover Loop Road. She would prefer a park be located along the right-of-way.

Christy Pitney, 16919 Hickory Crest Drive, is opposed to the extension of the Pond-Grover Loop Road. She commented on her family's patterns of walking to and from Green Pines Elementary and worries about the additional traffic volume creating safety concerns for children.

Paul Pohlers, 2323 Sandalwood Creek Court, noted his support of the Pond-Grover Loop Road extension, since it is in compliance with the Master Plan, the Town Center Street Network Plan, and the Fire Department's requirements. He presented a petition supporting the extension of the Pond-Grover Loop Road. *[Petition is made a part of these minutes and available, upon request, from the City Clerk's office.]* He also noted he wants better buffers between existing homes and the proposed development.

Debbie Sinden, 2426 Forest Leaf Parkway, noted her support of the extension of the Pond-Grover Loop Road, which has always been planned, and believes it will help dissipate traffic. She has talked with a number of residents in her area, who support this extension.

Betsy Vanderheyden, 16560 Birch Forest Drive, is opposed to the extension of Birch Forest Drive and the Pond-Grover Loop Road.

Discussion was then held regarding the following: the letter from the Fire Marshal; the traffic counts on Pond-Grover Loop Road; and the date for rescheduling this request.

A voice vote was taken regarding the motion for postponement. Hearing no objections, Chair Bopp declared the motion approved.

(b.) **P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood.

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich reviewed the history of this particular request, including the additional research conducted by the Department, since the public hearing. He then noted the following: there is not a pattern among communities similar to Wildwood, in regards to if they allow these types of signs or not; the approximation of twenty-six (26) locations in Wildwood that may be effected by this ordinance addition; the Department's belief these types of signs could be designed with today's technology to meet the City's requirements and the desire to lessen the impact on the night sky; and the proposal to review these types of signs via the conditional use permit process, if there is support.

Discussion was then held regarding the following: if there is enough weight in the requirements to ensure compliance with the codes and achievement of the restrictions sought by residents in the CUP; and the possibility of requiring the CUPs be renewed on specific timeframes.

Jim Bowlin, 2165 Timerline Valley Drive, Council Member Ward 6, noted his belief that electronic message signs are wholly opposed to Wildwood. He cited research he conducted on safety studies done on these signs, particularly the study done by the City of Minnetonka, MN. *[This study is made a part of these minutes and available, upon request, from the City Clerk's office.]* The study noted that driver distraction is the cause in one (1) of every four (4) accidents and that a relationship was concluded in this study between distractions and these types of signs. Additionally, he noted that, if the City is going to compromise and allow these signs, it shouldn't compromise at a school location.

Melissa Greenstein, 17914 Homestead Bluffs Drive, representing Lafayette High School PTO, moved to Wildwood because of the high school. She noted her belief that Wildwood is behind from an innovation standpoint and, since these signs can achieve Wildwood standards, from a technological perspective, they should be considered. A favorable action by the Commission is a great way to embrace the community.

Marc Cox, 1782 Timber Ridge Estates, Council Member Ward 4, noted his support of this modification to the Sign Regulations. He believes the illumination of the current sign is similar to the electronic message board at Marquette High School.

Debra Smith McCutchen, 16548 Birch Forest Drive, stated her opposition to these types of signs and believes they would be a distraction. She noted there is not a place for these signs in Wildwood.

Miriam Krajewski, 17511 Adams Way Court, moved here because of the school and loves the green environment of Wildwood. She does not understand the opposition, noting that illuminated signs are brighter than the electronic message signs, where it can be controlled. She also noted the current sign is difficult to change and dangerous.

Kathy Gettinger, 17729 Westhampton Woods Drive, President of Lancer Parent Organization, noted the LPO has been working to promote community outside of families that go to the high school. This sign would be appreciated to get information out to the community, who may be interested in things like the current speaker series, which is for all ages. She noted the current sign is difficult to read and she has to turn around to read it, which she believes is more dangerous than an electronic sign.

Tammy Shea, Ward 3, questioned who this request is coming from, since there is no name on the petition. She believes these signs qualify as visual pollution and there are ways to identify and communicate happenings without them. There will be more requests for these types of signs and the Commission should be worried about the precedent. Regulating signs is not unique to Wildwood.

Jim Bowlin, noted that texting is a danger and shouldn't be compared to the distraction of a sign. He questioned when was the last time the City approved a sign ordinance modification that was only from a single user.

Discussion was then held regarding the following: the need for these types of signs in the digital age; the beneficiaries from these types of signs; the number of accidents outside Lafayette High School in the last year; the current lumens of the existing sign, which are unknown because it predates Wildwood; the Outdoor Lighting Requirements of the City require a dark background with lighter letters; the restrictions that could be placed on the sign, including font, color, transition, hold time, shutoff time, etc.; the possibility

of increasing the benefit of the sign because of new technology; the issue of how the regulations would be enforced; the need/desire for these types of signs at other institutions; the possibility of the Board of Adjustment considering a single sign as a test case; the maintenance of annual CUP renewals; the desire to include notification on the City's website or the Gazette about the State law prohibiting texting and driving under the age of 21; the concerns about the number of not-for-profit organizations that might seek these types of signs; the concern with being on the front of the curve and regulating these types of signs because they are a trend in signs; the possibility for limiting these types of signs to a certain use, with appropriate rationalization; and the variation in locations and the desire to establish the CUP process to control the brightness and other characteristics on a site-specific basis.

John Gragnani, 1510 Scofield Valley, noted the City was incorporated for local control and supports the idea of permitting the sign at Lafayette High School, as a test for this type.

Karen Calcattera, 16913 Bordeaux Estates, Associate Principal at Lafayette High School, noted the City itself, in addition to its social media outlets, uses electronic message boards. She requested if research has been done to correlate an increase in traffic accidents, where these signs have been placed.

Director of Planning Vujnich noted the Department would like additional time to conduct research and would request a postponement until early November. The Department's research would include the following: determine the lumens of the current sign at Lafayette High School; calculate the number of accidents in the vicinity of Lafayette, Eureka, and Rockwood Summit High Schools within the last year; the level to which this definition could be limited to a specific user; the accident information at Taylor Road and Main Street; and the quantification of data regarding when a school gets this type of sign, does the sign increase attendance by non-school community members.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to postpone P.Z. 14-15. A voice vote was taken regarding the motion for postponement. Hearing no objections, Chair Bopp declared the motion approved.

VII. New Business – One (1) Item for Consideration

(a.) A response to a communication from Charlie St. Onge, c/o St. Onge Management, P.O. Box 14, Wildwood, Missouri, 63040, which is dated September 1, 2015, regarding **St. Louis County's P.C. 112-89 Cliff Rufkahr;** Amended C-8 Planned Commercial District; south side of Manchester Road, east of East Avenue (Street Address: 2612 East Avenue/Locator Number: 24V510441); seeking an interpretation by the Planning and Zoning Commission of the definition of artisan shops and manufacturing, as part of the permitted uses within the Workplace District of the Town Center Plan, thereby, if favorable, seeking the approval of a new tenant to conduct business in the manufacture of furniture. **(Ward Eight)**

Director of Planning Vujnich read the request into the record.

Senior Planner Arnett presented the Department's recommendation in response to the submitted request by Mr. St. Onge to amend the permitted uses for this property. She noted the limited scale of the proposed fabrication business, along with the completed sound study, which concluded no discernible sound at the property lines. She then outlined the proposed modifications to the site-specific ordinance.

Larry Goodson, Council Member Ward 8, is supportive of this request and believes the use will complement other businesses in the area, such as Three French Hens, The Porch, and Imogene's.

Charlie St. Onge, real estate broker, speaking on behalf of the petitioner, noted Mr. Black will be the owner, not the tenant.

A motion was made by Mayor Woerther, seconded by Commissioner Liddy, to extend the meeting past 10:00 p.m. A voice vote was taken regarding the motion to extend the meeting. Hearing no objections, Chair Bopp declared the motion approved.

Charlie St. Onge continued by outlining his power point presentation detailing Mr. Black's limited operation and the comparison between his work and the definition of manufacturing. He went on to note the public portion of the workshop would be open from 9:00 a.m. to 5:00 p.m., but Mr. Black would like the private fabrication hours to be less limiting, given his desire to have more flexibility to go in early or work late. He inquired about how the square footage calculation was completed and if Mr. Black could park his truck and trailer onsite. Finally, he explained that he spoke with a representative from the firm of Duany Plater-Zyberk, who stated this use would enliven the area and be in keeping with New Urbanism.

Discussion was then held regarding the following: the residential use in the smaller building on the property; the lack of outside storage of all wood, equipment, and materials; the limit of the hours of operation on the retail business versus the fabrication portion; the adjacent land uses; the waste products that would be produced from the business; the type of truck that the business uses; the size of the current signage; the distance between the adjacent residences and this building; the sound study results; and the square footage calculation, based upon the information provided by Mr. St. Onge.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to approve the Department's recommendation.

Mitch Martin, 2645 Rockwood Pointe Court, noted his appreciation of the notification of the meeting and his concern with the sound emitting from woodworking power equipment. He stated the sewer service in the area is by pressurized lines and has issues with odor and concerned about additional use on the system. He requested the uses be limited and not include the fabrication portion, given his concerns with safety and noise.

John and Kimberly Mikloiche, 2628 Rockwood Pointe Court, believes the decibel level is loud and that the fabrication portion of the business will be disruptive. Additionally, the truck traffic is a concern.

Bruce Winsborough, 2633 Rockwood Pointe Court, noted he is opposed to this business at this location.

Maria Winsborough, 2633 Rockwood Point Court, did not speak, but wanted her comments included in the record. She noted that she does not agree with changing the ordinance and having manufacturing in the subject building. She has concerns with traffic, plumbing, and would have never moved here and bought her house, if she were going to be living so close to a manufacturing building.

Julie Matthews, 16909 Bordeaux Estates, did not speak, but wanted her comments included in the record. She is against the request because of sound concerns, the length of hours in the showroom, stating that 7:00 p.m. is too late, and her concern with truck traffic.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Archeski, Commissioner Gragnani, Commissioner Peasley, Commissioner Lee, Commissioner Liddy, Commissioner Renner, Mayor Woerther, and Chair Bopp.
Nays: Commissioner Bauer and Council Member Manton.
Absent: None
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 8-2.

VIII. Site Development Plans-Public Space Plans-Record Plats – No Items for Consideration

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

A motion was made by Mayor Woerther, seconded by Council Member Manton, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 10:47 p.m.

Approved by: _____
Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight's meeting, they have been attached and made part of the official record.

"DYNAMIC" SIGNAGE:

RESEARCH RELATED TO DRIVER DISTRACTION AND ORDINANCE RECOMMENDATIONS

Submitted by

SRF Consulting Group, Inc.

Prepared for

City of Minnetonka

June 7, 2007

TABLE OF CONTENTS

Page No.

1.0 INTRODUCTION 1

2.0 PURPOSE OF STUDY AND METHODOLOGY 1

3.0 SELECTED RESEARCH FINDINGS 2

3.1 Expert Opinions 3

3.2 Billboards: a Source of Driver Distraction? 4

3.3 "Dynamic" Billboards: an Additional Source of Driver Distraction? 6

3.3.1 Other Information 9

3.4 How Much Distraction Is a Problem? 10

3.5 How Does "Brightness" Affect Driver Distraction? 15

3.6 Billboard and Other Signage Regulation: a Minnesota Perspective 16

3.7 Billboard and Other Signage Regulation: Other Perspectives 16

4.0 SUGGESTED REGULATORY APPROACH 19

4.1 Definitions 19

4.2 Types of Regulatory Measures 19

4.2.1 Complete or Partial Prohibition of Electronic Signs 19

4.2.2 Size Limitations on Electronic Signs 20

4.2.3 Rate-of-Change Limitations on Electronic Signs 20

4.2.4 Motion, Animation, or Video Limitations on Electronic Signs 21

4.2.5 Sign Placement and Spacing 22

4.2.6 Text Size 22

4.2.7 Brightness Limitations on Electronic Signs 23

4.3 Public Review 24

5.0 CONCLUSIONS AND RECOMMENDATIONS 25

Appendix A – Current Sign Technologies
Appendix B – Outdoor Advertising Sign Brightness Definitions
Appendix C – Electronic Outdoor Advertising Device Visual Performance Definitions

LIST OF TABLES

		Page No.
Table 1:	FHWA Reanalysis of Faustman's Findings	5
Table 2:	Crash Causation Summary	11
Table 3:	Percentage of CDS Crashes Involving Inattention-Distraction Related Crash Causes	12
Table 4:	Specific Sources of Distraction Among Distracted Drivers:	12
Table 5:	Telespot Sign Crash Rates - Expressway Southbound	13
Table 6:	Telespot Sign Crash Rates-Expressway Northbound	14
Table 7:	Number of New Messages Displayed at Various Driver Speeds and Time Intervals Between Messages	21

LIST OF FIGURES

		Page No.
Figure 1:	VicRoads' Ten Point Road Safety Checklist	18

1.0 INTRODUCTION

This study was precipitated by concerns raised by the City of Minnetonka, Minnesota in regard to the installation of two LED ("light emitting diode") billboards along Interstate 394 and Interstate 494. The LED function was applied to two existing "static" image billboards located adjacent to the interstate. Following installation of the LED function, the City turned off the power to the signs though a stop work order based on current city ordinance prohibiting flashing signs, which is broadly defined, as well as permitting requirements for the retrofitting of the signs to the upgraded technology. The billboard owner sued the City, and the court response to this legal action as of the writing of this study has been to allow limited use of the LED billboards. A moratorium on further signage of this type was established by the City to facilitate the study of issues related to driver distraction and safety and appropriate regulatory measures for LED and other types of changeable signage.

This study was undertaken on behalf of the City of Minnetonka to examine these issues. While the concerns were precipitated by LED billboards in particular, this report examines more broadly "dynamic" display signage which is defined as any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. These capabilities may be provided by a variety of technologies which are discussed later in this report.

As the study progressed, additional communities within the Twin Cities Metropolitan Area, as well as the League of Minnesota Cities, expressed interest in these issues. However, it is not the intention of this report to provide a comprehensive study of all issues raised by dynamic signage, or other types of billboards, but rather to focus narrowly on the issues of concern to the City of Minnetonka.

2.0 PURPOSE OF STUDY AND METHODOLOGY

Driving a motor vehicle is a complex task that requires the ability to divide one's attention. Simultaneously maintaining a steady and legal speed, changing lanes, navigating traffic and intersections, reading and interpreting street signs, drivers are often challenged by conditions that can change in the blink of an eye. Internal and external physical conditions can affect how safely the driving task is accomplished. Drug or alcohol intoxication, fatigue and/or distractions in the driving environment all can play a role in motor vehicle crashes. However, these conditions are rarely the sole reason for a crash. Rather, these conditions serve to exacerbate an already-complex driving environment and subsequent mistakes in judgment can lead to crashes.

Increasingly complex traffic and roadway environments require greater attention to and focus on the driving task.

The purpose of this study is to understand what existing transportation research tells us about the effects of dynamic signs on motorists. This study also explores regulatory measures enacted in other jurisdictions to address concerns related to driver distraction. Due to time and scope constraints, this report is not comprehensive, but rather addresses the most frequently cited and easily accessible information available. The report concludes with a discussion of regulatory options for the City of Minnetonka to consider in their formulation of policies to address dynamic signage.

Information collected for this report draws from a variety of sources including interviews with subject matter experts, government and academic research, and policies developed to regulate various types of signage.

Several city and county sign ordinances were used as references for policy and regulatory research. In some cases, ordinances were brought to our attention by planners and others following the sign ordinance issue. In others, Internet searches were conducted using words and references that apply specifically to dynamic signs.

Several sign manufacturers and sign companies provided an industry perspective through a workshop with the SRF Consulting Group and the City of Minnetonka staff on February 27, 2007. This meeting yielded information about sign characteristics that can be addressed through policy and regulatory measures. Daktronics, a company that manufactures and markets LED signs, was also helpful in this regard, providing informational materials about characteristics of signs that can be regulated and examples of city sign ordinances with which they are familiar.

3.0 SELECTED RESEARCH FINDINGS

This following section presents a summary of expert opinions and selected driver distraction research conducted by government and academic researchers examining roadside signage and its effects on the driving task. Studies are organized around critical questions with serious research ramifications.

- *Is there reason to believe that billboards are a source of distraction?*
- *Is there reason to believe that "dynamic" billboards are an additional source of distraction?*
- *How much distraction is a problem?*
- *How does "brightness" affect driver safety concerns?*
- *How should billboards and other signage be regulated from a driver safety perspective?*

3.1 Expert Opinions

A combination of researchers and public policy experts were interviewed for this study. Individuals were identified while conducting background research into driver distraction and were interviewed because of their credibility in the field.

Kathleen Harder, a researcher at the University of Minnesota, has conducted driver distraction research for a variety of applications, including research for Mn/DOT. She is an expert in the field of human factors and psychology. She indicated that electronic billboards pose a driver distraction threat because of their ability to display high resolution color images, their ability to change images, and their placement in relationship to the roadway, particularly in areas where the road curves, exits and entrances are present, merges, lane drops, weaving areas, key locations of official signs, and/or areas where roadways divide.

Greg Davis, a researcher with the FHWA Office of Safety Research and Development, in Washington, DC was involved in the 2001 FHWA study on electronic billboards. He was interviewed to gain a deeper understanding of this critical study and to learn of recent research in this area. Davis stated that while no research has established a direct cause and effect relationship between electronic outdoor advertising signs and crash rates, the lack of such a research finding does not preclude a causal relationship between electronic billboards and crashes. He advocated for a new study that can control all variables and determine if a cause and effect relationship exists.

Scott Robinson, an outdoor advertising regulator for Mn/DOT, wrote the 2003 technical memorandum that addresses allowable changes for outdoor advertising devices. Mr. Robinson indicated that the memo was originally written in 1998 to establish a permitted rate of change for tri-vision signs and that the application to electronic billboards was not considered. The minimum change rate of 4.9 seconds for 70 mph roadways and 6.2 seconds for 55 mph roadways was based on the travel time between static signs spaced at the minimum allowed distance apart. Mr. Robinson also indicated that the memo is not a Mn/DOT policy, statute or rule, but rather it was written to provide internal guidance.

Jerry Wachtel, an Engineering Psychologist and highway safety expert in private practice, was the lead author for the FHWA's original (1980) study on electronic billboards. He has continued his active involvement in this field, and advises Government agencies as well as the outdoor advertising industry on sign ordinances, sign operations, and the implications of the latest research on road safety. Mr. Wachtel believes that it is neither feasible from the perspective of research design and methodology, nor necessary from a regulatory perspective, to demonstrate a causal relationship between digital billboards and road safety. Rather, he believes that we have a strong understanding, based on many years of research, of driver information processing capabilities and limitations, and of the contributions to, and consequences of, driver distraction, on crash risk; and that this understanding is sufficient to support development of guidelines and ordinances for the design, placement, and operation of digital billboards so as to lessen their potentially adverse impact on road safety and traffic operations.

Wachtel also offered comments on drafts of this report. In later conversations related to his review, Wachtel stated his belief that even though visual fixations on roadway signs decrease as route familiarity increases, a strength of the new digital billboards is that they can present messages *that are always new.* Thus, the conclusion from the 1980 FHWA study is another argument against these billboards; namely, drivers spend more time looking at the unfamiliar signs than at familiar ones, suggesting digital billboards are more dangerous than traditional fixed billboards. Wachtel also suggested his preference for a goal to have any given driver experience only one, or a maximum of two, messages from an individual roadside sign.

3.2 Billboards: a Source of Driver Distraction? [1]

The purpose of a sign is to attract the attention of passersby so that a message is conveyed. To the degree signs attract the attention of vehicle drivers, they may distract them from the activity of driving. While this report primarily examines the impact of *dynamic* roadside advertising, the role traditional *static* advertising plays in driver distraction is discussed below.

The relationship between roadside advertising and crash rates has been the subject of several studies. The majority of this research was conducted in the 1950s, 60s and 70s. While some of the earliest studies have been subsequently criticized for flawed methodologies and improper statistical techniques, some findings emerge when the totality of the studies are examined. One of these findings is that the correlation between crash rates and roadside advertising is strongest in complex driving environments. For example, higher crash rates were found at intersections (generally considered a complex environment) that have advertising than those intersections that do not have advertising. A few of the studies that are important in this field are summarized below.

Minnesota Department of Transportation Field Study (1951) and Michigan State Highway Department Field Study (1952) [2]

These two studies from the early 1950s used similar methods but came to significantly different conclusions. Recognized as the more scientifically rigorous study, the Minnesota study found that increases in the number of advertising signs per mile are correlated with increases in motor vehicle crash rates. It also found that intersections with at least four advertising signs experienced three times more crashes than intersections with no advertising signs. Conversely, the less rigorous Michigan study found the presence of advertising signs had no effect on the number of crashes.

Iowa State College, Do Road Signs Affect Accidents? (Lauer & McMonagle, 1955)[3]

A laboratory test was created to determine the effect of advertising signs on driver behavior. The results of this study found removing all advertising signs from the driver's field of vision did not improve driver performance. When signs were included, driver performance was slightly better. Note that laboratory methods used in this study are considered to be dated by today's standards.

Faustman (California Route 40) Field Study (1961)[4] and Federal Highway Administration, Reanalysis of Faustman Field Study (1973)[5]

Two studies that appear to have stood the test of time are Faustman's original analysis of California Route 40 and its re-examination by FHWA more than a decade later. The original analysis tried to improve upon previous research by limiting variables, such as roadway geometric design and roadway access controls. The FHWA reanalysis focused on disaggregating the data and converting actual crashes to expected crash rates on specific roadway sections. Each of the sections was given a value based on the number of billboards on the section. A linear regression was performed to determine the expected crash rates. An analysis of variance of the regression coefficients found that the number of billboards on a section was statistically significant. The reanalysis found a strong correlation between the number of billboards and crash rates as shown in Table 1.

Table 1. FHWA Reanalysis of Faustman's Findings.

No. of Billboards	Expected No. of Accidents in a 5-year Period	Cumulative Increase in Accident Rate
0	5.92	
1	6.65	12.3
2	7.38	24.2
3	8.11	37.0
4	8.84	49.3
5	9.57	61.7

Federal Highway Administration
***Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage* (Wachtel & Netherton, 1980)[6]**

This extensive review provides a comprehensive discussion of roadside advertising research as of 1980. The study authors noted "attempts to quantify the impact of roadside advertising on traffic safety have not yielded conclusive results." The authors found that courts typically rule on the side of disallowing billboards because of the "readily understood logic that a driver cannot be expected to give full attention to his driving tasks when he is reading a billboard." Because the distraction evidence is not conclusive, these decisions were generally not based on empirical evidence.

The research review noted that accident reports often cite "driver distraction" as a default category used by uncertain law enforcement officers who must identify the cause of a crash. As a result, the authors believe crashes due to driver distraction are not always properly identified. In addition, law enforcement officers often fail to indicate the precise crash locations on crash reports, making it difficult to establish relationships between crashes and roadside features.

Accident Research Unit, School of Psychology, University of Nottingham
Attraction and distraction of attention with roadside advertisements **(Crundall et al., 2005)** [7]

This research used eye movement tracking to measure the difference between street-level advertisements and raised advertisements in terms of how they held drivers' attention at times when attention should have been devoted to driving tasks. The study found that street-level advertising signs are more distracting than raised signs.

3.3 "Dynamic" Billboards: an Additional Source of Distraction?

Signage owners or leasers want to incorporate dynamic features into their signage for a number of reasons: to enhance the sign's ability to attract attention, to facilitate display of larger amounts of information within the same sign area, to conveniently change message content, and to enhance profitability. As mentioned earlier, this report uses the term "dynamic" signs to refer to non-static signs capable of displaying multiple messages. Several studies documented the ability of a sign to accomplish the first of these goals.

University of Toronto
Observed Driver Glance Behavior at Roadside Advertising Signs **(Beijer & Smiley, 2004)** [8]

Research done at the University of Toronto compared driver behavior subject to passive (static) and active (dynamic) signs. The study found that about twice as many glances were made toward the active signs than passive signs. A disproportionately larger number of long glances (greater than 0.75 seconds) taken were toward the active signs. The duration of 0.75 seconds is important because it is close to the minimum perception-reaction time required for a driver to react to a slowing vehicle. For vehicles with close following distances, or under unusually complex driving conditions, a perception delay of this length could increase the chance of a crash. The following findings were reported in this study:

- 88% of the subjects made long glances (greater than 0.75 seconds).
- 22% of all glances made at all signs were long glances (greater than 0.75 seconds).
- 20% of all the subjects made long glances of over two seconds.
- As compared to static and scrolling text signs, video and tri-vision signs attracted more long glances.
- Video and scrolling text signs received the longest average maximum glance duration.
- All three of the moving sign types (video, scrolling text and tri-vision) attracted more than twice as many glances as static signs.

University of Toronto
Impact of Video Advertising on Driver Fixation Patterns (Smiley et al., 2001) [9]

Another study completed at the University of Toronto used similar eye fixation information in urban locations to show that drivers made roughly the same number of glances at traffic signals and street signs with and without full-motion video billboards present. This may be interpreted to mean that while electronic billboards may be distracting, they do not appear to distract drivers from noticing traffic signs. This study also found that video signs entering the driver's line of sight directly in front of the vehicle (e.g., when the sign is situated at a curve) are very distracting.

City of Seattle Report (Wachtel, 2001) [10]

The City of Seattle commissioned a report in 2001 to examine the relationship between electronic signs with moving/flashing images and driver distraction. The report found that electronic signs with moving images contribute to driver distraction for longer intervals than electronic signs with no movement. Following are major points made in the report:

- New video display technologies produce images of higher quality than previously available technologies. These signs have improved color, image quality and brightness.
- New video display technologies use LEDs with higher viewing angles. Drivers can read the sign from very close distances when they are at a large angle from the face of the sign.
- Signs with a visual story or message that carries for two or more frames are particularly distracting because drivers tend to focus on the message until it is completed rather than the driving task at hand.
- Research has shown that drivers expend about 80 percent of their attention on driving related tasks, leaving 20% of their attention for non-essential tasks.
- The Seattle consultant suggests a "10 second rule" as the maximum display time for a video message.

The expanded content of a dynamic sign also contributes to extended distraction from the driving task. The Seattle Report examined how this may be due in part to the *Zeigarnik effect* which describes the psychological need to follow a task to its conclusion. People's attention is limited by the ability to only focus on a small number of tasks at a time, and by the tendency to choose to complete one task before beginning another. In a driving environment, drivers' attention might be drawn to the sign rather than the task of driving because they are waiting to see a change in the message. This loss of attention could lead to unsafe driving behaviors, such as prolonged glances away from the roadway, slowing, or even lane departure.

While the Zeigarnik effect may be present in a wide variety of driving situations, possible scenarios that could affect drivers include:

- A scrolling message requires the viewer to concentrate as the message is revealed. Based on the size and resolution of the sign, and the length of the message, this could range from less than one second to many seconds.
- A sequence of images or messages that tell a story, during which the driver's attention may be captured for the entire duration that the sign is visible. Instead of merely glancing at the sign and then returning concentration to the driving task, more attention may be given to the message.
- Anticipation of a new image appearing, even if the expected new image is not related to the first image. In this case, the driver may be distracted while waiting for the change.

Federal Highway Administration
Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage (Wachtel & Netherton, 1980) [11]

This research provides information on the use of on-premise Commercial Electronic Variable-Message Signs (CEVMS) that display public service information (i.e,. time and temperature) and advertising messages along the Interstate highway system. The research found the following major considerations:

- Highway Safety Considerations

  The link between changing messages that attract drivers' attention and crashes has been an issue of concern since the earliest forms of electronic signage became available. This study thoroughly reviewed the literature seeking information regarding a potential link between CEVMS and crashes:

  > *"Although a trend in recent findings has begun to point to a demonstrable relationship between CEVMS and accidents, the available evidence remains statistically insufficient to scientifically support this relationship."*

  The study also noted that studies have not documented information about "such occurrences as 'near misses' or traffic impedances that are widely recognized as relevant to safety, and which may or may not be attributable to the presence of roadside advertising."

- Human Factors Considerations

  Human factors relate to all the elements that explain driver behavior, such as eye glances and driver responses to a variety of driving-related stimuli. The study makes the point that simple driving-related tasks consume relatively little information processing capacity. However, when other conditions, such as congestion, complicated roadway geometries, or weather are also considered, the marginal extra

amount of attention required to read roadside advertisements could lead to driving errors that could cause crashes.

> *"The enormous flexibility of display possessed by CEVMS makes it possible to use them in ways that can attract drivers' attention at greater distances, hold their attention longer, and deliver a wider variety of information and image stimuli than is possible by the use of conventional advertising signs."*

Texas Transportation Institute for FHWA, Impacts of Using Dynamic Features to Display Messages on Changeable Message Signs (Dudek et al., 2005) [12]

This study examined the comprehension times for three different scenarios for DOT-operated changeable message signs. The scenarios evaluated were:

- Flashing an entire one-phase message
- Flashing one line of a one-phase message while two other lines of the message remain constant
- Alternating text on one line of a three-line CMS while keeping the other two lines of text constant on the second phase of the message

The findings of this study were:

- Flashing messages did not produce faster reading times.
- Flashing messages may have an adverse effect on message comprehension for unfamiliar drivers.
- Average reading times for flashing line messages and two-phase messages were significantly longer than for alternating messages.
- Message comprehension was negatively affected by flashing line messages.

While this research did not evaluate advertising-related signs, it does demonstrate that flashing signs require more of the driver's time and attention to comprehend the message. In the case of electronic billboards, this suggests that billboards that flash may require more time and attention to read than static ones.

3.3.1 OTHER INFORMATION

NHTSA Driver Distraction Internet Forum (2000) [13]

The National Highway Traffic Safety Administration held an internet forum to gather research and public comment related to driver distraction with an emphasis on the use of cell phones, navigation systems, wireless Internet and other in-vehicle devices. During this forum, participants were invited to take a poll to determine the most prominent driver

distraction issues. Electronic billboards were identified as one of six noted sources of distraction.

Parliament of Victoria, Australia, Report of the Road Safety Committee on the Inquiry into Driver Distraction (2006) [14]

This report identified road signs and advertising as one of the largest sources of driver distraction. At least three billboards near Melbourne, Australia display moving images.

> *"The Committee considers these screens to be at the high end of potential visual distraction and accordingly, present a risk to drivers."*

The study also included a quote from the Manager of the Road User Behaviour group at VicRoads (the State's road and traffic authority) from a December 2005 hearing:

> *What we do know is when there is movement involved, such as flicker or movement in the visual periphery, that this is more likely to capture a driver's attention. We actually are hard-wired as human beings to movement, so particularly moving screens and information that scrolls at intersections and in highly complex driving situations – these are risky, and in particular researchers have been most concerned about those sort of advertising materials.*

This opinion would suggest that electronic signs can present a distraction to drivers.

3.4 How Much Distraction Is a Problem?

A number of studies were identified that discussed concerns with driver distraction generally. It should be noted that some of the studies cited use specific crash data that is ten or more years old. Direct comparison of distraction sources to influences of today may not be completely valid due to increased technological sophistication of distracting influences. These could include in-vehicle technology (e.g., navigation systems, MP3 players, DVD players, CD players, computer systems, etc.) as well as other potentially distracting influences (e.g., cell phones, text messaging, dynamic signage, other roadway elements, etc.) that were not commonplace when the data for these studies was collected:

Australian Road Research Board
***Investigations of Distraction by Irrelevant Information* (Johnston & Cole, 1976)** [15]

This research used five experiments to test whether drivers could maintain efficient performance in their driving tasks while being subjected to content that was information rich, but irrelevant to driving. The findings were that a small, but statistically significant amount of performance degradation was observed when the participant was under a critical load of stimuli.

National Highway Traffic Safety Administration/ Virginia Tech Transportation Institute

***Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data* (Klauer et al., 2006)** [16]

This study analyzed the data from a driving database developed by the National Highway Traffic Safety Administration. This database contained exhaustive data recorded by instrumented vehicles that measured glance position, impairment, drowsiness, risk taking and many other parameters potentially involved in crash causation. Vehicles were instrumented so that an observer did not need to be in the vehicle to collect data. Automated data collection reduced the problem of an observer influencing driver behavior. The study found that glances of two seconds or greater doubled the risk of crashes or near-crashes. The study also found that 22 percent of crashes are accompanied by "secondary-task" distraction whether inside or outside the vehicle.

National Highway Traffic Safety Administration/ Virginia Tech Transportation Institute

***Driver Inattention is a Major Factor in Serious Traffic Crashes* (2001)** [17]

The National Highway Traffic Safety Administration commissioned a study to examine the causes of crashes. The study gathered information from four areas throughout the country and used data from the National Automotive Sampling System (NASS) from April 1996-April 1997 for analysis. The geographic areas were selected because they had good crash investigation practices and high interview completion rates. The results of this study are summarized in Table 2.

Table 2. Crash Causation Summary

Causal Category	Percentage of Drivers Contributing to Causation
Driver Inattention	22.7
Vehicle Speed	18.7
Alcohol Impairment	18.2
Perceptual Errors	15.1
Decision Errors	10.1
Incapacitation	6.4
Other	8.8

Association for the Advancement of Automotive Medicine

***The Role of Driver Inattention in Crashes; New Statistics from the 1995 Crashworthiness Data System* (Wang, 1996)** [18]

This report analyzed the NHTSA 1995 Crash Worthiness Data System (CDS). It found that the greatest source of driver distraction (3.2 percent) was due to a specified person, object or event outside the vehicle. The full results of the study are presented in Table 3.

Table 3. Percentage of CDS Crashes Involving Inattention-Distraction Related Crash Causes

Data Element	% of Drivers	% of Crashes
Attentive or not distracted	46.6%	28.4%
Looked but did not see	5.6%	9.7%
Distracted by other occupant [specified]	0.9%	1.6%
Distracted by moving object in vehicle [specified]	0.3%	0.5%
Distracted while dialing, talking, or listening to cellular phone [location and type of phone specified]	0.1%@	0.1%@
Distracted while adjusting climate controls	0.2%@	0.3%@
Distracted while adjusting radio, cassette, CD [specified]	1.2%	2.1%
Distracted while using other device/object in vehicle [specified]	0.1%	0.2%
Sleepy or fell asleep	1.5%	2.6%
Distracted by outside person, object, or event [specified]	2.0%	3.2%
Eating or drinking	0.1%	0.2%
Smoking-related	0.1%	0.2%
Distracted/inattentive, details unknown	1.5%	2.6%
Other distraction [specified]	1.3%	2.2%
Unknown/No Driver	38.5%	46.0%

Weighted driver N = 4,627,000 (7,943, unweighted); weighted crash N = 2,619,000 (4,536); In order for a *crash* to classified "attentive," all involved drivers had to be classified "attentive." @ - estimate based on 5-9 cases.

University of North Carolina Highway Safety Research Center
The Role of Driver Distraction in Traffic Crashes (Stutts et al., 2001) [19]

A study prepared by the University of North Carolina Highway Safety Research Center for the AAA Foundation for Traffic Safety examined the sources of driver distraction in traffic crashes. The data came from the CDS from 1995-1999. Of the thirteen specific sources of distraction tracked by the study, the greatest source of distraction was an outside person, object or event. While the study does not break down the sources of outside distraction, it does show that distractions outside the vehicle are the largest factor in distraction-related crashes. The results of this study are presented in Table 4.

Table 4. Specific Sources of Distraction Among Drivers in Distraction–Related Crashes

Specific Distraction	Percentage of Drivers
Outside person, object or event	29.4
Adjusting radio, cassette, CD	11.4
Other occupant in vehicle	10.9
Moving object in vehicle	4.3
Other device/object brought into vehicle	2.9
Adjusting vehicle/climate controls	2.8
Eating or drinking	1.7
Using/dialing cell phone	1.5
Smoking related	0.9
Other distraction	25.6
Unknown distraction	8.6
Total	100.0

Three studies were found which attempted to measure driver behavior specifically in response to dynamic signage. Two of these studies demonstrated a potential relationship between dynamic signage and crash rates:

Minnesota Department of Transportation, The Effectiveness and Safety of Traffic and Non-Traffic Related Messages Presented on Changeable Message Signs (CMS) (Harder, 2004) [20]

This study used a driving simulator to measure the effect of Department of Transportation changeable message signs on traffic flow. The two messages evaluated were a "crash ahead" warning and an AMBER Alert (child abduction information). The research found that just over half of the participants used the "crash ahead" message and 60 percent could recall the AMBER Alert with scores of Good or Better. Over one fifth of the participants slowed down by at least 2 mph upon seeing the AMBER Alert, demonstrating that messages relevant to drivers are associated with changes in at least some drivers' travel speed .

***Decision of the Outdoor Advertising Board in the Matter of John Donnelly & Sons, Permitee, Telespot of New England, Inc., Intervenor, and Department of Public Works, Intervenor, with Respect to Permit Numbered 19260 as Amended* (1976)** [21]

This proceeding documents the Commonwealth of Massachusetts Outdoor Advertising Board's ruling regarding one of the first changeable signs. This sign was located near an arterial road in Boston and used magnetic discs to portray a message that changed every 30 seconds. The original sign permit was rejected based on four criteria, one of which was safety. Upon appeal, the Massachusetts Department of Public Works allowed the permit based on the fact that the sign would give the public a benefit. However, they ultimately determined that the sign was a safety hazard based on crash rates before and after the sign was installed. Tables 5 and 6 show the change in crash rates.

Table 5. Telespot Sign Crash Rates - Expressway Southbound

	Average per year (1/1/1970-12/31/1972)	Average per year (1/1/1973-3/31/1975)	Average Percent Change
Crashes where the sign was viewable (north of sign)	29.0	20.0	-31.0
Crashes where the sign was not viewable (south of sign)	39.0	15.6	-60.0

Table 6. Telespot Sign Crash Rates - Expressway Northbound

	Average per year (1/1/1970-12/31/1972)	Average per year (1/1/1973-3/31/1975)	Average Percent Change
Crashes where the sign was viewable (south of sign)	46.3	42.7	-7.8
Crashes where the sign was not viewable (north of sign)	8.0	1.8	-77.5

This analysis shows that while crash rates decreased on comparable sections in the years after the sign was installed, the sections where the sign was visible experienced smaller crash rate decreases. Due to these arguments, the Board ruled that the operation of the sign must be terminated.

Wisconsin Department of Transportation
Milwaukee County Stadium Variable Message Sign Study – Impacts of an Advertising Variable Message Sign on Freeway Traffic (1994) [22]

A study prepared by the Wisconsin Department of Transportation (WisDOT) examined crash rates before and after an advertising variable message sign was installed in 1984 on the Milwaukee County Stadium, home of the Milwaukee Brewers professional baseball team. Crash statistics were analyzed for the three years before and the one and three years after the sign was installed. As they are often associated with driver distraction, side-swipe and rear-end crashes, as well as total crashes, were examined for both the eastbound and westbound directions. The sign was much more visible to eastbound traffic due to the stadium's proximity to the roadway and the amount of visual obstructions for westbound traffic.

The analysis found an increase in crash rates for all crash types in the eastbound direction after the sign was installed. Most pronounced was an 80 percent increase in side-swipe crashes after the first year of installation. Results in the westbound direction were mixed, with a 29 percent decrease in crashes the first year the sign was in place and a 35 percent increase in the three years the sign was in place. Although no control roadway sections were studied, an interview with the study author revealed that the introduction of a sign on a high volume curving roadway may have introduced enough distraction to an already demanding driving environment to explain the higher crash rate in the eastbound direction. The study author also stated that the study was not able to establish a causal relationship between the sign and the crash rates.[23]

Federal Highway Administration
Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction (2001) [24]

The Federal Highway Administration published a comprehensive report in 2001 that consisted of a literature search, literature review and a description of research needs for

the topic of electronic billboards (EBBs). While the study did not conduct any new research, it does provide an excellent summary of the role electronic billboards play in traffic safety and includes good descriptions of the terminology related to electronic billboards. Selected findings from that synthesis are provided below:

> *"In most instances, researchers were not able to verify that an EBB was a major factor in causing a crash. Only one study since the 1980 review and one lawsuit were identified."*
>
> *"Studies were identified that verified that: an increase in distraction, a decrease in conspicuity, or a decrease in legibility may cause an increase in the crash rate."*
>
> *"Commercial EBBs are designed to 'catch the eye' of drivers. Their presence may distract drivers from concentrating on the driving task and visual surrounds."*
>
> *"There is indication that individual differences in age and driving experience may be important considerations in driver distraction, and are relevant to understanding driver responses to the external environment. Furthermore, research regarding driver familiarity of their route demonstrated that visual fixations on roadway signs decreases as route familiarity increases. This research may show that there is a difference between commuter and visiting drivers."*

Based on these findings, the FHWA recommended additional research to further demonstrate how roadway characteristics, sign characteristics and legibility, driver characteristics and other potential driver distractions affect traffic safety. FHWA was contacted to see if any new information was available. Greg Davis, a Research Psychologist with the FHWA Office of Safety R&D, indicated that the FHWA has not performed additional studies on the topic since the report was published. He stated that there is "no direct correlation between electronic outdoor advertising signs and crash rates". He referred to a before/after study of electronic signs installed along a freeway in Las Vegas that found no change in crash rates. He went on to say that the lack of a research finding that links signs with crash rates does not mean that a causal relationship does not exist. He indicated that he has been contacted by several law enforcement agencies regarding the link between driver distraction and dynamic message signs/electronic billboards. He indicated that this is a timely and pertinent topic for many states due to the increasing popularity and capabilities of electronic outdoor advertising devices, and he expects further research to be forthcoming. He advocates for a new study that can control for all variables and determine if a cause and effect relationship exists.[25]

3.5 How Does "Brightness" Affect Driver Safety Concerns?

The brightness of any sign, static or dynamic, raises concerns with discomfort or disability glare to the driver that may arise when viewing any lighted object. *Disability Glare* occurs when a

driver is exposed to a light source so bright that it temporarily blinds the driver, impairing their ability to perform driving tasks. This temporary blindness is brief, but can be dangerous. *Discomfort Glare* occurs when a light source is bright enough to distract or encourage the driver to look away from the light, but is not blinding. Discomfort glare is of particular concern in cases where a bright sign is located in the same line of sight as a traffic sign, signal or another vehicle.

While concerns about glare are not unique to dynamic signs, newer sign technologies, which often include dynamic components, have the technical capability to emit more light and/or respond to ambient light conditions, raising additional concerns about sign brightness in areas where signs compete with regulatory traffic signs or signals.

3.6 Billboards and Other Signage Regulation: a Minnesota Perspective

Roadside signage is governed by policies and laws at the federal, state and local levels. Minnesota Statute, Chapter 173 seeks to "reasonably and effectively regulate and control the erection or maintenance of advertising devices on land adjacent to such highways." The statute requires adherence to federal statutes with respect to interstate and primary systems of highways.

Minnesota Statute Ch. 173.16 Subd. 3. regulates lighting of signs. Signs which are "illuminated by any flashing light or lights, except those giving public service information" (time, date, temperature, weather or news) are prohibited. This section also states:

> (b) Advertising devices shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway, of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle; or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
>
> and
>
> (c) Outdoor advertising devices shall not be erected or maintained which shall be so illuminated that they interfere with the effectiveness of or obscure any official traffic sign, device or signal.

3.7 Billboard and Other Signage Regulation: Other Perspectives

During the course of this study, several articles were found which summarize regulation of dynamic signage in other states:

Wisconsin Department of Transportation
***Electronic Billboards and Highway Safety* (2003)** [26]

The Wisconsin Department of Transportation also published a literature review report to further explain the current state of EBB research. Although much of the information is

mentioned in other sections of this report, the Wisconsin review did summarize Wisconsin's regulations for electronic billboards.

- No message may be displayed for less than one-half second;
- No message may be repeated at intervals of less than two seconds;
- No segmented message may last longer than 10 seconds;
- No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second (light column defined as pixel column);
- No variable message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

National Alliance of Highway Beautification Agencies (1999) [27]

Although this survey is eight years old, it generated the following information related to electronic billboards:

- Nine states had specific regulations governing signs,
- Nine states had regulations on tri-vision signs that were either being drafted or in pending legislation,
- Fifteen states had regulations regarding moving parts and/or lights,
- Nine state had no regulations on tri-vision signs, and
- Six states and Washington, DC, prohibited tri-vision signs.

An investigation into state outdoor advertising regulations was also conducted.

- Thirty-six states had prohibitions on signs with red, flashing, intermittent, or moving lights,
- Twenty-nine states prohibited signs that were so illuminated as to obscure or interfere with traffic control devices, and
- Twenty-nine states prohibited signs located on interstate or primary highway outside of the zoning authority of incorporated cities within 500 ft of an interchange or intersection at grade or safety roadside area.

Parliament of Victoria, Australia, Report of the Road Safety Committee on the Inquiry into Driver Distraction (2006) [28]

This report, cited earlier for its driver distraction opinions, identifies road signs and advertising as one of the largest sources of driver distraction. VicRoads, the state's road and traffic authority, has implemented the following regulations.

Figure 1. VicRoads' Ten Point Road Safety Checklist

An advertisement, or any structure, device or hoarding for the exhibition of an advertisement, is considered to be a road safety hazard if it:

1. obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property; or
2. obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device; or
3. could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing; or
4. is at a location where particular concentration is required (eg. high pedestrian volume intersection); or
5. is likely to be mistaken for a traffic control device, for example, because it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or arrows; or
6. requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic; or
7. invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely; or
8. is within 100 metres of a rural railway crossing; or
9. has insufficient clearance from vehicles on the carriageway; or
10. could mislead drivers or be mistaken as an instruction to drivers.

VicRoads also gives operational requirements for electronic advertising message signs. Signage must:

- not display animated or moving images, or flashing or intermittent lights;
- remain unchanged for a minimum of 30 seconds;
- not be visible from a freeway; and
- satisfy the ten-point checklist.

4.0 SUGGESTED REGULATORY APPROACH

Local governments regulate electronic outdoor advertising devices in widely varying degrees. Some cities completely prohibit the use of all electronic signs (sometimes specifying LED signs), while others have no regulations specific to electronic signs. Between those two extremes, there are many levels and types of control that can be applied.

The primary concerns to keep in mind when considering sign regulations are 1) First Amendment rights, which can be affected by regulations that affect the content of a sign's message, and therefore should be avoided, and 2) changing technology, which can quickly make a sign ordinance no longer applicable if the ordinance has been specifically written to address a certain type of sign technology. Performance based measures may therefore be preferable as they remain viable even as sign technology advances.

4.1 Definitions

Signage discussions often include a number of different words or phrases used to describe the technical characteristics of signage devices or their components (such as LEDs). For the purpose of zoning, some additional terms are also used to describe sign characteristics. Any regulatory efforts should take care to precisely define terminology. One possible resource in this effort is "Street Graphics and the Law," published by the American Planning Association (APA) Planning Advisory Service[29].

4.2 Types of Regulatory Measures

4.2.1 Complete or Partial Prohibition of Electronic Signs

Some cities have completely prohibited the use of electronic outdoor advertising devices. For example, the City of Maple Valley, WA prohibits all types of electronic outdoor advertising devices including animated signs, electronic changeable message signs, flashing signs or displays, moving signs, scrolling displays, and traveling displays. This applies to both on-premise and off-premise signs.

Other cities are very selective about where electronic signs are allowed, allowing them only in certain zoning districts. There are very few "standard" approaches. For the most part, each local

government tailors their regulations to their own situation. One approach adopted by cities is to prohibit electronic outdoor advertising devices in residential zoning districts, and for a certain distance away from residential zoning districts, similar to the zoning limitations placed on illuminated signs. Some ordinances require that electronic signs be situated such that the sign face is not visible from nearby residences.

4.2.2 Size Limitations on Electronic Signs

Another way of regulating electronic signs is to limit their size. Again, there is no set standard for this. One ordinance reviewed for the purpose of this study limits the electronic portion of a sign to no more than 50 percent of the sign face with the overall size determined by whatever the sign ordinance allows for a particular zoning district. Other examples of electronic sign size limitations include five square feet, 1,000 square inches, 20 square feet, and so forth. In other ordinances, there is no differentiation made between the size of electronic signs and other signs.

According to input from representatives of the sign industry, the smaller the size of the electronic sign, the more desirable it is for businesses to use frequent message changes, or sequenced messages, where more than one screen of text is used to convey an entire message.

4.2.3 Rate-of-Change Limitations on Electronic Signs

Many communities that allow electronic signs also regulate the rate at which the messages on the signs can be changed. Research on sign codes has shown this to range from as little as four seconds to as long as 24 hours.

The Interstate 394 sign between Ridgedale Drive and Plymouth Road is visible for approximately 45 seconds at free flow traffic speeds. Depending on text size, the message may not be readable by drivers during this entire duration, but the message changes can attract attention from long distances. Depending on how often the message changes occur and the speed of traffic, drivers on this segment could see a varying number of discrete messages. Table 7 provides the number of message changes a driver would see at different change durations and traffic speeds.

Table 7. Number of New Messages Seen at Various Driver Speeds and Time Intervals Between Messages

		Number of Messages Seen					
		Message Display Time (seconds)					
Speed (mph)	**Time sign is clearly visible* (seconds)**	**6**	**8**	**10**	**60**	**1800 (30 minutes)**	**3600 (1 hour)**
30	60	11	9	7	2	1	1
45	40	8	6	5	2	1	1
55	33	7	5	4	2	1	1

*Assuming the sign is clearly visible from one-half mile away.

Prohibiting displays from changing quickly can minimize potential driver distraction, but it would significantly limit the message owner's ability to convey information that does not fit on one screen of the sign. Using two or more successive screens to convey a message is referred to as sequencing. Based on the studies summarized in part 3 of this Report, including the glance duration studies performed by Klaur for the FHWA in 2006 and by Beijer & Smiley in 2004, and Wachtel's analysis for Seattle of the Zeigarnik effect, a message delivery system such as sequencing that requires or induces a driver to watch the sign for several seconds increases the likelihood of driver distraction. Based on information from the sign industry, for sequencing to be effective in a marketing sense, a brief rate-of-change (1-2 seconds) is generally used before transitioning into the next screen.

Some codes specify how an image changes, while other codes prohibit the use of transitions. The change from one image to another can be accomplished by various techniques: no transition – simply a change from one screen to another, or fading or dissolving one image into the next. Flashing, spinning, revolving, or other more distracting transition methods can be prohibited, allowing businesses to use sequencing in an effective manner without making the signs overly distracting. Another way of regulating distracting transitions is to require a very short time of a dark or empty screen between images.

4.2.4 Motion, Animation, or Video Limitations on Electronic Signs

Motion on a sign can consist of everything from special text effects (spinning, revolving, shaking, flashing, etc.) to simple graphics, such as balloons or bubbles rising across the screen, to more realistic moving images that have the appearance of a television screen. According to sign industry representatives, video imagery on a sign is referred to as "animation" if the sign is limited to the capability of 10 frames per second. Fewer frames per second make the moving image look more like animation. Imagery produced by signs that have the capability of processing up to 30 frames per second is accurately referred to as "video" imaging.

Many communities that allow dynamic signs do not allow the application of any type of motion, animation, or video on the signs. However, Seattle was obliged to allow video imagery on their signs after earlier signage code regulating certain types of signs was not strictly enforced. In addition to requiring a dark period between successive messages to overcome the Zeigarnik effect, Seattle also limits the duration of the video message to a minimum of two seconds and a

maximum of 10 seconds. This time frame was established based upon careful calculations of the streets from which these signs could be seen, speed limits and traffic volumes in addition to the community's concern over the extent to which moving images could distract drivers. However, Seattle also limits the size of their electronic signs to a maximum of 1,000 square inches, with no single dimension greater than three feet, thus minimizing the effect of video images.

4.2.5 Sign Placement and Spacing

Regulating the number of dynamic sign potentially visible to a driver at any one time as well as the position of the sign in relationship to the roadway may reduce distraction to drivers. Spacing requirements should consider the speed, width and horizontal and vertical alignment of the roadway.

Some communities have established minimum distances between electronic signs. Establishing an adequate distance between these types of devices seems particularly important if a fairly fast rate of change is allowed for the purpose of facilitating sequenced messages or if animation and video imaging is allowed. Closely spaced signs attempting to convey sequenced messages may simply create visual overload and an over-stimulated driving environment. Research conducted to date has not yielded information about optimal electronic sign spacing. Seattle adopted a 35-foot spacing requirement for their electronic signs based upon multiple levels of analysis of the downtown city environment in which these signs are present.

Due to the varying characteristics of individual roadways in this regard, overlay districts allowing dynamic signage with conditions specific to that area could be considered. Overlay districts could also take into account other locational factors such as offset from the roadway and conspicuity. Determining appropriate offsets from the roadway must consider roadway clear zone requirements as well as spacing of frontage roads and access points, while also considering the signage too far outside the driver's line of sight may be a further distraction. Conspicuity, a sign's ability to stand out from its surroundings, should also be considered.

4.2.6 Text Size

Legibility is another important property of signage. The preferred approach used within highway signing is that drivers can read text that is 1 inch high from 30 feet away. Larger text is needed for signs to be legible at greater distances. Large, legible text allows the driver to read the billboard from varying distances and focus on the driving task. Conversely, with small text, the driver is more likely to focus on the sign for a longer period of time and possibly be more adversely distracted. However, the size or type of text or the amount of text due is rarely regulated.

4.2.7 Brightness Limitations on Electronic Signs

One of the main concerns about the use of electronic signs, regardless of whether they consist of changeable text, animation, or video, is the brightness of the image. The brightness of an object can be characterized in two ways. *Iluminance* is the total brightness of all the light at a point of measurement. Illuminance often describes ambient light and can be measured with a standard light meter such as is used in photography. *Luminance* is the measure of the light emanating from an object with respect to its size and is the term is used to quantify electronic sign brightness. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter).

Many, but not all, LED-type signage can be time-programmed to respond to day and nighttime light levels. Higher-end signage types are equipped with photo cells to respond to ambient light conditions. Despite these controls, LED signs have been observed that are considered to be excessively bright. Sign industry representatives indicate that excessive brightness can be the result of 1) sign malfunction or improper wiring, 2) lack of photo cell and/or dimming mechanism, or 3) operator error or lack of understanding that brightness is not necessarily an advantage, especially if it makes a sign unreadable or unpleasant to look at. They also maintain that the intent of the electronic sign industry is to establish a brightness level that is similar to a traditional internally or externally lit sign. Recent observations of sign technicians calibrating the Interstate 394 LED billboard noted that the brightness controls are not calibrated to specific nit levels, but rather vary in proportion to a set maximum level, like a volume control dial on a typical car radio.

To control the extent to which electronic signs are a distraction or the extent to which they are readable, many local governments have adopted regulations that limit nit levels. At this time, ordinances that use nit level limitations typically differentiate between day time and night time nit levels. A common daytime nit limitation ranges from 5,000 to 7,000 nits. A common nighttime limitation is 500 nits, although in areas that are extremely dark at night, with very little in the way of ambient light levels, less than 500 nits may be appropriate. Other communities have taken this farther, such as Lincoln, Nebraska, whose sign code incorporates a graph of varying ambient light levels ranging from night time to a bright sunny day and all conditions between those two extremes, and has correlating nit limitations for the various ambient light levels.

Enforcement of these types of regulations is challenging as luminance of electronic signs is very difficult to measure in the field. Typically, sign luminance is measured and calibrated in a controlled factory setting using a spectral photometer to measure the light output. This calibration setting is then used in conjunction with a photo cell to control the brightness of the sign. The higher the ambient light levels, the brighter the sign. There are different nit thresholds for various colors. White is most often used to set dimming levels because at a constant nit level, white has the most intensity as perceived by the human eye.

Lincoln uses a light meter to conduct testing on electronic signs and found a wide range of luminance levels. One small electronic sign had luminance levels of 13,000 nits. The process that Lincoln uses to check luminance levels is to hold a luminance meter close to the face of the sign so that it captures only the light emitted from the sign. They have not had any requests to

measure the brightness of LED billboards, so the viability of using this approach on billboards has not been explored.

In Seattle, sign luminance was found too difficult to measure, so signs are visually inspected when complaints from the public are received. Sign owners are then contacted and asked to adjust sign luminance accordingly.

Both Mesa, Arizona and Lincoln, Nebraska have included a requirement for written certification from the sign manufacturer that the light intensity has been preset not to exceed the illumination levels established by their code, and the preset intensity level is protected from end user manipulation by password protected software or other method approved by the appropriate city official. This language appears to offer the advantage of ensuring that electronic signs, at a minimum, cannot exceed a certain established level of brightness.

At a minimum, it is important for communities to require all electronic signs to be equipped with a dimmer control. A requirement for both a dimmer control and a photo cell, which constantly keeps track of ambient light conditions and adjusts sign brightness accordingly, is optimal.

Over time, the LEDs used in electronic signs have a tendency to lose some of their intensity, and an owner may choose to have the sign adjusted and calibrated, which involves adjusting the level of electrical current in a manner that affects the brightness of the sign. This occurs over the course of two or three years. Having maximum nit levels established would ensure that the sign company has upper limits to work with as far as adjusting the sign is concerned.

4.3 Public Review

Most communities establish rules within their sign code and do not create opportunities for electronic signs to be approved through conditional use permits or special use permits. Some communities with special overlay districts, or areas that are oriented toward entertainment and night life, have established a review process for electronic signs, or for various functions of electronic signs such as animation and video.

Other communities take the opposite approach, where they allow electronic signs with no controls whatsoever, except in certain special areas, such as a historic overlay district, or a historic downtown district, where the signs are prohibited. Each community needs to tailor their application of electronic signs to meet their needs.

As of the writing of this report, no ordinances have been discovered that have a special review committee just for the purpose of electronic signs. Typically, sign regulations established in the zoning ordinance would be reviewed in accordance with existing review and approval processes. As with other development features, dynamic signage should be either prohibited, permitted, or conditional depending upon the zoning district and/or the specific features of the sign as established within the city's regulations (i.e. size, specific location with respect to the adjacent roadway, zoning district, proximity of sensitive uses). The recommended review process for permitted dynamic signs should be the same as procedures already in place for administrative

review. For dynamic signs requiring a Conditional Use Permit (CUP), the standard process for public notification and a public hearing before the planning commission should apply.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Driver distraction plays a significant role in traffic safety. Driver distraction is a factor in one in four crashes, and of those crashes involving driver distraction, one in four involves distractions outside the vehicle. The extent to which dynamic signage contributes to traffic safety has been examined in this study. Following are some of the major findings from a review of available research.

- Drivers that are subjected to information-rich content that is irrelevant to the driving task (such as digital advertising) may be temporarily distracted enough to cause a degradation in their driving performance. This degradation could lead to a crash.
- The unlimited variety of changing content allows dynamic signage to attract drivers' attention at greater distances and hold their attention longer than traditional static billboards.
- Several studies have found a correlation between crashes and the complexity of the driving environment. For example, crash rates are higher at intersections because the difficulty of the driving task is increased by the roadway's complexity. Complex driving environments place a high demand on drivers' attention. Introducing a source of distraction in an already demanding driving environment is more likely to result in crashes. This is illustrated by the 1994 Wisconsin DOT study that examined crash rates before and after installation of an electronic sign on a high-volume curving roadway. Introduction of this sign was identified as a likely factor of the 80 percent increase in side-swipe crashes that was experienced.
- Many studies have noted a correlation between outdoor advertising signs and crash rates, but have not established a *causal* relationship between the signs and crash rates. Driving is a complex task influenced by multiple factors. It is not necessary to establish a direct causal relationship between outdoor advertising signs and crash rates to show that they can make the driving task less safe. While the research shows that driver distraction is a key factor in many motor vehicle crashes, this often includes many interacting factors that distract drivers. The specific driver distraction danger that advertising signs contribute is difficult to quantify. A study that could control for multiple variables (human factors, vehicle, enforcement and the roadway environment) would be needed to provide a definitive statement on the level of driver distraction that signs produce. Such a study would likely find that not all advertising signs cause distraction that would lead to crashes, but some signs in some situations are more likely to contribute to crashes than others.

Overall, the literature review conducted for the purpose of this study identifies a relationship between driver distraction and electronic outdoor advertising devices. As indicated, driver distraction is a significant factor in crashes. The purpose of dynamic signage is to attract the attention of people in vehicles, so a natural conclusion from that knowledge is that drivers may be distracted by them. Professional traffic engineering judgment concludes that driver distraction generally contributes to a reduction in safe driving characteristics.

For this reason, state departments of transportation have carefully studied the design and location of dynamic signs within the highway right-of-way. Their goal is to convey a message to the traveling public in a manner that is as straight-forward and readable as possible without being a visual "attraction". The goal of the outdoor advertising sign is to be a visual attraction outside the right-of-way, possibly making it a source of driver distraction. Nevertheless, the actual change in crash rates influenced by the presence of any specific device has not been quantified in a manner that fully isolates the impacts of an electronic sign. Recent studies conducted by FHWA and others have cited the need for further research.

In the interest of promoting public safety, this report recommends that electronic signs be viewed as a form of driver distraction and a public safety issue. Therefore, the ordinance recommendations identified here should be considered. These recommendations should be reviewed in the future as additional research becomes available.
With respect to regulatory measures for electronic outdoor advertising signs, it is important that local governments take a thorough approach to updating their ordinances to address this issue. For example, an ordinance that addresses sign motion, but does not address brightness and intensity levels may leave the door open for further controversy. This report seeks to identify all of the aspects of electronic outdoor advertising devices that are subject to regulation. It does not specifically state what those regulations should be (e.g. the size of electronic signs), since these are all things that policy makers and staff must take into careful consideration. Further, as driver distraction and resulting influences on safety do not, in a practical sense, distinguish between on-premise and off-premise signage, this distinction is not highlighted in the recommendations below.

Regulatory Measures recommended for consideration

To properly address the issue of dynamic signage, it is recommended that the sign code address the following:

1. Identify specific areas where dynamic signs are prohibited. This would typically be done by specifying certain zoning districts where they are not allowed under any circumstances. If dynamic signs are to be allowed in specific areas, this could be done by zoning district (only higher level commercial districts are recommended for consideration) or by zoning overlay related to specific purposes (e.g. entertainment or sports facility district) or to specific roadway types.

2. Determine the acceptable level of operational modes in conjunction with such zoning districts or overlays. The various levels include:

    a. Static display only, with no transitions between messages,

    b. Static display with fade or dissolve transitions, or transitions that do not have the effect of moving text or images,

    c. Static display with scrolling, traveling, spinning, zooming in, or similar special effects that have the appearance of movement, animation, or changing in size, or get revealed sequentially rather than all at once (e.g. letters dropping into place, etc.), and

d. Full animation and video.

3. If one of the forms of static display is identified as the preferred operational mode, a minimum display time should be established. This display time should correspond to the operation roadway speed (rather than posted speed limit), allowing at most one image transition during the time that the sign if visible to a driver traveling at the operational speed.

   If a shorter minimum display time is considered, the effects of message sequencing should be considered. Wait intervals of more than 1-2 seconds between sequenced messages have the potential to become more of a distraction as viewers wait impatiently for the next screen, in an effort to view the complete message.

4. If the community wishes to accommodate animation or video in some or all locations where dynamic are permitted, a minimum and maximum duration of a video image should be established. The purpose for establishing a time limit is to ensure that the message is conveyed in a short, concise time frame that does not cause slowing of traffic to allow drivers to see the entire message. Given the creativity of advertising, these video images may be seen as a form of entertainment, and people typically like to see an entertaining message through to the end.

   Differentiate between zoning districts where dynamic signs are permitted by right, and zoning districts, overlay districts, or special districts where they should only be allowed through the approval of a Conditional Use Permit. A CUP would involve public notification and review and approval by the Planning Commission. Other options would include a design review board or other dispute resolution process.

5. Consider the establishment of minimum distance requirements between electronic outdoor advertising devices in relation to the zoning district or roadway context in which the signs are allowed.

6. Consider size limitations on dynamic signs for zoning districts where they are allowed. This may vary from one district to another.

7. Consider if dynamic signs are allowed independently, or if they must be incorporated into the body of another sign, and therefore become a limited percentage of the overall sign face.

8. Establish a requirement for that all dynamic signs that emit light be equipped with mechanisms that allow brightness to be set at specific nit levels and respond accurately to changing light conditions. The City must establish the authority to disable or turn the device off if it malfunctions in a manner that creates excessive glare or intensity that causes visual interference or blind spots, and require that the device remain inoperable until such time that the owner demonstrates to the appropriate city official that the device is in satisfactory working condition. If such technology is not available, consideration should be give to banning dynamic signs that emit light until such time as the technology allows brightness levels to be precisely controlled.

9. Consider maximum brightness levels that correlate to ambient (day or night condition, lighting of surrounding context) light levels. A maximum daytime and separate nighttime nit/footcandle level should be established. Consider wording that requires the sign to automatically adjust its nit level based on ambient light conditions.

10. Consider a requirement for a written certification from the sign manufacturer that the individual sign's maximum light intensity has been preset not to exceed the maximum daytime illumination levels established by the code, and that the maximum intensity level is protected from end user manipulation by password protected software or other method approved by the appropriate city official.

11. Require sign owners to provide an accurate field method of ensuring that maximum light levels are not exceeded. If such a method cannot technically be provided, consider banning dynamic signs that emit light until such time as the technology is available.

APPENDICES

Appendix A

Current Sign Technologies

Appendix A – Current Sign Technologies

Roadside signage has long been used to alert and direct travelers to retail businesses, lodging, attractions and other destinations. Until the 20th century much of this image was "static" in nature, presenting a single image that could only be altered by repainting or otherwise removing an image and replacing it with another. With the advent of motorized travel, signage became more "dynamic" or active in its efforts to attract the traveler's attention as they moved at ever increasing speeds. Initially, motion was created by flashing bulbs or alternating sets of neon tubes.

Today's technologies allow for an increasingly sophisticated display of images that can be manipulated by a few strokes of a keyboard. Simpler forms of signs capable of displaying multiple images include "tri-vision" signs which present a series of images through mechanical rotation of multi-sided vertical strips. The rotation occurs at regular intervals presenting a series of static images. Other forms are electronically produced, allowing for a wide range of colors, messages and images depending on the level of technology, and typically produced by light emitted by the sign face. Basic levels of technology present letters or numbers in a single color of light, such as "time and temperature" signs or gas pricing signs. Many of these signs can present longer images in a scrolling fashion, or can provide simple animations.

Recent advances have introduced a variety of technologies to the outdoor advertising arena. The largest impact has been made with LED signs which offer an inexpensive yet powerful approach that combines full motion, brilliant colors and a readable display. Other technologies are in development, including "digital ink" signs that offer a changeable medium on a surface that looks like a normal vinyl billboard. These signs manipulate ink on the surface, allowing for a dynamic presentation of images without being internally illuminated.

The various sign technologies are referenced by a wide array of terms: "changeable message signs," "electronic billboards," "animated signs." In general, this report focuses on the broad range of signage types which are capable of displaying multiple images through electronic manipulation, which we will refer to as "dynamic" signing. Reference to specific signage types is made when necessary to discussion of specific issues (e.g. the brightness of LED signage).

Appendix B

Outdoor Advertising Sign Brightness Definitions

Appendix B – Outdoor Advertising Sign Brightness Definitions

This appendix defines various technical terms that are used to describe the operational aspects of electronic billboards.

Billboard Illuminance

Billboard illumination is typically discussed using two terms: illuminance and luminance. Because this section includes some technical jargon, a glossary that further defines terms used in outdoor advertising is provided in Appendix C.

Illuminance: The amount of light that is incident to the surface of an object. This is the method for describing ambient light levels or the amount of light that is projected onto a front-lit sign. This parameter is typically measured in lux (footcandles x meters). For the purposes of dimming, illuminance is discussed to describe the ambient light that hits the photocell.

Luminance: The amount of light that emanates from an internally illuminated sign. This parameter is measured in nits. The nit levels necessary for the sign to be legible vary with the ambient light conditions. On a sunny day, the nit levels must be very high, while at night, the levels must be very low to prevent the image from distorting and to prevent glare.

Billboard Luminance (Brightness)

Luminance is measured in nits (candelas/square meter) and describes how bright the image is. In essence, it is the amount of light that is radiated from the sign divided by the amount of surface area of the sign. No matter how big the sign is, the luminance of the sign is consistent. For example, the brightness of computer monitors is also measured in nits.

The European standard "EN 12966" specifies that at certain ambient light levels, the sign should output a given number of nits. There are different tables for each color due to the properties of how the human eye interprets each color. The color that is most often used to set dimming levels is white.

The FHWA has developed recommended practices for dynamic message signs installed within the roadway right-of-way. The standard is NEMA's TS-4 "Hardware Standards for Dynamic Message Signs (DMS) With NTCIP Requirements." Note that these standards were prepared for message signs deployed within the roadway right-of-way and should not be taken as recommended luminance levels for advertising signs. Table A-1 provides a simplified version of the NEMA TS-4 standard for the color white.

Table A-1 - Luminance Standards

Ambient Light (lux)	Approximate Light	Minimum Luminance (nits)	Maximum Luminance (nits)
40,000	Sunlight	12,400	62,000

10,000	Cloudy	12,400	-
4,000	Overcast	2,200	11,000
400	Sunrise/Sunset	600	3,000
40	Candlelight	250	1,250
less than 4	Moonlight	75	375

Source: NEMA TS-4 (2005)

Billboard Resolution

Billboards require far less resolution than print advertisements. For example, Clear Channel's LED "Digital Outdoor Network" LED bulletin-size (14' x 48') billboards require dimensions of only 208 pixels high by 720 pixels wide. If this image were to be printed at 300 dots per inch (dpi), a typical print resolution, the entire image would be less than 1.7 square inches. Therefore, it is ideal to keep the message on these signs simple and clear because they do not currently allow resolutions similar to printed images.

Dimming

To maintain readability, the brightness of a sign must be adjusted to match ambient light conditions. If this is not done, the image will appear too bright and can even degrade the image quality through a phenomenon called "blooming." If the image blooms, the brightest areas of the image bleed over into darker parts and the image clarity is degraded.

Dimming is typically controlled by a photocell, which measures the ambient light conditions and varies the light output of the sign based on preconfigured settings. As ambient light conditions darken, the photocell senses the decrease and lowers the light output of the sign. Some sign manufacturers do not incorporate photocells in their electronic signs.

Electronic billboard dimming can also be controlled by scheduled dimming according to time of day or manual dimming. On-premise signs may use any of these methods, but most, if not all, off-premise standard size electronic billboards are auto dimmed by photocell. Some signs include user-defined dimming curve capability allowing total control over sign brightness and adjustability to accommodate local brightness ordinances.

Appendix C

Electronic Outdoor Advertising Device
Visual Performance Definitions

Appendix C – Electronic Outdoor Advertising Device Visual Performance Definitions

Conspicuity

Conspicuity is the property that related to the contrast between a sign and its background and its ability to stand out from its surroundings. This is a subjective property that depends on many factors of both the environment and the viewer.

Contrast

Contrast is the property that defines the relationship between the brightness of the brightest color possible to the darkest color possible on a sign. In times when ambient conditions are very bright, such as a sunny day, the darkest color may still be very bright due to the sun's reflection off the sign. In these cases, the lighter colored areas of the billboard's image must be much brighter than the contrasting dark areas.

Legibility

The ability of the driver to read a sign is related to its legibility. Large, legible text allows the driver to read the billboard from varying distances and focus on the driving task. Conversely, with small text the driver is more likely to focus on the sign for a longer period of time and possibly wait until the sign is very close.

State departments of transportation use NEMA's TS-4 document for this criterion. This document specifies many characteristics related to legibility including character height, resolution and color.

Glare

Disability Glare

The first form of glare is disability glare. This occurs when a driver is exposed to a light source so bright that it temporarily blinds the driver, impairing their ability to perform driving tasks. This temporary blindness is brief, but can be dangerous.

Discomfort Glare

Discomfort glare is when a light source is bright enough to distract or encourage the driver to look away from the light, but is not blinding. Discomfort glare is of particular concern in cases where a bright sign is located in the same line of sight as a traffic sign, signal or another vehicle.

Frequency of Change

The frequency of change is determined by the interval of time between sign image changes. The rate of change can usually be adjusted by the owner and operator of the sign. Frequency

of change is highly variable, with some on-premise signs changing faster than once per second. While no standard is generally accepted, local government agencies have used ordinances to limit the frequency to anywhere from 5 seconds to 24 hours.

Interactive signs

Interactive signs change their message based on the person viewing it. For example, the carmaker MINI has installed variable message signs that display a customized message to car owners who have special key dongles containing a radio frequency identification (RFID) chips when the dongle is in close proximity to the sign.

Another example is a microphone system that identifies the radio stations passing drivers are listening to and displays a specific message for that station.

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SRF CONSULTING GROUP, INC.

Transportation • Civil • Structural • Environmental • Planning • Traffic • Landscape Architecture • Parking • Right of Way

MEMORANDUM

TO: Tom Grundhoefer
League of Minnesota Cities

FROM: Karen Sprattler, Senior Associate
SRF Consulting Group, Inc.

DATE: June 21,2007

SUBJECT: DYNAMIC" SIGNAGE: RESEARCH RELATED TO DRIVER DISTRACTION AND ORDINANCE RECOMMENDATIONS REPORT

This study was originally commissioned in response to litigation brought by Clear Channel Communications, Inc. in response to actions taken by the City of Minnetonka, Minnesota in regard to the installation of two LED ("light emitting diode") billboards along Interstate 394 and Interstate 494. This study was undertaken to examine issues surrounding the Minnetonka billboards. While the concerns were precipitated by LED billboards in particular, this report examines more broadly "dynamic" display signage. However, this report is not the intended to be a comprehensive study of all issues raised by dynamic signage or other types of billboards,

As the study progressed, additional communities and the League of Minnesota Cities expressed interest in these issues. While it is true that the study was prepared for the City of Minnetonka, it is acknowledged that the many of the findings and conclusions, and the broader discussion of many of the issues of concern may be useful to other communities involved in similar situations.

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RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
AUGUST 17, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, August 17, 2015, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (8)
Chair Bopp
Commissioner Archeski
Commissioner Peasley
Commissioner Renner
Commissioner Gragnani
Commissioner Liddy
Council Member Manton
Mayor Woerther

ABSENT - (2)
Commissioner Lee
Commissioner Bauer

Other City Officials present: Director of Planning Vujnich, City Attorney Golterman, and Senior Planner Weiss.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the August 3, 2015 Meeting

A motion made by Commissioner Peasley, seconded by Council Member Archeski, to approve the minutes from the August 3, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

The Department did not have any opening remarks.

V. Public Hearings – One (1) Item for Consideration

(a.) **P.Z. 17-15 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** – A request for review and consideration of modifications to the Zoning Performance Standard Regulations – Noise Code Section (Section 415.250) of the City of Wildwood Zoning Ordinance that would address noise emissions from equipment that occurs for extended periods of

time, over any timeframe, including all day, week, month, or year, in all appropriate zoning district designations, including the "NU", "R", "C", and "M" District categories. **(Wards – All)**

Chair Bopp gave an overview of the public hearing process for all in attendance and officially opened the public hearing.

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich noted the Department prepared a primer with background information on the City's Noise Code and will combine its experiences with public comments received tonight, to determine if a change to the code is necessary. He then explained about a fish farming operation on ten (10) acres in the western portion of the City. This farming operation is permitted by right, but requires aerators to run 24 hours a day to provide oxygen to the fish. These aerators have caused an inordinately high volume of complaints from adjacent property owners. The City has hired an independent consultant to test the noise level of the aerators on multiple occasions and, in each instance, determined them to be within the current requirements relative to decibel level. The Department believes, however, that due to the duration of the noise (24 hours a day, seven days a week) the sound is not typical. The contemplated change to the code would address duration of noise, even if the sound was under the maximum decibel levels of the Noise Code. He concluded, noting the Department would like to hear testimony, before determining if any recommendation for change would be made.

Charles Gulas, 2054 Wild Horse Creek Road, noted he has lived on his property since 2003 and that he supports modifications to the code to address the duration of the noise. He believes the aerator noise at the fish farm is unreasonable and should be considered a nuisance. He also suggested changes to address these types of operations, including an increased buffer; a greater setback distance; increased fines; harsher consideration on repeated violations; and the inclusion of protective equipment.

Nancy and Dan Fischer, 2066 Wild Horse Creek Farm, noted they, too, believe the continual noise is a nuisance and they can no longer enjoy their outdoor space at their home. Mr. Fischer had discussed options for muffling the sound with Mr. Lisk, such as covers for the aerators, but he will not accommodate any suggestion to decrease the noise. They distributed comments to the Commission, which are included as part of these minutes.

Margo Begley, 18322 Shiloh Woods Court, noted she is also negatively impacted by the constant aerator noise and distributed comments to the Commission, which are included as part of these minutes.

Robert Pagliaro, 16219 Bear Branch Court, noted that, in fairness to the fish farm owner, he should be allowed to run his business, since it is permitted. He believes the owner is a good person and a member of the community.

Erin Pagliaro, 16219 Bear Branch Court, noted that, when she has been to the fish farm, she doesn't hear the sound and it doesn't impact activity, when moving around the property.

Andrew Lindberg, 2467 Eatherton Road, noted there are ways to reduce the noise and those methods should be pursued by the fish farm owner.

Michael Lisk, 1354 Katsura Court, noted he is the owner of the fish farm. He stated that sound studies have been done and he is not in violation. The studies are engineering reports that stated the facts. He stated he has done things to reduce the aerator noise. He also noted he intends to build a house on the property.

Director of Planning Vujnich noted that the majority of cities adopt the applicable County Code, but it would not be out of the realm to address unique issues in Wildwood with its own regulations.

Discussion was then held by the Commissioners regarding the following: the number and type of aerator units; the frequency levels of the aerators; the lack of need for a permit for the aerators; the issuance of a grading permit to install the lake; and the need for a Site Development Plan, as requested by the Department of Planning, of the fish farm operation, but was contested by the owner.

Larry McGowen, 18538 Wild Horse Creek Road, noted that he has visited the fish farm and, in a short duration of time, the noise levels would be okay, but would be an issue over the long term. He has met with the owner three (3) times and heard from the neighbors, and is unsure if a solution could be found that would satisfy everyone. He concluded noting that the ordinance does not address the sustained noise from his perspective.

Additional discussion was then held by the Commissioners regarding the following: the frequency of the noise; the differentiation between a discreet tone and a higher frequency, but the effect of lower frequencies, when at a sustained level; the desire to gather research on studies completed on the impacts of long-term noise; the issue of if any new regulations could be applied to the existing use; and the dismissal, by the Prosecuting Attorney, of warning letters and summonses based upon the current code.

A motion was made by Mayor Woerther, seconded by Commissioner Gragnani, to close the public hearing. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

VI. Old Business – Three (3) Items for Consideration

Letters of Recommendation – One (1) Item for Consideration

(a.) **P.Z. 7-15 James Edward Hardy, Trustee, 826 Babler Park Drive, Wildwood, Missouri 63005** - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District for a fourteen (14) acre tract of land that is located on the southeast side of Babler Park Drive, north of Pond Road (Locator Number 20X320136/Street Address: 826 Babler Park Drive). Proposed Use - A horse boarding and training (lessons) facility. The petitioner is not planning any additional structures or buildings in conjunction with this requested permit. **(Ward Three)**

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich presented the Letter of Recommendation, noting it reflected the Commission's input throughout the discussions of this request and its approval of the Department's recommendation at the previous meeting. This Letter of Recommendation is for approval of the Conditional Use Permit for the horse boarding operation.

A motion was made by Mayor Woerther, seconded by Commissioner Peasley, to approve the Letter of Recommendation granting the permit.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Renner, Commissioner Archeski, Commissioner Gragnani, Commissioner Peasley, Commissioner Liddy, Council Member Manton, Mayor Woerther, and Chair Bopp.
Nays: None
Absent: Commissioner Lee and Commissioner Bauer
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 8-0.

Information Reports – Two (2) Items for Consideration

(a.) **P.Z. 10-15 St. Charles Tower, c/o Kathryn Roderique, 4 West Drive, Suite 100, Chesterfield, Missouri, 63017** - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District for a 10.6 acre tract of land, of which two thousand (2,000) square feet of this total lot's area is to be utilized for a telecommunications tower facility and encumbered by a lease area established for this purpose. This tract of land is generally located northwest of the intersection of Babler Park Drive and Old Eatherton Road (Locator Number 21W310270/Street Addresses: 1400 Babler Park Drive – Lifepointe Church). Proposed Use - A one hundred twenty (120) foot telecommunications tower and related equipment shelter area. The tower is proposed to be a monopole type, with exterior antenna arrays. **(Ward Three)**

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich reviewed the Department's recommendation for approval, with two (2) changes to the petitioner's request: require the tower height to be one hundred ten (110) feet in height, a ten (10) foot reduction to the petitioner's request; and utilize flush-mounted antennas. He noted the history of the request and the discussion points from the public hearing held last month. He provided information on the character of the land near the subject site; the proposed conditions of the permit; the requested RF Charts; the recommendation to determine the area as a Multiple-Use Interest Area; and the existence of the extensive number of towers in the area, as part of Ameren Missouri's power line.

A motion was made by Commissioner Peasley, seconded by Commissioner Gragnani, to discuss this item. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion was held regarding the following: the changes to colocation in Ameren Missouri towers after 9/11 and modifications to its security procedures; the closest towers to this site, including: Metro West Headquarters, St. Paul's Church property, the Jesuit property (which allowed platform arrays); and the number of carriers, who responded to the petitioner's letter announcing a new tower would be available.

Greg Yocom, St. Charles Tower, 4 West Drive, noted he is the RF Engineer for this site. He explained that, as the petitioner, they were agreeable to the reduction in tower height, but wanted the Commission to be aware that this meant a reduction in the number of co-locators. A tower at the proposed height could accommodate a total of three (3) carriers. The noted they have built towers with flush-mounted antennas in the past, but these don't allow enough room to accommodate the radio equipment and, so, they were requesting the platform arrays be approved.

A motion was made by Commissioner Peasley, seconded by Commissioner Renner, to close the discussion. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

A motion was made by Commissioner Archeski, seconded by Commissioner Liddy, to approve the Department's recommendation.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Archeski, Commissioner Renner, Commissioner Gragnani, Commissioner Peasley, Commissioner Liddy, Council Member Manton, and Chair Bopp.
Nays: None
Absent: Commissioner Lee and Commissioner Bauer
Abstain: Mayor Woerther
Whereupon, Chair Bopp declared the motion approved by a vote of 7-0, with 1 abstention.

(b.) **P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. **(Wards – All)**

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich reviewed the Department's favorable recommendation for changes to the City's Sign Regulations relative to electronic message boards. The review of these regulations was prompted by Lafayette High School, who is seeking to replace their existing monument sign with an electronic type. These have been prohibited in the City, due to the dark sky, but now, with improved technology, many of these concerns can be addressed. The Director noted that the Department's recommendation for approval included conditions to address the potential impact, including the following: the provision for a Conditional Use Permit (CUP), similar to game courts and street-facing solar panel installations; the fact there could be a total number of twenty-six (26) applications throughout the City for this type of sign installation; the need for other forms of communication, besides electronic media, such as email, social media, etc., but signs are always criticized; the review of other municipalities requirements in this regard and the fact that most, except the City of Ellisville, allow these types of signs; and the twelve (12) components that would be reviewed, as part of the proposed CUP process.

A motion was made by Commissioner Peasley, seconded by Commissioner Liddy, to discuss this item. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion was then held regarding the following: the determination for treating commercial uses differently than institutional uses; the place within the Zoning Code, where this requirement would exist; the contradiction to New Urbanism of electronic message boards; the addition of a restriction on any proposed sign to have its intensity based upon ambient light; the review of the proposed modification by the City's Lighting Consultant; the size requirements that would be placed on the sign portion and the monument

portion of these signs; the list of other locations, besides Lafayette High School, which have requested these types of signs, including the Wildwood Family YMCA, Wildwood Christian Church, LaSalle Springs Middle School, and St. Alban Roe Church and School; the concern these signs are a distraction to drivers; and the concern that, with off-site locations paying to advertise on these signs, but this consideration being prohibited by other locations within the Code.

A motion was made by Mayor Woerther, seconded by Commissioner Liddy, to extend the meeting past 10:00 p.m. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion continued regarding the necessary restriction on moving graphics and specifics on the proposed regulations.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to close discussion and postpone action on this item, so the Department can conduct additional research and return its final recommendation at whatever time they see fit. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

VII. New Business – No Items for Consideration

VIII. Site Development Plans-Public Space Plans-Record Plats – No Items for Consideration

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 10:04 p.m.

Approved by: _____

Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight's meeting, they have been attached and made part of the official record.

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
JULY 20, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, July 20, 2015, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (9)
Chair Bopp
Commissioner Archeski
Commissioner Peasley
Commissioner Gragnani
Commissioner Lee
Commissioner Bauer
Commissioner Liddy
Council Member Manton
Mayor Woerther

ABSENT - (1)
Commissioner Renner

Other City Officials present: Director of Planning Vujnich, Director of Public Works Rick Brown, P.E. P.T.O.E., City Administrator Ryan Thomas, P.E., City Attorney Golterman, and Senior Planner Arnett.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the July 6, 2015 Meeting

A motion made by Commissioner Peasley, seconded by Council Member Manton, to approve the minutes from the July 6, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

The Department did not have any opening remarks.

V. Public Hearings – Four (4) Items for Consideration

(a.) **P.Z. 12 and 13-15 The Villages at Bright Leaf, Fischer & Frichtel Custom Homes L.L.C. and Consort Homes L.L.C., 16640 Chesterfield Grove Road, Suite 130, Chesterfield, Missouri, 63005** – A request for a change in zoning from the NU Non-Urban Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, the R-6 and R-6A 4,500 square foot Residence District, with a

the eastern portion of the site, the planned parkway, the lot sizes and housing types' compatibility with existing neighborhoods, the more level and less treed western portion of the site, which supports neo-traditional development; the concept for the linear park along the southern limits of the site; and the proposed architecture style in each different village of the property. Finally, he reiterated the request for a Work Session with the Commission.

Debra Smith McCutchen, 16548 Birch Forest Drive West, noted she is speaking as both a resident and one of the City Council representatives for Ward 5. She stated it was her belief that, most residents are happy the proposed development is for single family homes, but then outlined a number of concerns relative to drainage, grading, construction, and density. She then noted her biggest concern is with the street plan and the belief this design will negatively impact residents and decrease property values. Ms. Smith McCutchen noted she has not reviewed the traffic study, but hopes the issue of quality of life will be considered, when the Commission reviews this proposal. Her two (2) greatest concerns with the street connections were the increased traffic through neighborhoods and the loss of potential for a Ward 5 park. She then noted that the Master Plan does not support the Pond-Grover Loop Road Extension and outlined her request to not extend it or Birch Forest Drive. Finally, she noted she wants a park on the right-of-way of the Pond-Grover Loop Road, past its current terminus.

Jim Hubert, 15972 Sandalwood Creek Drive, noted that the extension of Pond-Grover Loop Road would go behind his house. He noted his concerns, as a retired teacher and current substitute teacher, with the safety of children due to the increased traffic. He noted he is not opposed to overall development, but is requesting consideration this project, and other future developments, be designed to not have connecting streets.

Paul W. Pohlers, 2323 Sandalwood Creek Court, likes the extension of the Pond-Grover Loop Road. He noted that, due to the existence of utilities, especially sewers, higher density developments should be expected east of State Route 109, but he is glad this proposal does not include apartments. He has spoken to the Fire Marshal, and, for fire access, the district needs multiple points of entry, and the Fire Marshal has spoken unequivocally that the road extensions need to occur. He stated he believes the intent of the Master Plan's opposition to the Pond-Grover Loop Road is to abandon the full loop concept, but still proceed with this quadrant being built. Mr. Pohlers noted the graded roadbed for Pond-Grover Loop Road has been there for a long time, so its construction should not be a surprise. He also commented that a Ward 5 park could still be accommodated in this development's dedicated public space and the Community Park also provides Ward 5 with close recreation options. Finally, he stated he is in favor of the project, but would also like to see villas, which may attract retirees, and then ultimately may bring more restaurants. He also does not like the name of the subdivision.

Sheldon Glass, 16874 Hickory Crest Drive, President Trustee for Hickory Manor Estates, noted his two (2) main concerns are traffic and the Pond-Grover Loop Road Extension. He commented the current Pond-Grover Loop Road is a speedway because the way the road was designed previously did not work. He supports progress, but believes they will have major problems, if this road is extended. Finally, he noted his concern with the density and his belief that ninety (90) homes would be better, and have less of an impact on the displaced wildlife from that property. He questioned, if the Pond-Grover Loop Road is connected, who will maintain those trees and what will the cost be?

Susan Treiber, 15912 Sandalwood Creek Drive, noted she has lived in her home for over nineteen (19) years and she likes the proposed homes and the subdivision looks nice, but she is opposed to the road system. She noted the roundabouts on State Route 109 have increased traffic along Sandalwood Creek Drive, and she

solar panels, which are to be placed on the dwelling, so as to be visible from the adjoining roadway, and located at 16514 Meadow Hawk Drive (Locator Number 25V330174). This request is to be reviewed in accordance with Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Code, which establishes standards and requirements for the installation of solar panels. The permit is required due to the panels' placement on the front facing area of the subject dwelling's roof. **(Ward Six)**

Chair Bopp reminded all in attendance of the public hearing process and officially opened the public hearing.

Director of Planning Vujnich read the request into the record.

Senior Planner Arnett narrated a slide show of photographs illustrating the subject site and the surrounding roadways and adjacent properties.

Ladd Faszold, 16514 Meadow Hawk Drive, outlined his reasons for selecting the proposed location for solar panels, which prominently were because of the south facing eaves. The rear of the house is shaded and not the best location to gather sunlight. He provided a study he had completed over two (2) days of sunshine and, noted, the two (2) south facing eaves received the most sunshine. He stated he has a letter from the Homeowner's Association showing approval of the requested panels. He then noted the proposed panels will be black in color and will not be obtrusive. Finally, he commented that his neighbors in the Estates at La Salle Subdivision support his request.

Charles Melton, Jr., 10330 Page Industrial Boulevard, with StraightUp Solar, spoke on behalf of this request, as the petitioner's contractor. He noted the trustees have signed the approval letter, after all six (6) lot owners supported the installation. He then gave details on the proposed system, noting it will provide over 10,000 kilowatt hours over a year, which is over fifty percent (50%) of the homeowner's electric needs. If the proposed location of panels were not to be on the south facing eaves, which are visible from the street, the effectiveness of the system would be reduced by over fifty percent (50%). Finally, he noted that StraightUp Solar is a fully licensed company, with their own electricians, designers, architects, and engineers, and reviewed the technical plans for the solar panels, created by these specialists.

Discussion was then held by the Commission regarding the following: the location of the solar panels; the neighbors' opinions; the size of the petitioner's lot; the capacity of the solar panels; the ability of the system to have net metering, which will sell the excess power to the electric company; the contents of the application packet; the preservation of all trees on the property; and the lack of a desire on the homeowner's part to install a future ground array to reach one hundred percent (100%) production.

A motion was made by Mayor Woerther, seconded by Commissioner Lee, to close the public hearing. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

(c.) **P.Z. 10-15 St. Charles Tower, c/o Kathryn Roderique, 4 West Drive, Suite 100, Chesterfield, Missouri, 63017** - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District for a 10.6 acre tract of land, of which two thousand (2,000) square feet of this total lot's area is to be utilized for a telecommunications tower facility and encumbered by a lease area established for this purpose. This tract of land is generally located northwest of the intersection of Babler Park Drive and Old Eatherton Road (Locator Number 21W310270/Street Addresses: 1400 Babler Park Drive – Lifepointe Church). Proposed Use: A one hundred twenty (120) foot telecommunications tower and related equipment shelter area. The tower is proposed to be a monopole type, with exterior antenna arrays. **(Ward Three)**

boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. **(Wards – All)**

Chair Bopp again reminded all in attendance of the public hearing process and officially opened the public hearing.

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich noted the Department has had a history of requests for electronic message boards from both institutional and commercial users. He noted these types of signs have never been allowed in Wildwood, mostly due to their impact on the night sky. The Department, however, believes that a discussion should be had by the Planning and Zoning Commission on this topic. The need for this discussion is based upon a request by Rockwood School District. He noted the discussion should focus on five (5) characteristics that will need to be addressed in considering this item. These discussion items include the following: 1) brightness; 2) message hold time; 3) transition method; 4) transition duration; and 5) area or square footage. Finally, he noted this public hearing is intended to gauge if there is interest in allowing these types of signs and, if so, how to address them.

John Shaughnessy, Principal of Lafayette High School, noted his school is the only one of four in Rockwood School District without an electronic marquee sign. He commented on the issue that temporary signs have been an issue in the past, caused by the lack of his ability to provide information on a number of events and issues at one time. Finally, he noted that he has done research on many different types of signs and he believes they would be able to meet the City's requirements, while also satisfying the school's need for a digital marquee.

Discussion was held among the Commission Members regarding the following: the methods the school currently uses to communicate information; the advertisement for this public hearing; the options on these types of signs; the variability of brightness during the day versus at night; the high potential for negative comments from the public, if this is approved; the ability to turn off the sign at night; the potential for it to distract drivers and other safety concerns; the potential for setting a precedent and the possible proliferation of these types of signs; the proposed location for the sign at Lafayette High School; the money for the sign at the high school, which was raised by it and not part of a bond issue; the desire to have the high school use the money raised for the sign to go to the hiring of a new teacher, instead of this installation; the ability to differentiate the approval of signage on institutional properties versus commercial users; the desire for research on these types of sign and other cities' ordinances; the desire to understand other potential locations, where these signs might be requested.

A motion was made by Mayor Woerther, seconded by Council Member Manton, to extend the meeting past 10:00 p.m. A voice vote was taken, with no objections, and Chair Bopp declared the motion approved.

Matt Landuehr, 2513 Forest Leaf Parkway, stated he is a Wildwood resident, as well as, a Lafayette High School alumnus and current teacher there. He noted he would encourage the Commission to complete its research and look further into this technology. He believes it is of value to the community to encourage these types of signs and the City is currently using these types of signs, as an effective means of communication, and it should be researched to discover the possibility and technology potential for allowing them, while making them as least obtrusive on the surrounding area.

Whereupon, Chair Bopp declared the motion approved by a vote of 8 to 0, with 1 abstention.

VIII. **Site Development Plans-Public Space Plans-Record Plats – One (1) Item for Consideration**

(a.) A report, with recommendation, regarding a City of Wildwood, Missouri project relating to the **resurfacing and installation of new bicycle lanes on Manchester Road (Historic Route 66)** from State Route 109 (on the east) to State Route 100 (on the west); NU Non-Urban Residence District, NU Non-Urban Residence District, with a Planned Residential Development Overlay District (PRD), and C-8 Planned Commercial District designations; public right-of-way only; endorsing and approving this plan due to the linkage it will provide between Town Center, the Pond Historic District and Rockwoods Reservation for pedestrians, runners, and bicyclists, while providing improved safety for all users of the roadway. **(Ward One)**

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich provided on overview of the project, which included the following: the area dedicated for Share the Road; the receipt of a federal grant covering eighty percent (80%) of the project costs; the State Statute requiring the Planning and Zoning Commission to review and take action upon this type of project; the lack of long-term road closures; the construction details of the retaining walls to match the built environment; the proposed six (6) month timeframe for this project, scheduled to begin this winter; and the fact the plans will also be reviewed by the City's Historic Preservation Commission, given this roadway is the original Route 66.

A motion was made by Commissioner Archeski, seconded by Mayor Woerther, to approve the Site Development Plan for the resurfacing and bike lane project.

Discussion was held regarding the presentation of the plans to the Historic Preservation Commission.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Bauer, Commissioner Archeski, Commissioner Gragnani, Commissioner Lee, Commissioner Peasley, Commissioner Liddy, Council Member Manton, Mayor Woerther, and Chair Bopp.
Nays: None
Absent: Commissioner Renner
Abstain: None
Whereupon, Chair Bopp declared the motion approved by a vote of 9-0.

IX. **Other – One (1) Item for Consideration –READY FOR ACTION**

(a.) Nominating Committee's Recommendation for Officers of the Commission for Year 2015/2016 **(Wards – All)**

Director of Planning Vujnich noted the Nominating Committee has decided to meet on August 3rd, at 7:15 pm, to discuss their slate of candidates to be presented for consideration.

TO: Planning and Zoning Commission, City of Wildwood

RE: Bright Leaf Development and Extension of Pond-Grover Loop

Based on the information presented at the Ward 5 Town Hall meeting on July 6, we understand the proposed Bright Leaf development may also result in the extension of both Birch Forest and Pond-Grover Loop ("PGL"). Our comments and concerns with the proposed plan are described below.

I. Accountability
   A. Upon review of the Master Plan, the essential reasons for the incorporation of Wildwood included accountability to the people of the area, and residential development consistent with long-range planning and prudent land utilization[1]. The Master Plan explicitly states "Do not adopt other arterials and new roadways that may have been projected as part of previous St. Louis County plans, in particular, the Pond-Grover Loop Road.[2]" To be accountable to the people of Wildwood, this Master Plan should be followed and the road not extended. This will keep the town accountable to the current residents, rather than cater to potential future residents.

II. Increased traffic on PGL and throughout Ward 5 (including but not limited to Forest Leaf Parkway, Green Pines Drive, and Birch Forest)
   A. A transportation goal listed in the Master Plan includes safe streets need to be maintained throughout Wildwood[3]. Children frequently play in the street, and people use sidewalks to run, walk, and bike throughout Ward 5. Traffic has already been acknowledged as an issue with the installation of speed bumps on Green Pines Drive and Forest Leaf Parkway. Further increasing traffic on these roads will make them more dangerous to pedestrians and residents.
   B. The Master plan states the expansion of Hwy 109 would result in negative impacts, including "environmental degradation associated with its construction and increased traffic, [and] the loss of parkland through direct acquisition for roadway right-of-ways.[4]" The same logic should be applied to the extension of PGL. Extending PGL would have a similar negative impact of increased traffic and loss of park land (specifically the potential Ward 5 neighborhood park; see additional discussion in section IV below).

III. Connectivity
   A. Creating a walking path from PGL terminus to the Bright Leaf development (without extension of the roadway) would allow for the desired connectivity discussed at the July 6 meeting
      - Allows Bright Leaf residents access to the potential Ward 5 park, Green Pines elementary, and other areas of Ward 5 without increasing vehicular traffic to the existing neighborhoods

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[1] Master Plan, page 22
[2] Master Plan, page 56
[3] Master Plan, page 53
[4] Master Plan, page 54-55

B. It was stated that subdivisions should have two access points. There are several in Wildwood with only one or two access points. The two access points to Bright Leaf at Eatherton and Taylor should fulfill this safety concern.
    - The second entrance to Turnberry neighborhood on Strecker Road was actually blocked off, removing an access point.
C. Based on the preliminary drawing of the Bright Leaf development shown at the July 6th meeting, new homes would be built directly adjacent to homes on Birch Forest. It did not appear that additional roadway would have to be constructed to extend Birch Forest. However, substantial construction would need to be completed to extend PGL to connect it to Bright Leaf.
D. To allow a third emergency vehicle access point, it seems easiest to use Birch Forest as the road is complete as shown in the Bright Leaf conceptual drawing. This could be structured to only allow emergency vehicles, and not permit regular vehicular traffic (potentially similar to the blocked access to Turnberry subdivision from Strecker Road). This would keep the additional traffic off Forest Leaf / Birch Forest / Green Pines Drive while allowing emergency vehicles an additional way to access Bright Leaf.
E. Three emergency access points should be sufficient, as other subdivisions in Wildwood have only one or two. PGL as a fourth access point is unnecessary.

Suggested resolutions include:

- Do not allow Bright Leaf development.
- Allow Bright Leaf development, with only access points from Taylor Road and Eatherton. Create walking trail from PGL terminus to Bright Leaf development. Results in no extension of PGL or Birch Forest.
- Allow Bright Leaf development, with access points from Taylor Road and Eatherton. Have emergency vehicle access point at Birch Forest (no residential traffic allowed). Create walking trail from PGL terminus to Bright Leaf development, but do not extend roadway of PGL.

In summary, the costs of extending PGL (increased traffic, loss of potential Ward 5 park, inconsistent with Master Plan) negatively impact current Wildwood residents and outweigh the benefit to current non-residents of having a fourth emergency vehicle access point to a planned subdivision. Using the PGL terminus as a Ward 5 neighborhood park rather than extending the roadway to Bright Leaf would be consistent with the Master Plan, help implement the Parks and Recreation Action Plan, and keep the city of Wildwood accountable to its residents.

Thank you,

Christine & Kyle Brown

16916 Hickory Way Ct.
christinebrown1009@gmail.com

From: **Karen Calcaterra** calcaterrakaren@rockwood.k12.mo.us
Subject: RE: Next steps....
Date: February 17, 2015 at 10:05 AM
To: Joe Vujnich JVujnich@cityofwildwood.com
Cc: John Shaughnessy shaughnessyjohn@rockwood.k12.mo.us

Joe,

Thanks for your response. We are just wanting to move forward so that we can improve communications with our school community. Please let me know if John or I need to do anything else at this time.

Thanks,
Karen

Dr. Karen Calcaterra
Associate Principal
Lafayette High School
17050 Clayton Road
Wildwood, Missouri 63011
636.733.4114

"Be an opener of doors for such as come after thee..." -Ralph Waldo Emerson

From: Joe Vujnich [mailto:JVujnich@cityofwildwood.com]
Sent: Monday, February 16, 2015 11:27 AM
To: Karen Calcaterra
Subject: RE: Next steps....

Karen:

The Department is working through the sponsorship banner issue at this time, but will be taking up the other matter regarding electronic reader boards sometime in March or early April.

Sorry for the delay, but the Planning and Zoning Commission's schedule is filling fast and keeping the Department busy.

Joe Vujnich

From: Karen Calcaterra [calcaterrakaren@rockwood.k12.mo.us]
Sent: Thursday, February 12, 2015 2:11 PM
To: Joe Vujnich

To: Joe Vujnich
Subject: Next steps....

Hi Joe,

I just wanted to check back in with you regarding our plans to replace our existing marquee with a new one. We are wondering what the next steps are and if we need to get anyone additional information? Thanks for your assistance.

Karen

Dr. Karen Calcaterra
Associate Principal
Lafayette High School
17050 Clayton Road
Wildwood, Missouri 63011
636.733.4114

"Be an opener of doors for such as come after thee..." -Ralph Waldo Emerson

From: **Karen Calcaterra** calcaterrakaren@rockwood.k12.mo.us
Subject: FW: Marquee Info for Wildwood Council
Date: February 2, 2015 at 2:36 PM
To: Joe Vujnich (JVujnich@cityofwildwood.com) JVujnich@cityofwildwood.com

Joe,

Please see the attached information for the replacement of our current marquee that we have at Lafayette. Please let me know if you need anything else at this time.

Thanks!

Karen

Dr. Karen Calcaterra
Associate Principal
Lafayette High School
17050 Clayton Road
Wildwood, Missouri 63011
636.733.4114

"Be an opener of doors for such as come after thee..." -Ralph Waldo Emerson

From: Jill Ralph
Sent: Monday, February 02, 2015 1:09 PM
To: Karen Calcaterra
Subject: Marquee Info for Wildwood Council

See attached.

Jill Ralph

Secretary to Principal John Shaughnessy
Lafayette High School
17050 Clayton Road
Wildwood, MO 63011
636-733-4113

DALE SIGN SERVICE INC
SIGNS

13652 Manchester Rd St. Louis, Missouri 63131

314-966-2620

QUOTE
LAFAYETTE HIGH SCHOOL

TO Lafayette High School
17050 Clayton Rd.
Wildwood, Mo. 63011
John Shaughnessy
636-733-4100

NOVEMBER 24, 2014

EXPIRATION DATE: 2/24/2015

PO#

			DUE DATE

QTY	DESCRIPTION	UNIT PRICE	LINE T
	RE: New LED Message Center; Furnish (1) DAKTRONIC Galaxy 20MM RGB Full Color outdoor LED message center 4' 2" x 8' 4" installed back to back on Steel structure. Active area of LED sign is 3' 5" x 7' 9". Lafayette sign is 22" tall x 8 '4" wide with 3/6" white acrylic faces decorated per approved sketches and illuminated with LED lighting. Custom Black aluminum top cap 100" wide. Remove existing sign and install new sign on 4"x 4" steel poles with 2" square horizontal steel supports. Install Radio on building. Communication cable from Building Radio to controlling computer completed by School; District. Footing and brick columns with limestone caps included. Up to 4 hours of Software training included. NOTE: PERMIT ACQUISITION AND FEES FROM CITY OF WILDWOOD ADDITIONAL AT OUR COST: ALL ELECTRICAL WORK COMPLETED BY SCHOOL DISTRICT. 50% deposit required to get started with balance due upon completion		$ 47,150.00

Quotation prepared by: Dennis Caldwell Dennis Caldwell

This is a quotation on the goods named, subject to the conditions noted below: (Describe any conditions pertaining to these prices and any additional terms of the agreement. You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return with deposit: _____
All signs & materials remain property of Dale Sign Service Inc until paid in full.

THANK YOU FOR YOUR BUSINESS!

100"
LAFAYETTE
HIGH SCHOOL
GO
LANCERS
beat the wildcats!
113"
72"
24"

Sec. 22-6. - Dynamic display signs.

(1) Dynamic display signs may be made a part of or used as ground, wall or directory signs in the C-1 zoning district within 150 feet of the Manchester Rd. or Clayton Rd. rights-of-way. Such signs shall be at least 200 feet from any single-family residential zoning district on the same side of the roadway and 100 feet from any single family zoning district on the opposite side of the roadway.

(2) Dynamic display signs may be made a part of or used as ground or wall signs (but not signs located at subdivision entrances) in single-family residential zoning districts in conjunction with and on the premises of elementary and secondary public schools and private schools offering curricula similar to that offered by such public schools, churches, philanthropic and fraternal order not-for-profit institutions and governmental buildings and facilities provided the signs are at least 250 feet from a residential dwelling unit.

(3) Dynamic display signs may have no more than 35 percent of the actual copy and graphic area of the sign as a dynamic display area. The remainder of the sign area must not have the capacity to have dynamic displays even if not used.

(4) Only one dynamic display area is allowed on a sign face.

(5) A dynamic display may not change or move more often than once every 20 seconds, except one for which changes are necessary to correct local hour, minute, date or temperature information. Time, date or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date or temperature must remain for at least 20 seconds before changing to a different display, but the time, date or temperature information itself may change no more often than once every three seconds.

(6) The images and messages displayed on a dynamic display sign must be static and the transition from one static display to another must be instantaneous without any special or transitional effects.

(7) Every line of copy and graphics in a dynamic display must be at least seven inches in height along a road with a speed limit of less than 34 miles per hour and nine inches along a road with a speed limit of 35 to 45 miles per hour. If there is insufficient room for copy and graphics of this size in the area allowed for such signs per subsection (3) of this section, then no dynamic display is allowed.

(8) Dynamic display signs must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this chapter.

(9) Dynamic display signs existing on January 10, 2011 must comply with the operational standards listed above. An existing dynamic display sign that does not meet the spacing requirements in subsections (1) and (2) of this section may continue as a legally nonconforming use. Any nonconforming sign that cannot meet the minimum copy and graphic height requirements of subsection (7) of this section must use the largest copy and graphic height possible for one line of copy to fit the available space.

(10) Brightness standards for dynamic display signs.

(a) All dynamic display signs must meet the following brightness standards:

1. No sign may be brighter than is necessary for clear and adequate visibility.
2. No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

3. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

(b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustments must be made within five working days after notice of noncompliance from the city as provided in section 22-4. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1. After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within ten days after the city's noncompliance notice if the required adjustment is not made as provided herein, the appeal shall be dismissed. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.
2. Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the owner's representative and the two of them must appoint a third member to the panel who has no relationship to either party.
3. The appeal panel may develop its own rules of procedure, but it must hold a hearing within five days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony and the panel may hold the hearing or a portion of it at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards with five business days after the hearing commences. The decision will be binding on both parties.

(c) All signs installed after January 10, 2011 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient light conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(11) A dynamic display sign owned and operated by the City of Ballwin or other governmental agency for the purpose of warning motorists, providing notification of a dangerous condition, announcing non-commercial, City-sponsored and community events or otherwise operated in furtherance of the public safety and police power authority of the City of Ballwin shall be exempt from the standards contained in Chapter 22 with respect to dynamic display signs.

(Ord. No. 11-02, § 4, 1-10-11; Ord. No. 11-54, § 1, 11-28-11; Ord. No. 13-36, § 1, 9-9-13)

Chapter 410. Signs and Advertising Devices

Article III. General Regulations

Section 410.070. Prohibited Signs.

[Ord. No. 2753 §1, 3-1-2006; Ord. No. 2756 §1, 3-15-2006; Ord. No. 2873 §§1 — 2, 1-16-2008; Ord. No. 3005 §1, 1-5-2011; Ord. No. 3789 §1, 11-19-2014; Ord. No. 3201 §1, 1-7-2015]

A. The following signs are prohibited:

1. Any sign not permitted by this Code.
2. Off-site signs, except as may be otherwise allowed herein.
3. Pole signs.
4. Portable signs, except as provided herein.
5. Any sign constituting a traffic hazard, including, but not limited to, any sign that:
   a. Obstructs or otherwise interferes with the effectiveness of an official traffic sign, signal or device;
   b. Conflicts with, or may be confused with, any authorized traffic sign, signal or device;
   c. Obstructs or interferes with a motor vehicle operator's view of approaching, merging or intersecting traffic;
   d. Produces a glare or otherwise interferes with a motorist's vision; or
   e. Uses the words "stop," "look," "drive-in," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
6. Any sign that by reason of inadequate maintenance, dilapidation, location, size, obsolescence or other circumstance creates a hazard to the public health, safety or welfare.
7. Any sign that directs attention toward a business, product, commodity, service or entertainment by means of a wind-operated mechanism, flashing lights, revolving sign, searchlight or any other type of fluttering, flashing, mechanical movement, including any person or animal used for such purpose.
8. Electronic message boards.
9. Any sign using lighting that is not constant and fixed or on which colors change.
10. Any sign that is unpleasant, offensive or unattractive, including any pornographic, obscene or lewd

sign that would offend the senses or sensibilities of a reasonable person.

11. Any sign with light levels exceeding those needed for the task and resulting in glare and indirect glare, where illuminated objects are too bright compared to their surroundings.

12. Any sign which physically projects more than eighteen (18) inches beyond the plane of the wall or structure on which the sign is erected or attached.

13. Any flashing, fading, moving sign (only fixed, non-moving, non-animated letters, characters may be utilized).

14. Any sign painted directly on a wall, window or structure.

15. Signs on public lands or rights-of-way.

16. V-shaped signs.

17. Living signs.

18. Vehicles displaying signage (vehicle signs) may not be parked in parking areas nearest to the street or in a manner where the vehicle(s) serve(s) as a de facto advertisement or signage. Generally, vehicles with vehicle signs should be parked behind the building not visible from the street except for brief loading and unloading.

City of Manchester, MO
Wednesday, August 12, 2015

Chapter 405. Zoning Regulations

Article VII. Supplementary Regulations — Sign Regulations

Section 405.320. Construction Requirements.

[Ord. No. 99-1145 Art. 6 §3(3.2), 9-20-1999; Ord. No. 02-1364 §1, 7-1-2002; Ord. No. 02-1374 §1, 8-19-2002; Ord. No. 04-1514 §2, 6-21-2004; Ord. No. 08-1912 §2, 11-3-2008; Ord. No. 12-2039 §§1 — 4, 10-15-2012]

A. *General.* The provisions of this Article shall govern the construction, alteration, repair and maintenance of all signs and outdoor display structures together with their appurtenant and auxiliary devices in respect to structural and fire safety.

B. *Plans, Specifications And Permits.*

1. Before any permit is granted for the erection of a sign or outdoor display structure, plans and specifications shall be filed with the Building Official showing the dimensions, materials and required details of construction, including loads, stresses and anchorage. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

2. A sign shall not be erected, constructed, altered or maintained except as herein provided and until after a permit has been issued by the Building Official.

3. A sign shall not be enlarged or relocated except in conformity to the provisions of this Section, nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter, shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this Section are not violated.

C. *Exemptions.*

1. A permit shall not be required for the signs or outdoor display structures covered by the provisions of this Subsection. Such exceptions, however, shall not be construed to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner.

2. The wall signs listed in the following Subsections shall not require a permit.

a. Non-illuminated signs erected over a show window or over the door of a store or business establishment which announce the name of the proprietor and the nature of the business conducted therein,

b. Signs erected on a municipal, State or Federal building which announce the name, nature of

the occupancy and information as to use of or admission to the premises, and

c. Any wall sign erected on a building or structure which is not more than one (1) square foot in area.

3. The ground signs listed in the following Subsections shall not require a permit.

a. Signs erected to announce the sale or rental of the property so designated, provided such signs are not over six (6) feet in height nor more than sixty (60) square feet in area,

b. All ground signs less than six (6) square feet in area,

c. The erection or maintenance of a sign designating the location of a transit line, a railroad station or other public carrier, when not more than three (3) square feet in area, and

d. Signs erected by a jurisdiction for street direction.

4. The temporary signs listed in the following Subsections shall not require a permit.

a. Construction signs, engineers' and architects' signs and other similar signs which may be authorized by the Building Official in connection with construction operations, and

b. Special decorative displays used for holidays, public demonstrations or promotion of civic, welfare or charitable purposes, when authorized by the Building Official, on which there is not commercial advertising.

D. *Unsafe Signs.*

1. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Section, the owner thereof, or the person or firm maintaining same, shall, upon written notice of the Building Official, forthwith, in the case of immediate danger, and, in any case within not more than ten (10) days, make such sign conform to the provisions of this Section or shall remove it. If, within ten (10) days, the order is not complied with, the Building Official may remove such sign at the expense of the owner or lessee thereof and without liability to the City.

2. The Building Official shall notify the owner or lessee of the building or structure by mail whenever a sign is so erected as to obstruct free ingress to or egress from a required door, window, fire escape or other required exitway element.

3. A projecting display sign erected at other than right angles to the wall of a building or structure outside of the building line, which extends above the roof cornice or parapet wall, or above the roof level, when there is not a cornice or parapet wall, and which obstructs access to the roof, is hereby deemed unlawful. Such signs shall be reconstructed or removed as herein required.

E. *Maintenance And Inspection.*

1. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this Section.

2. All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be kept in repair in accordance with the provisions of this Section and the BOCA Code; and, when not galvanized or constructed of approved corrosion-resistive non-combustible materials, shall be painted when necessary to prevent corrosion.

3. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

4. Every sign for which a permit has been issued, and every existing sign for which a permit is

required, including roof, wall, marquee and pole signs, may be inspected at any time determined appropriate by the Building Official.

F. *Existing Signs.*

1. A sign heretofore approved and erected shall not be repaired, altered or moved, nor shall any sign, or any substantial part thereof, which is blown down, destroyed or removed, be re-erected, reconstructed, rebuilt or relocated unless it is made to comply with all applicable requirements of this Section.

2. This Section shall not be construed to prevent the repair or restoration to a safe condition, as directed by the Building Official, of any part of an existing sign when damaged by storm or other accidental emergency.

3. Any sign that is moved to another location, either on the same or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith when required by this Section.

G. *General Requirements For All Signs.*

1. All signs shall be designed and constructed in conformity to the provisions for materials, load and stresses of the BOCA Code.

2. The effect of special local wind pressures shall be thoroughly considered in the design; but the wind load shall not be assumed less than twenty (20) psf for ground signs over fifty (50) feet in height and fifteen (15) psf for ground signs not more than fifty (50) feet in height.

3. Signs adequately designed to withstand wind pressures shall generally be considered capable of withstanding earthquake shocks.

4. A sign shall not be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electric Code. Any open spark or flame shall not be used for display purposes unless specifically approved by the Building Official for locations outside of the fire limits.

5. A sign shall not be erected, constructed or maintained so as to obstruct any fire escape, required exitway, window or door opening used as an element of a means of egress, or to prevent free passage from one (1) part of a roof to another part thereof or access thereto as required by the provisions of the BOCA Code or for the fire-fighting forces having jurisdiction.

6. A sign shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation by the provisions of the BOCA Code, except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of this Section.

7. Wood, approved plastic or other materials of combustible characteristics similar to wood may be used for moldings, cappings, mailing blocks, letters and latticing when permitted in the BOCA Code and for other purely ornamental features of signs.

8. Sign facings may be made of approved combustible plastics provided the area of each face is not more than one hundred (100) square feet and the wiring for electric lighting is entirely enclosed in metal conduit and installed with a clearance of not less than two (2) inches from the facing material.

H. *Ground Signs:*

1. A ground sign shall not be erected so as to obstruct free access to egress from any building.

2. A ground sign shall not be set nearer to the street lot line than the established building line.

3. The bottom capping of all ground signs shall be at least thirty (30) inches above the ground, but the intervening space may be filled with open lattice work or platform decorative trim.

I. (Reserved)

J. *Wall Signs.*

1. Wall signs which have an area exceeding forty (40) square feet shall be constructed of metal or other approved non-combustible materials, except for nailing rails.

2. Lighting reflectors may project eight (8) feet beyond the face of the wall, provided such reflectors are at least twelve (12) feet above the sidewalk level; but such reflectors shall not project beyond a vertical plane two (2) feet inside the curb line.

3. Wall signs shall not be erected to extend above the top of the wall to which they are attached, unless meeting all the requirements for projecting signs or ground signs, as the case may be.

K. *Projecting Signs.*

1. Projecting signs shall be constructed entirely of metal or other approved non-combustible materials.

2. A projecting sign shall not extend over a street or other public space more than ten (10) feet from the face of the building or structure nor, in any case, beyond a vertical plane two (2) feet inside the curb line.

3. A clear space of not less than ten (10) feet shall be provided below all parts of such signs.

L. *Marquee Signs.*

1. Marquee signs shall be constructed entirely of metal or other approved non-combustible materials.

2. Such signs shall not exceed seven (7) feet in height, nor shall they project below the fascia of the marquee, nor lower than ten (10) feet above the sidewalk.

3. Marquee signs may extend the full length, but they shall not project beyond the ends of the marquee.

M. *Pole Signs.* Pole signs shall be constructed entirely of non-combustible materials and shall conform to the requirements for ground signs, as the case may be.

N. *Temporary Signs.* Temporary signs are permitted subject to the following conditions:

1. A temporary sign announcing the opening of a new business or a special sale event or promotion shall require submission of an application to and approval by the Planning and Zoning Administrator. Applications must be received at least fourteen (14) days in advance of the requested installation date and be accompanied by a twenty-five dollar ($25.00) processing fee. Signs erected subject to this Section shall not exceed thirty-two (32) square feet in area.
A sign announcing the opening of a new business may be erected for a time period not to exceed thirty (30) days.
A business may receive administrative approval to utilize temporary signage to announce a special event or promotion for no more than sixty (60) days in a calendar year. The Planning and Zoning Administrator may approve the erection of a temporary sign, subject to the following options:

a. No more than two (2) permits, for a maximum period of thirty (30) days each, in a calendar year;

b. No more than three (3) permits, for a maximum period of twenty (20) days each, in a calendar year; or

c. No more than four (4) permits, for a maximum period of fifteen (15) days each, in a calendar year.

Each of the aforementioned administrative approvals may only be granted if forty-five (45) days have elapsed from the prior administrative approval granted.

2. A temporary sign advocating the candidacy of any person for election to public office or advocating or opposing any proposition appearing on an election ballot may be erected or affixed for not more than a sixty (60) day period. Such temporary sign shall have a total area not exceeding nine (9) square feet within the residential districts of the City of Manchester or exceeding sixty (60) square feet within the commercial districts of the City of Manchester.

3. In addition to the conditions noted in Subparagraphs (1) and (2) above, all temporary signs shall be subject to the following conditions:

a. No temporary sign may be erected or affixed by any person other than the occupant or owner, or the agent of either, on or to any property without the consent of such occupant or owner of such property.

b. No temporary sign may be erected or affixed to any public property, right-of-way, or utility pole, including park property and governmental buildings, except as provided for herein. A temporary sign advocating the candidacy of any person for election to public office or advocating or opposing any proposition appearing on an election ballot may be placed, subject to the approval of the affronting property owner(s) and the remaining provisions hereof, within that portion of the right-of-way that does not extend into or over any street or sidewalk. At no time may any sign be placed on or extend into or over any street or sidewalk or interfere with pedestrian, biking, rollerskating, rollerblading, skateboarding or vehicular traffic.

c. No temporary sign may be illuminated in any way.

4. Nothing herein shall be construed as applying to signs advertising real property as "for sale" or "for lease" or to any temporary sign erected or affixed by the City of Manchester.

O. *Illuminated Signs.*

1. All electrically illuminated signs shall be certified as to electric wiring and devices by the St. Louis County Department of Public Works — Electrical Permit Division and all wiring and accessory electrical equipment shall conform to the requirements of the Electrical Code for the City of Manchester.

2. Permits shall be issued for the erection or maintenance of illuminated signs within the limitations set forth in this Section for the location, size and type of sign or outdoor display.

3. The requirements of this Section shall not apply to the relettering of illuminated signs, except where such relettering requires a change of wiring or piping of the sign.

P. *Window Sign.*

1. A window sign may not, in the aggregate, exceed fifty percent (50%) of the total area of all windows within the wall in which the window sign is proposed to be located.

2. If illuminated, a window sign shall not exceed twenty-five percent (25%) of the total area of all windows within the wall in which the window sign is proposed to be located.

3. Combined, illuminated and non-illuminated window signs shall not exceed fifty percent (50%) of the total area of all windows within the wall in which the window sign is proposed to be located.

4. A window sign shall not include any sign that indicates a business as "open" and/or such business' hours of operation except that such sign may not exceed an additional five percent (5%) of the total area of all windows within the wall in which the proposed sign is intended to be located.

Q. *Electronic Message Sign.*

1. The location of the sign shall be erected only by attachment to or placement as a ground or monument sign. The ground or monument sign with an electronic message sign shall not exceed nine (9) feet in height. No electronic message signs shall be added to an existing or new pole, pylon, wall or window signs.

2. The maximum area of such sign shall not exceed forty-five (45) square feet or be more than fifty percent (50%) of the total sign area for the ground or monument sign, whichever is less. The base of the ground or monument sign shall not be included in the sign area calculations.

3. Only one (1) electronic message sign per establishment is allowed.

4. The leading edge of the sign must be a minimum distance of one hundred (100) feet from an abutting City residential district boundary.

5. Animation that does not flash or blink may be used as background in non-residential zone districts. This shall not include video signs which in all circumstances are prohibited.

6. The text displayed per line on the message signs at any one (1) time shall be limited to fifteen (15) words.

7. The use of flashing, blinking characters or continuous message movement is prohibited.

8. The maximum brightness of electronic message signs shall not exceed five thousand (5,000) candelas per square meter during the daylight hours or five hundred (500) candelas per square meter between dusk to dawn. The sign must have an automatic dimmer control or other photosensitive device which automatically adjusts the brightness and contrast of the sign from the higher allowed illumination level to the lower allowed level for the time period between one-half (½) hour before sunset and one-half (½) hour after sunrise.

9. In non-residential districts ("C-1", "C-2", "H" and "PCD"), any portion of the message must have a minimum duration of five (5) seconds and must be a static display. Transition time must be no longer than one (1) second.

10. In residential districts, the message displayed on such sign may be changed no more than twice in any twelve-hour period. Electronic signs shall not be allowed in any dwelling or home occupation. Churches and schools are allowed electronic signs provided that they comply with the regulations set forth in this Chapter.

11. Electronic signs such as gas prices, time and temperature will not be restricted in time change but must follow all signage regulations set forth in this Chapter.

12. Audio speakers or any form of pyrotechnics are prohibited.

13. Portable electronic signs will be allowed as temporary signs provided they comply with the temporary sign regulations set forth in this Chapter.

14. Changes to the text on an electronic message signs will not require subsequent permits, however, it is expected that all graphics and lettering shall meet the public decency standards of the City.

15. Electronic message signs shall contain a default design that will freeze the design in one (1)

position if a malfunction occurs.

Chapter 420. Sign Regulations

Section 420.010. In General.

[Ord. No. 1327 §3(4200), 9-25-1989]
The sign regulations hereinafter set forth supplement the district regulations for each district in Chapter **405**.

Section 420.020. Purpose.

[Ord. No. 1327 §3(4200-A), 9-25-1989; Ord. No. 2008 §1, 11-11-1996]

A. The purpose of this Chapter is to ensure that signs serve as identification of the building or business on that premises and not as an advertisement. Such signs and lights shall not overload the public's capacity to receive information.

1. Signs shall not cause visual confusion or create any interference with pedestrian or vehicular traffic, or distract public attention from devices regulating such traffic. Signs shall generally conform to the character of the neighborhood and enhance the visual harmony of a commercial center. Signs shall not be permitted which constitute a hazard to public health, convenience, welfare and/or safety.

2. It is the intent of this Chapter to encourage excellence in design of signs, to encourage competition toward attractive signs, and to discourage the type of competition which produces signs of ever-increasing size, brightness and garishness. Colors shall be used with restraint, and excessive brightness shall be avoided.

3. The provisions of this Chapter shall govern the erection of all signs and outdoor display structures, together with their appurtenant and auxiliary devices in respect to size, color, content, construction, location and fire safety.

4. For the purpose of assuring compliance with these requirements, no person shall erect or maintain within the City any sign except as specified in this Chapter. Signs not in conformance with this Chapter shall not be permitted in any district as an accessory use or structure.

Section 420.030. Definitions.

[Ord. No. 1327 §3(4200-B), 9-25-1989; Ord. No. 2008 §2, 11-11-1996]

A. As used in this Chapter, the following terms shall have these prescribed meanings:

ADVERTISING SIGN

A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

ANIMATED SIGN

See *"Moving Sign"* in this Section.

AWNING

A structure entirely supported by the wall or canopy to which it is attached and which is covered by canvas, cloth or other similar temporary material and/or which can be retracted or rolled to the structure by which it is supported.

BULLETIN BOARD SIGN

A sign which identifies an institution or organization on the premises on which it is located and which contains the names of the institution or organization, the name of the individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

BUSINESS IDENTIFICATION SIGN

A sign that identifies the name of a business or company on the premises to which the sign relates. A company emblem, logo, or trademark shall be considered to be a business identification sign when used alone or when combined with lettering identifying the business.

CANOPY

A structure other than an awning attached to a building at the inner end and supported on the outer end. A portico shall be considered a canopy for the purposes of this Chapter.

CIVIC SIGN

A sign which identifies or describes the services or functions of premises or facilities used, maintained, or owned by any educational institution, church, religious society or public utility.

COMMERCIAL CENTER SIGN

A freestanding, non-movable sign depicting a name, logo, trademark or other similar symbol, address or any combination of name, symbol or address, the use of which is limited to the identification of a commercial and/or office center.

CONSTRUCTION SIGN

A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, which identifies the project and denotes the owner, architect, engineer, contractor and/or financing institutions of the project.

CREDIT OR CHARGE CARD SIGN

A sign advertising the acceptance of, or being a replica of, any credit cards or charge plates whether national, local or otherwise.

DIRECTIONAL SIGN

A sign which indicates a direction for vehicular or pedestrian traffic or other movement, and does not contain advertising.

DIRECTORY SIGN

Identification sign containing more than one (1) name within a single sign.

DISPLAY AREA

See *"Sign Facing or Surface"*.

ELECTRIC AWNING

A space frame structure with translucent flexible reinforced vinyl covering designed in awning form, which is internally illuminated by fluorescent or other light sources in fixtures approved under national and local Codes.

ERECT

To build, construct, attach, hang, rehang, place, affix, or relocate and includes the painting and repainting of permanent window signs.

ESTABLISHMENT

A single building in which one (1) or more business activities are conducted, provided however, that when a building is divided into separate parts by unpierced walls extending from the floor to the ceiling, each part is a separate establishment.

FLAGPOLE

A pole on which governmental and non-governmental signs are flown. Flagpoles shall be considered structures for the purpose of this Chapter and shall require a building permit.

FLAGS

Flags of any nation, State, and/or City shall not be considered signs. They may be displayed subject to the provisions of this Chapter. Should such flags be used to call attention to a given property as an advertising sign, they shall be considered signs. See also *"Non-Governmental Flags"*.

FLASHING SIGN

An Illuminated sign on which artificial or reflected light is not steady or on which colors change.

FLUTTERING SIGN

A sign which flutters, and includes pennants, banners, or other flexible material which moves with the wind or by some artificial means.

FREESTANDING SIGN

Any non-movable sign not affixed to a building.

GASOLINE SERVICE STATION PRICE SIGN

A sign containing thereon the price per gallon of gasoline or diesel fuel sold at said station. The words "Gas, Ethyl, Self-Service, Mini-Service, Cash, Credit Card, Regular, Premium, Diesel, or Unleaded" or a combination thereof, also may be placed on said sign face.

GOVERNMENTAL SIGN

A sign identifying a governmental facility.

GROUND SIGN

A sign which has its bottom portion erected upon or supported by the ground, a ground planter box or other supports.

HANGING SIGN

A sign which hangs more than eight (8) inches beyond the plane of the wall on which it is erected or attached, and which has its message perpendicular to the vertical axis of the wall.

IDENTIFICATION SIGN

A sign identifying the name of a person(s) occupying a building, or identifying the address of a building.

ILLUMINATED SIGN

A sign which is illuminated by light sources located on or in the sign or at some other location.

INFORMATIONAL SIGN

An informational sign which gives parking, building address, fire protection, traffic flow (other than directional signs), height clearance, pedestrian or other similar information, and which does not advertise the business or use located on said lot.

LICENSED SIGN ERECTOR

A person, his/her agents and employees, who have secured a sign erector's license issued by St. Louis County or other governmental agencies.

MARQUEE

A permanent structure supported entirely or largely by the building and which projects from the wall of the building.

MARQUEE, CANOPY AND AWNING SIGN

A sign attached to or illustrated on a marquee, canopy or awning respectively.

MEMORIAL OR TABLET SIGN

The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

MONUMENT SIGN

A sign which has its bottom portion or base erected upon the ground. See illustration in Subsection **(B)** of this Section.

MOVING SIGN

A sign, all or any part of which moves by any means. Such sign includes a fluttering sign.

NON-GOVERNMENTAL FLAGS

Flags of fraternal, civic or corporate organizations. Such flags are considered signs.

PERMANENT WINDOW SIGN

A sign of permanent construction materials that is permanently affixed to either side of the glass of an exterior door or window. For the purpose of this Chapter, a glass block wall shall be deemed a window.

POST SIGN

A detached sign which is supported by one (1) stationary post longer than three (3) feet above the mean grade line of the ground at its base, provided that this shall not include a permitted real estate sign, residential subdivision sign, or informational sign, as set forth and regulated herein.

POLITICAL SIGN

A temporary sign advocating or opposing any political proposition or candidate for public office.

PORTABLE SIGN

A sign which is not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.

PREMISES

That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants. Permitted sign area shall be separately calculated for multi-tenant commercial buildings only when said tenants have a separate entrance for their exclusive use. If the building is permitted a ground sign, the permitted sign area for tenants shall be reduced accordingly.

PRIVATE SALE OR EVENT SIGN

A temporary sign advertising private sales of personal property such as "house sales", "garage sales", "rummage sales", and the like, or not-for-profit events such as picnics, carnivals, bazaars,

game night, art fairs, craft shows, and Christmas tree sales.

PROJECTING SIGN

A sign which projects more than eight (8) inches beyond the plane of the wall on which the sign is erected or attached.

REAL ESTATE SIGN

A sign pertaining to the rental, lease or sale of property. Real estate signs shall be excluded from the definition of pole signs.

REAL ESTATE SUBDIVISION SIGN

A temporary real estate sign advertising an entire residential subdivision.

ROOF SIGN

A sign erected on a roof. Marquee, canopy, wall, or hanging signs which do not project more than twelve (12) inches above a parapet wall shall not be construed as a roof sign, provided however, that the projection above said parapet wall shall not exceed the amount of the sign below the parapet wall level. The generally vertical plane of a mansard type roof shall be interpreted as a wall of a building.

SEASONAL DISPLAY

Decorations and displays celebrating or denoting religious holidays or events, the seasons of the year, State and National holidays and similar occasions; provided however, that this shall not include pennants, non-permitted fluttering flags or similar materials prohibited herein. Such seasonal displays may be in place for a period no longer than thirty (30) days. If any seasonal display conveys a commercial message or bears the name of the business, it shall be considered a sign.

SIGN

A device, a structure or part of a structure, including structural trim, or monument which displays or upon which is displayed any colors, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from the outside of a building. A cross or other religious symbol on a religious building shall not be considered a sign, nor shall a work of art which in no way identifies a business product be considered a sign. Sign supports or a monument base are not a part of the sign.

SIGN AREA

The area of the sign face. See *"Sign Facing or Surface"* in this Section for further details.

SIGN FACING or SURFACE

Any surface of a sign upon, against or through which a message is displayed or illustrated on the sign, including structural trim, which displays or upon which is displayed any color, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from the outside of a building and which can be seen from a single location on an adjacent street provided that the side, or thickness, of a sign shall not be counted as a separate sign face unless an advertising message is conveyed thereon. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign face area. Where such signs have multiple sides or faces, including signs in the form of cylinders, spheres, or other types of three dimensional figures, the entire surface is a sign face. Where a sign has more than one (1) display face, all areas which can be viewed simultaneously shall be considered a sign face area. A monument base shall not be considered part of the sign face provided that no advertising message is conveyed thereon. Where a sign or letters are attached to a building where there is no apparent confining border, the sign area shall be measured as follows: See illustration in Subsection **(B)** of this Section.

SIGN STRUCTURE

The sign and all parts associated with its construction.

SIGN SUPPORTS

All structures by which a sign is held up, including, for example, poles, braces, guys and anchors.

SPECIAL DISPLAY SIGN

A sign not exceeding twelve (12) square feet, used for holidays, public demonstrations or the promotion of civic welfare or charitable purposes.

STANDARD OUTDOOR ADVERTISING STRUCTURE AND/OR BILLBOARD

All signs which advertise products, services or businesses which are not located on the same premises as the sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs are excluded from this definition.

STRUCTURAL SUPPORT

The structure supporting a freestanding sign. This shall not be considered part of the sign face, providing it is not part of the sign message.

STRUCTURAL TRIM

The molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

SUBDIVISION IDENTIFICATION SIGN

A permanent sign identifying a residential subdivision or street name within a subdivision. Residential subdivision signs shall be excluded from the definition of post signs.

SUBDIVISION MONUMENT SIGN

A monument sign identifying an entrance to a subdivision.

TEMPORARY WINDOW SIGN

A sign of paper, cardboard, canvas, cloth or other non-permanent materials affixed to the inside of an interior window or glass door.

TEMPORARY SIGN

A sign intended for a limited or intermittent period of display.

VEHICULAR ADVERTISING SIGNS

Advertising signs on vehicles or trailers parked consistently and prominently near a business establishment or store for the purpose of advertising that company. Such signs shall not include construction trailers parked at a working construction site.

WALL SIGN

A sign attached to the wall of any building or against the generally vertical plane of a mansard type roof with the plane of the sign face parallel to the plane of the wall below the roof line.

WARNING SIGN

A sign limited to messages of warning, danger or caution.

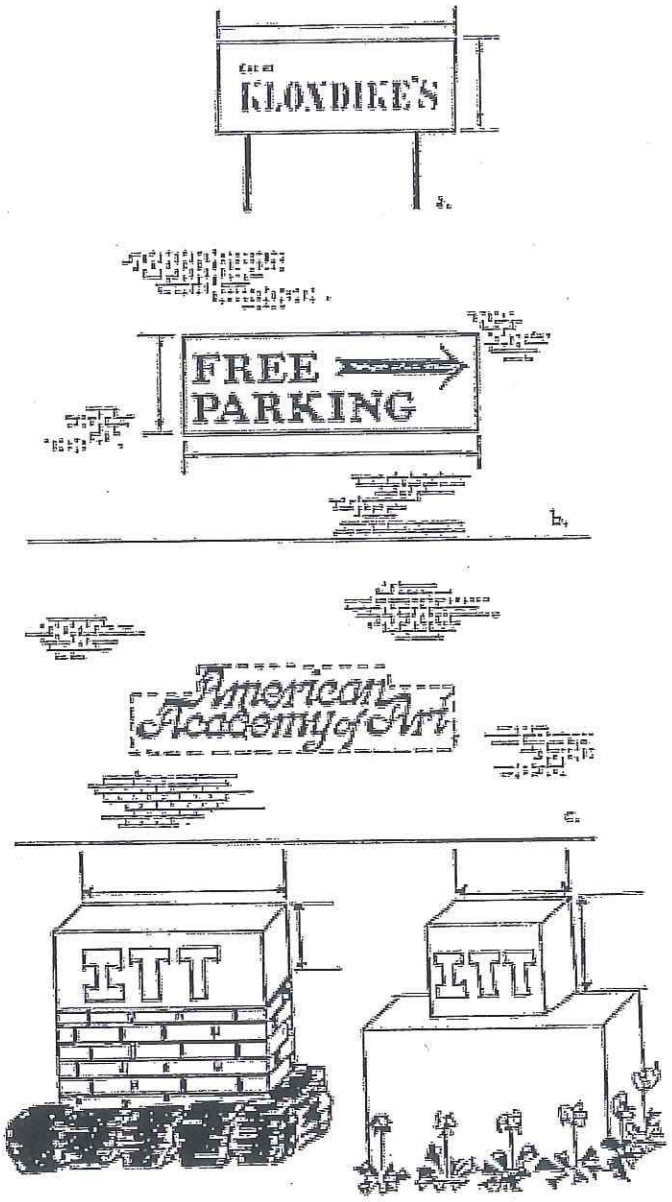
WINDOW SIGN

Any sign which is posted on, painted on, or otherwise constantly attached to and is visible through a display window.

ZONING CODE

The Zoning Code of the City of Town and Country and the Zoning District Map related thereto.

B. *Measurement Of Signs.* This Table shows illustrations referred to by certain definitions above in Subsection **(A)**.



Section 420.040. Intent.

[Ord. No. 1327 §3(4200-C), 9-25-1989]
It is hereby declared to be the intent of this Chapter that wherever any Section of this Chapter does not specify a particular sign, the sign shall be deemed to be the type defined herein which is most nearly descriptive of its content, physical type, or characteristics.

Section 420.050. Exempt Signs.

[Ord. No. 1327 §3(4210), 9-25-1989]

A. Subject to the limitations and restrictions set forth below with respect to the following signs, the provisions of this Chapter shall not apply to the placement of any of the following signs:

1. *Official notices.* Official public notices and notices posted by public officers in the performance of their duties.

2. *Regulatory, traffic and warning signs.* Governmental and other signs for control of traffic and other regulatory purposes, including street signs, danger signs and signs of public service companies indicating danger or aids to service or safety, including signs showing the placement or location of underground public utility facilities and signs necessary to identify the location of public telephones.

3. *Temporary display posters.* Temporary display posters in connection with civic and non-commercial health, safety and welfare campaigns, provided that such posters shall be removed within ten (10) days after the conclusion of the campaign, signs not to exceed twelve (12) square feet.

4. *Historic signs.* Commemorative signs, symbols, memorial plaques and historical tablets, not to exceed three (3) square feet, placed by historical societies.

5. Signs in the interior of a building, not visible from the exterior of the building.

6. Mailbox name/address in a residential district, signs not to exceed two (2) square feet.

B. The following types of signs shall be exempt from the provisions of this Chapter relating to permits and the payment of permit fees:

1. Directional.

2. Governmental.

3. Holiday or seasonal display, not to exceed twelve (12) square feet.

4. Informational sign painted on a door or a window, not in excess of two (2) square feet in sign face area.

5. Memorial or tablet.

   a. In residential districts, not in excess of three (3) square feet in sign face area.

   b. In all other districts, not in excess of six (6) square feet in sign face area.

6. Nameplate name/address/profession not in excess of two (2) square feet in sign face area.

7. Informational.

8. Political.

9. Real estate on a residential lot.

10. Temporary window.

11. Non-commercial window signs.

Section 420.060. Sign Permits Required.

[Ord. No. 1327 §3(4220), 9-25-1989; Ord. No. 3077 §1, 10-24-2005]

A. *Permit Required.* Unless specifically exempted by this Sign Code, no sign shall be erected, altered, or relocated after the effective date of this Chapter until a sign permit has been secured from the Director. Sign permits shall be renewed prior to their expiration dates as specified below.

B. *Fee.* Payment of a seventy-five dollar ($75.00) fee shall be required for each sign permit issued. Payment of an annual fee may be required in an amount set by the Board of Aldermen.

C. *Expiration Of Permits.*

1. Permits for each sign, except temporary signs, shall expire on December thirty-first (31st) of the second (2nd) year following the year of issuance. All renewals of such permits shall be for three (3) years.

2. Permits for temporary signs shall expire ninety (90) days from the date of issuance of such permit unless otherwise provided by this Sign Code.

D. *Applications For Sign Permits.* All applications for sign permits shall be made in writing on a form supplied by the City and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of applicant.

2. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.

3. Two (2) blueprints or ink drawings of the plans, specifications, and method of construction and attachment (i.e., either to a building or in the ground) of all proposed signs, including scale drawings and other pertinent graphics which will clearly illustrate size, height and appearance of the sign in relation to its surroundings.

E. *Revocation Of Sign Permit.*

1. Any sign permit granted in accordance with the terms of this Sign Code may be revoked by the Board of Aldermen if the Board finds that any of the following conditions have occurred:

a. Violation of any of the conditions or terms of the sign permit.

b. Failure to begin and diligently advance the project or construction so authorized within one (1) year from the date the sign permit is issued.

c. Discontinuance of the authorized project or construction for a period of one (1) year.

d. Violation of any requirements of the Zoning Code or the Sign Code of the City of Town and Country.

2. *Procedure.* Upon its own motion or at the request of the Director, the Board of Aldermen shall hold a hearing on the proposed revocation, after giving written notice to the permittee at least ten (10) days prior to the hearing. The Board shall make its findings in writing and shall forward to the permittee a copy of the written decision. The decision shall become effective ten (10) calendar days after the meeting at which said decision is made.

Section 420.070. Administration and Enforcement.

[Ord. No. 1327 §3(4225), 9-25-1989]

A. It shall be the duty of the Director to interpret, administer and enforce the Sign Code.

B. *Conditional Sign Permits And Variances.*

1.

a. Appeals from decisions of the Director regarding the interpretation and application of the Sign Code may be made to the Board of Aldermen.

b. Applications for variances from the strict application of the Sign Code may be made to the Board of Aldermen.

2. The Board of Aldermen is authorized to grant variances from the strict application of the Sign Code when it finds that compliance with the strict application of the Sign Code is not practicable under the circumstances and conditions appertaining to the particular situation and it further finds that the proposed sign:

   a. Is compatible with the surrounding area;

   b. Is appropriate for the activity identified;

   c. Is legible in the circumstances in which it is to be seen;

   d. Shall not detract from the appearance of the surrounding area and the community as a whole; and

   e. Shall not constitute a safety hazard to pedestrians or vehicular traffic.

3. The Board of Aldermen is authorized to grant conditional sign permits when required by this Code, if it finds that the proposed sign:

   a. Is compatible with its surroundings;

   b. Is appropriate for the activity identified;

   c. Is legible in the circumstances in which it is to be seen;

   d. Shall not detract from the appearance of the surrounding area and the community as a whole; and

   e. Shall not constitute a safety hazard to pedestrians or vehicular traffic.

4. The Board shall not grant any variances from the strict application of the Sign Code and shall not grant any conditional sign permits until holding a public hearing on the proposed sign. Notice of such hearing shall:

   a. Be posted on the property for which the sign is proposed; and

   b. Delivered or mailed to those persons owning property within three hundred (300) feet of the property for which the sign is proposed. The owners of the property to receive such notice shall be determined solely from the tax rolls of the City at such time as the notice is given.

C. *Enforcement.* Failure to comply with this Sign Code may result in revocation of sign permits as set forth in Section **420.060(E)** herein. In addition, any person, as owner, agent, or lessee of the building or premises on which a violation of the Sign Code exists, and who commits, takes part in, or assists in that violation shall, upon construction thereof, be guilty of a misdemeanor, and shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each and every day that such violation continues. Any person who has been served with an order by the Director to remove or cease any violation of any provision of this Sign Code, and who fails to comply with said order within ten (10) days after receipt of such notice, shall be subject to a civil penalty of two hundred fifty dollars ($250.00).

Section 420.080. Non-Conforming Signs.

[Ord. No. 1327 §3(4226), 9-25-1989]

A. No non-conforming sign shall be changed, expanded, or altered in any manner which would increase the degree of its non-conformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain non-conforming.

B. *Termination Of Non-Conforming Signs.*

1. *Immediate termination.* The following signs or sign features shall be terminated within three (3) months after the effective date of this Chapter except as otherwise expressly permitted by this Chapter: Flashing signs, animated and moving signs, signs which obstruct free ingress to or egress from a fire escape, door, window, or other required access way, signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on the streets and roads within the City, and signs which advertise a business no longer conducted, or a product no longer sold, on the premises where such sign is located or signs for which no building permit has been issued. Termination of the non-conformity shall consist of removal of the sign or its alteration to eliminate fully all non-conforming features.

2. *Termination by abandonment.* Any non-conforming sign structure, the use of which as a sign is discontinued for a period of ninety (90) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the non-conforming user, shall not be considered in calculating the length of discontinuance for purposes of this Subsection.

3. *Termination by change of business.* Any non-conforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in ownership of such business.

4. *Termination by damage or destruction.* Any non-conforming sign damaged or destroyed, by any means, to the extent of one-third (⅓) of its replacement cost new shall be terminated and shall not be restored.

5. *Termination by amortization.* Any non-conforming sign not terminated pursuant to any other provision of this Chapter shall be terminated no later than the date stated below:

Original Value Of Sign As Shown On Building Permit	Time Period (following effective date of this Chapter) By Which Termination Of Non-conformity Is Required
Less than $4,000.00	12 months
$4,001.00 to $10,000.00	18 months
More than $10,000.00	24 months

Section 420.090. General Sign Regulations.

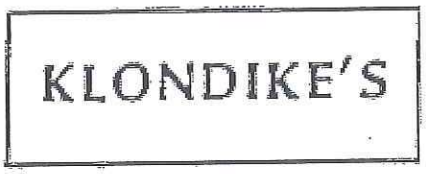
[Ord. No. 1327 §3(4227), 9-25-1989; Ord. No. 2008 §3, 11-11-1996]

A. *Compliance With Building Code.* No Person shall erect or maintain within the City any sign without first complying with the Building Code of the City. Nothing in this Chapter shall exempt signs from meeting the requirements of the City Electrical and Building Codes.

B. *Prohibited Signs.* The following types of signs shall be prohibited in the City.

1. Electric awnings.

2. Flashing signs.
3. Fluttering signs.
4. Illuminated signs in the interior of a window for the purpose of being seen from the exterior.
5. Internal signs:



INTERNAL SIGN
Entire Face Is Illuminated
Not Permitted

6. Moving signs (operated mechanically, electrically, electronically, or by wind or other forces of nature).
7. Paper, cloth, cardboard, or other similar non-permanent material signs located on the exterior of a building.
8. Portable signs.
9. Post signs.
10. Roof signs.
11. Signs painted on exterior building walls.
12. Signs, other than directional signs, constructed of or painted with "Day-Glo", fluorescent, or similar materials.
13. Standard outdoor advertising structures and/or billboards, except as permitted under Section **420.150(B)(15)**.
14. Vehicular advertising signs.

Section 420.100. Miscellaneous Sign Regulations.

[Ord. No. 1327 §3(4230), 9-25-1989; Ord. No. 2008 §§4 — 5, 11-11-1996]

A. In addition to the above, the following regulations shall apply in all districts with respect to signs:

1. No sign shall be erected on premises to which the sign message does not relate, except as permitted under Section **420.150(B)(15)**.
2. Posting of signs on public or private property shall be prohibited without written evidence of the property owner's permission.
3. No sign heretofore approved and erected shall be repaired, altered, or moved, nor shall any sign or any part thereof which is blown down, destroyed, or removed be reerected, reconstructed, rebuilt, or relocated unless it complies with all the applicable requirements of this Chapter.
4. Permanent signs exceeding twenty-four (24) square feet in sign area or weighing fifty (50) pounds or more or any sign to be erected over a pedestrian entry shall be erected by a licensed sign erector.
5. All signs attached to any building shall be constructed and braced to withstand wind pressure of not less than thirty (30) pounds per square foot of exposed surface and shall be securely attached

to the building or wall.

6. Signs in residential districts are restricted to not more than three (3) colors except as otherwise provided herein. Colors shall be restricted to black, white, and one (1) other color. Unpainted or stained natural wood, where permitted, shall not be counted as a color for the purpose of this Section.

7. Signs in all other districts are restricted to not more than three (3) colors, one (1) of which shall be black or white. Unpainted or stained natural wood, where permitted, shall not be counted as a color for the purpose of this Section. The color restriction in this Subsection shall not apply to standard outdoor advertising structures and/or billboards.

8. Signs not meeting the restrictions of Subparagraphs (6) and (7) above may be approved by a majority vote of the Board of Aldermen upon filing of an appropriate appeal for a variance. The Board of Aldermen may approve screening or various shades of any of the colors allowed under Subparagraphs (6) and (7) above, which shall be considered one (1) color for the purpose of this Section.

9. If, in the opinion of the Director, any particular sign becomes hazardous to pedestrian or vehicular traffic by reason of, but not limited to, deterioration, damage, obstruction of walkways or fire access or exit lanes, restricting sight distances for vehicular or pedestrian traffic or is located so close to travel lanes or parking areas that it is struck by maneuvering vehicles, then such signs shall be relocated, removed, or protected by the owner, agent, or person having beneficial use of the premises or lot within ten (10) days of notification from the Director that such hazard does exist. If, in the opinion of the Director, the condition or location of the sign presents imminent danger to the public, it shall be removed or corrected by the owner, agent, or person having beneficial use of the premises or lot promptly upon receipt of written notice from the Director.

10. All outdoor signs and supports shall be weather resistant and shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within forty-five (45) days of occurrence or within thirty (30) days of notification from the Director, whichever occurs first.

11. Every Permanent sign shall be constructed of rigid weatherproof materials and provisions shall be made for electric grounding of all metallic parts.

12. No sign shall be erected or maintained so that, by its position, shape, wording, device, or color, it might interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

13. No sign regulated by this Chapter shall make use of the words "Stop", "Look", "Yield", "Danger", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

14. Any sign which is no longer applicable to the premises on which it is located shall be removed. Any sign which identifies a business no longer conducted or a product no longer sold on the premises or lot shall be removed by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is erected within thirty (30) days after the business or product is no longer present.

15. Non-governmental flags shall be rectangular dimensions, not to exceed six (6) feet by ten (10) feet. When a non-governmental flag is flown on the same pole as a governmental flag, it shall be one (1) foot less in each dimension than the governmental flag; on adjacent poles both flags may be of equal size.

16. A construction sign in any district may contain a color rendering of a building that has been approved for the site. The rendering shall not be restricted as to number of colors or size.

Section 420.110. Illumination.

[Ord. No. 1327 §3(4240), 9-25-1989]

A. Sign illumination shall be governed by the following regulations:

1. *General restrictions.*

a. All illumination shall be oriented so as to prevent undue glare onto adjacent streets or residential properties.

b. All illuminated signs shall be extinguished at the time of business closing, or 11:00 P.M., whichever is later, except those bordering Highway 270 or Highway 40, provided that this shall not prohibit continuous illumination of permitted flags, subdivision signs, and directional signs.

c. All electrical illumination devices shall be designed to be weather-resistant and shatter-proof.

d. All electrical sign components shall bear the Underwriters' Laboratory label; their fabrication and installation must comply with all national and local Building and Electrical Codes.

e. Where practicable, all transformers, conductors and other equipment shall be concealed behind fascia. Where construction of a building does not allow the building to be backwired for a sign, exposed raceways and conduits shall be allowed, provided that such raceways or conduits shall be constructed or painted to match the building fascia. All attaching bolts shall be of non-corrosive material.

f. Threaded rods or anchor bolts shall be used to mount sign letters which are spaced out from background panel. Angle clips attached to letter sides will not be permitted.

g. Illuminated signs must be made of rust-resistant material(s).

h. No sign maker's labels or other identification will be permitted on the exposed surface of signs.

i. *Composition of general non-illuminated or externally illuminated signs.*

(1) General non-illuminated or externally illuminated signs shall be composed of solid wood or rust-resistant metal.

(2) General non-illuminated or externally illuminated signs shall be composed either of individually attached letters or letters displayed in plaque form on a solid background.

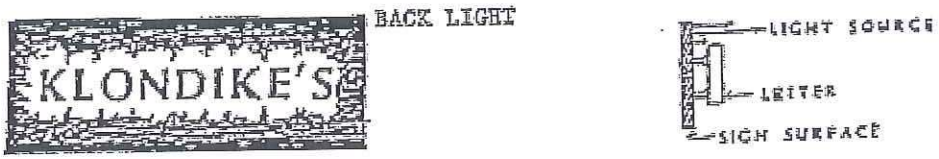
2. Illuminated signs shall be restricted to the following types:

a. *General non-illuminated.* The sign itself is neither lighted internally nor has an external source of light specifically directed at it. Rather, the sign depends on the general illumination of the area (e.g., parking lot, traffic or pedestrian areas) for its illumination.

GENERAL NON-ILLUMINATED
No Illuminated Area

b. *Back light.* The letters are raised beyond the sign's background and the cover-lighting sources which illuminate the background. Letters are reverse channel and are illuminated through a

"halo effect". See illustration below.



(1) They must be completely opaque, with no light leaks.

(2) The face must be welded or permanently affixed to the return.

(3) The clearance between the building wall and the exterior face of the sign at its point of greatest protrusion must be no greater than eight (8) inches. This provision does not apply to signs which are on exposed raceways pursuant to Section 420.110(1)(e).

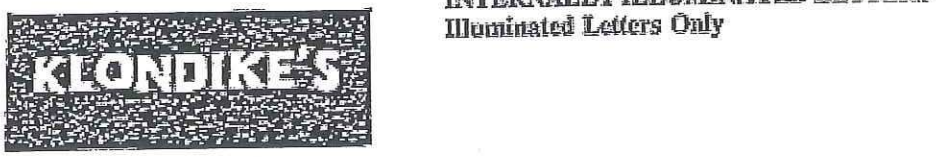
(4) Signs must be painted with satin finish, acrylic polyurethane paint in a color that complements the facade and design of the building.

(5) The transformer size is to be that which is recommended by the manufacturer and it must be UL approved.

(6) At no point shall the "halo" of light be greater than seventy-five (75) foot-candles as measured by a one (1) spot meter.

(7) The neon tube must be placed not less than three (3) inches into the sign as measured from the rear face.

c. *Internally illuminated letters.*



(1) Signs may be made of metal, wood, or other material that is not translucent, with letters cut out of the material and lighted from within the sign itself. Sign boxes and internally lighted signs where the entire face is illuminated shall not be permitted. Letters must be white in color.

(2) Signs shall be composed of individual illuminated white letters. Letters are to be channel type with three-sixteenths (3/16) inch plexiglas faces lighted behind with neon tubing. Letter returns and backs are to be aluminum. Minimum return depth is to be five (5) inches for even dispersion of illumination.

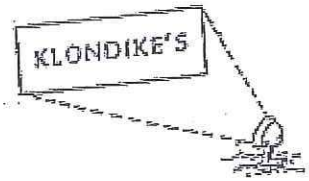
(3) A company emblem, logo, or trademark may be combined with individually illuminated white letters to compose a single sign but shall meet all size, color and other requirements of this Chapter.

d. *External light source.* Signs may be lit from an exterior light source with the following restrictions:

(1) Such exterior light sources shall not be unduly bright.

(2) Such exterior light sources shall not be composed of colored lights.

(3) Such exterior light sources shall shine only on the sign to be illuminated.



EXTERNAL LIGHT SOURCE

Face Illuminated by External Light

Section 420.120. Residential Districts.

[Ord. No. 1327 §3(4250), 9-25-1989; Ord. No. 2166 §1, 1-26-1998]

A. The signs listed below in this Section are permitted in all residential districts and the Major Educational District, subject to the restrictions set forth for each sign category:

1. *Ground signs — directional.*

   a. All sign supports and frames shall be of wood or metal. If of metal, then such shall be treated to resist corrosion unless they are non-corrodible. If of wood, such shall be treated to be weather and water resistant.

   b. Signs shall be double-faced, not to exceed six (6) square feet per sign face area, in a rectangular shape of either two (2) feet by three (3) feet or one and one-half (1½) feet by four (4) feet, vertical by horizontal measurement. Smaller signs in the same proportion shall be permitted. Said dimensions shall be exclusive of sign trim or supports.

   c. The maximum height of any sign, including supports, structural trim, frame, etc., shall be three and one-half (3½) feet above the elevation of the driveway at the point where said driveway meets the street lot line.

2. *Holiday or seasonal display.* Property owners and tenants shall be permitted to put up and display decorations and displays celebrating or denoting religious holidays or events, the seasons of the year, State and National holidays, and similar occasions; provided however, that this shall not allow pennants, non-governmental fluttering signs or similar materials prohibited herein; nor shall such seasonal displays be in place for a period longer than thirty (30) days. Should any seasonal display fail to meet these criteria, it shall be considered a sign under this Section. If any seasonal display conveys a commercial advertising message or bears the name of the business, it shall be considered a sign.

3. *Memorial or tablet signs.*

   a. All memorial or tablet signs in existence on the effective date of this Chapter are exempt from this Section.

   b. Any new memorial or tablet sign shall not exceed three (3) square feet unless such signs or tablets are placed by ordinance of, or Commission of, the United States Government, State of Missouri, St. Louis County, or the City of Town and Country or agencies thereof.

   c. Any new memorial or tablet sign shall be made of non-combustible material.

4. Non-commercial window signs indicating burglar alarm, Ident-kit, Block Home, or Child Safety Home.

5. *Official governmental flags.*

   a. May be flown at all times, subject to the guidelines concerning their use set forth by the

United States Flag Code of August, 1976.

b. May be illuminated as approved by the Director.

c. No more than two (2) flags may be flown from a single flagpole at any one time.

d. The long dimension of the flag shall be no larger than one-fourth (¼) the length of the pole.

e. Pole height shall not exceed thirty-five (35) feet and shall be able to withstand winds of ninety (90) miles per hour.

f. Location of flagpole shall be approved by the Director to ensure that it does not encroach on lot lines, endanger the safety, or obstruct visibility of surrounding property owners.

6. On-site informational signs which prohibit trespassing, or indicate privacy of premises, driveways, or roads shall not exceed two (2) square feet in sign face area nor a height of four (4) feet from the ground.

7. *Political signs.* Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained provided that:

a. The size of any such sign is not in excess of six (6) square feet.

b. The signs shall not be erected or displayed earlier than fourteen (14) days prior to the election to which they pertain.

c. The erector of such sign or an authorized agent of the political party or candidate deposits with the Director the sum of fifty dollars ($50.00) per each one hundred (100) such signs, or fraction thereof, as a guarantee that all such signs will be removed within seven (7) days after the date of the election to which such signs relate. If such signs are not removed at the end of the seven (7) day period, the City shall have them removed and keep the full sum deposited to reimburse the expenses thereby incurred.

d. Political signs are not permitted on public property or public rights-of-way and are only permitted on private property with the property owner's permission.

e. Political signs are restricted to not more than three (3) colors, one (1) of which shall be black or white. No more than one (1) yard sign per candidate or per issue shall be allowed on any lot, except that on corner lots one (1) yard sign per candidate or per issue shall be allowed on each street frontage.

8. Private sale or event signs (with permit).

9. *Real estate signs.*

a. Shall be non-illuminated.

b. Not more than one (1) sign shall be permitted on each lot frontage.

c. Shall not be located within ten (10) feet of any adjacent roadway surface.

d. Shall not be greater than six (6) square feet per sign face area.

e. Shall be removed within ten (10) days of sale closing or lease-initiation.

10. *Signs for subdivisions.*

a. Temporary subdivision signs are permitted in accordance with Section 410.200(12) of this Title.

b. Each subdivision identification sign and subdivision monument sign must have a sign permit.

c. No subdivision identification sign or subdivision monument sign may be internally illuminated or located so as to obstruct vision at any intersection or any vehicular entry or exit within or from any subdivision.

d. Each subdivision entry may have one (1) or two (2) pole signs or one (1) or two (2) monuments, or both a pole sign and a monument.

e. Subdivision monument signs shall not exceed seven (7) feet in height and one hundred twenty-five (125) square feet in size. If two (2) subdivision monuments are desired for an entry to a subdivision, the size of each entry monument shall not exceed one hundred twenty-five (125) square feet. Letters on subdivision signs shall not exceed eighteen (18) inches in size.

f. Subdivision pole signs shall not exceed twelve (12) square feet and shall be mounted on a pole not exceeding ten (10) feet in height.

Section 420.130. Signs in Residential and Major Educational Districts For Non-Residential Use Only.

[Ord. No. 1327 §3(4260), 9-25-1989]

A. The following signs are permitted in residential and major educational districts for non-residential uses only and subject to the following restrictions:

1. All signs (and flags) permitted in Section **420.120**.

2. A building shall be restricted to one (1) ground sign (identification) or one (1) wall sign (identification) per street frontage designating the name of the building or principal tenant.

3. One (1) bulletin board shall be allowed on a lot, as defined in Chapter **405** — Zoning Regulations, occupied by a church. Such bulletin board shall not exceed twenty-four (24) square feet and shall not exceed a height of five (5) feet.

4. *Ground signs, governmental.*

a. Shall not exceed fifty (50) square feet in aggregate sign face area, nor exceed a total height of six (6) feet above grade at its base.

b. Not more than one (1) sign shall be placed on each road frontage.

c. Shall be located only on a site occupied by a governmental agency.

d. Shall not be located within ten (10) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed closer to the roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

e. This does not include directional signs.

5. *Ground signs, non-governmental.*

a. Shall not be located within forty (40) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed closer to the roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

b. Shall be located so as not to obstruct vision at an intersection or vehicular entry or exit from the property.

c. May be supported by posts or poles that do not exceed three (3) feet to the bottom of the sign, plus a planter box, if used, at least six (6) inches but not more than twenty-four (24) inches in height. In no event shall posts, poles, planter boxes and sign elevation exceed a height of eight (8) feet above the average ground elevation around the sign. If the sign would be below the level of the centerline of the public road, the sign may be raised to no more than six (6) feet above that level.
In lieu of the above, the sign may be supported by or be part of a solid monument. The sign and base are not to exceed eight (8) feet in height. Monument signs where the monument base and sign exceed eight (8) feet in height may be permitted with the approval of the Board of Aldermen where topography problems exist, but in no event shall the monument and sign exceed ten (10) feet above the average ground level.

d. Shall not exceed eight percent (8%) of the surface of the building wall which they are in front of or relate to, but not to exceed seventy-five (75) square feet in aggregate sign face area, whichever is less.

e. Landscaping or appropriate ground cover shall be placed at the base of and around any ground sign for a minimum distance of four (4) feet.

f. Ground signs may be located within the median of interior roadways but shall not be located within forty (40) feet of any adjacent roadway surface of a major street unless the Director finds that doing so is in the public interest and would not create an unsafe condition. This does not include directional signs.

g. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

6. *Wall signs.*

a. Shall be composed of solid wood or rust-resistant metal.

b. Shall be composed either of individually attached letters or letters displayed in plaque form on a solid background.

c. Informational signs shall not exceed ten (10) square feet per sign.

d. Letters shall be no taller than twelve (12) inches in height.

e. One (1) informational sign shall be allowed on each building frontage.

f. Wall signs may be illuminated from an exterior light source.

g. An identification sign shall not exceed eight percent (8%) of the surface area on the side of the building to which it is attached, or forty (40) square feet, whichever is less.

7. *Construction signs.* One (1) construction sign with maximum sign area of forty-eight (48) square feet shall be permitted. Construction signs shall be erected after issuance of a building permit and shall be removed upon building occupancy.

8. One (1) bulletin board sign for each school, provided that:

a. Such school shall be located on a lot of at least four (4) acres;

b. Such sign does not exceed twenty-four (24) square feet and the height thereof does not exceed five (5) feet; and

c. In no event shall there be more than one (1) bulletin board per lot as that term is defined in Chapter **405**, Zoning Regulations, notwithstanding any other provisions of the City Code.

Section 420.140. Office and Nursing Home, Assisted Living or Continuum of Care Facility Districts.

[Ord. No. 1327 §3(4270), 9-25-1989; Ord. No. 2588 §1, 6-12-2001; Ord. No. 2803 §1, 3-25-2003]

A. The following signs are permitted in Campus Office, Office or Nursing Home, Assisted Living or Continuum of Care Facility Districts subject to the following restrictions:

1. All signs (and flags) permitted in Sections **420.120** and **420.130** except that all ground signs shall meet the requirements of this Section.

2. All signs located on or related to buildings in the Campus Office and Office Districts located generally at the intersection of Ballas and Clayton Roads shall be general non-illuminated only.

3. *Construction signs.* One (1) construction sign with a maximum sign area of sixty-four (64) square feet shall be permitted. Construction signs shall be erected after issuance of a building permit and shall be removed upon issuance of occupancy permit.

4. *Directory signs.* One (1) directory sign with a maximum sign area of sixteen (16) square feet shall be permitted.

5. *Flags.*

   a. May be flown at all times, subject to the guidelines concerning their use set forth by the government which they represent.

   b. May be illuminated as approved by the Director.

   c. No more than two (2) flags may be flown from a single flagpole at any one time.

   d. The long dimension of the flag shall be no larger than one-fourth (¼) the length of the pole.

   e. Pole height shall not exceed forty (40) feet and shall be able to withstand winds of ninety (90) miles per hour.

   f. No more than three (3) flagpoles per lot.

   g. Non-governmental flags to be permitted as defined. See Section 420.100(15).

   h. Location of flagpole shall be approved by the Director to ensure that it does not encroach on lot lines, endanger the safety, or obstruct visibility of surrounding property owners. Where feasible its location shall be indicated on the site plan.

6. *Ground signs and monument signs — identification.*

   a. Shall not be located within forty (40) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed within forty (40) feet of a roadway surface but in no event closer than twenty (20) feet of a roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

   b. Shall be located so as not to obstruct vision at an intersection or vehicular entry or exit from the property.

c. May be supported by posts or poles that do not exceed three (3) feet to the bottom of the sign, plus a planter box, if used, at least six (6) inches but not more than twenty-four (24) inches in height. In no event shall posts, poles, planter boxes and sign elevation exceed a height of eight (8) feet above the average ground elevation around the sign. If the sign would be below the level of the centerline of the public road, the sign may be raised to no more than six (6) feet above that level.
In lieu of the above, the sign may be supported by or be part of a solid monument. The sign and base are not to exceed eight (8) feet in height. Monument signs where the monument base and sign exceed eight (8) feet in height may be permitted with the approval of the Board of Aldermen when topography problems exist, but in no event shall the monument and sign exceed ten (10) feet above the average ground level.

d. Shall not exceed eight percent (8%) of the surface of the building wall which they are in front of or relate to, but not to exceed seventy-five (75) square feet, whichever is less.

e. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

7. *Ground signs — informational.*

a. Shall not be located within ten (10) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed closer to the roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

b. The size of said sign shall not be more than six (6) square feet per sign face area, but may be increased up to a maximum of ten (10) square feet by written authority of the Director after the Director's review of the public necessity and/or safety purpose of said sign.

c. Shall be non-illuminated unless, in the opinion of the said Director, safety would be enhanced by allowing either the internal or indirect illumination thereof. Said Director may grant a permanent or temporary permit to illuminate any such sign and may revoke a temporary illumination permit upon fifteen (15) days' notice.

d. Shall be constructed of permanent, weather-proof materials except that temporary signs may be permitted by said Director for a period up to sixty (60) days, provided that the Director finds public need or safety purposes will be served by said temporary signs.

e. Except as otherwise permitted in writing by said Director, on-site informational signs shall not exceed a height of three (3) feet from the ground level in any area within ten (10) feet of any adjacent roadway surface or within ten (10) feet of any lot line nor shall such signs elsewhere on the property exceed a height of four (4) feet from the adjacent ground level.

f. Shall not be hazardous to vehicles. If damaged or defaced, said signs shall be immediately removed and either restored or replaced.

g. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

8. A single office or nursing home, assisted living or continuum of care facility building may have a wall identification sign or one (1) ground identification sign for each street upon which the building fronts. When an office building has multiple tenants, the ground identification sign may identify the building and contain the name of at least one (1) tenant. The ground identification sign may also contain the names of additional tenants provided that those tenants identified on the sign occupy the equivalent of at least one (1) floor of the building.

9. *Office subdivision or office center.* An office subdivision containing two (2) or more office buildings shall be permitted a ground or monument sign, not to exceed seventy-five (75) square

feet in sign face area, at each entry from a public street into the office subdivision.

10. *Real estate signs.* Real estate signs advertising premises for sale or available space for lease shall be permitted, with permit, subject to the following restrictions:

    a. One (1) real estate sign per building shall be permitted for each public roadway frontage.

    b. Shall not exceed eight percent (8%) of the surface area of the side of the building to which it relates, or forty-eight (48) square feet, whichever is less.

    c. All supports of freestanding signs shall be painted and maintained.

    d. Shall be no closer than twenty (20) feet, for safety, from any public roadway.

    e. Shall be removed no later than ten (10) days after sale closing or lease commencement.

    f. Shall not be internally or directly illuminated.

    g. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

11. *Wall signs — identification.*

    a. Shall be either internally illuminated, back light type, non-illuminated, or externally illuminated as specified in Section **420.110**.

    b. Shall not project perpendicularly more than eight (8) inches beyond the plane of the wall to which it is attached, except that this distance may be modified by conditions of a conditional use permit where an exposed raceway is involved.

    c. Letter sizes shall not exceed eighteen (18) inches in height, except that letters on a sign located in the Planned Office Park (POP) Zoning District on a minimum three (3) story building, identifying a tenant occupying at least forty thousand (40,000) square feet or two (2) floors of the building, shall not exceed thirty (30) inches in height, provided the sign faces an interstate highway.

    d. A company emblem, logo or trademark may be combined with letters to compose a sign, but shall meet all size, color, and other requirements of this Section.

    e. Shall not exceed eight percent (8%) of the surface area of the side of the building or other structure to which it is attached, or sixty (60) square feet, whichever is less. Where more than one (1) wall of a building or structure is used for signing, then the limitation shall be five percent (5%) for each side, or forty (40) square feet, whichever is less.

    f. Letters shall not exceed the height of the roof of the building, nor overlap either the top or bottom edge of the building fascia or mansard roof area and must be a minimum of six (6) inches from either of these edges.

    g. Internally illuminated signs shall be composed of individual illuminated white letters. Sign boxes and cabinets where the sign background is illuminated shall not be permitted.

    h. Non-illuminated signs and externally illuminated signs shall be composed either of individually attached letters or letters displayed in plaque form on a solid background.

12. *Wall signs — address numerals.* Non-illuminated address numerals not to exceed thirty-six (36) inches in height may be erected on no more than two (2) building walls of any building at least three (3) stories high in the Planned Office Park (POP) Zoning District.

13. *Telephone switching stations.* Exterior signs identifying or advertising a telephone switching

station occupying interior floor space of office buildings in the Campus Office, Office or Planned Office Park Districts shall not be permitted.

Section 420.150. Commercial District.

[Ord. No. 1327 §3(4280), 9-25-1989; Ord. No. 2008 §§6 — 7, 11-11-1996]

A. The following signs in Commercial Districts shall be subject to the following general restrictions:

1. On multi-tenant commercial buildings, a unified sign plan shall be presented to the Board of Aldermen for approval, in which case as many signs of the same type shall be permitted on the same site frontage of a building facing a public street as there are separate main entrances for the businesses therein.

   a. Signs shall be of uniform height, proportions, background color(s), materials, and location in relationship to the business and generally uniform thickness, appearance and illumination as approved in the plan.

   b. Each business therein shall be allowed one (1) business identification sign facing the adjoining street or parking area. If a business is located on a corner space, with one (1) exterior frontage entrance in each direction, then one (1) business identification sign per side will be permitted, not to exceed two (2) signs.

   c. Businesses located in a shopping mall where a majority of businesses face interior courts or walkways, shall be permitted, in addition to Subparagraph (b) above, one (1) business identification sign on a store front which faces the interior court or walkway inside the mall. If a business has a corner space, with more than one (1) interior frontage entrance, or if a building occupies a corner space or other space with more than one (1) interior entrance not on the same building frontage, then one (1) sign shall be permitted on each interior court or walkway, plus one (1) business identification sign on the exterior of the building in the closest possible proximity to the business entrance. The total allowable number of business identification signs for such an interior corner space shall be three (3).

   d. If approved as part of a unified sign plan for a single commercial development, in addition to the business identification signs authorized above, those businesses with entrances facing a pedestrian walkway under a roof, may hang one (1) business identification sign from the roof over the pedestrian walkway, provided each sign is uniform in size, color and letters, non-illuminated, is no larger than eight (8) inches by twenty (20) inches, is perpendicular to the front building wall and business entrance, and provides for at least seven (7) feet of clearance.

2. For any new multi-tenant commercial building or for any existing multi-tenant commercial building which is more than fifty percent (50%) vacant and which does not have an approved uniform sign plan, the building owner shall submit with, or prior to the first (1st) (or next) sign permit application, a unified sign plan for said building for approval by the Board of Aldermen. No sign permit shall be issued except in conformity with the plan approved by the Board of Aldermen.

3. An aggregate sign display area not to exceed twelve percent (12%) of the total surface area (including windows) of the building frontage of a business establishment shall be permitted, subject to other limitations contained herein. Where a building has more than one (1) commercial frontage, the aggregate sign display area shall be calculated separately for signs related to each separate commercial frontage. The following types of signs shall not be included in the aggregate square footage limitation contained in the Subsection.

   a. Construction signs

b. Directional signs.

c. Informational signs.

d. Memorial signs or tablet signs.

e. Official government flags.

f. Real estate signs.

g. Special displays.

h. Temporary window signs.

4. All permitted signs are subject to the general provisions for multi-tenant buildings.

5. A single commercial establishment may have either one (1) wall sign (identification) or one (1) ground sign (identification) per road frontage, but not both.

6. Signage on office buildings in Commercial Districts shall conform to requirements for office buildings in Office and Campus Office Districts.

7. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. In no event shall letters on any sign in a Commercial District exceed twenty-four (24) inches in height. Where a smaller maximum letter size is specified in this Section, the smaller letter size governs.

B. The following signs are permitted in Commercial Districts:

1. All signs (and flags) permitted in Sections **420.120** and **420.130** except that ground signs shall conform to the provisions of this Section.

2. All signs located on or related to buildings in the Commercial District located generally at the southeast corner of the intersection of Clayton and Mason Roads shall be generally non-illuminated.

3. *Awning signs.*

a. Awning signs shall be painted or otherwise permanently affixed to the awning, limited to the name of the firm or the logo of the firm (but not both), and no more than two (2) colors, including the color of the awning material, shall be permitted. The size of the letters or one (1) logo shall not exceed twelve (12) inches in height. Such signs shall be the single frontage identification of the business or firm.

b. Shall not project above the parapet wall or the roof line of the building to which the awning is attached.

c. Shall maintain a clearance of at least seven (7) feet six (6) inches above the ground or pavement where vehicular or pedestrian movement is possible under said sign.

4. *Flags.*

a. May be flown at all times, subject to the guidelines concerning their use set forth by the government which they represent.

b. May be illuminated as approved by the Director.

c. No more than two (2) flags may be flown from a single flagpole at any one time.

d. The long dimension of the flag shall be no larger than one-fourth (¼) the length of the pole. Maximum size shall be six (6) feet by ten (10) feet.

e. Pole height shall not exceed forty (40) feet and shall be able to withstand winds of ninety (90) miles per hour.

f. No more than three (3) flagpoles per site.

g. Non-governmental flags to be permitted as defined. See Section 420.100(15).

h. Location of flagpole shall be approved by the Director to ensure that it does not encroach on lot lines, endanger the safety, or obstruct visibility of surrounding property owners. Where feasible its location shall be indicated on the site plan.

5. *Gasoline service station signs.*

a. No separate post signs, including name identification poles, shall be permitted.

b. One (1) wall business identification sign per roadway frontage, with a maximum letter size of twelve (12) inches, or one (1) ground business identification sign, shall be permitted. The wall business identification sign(s) shall be affixed either flat against the main structure wall or along the longer vertical edge of the roofed structure covering the fuel pumps. The business identification sign may be lighted internally or externally. The ground sign shall be a maximum of forty-two (42) inches above ground level, and maximum size of twelve (12) square feet.

c. One (1) gasoline price sign per street frontage may be displayed in the window of the primary gasoline service station building only. Each sign shall be no larger than six (6) square feet.

d. The shorter vertical edge of the roofed structure covering the fuel pumps shall be used only for the following signage: "full-service", "self-service, "no smoking", or "stop engine".

e. A company logo may be displayed directly on each fuel pump if an integral part of the design of the pump. No product advertising shall be permitted to be attached to the fuel pump.

f. Each fuel pump may display a sign no larger than one (1) square foot indicating the fuel available from the pump, e.g. "lead-free", "regular", "diesel", "high octane", etc.

g. Directional signs indicating "Entrance" and "Exit" shall be permitted. No product advertising or company logo shall be permitted on such directional signs. Directional signs may be illuminated if required for safety and if approved by the Director.

h. One (1) informational sign, not to exceed four (4) square feet in sign face area, shall be permitted for the purpose of identifying the air hose and supply, and shall be affixed flat against the building wall in the vicinity of the air hose.

i. A sign required to identify official State inspection stations may be affixed flat against the wall of the primary gasoline service station building only, adjacent to the main entrance.

j. A sign indicating hours of business shall be permitted only on the main entrance door of the primary building, and shall be no larger than one (1) square foot.

k. No advertising signs shall be permitted on movable or rolling tire racks.

l. A sign no larger than one (1) square foot, giving credit and charge card information, shall be permitted at the main entrance to the building.

m. Temporary window signs are permitted subject to the restrictions in Subsection (7)(m) of this Section.

n. The following shall not be permitted: Portable signs, advertising signs on the tops of pumps, "truck-load" and other such sale signs, banners advertising services or "open for business".

o. No signs other than those specifically authorized above shall be permitted, whether illuminated or non-illuminated, whether affixed to the outside or inside of windows, doors, roofs, etc.

6. *Ground signs — business identification.*

   a. Where a single building has multiple tenants or multiple uses, ground signage shall be restricted to one (1) commercial center ground sign designating the name of the business development or center or name of the building.

   b. Shall not be located within forty (40) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed within twenty (20) feet of a roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

   c. Shall be located so as not to obstruct vision at an intersection or vehicular entry or exit from the property.

   d. May be supported by posts or poles that do not exceed three (3) feet plus a planter box, if used, at least six (6) inches but not more than twenty-four (24) inches in height. In no event shall posts, poles, planter boxes and sign elevation exceed a height of six (6) feet above the average ground elevation around the sign. If the sign would be below the level of the centerline of the nearest major or minor road, the sign may be raised to no more than six (6) feet above that level.
   In lieu of the above, the sign may be supported by or be a part of a solid monument. The sign and base are not to exceed six (6) feet in height. Monument signs where the monument base and sign exceed six (6) feet in height may be permitted with the approval of the Board of Aldermen where topographical problems exist, but in no event shall monument and sign exceed eight (8) feet above average ground level.

   e. Shall not exceed eight percent (8%) of the surface of the building wall of which they are in front or relate to, but not to exceed seventy-five (75) square feet, whichever is less.

   f. Letter sizes shall not exceed twenty-four (24) inches. Illuminated letters shall be white. Internal signs are prohibited.

7. *Hanging signs.*

   a. Shall not project perpendicularly more than thirty (30) inches beyond the plane of the wall to which it is attached. The maximum sign shall be thirty (30) inches by eighteen (18) inches.

   b. Shall maintain a clearance of at least seven (7) feet six (6) inches above the ground or pavement where vehicular or pedestrian movement is possible under said sign.

8. *Informational signs.*

   a. Shall not exceed one (1) square foot for each business establishment.

   b. The total area shall not be included in calculating signage on a building or other structure.

9. *Marquee signs.*

   a. The marquee shall not exceed four (4) feet in height.

   b. Shall meet the same standards of strength as specified in attached signs.

   c. Shall maintain a clearance of at least ten (10) feet above the ground or pavement where vehicular or pedestrian movement is possible under said sign.

10. *Movie theater signs.*

a. One (1) marquee sign shall be permitted per theater, applied flat to the building.

b. One (1) shadowbox, know as a show case, forty (40) inch by sixty (60) inch frame, shall be permitted per screen, permanently affixed to the building.

c. No outdoor advertising posters or standard outdoor advertising structures and/or billboards shall be permitted, except as allowed under Subsection **(B)(15)** of this Section.

d. Advertising posters, billboards, etc., shall be permitted in the lobby of the theater.

e. Pricing shall be posted at box office only.

f. Theater name shall be subject to normal provisions for such commercial signs and is separate from marquee signs.

g. Customary signage announcing the title, rating, and show times of current attractions may be permitted when a sign plan for such purpose has been approved by the Board of Aldermen.

11. *Permanent window signs.*

a. Shall be painted, metal-leafed, or in some other manner permanently applied to either side of an exterior window or door.

b. Shall be calculated with the total square footage of signs permitted per building side but a temporary window sign shall not be so counted.

c. May identify hours of business, name and address of business.

d. Shall cover an area no greater than three (3) feet by two (2) feet on the window display surface on any one (1) frontage.

12. *Real estate signs.* Real estate signs advertising premises for sale or available space for lease shall be permitted, with permit, subject to the following restrictions:

a. One (1) real estate sign per building shall be permitted for each public roadway frontage.

b. Shall not exceed eight percent (8%) of the surface area of the side of the building to which it relates, or forty-eight (48) square feet, whichever is less.

c. All supports of freestanding signs shall be painted and maintained.

d. Shall be no closer than ten (10) feet from any public roadway.

e. Shall be removed no later than ten (10) days after sale closing or lease commencement.

f. Shall not be internally or directly illuminated.

13. *Temporary window signs.*

a. Shall not cover more than a total of twenty percent (20%) of the combined area of the window and glass door to which they are applied. All of the glass windows and doors on a side of a building may be calculated as a single window/door area provided that such are separated by supports or other dividers no more than twelve (12) inches wide.

b. All signs in one (1) window shall be deemed to be one (1) sign for the purpose of this paragraph. If all windows and glass doors in the side of a building are being counted as a single surface under Subsection (7)(m)(1) above, then all signs thereon shall likewise be counted.

c. Temporary window signs shall be maintained in good repair and shall be displayed for a

period not to exceed thirty (30) days and shall have the most recent date of installation clearly shown on the sign in two (2) inch high letters in a contrasting color placed in the bottom right-hand corner on the front of said sign. The same sign shall not be placed in a window for a period of four (4) months after removal. A new date of installation shall be shown in that event.

d. Under no circumstances shall such signs be affixed to the exterior of a window.

14. *Wall signs.*

a. Shall be either internally illuminated, back light type, non-illuminated, or externally illuminated as specified in Section **420.110**.

b. Shall not project perpendicularly more than eight (8) inches beyond the plane of the wall to which it is attached, except this distance may be modified by conditions of a conditional use permit where an exposed raceway is involved.

c.

Surface Area of Store/Office Frontage	Maximum Sign Square Footage
Less than 960 square feet	40
960 — 2,000 square feet	50
Over 2,000 square feet	60

d. A company emblem, logo, or trademark may be combined with letters to compose a sign, but shall meet all size, color, and other requirements of this Section.

e. Internally illuminated signs shall be composed of individual illuminated white letters. Sign boxes and cabinets where the sign background is illuminated shall not be permitted.

f. The maximum square footage of a sign shall not exceed sixty (60) square feet or the size set forth in paragraph (3) above, whichever is less.

g. Letters may not overlap either the top or bottom edge of the building fascia or mansard roof area and must be a minimum of six (6) inches from either of these edges. Signs shall not exceed the height of the building.

15. *Standard outdoor advertising structures and/or billboards.*

a. No permit to allow a sign to be newly erected shall be issued without a permit issued by the Missouri Highways and Transportation Commission. Standard outdoor advertising structures and/or billboards may be permitted in the City provided that such signs:

(1) Are located within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or primary highway (as defined by the Missouri Highway and Transportation Department),

(2) Are on property zoned for commercial use, and

(3) Comply with all provisions of this Section.

b. *Lighting.*

(1) Lighting cannot exceed a twenty (20) foot-candle average.

(2) No revolving or rotating beam or beacon of light that simulates an emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information such as time, date, or temperature, or similar information,

will be allowed.

(3) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the signs and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or Federal-aid primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a drivers' operation of a motor vehicle; provided the light source is effectively shielded so as to prevent beams or rays of light from shining on any lot which is used or zoned residential.

(4) No sign shall be so illuminated that it interferes with the effectiveness of or obscures any official traffic sign, device or signal.

c. *Size of signs.*

(1) The maximum area per face for any one (1) sign located within six hundred sixty (660) feet of the nearest edge of the right-of-way of:

(a) An interstate highway (as defined by the Missouri Highway and Transportation Department) shall be two hundred eighty-eight (288) square feet, or

(b) A primary highway (as defined by the Missouri Highway and Transportation Department) shall be one hundred twenty-eight (128) square feet,

inclusive of border and trim but excluding the base or apron, supports, and other structural members, with a maximum vertical dimension of thirty (30) feet and a maximum horizontal dimension of sixty (60) feet.

(2) The maximum height of any sign shall not exceed thirty-five (35) feet from the highest point on the sign structure to the grade of the highway from which the sign is intended to be read nor exceed fifty (50) feet above the surrounding grade where the sign is installed.

d. *Spacing of signs.*

(1) No sign structure shall be erected within one thousand (1,000) feet of an existing sign on either side of the adjacent interstate or primary highway.

(2) The spacing between structure provisions of paragraph (d)(1) of this Subsection do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one (1) sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions.

(3) The measurements in this Subsection shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

e. *Setbacks and location.* No sign shall be located within:

(1) Ninety (90) feet of any property line or roofed structure;

(2) Ninety (90) feet of any right-of-way;

(3) One thousand (1,000) feet from any lot which is used or zoned as residential or for any public use, including but not limited to parks, schools, churches, libraries, hospitals, historic districts, landmarks, or any area on the National Register of Historic Places;

(4) Two hundred fifty (250) feet of any on-premises sign located on a building or other non-sign structure;

(5) One thousand (1,000) feet of any other free-standing on-premises sign;

(6) One thousand (1,000) feet of an interchange, intersection at grade, or safety rest area. Such distances shall be measured from beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

f. *Miscellaneous regulations.*

(1) Only one (1) sign shall be allowed to face in one (1) direction along an interstate or primary highway; while signs may be placed back-to-back on the same sign structure so that two (2) signs are facing in opposite directions, signs of V-type construction are prohibited as is sign stacking.

(2) No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

(3) No sign shall be located on or attached to the roof of a building or any other non-sign structure.

Section 420.160. Hospital District.

[Ord. No. 1327 §3(4290), 9-25-1989]

A. The following signs are permitted in the Hospital District subject to the following restrictions:

1. All signs (and flags) permitted in Sections **420.120** and **420.130** except that all ground signs shall meet the requirements of this Section.

2. *Construction signs.* One (1) construction sign with a maximum sign area of sixty-four (64) square feet shall be permitted. Construction signs shall be erected after issuance of a building permit and shall be removed upon issuance of an occupancy permit.

3. *Directory signs.* One (1) directory sign with a maximum sign area of sixteen (16) square feet shall be permitted for each building in the Hospital District.

4. *Flags.*

a. May be flown at all times, subject to the guidelines concerning their use set forth by the government which they represent.

b. May be illuminated as approved by the Director.

c. No more than two (2) flags may be flown from a single flagpole at any one time.

d. The long dimension of the flag shall be no larger than one-fourth (¼) the length of the pole.

e. Pole height shall not exceed forty (40) feet and shall be able to withstand winds of ninety (90) miles per hour.

f. No more than three (3) flagpoles per lot.

g. Non-governmental flags to be permitted as defined. See Section 420.100(15).

h. Location of flagpole shall be approved by the Director to ensure that it does not encroach on lot lines, endanger the safety, or obstruct visibility of surrounding property owners. Where feasible its location shall be indicated on the site plan.

5. *Ground signs and monument signs — identification.*

a. Where a building has multiple uses or multiple tenants, ground signage shall be restricted to one (1) ground identification sign per commercial street frontage designating the name of the building or principal tenant.

b. Shall not be located within forty (40) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed within forty (40) feet of a roadway surface but in no event closer than twenty (20) feet of a roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

c. Shall be located so as not to obstruct vision at an intersection or vehicular entry or exit from the property.

d. May be supported by posts or poles that do not exceed three (3) feet to the bottom of the sign, plus a planter box, if used, at least six (6) inches but not more than twenty-four (24) inches in height. In no event shall posts, poles, planter boxes and sign elevation exceed a height of eight (8) feet above the average ground elevation around the sign. If the sign would be below the level of the centerline of the public road, the sign may be raised to no more than six (6) feet above that level.
In lieu of the above, the sign may be supported by or be part of a solid monument. The sign and base are not to exceed eight (8) feet in height. Monument signs where the monument base and sign exceed eight (8) feet in height may be permitted with the approval of the Planning Commission when topography problems exist, but in no event shall the monument and sign exceed ten (10) feet above the average ground level, whichever is less.

e. Shall not exceed eight percent (8%) of the surface of the building wall which they are in front of or relate to, but not to exceed seventy-five (75) square feet, whichever is less.

f. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

6. *Ground signs — informational.*

a. Shall not be located within ten (10) feet of any adjacent roadway surface, provided that the Director may allow a sign to be placed closer to the roadway surface if he/she finds that doing so is in the public interest and would not create an unsafe condition.

b. The size of said sign shall not be more than six (6) square feet per sign face area, but may be increased up to a maximum of ten (10) square feet by written authority of the Director after the Director's review of the public necessity and/or safety purpose of said sign.

c. Shall be non-illuminated unless, in the opinion of the said Director, safety would be enhanced by allowing either the internal or indirect illumination thereof. Said Director may grant a permanent or temporary permit to illuminate any such sign and may revoke a temporary illumination permit upon fifteen (15) days' notice.

d. Shall be constructed of permanent, weatherproof materials except that temporary signs may be permitted by said Director for a period up to sixty (60) days, provided that the Director finds public need or safety purposes will be served by said temporary signs.

e. Except as otherwise permitted in writing by said Director, on-site informational signs shall not exceed a height of three (3) feet from the ground level in any area within ten (10) feet of any adjacent roadway surface or within ten (10) feet of any lot line nor shall such signs elsewhere on the property exceed a height of four (4) feet from the adjacent ground level.

f. Shall not be hazardous to vehicles. If damaged or defaced, said signs shall be immediately removed and either restored or replaced.

g. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

7. A single office building may have either one (1) wall identification sign or one (1) ground identification sign per road frontage, but not both.

8. Where a hospital development contains two (2) or more buildings, the development shall be permitted a ground or monument sign, not to exceed seventy-five (75) square feet in sign face area, at each entry from a public street into the hospital development.

9. *Real estate signs.* Real estate signs advertising premises for sale or available space for lease shall be permitted, with permit, subject to the following restrictions:

a. One (1) real estate sign per building shall be permitted for each public roadway frontage.

b. Shall not exceed eight percent (8%) of the surface area of the side of the building to which it relates, or forty-eight (48) square feet, whichever is less.

c. All supports of freestanding signs shall be painted and maintained.

d. Shall be no closer than twenty (20) feet, for safety, from any public roadway.

e. Shall be removed no later than ten (10) days after sale closing or lease commencement.

f. Shall not be internally or directly illuminated.

g. An emblem, logo or trademark shall be considered a letter for purposes of this Chapter. Letter sizes shall not exceed eighteen (18) inches.

10. *Wall signs — identification.*

a. Shall be either internally illuminated, back light type, non-illuminated, or externally illuminated as specified in Section **420.110**.

b. Shall not project perpendicularly more than eight (8) inches beyond the plane of the wall to which it is attached, except that this distance may be modified by conditions of a conditional use permit where an exposed raceway is involved.

c. Letter sizes shall not exceed eighteen (18) inches in height.
Exception: In the discretion of the Board of Aldermen, upon application, letters on wall signs facing an interstate highway may exceed eighteen (18) inches in height.

d. A company emblem, logo or trademark may be combined with letters to compose a sign, but shall meet all size, color, and other requirements of this Section.

e. Shall not exceed eight percent (8%) of the surface area of the side of the building or other structure to which it is attached, or sixty (60) square feet, whichever is less. Where more than one (1) wall of a building or structure is used for signing, then the limitation shall be five percent (5%) for each side, or forty (40) square feet.

11. *Exception.* In the discretion of the Board of Aldermen, upon application, wall signs facing an

interstate highway may exceed eight percent (8%) of the surface area of the side of the building or other structure to which it is attached, or sixty (60) square feet.

a. Letters shall not exceed the height of the roof of the building, or overlap either the top or bottom edge of the building fascia or mansard roof area and must be a minimum of six (6) inches from either of these edges.

b. Internally illuminated signs shall be composed of individual illuminated white letters. Sign boxes and cabinets where the sign background is illuminated shall not be permitted.

c. Non-illuminated signs and externally illuminated signs shall be composed either of individually attached letters or letters displayed in plaque form on a solid background.

Elizabeth Weiss

CITY OF WILDWOOD
AUG 17 2015
DEPT OF PLANNING & PARKS

From: Lynne Greene-Beldner
Sent: Monday, August 17, 2015 2:37 PM
To: Elizabeth Weiss
Subject: FW: PnZ meeting tonight
Attachments: Signs.docx

Please print for tonight's meeting.

Lynne Greene-Beldner
Deputy City Administrator/City Clerk
City of Wildwood
16860 Main Street
lynne@cityofwildwood.com
(p) 636-458-0440
(fax) 636-458-6969

From: Debra McCutchen [mailto:dmccutchen@fergflor.org]
Sent: Monday, August 17, 2015 2:17 PM
To: Lynne Greene-Beldner
Subject: PnZ meeting tonight

Hi Lynne,

Please email and or place the attached at each commissioners seat for tonight's meeting.

Thank you!

Deb

--
Debra Smith McCutchen
Coordinator, Parents as Teachers

Re: PZ 14-15 Amendment of Sign Regulations of Electronic Message Boards

Discussion in PEP was to **consider** allowing **only** non-profits, specifically schools and churches the possibility of using Electronic Message Boards. Commercial organizations were to be excluded from using electronic message boards.

Given the current technology messages can now be transmitted by several other means than electronic message boards, ie email, text and social media and non-electronic message boards.

Cristism of sign regulations come mainly from businesses. The city should not have to amend its vision and ordinances for businesses. Businesses are aware of the regulations and ordnances before moving into Wildwood. If they do not agree with those guidelines and ordinances then they should go to another city. We should not change our ordinances and guidelines because other cities guidelines and ordnances are less stringent. The city of Wildwood is for Wildwood residents who believe in the vision and mission upon which Wildwood was founded.

Business representatives have learned that if they keep coming back to the city requesting less stringent guidelines eventually they will be successful in lessening Wildwoods standards. For example: A Wildwood Business Association representative and a realtor made requests to change the sign ordinance whenever there was a turnover on council. Request was denied several times. Eventually a committee of newly elected council members agreed to move forward with a change in the sign ordinance. This change has had a negative impact on the pristine nature of our city. Especially in the high density areas of Wildwood.

High densities areas have already lost many of the reasons residents move to Wildwood. The Rural character of Wildwood has been taken away from high density areas: Little to no green space, rural nature of roads turned into the look of major highways with multiple signs; highway exit signs replacing city street signs; night sky has been lost in high density areas due to increased development in and around town center; increased traffic through subdivisions; increased speeding issues in subdivision throughways.

If I have read this proposed amendment correctly Electronic message boards will not be allowed west of 109, (the non- urban area), Why is the quality of life more important for those living west of 109 than those living east of 109?

CITY OF WILDWOOD
AUG 17 2015
DEPT C[illegible] PARKS

Kathy Arnett

From: noreply@cityofwildwood.com
Sent: Monday, September 14, 2015 11:36 AM
To: Lynne Greene-Beldner; Ryan Thomas; Elizabeth Weiss; Kathy Arnett; Kathy Arnett
Subject: Online Form Submittal: Public Hearing Comment Form

Public Hearing Comment Form

By utilizing this form, your comments will be considered by the Department of Planning in its development of a recommendation of this request. Additionally, the Planning and Zoning Commission, the City Council, and/or the applicable board or committee will also receive copies of your comments, as they consider the merits of these land use proposals being reviewed by the city. You must submit a separate form for each public hearing for which you have comments.

Request Being Considered	P.Z. 14-15 City of Wildwood - Sign Regulations - Electronic Message Boards
Item Description	Lafayette HS sign
Position on Request	Do Not Support
General Comments	The only people who are interested in the goings on at ANY school are a captive audience. It is sufficient to send email messages to parents and, by all means, install an electronic sign INSIDE THE SCHOOL for the students. But, please, do not add to the danger of dreadful drivers by approving any kind of exterior signage that draws their attention even further away from the task at-hand! In addition, if the current word-burdened signs at Lafayette are any indication, the proposed messages will never be seen in their entirety by anyone driving past in excess of one mile per hour.
Suggestions	As indicated, tell them to send emails to parents (and mail flyers to those who are technologically challenged), and install the electronic sign INSIDE the school. I think the cafeteria would be an ideal location, don't you?
	(Section Break)
Name	Mary DeWitt
Address	2575 Hickory Manor Dr
City	Wildwood

State	Missouri
Zip	63011
Phone Number	636-458-4990
Email	mdewitt2575@gmail.com

Email not displaying correctly? View it in your browser.

WILDWOOD

February 1, 2016

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re:	A recommendation regarding changes to this site's governing ordinance, which authorizes a large commercial center, to accommodate the addition of a second drive-through facility at this location (**P.Z. 14-98 Capital-Dierbergs Wildwood LLC**).
Location:	Southeast corner of State Route 100 and Taylor Road
Zoning:	Amended C-8 Planned Commercial District
Town Center Plan Designation:	Downtown District
Ward:	Eight

Council Members:

INTRODUCTION - The Planning and Zoning Commission is in receipt of a submittal from Drew Bextermueller, Dierbergs Markets, which is dated November 17, 2015, and is in regard to the Dierbergs Town Center development, which is located at the intersection of State Route 100 and Taylor Road. This correspondence requests certain amendments to the governing ordinance be considered to accommodate the reuse of one (1) of the four (4) linear buildings situated along Taylor Road, by allowing the inclusion of a drive-through facility there. The City approved this governing ordinance in 1999. Two (2) revisions to this ordinance have been requested since 1999, but none since 2003.

With the submittal of this request, the Planning and Zoning Commission has reviewed the files and other materials available to it regarding this development and prepared the following recommendation in this regard. Accordingly, as a result of this review process and, acting at the Planning and Zoning Commission's January 19, 2016 Executive Meeting, and, by a vote of 9 to 0, hereby submits the following report and recommendation to the City Council for its review and consideration in this regard.

SYNOPSIS ON ZONING HISTORY - For the purposes of review, **P.Z. 14-98 Capital-Dierbergs Wildwood LLC**, was a request for a change in the current zoning district designation of the property from a C-8 Planned Commercial District to the Amended C-8 Planned Commercial District to accommodate the redevelopment of it from a large commercial center, which would now be

anchored by a supermarket and designed to meet the City's Town Center Plan's standards and guidelines. The original development concept approved by St. Louis County in 1983 anticipated the use of the 18.3 acre site for a strip commercial center. After the approval of the C-8 Planned Commercial District, no development of the property proceeded, which led to the 1998 proposal being submitted for the use of it by this new petitioner – Dierbergs Markets.

Dierbergs Markets began the zoning process for this site in 1998 and sought an amendment to its current designation to allow for a new design plan for its use. Key among the items associated with this zoning district change were now the requirements for certain design standards relative to building placement and character meeting the New Urbanism principles adopted by the City for Town Center and the installation of infrastructure and utility connections to support the proposed 170,000 square feet of commercial space. The project represented a first for the newly-created Town Center Area and was a type of use, i.e. supermarket, which was necessary for a vibrant downtown area, as anticipated by the City at this location. One (1) of the major infrastructure requirements relating to this matter was the construction of Taylor Road, from State Route 100 on the north end to Manchester Road on the south end. This improvement would provide a Town Center designed street, with amenities, between two (2) major arterial roadways, and was considered a very necessary component for the use of this site, given its intensity and type.

The Planning and Zoning Commission considered this request for many months, after the public hearing was held on this matter, and recommended the zoning of the property be changed to accommodate the proposal. The Planning and Zoning Commission, in recommending this project, noted the following items as its rationales in this regard: (1.) the development was located within the Town Center boundary; (2.) the type of use, and its associated characteristics, met the designation of the Town Center Regulating Plan (Commercial, at that time); (3.) the development was compliant to a number of the Neighborhood Design Standards, particularly in the placement of the four (4) outbuildings along Taylor Road; (4.) the architecture of the collection of buildings was appropriate and met the guidelines of the plan; and (5.) the size and scale of this project would provide an excellent starting point for the commercial core of Town Center. With these rationales, the Planning and Zoning Commission forwarded a recommendation to City Council to support this requested rezoning of the property and the associated development.

The City Council received the Commission's Letter of Recommendation and held a public hearing on January 11, 1999 and heard from a number of speakers and the petitioner in this regard. At the conclusion of the hearing, the City Council authorized the preparation of legislation for this rezoning, based upon the Commission's rationales and the overall community benefits derived from a project of this nature. The ordinance for this project was approved on February 22, 1999. Shortly thereafter, the petitioner began the Site Development Plan process with the Planning and Zoning Commission and meetings with the Architectural Review Board to obtain the needed approvals from each of them to begin the construction process, all of which were successfully concluded.

Within two (2) months of the approval of this ordinance for the project, a modification was requested by the petitioner to allow for grading to proceed before final action of the Planning and Zoning Commission on the Site Development Plan and allowing alternative lighting sources for

business signage used within the project's boundaries. The Planning and Zoning Commission did support a portion of these modifications, after their initial denial, and recommended the governing ordinance be changed to accommodate such. Shortly thereafter, the matter was presented to the City Council at an April 12, 1999 public hearing, where comments were requested on this matter. The City Council noted that, between it and the Architectural Review Board, a number of meetings had been held on the signage issue and its lighting and the recommendation of the Planning and Zoning Commission on the lighting component was consistent with the outcome of their sessions in terms of the size, scale, and area characteristics associated with this center. Thereafter, the City Council approved the changes to the site-specific ordinance on April 26, 1999.

In September 2003, Dierbergs Markets requested a series of changes to the site-specific ordinance to address the height of the requested flagpole along State Route 100, the height of buildings, and further changes to the signage allowances within the project's boundaries. The Planning and Zoning Commission held a public hearing on these matters on September 15, 2003 and heard testimony in this regard. Thereafter, the Planning and Zoning Commission supported two (2) changes to the governing ordinance, but not the modification to the signage requirements.

With that recommendation completed, it was forwarded to the City Council on September 22, 2003 for the scheduled public hearing. Again, the Commission's recommendation that was presented to City Council agreed to allow a sixty (60) foot flagpole and increases in the height of the buildings, but noted that signage had been altered previously and compliance to the Architectural Guidelines outweighed the need for larger displays on this prominent center. The City Council held its public hearing on these matters and authorized changes to the ordinance consistent with the Planning and Zoning Commission's Letter of Recommendation upon them. This action was completed on October 13, 2003. Since that action in 2003, the petitioner has not amended the site-specific ordinance.

CURRENT REQUEST - The specific advertisement in this regard for the purposes of the Planning and Zoning Commission's public hearing on the matter is as follows: A response to a communication from Drew Bextermueller, Director of Real Estate for Dierbergs Markets, Inc., which is dated November 17, 2015, regarding **P.Z. 14-98 Dierbergs Wildwood Town Center**; Amended C-8 Planned Commercial District (Downtown District Designation under the Town Center Plan); south side of State Route 100, east of Taylor Road (Street Address: 2400 Taylor Road/Locator Number: 23V320195); that seeks modifications to the existing site-specific ordinance (Ordinance #1001) that governs the Dierbergs Wildwood Town Center development relative to the uses permitted on Outlots G and H, as well as the addition of a drive-thru facility, as part of Outlot G.

The current request that has been submitted to the City of Wildwood relates to a matter associated with one (1) of the linear buildings situated along Taylor Road, specifically at its intersection with State Route 100. The intent of the request is to allow the parking lot area for this linear building located on the corner of State Route 100 and Taylor Road to be reconfigured to accommodate a drive-through facility, in conjunction with the planned new tenant for the space. The location is the former site of the Applebee's and Stonewolf Restaurants and has been vacant for many, many years. To accommodate this conversion of the parking area on Outlot G for the requested drive-

through facility, modifications to the ordinance are also necessary to the conditions associated with Outlot H.

In the letter submitted by the petitioner seeking this change, it is noted a tenant has been identified for this vacant space, which requires a drive-though facility for its operation. The tenant is a causal dining facility and also offers seating inside the restaurant space. The petitioner has also provided an Amended Site Development Section Plan for the purposes of this discussion.

ANALYSIS – In reviewing this request, the Planning and Zoning Commission would note it is important to identify this site is now designated "Downtown" District by the Town Center Regulating Plan, since its update in 2010 through 2013. This designation is the most intensive in the City in terms of the allowable types of uses, whether commercial, service, retail, restaurant, office, and drive-through facilities in conjunction with some of these activities. Additionally, the "Downtown" District allows for greater site coverage ratios, heights or stories of buildings, and other characteristics not allowed anywhere else in the City. Therefore, this location offers many options for use by the petitioner and any interested tenant.

With this designation from the Town Center Regulating Plan, an additional drive-through facility can be considered and authorized at this location, if design, safety, and circulation considerations can be addressed according to the City's land use codes. It is important to note the current governing ordinance only allows one (1) drive through facility within the boundaries of this site and that is located on Outlot H and used by Bank of America (Outlot H abuts Outlot G). The ordinance does not accommodate further drive-though facilities thereafter and preferred its allowable construction on Outlot H, versus Outlot G, or any of the other three (3) such parcels of ground fronting onto Taylor Road. Part of this restriction on the location and number of drive-through facilities by the City was premised on the concepts of New Urbanism and its desire for walkability versus vehicular movements, the allowance at one time for another building along the site's State Route 100 frontage (along with the existing two (2) buildings already constructed there now), and the impact on the views from abutting streets, since a drive-through facility typically surrounds the building, thereby making its placement at the edge of right-of-way problematic.

However, the Commission would note the following regarding these previous concerns and considerations, which would no longer appear to be applicable to this request:

1. The inclusion of a second drive-though facility at this development site would appear to be reasonable, as a means to have a fully occupied building at a location that has been vacant for many, many years.
2. The application of the New Urbanism standards for walkability will not necessarily be impacted at this location with the addition of the drive-through facility, given the pedestrian network on surrounding streets, including the City's multiple-use trail system along State Route 100, will be altered and a proposed connection into this location recommended, which is currently lacking. Therefore, pedestrian access to this building is improved.
3. The request for the drive-through facility at one (1) of the four (4) linear buildings along Taylor Road is workable at this location, given the area planned for use of this addition is

existing parking spaces and drive aisle areas, therefore it will not remove green space or other pedestrian connections, and will bring further activity to this prominent intersection that is located in Town Center.

4. The placement of the drive-through facility at this location would not appear to hinder any future development around it, given the petitioner has had the right for a third building along the site's State Route 100 frontage, since 1999, and not pursued it.
5. The drive-through facility will be placed behind the building, relative to Taylor Road (the primary street), while only having limited visibility from State Route 100 (the secondary street). "B" street locations are intended to accommodate the working components of a development of this type, while preserving the "A" streets to the strict adherence of the design standards for improvements. Therefore, from petitioner's provided plan, the orientation of the drive-through facility is toward the secondary street, which is preferred and allowed by the Town Center Plan.
6. The design of the drive-through facility does not place any portion of it around the building that is currently constructed and maintains the corner relative to it, and the two (2) abutting streets. This design, through the use of the parking area behind the existing building, shields it from view from the primary street – Taylor Road.

Although drive-through facilities are not typically considered in walkable areas of Town Center, the City has been judicious in their allowance and has only allowed the following locations within this special area of the City to have such:

1. Rockwood Bank – State Route 109
2. Jack-In-the-Box –Wildwood Crossing Center – Manchester Road
3. Electro Savings and Loan – Wildwood Crossing Center – Manchester Road
4. Bank – Village Plaza – Westglen Farms Drive (approved by St. Louis County, prior to Wildwood)
5. Bank of America – Dierbergs Wildwood Crossing – State Route 100
6. Starbucks – Wildwood Town Center – Taylor Road
7. Walgreens – Wildwood Town Center - Taylor Road

Collectively, the City has limited drive-through facilities to appropriate locations, while noting St. Louis County had authorized three (3) of these seven (7) locations, before Wildwood became a City. Accordingly, an additional drive-through facility at the requested location would not represent to the Department an intensification of such allowances in Town Center, but rather an action consistent with the site's new Regulating Plan designation of "Downtown" District. Additionally, this modification will encourage an adaptive design to improve the development's vitality, while adding a new pedestrian connection to it.

The Department would note the following conditions would be required of the petitioner in the design and installation of this drive-through facility at the planned location (Outlot G) to ensure it functions safely and has limited impacts on surrounding aesthetics:

a. The removal of the six (6) parking spaces located in the center of the drive-through lane area and its conversion to a planter space (this change will eliminate the need for the crosswalk through the drive-through and circulation lanes to access these stalls).
b. The reconstructed trash enclosure area's materials must match the building's types located on Outlot G.
c. The approach to the trash enclosure be changed from asphalt to concrete and its construction specifications and length to be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.
d. The revised design of this area to accommodate the drive-through facility be reviewed and acted upon by the Metropolitan St. Louis Sewer District (MSD) and the Metro West Fire Protection District.
e. The portion of the drive-through lane that faces onto the property's State Route 100 frontage shall be screened through the use of the current combination of fencing, stone piers, and landscaping that is already in place to the east of this location on this same lot ~~garden wall, with its materials matching those types on the building that is located on Outlot G and not to exceed a height of thirty-two (32) inches. This garden wall~~ This combination of fencing, stone piers, and landscaping, shall be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.
f. A pedestrian connection be made from the City's multiple-use trail to Outlot G, which complies with the City's specifications for width, material, construction specifications, and design. This pedestrian connection shall be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.

With these modifications and additions to the design, the Neighborhood Design Standards of the City's Town Center Plan will be met and the function of this drive-through area improved.

SUMMARY OF PERTINENT POINTS AND RECOMMENDATION –

The Planning and Zoning Commission is recommending the requested drive-through facility be authorized, as part of the development of Outlot G, and it comply with the conditions set forth above in this report and noted below in the revised conditions of Attachment B. This favorable recommendation is based upon the allowance for a drive-through facility in the Town Center Plan's "Downtown" District designation of the property and the accommodation to place a tenant in this vacant space. Accordingly, the Planning and Zoning Commission is recommending Amended C-8 Planned Commercial District Ordinance #1001 be amended to read as follows (changes indicated by bolded, blue type):

1. PERMITTED USES

The uses allowed in this Amended C-8 (Town Center Commercial) Planned Commercial District shall be limited to all permitted "Commercial" District uses as defined in the Town Center Plan (as amended March 2, 1998) with associated parking, excluding churches, recreational facilities (including indoor theaters and outdoor activities), hotels, sewage treatment plants, research laboratories and facilities, and office/warehouse units.

2. **FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS**

a. The uses permitted in this Amended C-8 Planned Commercial District shall be contained in a total of six (6) buildings (Buildings A through C (main building complex), as shown on petitioner's Preliminary Development Plan, and for the purposes of this ordinance, shall constitute a single building) not to exceed one hundred fifty-one thousand (151,000) square feet in gross floor area. Of this one hundred fifty-one thousand (151,000) square feet, maximum allowable building sizes shall be as follows:

Building Type**	Size (square feet)
Retail (Building A)	21,500
Supermarket (Building B)	73,000
Retail (Building C)	11,000
Retail (Building D)	6,600
Retail (Building E)	6,600
Restaurant (Building F)	6,600 or 150 seats
Restaurant (Building G)	13,000 or 300 seats
Filling Station and related Retail (authorized in lieu of Building H)	4,200
Financial Institution, with a Drive Through Facility ~~Retail/Restaurant/Other~~ (Building H)	7,500 ~~or 150 seats~~

** The designated use of "retail," "office," and "restaurant" may be interchanged for purposes of the permitted uses.

b. The maximum number of out-parcels located abutting the Taylor Road right-of-way shall be four (4) in total, with no more than five (5) out-parcel buildings within the boundaries of this Amended C-8 Planned Commercial District. The orientation of these buildings shall be as shown on the Site Development Plan submitted by the petitioner, as part of the rezoning request.

c. Out-parcel buildings abutting Taylor Road shall be designed to accommodate a liner footprint, with a depth no greater than eighty (80) feet.

d. Only one (1) fast-food restaurant, with a drive-through facility, ~~or a filling station for automobiles with related retail~~ shall be allowed within the boundaries of this Amended C-8 Planned Commercial District. ~~Whichever of the two (2) uses is selected, either~~ **The fast-food restaurant** ~~or the filling station for automobiles and related retail, it~~ **must be located on Outlot G and comply with the following requirements:** ~~and H only~~

I. **Remove the six (6) parking spaces located in the center of the drive-through lane and convert it to a planter area.**

II. **The reconstructed trash enclosure area's materials match the building's type located on Outlot G.**

III. **The approach to the trash enclosure shall be of concrete construction and its specifications and length to be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.**

IV. **The drive-through facility must be reviewed and acted upon by the Metropolitan St. Louis Sewer District (MSD) and the Metro West Fire Protection District.**

V. **The portion of the drive-through lane that faces onto the property's State Route 100 frontage shall be screened through the use of the current combination of fencing, stone piers, and landscaping that is already in place to the east of this location on this same lot.** ~~garden wall, with its materials matching those types on the building that is located on Outlot G and not to exceed a height of thirty-two (32) inches This garden wall~~ **This combination of fencing, stone piers, and landscaping shall be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.**

VI. **A pedestrian connection shall be made from the City's multiple-use trail to Outlot G, which complies with its specifications for width, material, construction specifications, and design. This pedestrian connection shall be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission**

~~e. The size of the canopy in association with the filling station for automobiles with related retail shall be a maximum of 6,050 square feet in overall area. The height of the canopy, as measured from finish pavement grade to its underside, shall not exceed fourteen point five (14.5) feet in size.~~

~~f. No more than eight (8) pump islands shall be authorized in conjunction with the filling station for automobiles with related retail use.~~

e. No more than two (2) docking areas shall be constructed in conjunction with the proposed supermarket building that is part of this development. Docking area shall be located along the full distance of the north and south walls of the supermarket building only. Appropriate screen walls or landscaping shall be installed as part of these areas to minimize visual intrusions onto adjoining properties and State Route 100. If screen walls are used, these structures shall be of the same material, color, and style of the main building's composition

and be reviewed and acted upon by the Architectural Review Board as part of the required renderings.

f. No structure or building shall exceed sixty (60) feet in overall height as measured from final finish grade. This height requirement shall apply to all rooftop architectural treatments as well. The height of the flagpole can be increased to a maximum of eighty (80) feet in size, if the developer authorizes its use for WIFI Internet access antenna in support of the City of Wildwood's wireless network for the Town Center Area.

g. The area of this Amended C-8 Planned Commercial District shall be a minimum of eighteen (18) acres in overall size.

h. The proposed architectural design, character, and style of all buildings shall adhere to the City of Wildwood's Town Center Architectural Guidelines, Neighborhood Design Standards, and any other applicable requirements of the Town Center Plan. Particular attention must be paid to the east facade of the main building complex and any building which fronts or has visibility from a roadway relative to building materials, openings, elements, and color to ensure their appearance is consistent with the other elevations. Approval of the required design shall be by the Architectural Review Board. Minimally, all buildings shall maintain a consistent theme throughout the boundaries of this Amended C-8 Planned Commercial District in terms of material, color, and style. Buildings D and E shall each include direct pedestrian entrances to and facing the Taylor Road right-of-way.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the date of approval of the preliminary development plan by the City Council, the developer shall submit to the Planning and Zoning Commission for its review and approval a Site Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning and Zoning Commission. The Site Development Plan shall include, but not be limited to, the following:

a. Outboundary and legal description of the property.
b. Location map of generalized nature, north arrow, and plan scale.
c. Location and size of all proposed structures, including canopies, arcades, business signage, and any garden or retaining walls.
d. Location and size of all parking areas and corresponding parking calculations.
e. Existing and proposed contours at two (2) foot intervals.
f. Roadways and driveways on and adjacent to the property in question including required right-of-way dedication, pavement widening, and cross access easement areas.
g. The design, location, and size of all proposed lighting, fences, and dock and trash areas.

h. A landscape plan including, but not limited to, the location, size, and general type of all plant and other materials to be used. (See Landscape Requirements Section of this Ordinance).
i. The approximate location of all stormwater and sanitary sewer facilities.
j. Parking and structure setbacks from adjacent property lines.
k. Location of all existing and proposed easements.
l. Location and method of protecting existing tree stands to be preserved.
m. A description of the area's (all surrounding properties within four hundred (400) feet of the subject site) infrastructure and site improvements of a general nature. Principally, building locations on individual properties, curb cuts and driveway locations along the right-of-way, as well as other natural and man-made features must be shown.
n. All other information not mentioned above, but required on a preliminary plat in accord with Section 1005.060 of the City of Wildwood Subdivision Ordinance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Building Setbacks

a. All buildings or structures, excluding boundary, garden and/or retaining walls, fences or flagpoles/WIFI antenna, shall adhere to the setbacks therein established by the City of Wildwood's Town Center Neighborhood Design Standards for the Commercial District, unless otherwise noted below:

i. The two (2) outlot buildings located adjacent to or abutting the proposed State Route 100 right-of-way shall not be located more than one hundred fifty (150) feet from this boundary line, nor closer than thirty (30) feet to the same.
ii. The main building complex (Buildings A through C as shown on the petitioner's Site Development Plan) shall be located a minimum of four hundred (400) feet from the proposed Taylor Road right-of-way.
iii. The main building complex (Buildings A through C as shown on the petitioner's Site Development Plan) shall not be located any closer than two hundred twenty (220) feet from the proposed State Route 100 right-of-way. Additionally, this building complex shall not be located any closer than two hundred (200) feet from the Manchester Road right-of-way.

Parking Setbacks

b. All parking stalls, loading spaces, internal drives or roadways, excluding points of ingress and egress, shall adhere to the City of Wildwood's Town Center Neighborhood Design Standards for the Commercial District, unless otherwise noted below:

i. Twenty (20) feet from the proposed State Route 100 right-of-way line.
ii. Ten (10) feet from the proposed Taylor Road right-of-way line.
iii. One hundred sixty (160) feet from the Manchester Road right-of-way line.

Minimum Parking Requirements

c. Minimum parking requirements shall be set forth in the City of Wildwood's Town Center Neighborhood Design Standards for the Commercial District and Section 1003.165 Parking Regulations of the City of Wildwood's Zoning Ordinance, except that four (4) spaces per one thousand (1000) square feet of gross floor area shall be allowed for all retail and supermarket uses contained in the main building complex.

Access and Roadway Improvements, including sidewalks

d. Improvements to Manchester Road shall conform to the requirements of the City of Wildwood's Street Specifications of the Town Center Plan and be as directed and approved by the Department of Public Works. These improvements shall only be required for one-half (1/2) of the right-of-way along petitioner's frontage. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, and other items shall consist of approved materials) shall be installed as required by the City of Wildwood's Town Center Plan within the right-of-way of Manchester Road and be approved by the Department of Public Works. These requirements may be required to be escrowed with the City of Wildwood for future installation at the discretion of the Department of Planning and the Department of Public Works.

e. Access to this development from Manchester Road shall be limited to one (1) commercial entrance designed in accordance with the City of Wildwood's Street Specifications of the Town Center and as directed by the Department of Public Works. This access point shall be coordinated with the dedication of the ten (10) foot roadway easement along the east property line of this development, and shall not be installed until such time an additional ten (10) foot roadway easement is obtained from the adjoining property. Installation shall not be the responsibility of either property owner where the easement is located. The Planning and Zoning Commission shall complete the dedication of this roadway easement, as part of the Site Development Plan review process.

f. Provide a sidewalk conforming to City of Wildwood ADA standards along Manchester Road (right-of-way area only) as directed by the Department of Public Works. Said walk shall conform to the City of Wildwood's Street Specifications of the Town Center Plan. Said improvement may be escrowed at the discretion of the Department of Planning and the Department of Public Works.

g. Dedicate all the right-of-way, easements, and licenses within the subject site as necessary for the improvement of State Route 100 and its intersection with the

proposed Taylor Road as directed by the Missouri Department of Transportation. Verification of ownership of any excess right-of-way from the State of Missouri along State Route 100 must be provided in the form of a Purchase Agreement prior to approval of the Site Development Plan by the Planning and Zoning Commission.

h. Conform to all of the requirements of the Missouri Department of Transportation regarding the required State Route 100 roadway improvements. Improvements shall be as directed by the Missouri Department of Transportation.

i. Install traffic signals at the State Route 100/Taylor Road intersection and the Main Street/Taylor Road intersection and provide for underground interconnects, if required, as directed by the Missouri Department of Transportation and the Department of Public Works. The installation of the Taylor Road/Main Street signal will be required with the initial construction of the development. The installation of this signal will be based upon the City's traffic warrants indicating the need for it, but shall be operational at the time of the supermarket's opening.

j. Provide a twelve (12) foot wide easement outside the State Route 100 right-of-way, and complete finish grading thereof, for the installation of a multiple use trail which conforms with the City of Wildwood's ADA requirements as directed by the Department of Public Works. The installation of this trail will also be the responsibility of the developer and be reviewed and acted upon as part of the Site Development Plan process, unless an escrow is authorized for its future installation by the City Council. This improvement may be considered as one of the green space and public space requirements of the Town Center Plan Commercial District designation.

k. No vehicular access shall be allowed from this development to State Route 100, except as directed Missouri Department of Transportation and the Department of Public Works.

l. Dedicate all the right-of-way, easements, and licenses within the subject site as necessary for the improvement of the proposed Taylor Road as directed by the Department of Public Works.

m. Within the dedicated right-of-way for Taylor Road, construct said roadway, sidewalks, and improvements in conformance with the requirements of the City of Wildwood's Street Specifications of the Town Center Plan and as directed by the Department of Public Works. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, and other items shall consist of approved materials) shall be installed as required by the City of Wildwood's Town Center Plan within the right-of-way of Taylor Road and be approved by the Department of Public Works, but not before a final design study is prepared and completed by a qualified consultant indicating the most appropriate design of these improvements is achieved with

regards to the requirements of the Town Center Plan. Taylor Road access to Manchester Road shall align with Village Hills Parkway to the south.

n. Access to this development from Taylor Road shall be limited to two (2) commercial entrances designed in accordance with the City of Wildwood's Street Specifications of the Town Center and be located as per the Site Development Plan. The northernmost entrance along Taylor Road shall maintain a minimum distance of three hundred (300) feet from State Route 100 (as measured from edge of proposed pavement of State Route 100 to the centerline of the access point).

Miscellaneous Roadway Requirements

o. Provide cross access easement and temporary slope construction license, or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties, as directed by the Departments of Planning and Public Works.

p. Parking shall be prohibited along both sides of the main drive aisles serving this development. Parking lot aisles, where possible, should intersect the main and minor driveways at right angles and be logically located opposite minor driveways and other parking lot aisles. Minor driveways shall not intersect the two (2) main east/west drive aisles closer than one hundred fifty (150) feet of the centerline of the proposed Taylor Road right-of-way.

q. Installation of identification signage and landscaping shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to installation.

r. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements. All utilities within the district and on rights-of-way otherwise constructed on pursuant to this authorization shall be installed and placed underground in locations as approved by the Director of Public Works. The primary line may be elevated and located on the east property line, with it indicated on the Site Development Plan for review and consideration.

s. The developer shall extend the southernmost access point and internal drive to the easternmost property line (currently owned by the Wildwood Christian Church) for future access to this parcel of ground. The location of this internal drive shall be as directed by the Department of Public Works. This internal drive shall maintain a

minimum twenty-two (22) foot width along its length. The intersection of this internal drive shall be coordinated with the dedication of the ten (10) foot roadway easement to the south.

t. The two (2) internal access drives, and the main drive aisle in front of the main building complex, shall comply with the Streetscape Requirements of the Town Center Plan in terms of improvements, such as sidewalks, street trees and lights, and pedestrian furniture.

Landscape Requirements - Specific

u. Building and parking setbacks shall be landscaped in accord with Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual.

v. All stormwater facilities shall be appropriately landscaped and comply with the Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual.

w. All new landscaping materials shall meet the following criteria: Deciduous Trees - two and one-half (2 1/2) inch minimum caliper; Evergreen Trees - Six (6) feet minimum height; and Shrubs- twenty-four (24) inch minimum height.

x. Replanting of trees shall conform to the requirements of Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual to achieve a minimum amount of thirty (30) percent canopy area on this site. Tree selection and location shall be reviewed and acted upon by the Planning and Zoning Commission as part of the Site Development Plan process. Street tree planting patterns must be based and comply with the Town Center Streetscape Design.

y. A Registered Landscape Architect shall prepare and sign all Landscape Plans for this development.

Lighting Requirements

z. Light standards shall not exceed sixteen (16) feet in height, but not including a thirty (30) inch base painted to match the color of the respective pole. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with the provisions of the City of Wildwood's Zoning Code proposed Section 1003.160 "Outdoor Lighting Requirements, which are on file with the City Clerk of the City of Wildwood." A Lighting Study shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The location of all light standards and their design and appearance shall be approved by as the Planning and Zoning Commission on the Site Development Plan.

Sign Regulations

aa. All signage shall be in accord with the requirements of the City of Wildwood's Town Center Architectural Guidelines, subject to the following:

i. A total of four (4) freestanding monument style signs shall be allowed within the boundaries of the Amended C-8 Planned Commercial District. One (1) sign shall be authorized at the Taylor Road/State Route 100 intersection, with the second situated at the southern access point into this development along its Taylor Road frontage. These two (2) signs cannot exceed seventy-five (75) square feet each in overall size or ten (10) feet in height (as measured from adjoining roadway grade) and can only be externally illuminated or halo-lit by approved sources. A single sign shall be authorized along the property's State Route 100 frontage and it cannot exceed seventy-five (75) square feet each in overall size or ten (10) feet in height and may be internally or externally illuminated or halo-lit by approved sources, as measured from adjoining roadway grade. The location of all signage shall be as approved by the Planning and Zoning Commission on the Site Development Plan. These signs must be integrated into the design of the garden walls proposed at these locations, except the State Route 100 location.

ii. A fourth monument sign shall be allowed along Manchester Road frontage. This sign shall not exceed fifty (50) square feet in overall size, or ten (10) feet in height, as measured from adjoining roadway grade. This sign shall be externally illuminated by approved sources.

iii. The four (4) authorized monument signs shall comply with the City of Wildwood Zoning Code, Section 1003.168 Sign Regulations for the C-2 Shopping District, where consistent and applicable to this type of signage.

iv. Wall signage and lighting shall comply with the City of Wildwood's Town Center Plan Architectural Guidelines (see Department memorandum for definitions of lighting sources and characteristics), and all other applicable requirements therein stated, and the regulations of the C-2 Shopping District, except as follows:

v. Building B (Supermarket) - A total of five (5) signs shall be authorized. These five (5) signs may be illuminated by either internal or external or halo-lit by approved designs.

vi. Buildings A and C (in-line tenant spaces) - A total of one (1) sign per tenant bay shall be authorized, and these signs may be internal or external illuminated or halo-lit by approved designs, while maintaining a consistent character of design relative to the overall appearance of the development.

vii. Outlot H (State Route 100 outlot building) - A total of three (3) signs shall be authorized for this building and they shall comply with Section 1003.168(B) Sign Regulations for all "C" Districts of the City of Wildwood Zoning Code for the C-2 Shopping District. These signs may be internally illuminated by approved designs.

viii. Buildings D, E, F, and G (Taylor Road frontage) – These signs shall comply with Section 1003.168(B) Sign Regulations for all "C" Districts of the City of Wildwood Zoning Code for the C-2 Shopping District. These signs may only incorporate external

or backlit illumination sources of an approved design. Only two (2) signs shall be authorized per tenant.

ix. No advertising, temporary, or portable signs shall be authorized in this Amended C-8 District development. No other signs shall be authorized, except as may comply with the C-2 Shopping District Regulations of the City of Wildwood Zoning Code and the Town Center Plan's Architectural Guidelines.

Miscellaneous Conditions

bb. All trash areas shall be enclosed with a six (6) foot high sight-proof wall (with gate) and be appropriately landscaped around its perimeter, if applicable. The location and design of the enclosure shall be approved by the Planning and Zoning Commission on the Site Development Plan. The design of this enclosure shall reflect the appearance, character, and style, in terms of its color, material, and composition, of the approved architecture of the main building complex.

cc. Handicap parking and access requirements shall comply with Section 512.4 of the City of Wildwood Building Code.

dd. All rooftop mechanical equipment shall be screened from view on all sides of the building's facade in an architecturally consistent manner in terms of color and style with the main building complex. Screening shall be reviewed and considered by the Architectural Review Board at the time of the renderings submittal.

ee. The design, color, material, and location of all walls shall be consistent with the requirements of the Town Center Plan's Architectural Guidelines and be shown on the Site Development Plan for review and action by the Planning and Zoning Commission.

ff. All deliveries and trash pick-up vehicles must access Taylor Road from State Route 100 or Old Manchester Road only. No deliveries or trash pick-up can occur between the hours of 11:00 p.m. and 6:00 a.m., seven (7) days per week.

gg. Improvements associated with public infrastructure, such as roadways, sidewalks, and access points, shall comply with general design principles that will provide for safe and efficient movement of traffic in and around these sites and improve overall circulation in the area. These improvements shall be reviewed and approved by the Department of Public Works.

5. TRAFFIC GENERATION ASSESSMENT

The developer shall contribute to the East Area Corridor Traffic Generation Assessment Road Trust Fund established by Chapter 140 of the City's Codified Ordinances. This contribution shall not

exceed an amount established by multiplying the proposed parking spaces by the following rate schedule.

Type of Development	Required Contribution
General Office	$448.27/Parking Space
Quality Restaurant	$448.27/Parking Space
General Retail	$1,344.88/Parking Space
Shopping Centers	$1,344.88/Parking Space
High-Turnover, Sit-Down Restaurants	$1,344.88/Parking Space
Bank	$2,689.85/Parking Space
Drive-In, Fast-food Restaurant	$2,689.85/Parking Space
Filling Station for Automobiles	$8,965.94/Parking Space
Medical Offices	$1,344.88/Parking Space
Loading Space	$2,200.73/Loading Space

(Parking space as required by Section 1003.165 of the City of Wildwood Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the Department of Planning.

As this development is located within a trust fund area established by the City of Wildwood, any portion of the traffic generation assessment contribution, which remains, following completion of road improvements required by the development, shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2003, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the City of Wildwood Department of Public Works.

6. VERIFICATION PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to the approval of the Site Development Plan, the petitioner shall:

Stormwater Management

a. Submit to the Planning and Zoning Commission an engineering plan approved by the Department of Public Works and the Metropolitan St. Louis Sewer District showing that adequate handling of the stormwater drainage of the site is provided.

   i. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood and Metropolitan St. Louis Sewer District Standards.
   ii. All stormwater shall be discharged at an adequate natural discharge point.
   iii. Detention or differential runoff of stormwater is at the discretion of Metropolitan St. Louis Sewer District. If required by Metropolitan St. Louis Sewer District and the Department of Public Works, it shall be provided in

permanent detention facilities, such as: dry reservoirs, ponds, or another acceptable alternative. The detention facilities shall be completed and in operation prior to paving of any driveways or parking areas.

b. The southernmost detention basin adjacent to Manchester Road shall be constructed with the use of a 1:1 slope along its northern face. In conjunction with this slope, a rock dam, of appropriate native stone or other material, shall be constructed to support this facility's design. A Geotechnical Engineer shall verify that said design is appropriate and the soil and rock combination will support the improvements. The location and design of this facility shall be shown on the Site Development Plan and be reviewed and as approved by the Planning and Zoning Commission.

c. The proposed wall along Manchester Road, which is part of this southernmost detention area, shall not exceed a height of fourteen (14) feet at final finish grade. The wall shall be constructed of an appropriate material, such as brick, stone, concrete, or other similar material, and complement the surrounding area. The color, design, material, and location will be shown and noted on the Site Development Plan and reviewed and considered by the Planning and Zoning Commission. However, no portion of this wall can encroach within forty (40) feet of the Manchester Road right-of-way. An eight (8) foot multiple use trail, benches, and related landscaping shall be placed adjacent to the detention area connecting to and or along Manchester Road from the main parking area. Said trail may not meet ADA requirements due to topography or other related construction requirements due to surrounding terrain.

Geotechnical Report

d. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions, which are susceptible to rapid erosion, landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report.

7. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning and Zoning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of a Site Development Plan, and prior to issuance of any building permit, the following requirements shall be met:

Landscape Bonds or Escrows

a. If the estimated cost of new landscaping required by the Planning and Zoning Commission on the Site Development Plan exceeds one thousand ($1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year deposit or escrow sufficient in amount to guarantee the installation and maintenance of said landscaping in a form determined by the Director of Planning.

Notification of Public Works

b. Prior to issuance of foundation or building permits, all approvals from the Department of Public Works, the Missouri Department of Transportation, the Missouri Department of Natural Resources, the U.S. Army Corp. of Engineers, and the Metropolitan St. Louis Sewer District must be received by the Department of Planning.

Certification of Plans

c. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans.

Traffic Generation Assessment Contribution

d. Traffic generation assessment contribution, minus the amount of money advanced by the developer for improvements of the right-of-way acquisition and construction improvements, including engineering incidental thereto, (already in place) shall be deposited with City of Wildwood in the form of cash prior to the issuance of building permits.

Roadway Improvements

e. Road improvements and right-of-way dedication shall be completed, or the appropriate escrow established, prior to the issuance of an occupancy permit. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

9. GENERAL DEVELOPMENT CONDITIONS

a. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.

b. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

c. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as Rye or Sudan Grasses, shall be utilized to retard erosion.

d. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.

e. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Wildwood Planning and Zoning Commission.

f. Any other applicable zoning, subdivision, or other regulations or requirements of the City, whether in effect at the adoption of this ordinance or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Amended C-8 District Ordinance, except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning or other development regulation of the City whether by implication or reference.

g. This zoning approval is conditioned on compliance with the Zoning Code, Subdivision Code, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result from this Amended C-8 Planned Commercial District ordinance except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

All other conditions remain in full force and effect (changes to current ordinance indicated by blue, bolded type).

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

R. Jon Bopp, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

Cc: The Honorable Timothy Woerther, Mayor
Ryan S. Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
Drew Bextermueller, Director of Real Estate, Dierbergs Markets, Inc.

Drew Bextermueller
Director of Real Estate
(636)812-1360 direct telephone
(636)812-1607 facsimile
Bextermuellerd@dierbergs.com

November 17, 2015

City of Wildwood
Planning and Zoning Commission
c/o Department of Planning
16860 Main Street
Wildwood, MO 63040

Re: Ordinance #1001 dated October 13, 2003 - Amendment Request
Dierbergs Wildwood Town Center
Wildwood, MO

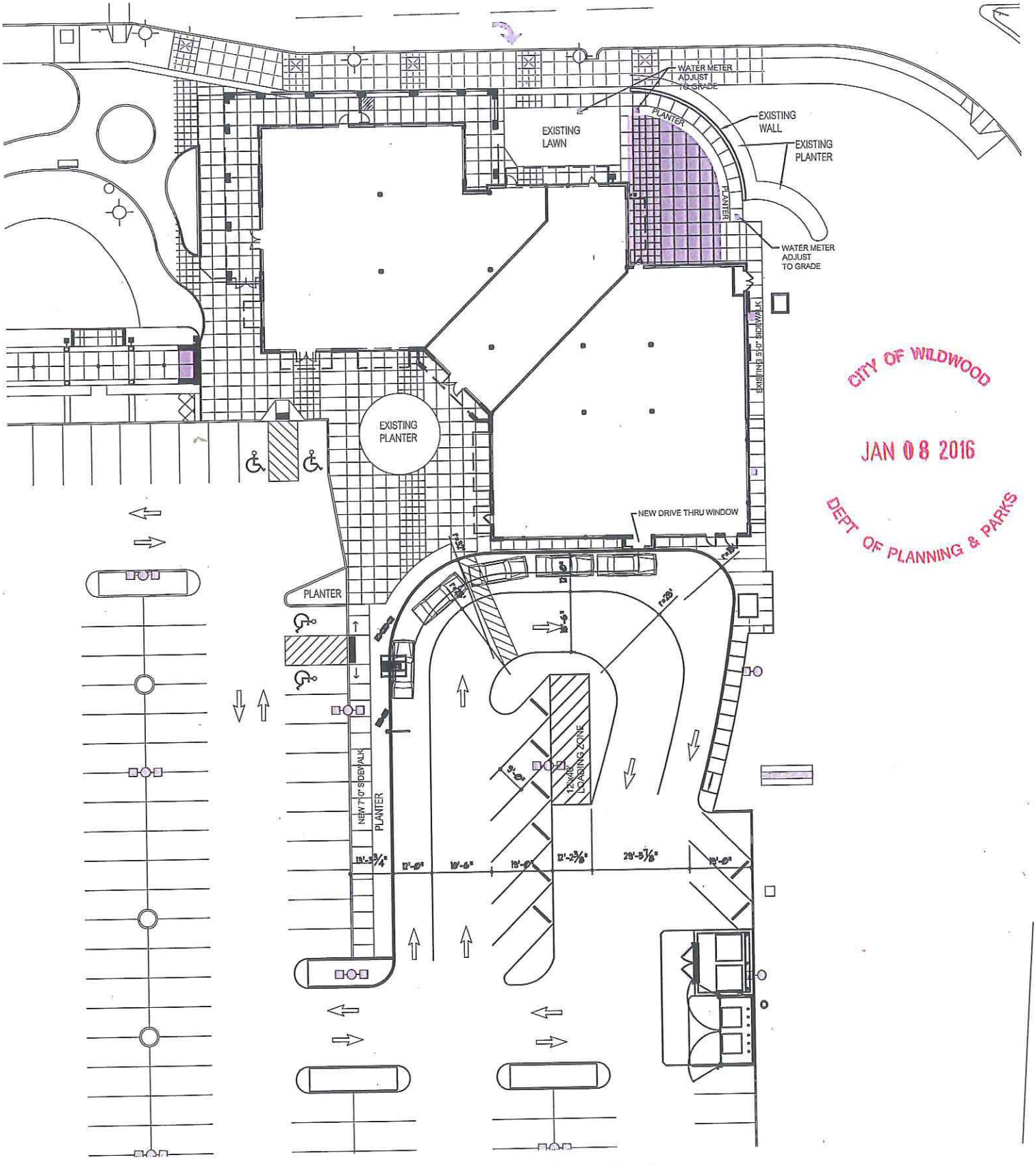
Dear Planning & Zoning Commission Members:

Please allow this letter to serve as a request from Dierbergs Wildwood, LLC to amend Section 2(d) of the above-mentioned Ordinance to acknowledge the current and future use of Outlot H, which operates drive-thru lanes for banking operations and to allow for one (1) fast-food restaurant or restaurant with a drive-thru facility to be located on Outlot G. Site specific details and plans will be submitted as requested at a later date.

If you have any questions or need additional information related to this request, please contact me directly at 636-812-1360 or via email at bextermuellerd@dierbergs.com.

Sincerely,

Drew Bextermueller
Director of Real Estate
DIERBERGS MARKETS, INC.



CITY OF WILDWOOD

JAN 08 2016

DEPT OF PLANNING & PARKS

BUILDING "G" DRIVE-THRU

SCALE: 1"=40'-0"

Another Dierbergs Development

WILDWOOD TOWN CENTER

Wildwood, Missouri

Dawdy & ASSOCIATES, INC.

© 2016 D & A, I

Phone: 314-434-0700
JOB # 2166.58.010816

Kathy Arnett

From: Dave Phipps <daveph@metrowest-fire.org>
Sent: Tuesday, January 19, 2016 8:26 AM
To: Kathy Arnett
Subject: RE: Dierbergs Drive Through Proposal

Kathy,

There are no additional fire district requirements for this site plan.

David E. Phipps
Fire Marshal
Metro West Fire Protection District
(636) 821-5806

From: Kathy Arnett [mailto:Kathy@cityofwildwood.com]
Sent: Friday, January 15, 2016 4:55 PM
To: Dave Phipps <daveph@metrowest-fire.org>
Subject: Dierbergs Drive Through Proposal

Chief Phipps,

Attached is the proposed Site Plan from Dierbergs to add the drive through on Outlot G. The second page is the full development site plan, as it exists now. The Department's suggested conditions on the approval are:

a. The removal of the six (6) parking spaces located in the center of the drive-through lane area and its conversion to a planter space (this change will eliminate the need for the crosswalk through the drive-through and circulation lanes to access these stalls).
b. The reconstructed trash enclosure area's materials must match the building's types located on Outlot G.
c. The approach to the trash enclosure be changed from asphalt to concrete and its construction specifications and length to be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.
d. The revised design of this area to accommodate the drive-through facility be reviewed and acted upon by the Metropolitan St. Louis Sewer District (MSD) and the Metro West Fire Protection District.
e. The portion of the drive-through lane facing onto the property's State Route 100 frontage be screened by a garden wall, with its materials matching those types on the building that is located on Outlot G and not to exceed a height of thirty-two (32) inches. This garden wall shall be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.
f. A pedestrian connection be made from the City's multiple-use trail to Outlot G, which complies with the City's specifications for width, material, construction specifications, and design. This pedestrian connection shall be shown on the Amended Site Development Section Plan and acted upon by the Planning and Zoning Commission.

The Planning and Zoning Commission will be acting on this item on Tuesday evening and then it will go to City Council. If you want to see the full report that will be presented to the Planning and Zoning Commission next week, it can be found here: http://mo-wildwood.civicplus.com/AgendaCenter/ViewFile/Item/5770?fileID=9303

Let me know if you have any questions.

Have a great weekend!
Kathy

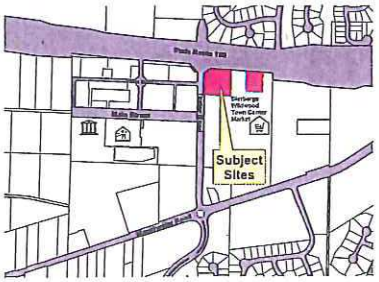
WILDWOOD

16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC HEARING
before the City Council
Monday, February 8, 2016, at 7:30 p.m.

AS A RESIDENT OR PROPERTY OWNER NEAR THE SITE THAT IS IDENTIFIED ON THIS MAILER, THE CITY OF WILDWOOD WOULD LIKE TO ENSURE YOU ARE AWARE OF THIS REQUEST/PROPOSAL BECAUSE IT IS LOCATED WITHIN 1,500 FEET OF YOUR PROPERTY. YOUR COMMENTS ARE ENCOURAGED, ALONG WITH YOUR PARTICIPATION AT THE SCHEDULED HEARING OR MEETING. THIS ITEM IS SCHEDULED FOR DISCUSSION AND ITS OUTCOME MAY IMPACT YOUR HOME, NEIGHBORHOOD, OR AREA, SO PLEASE CAREFULLY READ THE DESCRIPTION AND PARTICIPATE AT YOUR DISCRETION. THE CITY OF WILDWOOD ENCOURAGES CITIZEN INPUT AT ALL OF ITS HEARINGS OR MEETINGS AND YOUR INVOLVEMENT WILL ASSIST IT IN REACHING THE BEST DECISION POSSIBLE FOR ALL PARTIES.

*** PLEASE SEE YELLOW BOX ON OPPOSITE SIDE OF THIS MAILER FOR A LIST OF WAYS TO EITHER COMMENT ON AND/OR TRACK THIS ITEM.**



The City Council of the City of Wildwood will conduct a public hearing on **Monday, February 8, 2016, at 7:30 p.m., in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040** for the purposes of obtaining testimony regarding a request for either the modification of zoning district designations, application of special procedures, change in the underlying regulations of the Zoning Ordinance, action on Record Plats, update on zoning matters, or amendment of the Master Plan, which will then be considered for action. This hearing is open to all interested parties to comment upon this request, whether in favor or opposition, or provide additional input for consideration. If you do not have comments regarding these requests, no action is required on your part. Written comments are requested to be submitted prior to the hearing and addressed to the City Council, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040 or via the City's website at **www.cityofwildwood.com/comment**. The following request will be considered at this time:

P.Z. 14-98 Dierbergs Wildwood Towncenter

A response to a communication from Drew Bextermueller, Director of Real Estate for Dierbergs Markets, Inc., which is dated November 17, 2015, regarding **P.Z. 14-98 Dierbergs Wildwood Town Center;** Amended C-8 Planned Commercial District (Downtown District Designation under the Town Center Plan); south side of State Route 100, east of Taylor Road (Street Address: 2400 Taylor Road/Locator Number: 23V320195); that seeks modifications to the existing site-specific ordinance (Ordinance #1001) that governs the Dierbergs Wildwood Town Center development relative to the uses permitted on Outlots G and H, as well as the addition of a drive-thru facility, as part of Outlot G. **(Ward Eight)**

***RESIDENT OR PROPERTY OWNER - PLEASE COMMENT ON AND/OR TRACK THIS REQUEST BY:**

1) Submitting a comment online by visiting: **http://www.cityofwildwood.com/comment.**
2) Submitting a written comment prior to the hearing and addressed to the Planning and Zoning Commission, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040.
3) Viewing the Planning and Zoning Commission's agenda, which is available on the City's website at: **www.cityofwildwood.com**, the Friday before the aforementioned meeting date.

If you should have any questions regarding this information, please feel free to contact the Department of Planning at (636) 458-0440. Thank you in advance for your interest in this matter.

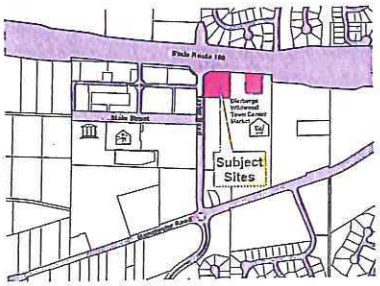
WILDWOOD

16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC HEARING
before the City Council
Monday, January 25, 2016, at 7:30 p.m.

AS A RESIDENT OR PROPERTY OWNER NEAR THE SITE THAT IS IDENTIFIED ON THIS MAILER, THE CITY OF WILDWOOD WOULD LIKE TO ENSURE YOU ARE AWARE OF THIS REQUEST/PROPOSAL BECAUSE IT IS LOCATED WITHIN 1,500 FEET OF YOUR PROPERTY. YOUR COMMENTS ARE ENCOURAGED, ALONG WITH YOUR PARTICIPATION AT THE SCHEDULED HEARING OR MEETING. THIS ITEM IS SCHEDULED FOR DISCUSSION AND ITS OUTCOME MAY IMPACT YOUR HOME, NEIGHBORHOOD, OR AREA, SO PLEASE CAREFULLY READ THE DESCRIPTION AND PARTICIPATE AT YOUR DISCRETION. THE CITY OF WILDWOOD ENCOURAGES CITIZEN INPUT AT ALL OF ITS HEARINGS OR MEETINGS AND YOUR INVOLVEMENT WILL ASSIST IT IN REACHING THE BEST DECISION POSSIBLE FOR ALL PARTIES.

* PLEASE SEE YELLOW BOX ON OPPOSITE SIDE OF THIS MAILER FOR A LIST OF WAYS TO EITHER COMMENT ON AND/OR TRACK THIS ITEM.



The City Council of the City of Wildwood will conduct a public hearing on **Monday, January 25, 2016, at 7:30 p.m., in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040** for the purposes of obtaining testimony regarding a request for either the modification of zoning district designations, application of special procedures, change in the underlying regulations of the Zoning Ordinance, action on Record Plats, update on zoning matters, or amendment of the Master Plan, which will then be considered for action. This hearing is open to all interested parties to comment upon this request, whether in favor or opposition, or provide additional input for consideration. If you do not have comments regarding these requests, no action is required on your part. Written comments are requested to be submitted prior to the hearing and addressed to the City Council, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040 or via the City's website at **www.cityofwildwood.com/comment**. The following request will be considered at this time:

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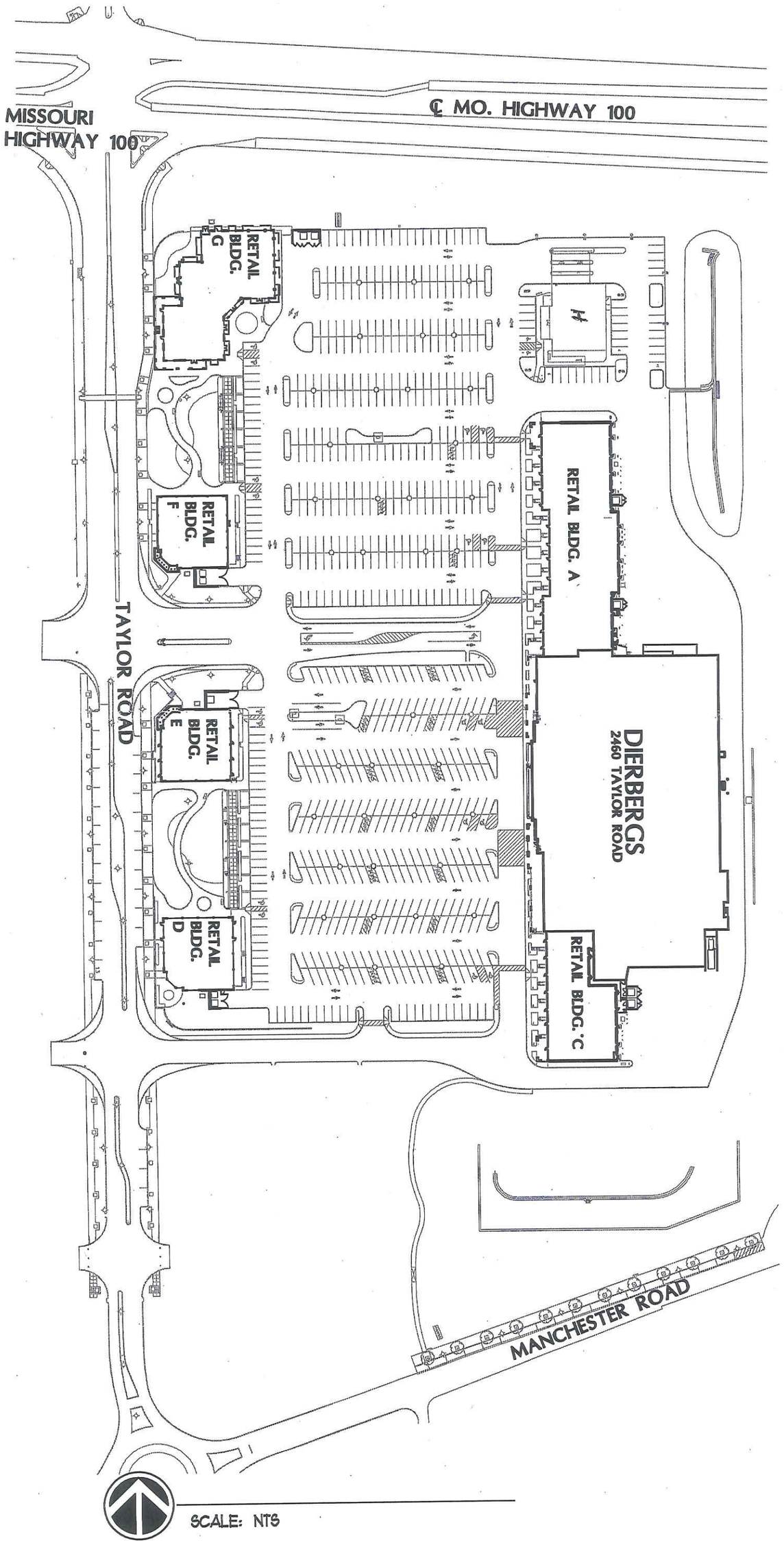
1) Submitting a comment online by visiting: http://www.cityofwildwood.com/comment.
2) Submitting a written comment prior to the hearing and addressed to the Planning and Zoning Commission, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040.
3) Viewing the Planning and Zoning Commission's agenda, which is available on the City's website at: www.cityofwildwood.com, the Friday before the aforementioned meeting date.

If you should have any questions regarding this information, please feel free to contact the Department of Planning at (636) 458-0440. Thank you in advance for your interest in this matter.

EXHIBIT A-1
TO SHOPPING CENTER LEASE
WILDWOOD TOWN CENTER



BILL # 2146 (AMENDED) **ORDINANCE #2146**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A REAL ESTATE CONTRACT AND ADDENDUM THERETO FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 4285 FOX CREEK ROAD WITHIN THE CITY OF WILDWOOD.

WHEREAS, the City desires to purchase certain real property located at 4285 Fox Creek Road within the City of Wildwood (the "Property") from Fox Creek Tree Farm, LLC; and

WHEREAS, the City Council desires to authorize the Mayor, on behalf of the City, to execute a real estate contract and addendum with Fox Creek Tree Farm, LLC for the purchase of the Property and such other documents necessary to contract for and complete the purchase of the Property;

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

Section 1.

The Mayor is hereby authorized to execute on behalf of the City of Wildwood a real estate contract and addendum in the form attached hereto and incorporated herein (the "Contract"), and to execute such other documents and take such other actions as are necessary to complete the purchase of the Property.

Section 2.

This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this _____ day of _____, 20__, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two times prior to passage.

_____ _____

PRESIDING OFFICER TIMOTHY WOERTHER, MAYOR

ATTEST: ATTEST:

_____ _____

City Clerk City Clerk

ADDENDUM TO REAL ESTATE SALE CONTRACT

This Addendum to Real Estate Sale Contract (this "Addendum") is incorporated into and made a part of a certain Real Estate Contract, between Fox Creek Tree Farm, LLC, as "Seller" and the City of Wildwood, as "Buyer", as originally offered by Seller on December 29, 2015, and pertains to the Property defined therein (the "Property"). The original Real Estate Contract as amended herein is referred to as the "Contract". Capitalized terms used in this Addendum and not defined herein have the same meanings set forth in the original Real Estate Sale Contract.

1. Closing Date. If all contingencies of Buyer's obligations under the Contract are satisfied, the Closing Date shall occur 15 days after the expiration of the Inspection Period (defined herein) or, if desired by Buyer, on an earlier date which is identified by Buyer in a notice to Seller.

2. Title Review; Inspections. Buyer has obtained a title insurance commitment from Old Republic Title Insurance (the "Commitment"). The Property shall be conveyed subject only to covenants, conditions, and restrictions of record which are identified as Permitted Exceptions (as defined below). Buyer's objections to any matters in the Commitment will be delivered to Seller within 10 days after the Effective Date of the Contract. Any matters which are set forth in the Commitment and to which Buyer does not object within such 10-day period shall be deemed to be the "Permitted Exceptions". As to items which Buyer objects or which arise after the effective date of the Commitment, Seller shall have until the Closing to cure the objections or new title matters, at Seller's expense, and Seller will use good faith, diligent efforts to so cure. If Seller does not or is unable to cure the objections and other matters by Closing, the Contract shall automatically terminate, unless Buyer waives the objections on or before Closing in writing. As a condition to closing by Buyer, Buyer shall receive an ALTA owner's policy of title insurance (or marked commitment) in form and content acceptable to Buyer in its sole discretion, insuring marketable fee simple title to the Property vested in Buyer in the amount of the purchase price, subject only to the Permitted Exceptions. The form of the Deed will be revised to be subject only to the Permitted Exceptions. Buyer's contingencies in Section 3 of the original Contract for inspection rights, will continue for a period of 30 days after the Effective Date (the "Inspection Period"), during which Buyer may, at its cost and election, perform any tests, surveys, or inspections, including environmental or other inspections, desired by Buyer. If Buyer determines, in its sole discretion, that the Property or any condition thereof is unacceptable, Buyer shall provide written notice to Seller on or before the end of the Inspection Period that the Contract is terminated.

3. Default and Remedies. If either party defaults under the Contract, the non-defaulting party shall be entitled to pursue all available legal and equitable remedies, including, but not limited to, specific performance. This Section shall specifically replace Section 6 of the Contract.

4. Choice of Law. This Contract shall be governed by and construed in accordance with the laws of the state of Missouri.

5. Severability. If any provisions contained herein shall, be held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

6. Time is of the Essence; Survival. Time is of the essence with respect to the parties' performance of their obligations under the Contract. Sections 4, 8, 9 and 10 of the Contract, and Sections 3 through 8 hereof Contract shall survive the Closing or termination and shall not be merged with the Deed or therewith.

7 Notices. Any notice hereunder shall be in writing and shall be served by hand delivery, prepaid United States certified mail, return receipt requested, or overnight delivery service, addressed to the parties at the respective addresses set forth below. Notices shall be deemed given on the date of delivery or refused delivery.

8. Addendum to Control. To the extent of any conflict between the Contract and this Addendum, this Addendum shall control.

9. Acceptance. Unless both Seller and Buyer execute this Addendum and the Real Estate Sale Contract and deliver signed copies to each other by 5:00 p.m. Central Time on, _____, 2016, the offer to purchase and sale shall be withdrawn.

Fox Creek Tree Farm, LLC

By: _____
Print Name: _____
Date: _____
Address: 214 Wythe House Ct.
Creve Coeur, MO 63141

City of Wildwood, MO

By: _____
Print Name: _____
Date: _____
Address: 16860 Main St.
Wildwood, MO 63040

The later date below the signatures above shall be the "Effective Date" of the Contract.

WILDWOOD

December 18, 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
and REGULAR U.S. FIRST CLASS MAIL

Mr. Hans Wiemann
412 Wythe House Ct.
Creve Coeur, MO 63141

Re: Project No. STP-5500(673)
Fox Creek Road Bridge over Hollow Tributary
City of Wildwood

Dear Mr. Wiemann:

In response to your email of November 11, 2015, I am pleased to report that the City Council of the City of Wildwood has accepted your price of $13,500.00 to acquire new right of way (25,806 sq. ft.) from the property located at 4285 Fox Creek Road in Wildwood which is owned by Fox Creek Tree Farm, LLC. The acquisition of new right of way will allow for the reconstruction of the Fox Creek Road Bridge over the Hollow Tributary. The City has also agreed to reimburse Fox Creek Tree Farm, LLC the sum of $6,500.00 for the trees to be removed along the west bank of Fox Creek.

In order to complete this transaction, I have enclosed for your review a Real Estate Contract, a General Warranty Deed and a Road and Easement Dedication plat. I look forward to hearing from you once you have completed your review of these documents. In the meantime, we request that you indicate your acceptance of this offer by signing below and returning this letter to my attention.

The City appreciates your cooperation in this matter.

Sincerely,

R.C. Brown III

Rick C. Brown, PE, PTOE
Director of Public Works / City Engineer

CC: Mr. Ryan Thomas, City Administrator
Mr. Rob Golterman, City Attorney
Mr. William Hampton, Bill Hampton Enterprises

Attachment

Accepted: Hans Wiemann Date: 12/21/15
Mr. Hans Wiemann
Fox Creek Tree Farm, LLC

REAL ESTATE CONTRACT

THIS REAL ESTATE CONTRACT (this "Contract") is made and entered into as of the "Effective Date" (as defined herein), by and between Fox Creek Tree Farm, LLC (the "Seller") and the City of Wildwood, Missouri (the "Buyer"). Each of Seller and Buyer is a "Party".

1. **Property.** Seller, in consideration of the mutual covenants and promises herein contained, agrees to sell and convey to Buyer, and Buyer, subject to the conditions and provisions of this Contract, agrees to purchase, the following described real estate located in the County of St. Louis, Missouri, to-wit:

> See Exhibit A attached and incorporated herein, which depicts or describes the parcel(s) of land (the "Property"). The Parties acknowledge the Property is vacant ground, and there are no permanent buildings or structures on the Property.

2. **Purchase Price.** The Property shall be sold for a purchase price of Thirteen Thousand Five Hundred Dollars ($13,500.00). The purchase price will be paid by Buyer in cash at Closing.

3. **Title to Property; Contingencies.** The purchase of the Property by Buyer is subject to the following contingencies of Buyer by the Closing:

(a) If desired by Buyer, Buyer shall receive a title commitment and title policy for the Property from Old Republic Title Company of St. Louis, Inc. (the "Title Company"), which shall show the Property is currently owned by Seller and the Property is not subject to any liens, encumbrances or restrictions.

(b) Buyer, at its expense, has or may obtain a survey of the Property that is satisfactory to Buyer. Seller shall allow Buyer and its surveyor reasonable access to the Property for conducting such survey and placing survey stakes and markings on the Property.

(c) Buyer shall have received all approvals necessary from the City Council of the City of Wildwood, Missouri and all appropriations for funding for the purchase.

In the event Buyer does not obtain a title commitment, title policy or survey and inspections satisfactory to Buyer, or Buyer does not obtain the approvals in subsection (c), Buyer may terminate this Contract by written notice to Seller, without further obligation.

4. **Representations.** Seller represents and warrants to Buyer that, as of the Effective Date of this Contract and as of the Closing Date: (a) there are no deeds of trust or liens against the Property, (b) there are no claims pending which adversely affect the Property; (c) Seller is the sole legal owner of the Property and has the right to sign this Contract and sell the Property to Buyer; (d) Seller is in full possession of the Property, and (e) to the best of Seller's knowledge, there are no hazardous substances on the Property. Buyer is not required to purchase the Property if any of the representations or warranties of Seller under this Section are not true and correct.

5. **Closing.** The Property shall be conveyed to Buyer or Buyer's designee by General Warranty Deed (the "Deed"), free and clear of all liens, encumbrances and other title matters. The form of Deed is attached hereto as Exhibit B. The "Closing" will occur through the Title Company. Any deed of trust or other lien against the Property must be paid off at the Closing by Seller. Taxes and assessments for the current year shall be pro-rated to the day of Closing with Seller to pay all taxes before the Closing Date. The amount of any taxes owed by Seller through the Closing Date will be deducted from the Purchase Price.

Provided all Buyer's contingencies are satisfied by such date, Buyer will purchase the Property on _____ (the "Closing Date"). Seller will execute closing documents required for the Closing. All expenses for the title policy and any fees of the Title Company shall be paid by Buyer. Seller shall maintain the Property in its present condition. Seller shall transfer exclusive possession of the Property to Buyer at the Closing.

6. **Remedies.** If either Party defaults, the other Party may terminate this Contract by giving written notice of such termination.

7. **Special Provision Regarding Trees.** In addition to the Purchase Price to be paid hereunder for the Property, Buyer agrees to reimburse Seller in the amount of Six Thousand Five Hundred Dollars ($6,500.00) for trees to be removed from the Property. This additional amount will be paid in cash, at Closing.

8. **No Brokers.** Seller and Buyer acknowledge and agree that no broker participated in this Contract or transaction. Neither Seller nor Buyer shall be responsible for the payment of any real estate commission to any party whomsoever.

9. **Amendments.** This Contract constitutes the entire agreement between the Parties. This Contract may not be changed orally, but may be changed by written agreement signed by all Parties hereto.

10. **Miscellaneous Provisions.** This Contract shall bind the heirs, personal representatives, successors and assigns of the Parties hereto, and shall be construed according to the laws of the State of Missouri. This Contract may be executed in counterparts and may be signed and transmitted by fax or email, which has the same effect as an original signature. If necessary, the Parties will execute any further documents needed to effectuate the provisions of this Contract.

THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, the parties have hereunto subscribed their names.

SELLER:

Fox Creek Tree Farm, LLC

By (Signature): Hans Wiemann

Name: Hans Wiemann, Member/Officer

Date: 12/29/15

Address: 412 Wythe House Ct.
Creve Coeur, MO. 63141

BUYER:

City of Wildwood, Missouri

By (Signature): _____

Name: _____ (Title)

Date: _____

Address: 16860 Main Street
Wildwood, Missouri 63040

The "Effective Date" is date the last of the Seller or Buyer delivers a fully signed copy of this Contract to the other Party.

EXHIBIT A

Legal Description

A tract of land being part of property described as Parcel 1 in a deed to Fox Creek Tree Farm, LLC, recorded in Book 19892, Page 911 of the St. Louis county Recorder's office, and being in the South ½ of the southeast 1/4 of Section 19, Township 44 North, Range 3 East, of the Fifth Principal Meridian, City of Wildwood, St. Louis County, Missouri; said tract being more particularly described as follows:

Commencing at the point of intersection of the north line of said Fox Creek Tree Farm, LLC property, with the southwest line of Fox Creek Road, width varies; thence South 44 degrees 51 minutes 48 seconds East, 32.81 feet along the southwest line of said Fox Creek Road to the point of beginning of the tract of land herein described; thence continuing along the southwest line of said Fox Creek Road South 44 degrees 51 minutes 48 seconds East, 73.61 feet to its intersection with the southwest line of Fox Creek Road, 30 feet wide; thence South 22 degrees 46 minutes, 48 seconds East, 192.98 feet and South 28 degrees 08 minutes 48 seconds East, 45.33 feet along the southwest line of said Fox Creek Road, 30 feet wide, to its intersection with the north line of Fox Creek Road, 60 feet wide, as widened in deed to St. Louis County, Missouri, recorded in Book 4140. Page 423 (Parcel 3) of the St. Louis County recorder's office; thence leaving the southwest line of said Fox Creek Road, 30 feet wide, South 62 degrees 45 minutes 12 seconds West, 12.86 feet along the north line of said Fox Creek Road, 60 feet wide; thence leaving the north line of said Fox Creek Road, 60 feet wide, North 24 degrees 33 minutes 50 seconds West, 18.62 feet; thence South 67 degrees 31 minutes 18 seconds West, 78.93 feet; thence North 22 degrees 28 minutes 42 seconds West, 264.35 feet; thence North 45 degrees 08 minutes 12 seconds East, 63.70 feet; to the point of beginning, and containing 23,807 square feet.

EXHIBIT B
FOR REAL ESTATE CONTRACT

1.	**Title of Document**:	General Warranty Deed
2.	**Date of Document**:	Dec. 29, 2015
3.	**Grantor**:	Fox Creek Tree Farm, LLC
4.	**Grantee**:	City of Wildwood, Missouri a Missouri municipal corporation
5.	**Statutory Mailing Addresses**:	**Grantor:** c/o Fox Creek Tree Farm, LLC 412 Wythe House Ct. Creve Coeur, Missouri 63141 **Grantee:** 16860 Main Street Wildwood, Missouri 63040
6.	**Legal Description**:	See Exhibit A annexed to this document.
7.	**Reference(s) to Book(s) and Page(s)**:	N/A

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED is made and entered into as of the 29 day of December, 2015, by and between Fox Creek Tree Farm, LLC, of the County of Saint Louis, State of Missouri, whose address is 412 Wythe House Ct., Creve Coeur, Missouri 63141 ("GRANTOR"), and the City of Wildwood, Missouri, a Missouri municipal corporation, whose address is 16860 Main Street, Wildwood, Missouri 63040 ("GRANTEE").

WITNESSETH, that GRANTOR, for and in consideration of the sum of 20,000 and —/100 Dollars ($20,000), and other good and valuable consideration paid by GRANTEE, the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, BARGAIN and SELL, CONVEY and CONFIRM unto GRANTEE, all of the real property described in Exhibit A, incorporated herein for all purposes and located in the City of Wildwood, County of St. Louis, State of Missouri (the "Property");

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said GRANTEE, and unto GRANTEE's successors and assigns forever. GRANTOR and GRANTOR'S heirs, executors, administrators, and assigns hereby further covenants to forever WARRANT AND DEFEND the title to the Property conveyed unto GRANTEE and GRANTEE's successors and assigns, against the lawful claims of all persons whomsoever.

[Signature Appears on the Following Page]

SIGNATURE PAGE FOR
GENERAL WARRANTY DEED

IN WITNESS WHEREOF, GRANTOR has executed this instrument as of the date first above written.

GRANTOR:

Fox Creek Tree Farm, LLC
A Missouri Limited Liability Corporation

By: _____
Hans Wiemann, Member / Officer

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

On this 21 day of December, 2015, before me appeared Hans Wiemann, to me personally known, who, being by me duly sworn, did say that he is the owner and President of Fox Creek Tree Farm, LLC, a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said Hans Wiemann acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

_____
Notary Public

My Commission Expires: 1/28/2018

Bonnie Jo Murphy
Notary Public Notary Seal
State of Missouri County of St Louis
My Commission Expires 01/28/2018
Commission # 14572683

Exhibit A to General Warranty Deed

A tract of land being part of property described as Parcel 1 in a deed to Fox Creek Tree Farm, LLC, recorded in Book 19892, Page 911 of the St. Louis county Recorder's office, and being in the South ½ of the southeast 1/4 of Section 19, Township 44 North, Range 3 East, of the Fifth Principal Meridian, City of Wildwood, St. Louis County, Missouri; said tract being more particularly described as follows:

Commencing at the point of intersection of the north line of said Fox Creek Tree Farm, LLC property, with the southwest line of Fox Creek Road, width varies; thence South 44 degrees 51 minutes 48 seconds East, 32.81 feet along the southwest line of said Fox Creek Road to the point of beginning of the tract of land herein described; thence continuing along the southwest line of said Fox Creek Road South 44 degrees 51 minutes 48 seconds East, 73.61 feet to its intersection with the southwest line of Fox Creek Road, 30 feet wide; thence South 22 degrees 46 minutes, 48 seconds East, 192.98 feet and South 28 degrees 08 minutes 48 seconds East, 45.33 feet along the southwest line of said Fox Creek Road, 30 feet wide, to its intersection with the north line of Fox Creek Road, 60 feet wide, as widened in deed to St. Louis County, Missouri, recorded in Book 4140. Page 423 (Parcel 3) of the St. Louis County recorder's office; thence leaving the southwest line of said Fox Creek Road, 30 feet wide, South 62 degrees 45 minutes 12 seconds West, 12.86 feet along the north line of said Fox Creek Road, 60 feet wide; thence leaving the north line of said Fox Creek Road, 60 feet wide, North 24 degrees 33 minutes 50 seconds West, 18.62 feet; thence South 67 degrees 31 minutes 18 seconds West, 78.93 feet; thence North 22 degrees 28 minutes 42 seconds West, 264.35 feet; thence North 45 degrees 08 minutes 12 seconds East, 63.70 feet; to the point of beginning, and containing 23,807 square feet.

FOX CREEK ROAD / HIGHWAY 100
City of Wildwood, St. Louis County

FOX CREEK ROAD – ROAD & EASEMENT DEDICATION PLAT

TRACTS OF LAND BEING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19,
TOWNSHIP 44 NORTH, RANGE 3 EAST, OF THE FIFTH PRINCIPAL MERIDIAN,
CITY OF WILDWOOD, SAINT LOUIS COUNTY, MISSOURI.
ZONING: FLOODPLAIN & NON-URBAN RESIDENCE DISRICT

PREPARED FOR:
CITY OF WILDWOOD
16860 MAIN STREET,
WILDWOOD, MISSOURI 63040
PHONE: (636) 458-0440

OWNER:
CONSERVATION COMMISSION
OF THE STATE OF MISSOURI
P.O. BOX 180
JEFFERSON CITY, MO. 65102

FOX CREEK TREE FARM, LLC
412 MYRHE HOUSE CT.
CREVE COEUR, MO. 63141

DISTRICTS
METRO WEST FIRE PROTECTION DISTRICT
ROCKWOOD R-6 SCHOOL DISTRICT
FOX CREEK WATERSHED
THE METROPOLITAN ST. LOUIS SEWER DISTRICT
ST. LOUIS COUNTY POLICE – WILDWOOD PRECINCT #6
WILDWOOD CITY COUNCIL – WARD 6
PACIFIC POST OFFICE – 63069

SERVICE PROVIDERS
MISSOURI-AMERICAN WATER COMPANY
LACLEDE GAS COMPANY
AMEREN UE
CHARTER COMMUNICATIONS
AT&T

WE, THE UNDERSIGNED OWNERS OF THE TRACT OF LAND HEREIN PLATTED AND FURTHER DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, AS SURVEYED AND PLATTED IN THE MANNER SHOWN ON THIS PLAT, WHICH SHALL HEREAFTER BE KNOWN AS "FOX CREEK ROAD – ROAD AND EASEMENT DEDICATION PLAT", APPROVE OF THIS DEDICATION STRIP FOR FOX CREEK ROAD, VARYING WIDTH, WHICH FOR BETTER IDENTIFICATION IS SHOWN HATCHED ON THIS PLAT, AND IS HEREBY DEDICATED TO THE CITY OF WILDWOOD, MISSOURI, FOR PUBLIC USE FOREVER.

THE TEMPORARY CONSTRUCTION EASEMENTS, AS SHOWN ON THIS PLAT, ARE FOR THE PURPOSE OF MAKING CUTS, FILLS AND SLOPING EMBANKMENT, CONSTRUCTING DRIVES, PROVIDING TURNING ROOM AND IMPLEMENTING ANY AND ALL OTHER RELATED CONSTRUCTION ITEMS OVER THE REAL ESTATE INDICATED ON THE PLAT UNTIL SUCH TIME AS THE FOX CREEK ROAD ROAD PROJECT MAY BE COMPLETED AND ACCEPTED BY THE CITY OF WILDWOOD, MISSOURI. UPON THE GRANTING OR DENIAL OF ACCEPTANCE BY THE CITY OF WILDWOOD, MISSOURI OR ITS ASSIGNS, THIS EASEMENT SHALL TERMINATE.

IT IS HEREBY CERTIFIED THAT ALL EXISTING EASEMENTS ARE SHOWN ON THIS PLAT AS OF THE TIME AND DATE OF RECORDING OF THIS PLAT. ALL TAXES DUE AND PAYABLE AGAINST THIS PROPERTY HAVE BEEN PAID IN FULL. NO LIENS ARE UPON THE AREA TO BE CONVEYED.

IN WITNESS WHEREOF, IT HAS BEEN SIGNED AND SEALED THE FOREGOING:

THIS _____ DAY OF _____, 2015

FOX CREEK TREE FARM, LLC

_____ SIGNATURE

_____ PRINT NAME & TITLE

THIS _____ DAY OF _____, 2015

CONSERVATION COMMISSION OF THE STATE OF MISSOURI

_____ SIGNATURE

ROBERT L. ZIEMER, DIRECTOR
_____ PRINT NAME & TITLE

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED _____, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE _____ OF FOX CREEK TREE FARM, LLC., A CORPORATION OF THE STATE OF MISSOURI, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND THE SAID _____ ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

_____ NOTARY PUBLIC

_____ PRINTED NAME

STATE OF MISSOURI)
) SS
COUNTY OF COLE)

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED ROBERT L. ZIEMER, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE DIRECTOR OF THE MISSOURI DEPARTMENT OF CONSERVATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI AND THAT SAID ROBERT L. ZIEMER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF THE COMMISSION.

IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES:

_____ NOTARY PUBLIC

_____ PRINTED NAME

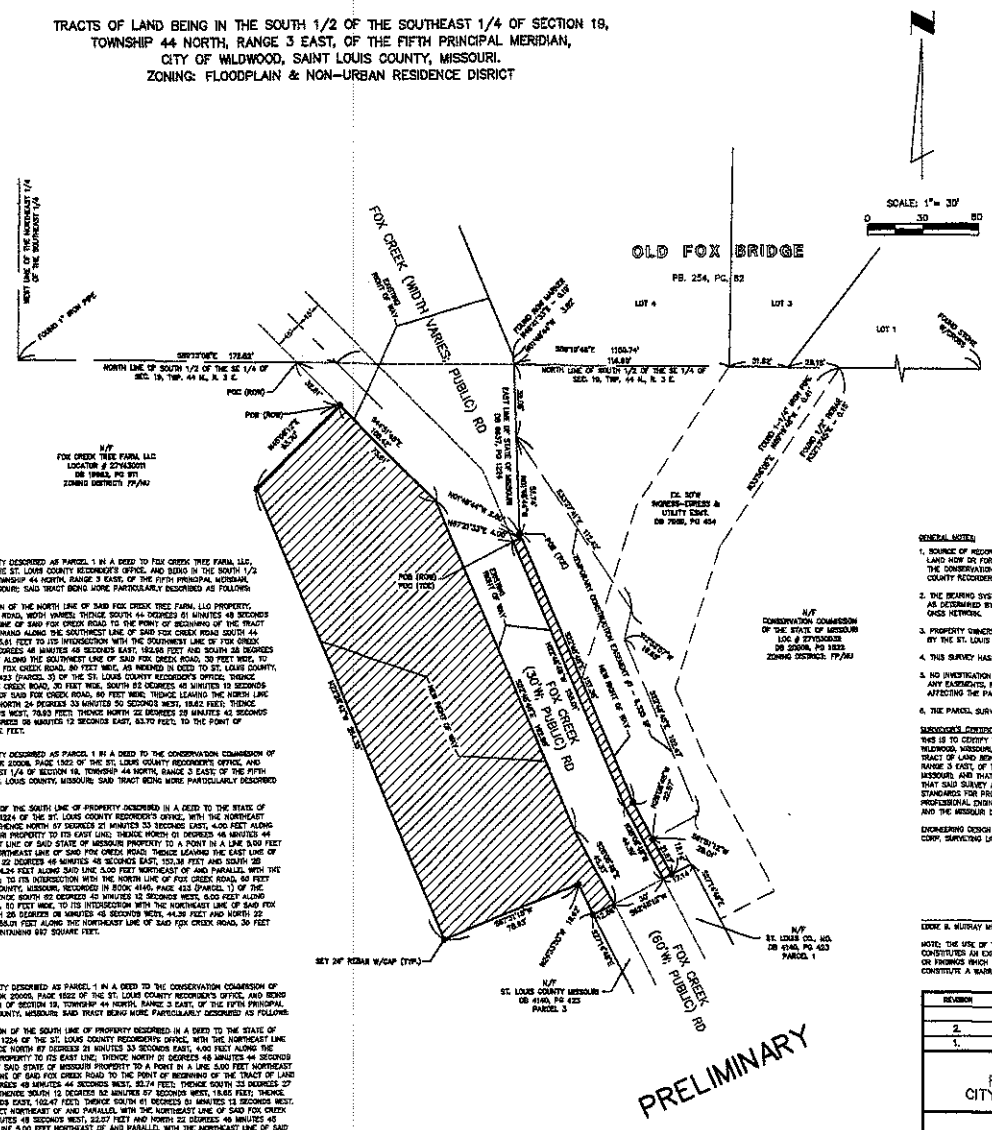
THIS ACKNOWLEDGEMENT CERTIFIES THIS EASEMENT DEDICATION PLAT HAS BEEN APPROVED BY THE CITY OF WILDWOOD, MISSOURI ON THIS _____ DAY OF _____, 2015.

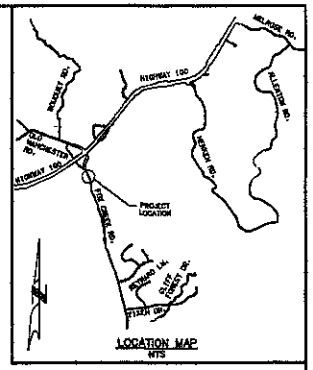
CITY OF WILDWOOD DEPARTMENT OF PLANNING

JOE HORNISH, DIRECTOR OF PLANNING

I, LYDIE BREENE-SELLNER, CITY CLERK OF THE CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI, DO HEREBY CERTIFY THIS RIGHT-OF-WAY AND EASEMENT PLAT HAS APPROVED BY ORDINANCE NUMBER _____, UNDER ACTION TAKEN BY THE CITY COUNCIL OF WILDWOOD, MISSOURI ON THE _____ DAY OF _____, 2015. SAID ORDINANCE OF THE SAME APPEARS ON RECORD IN MY OFFICE AS TESTIMONY WHEREOF, I HEREINTO NOW SET MY HAND AND AFFIX THE OFFICIAL SEAL OF THE CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI, ON THE _____ DAY OF _____, 2015.

_____ CITY CLERK





LOCATION MAP
NTS

RIGHT-OF-WAY

A TRACT OF LAND BEING PART OF PROPERTY DESCRIBED AS PARCEL 1 IN A DEED TO FOX CREEK TREE FARM, LLC, RECORDED IN BOOK 19892, PAGE 911 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, AND BEING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 3 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID FOX CREEK TREE FARM, LLC PROPERTY, WITH THE SOUTHWEST LINE OF FOX CREEK ROAD, WIDTH VARIES; THENCE SOUTH 44 DEGREES 01 MINUTES 48 SECONDS EAST, 308.81 FEET ALONG THE SOUTHWEST LINE OF SAID FOX CREEK ROAD TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE CONTINUING ALONG THE SOUTHWEST LINE OF SAID FOX CREEK ROAD SOUTH 44 DEGREES 01 MINUTES 48 SECONDS EAST, 73.51 FEET TO ITS INTERSECTION WITH THE SOUTHWEST LINE OF FOX CREEK ROAD, 30 FEET WIDE; THENCE SOUTH 22 DEGREES 48 MINUTES 48 SECONDS EAST, 182.66 FEET AND SOUTH 28 DEGREES 08 MINUTES 48 SECONDS EAST, 45.33 FEET ALONG THE SOUTHWEST LINE OF SAID FOX CREEK ROAD, 30 FEET WIDE, TO ITS INTERSECTION WITH THE NORTH LINE OF FOX CREEK ROAD, 80 FEET WIDE, AS WIDENED IN DEED TO ST. LOUIS COUNTY, MISSOURI, RECORDED IN BOOK 4140, PAGE 433 (PARCEL 3) OF THE ST. LOUIS COUNTY RECORDER'S OFFICE; THENCE LEAVING THE SOUTHWEST LINE OF SAID FOX CREEK ROAD, 30 FEET WIDE, SOUTH 82 DEGREES 48 MINUTES 12 SECONDS WEST, 12.66 FEET ALONG THE NORTH LINE OF SAID FOX CREEK ROAD, 80 FEET WIDE; THENCE LEAVING THE NORTH LINE OF SAID FOX CREEK ROAD, 80 FEET WIDE, NORTH 24 DEGREES 33 MINUTES 50 SECONDS WEST, 18.62 FEET; THENCE SOUTH 67 DEGREES 21 MINUTES 10 SECONDS WEST, 70.93 FEET; THENCE NORTH 22 DEGREES 28 MINUTES 42 SECONDS WEST, 284.25 FEET; THENCE NORTH 48 DEGREES 08 MINUTES 12 SECONDS EAST, 63.70 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 23,807 SQUARE FEET.

A TRACT OF LAND BEING PART OF PROPERTY DESCRIBED AS PARCEL 1 IN A DEED TO THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI, RECORDED IN BOOK 20908, PAGE 1822 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, AND BEING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 3 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF PROPERTY DESCRIBED IN A DEED TO THE STATE OF MISSOURI, RECORDED IN BOOK 20908, PAGE 1822 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, WITH THE NORTHEAST LINE OF FOX CREEK ROAD, 30 FEET WIDE; THENCE NORTH 67 DEGREES 21 MINUTES 33 SECONDS EAST, 4.00 FEET ALONG THE SOUTH LINE OF SAID STATE OF MISSOURI PROPERTY TO ITS EAST LINE; THENCE NORTH 01 DEGREES 48 MINUTES 44 SECONDS WEST, 5.60 FEET ALONG THE EAST LINE OF SAID STATE OF MISSOURI PROPERTY TO A POINT IN A LINE 5.00 FEET NORTHEAST OF AND PARALLEL WITH THE NORTHEAST LINE OF SAID FOX CREEK ROAD; THENCE LEAVING THE EAST LINE OF SAID STATE OF MISSOURI PROPERTY SOUTH 22 DEGREES 48 MINUTES 48 SECONDS EAST, 150.36 FEET AND SOUTH 28 DEGREES 08 MINUTES 48 SECONDS EAST, 44.24 FEET ALONG SAID LINE 5.00 FEET NORTHEAST OF AND PARALLEL WITH THE NORTHEAST LINE OF SAID FOX CREEK ROAD; TO ITS INTERSECTION WITH THE NORTH LINE OF FOX CREEK ROAD, 80 FEET WIDE, AS WIDENED IN DEED TO ST. LOUIS COUNTY, MISSOURI, RECORDED IN BOOK 4140, PAGE 433 (PARCEL 1) OF THE ST. LOUIS COUNTY RECORDER'S OFFICE; THENCE SOUTH 82 DEGREES 48 MINUTES 12 SECONDS WEST, 5.00 FEET ALONG THE NORTH LINE OF SAID FOX CREEK ROAD, 80 FEET WIDE, TO ITS INTERSECTION WITH THE NORTHEAST LINE OF SAID FOX CREEK ROAD, 30 FEET WIDE; THENCE NORTH 28 DEGREES 08 MINUTES 48 SECONDS WEST, 44.39 FEET AND NORTH 22 DEGREES 48 MINUTES 48 SECONDS WEST, 158.01 FEET ALONG THE NORTHEAST LINE OF SAID FOX CREEK ROAD, 30 FEET WIDE, TO THE POINT OF BEGINNING, AND CONTAINING 997 SQUARE FEET.

TEMPORARY CONSTRUCTION EASEMENT #1

A TRACT OF LAND BEING PART OF PROPERTY DESCRIBED AS PARCEL 1 IN A DEED TO THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI, RECORDED IN BOOK 20908, PAGE 1822 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, AND BEING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 3 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF PROPERTY DESCRIBED IN A DEED TO THE STATE OF MISSOURI, RECORDED IN BOOK 20908, PAGE 1822 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, WITH THE NORTHEAST LINE OF FOX CREEK ROAD, 30 FEET WIDE; THENCE NORTH 67 DEGREES 21 MINUTES 33 SECONDS EAST, 4.00 FEET ALONG THE SOUTH LINE OF SAID STATE OF MISSOURI PROPERTY TO ITS EAST LINE; THENCE NORTH 01 DEGREES 48 MINUTES 44 SECONDS WEST, 2.80 FEET ALONG THE EAST LINE OF SAID STATE OF MISSOURI PROPERTY TO A POINT IN A LINE 2.80 FEET NORTHEAST OF AND PARALLEL WITH THE NORTHEAST LINE OF SAID FOX CREEK ROAD TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 01 DEGREES 48 MINUTES 44 SECONDS WEST, 30.74 FEET; THENCE SOUTH 33 DEGREES 27 MINUTES 41 SECONDS EAST, 112.42 FEET; THENCE SOUTH 12 DEGREES 52 MINUTES 57 SECONDS WEST, 18.65 FEET; THENCE SOUTH 22 DEGREES 48 MINUTES 48 SECONDS EAST, 102.47 FEET; THENCE SOUTH 61 DEGREES 01 MINUTES 12 SECONDS WEST, 2501 FEET TO A POINT IN A LINE 5.00 FEET NORTHEAST OF AND PARALLEL WITH THE NORTHEAST LINE OF SAID FOX CREEK ROAD; THENCE NORTH 28 DEGREES 08 MINUTES 48 SECONDS WEST, 22.57 FEET AND NORTH 22 DEGREES 48 MINUTES 48 SECONDS WEST, 157.38 FEET ALONG SAID LINE 5.00 FEET NORTHEAST OF AND PARALLEL WITH THE NORTHEAST LINE OF SAID FOX CREEK ROAD TO THE POINT OF BEGINNING, AND CONTAINING 8,335 SQUARE FEET.

PLAT NOTES
FOX CREEK TREE FARM, LLC
1. EXISTING PROPERTY: 2,121,372 S.F. (48.70 AC)
2. FOX CREEK ROAD PROJECT TAKINGS AND EASEMENTS:
3. 23,807 S.F. (0.55 AC) NEW RIGHT-OF-WAY
4. TOTAL REMAINING: 2,097,565 S.F. (48.15 AC)
STATE OF MISSOURI
5. EXISTING PROPERTY: 2,340,877 S.F. (53.72 AC)
6. FOX CREEK ROAD PROJECT TAKINGS AND EASEMENTS:
7. 997 S.F. (0.02 AC) NEW RIGHT-OF-WAY
8,335 S.F. (0.19 AC) TEMPORARY EASEMENT (SLOPE)
8. TOTAL REMAINING: 2,340,880 S.F. (53.72 AC)
9. THIS PLAT DEDICATION CONTAINS: 0.57 TOTAL ACRES

GENERAL NOTES:
1. SOURCE OF RECORD TITLE:
LAND NOW OR FORMERLY OF FOX CREEK FARM, LLC., AS RECORDED IN BOOK 19892, PAGE 911 AND OF THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI, BOOK 20908, PAGE 1822 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE.
2. THE BEARING SYSTEM OF THIS SURVEY IS GRID NORTH, MISSOURI COORDINATE SYSTEM 1983, EAST ZONE, AS DETERMINED BY USING REAL TIME KINEMATIC (RTK) SURVEY METHODS FROM THE MODOT – VRS – GNSS NETWORK.
3. PROPERTY OWNERSHIPS AND RIGHT OF WAY LINES SHOWN HEREON ARE BASED ON INFORMATION FURNISHED BY THE ST. LOUIS COUNTY ASSESSOR'S AND RECORDER'S OFFICE.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.
5. NO INVESTIGATION HAS BEEN MADE BY ENGINEERING DESIGN SOURCE, INC. AS TO THE PRESENT STATUS OF ANY EASEMENTS, RESTRICTIONS, BUILDING AND/OR ZONING SET-BACK LINES OR RIGHTS-OF-WAY, IF ANY, AFFECTING THE PARCEL SURVEYED.
6. THE PARCEL SURVEYED IS A "URBAN" CLASS AREA.

SURVEYOR'S CERTIFICATION
THIS IS TO CERTIFY THAT ENGINEERING DESIGN SOURCE, INC. IN JULY, 2015, BY ORDER OF THE CITY OF WILDWOOD, MISSOURI, HAS EXECUTED A BOUNDARY SURVEY AND PREPARED A DEDICATION PLAT OF A TRACT OF LAND BEING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 44 NORTH, RANGE 3 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI; AND THAT THE RESULTS OF SAID SURVEY AND PLAT ARE CORRECTLY SHOWN HEREON AND THAT SAID SURVEY AND PLAT WAS EXECUTED IN ACCORDANCE WITH AND MEETS "THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS, AND THE MISSOURI DEPARTMENT OF AGRICULTURE.

ENGINEERING DESIGN SOURCE, INC.
CORP. SURVEYING LICENSE NO. 2002030547

_____ DATE: _____
LYDIE R. MURRAY MO. P.L.S. NO. 1973

NOTE: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" HEREIN ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

REVISION	DATE	DESCRIPTION
2.	08/27/15	CITY COMMENTS PER MARK-UP.
1.	08/10/15	CITY COMMENTS PER MARK-UP.

FOX CREEK ROAD
ROAD & EASEMENT DEDICATION PLAT
CITY OF WILDWOOD, ST. LOUIS COUNTY, MO.

EDSI
ENGINEERING DESIGN SOURCE, INC.

Drawn: LRM
Checked: CBM
Date: JULY 2015
Sheet No. 1 of 1

BILL NO. 2149 **ORDINANCE NO. 2149**

AN ORDINANCE DETERMINING THE COMPENSATION FOR THE OFFICE OF THE MAYOR AND AMENDING SECTION 110.040 OF THE MUNICIPAL CODE

WHEREAS, pursuant to Section 4.3 of the City Charter, the City Council shall determine the compensation of the Mayor by Ordinance, but no change in such compensation shall become effective for the office of Mayor until commencement of a new term of office; and

WHEREAS, a Public Hearing was held on January 11, 2016, providing an opportunity for public comment regarding the compensation for the Office of the Mayor.

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

Section One.

In accordance with Section 4.3 of the City Charter, compensation for the Office of the Mayor shall be Ten Thousand Dollars ($10,000.00) per year, payable in twelve (12) equal monthly payments, effective with the commencement of a new Mayoral term of office following passage and approval of this Ordinance. The last sentence of Section 110.040 of the Municipal Code shall be amended by deleting the existing sentence in its entirety and enacting in its place the following: "The Mayor shall take the oath of office presented by Statute and shall receive as compensation the sum of Ten Thousand Dollars ($10,000.00) per year payable in twelve (12) equal monthly payments."

Section Two.

This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ___ day of February, 2016, by the Council of the City of Wildwood, after having been read by title or in full two times prior to passage.

_____ _____

PRESIDING OFFICER Timothy Woerther, Mayor

ATTEST: ATTEST:

_____ _____

City Clerk City Clerk

BILL NO. 2150 **ORDINANCE NO. 2150**

AN ORDINANCE DETERMINING THE COMPENSATION FOR CITY COUNCIL MEMBERS AND AMENDING SECTION 110.110 OF THE MUNICIPAL CODE

WHEREAS, pursuant to Section 3.3 of the City Charter, the City Council shall determine the compensation of the City Council Members by Ordinance, but no change in such compensation shall become effective for the office of City Council until commencement of a new term of office; and

WHEREAS, a Public Hearing was held on January 11, 2016, providing an opportunity for public comment regarding the compensation for Council Members.

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

Section One.

In accordance with Section 3.3 of the City Charter, compensation for City Council Members shall be Two Hundred Dollars ($200.00) for each regular City Council Meeting attended, payable monthly, effective with the commencement of a new term of office for each Council seat, following passage and approval of this Ordinance. Section 110.110 of the Municipal Code is hereby amended by deleting the existing Section in its entirety and enacting in its place the following:

SECTION 110.110: OATH – COMPENSATION

Each Council Member of the City Council shall take the oath of office presented by Statute and shall receive as compensation payable on a monthly basis the sum of Two Hundred Dollars ($200.00) for each regular City Council meeting attended.

Section Two.

This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ___ day of February, 2016, by the Council of the City of Wildwood, after having been read by title or in full two times prior to passage.

_____ _____

PRESIDING OFFICER Timothy Woerther, Mayor

ATTEST: ATTEST:

_____ _____

City Clerk City Clerk

BILL #2151 **ORDINANCE #2151**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO ENTER INTO A CONTRACT WITH GERSHENSON CONSTRUCTION FOR THE DEVELOPMENT OF PHASE TWO OF THE COMMUNITY PARK PROJECT, AS INDICATED IN THE BID DOCUMENTS AND SPECIFICATIONS, WHICH INCLUDES THE BASE PROPOSAL AND THE SINGLE ADD ALTERNATE (#1), IN KEEPING WITH THE DOCUMENTATION SUBMITTED BY SUCH IN RESPONSE TO THE CITY'S ADVERTISEMENT IN THIS REGARD. (Ward One)

WHEREAS, the City of Wildwood acquired an approximately sixty-six (66) acre tract of land in 2009 for its future community park, which is located near the intersection of State Route 109 and State Route 100; and

WHEREAS, before beginning any planning, design, or engineering work in conjunction with this property, the City Council endorsed a public input effort for the development of a ***Concept Plan*** for this large property, so as residents would be able to provide first-hand input into its future components; and

WHEREAS, this public engagement process was led by a group of volunteer residents and an outside consultant engaged by the City and took approximately one (1) year to complete and present to the community at-large for additional and then final comments upon its recommended components;

WHEREAS, the Planning and Zoning Commission adopted the ***Concept Plan*** and forwarded it to the City Council, which, after a public hearing, endorsed and ratified it as well; and

WHEREAS, with the ***Concept Plan*** completed, which indicated the development of this overall facility in phases, the Planning/Economic Development/Parks Committee began the next step in this process of engaging a firm to complete the engineering drawings and bid specifications for Phase Two of the park, which included the extension of the internal park roadway from its current terminus in Phase One, a trail, and site work within the Great Meadow Area; and

WHEREAS, Oates Associates was chosen for this work and began the development of the needed information, which led to a bidding process near the end of 2015; and

WHEREAS, the bidding process led to the submittal of five (5) bids by different companies, all of which were competitive and met the requirements set forth by the City for this project; and

WHEREAS, one (1) of these bids was from **Gershenson Construction**, whose base bid was the lowest that had submitted for this project and, when Add Alternate #1 was included, it remained the low bidder for the overall Phase Two project - $405,535.00; and

WHEREAS, the Committee reviewed the bids, as well as the add alternate item [the inclusion of a multiple-use trail along a portion of the roadway], and noted the recommended and included add alternate appeared to be reasonable to be included within this project; and

WHEREAS, the Committee agreed with the inclusion of this alternate and noted the general contracting component was within the defined budget and would finally allow for the project to proceed to construction; and

WHEREAS, the Committee supported **Gershenson Construction** to complete this park improvement, at a total contract amount of $405,535.00, with the inclusion of a five (5) percent

contingency amount, again the sum within the scope of funding that had been set aside in the 2016 Capital Improvements Program for this effort at the end of 2015; and

WHEREAS, this amount does not include the water line relocation, given the size of the main can only be completed by Missouri American Water Company, nor the preparation of the Great Meadow Area, which was identified in the grant application to the St. Louis County Municipal Park Grant Commission, which was awarded to Wildwood the week of January 11, 2016; and

WHEREAS, these costs are expected to add an additional one hundred seventy-five thousand dollars ($175,000.00) of charges to the Phase Two project, but still approximately one hundred thousand dollars ($100,000.00) less than budgeted, when approved by City Council at the end of 2015 for Fiscal Year 2016; and

WHEREAS, it is the City's intent to open this park improvement to public use in 2016, so all can enjoy the beauty and recreational features it has to offer, via a new access point from State Route 109.

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

Section One. The City Council of the City of Wildwood, Missouri hereby authorizes and directs the Mayor of the City of Wildwood, Missouri to enter into a contract with **Gershenson Construction** to construct Phase Two of the community park project, per the components set forth in the attached description of the City's standard Professional Services Contract.

Section Two. This contract is authorized and approved on a not-to-exceed basis at a total amount of four hundred twenty-five thousand eight hundred eleven dollars and seventy-five cents ($425,811.75) and shall be completed no later than July 9, 2016.

Section Three. This ordinance shall be in full force and effect after its approval and passage by the City Council and signing by the Mayor of the City of Wildwood. Missouri.

THIS BILL WAS PASSED AND APPROVED THIS ___ DAY OF _____, 2016 BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AFTER HAVING BEEN READ BY TITLE, OR IN ITS ENTIRETY, TWO (2) TIMES PRIOR TO ITS PASSAGE.

Presiding Officer	**Timothy Woerther, Mayor**
ATTEST:	
City Clerk	**City Clerk**

WILDWOOD

Project Manual

Community Park – Phase Two
Connector Roadway

Bid Opening: December 8, 2015

10:00 AM CST

TABLE OF CONTENTS

TITLE PAGE

Invitation For Bid iii

Instructions to Bidders:
- Article I - Definitions 1
- Article II - Bidder's Representations 1
- Article III - Bidding Documents 2
- Article IV - Bidding Procedure 3
- Article V - Consideration of Bids 5
- Article VI - Post Bid Information 6
- Article VII - Award of Contract 6
- Article VIII - Performance Bond and Labor and Material Payment Bond 7
- Article IX - Form of Agreement Between City and Contractor 7
- Article X - Bid Form Proposal 8
  - Itemized Bid Form 9
  - Subcontractor Approval Form 10
  - Non-Collusion Affidavit 11

Instructions for Executing Contract 12

City-Contractor Agreement
- Article I - The Contract Documents C-1
- Article II - Scope of Work C-1
- Article III - Time of Completion C-2
- Article IV - The Contract Sum & Payments C-2
- Article V - Performance of the Work C-3
- Article VI - Delays Beyond Contractor's Control C-4
- Article VII - Changes in the Work C-5
- Article VIII - Termination by City or Contractor C-6
- Article IX - Contractor's Liability Insurance C-7
- Article X - The Work C-8

Contract Signature Page C-9

Form of Contract Performance-Payment Bond C-10

TABLE OF CONTENTS

TITLE PAGE

General Conditions of City-Contractor Agreement

Article I - Contract Documents GC-1
Article II - City GC-2
Article III - Contractor GC-2
Article IV - Subcontractors GC-6
Article V - Separate Contracts GC-8
Article VI - Miscellaneous Provisions GC-9
Article VII - Time GC-10
Article VIII - Payments and Completion GC-11
Article IX - Protection of Persons and Property GC-12
Article X - Insurance GC-13
Article XI - Changes in the Work GC-14
Article XII - Uncovering and Correction of Work GC-15
Article XIII - Special Provisions GC-16
Article XIV – Construction Safety Program Requirements GC-17

Technical Specifications

..... TS-1
..... TS-2
..... TS-2
..... TS-4
..... TS-5

Prevailing Wage Determination

INVITATION FOR BIDS

Sealed bids for **BLUFF VIEW TRAIL SITE IMPROVEMENTS** will be received by the City of Wildwood, Department of Planning and Parks, 16860 Main Street, Wildwood, Missouri, 63040, until **10:30 A.M., CST,** on **THURSDAY, DECEMBER 3, 2015,** in the Community Room, at which time the bids will be publicly opened and read aloud. The 10:30 A.M. CST cutoff time for acceptance of sealed bid documents is determined by the Department of Planning and Parks, not that of the bidder.

The Scope of Work includes; **Crushed Aggregate Trail (2,050 lf, 4' wide), associated Clearing, Earthwork, Grading, Storm Drainage Culverts, Boulder Retaining Walls Seeding/Mulching, and Misc. Site Furnishings.**

Bid packages are available starting NOVEMBER 10, 2014, after 8:00 A.M., CST, from *terraspec*, located at 5030 Griffin Road, St. Louis, MO 63128, upon payment of a non-refundable fee of $40 per set. *Checks made payable to "terraspec"*

Not less than the prevailing hourly rate of wages shall be paid to all workmen performing under this contract in this area according to the rates determined by the Department of Labor and Industrial Relations of the State of Missouri.

A bid security in the amount of five percent (5%) of the bid amount must accompany each bid in accordance with the Instructions to Bidders.

The City of Wildwood shall award any contract based on the proposal that, in its sole discretion, best meets the interests and requirements of the City. The City of Wildwood reserves the right in its sole discretion to reject any and all proposals, to waive technicalities or deficiencies in any or all the proposals, to negotiate with any or all bidders or others for other or more favorable terms or prices, and/or to award the contract to other than the bidder submitting the lowest cost proposal, with or without negotiation.

This project is tax exempt. A tax exemption letter will be made available to the successful bidder upon request.

FORM OF CONTRACT PERFORMANCE - PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS:

That _____, as Principal of _____, State of _____and _____, a corporation organized and existing under and by virtue of the laws of the State of _____, and regularly authorized to do business in the State of Missouri, as Surety, are held and firmly bound unto the City of Wildwood, Missouri, hereinafter called the "City," in the penal sum of _____Dollars ($ ___) lawful money of the United States, well and truly to be paid unto the said City for the payment of which Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has by written agreement dated , entered into a Contract with the City for the construction of the work designated as_____ located at _____in the State of Missouri, in accordance with the Contract, which Contract is by this reference made a part hereof, and is hereinafter referred to as the "Contract."

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal shall faithfully perform the Contract on its part, and satisfy all claims and demands incurred by the Principal in the performance of the Contract, and shall fully indemnify and save harmless the City from all cost and damage which the City may suffer by reason of the failure of the Principal to do so, and shall fully reimburse and repay to the City all costs, damages, and expenses which the City may incur in making good any default by the Principal including, but not limited to, any default based upon the failure of the Principal to fulfill its obligation to furnish maintenance, repairs or replacements for any period of time after the work is completed as provided for in the Contract, and shall for use in the prosecution of the work required by the Contract whether by Subcontract or otherwise, and shall pay all valid claims and demands whatsoever, and shall defend, indemnify and hold harmless the City and its agents against loss or expense from bodily injury, including death, or damage or destruction of property, including loss of use resulting therefrom, arising out of or resulting from the performance of the work, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

The City may sue on this Bond, and any person furnishing material or performing labor, either as an individual or as a Subcontractor shall have the right to sue on this Bond in the name of the City for his use and benefit, all in accordance with the provisions of MO. Rev. Stat SS 522.300, and any amendments thereto.

Whenever Principal shall be in default under the Contract, the Surety shall promptly remedy the default, or shall promptly (1) complete the Contract in accordance with its terms and conditions, or (2) obtain bids for completing the Contract in accordance with its terms and conditions, and upon determination by the City of the lowest responsible bidder, arrange for a Contract between the City and such bidder, and made available as the work progresses sufficient funds to pay the costs of completion, not exceeding the amount of this Bond.

It is hereby stipulated and agreed that any suit based upon any default of the Principal in fulfilling his obligation to furnish maintenance, repairs or replacements for any period of time after the work is completed as provided for in the Contract, may be brought at any time up to one year after the expiration of the time specified in the Contract during which the Contractor has agreed to furnish such maintenance or make such repairs or replacements.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration of addition to the terms of the Contract or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligations on this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the work or to the specifications.

Signed and sealed this ____ day of _____, 20____,

In the presence of : _____(SEAL)

_____ By:_____

_____(SEAL)

_____ By:_____

GENERAL CONDITIONS OF CITY-CONTRACTOR AGREEMENT

ARTICLE I

CONTRACT DOCUMENTS

1.1 DEFINITIONS

1.1.1 The Contract Documents. The Contract documents consists of the City-Contractor Agreement, General Conditions of the City-Contractor Agreement, State Wage Determination, Non-Collusion Affidavit, the Performance Payment Bond, the Drawings, the Specifications, the Construction Schedule, all Addenda and all Modifications issued after execution of the Contact. A Modification is (1) a written amendment to the Contract signed by both parties, or (2) a Change Order.

1.1.2 The Contract. The Contract documents form the Contract. The Contract represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations or agreements, both written and oral, including the bidding documents. The Contract may be amended or modified only by a Modification as defined in Subparagraph 1.1.1.

1.1.3 The Work. The term Work includes all labor necessary to complete the construction required by the Contract Documents, and all materials and equipment incorporated or to be incorporated in such construction.

1.1.4 The Project. The Project is the total construction of which the Work performed under the Contract Documents may be the whole or a part.

1.1.5 Notice to Proceed. The written notice form the City notifying the Contractor of the date on or before which he is to begin prosecution of the work.

1.2 EXECUTION, CORRELATION, INTENT AND INTERPRETATIONS

1.2.1 The Contract Documents shall be signed in not less than triplicate by the City and Contractor.

1.2.2 The Contractor represents that he has visited the site, familiarized himself with the local conditions under which the Work is to be performed, and correlated his observations with the requirements of the Contract Documents.

1.2.3 The Contract Documents are complementary, and what is required by any one shall be as binding as if required by all. The intention of the Contract Documents is to include all labor, materials, equipment and other items as provided in Subparagraph 3.3 necessary for execution and completion of the Work. Words which have well-known technical or trade meanings are used herein in accordance with such recognized meanings.

1.3 COPIES FURNISHED AND OWNERSHIP

1.3.1 Unless otherwise provided in the Contract Documents, the Contractor will be furnished a maximum of six (6) copies, free of charge, of the Drawings and Specifications for the execution of the work.

1.3.2 All Drawings, Specifications and copies thereof furnished by the City are and shall at all times remain property of the City. Such documents shall not be used on any other project. At the conclusion of the job, the Contractor shall submit 1 set of mark ups for as builts.

ARTICLE II

CITY

2.1 DEFINITION

2.1.1 The City is the person or organization identified as such in the City-Contractor Agreement and is referred to throughout the Contract Documents as if singular in number and masculine in gender. The term City means the City or its authorized representative.

2.2 CITY'S RIGHT TO STOP THE WORK

2.2.1 If the Contractor fails to correct defective Work or fails to supply materials or equipment in accordance with the Contract Documents, the City may order the Contractor to stop the Work, or any portion thereof, until the cause for such order has been eliminated.

2.3 CITY'S RIGHT TO CARRY OUT THE WORK

2.3.1 If the Contractor defaults or neglects to carry out the Work in accordance with the Contract Documents, or fails to perform any provision of the Contract, the City may, after seven (7) days' written notice to the Contractor and without prejudice to any other remedy he may have, make good such deficiencies. In such case an appropriate Change Order shall be issued deducting from the payments then or thereafter due the Contractor the cost of correcting such deficiencies. If the payments then or thereafter due the Contractor are not sufficient to cover such amount, the Contractor shall pay the difference to the City promptly upon request.

ARTICLE III

CONTRACTOR

3.1 DEFINITION

3.1.1 The Contractor is the person or organization identified as such in the City-Contractor Agreement and is referred to throughout the Contract Documents as if singular in number and masculine in gender. The term Contractor means the Contractor or his authorized representative. The Contractor shall not subcontract except as defined by Sec. 108.1 of the Standard Specifications.

3.2 SUPERVISION AND CONSTRUCTION PROCEDURES

3.2.1 The Contractor shall supervise and direct the Work, using his best skill and attention. He shall be solely responsible for all construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work.

3.3 LABOR AND MATERIALS

3.3.1 Unless otherwise specifically noted, the Contractor shall provide and pay for all labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities,

transportation, and other facilities and services necessary for the proper execution and completion of the Work.

3.3.2 The Contractor shall at all times enforce strict discipline and good order among his employees and shall not employ on the Work any unfit person or anyone not skilled in the task assigned to him. If the City reasonably objects to any person employed by the Contractor, the employee shall be immediately dismissed.

3.3.3 The Contractor shall comply with, and is bound by, the provisions of Missouri law pertaining to the payment of wages on public works projects contained in MO.Rev.Stat. §290.210 through 290.340 (1994), and any amendments thereto, including, but not limited to the following:

1. In accordance with MO.Rev.Stat. §290.250 (1994), the Contractor shall not pay less than the prevailing hourly rate of wages specified by the Missouri Department of Labor and Industrial Relations Division of Labor Standards to all workmen performing Work under the Contract.

2. In accordance with MO.Rev.Stat. §290.250 (1994), the Contractor shall forfeit as a penalty to the City ten dollars ($10.00) for each workman employed for each calendar day, or portion thereof, such workman is paid less than the said stipulated rates for any Work done under the Contract, by him or by any Subcontractor under him and shall include provisions in all bonds guaranteeing the faithful performance of said prevailing hourly wage clause.

3. In accordance with MO.Rev.Stat. §290.265 (1994), the Contractor and each Subcontractor shall post a clearly legible statement of all prevailing hourly wage rates to be paid to all workmen employed to complete the Work in a prominent and easily accessible place at the site of the Work and such notice shall remain posted during the full time that any workmen shall be employed on the Work.

Certified payrolls shall also be submitted prior to final payment for all work completed by the Contractor or Subcontractors.

4. In accordance with MO.Rev.Stat. §290.290 (1994), before final payment is made an affidavit must be filed by the Contractor stating that he has fully complied with the prevailing wage law. No payment shall be made unless and until this affidavit is filled in proper form and order.

3.3.4 The Contractor shall execute and complete the Work in such a manner that avoids jurisdictional and other disputes among labor unions.

3.4 WARRANTY

3.4.1 The Contractor warrants to the City that all materials and equipment furnished under the Contract and incorporated in the Work will be new unless otherwise specified, and that all Work will be of good quality, free from faults and defects and in conformance with the Contract Documents. All Work not so conforming to these standards shall be considered defective. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of all materials and equipment.

3.5 PERMITS, FEES AND NOTICES

3.5.1 The Contractor shall secure and pay for all permits, governmental fees and licenses necessary for the proper execution and completion of the Work.

3.5.2 The Contractor shall give all notices and comply with all laws, ordinances, rules, regulations and orders of any public authority bearing on the performance of the Work. If the Contractor observes that any of the Contract Documents are at variance therewith in any respect, he shall promptly notify the City in writing and any necessary changes shall be adjusted by appropriate Modification. If the Contractor performs any Work knowing it to be contrary to such laws, ordinances, rules and regulations and without such notice to the City, the Contractor shall assume full responsibility thereof and shall bear all costs attributable thereto.

3.6 SUPERINTENDENT

3.6.1 The Contractor shall employ a competent superintendent and necessary assistants who "shall be in attendance" on the project site at all times during the progress of all work for the duration of the total project. This person shall be a non-working superintendent who will be responsible for the satisfactory progression of the work and to ensure that all work is being completed in accordance with the plans and specifications. He is also to relay any conflicts or discrepancies that arise to the City's representative for resolution or interpretation. The name of the person selected as superintendent and his qualifications shall be submitted at the time of bids and shall be approved in writing by the City. The superintendent shall not be changed except with the written consent or at the request of the City. The superintendent shall represent the Contractor and all communications given to the superintendent shall be as binding as if given to the Contractor.

3.7 RESPONSIBILITY FOR THOSE PERFORMING THE WORK

3.7.1 The Contractor shall be responsible to the City for the acts and omissions of all his employees and all Subcontractors, their agents and employees and all other persons performing any of the Work under a Contract with the Contractor.

3.8 DRAWINGS AND SPECIFICATIONS AT THE SITE

3.8.1 The Contractor shall maintain at the site for the City one copy of all Drawings, Specifications, Addenda, approved Shop Drawings, Change Orders and other Modifications, in good order and marked to record all changes made during construction. The Drawings, marked to record all changes made during construction, shall be delivered to the City upon completion of the Work. The Contractor shall also maintain on the project site a survey level, legs, and rod at all times, which are deemed adequate by the project engineer.

3.9 CLEANING UP

3.9.1 The Contractor at all times shall keep the premises free from accumulation of waste materials or rubbish caused by his operations. The Contractor shall not "stockpile" any material on the jobsite and all excavated material shall be hauled off the site at the time of excavation. However, stockpiling of materials delivered and used on the same day will be allowed if all materials are in place or removed at the end of the day.

3.9.2 In conjunction with Sec. 106.5, of the City of Wildwood Standard Specifications, the Contractor is responsible for securing his own project storage site which shall not be located on City Right-of-Way without prior written consent of the Director of Public Works. After completion of the Work the Contractor shall remove all remaining waste materials and rubbish from and about the Project as well as all tools, construction equipment, machinery and surplus materials, and shall clean all surfaces and leave the Work "broomclean" or its equivalent, on a weekly basis except as otherwise specified. This includes "wash out" areas as approved.

3.10 INDEMNIFICATION

3.10.1 The Contractor shall indemnify and hold harmless the City and its agents and employees from and against any and all claims, damages, losses and expenses including attorneys' fees arising out of or resulting in any way, directly or indirectly, from the performance of the Work, including, but not limited to, any such claim, damage, loss or expense that is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) including the loss of use resulting therefrom unless such claims, damages or losses are caused solely by the negligent act of the City.

3.10.2 In any and all claims against the City or any of its agents or employees by any employee of the Contractor, any Subcontractor, anyone directly or indirectly employed by any one of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Paragraph 3.11 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any Subcontractor under workmen's compensation acts, disability benefit acts or other employee benefit acts.

3.11 CASH ALLOWANCES

3.11.1 The Contractor acknowledges and agrees that the Contract Sum includes all cash allowances specified in the Contract Documents.

ARTICLE IV

SUBCONTRACTORS

4.1 DEFINITION

4.1.1 A Subcontractor is a person or organization who has a direct contract with the Contractor to perform any of the Work. The term Subcontractor is referred to throughout the Contract Documents as if singular in number and masculine in gender and means a Subcontractor or his authorized representative.

4.1.2 A Sub-subcontractor is a person or organization who has a direct or indirect contract with a Subcontractor to perform any of the Work. The term Sub-subcontractor is referred to throughout the Contract Documents as if singular in number and masculine in gender and means a Sub-subcontractor or an authorized representative thereof.

4.1.3 Nothing contained in the Contract Documents shall create any contractual relation between the City and any Subcontractor or Sub-subcontractor.

4.2 AWARD OF SUBCONTRACTS AND OTHER CONTRACTS FOR PORTIONS OF THE WORK

4.2.1 Unless otherwise specified in the Contract Documents or in the Instructions to Bidders, the Contractor shall submit a completed and signed Subcontractor Approval form, along with other required Bid documents to the City. Contractor shall complete and submit a Supplemental Subcontractor Approval form to the City in the event of any substitution or addition of a Subcontractor by the Contractor. No work shall be performed by a Subcontractor until such Subcontractor has been approved by the City.

4.2.2 Prior to the award of the Contract, the City will notify the Bidder in writing if the City, after due investigation, objects to any such person or entity proposed by the Bidder pursuant to Subparagraph 4.3.1 above. If the City objects to any such proposed person or entity, the Bidder may, at his option, (1) withdraw his Bid, or (2) submit an acceptable substitute person or entity with no adjustment in his bid price.

4.2.3 Contractor shall at all times during the term of the Contract be in compliance with Sec. 108.1 of the Standard Specifications and shall not subcontract more than forty nine percent (49%) of the total Contract cost.

4.2.4 The City reserves the right to reject a Subcontractor, if in the City's sole discretion, delays may result in the performance of Work as a result of Subcontractor's other obligation. The Contractor shall be held responsible, in addition to the submission of the "Subcontractor Approval Form," to apprise the City of any additional work which a Subcontractor accrues throughout the duration of the project. This shall include work for the City under a different Contract, or any other person on entity. If such said additional work shall detrimentally impact the progression of the Work under this Contract, the City retains the right to require the Contractor to submit a substitute Subcontractor for this work at no additional cost to the City.

4.2.5 The Contractor shall not contract with any Subcontractor or any person or organization (including those who are to furnish materials or equipment fabricated to a special design), for proposed proportions of the Work designated in the Contract Documents or in the Instruction to

Bidders or, if none is so designated, with any Subcontractor proposed for the principal portions of the Work, who has been rejected by the City.

4.2.6 If the City requires a change of any proposed Subcontractor or person or organization during the execution of the Work approved under the present Contract, the Contract Sum shall be increased or decreased by the difference in cost resulting from such change and an appropriate Change Order shall be issued.

4.2.7 The Contractor shall not make any substitution for any proposed Subcontractor or person or organization who has not been accepted by the City prior to the Contract Award, unless the substitution is accepted by the City in writing prior to such substitution.

4.3 SUBCONTRACTUAL RELATIONS

4.3.1 All work performed for the Contractor by a Subcontractor shall be pursuant to an appropriate agreement between the Contractor and Subcontractor (and where appropriate between Subcontractors and Sub-subcontractors) which shall contain provisions that:

1. require the Work to be performed in accordance with the requirements of the Contract Documents;

2. require submission to the Contractor of applications for payment under each Subcontract to which the Contractor is a party, in reasonable time to enable the Contractor to apply for payment in accordance with Article VIII hereof;

3. require that all claims for additional costs, extensions of time, damages for delays or otherwise with respect to Subcontracted portions of the Work shall be submitted to the Contractor (via any Subcontractor or Sub-subcontractor where appropriate) in sufficient time so that the Contractor may comply in the manner provided in the Contract Documents for like claims by the Contractor upon the City;

4. waive all rights the contracting parties may have against one another for damages caused by fire or other perils covered by the property insurance described in Paragraph 10.2, except such rights as they may have to the proceeds of such insurance held by the City as trustee under Paragraph 10.2;

5. obligate each Subcontractor specifically to consent to the provisions of this Paragraph 4.3; and

6. require the Subcontractor (and the Sub-subcontractor to indemnify and hold harmless the City against all claims, damages, losses, expenses and attorneys' fees arising out of or resulting from the performance of the Work by Subcontractor, and its agents and employees, unless such claims, damages or losses are caused solely by the negligent act of the City.

4.4 PAYMENTS TO SUBCONTRACTORS

4.4.1 The Contractor shall pay each Subcontractor upon receipt of payment from the City, an amount equal to the percentage of completion allowed to the Contractor on account of such Subcontractor's Work, less the percentage retained from payments to the Contractor. The Contractor shall also require each Subcontractor to make similar payments to his Subcontractors.

4.4.2 If the City withholds payment to the Contractor for any cause which is the fault of the Contractor and not the fault of a particular Subcontractor, the Contractor shall pay that Subcontractor on demand for its Work to the extent completed.

4.4.3 The City shall not have any obligation to pay or to see to the payment of any sum to any Subcontractor or Sub-subcontractor.

ARTICLE V

SEPARATE CONTRACTS

5.1 CITY'S RIGHT TO AWARD SEPARATE CONTRACTS

5.1.1 The City reserves he right to award other contracts on other terms and conditions in connection with other portions of the Project.

5.2 MUTUAL RESPONSIBILITY OF CONTRACTORS

5.1.2 During construction, it may become necessary to increase the amount of excavation or to utilize a soil stabilization process if unsuitable subgrade conditions are found. The Contractor shall immediately contact the Superintendent of Streets if this condition occurs. The Superintendent of Streets and the Contractor shall agree upon the existence of unsuitable subgrade, the depth in which to remove the unsuitable soil, and the extent of the problem area prior to any additional work. No payment will be made for any area which undergoes additional excavation which is not indicated in the above scope of work and has not been approved by the Superintendent of Streets prior to the excavation. All additional excavation which becomes necessary shall be paid at the unit bid price for "Excavation." The City reserves the right to contract with a separate contractor for the use of a soil stabilization process. No direct payment will be made for delays incurred due to this process and the Contractor's only compensation will be the allotment of additional days for the delay. The number of days shall be from the time the Contractor initially notifies the City of an unsuitable subgrade condition and until two days after the completion of the soil stabilization process.

5.2.1 The Contractor shall afford other contractors reasonable opportunity for the delivery and storage of their materials and equipment and the execution of their work, and shall properly connect and coordinate the Work with theirs.

5.2.2 If any part of the Work depends for proper execution or results upon the work of any other separate contractor, the Contractor shall inspect and promptly report to the City any apparent discrepancies or defects in such work that render it unsuitable for proper execution of the Work. Failure of the Contractor so to inspect and report shall constitute an acceptance of the other contractor's work as fit and proper to receive the Work, except as to defects which may develop in the other contractor's work after the execution of the Contractor's Work that could not have been discovered by the Contractor upon reasonable inspection.

5.2.3 If the Contractor causes damage to the work or property of any other contractor on the Project, and such separate contractor sues the City or initiates an arbitration proceeding on account of any damage alleged to have been so sustained, the City shall notify the Contractor who shall defend such proceedings at his own expense, and if any judgment or award against the City arises therefrom the Contractor shall pay or satisfy it and shall reimburse the City for all attorneys' fees and court or arbitration costs which the City has incurred.

5.3 CITY'S RIGHT TO CLEAN UP

5.3.1 If a dispute arises between the separate contractors as to their responsibility for cleaning up as required by Paragraph 3.10, the City may clean up and charge the cost thereof to the several contractors.

ARTICLE VI

MISCELLANEOUS PROVISIONS

6.1 GOVERNING LAW

6.1.1 The Contract shall be governed by the laws of the State of Missouri.

6.2 SUCCESSORS AND ASSIGNS

6.2.1 The City and the Contractor each binds himself, his partners, successors, assigns and legal representatives to the other party hereto and to the partners, successors, assigns and legal representatives of such other party in respect to all covenants, agreements and obligations contained in the Contract Documents. Neither party to the Contract shall assign the Contract without the prior written consent of the other, nor shall the Contractor assign any sums due or to become due to him hereunder, without the prior written consent of the City.

6.3 NOTICES

6.3.1 Any notice to any party pursuant to or in relation to the Contract shall be in writing and shall be deemed to have been duly given when delivered in person to the individual or member of the firm or to an officer of the corporation for whom it was intended, or when deposited in the United States mail, registered or certified with postage prepaid addressed to the last business address known to the party giving the notice.

6.4 RIGHTS AND REMEDIES

6.4.1 The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.

6.5 ROYALTIES AND PATENTS

6.5.1 The Contractor shall pay all royalties and license fees payable on all designs, processes or products used in connection with the Work or incorporated therein, unless otherwise agreed upon by the City. The Contractor shall defend all suits or claims for infringement of any patent rights and shall indemnify and hold the City harmless from and against any loss on account thereof.

6.6 TESTS

6.6.1 The Contractor shall bear all costs of any inspections, tests, or approvals required under any laws, ordinances, rules, regulations or orders of any public authority having jurisdiction.

6.6.2 The City will provide special inspection and testing services to verify the work is performed in accordance with the Contract. The City will provide the Contractor with a listing of tests to be performed and approximate locations or frequency. The Contractor will be required to notify the City forty-eight hours prior to the time the Contractor will be ready for specific tests required by the City. If such special inspection or testing reveals failure of the Work to comply (1) with the requirements of the Contract Documents, or (2) with respect to the performance of the Work, with laws, ordinances, rules, regulations or orders of any public authority having jurisdiction, the Contractor shall bear the cost of the City's inspection and retesting and such cost shall be deducted then or thereafter due Contractor. In all other cases, the City shall bear such costs.

6.8 PAYMENT AND PERFORMANCE BOND

6.8.1 The Contractor shall furnish the payment and performance bond required in the Instructions to Bidders.

ARTICLE VII

TIME

7.1 DEFINITIONS

7.1.1 The Contract Time is the period of time allotted in the Contract Documents for completion of the Work. Said work shall include all punchlist items deemed necessary by the City, exclusive of MSD-generated punchlist items. The date of completion of the Contract shall be the date when all work including City punchlist items have been approved in writing by the City.

7.1.2 The date of commencement of the Work is the date established in the written Notice to Proceed from the City to the Contractor.

7.1.3 The term "day" as used in the Contract Documents shall mean calendar day.

7.2 PROGRESS AND COMPLETION

7.2.1 All time limits stated in the Contract Documents are of the essence of the Contract.

7.2.2 The Contractor shall begin the Work on the date of commencement provided in the City-Contractor Agreement. The Contractor shall carry the Work forward expeditiously with adequate forces and shall complete it within the Contract Time and in accordance with the Construction Schedule.

ARTICLE VIII

PAYMENTS AND COMPLETION

8.1 CONTRACT SUM

8.1.1 The Contract Sum is stated in the City-Contractor Agreement and is the total amount payable by the City to the Contractor for the performance of the Work.

8.2 APPLICATION FOR PAYMENT

8.2.1 By 12:00 P.M. on or before the tenth of the month, upon substantial completion of various stages of the Work, and upon final completion of the Work, the Contractor shall submit to the City an itemized Application for Payment pursuant to the City-Contractor Agreement on such forms and supported by such data substantiating the Contractor's right to payment as the City may require.

8.2.2 If payments are to be made on account of materials or equipment to be incorporated into the Work and delivered and suitably stored at the site, such payments shall be conditioned upon submission by the Contractor of bills of sale or such other documents satisfactory to the City to establish the City's title to such materials or equipment or to otherwise protect the City's interest.

8.2.3 The Contractor warrants and guarantees that title to all Work, materials and equipment covered by an Application for Payment, whether incorporated into the Work or not, will pass to the City upon the receipt of such payment by the Contractor, free and clear of all liens, claims, security interests or encumbrances (hereinafter referred to as "liens").

8.3. PAYMENT

8.3.1 If the Contractor has made Application for Payment as above, the City will, in accordance with the City-Contractor Agreement, make payment to the Contractor for such amount as it determines to be properly due pursuant to the Contractor's Application for Payment, or state in writing the City's reasons for withholding all or any portion of such payment.

8.3.2 No progress payment, nor any partial or entire use or occupancy of the Work by the City, shall constitute an acceptance of any Work not completed in accordance with the Contract Documents.

8.4 COMPLETION AND FINAL PAYMENT

8.4.2 Upon receipt of written notice from the Contractor that the Work is fully completed and ready for final inspection and acceptance, and upon receipt of a final application for Payment, the City will promptly make such inspection and, when the City finds the Work acceptable under the Contract Documents and the Contract fully performed, the City will make final payment to the Contractor in accordance with the City-Contractor Agreement.

8.4.3 The final payment shall not become due until the Contractor submits to the City (1) an Affidavit that all payrolls, bills for materials and equipment, and other indebtedness incurred in connection with the execution and completion of the Work for which the City or its property might in any way be responsible, have been paid or otherwise satisfied, (2) consent of the surety, if applicable, to final payment, (3) an affidavit stating the Contractor has fully complied with the provisions and requirements of the Prevailing Wage Law, Section 290.210 through 290.340 as

amended by MO.Rev. Stat. 1994, and (4) if required by the City, other data establishing payment or satisfaction of all such obligations, such as receipts, releases and waivers of liens arising out of the Contract, to the extent and in such form as may be designated by the City. If any Subcontractor refuses to furnish a release or waiver required by the City, the Contractor may furnish a bond satisfactory to the City indemnifying the City against any liability relating to such Subcontractor. If any such claimed liability remains unsatisfied after all payments are made, the Contractor shall refund to the City all moneys that the City may be compelled to pay in discharging such claimed liability, including all costs and reasonable attorneys' fees.

8.4.4 The acceptance of final payment shall constitute a waiver of all claims by the Contractor, except those previously made in writing and still unsettled.

ARTICLE IX

PROTECTION OF PERSONS AND PROPERTY

9.1 SAFETY PRECAUTIONS AND PROGRAMS

9.1.1 The Contractor shall initiate, maintain and supervise safety precautions and programs in connection with the performance of the Work.

9.2 SAFETY OF PERSONS AND PROPERTY

9.2.1 The Contractor shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury or loss to:

1. all employees on the Work and all other persons who may be affected thereby;

2. all the Work, all materials and equipment to be incorporated therein, whether in storage on or off the site, under the care, custody or control of the Contractor or any of his Subcontractors or Sub-subcontractors; and

3. other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction.

9.2.2 The Contractor shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority having jurisdiction over the safety of persons or property to protect them from damage, injury or loss. The Contractor shall erect and maintain all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying City and users of adjacent utilities. The Contractor shall provide signs, barrels, or any other safety devices which the City deems necessary for public safety. No additional payment will be made and this work shall be considered incidental to the Contract. The City will place safety devices as it deems necessary if the Contractor fails to provide the required items within 24 hours of notification. The Contract Sum shall be reduced by the cost of these devices.

9.2.3 When the use or storage of explosives or other hazardous materials or equipment is necessary for the execution of the Work, the Contractor shall exercise the utmost care and shall carry on such activities under the supervision of properly qualified personnel.

9.2.4 All damage or loss to any property caused in whole or in part by the Contractor, any Subcontractor, or any Sub-subcontractor, or anyone directly or indirectly employed by anyone for whose acts they may be liable, shall be remedied by the Contractor. The City shall document any complaint by any person regarding damage or loss to property caused by Contractor by requesting such complainant to complete a Damage Claim form. A copy of the Damage Claim form shall be submitted by the City to the Contractor and the Contractor shall correct the problem, repair such damage or otherwise compensate the complainant or file a claim for such damage with Contractor's insurance company within ten (10) days of the receipt of the Damage Claim form from the city. If the City shall have a legitimate basis for believing that such claim is valid, the City shall have the option to withhold payment of funds until (i) such damages are repaired; or (ii) the City has been provided with evidence that the Contractor has made restitution to the complainant.

9.2.5 The Contractor shall designate a responsible member of his organization at the site whose duty shall be the prevention of accidents. This person shall be the Contractor's superintendent unless otherwise designated in writing by the Contractor to the City.

ARTICLE X

INSURANCE

10.1 CONTRACTOR'S LIABILITY INSURANCE

10.1.1 The Contractor shall purchase and maintain such insurance required in the City-Contractor Agreement to protect him from claims which may arise out of or result from the Contractor's operations under the Contract, whether such operations be by himself or by any Subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.

10.1.2 The insurance shall be written for not less than any limits of liability specified in the City-Contractor Agreement, or required by law, whichever is greater, and shall include contractual liability insurance as applicable to the Contractor's obligations under Paragraph 3.11.

10.1.3 Certificates of Insurance acceptable to the City shall be filed with the City prior to commencement of the Work. Certificate of Insurance must state: "The City of is an additional insured." These Certificates shall contain a provision that coverages afforded under the policies will not be cancelled until at least fifteen days prior written notice has been given to the City.

10.2 PROPERTY INSURANCE

10.2.1 Unless otherwise provided, the Contractor shall purchase and maintain property insurance upon the entire Work at the site to the full insurable value thereof. This insurance shall include the interests of the City, the Contractor, Subcontractors and Sub-subcontractors in the Work and shall insure against the perils of Fire, Extended Coverage, Vandalism and Malicious Mischief.

10.2.2 The Contractor shall purchase and maintain such steam boiler and machinery insurance as may be required by the Contract Documents or by law. This insurance shall include the interests of the City, the Contractor, Subcontractors and Sub-subcontractors in the Work.

10.2.3 Certificates of Insurance acceptable to the City shall be filed with the City prior to commencement of the work. Certificates of Insurance must state on the certificate: "The City of is an additional insured." These Certificates shall contain a provision that coverages afforded under the policies will not be cancelled until at least fifteen days' prior written notice has been given to the City.

10.2.4 Any loss insured by property insurance maintained by the City shall be adjusted with the City and made payable to the City as trustee for the insured, as their interests may appear, subject to the requirements of any applicable mortgagee clause.

10.2.5 The City and Contractor waiver all rights against each other for damages caused by fire or other perils to the extent covered by insurance provided under this Paragraph 10.2 and the Contract Documents, City-Contractor Agreement, except such rights as they may have to the proceeds of such insurance held by the City as trustee. The Contractor shall require similar waivers by Sub-contractors and Sub-subcontractors in accordance with Subparagraph 4.3.1.

ARTICLE XI

CHANGES IN THE WORK

11.1 CHANGE ORDERS

11.1.1 The City, without invalidating the Contract, may order Changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, with the Contract Sum and the Construction Schedule being adjusted in accordance with the City-Contractor Agreement. All such changes in the Work shall be authorized by Change Order, and shall be executed under the applicable conditions of the Contract Documents.

11.1.2 A Change order is a written order to the Contractor signed by the City, issued after the execution of the Contract, authorizing a change in the Work or an adjustment in the Contract Sum or the Construction Schedule. The Contract Sum and the Contract Time may be changed only by Change Order.

11.1.3 The cost or credit to the City resulting from a Change in the Work shall be determined in accordance with the City-Contractor Agreement.

11.2 CLAIMS FOR ADDITIONAL COST

11.2.1 If the Contractor wishes to make a claim for an increase in the Contract Sum, he shall give the City written notice thereof within twenty (20) days after the occurrence of the event giving rise to such claim. This notice shall be given by the Contractor before proceeding to execute the Work. No such claim shall be valid unless so made. If the City and the Contractor cannot agree on the amount of the adjustment in the Contract Sum, it shall be determined by arbitration. Any change in the Contract Sum resulting from such claim shall be authorized by Change Order.

11.3 MINOR CHANGES IN THE WORK

11.3.1 The City shall have authority to order minor changes in the Work not involving an adjustment in the Contract Sum or the Construction Schedule and not inconsistent with the intent of the Contract Documents. Such changes may be effected by written Field Order or by other written order. Such

changes shall be binding on the City and the Contractor.

ARTICLE XII

UNCOVERING AND CORRECTION OF WORK

12.1 UNCOVERING OF WORK

12.1.1 If any Work should be covered contrary to the request of the City, it must, if required by the City, be uncovered for his observation and replaced, at the Contractor's expense.

12.1.2 If any Work has been covered which the City has not specifically requested to observe prior to being covered, the City may request to see such Work and it shall be uncovered by the Contractor. If such Work is found to be in accordance with the Contract Documents, the Cost of uncovering and replacement shall, by appropriate Change Order, be charged to the City. If such Work be found not in accordance with the Contract Documents, the Contractor shall pay such costs.

12.2 CORRECTION OF WORK

12.2.1 The Contractor shall promptly correct all Work rejected by the City as defective or as failing to conform to the Contract Documents, whether observed before or after substantial completion of the Work, and whether or not fabricated, installed or completed. The Contractor shall bear all cost of correcting such rejected Work.

12.2.2 If, within one year after the Date of substantial completion or within such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the Contract Documents, any of the Work is found to be defective or not in accordance with the Contract Documents, the Contractor shall correct it promptly after receipt of a written notice from the City.

12.2.3 All such defective or non-conforming Work under Subparagraphs 12.2.1 and 12.2.2 shall be removed from the site if necessary, and the Work shall be corrected to comply with the Contract Documents without additional cost to the City.

12.2.4 The Contractor shall bear the cost of making good all work of separate contractors destroyed or damaged by such removal or correction.

12.2.5 If the Contractor fails to correct such defective or non-conforming Work, the City may correct it in accordance with Paragraph 2.3.

12.3 ACCEPTANCE OF DEFECTIVE OR NON-CONFORMING WORK

12.3.1 If the City prefers to accept defective or non-conforming Work, he may do so instead of requiring its removal and correction, in which case a Change Order will be issued to reflect an appropriate reduction in the Contract Sum or, if the amount is determined after final payment, it shall be paid by the Contractor.

ARTICLE XIII

SPECIAL PROVISIONS

13.1 OVERTIME

13.1.1 In order to provide sufficient control of work, the Contractor shall be required to inform the City of Wildwood of schedules overtime work, including work on Saturdays, Sundays, and City holidays as given below at least forty-eight (48) hours in advance of any such work. If the Contractor fails to appear on a scheduled overtime period, the City shall deduct the cost for the City's assigned personnel from the Contract Sum for the time period scheduled.

CITY HOLIDAYS

There are eleven (11) holidays. They are:

New Year's Day
Martin Luther King, Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

13.2 PRECONSTRUCTION CONFERENCE

13.2.1 A preconstruction conference may be held prior to the issuance of a notice to proceed with the Work. This meeting will be attended by the Contractor, the City of Wildwood, and representatives of the various utility companies that have facilities in the project area. The meeting date will be established after the taking of bids and at a time convenient to all parties.

13.3 SEQUENCE OF WORK

13.3.1 A schedule of the Contractor's work shall be submitted to the City for approval as required under Article V of the Agreement. It shall contain a listing of the order in which the Contract items will be constructed and the approximate dates for starting and finishing each Contract item.

13.3.2 The Contractor shall furnish the City his proposed sequence and schedule for the completion of all work for their review and approval prior to the time of the preconstruction conference. The City shall have the right to specify the order of construction as deemed necessary.

13.3.3 All pavement shall be placed back within 24 hours of removal.

13.4 CONSTRUCTION LIMITS

13.4.1 The construction limits consist of the public streets rights-of-way and acquired easement areas.

The Contractor shall limit his operations accordingly. The Contractor shall acquire the property owners' permission for any activity outside the public right-of-way or easement areas.

13.5 TESTING

13.5.1 Materials Testing and Inspection Service: The City may employ and pay for a qualified independent materials and geotechnical testing laboratory to perform testing and inspection service during construction operations.

ARTICLE XIV

CONSTRUCTION SAFETY PROGRAM REQUIREMENTS

14.1 TRAINING

14.1.1 CONTRACTOR shall provide a ten hour Occupational Safety and Health Administration (OSHA) construction safety program for its employees working onsite on the project. The program shall include a course in construction safety and health approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program. All employees working on the project are required to complete the program within sixty (60) days of beginning work on the construction project.

14.1.2 Any employee found on the worksite subject to this section without documentation of the successful completion of the course required under subsection 14.1.1 shall be afforded 20 days to produce such documentation before being subject to removal from the project.

14.1.3 CONTRACTOR shall require all onsite employees of any subcontractors to complete the ten-hour training program required under subsection 14.1.1.

14.1.4 Pursuant to Sec. 272.675 RSMo., CONTRACTOR shall forfeit as a penalty to the CITY $2,500.00 plus $100.00 for each employee employed by CONTRACTOR or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. The penalty shall not begin to accrue until the time periods in subsections 14.1.1 and 14.1.2 have elapsed. CITY shall withhold and retain from the amount due CONTRACTOR under this contract, all sums and amounts due and owing CITY as a result of any violation of this section.

RETURN WITH BID

ARTICLE 10

BID FORM PROPOSAL

BID TIME 10:00 am

BID DATE 12/8/15

TO: THE CITY OF WILDWOOD

The bidder declares that he has had an opportunity to examine the site of the work and he has examined the contract documents therefore, and that he has prepared his proposal upon the basis thereof, Edward Gershenson, having carefully examined the site and having read and understood all the Contract Documents, adding Addenda 1 through 1, for the

WILDWOOD COMMUNITY PARK – PHASE 2 (POND GROVER LOOP ROAD EXTENSION)

and being familiar with the local conditions affecting the work, hereby proposes to furnish all labor, materials, equipment and services required for the performance and completion of said project in accordance with the said Contract Documents or the following itemized bid.

(Signature) _____

(Print Name) Edward N. Gershenson
President

(Company Name) Gershenson Construction Co., Inc.

(Address) 2 Truitt Dr.
Eureka, MO 63025

(Telephone Number) 636.938.9595

(Fax Number) 636.938.9501

RETURN WITH BID

ITEMIZED BID FORM – GENERAL CONTRACT

BASE BID

CITY OF WILDWOOD, MISSOURI

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED PRICE
1	EARTHWORK	L SUM	1	51,800.00	51,800.00
2	TREE / BRUSH CLEARING *	L SUM	1	9,900.00	9,900.00
3	SEEDING	L SUM	1	4,800.00	4,800.00
4	SOD	L SUM	1	13,000.00	13,000.00
5	INLET AND PIPE PROTECTION	L SUM	1	250.00	250.00
6	END SECTIONS, 15"; COST TO RESET PIPE	L SUM	1	2,300.00	2,300.00
7	PIPE CULVERTS, 18"	L SUM	1	950.00	950.00
8	END SECTIONS, 18"	L SUM	1	2,250.00	2,250.00
9	PIPE CULVERTS, 24"	L SUM	1	5,625.00	5,625.00
10	END SECTIONS, 24"	L SUM	1	1,850.00	1,850.00
11	PIPE CULVERTS, 30"; COST TO RESET PIPE	L SUM	1	1,500.00	1,500.00
12	END SECTIONS, 30"	L SUM	1	2,100.00	2,100.00
13	12" RCP STORM SEWER	L SUM	1	3,000.00	3,000.00 EG
14	STRUCTURES	L SUM	1	8,800.00	8,800.00
15	PROCESSING LIME MODIFIED SOIL, 12"	L SUM	1	35,700.00	35,700.00
16	AGGREGATE BASE COURSE, 6"	L SUM	1	41,000.00	41,000.00
17	HMA PAVEMENT, 6"-THICK ROAD	L SUM	1	124,000.00	124,000.00
18	MILL & OVERLAY	L SUM	1	8,000.00	8,000.00
19	6' HMA WIDENING	L SUM	1	1,600.00	1,600.00
20	PARKING BLOCKS	L SUM	1	1,200.00	1,200.00
21	PVMT MARKING & SIGNAGE	L SUM	1	2,160.00	2,160.00
22	MSD - 5 ROCK BLANKET	L SUM	1	2,300.00	2,300.00
23	MSD - 7 WEATHERED LIMESTONE REVETMENT	L SUM	1	1,600.00	1,600.00
24	EROSION CONTROL	L SUM	1	10,500.00	10,500.00
25	GATE ADJUSTMENT	L SUM	1	2,300.00	2,300.00
26	REMOVE STOP SIGNS	L SUM	1	450.00	450.00
27	REMOVE STRUCTURE AND PIPE	L SUM	1	550.00	550.00
28	TREE PROTECTION LAYOUT	L SUM	1	550.00	550.00
29	MOBILIZATION	L SUM	1	24,500.00	24,500.00
30	GENERAL CONDITIONS AND MISCELLANEOUS CONSTRUCTION ITEMS	L SUM	1	14,000.00	14,000.00
				TOTAL BASE BID	378,535.00

*Per Missouri American Water, the TREE/ BRUSH CLEARING of the water main easement will be the responsibility of the general contractor. The limits are shown on the removal and erosion control sheet.

By Edward N. Gershenson
President
Title

Gershenson Construction Co.
Contractor

RETURN WITH BID

ITEMIZED BID FORM – GENERAL CONTRACT

ALTERNATE BID – MULTI-USE PATH

CITY OF WILDWOOD, MISSOURI

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED PRICE
Alt 1	PROCESSING LIME MODIFIED SOIL, 12"	L SUM	1	4,000.00	4,000.00
Alt 2	AGGREGATE BASE COURSE, 6"	L SUM	1	8,600.00	8,600.00
Alt 3	HMA PAVEMENT, 3"-THICK TRAIL	L SUM	1	11,500.00	11,500.00
Alt 4	CONCRETE CURB RAMPS	L SUM	1	1,600.00	1,600.00
Alt 5	SHARE THE ROAD SIGN	L SUM	1	1,300.00	1,300.00
				TOTAL ALTERNATE BID	27,000.00

By Edward N. Gershenson
President
Title

Gershenson Construction Co.
Contractor

UNIT COST

CITY OF WILDWOOD, MISSOURI

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE
1	ROCK EXCAVATION	CU YD	50	7,500.00

Note:
A quantity for ROCK EXCAVATION is included in order to establish a unit cost for work which may be required to construct this section. The actual quantity shall be determined by the engineer in the field.

Determination of the low bidder will consider the BASE BID, ALTERNATE BID, and UNIT COST.

ROCK EXCAVATION shall be according to Saint Louis County Standard Specifications for Road and Bridge Construction Section 203.

By Edward N. Gershenson
President
Title

Gershenson Construction Co.
Contractor

RETURN WITH BID

SUBCONTRACTOR UTILIZATION FORM

This report must accompany and be part of the sealed bid proposal.

1. Name of Bidder: Gershenson Construction Co., Inc.

2. Address Bidder: 2 Truitt Dr. Eureka, MO 63025 636.938.9595
City State Zip Phone

3. The above-named bidder intends to subcontract for materials, services, supplies, specialty contractors, etc., in the following fashion:

Names and Addresses of Subcontractor Which the Contractor Anticipates Utilizing	Nature of Participation	$ Value of Subcontractor
Sollenick Grading	Earthwork	$ 38,000.00
D+S Fence	Fencing	$ 5,000.00
Schaefer Meyer Seed+Sod	Landscaping	$ 20,000.00
Budrovich Excavating	Lime Sod	$ 30,000.00

EG

A. Total of Above $ 93,000.00

B. Total Bid Amount $ 378,535.00

Subcontractor Utilization as a % of Total Bid Amount: (A/B x 100) 24 %

The General Contractor shall perform 51% of the contract with his own company.

Edward N. Gershenson
President

Name-Authorized Officer of Bidder

Signature-Office Bidder

12/8/15
Date

RETURN WITH BID

The City of Wildwood, Missouri reserves the right, before any award of the Contract is made, to require of any bidder to whom it may make an award of the Contract, a non-collusion affidavit in the form designated below:

NON-COLLUSION AFFIDAVIT

STATE OF Missouri,

COUNTY OF St. Louis,

Edward Gershenson being first duly sworn, deposes and says that he is Pres. *(sole owner, partner, president, secretary, etc.) of Gershenson Construction the party making the foregoing bid; that such bid is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said bidder had not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or any one else to put in a sham bid, or that any one shall refrain from bidding; that said bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with any one to fix the bid price of said bidder or of any other bidder, or to fix any overhead, profit or cost element of such bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract or any one interested in the proposed contract; that all statements contained in such bid are true; and, further, that said bidder had not, directly or indirectly, submitted his bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said bidder in his general business.

SIGNED: Edward N. Gershenson

President

(Title)

Subscribed and sworn to before me this 8th day of December, 2015.

Seal of Notary

Notary Public

PENNY JO STEWART
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Sept. 7, 2018
Commission # 14530163

INSTRUCTIONS FOR EXECUTING CONTRACT

RETURN WITH BID

The Contractor, in executing the Contract, shall follow the following requirements:

The Contractor and the City shall sign the Contract Documents in not less than triplicate.

If the Contractor is a corporation, the following certificate shall be executed:

I, certify that I am the secretary of the corporation named as Contractor herein above, that who signed the foregoing Contract on behalf of the Contractor was then of said corporation; that said Contract was duly signed for and in behalf of said corporation by Authority of its governing body, and is within the scope of its corporate powers.

If the Contract is signed by the secretary of the corporation, the above certificate shall be executed by some other officer of the corporation under the corporate seal. In lieu of the foregoing certificate there may be attached to the contract copies of as much of the records of the corporation as will show the official character and authority of the officers signing, duly certified by the secretary or assistant secretary under the corporate seal to be true copies.

If the Contractor is a partnership, each partner shall sign the Contract. If the Contract is not signed by each partner, there shall be attached to the Contract a duly authenticated power of attorney evidencing the signer's (signers") authority to sign such a Contract for and in behalf of the partnership.

If the Contractor is an individual, the trade name (if the Contractor is operating under a trade name) shall be indicated in the Contract and the Contract shall be signed by such individual. If signed by one other than the Contractor there shall be attached to the Contract a duly authenticated power of attorney evidencing the signer's authority to execute such contract for and in behalf of the Contractor.

The full name and business address of the Contractor shall be inserted and the Contract shall be signed with his official signature. The name of the signing party or parties shall be typewritten or printed under all signatures to the Contract.

The Contract shall be deemed as having been awarded when formal notice of award shall have been duly served upon the intended awardee (i.e., the Bidder with whom the City contemplates entering into a Contract) by some officer or agent of the City duly authorized to give such notice.

Bid Bond

CONTRACTOR:
(Name, legal status and address)
Gershenson Construction Co., Inc.
#2 Truitt Drive
Eureka, MO 63025

SURETY:
(Name, legal status and principal place of business)
Travelers Casualty and Surety Company of America
One Tower Square
Hartford, CT 06183-6014
(860) 277-0111

OWNER:
(Name, legal status and address)
City of Wildwood
183 Plaza Drive
Wildwood, MO 63040
BOND AMOUNT: Five Percent of the Total Amount Bid (5%)

This document has important legal consequences. Consultation with an attorney is encouraged with respect its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

PROJECT: Wildwood Community Park Phase 2
(Name, location or address, and Project number, if any)

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 8th day of December, 2015

(Witness)

Gershenson Construction Co., Inc.
(Principal) *(Seal)*

Edward N. Gershenson
President
(Title)

(Witness)

Travelers Casualty and Surety Company of America
(Surety) *(Seal)*

(Title) **Susan M. Stefanski, Attorney-in-Fact**

By arrangement with the American Institute of Architects, the National Association of Surety Bond Producers (NASBP) (www.nasbp.org) makes this form document available to its members, affiliates, and associates in Microsoft Word format for use in the regular course of surety business. NASBP vouches that the original text of this document conforms exactly to the text in AIA Document A310-2010, Bid Bond. Subsequent modifications may be made to the original text of this document by users, so careful review of its wording and consultation with an attorney are encouraged before its completion, execution or acceptance.

December 3, 2015

ADDENDUM NO. #1
City of Wildwood
Wildwood Community Park – Phase 2
(Pond Grover Loop Road Extension)

This addendum forms a part of the bidding and contract documents and modifies the bidding documents. Acknowledge receipt of this addendum in space provided on Bid Form. FAILURE TO DO SO MAY SUBJECT BIDDER TO DISQUALIFICATION.

Questions Submitted:

Q1) Will testing such as rock, soils, asphalt be performed by the Owner? The plans/ specs do not state either.

A1) *The general contractor will perform all material testing. For example, Article 3.20.B in the 31200 - EARTH MOVING specification states, "Testing Agency: General Contractor will engage a qualified geotechnical engineering testing representative to perform tests and inspections... ". The ASPHALT PAVING and CONCRETE PAVING specifications include similar provisions.*

Q2) Will the City be paying for the MSD and St. Louis County Permits? If not, what are the costs for these?

A2) *The general contractor will coordinate permit applications with respective permitting agencies, but the City will pay for permit fees.*

Q3) There is no pay item for the erosion control blanket (in the "Itemized Bid Form"). Is the Bidder supposed to include that under the seeding?

A3) *No, please include the cost for erosion control blanket operations in Item 24 – Erosion Control.*

Q4) The cross sections for station 20+50 and 21+00 show substantial fills. However, there is no existing contour line to verify it. Please confirm or revise the profiles.

A4) *Fills will be required at Station 20+50 & 21+00. The profiles and cross sections are based on as-built survey information. However, the existing ground line was missing from the cross section at Station 20+50, so a revised cross section sheet 15 is included with this addendum to correct the issue.*

The engineer's earthwork calculations are attached for the convenience of the bidder. The City makes no warranty to their accuracy and the bidder should perform their own take-offs and make their own field observations prior to submitting a bid.

Q5) What is the estimated construction cost of the project?

A5) *The estimate of probable construction cost is about $550,000 including contingencies.*

Drawings:

1. **REPLACE** sheet 15 with the attached revised cross section sheet. The existing ground line was added to the cross section at Station 20+50.

Addendum #1 consists of 2 pages of text and the following attachments:

Sheet 15 – Cross Sections.pdf
Earthwork – to bid.pdf

RETURN ONE SIGNED COPY TOGETHER WITH YOUR PROPOSAL

Addendum No. 1 is hereby acknowledged.

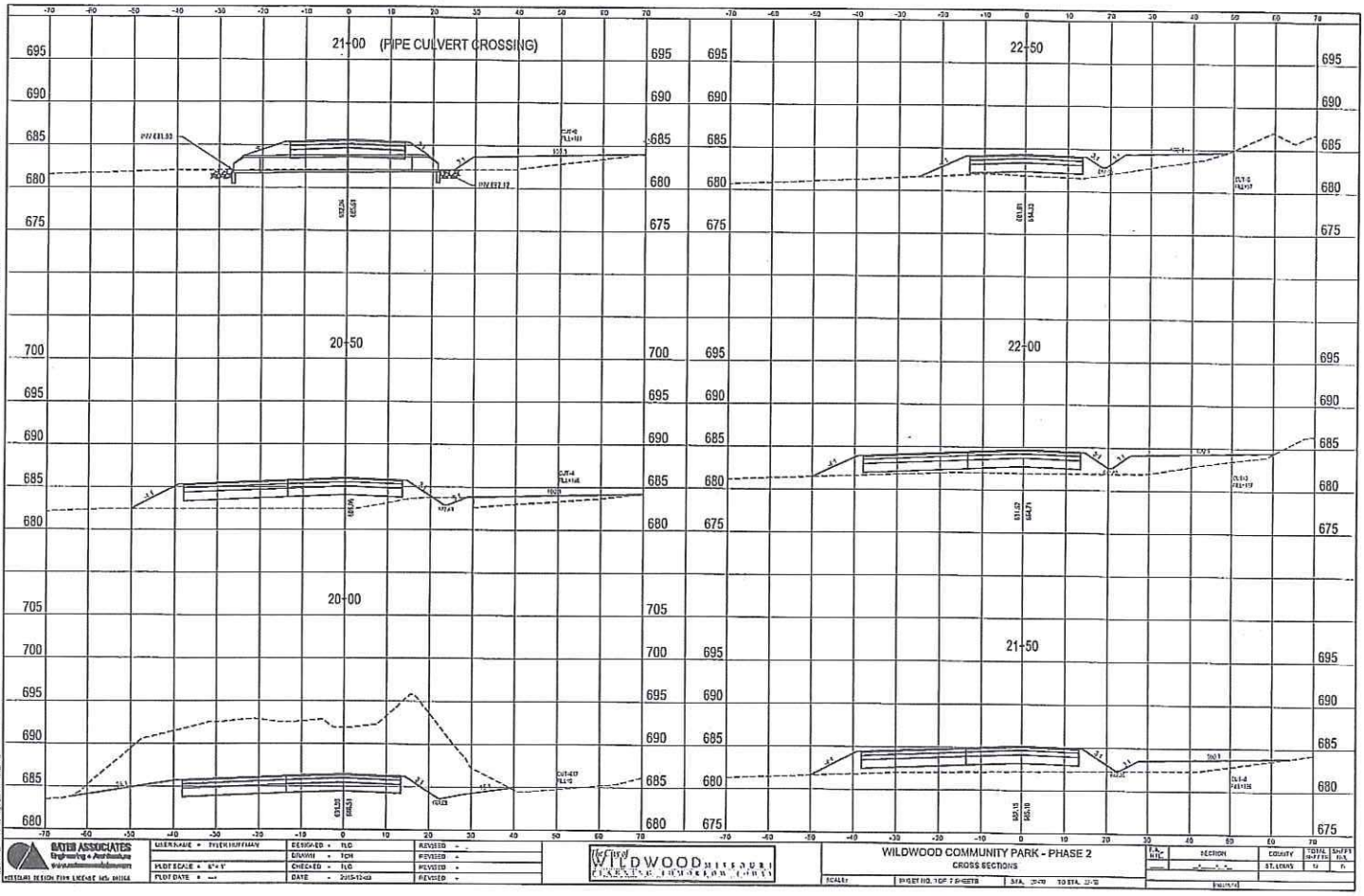
Name of Bidder: Gershenson Construction Co.

By: _____ Title: Edward N. Gershenson ~~President~~

Address: #2 Truitt Dr., Eureka, MO 63025

Telephone: 636.938.9595 Date: 12/8/15

20200100 - EARTH EXCAVATION						SHRINKAGE FACTOR =	15%		
ALIGNMENT									
STATION	END AREA (SQ. FT.)		DIST.	SUM OF END AREAS (SQ. FT.)		SEC. VOLUMES (CU. YD.)		EARTH EX ADJUST FOR SHRINKAGE (CU. YD.)	EARTHWORK BALANCE WASTE (+) OR SHORTAGE (-) (CU YD)
	CUT	FILL	(FT)	CUT	FILL	CUT	FILL		
15+00.00	0	0							
15+50.00	10	46	50	10	46	9	43	7.87	-34.7
16+00.00	54	28	50	64	74	59	69	50.37	-18.1
16+24.00	80	45	24	134	73	60	32	50.62	18.2
16+50.00	104	22	26	184	67	89	32	75.30	43.0
17+00.00	93	28	50	197	50	182	46	155.05	108.8
17+50.00	116	9	50	209	37	194	34	164.49	130.2
17+90.00	99	4	40	215	13	159	10	135.37	125.7
18+00.00	99	9	10	198	13	37	2	31.17	28.8
18+50.00	149	9	50	248	18	230	17	195.19	178.5
19+00.00	202	17	50	351	26	325	24	276.25	252.2
19+50.00	446	0	50	648	17	600	16	510.00	494.3
20+00.00	617	0	50	1063	0	984	0	836.62	836.6
20+50.00	4	166	50	621	166	575	154	488.75	335.0
21+00.00	0	161	50	4	327	4	303	3.15	-299.6
21+50.00	0	156	50	0	317	0	294	0.00	-293.5
22+00.00	0	157	50	0	313	0	290	0.00	-289.8
22+50.00	0	97	50	0	254	0	235	0.00	-235.2
23+00.00	0	83	50	0	180	0	167	0.00	-166.7
23+50.00	0	110	50	0	193	0	179	0.00	-178.7
24+00.00	1	192	50	1	302	1	280	0.79	-278.8
24+50.00	0	272	50	1	464	1	430	0.79	-428.8
25+00.00	3	263	50	3	535	3	495	2.36	-493.0
25+50.00	14	160	50	17	423	16	392	13.38	-378.3
26+00.00	90	18	50	104	178	96	165	81.85	-83.0
26+50.00	134	4	50	224	22	207	20	176.30	155.9
27+00.00	250	0	50	384	4	356	4	302.22	298.5
27+50.00	170	0	50	420	0	389	0	330.56	330.6
28+00.00	10	77	50	180	77	167	71	141.67	70.4
28+50.00	0	709	50	10	786	9	728	7.87	-719.9
29+00.00	8	507	50	8	1216	7	1126	6.30	-1119.6
29+50.00	3	206	50	11	713	10	660	8.66	-651.5
30+00.00	15	3	50	18	209	17	194	14.17	-179.4
30+50.00	193	0	50	208	3	193	3	163.70	160.9
31+00.00	304	0	50	497	0	460	0	391.16	391.2
31+50.00	513	0	50	817	0	756	0	643.01	643.0
32+00.00	421	0	50	934	0	865	0	735.09	735.1
32+50.00	22	20	50	443	20	410	19	348.66	330.1
Sub-Totals						7469	6530	6349	-182
					Rounded	7470	6535	6350	-185



WILDWOOD COMMUNITY PARK - PHASE 2

CROSS SECTIONS

Bid Bond

CONTRACTOR:
(Name, legal status and address)
Gershenson Construction Co., Inc.
#2 Truitt Drive
Eureka, MO 63025

SURETY:
(Name, legal status and principal place of business)
Travelers Casualty and Surety Company of America
One Tower Square
Hartford, CT 06183-6014
(860) 277-0111

OWNER:
(Name, legal status and address)
City of Wildwood
183 Plaza Drive
Wildwood, MO 63040
BOND AMOUNT: Five Percent of the Total Amount Bid (5%)

This document has important legal consequences. Consultation with an attorney is encouraged with respect its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

PROJECT: Wildwood Community Park Phase 2
(Name, location or address, and Project number, if any)

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 8th day of December, 2015

(Witness)

Gershenson Construction Co., Inc.
(Principal) *(Seal)*

Edward N. Gershenson
President
(Title)

(Witness)

Travelers Casualty and Surety Company of America
(Surety) *(Seal)*

(Title) **Susan M. Stefanski, Attorney-in-Fact**

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WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 229546 **Certificate No.** 006404912

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Dennis D. Flatness, Dennis W. Lutz, Taffra S. Holman, Susan M. Stefanski, and Barbara J. Lemm

of the City of St. Louis, State of Missouri, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 15th day of June, 2015.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the 15th day of June, 2015, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.

MARIE C. TETREAULT NOTARY PUBLIC CONNECTICUT

Marie C. Tetreault
Marie C. Tetreault, Notary Public

58440-8-12 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of December, 20 15.

Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

E-Verify

Company ID Number: 192832

THE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION MEMORANDUM OF UNDERSTANDING

ARTICLE I

PURPOSE AND AUTHORITY

This Memorandum of Understanding (MOU) sets forth the points of agreement between the Department of Homeland Security (DHS) and **Gershenson Construction Co., Inc** (Employer) regarding the Employer's participation in the Employment Eligibility Verification Program (E-Verify). This MOU explains certain features of the E-Verify program and enumerates specific responsibilities of DHS, the Social Security Administration (SSA), and the Employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). For covered government contractors, E-Verify is used to verify the employment eligibility of all newly hired employees and all existing employees assigned to Federal contracts.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). Authority for use of the E-Verify program by Federal contractors and subcontractors covered by the terms of Subpart 22.18, "Employment Eligibility Verification", of the Federal Acquisition Regulation (FAR) (hereinafter referred to in this MOU as a "Federal contractor") to verify the employment eligibility of certain employees working on Federal contracts is also found in Subpart 22.18 and in Executive Order 12989, as amended.

ARTICLE II

FUNCTIONS TO BE PERFORMED

A. RESPONSIBILITIES OF SSA

1. SSA agrees to provide the Employer with available information that allows the Employer to confirm the accuracy of Social Security Numbers provided by all employees verified under this MOU and the employment authorization of U.S. citizens.

2. SSA agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. SSA agrees to provide the Employer with names, titles, addresses, and telephone numbers of SSA representatives to be contacted during the E-Verify process.

3. SSA agrees to safeguard the information provided by the Employer through the E-Verify program procedures, and to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security Numbers and for evaluation of the E-Verify program or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).

4. SSA agrees to provide a means of automated verification that is designed (in conjunction with DHS's automated system if necessary) to provide confirmation or tentative nonconfirmation of U.S. citizens' employment eligibility within 3 Federal Government work days of the initial inquiry.

5. SSA agrees to provide a means of secondary verification (including updating SSA records as may be necessary) for employees who contest SSA tentative nonconfirmations that is designed to provide final confirmation or nonconfirmation of U.S. citizens' employment eligibility and accuracy of SSA records for both citizens and aliens within 10 Federal Government work days of the date of referral to SSA, unless SSA determines that more than 10 days may be necessary. In such cases, SSA will provide additional verification instructions.

B. RESPONSIBILITIES OF DHS

1. After SSA verifies the accuracy of SSA records for aliens through E-Verify, DHS agrees to provide the Employer access to selected data from DHS's database to enable the Employer to conduct, to the extent authorized by this MOU:

- Automated verification checks on alien employees by electronic means, and
- Photo verification checks (when available) on employees.

2. DHS agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. DHS agrees to provide the Employer names, titles, addresses, and telephone numbers of DHS representatives to be contacted during the E-Verify process.

3. DHS agrees to provide to the Employer a manual (the E-Verify User Manual) containing instructions on E-Verify policies, procedures and requirements for both SSA and DHS, including restrictions on the use of E-Verify. DHS agrees to provide training materials on E-Verify.

4. DHS agrees to provide to the Employer a notice, which indicates the Employer's participation in the E-Verify program. DHS also agrees to provide to the Employer anti-discrimination notices issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice.

5. DHS agrees to issue the Employer a user identification number and password that permits the Employer to verify information provided by alien employees with DHS's database.

6. DHS agrees to safeguard the information provided to DHS by the Employer, and to limit access to such information to individuals responsible for the verification of alien employment eligibility and for evaluation of the E-Verify program, or to such other persons or entities as may be authorized by applicable law. Information will be used only to verify the accuracy of Social Security Numbers and employment eligibility, to enforce the Immigration and Nationality Act (INA) and Federal criminal laws, and to administer Federal contracting requirements.

7. DHS agrees to provide a means of automated verification that is designed (in conjunction with SSA verification procedures) to provide confirmation or tentative

nonconfirmation of employees' employment eligibility within 3 Federal Government work days of the initial inquiry.

8. DHS agrees to provide a means of secondary verification (including updating DHS records as may be necessary) for employees who contest DHS tentative nonconfirmations and photo non-match tentative nonconfirmations that is designed to provide final confirmation or nonconfirmation of the employees' employment eligibility within 10 Federal Government work days of the date of referral to DHS, unless DHS determines that more than 10 days may be necessary. In such cases, DHS will provide additional verification instructions.

C. RESPONSIBILITIES OF THE EMPLOYER

1. The Employer agrees to display the notices supplied by DHS in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system.

2. The Employer agrees to provide to the SSA and DHS the names, titles, addresses, and telephone numbers of the Employer representatives to be contacted regarding E-Verify.

3. The Employer agrees to become familiar with and comply with the most recent version of the E-Verify User Manual.

4. The Employer agrees that any Employer Representative who will perform employment verification queries will complete the E-Verify Tutorial before that individual initiates any queries.

   A. The Employer agrees that all Employer representatives will take the refresher tutorials initiated by the E-Verify program as a condition of continued use of E-Verify, including any tutorials for Federal contractors if the Employer is a Federal contractor.

   B. Failure to complete a refresher tutorial will prevent the Employer from continued use of the program.

5. The Employer agrees to comply with current Form I-9 procedures, with two exceptions:

   - If an employee presents a "List B" identity document, the Employer agrees to only accept "List B" documents that contain a photo. (List B documents identified in 8 C.F.R. § 274a.2(b)(1)(B)) can be presented during the Form I-9 process to establish identity.) If an employee objects to the photo requirement for religious reasons, the Employer should contact E-Verify at 888-464-4218.
   - If an employee presents a DHS Form I-551 (Permanent Resident Card) or Form I-766 (Employment Authorization Document) to complete the Form I-9, the Employer agrees to make a photocopy of the document and to retain the photocopy with the employee's Form I-9. The employer will use the photocopy to verify the photo and to assist DHS with its review of photo non-matches that are contested by employees. Note that employees retain the right to present any List A, or List B and List C, documentation to complete the Form I-9. DHS may in the future designate other documents that activate the photo screening tool.

6. The Employer understands that participation in E-Verify does not exempt the Employer from the responsibility to complete, retain, and make available for inspection Forms I-9 that relate to its employees, or from other requirements of applicable regulations or laws, including the obligation to comply with the antidiscrimination requirements of section 274B of the INA with respect to Form I-9 procedures, except for the following modified requirements applicable by reason of the Employer's participation in E-Verify: (1) identity documents must have photos, as described in paragraph 5 above; (2) a rebuttable presumption is established that the Employer has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act (INA) with respect to the hiring of any individual if it obtains confirmation of the identity and employment eligibility of the individual in compliance with the terms and conditions of E-Verify; (3) the Employer must notify DHS if it continues to employ any employee after receiving a final nonconfirmation, and is subject to a civil money penalty between $550 and $1,100 for each failure to notify DHS of continued employment following a final nonconfirmation; (4) the Employer is subject to a rebuttable presumption that it has knowingly employed an unauthorized alien in violation of section 274A(a)(1)(A) if the Employer continues to employ an employee after receiving a final nonconfirmation; and (5) no person or entity participating in E-Verify is civilly or criminally liable under any law for any action taken in good faith based on information provided through the confirmation system. DHS reserves the right to conduct Form I-9 compliance inspections during the course of E-Verify, as well as to conduct any other enforcement activity authorized by law.

7. The Employer agrees to initiate E-Verify verification procedures for new employees within 3 Employer business days after each employee has been hired (but after both sections 1 and 2 of the Form I-9 have been completed), and to complete as many (but only as many) steps of the E-Verify process as are necessary according to the E-Verify User Manual. The Employer is prohibited from initiating verification procedures before the employee has been hired and the Form I-9 completed. If the automated system to be queried is temporarily unavailable, the 3-day time period is extended until it is again operational in order to accommodate the Employer's attempting, in good faith, to make inquiries during the period of unavailability. In all cases, the Employer must use the SSA verification procedures first, and use DHS verification procedures and photo screening tool only after the SSA verification response has been given. Employers may initiate verification by notating the Form I-9 in circumstances where the employee has applied for a Social Security Number (SSN) from the SSA and is waiting to receive the SSN, provided that the Employer performs an E-Verify employment verification query using the employee's SSN as soon as the SSN becomes available.

8. The Employer agrees not to use E-Verify procedures for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use not authorized by this MOU. Employers must use E-Verify for all new employees, unless an Employer is a Federal contractor that qualifies for the exceptions described in Article II.D.1.c. Except as provided in Article II.D, the Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. The Employer understands that if the Employer uses E-Verify procedures for any purpose other than as authorized by this MOU, the Employer may be subject to appropriate legal action and termination of its access to SSA and DHS information pursuant to this MOU.

9. The Employer agrees to follow appropriate procedures (see Article III. below) regarding tentative nonconfirmations, including notifying employees of the finding, providing written referral instructions to employees, allowing employees to contest the finding, and not taking

adverse action against employees if they choose to contest the finding. Further, when employees contest a tentative nonconfirmation based upon a photo non-match, the Employer is required to take affirmative steps (see Article III.B. below) to contact DHS with information necessary to resolve the challenge.

10. The Employer agrees not to take any adverse action against an employee based upon the employee's perceived employment eligibility status while SSA or DHS is processing the verification request unless the Employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized. The Employer understands that an initial inability of the SSA or DHS automated verification system to verify work authorization, a tentative nonconfirmation, a case in continuance (indicating the need for additional time for the government to resolve a case), or the finding of a photo non-match, does not establish, and should not be interpreted as evidence, that the employee is not work authorized. In any of the cases listed above, the employee must be provided a full and fair opportunity to contest the finding, and if he or she does so, the employee may not be terminated or suffer any adverse employment consequences based upon the employee's perceived employment eligibility status (including denying, reducing, or extending work hours, delaying or preventing training, requiring an employee to work in poorer conditions, refusing to assign the employee to a Federal contract or other assignment, or otherwise subjecting an employee to any assumption that he or she is unauthorized to work) until and unless secondary verification by SSA or DHS has been completed and a final nonconfirmation has been issued. If the employee does not choose to contest a tentative nonconfirmation or a photo non-match or if a secondary verification is completed and a final nonconfirmation is issued, then the Employer can find the employee is not work authorized and terminate the employee's employment. Employers or employees with questions about a final nonconfirmation may call E-Verify at 1-888-464-4218 or OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

11. The Employer agrees to comply with Title VII of the Civil Rights Act of 1964 and section 274B of the INA by not discriminating unlawfully against any individual in hiring, firing, or recruitment or referral practices because of his or her national origin or, in the case of a protected individual as defined in section 274B(a)(3) of the INA, because of his or her citizenship status. The Employer understands that such illegal practices can include selective verification or use of E-Verify except as provided in part D below, or discharging or refusing to hire employees because they appear or sound "foreign" or have received tentative nonconfirmations. The Employer further understands that any violation of the unfair immigration-related employment practices provisions in section 274B of the INA could subject the Employer to civil penalties, back pay awards, and other sanctions, and violations of Title VII could subject the Employer to back pay awards, compensatory and punitive damages. Violations of either section 274B of the INA or Title VII may also lead to the termination of its participation in E-Verify. If the Employer has any questions relating to the anti-discrimination provision, it should contact OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

12. The Employer agrees to record the case verification number on the employee's Form I-9 or to print the screen containing the case verification number and attach it to the employee's Form I-9.

13. The Employer agrees that it will use the information it receives from SSA or DHS pursuant to E-Verify and this MOU only to confirm the employment eligibility of employees as

authorized by this MOU. The Employer agrees that it will safeguard this information, and means of access to it (such as PINS and passwords) to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the Employer who are authorized to perform the Employer's responsibilities under this MOU, except for such dissemination as may be authorized in advance by SSA or DHS for legitimate purposes.

14. The Employer acknowledges that the information which it receives from SSA is governed by the Privacy Act (5 U.S.C. § 552a(i)(1) and (3)) and the Social Security Act (42 U.S.C. 1306(a)), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOU may be subject to criminal penalties.

15. The Employer agrees to cooperate with DHS and SSA in their compliance monitoring and evaluation of E-Verify, including by permitting DHS and SSA, upon reasonable notice, to review Forms I-9 and other employment records and to interview it and its employees regarding the Employer's use of E-Verify, and to respond in a timely and accurate manner to DHS requests for information relating to their participation in E-Verify.

D. RESPONSIBILITIES OF FEDERAL CONTRACTORS

1. The Employer understands that if it is a Federal contractor subject to the employment verification terms in Subpart 22.18 of the FAR it must verify the employment eligibility of any "employee assigned to the contract" (as defined in FAR 22.1801) in addition to verifying the employment eligibility of all other employees required to be verified under the FAR. Once an employee has been verified through E-Verify by the Employer, the Employer may not reverify the employee through E-Verify.

a. Federal contractors not enrolled at the time of contract award: An Employer that is not enrolled in E-Verify as a Federal contractor at the time of a contract award must enroll as a Federal contractor in the E-Verify program within 30 calendar days of contract award and, within 90 days of enrollment, begin to use E-Verify to initiate verification of employment eligibility of new hires of the Employer who are working in the United States, whether or not assigned to the contract. Once the Employer begins verifying new hires, such verification of new hires must be initiated within 3 business days after the date of hire. Once enrolled in E-Verify as a Federal contractor, the Employer must initiate verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

b. Federal contractors already enrolled at the time of a contract award: Employers enrolled in E-Verify as a Federal contractor for 90 days or more at the time of a contract award must use E-Verify to initiate verification of employment eligibility for new hires of the Employer who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire. If the Employer is enrolled in E-Verify as a Federal contractor for 90 calendar days or less at the time of contract award, the Employer must, within 90 days of enrollment, begin to use E-Verify to initiate verification of new hires of the contractor who are working in the United States, whether or not assigned to the contract. Such verification of new hires must be initiated within 3 business days after the date of hire. An Employer enrolled as a Federal contractor in E-Verify must initiate verification of each employee assigned to the

contract within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever is later.

c. Institutions of higher education, State, local and tribal governments and sureties: Federal contractors that are institutions of higher education (as defined at 20 U.S.C. 1001(a)), State or local governments, governments of Federally recognized Indian tribes, or sureties performing under a takeover agreement entered into with a Federal agency pursuant to a performance bond may choose to only verify new and existing employees assigned to the Federal contract. Such Federal contractors may, however, elect to verify all new hires, and/or all existing employees hired after November 6, 1986. The provisions of Article II.D, paragraphs 1.a and 1.b of this MOU providing timeframes for initiating employment verification of employees assigned to a contract apply to such institutions of higher education, State, local and tribal governments, and sureties.

d. Verification of all employees: Upon enrollment, Employers who are Federal contractors may elect to verify employment eligibility of all existing employees working in the United States who were hired after November 6, 1986, instead of verifying only those employees assigned to a covered Federal contract. After enrollment, Employers must elect to do so only in the manner designated by DHS and initiate E-Verify verification of all existing employees within 180 days after the election.

e. Form I-9 procedures for Federal contractors: The Employer may use a previously completed Form I-9 as the basis for initiating E-Verify verification of an employee assigned to a contract as long as that Form I-9 is complete (including the SSN), complies with Article II.C.5, the employee's work authorization has not expired, and the Employer has reviewed the information reflected in the Form I-9 either in person or in communications with the employee to ensure that the employee's stated basis in section 1 of the Form I-9 for work authorization has not changed (including, but not limited to, a lawful permanent resident alien having become a naturalized U.S. citizen). If the Employer is unable to determine that the Form I-9 complies with Article II.C.5, if the employee's basis for work authorization as attested in section 1 has expired or changed, or if the Form I-9 contains no SSN or is otherwise incomplete, the Employer shall complete a new I-9 consistent with Article II.C.5, or update the previous I-9 to provide the necessary information. If section 1 of the Form I-9 is otherwise valid and up-to-date and the form otherwise complies with Article II.C.5, but reflects documentation (such as a U.S. passport or Form I-551) that expired subsequent to completion of the Form I-9, the Employer shall not require the production of additional documentation, or use the photo screening tool described in Article II.C.5, subject to any additional or superseding instructions that may be provided on this subject in the E-Verify User Manual. Nothing in this section shall be construed to require a second verification using E-Verify of any assigned employee who has previously been verified as a newly hired employee under this MOU, or to authorize verification of any existing employee by any Employer that is not a Federal contractor.

2. The Employer understands that if it is a Federal contractor, its compliance with this MOU is a performance requirement under the terms of the Federal contract or subcontract, and the Employer consents to the release of information relating to compliance with its verification responsibilities under this MOU to contracting officers or other officials authorized to review the Employer's compliance with Federal contracting requirements.

ARTICLE III

REFERRAL OF INDIVIDUALS TO SSA AND DHS

A. REFERRAL TO SSA

1. If the Employer receives a tentative nonconfirmation issued by SSA, the Employer must print the tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the tentative nonconfirmation.

2. The Employer will refer employees to SSA field offices only as directed by the automated system based on a tentative nonconfirmation, and only after the Employer records the case verification number, reviews the input to detect any transaction errors, and determines that the employee contests the tentative nonconfirmation. The Employer will transmit the Social Security Number to SSA for verification again if this review indicates a need to do so. The Employer will determine whether the employee contests the tentative nonconfirmation as soon as possible after the Employer receives it.

3. If the employee contests an SSA tentative nonconfirmation, the Employer will provide the employee with a system-generated referral letter and instruct the employee to visit an SSA office within 8 Federal Government work days. SSA will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary. The Employer agrees to check the E-Verify system regularly for case updates.

4. The Employer agrees not to ask the employee to obtain a printout from the Social Security Number database (the Numident) or other written verification of the Social Security Number from the SSA.

B. REFERRAL TO DHS

1. If the Employer receives a tentative nonconfirmation issued by DHS, the Employer must print the tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the tentative nonconfirmation.

2. If the Employer finds a photo non-match for an employee who provides a document for which the automated system has transmitted a photo, the employer must print the photo non-match tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the finding.

3. The Employer agrees to refer individuals to DHS only when the employee chooses to contest a tentative nonconfirmation received from DHS automated verification process or when the Employer issues a tentative nonconfirmation based upon a photo non-match. The Employer will determine whether the employee contests the tentative nonconfirmation as soon as possible

after the Employer receives it.

4. If the employee contests a tentative nonconfirmation issued by DHS, the Employer will provide the employee with a referral letter and instruct the employee to contact DHS through its toll-free hotline (as found on the referral letter) within 8 Federal Government work days.

5. If the employee contests a tentative nonconfirmation based upon a photo non-match, the Employer will provide the employee with a referral letter to DHS. DHS will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary. The Employer agrees to check the E-Verify system regularly for case updates.

6. The Employer agrees that if an employee contests a tentative nonconfirmation based upon a photo non-match, the Employer will send a copy of the employee's Form I-551 or Form I-766 to DHS for review by:

- Scanning and uploading the document, or
- Sending a photocopy of the document by an express mail account (furnished and paid for by DHS).

7. The Employer understands that if it cannot determine whether there is a photo match/non-match, the Employer is required to forward the employee's documentation to DHS by scanning and uploading, or by sending the document as described in the preceding paragraph, and resolving the case as specified by the Immigration Services Verifier at DHS who will determine the photo match or non-match.

ARTICLE IV

SERVICE PROVISIONS

SSA and DHS will not charge the Employer for verification services performed under this MOU. The Employer is responsible for providing equipment needed to make inquiries. To access the E-Verify System, an Employer will need a personal computer with Internet access.

ARTICLE V

PARTIES

A. This MOU is effective upon the signature of all parties, and shall continue in effect for as long as the SSA and DHS conduct the E-Verify program unless modified in writing by the mutual consent of all parties, or terminated by any party upon 30 days prior written notice to the others. Any and all system enhancements to the E-Verify program by DHS or SSA, including but not limited to the E-Verify checking against additional data sources and instituting new verification procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes. DHS agrees to train employers on all changes made to E-Verify through the use of mandatory refresher tutorials and updates to the E-Verify User Manual. Even without changes to E-Verify, DHS reserves the right to require employers to take

mandatory refresher tutorials. An Employer that is a Federal contractor may terminate this MOU when the Federal contract that requires its participation in E-Verify is terminated or completed. In such a circumstance, the Federal contractor must provide written notice to DHS. If an Employer that is a Federal contractor fails to provide such notice, that Employer will remain a participant in the E-Verify program, will remain bound by the terms of this MOU that apply to non-Federal contractor participants, and will be required to use the E-Verify procedures to verify the employment eligibility of all newly hired employees.

B. Notwithstanding Article V, part A of this MOU, DHS may terminate this MOU if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a failure on the part of the Employer to comply with established procedures or legal requirements. The Employer understands that if it is a Federal contractor, termination of this MOU by any party for any reason may negatively affect its performance of its contractual responsibilities.

C. Some or all SSA and DHS responsibilities under this MOU may be performed by contractor(s), and SSA and DHS may adjust verification responsibilities between each other as they may determine necessary. By separate agreement with DHS, SSA has agreed to perform its responsibilities as described in this MOU.

D. Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees, or against the Employer, its agents, officers, or employees.

E. Each party shall be solely responsible for defending any claim or action against it arising out of or related to E-Verify or this MOU, whether civil or criminal, and for any liability wherefrom, including (but not limited to) any dispute between the Employer and any other person or entity regarding the applicability of Section 403(d) of IIRIRA to any action taken or allegedly taken by the Employer.

F. The Employer understands that the fact of its participation in E-Verify is not confidential information and may be disclosed as authorized or required by law and DHS or SSA policy, including but not limited to, Congressional oversight, E-Verify publicity and media inquiries, determinations of compliance with Federal contractual requirements, and responses to inquiries under the Freedom of Information Act (FOIA).

G. The foregoing constitutes the full agreement on this subject between DHS and the Employer.

H. The individuals whose signatures appear below represent that they are authorized to enter into this MOU on behalf of the Employer and DHS respectively.

E-Verify

Company ID Number: 192832

To be accepted as a participant in E-Verify, you should only sign the Employer's Section of the signature page. If you have any questions, contact E-Verify at 888-464-4218.

Employer Gershenson Construction Co., Inc

Gail R Cundiff	
Name (Please Type or Print)	Title
Electronically Signed	02/24/2009
Signature	Date

Department of Homeland Security – Verification Division

USCIS Verification Division	
Name (Please Type or Print)	Title
Electronically Signed	02/24/2009
Signature	Date

E-Verify

Company ID Number: 192832

Information Required for the E-Verify Program

Information relating to your Company:

Company Name: Gershenson Construction Co., Inc

Company Facility Address: 3 Truitt Drive

Eureka, MO 63025

Company Alternate Address:

County or Parish: SAINT LOUIS

Employer Identification Number: 431200350

North American Industry Classification Systems Code: 236

Parent Company:

Number of Employees: 100 to 499

Number of Sites Verified for: 1

Are you verifying for more than 1 site? If yes, please provide the number of sites verified for in each State:

- MISSOURI 1 site(s)

E-Verify

Company ID Number: 192832

Information relating to the Program Administrator(s) for your Company on policy questions or operational problems:

Name:	**Julie Ross**		
Telephone Number:	**(636) 938 - 9595**	Fax Number:	
E-mail Address:	**Jross@Gershenson.com**		
Name:	**Gail R Cundiff**		
Telephone Number:	**(636) 938 - 9595 ext. 117**	Fax Number:	**(636) 938 - 9501**
E-mail Address:	**gcundiff@gershenson.com**		

Contact information is invalid – Please see next page.

E-Verify®
Employment Eligibility Verification

Welcome
Penny Stewart

User ID
PSTE1809

Click any ? for help

Home

My Cases
New Case
View Cases
Search Cases

My Profile
Edit Profile
Change Password
Change Security Questions

My Company
Edit Company Profile
Add New User
View Existing Users
Close Company Account

My Reports
View Reports

My Resources
View Essential Resources
Take Tutorial
View User Manual
Share Ideas
Contact Us

User Summary List

Previous Next

User ID	Company	User Role	Last Name	First Name	Last Login Date	Status	Lock
PSTE1809	Gershenson Construction Co., Inc	Program Administrator	Stewart	Penny	04/06/2015 03:50 PM	Current	N

Previous Next

Close

Client#: 1059928 GERSHCON

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 4/29/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
USI Midwest Saint Louis 308 North 21st Street Saint Louis, MO 63103-MO 314 436-2399	PHONE (A/C, No, Ext): 314 436-2399	FAX (A/C, No): 314 342-7170
	E-MAIL ADDRESS:	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Old Republic Insurance Company	24147
INSURER B : Great American Insurance Compan	16691
INSURER C : Hartford Fire Insurance Company	19682
INSURER D : Old Republic General Insurance	24139
INSURER E :	
INSURER F :	

INSURED
Gershenson Construction Co., Inc.
#2 Truitt Drive
Eureka, MO 63025

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			A7CG08011501	05/01/2015	05/01/2016	EACH OCCURRENCE	$1,000,000
	[X] COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$300,000
	[ ] CLAIMS-MADE [X] OCCUR						MED EXP (Any one person)	$10,000
	[X] PD Ded:5,000						PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$2,000,000
	[ ] POLICY [X] PRO-JECT [X] LOC							$
B	AUTOMOBILE LIABILITY			A7CA08011501	05/01/2015	05/01/2016	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	[X] ANY AUTO						BODILY INJURY (Per person)	$
	[ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[X] HIRED AUTOS [X] NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
B	[X] UMBRELLA LIAB [X] OCCUR			TUU426029500	05/01/2015	05/01/2016	EACH OCCURRENCE	$10,000,000
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$10,000,000
	[ ] DED [ ] RETENTION $							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N			A7CW08011501	05/01/2015	05/01/2016	[X] WC STATU-TORY LIMITS [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [N] N/A						E.L. EACH ACCIDENT	$1,000,000
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$1,000,000
C	Contractors Equipment			84UUMJG5718	05/01/2015	05/01/2016	Limit: $525,000 Leased/Rented Equipment	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

For Bidding Purposes Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Dawn D Fletcher

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KKAF

WORKER ELIGIBILITY VERIFICATION AFFIDAVIT FOR ALL MHTC/MODOT CONTRACT AGREEMENTS IN EXCESS OF $5,000
(for joint ventures, a separate affidavit is required for each business entity)

STATE OF Missouri)
) ss
COUNTY OF St. Louis)

On this 8th day of December, 2015, before me appeared Edward Gershenson, personally known to me or proved to me on the basis of satisfactory evidence to be a person whose name is subscribed to this affidavit, who being by me duly sworn, deposed as follows:

My name is Edward Gershenson, and I am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 285.530, RSMo, to enter into any contract agreement with the state to perform any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities:

I am the President (title) of Gershenson Construction Co., Inc. (business name), and I am duly authorized, directed, and/or empowered to act officially and properly on behalf of this business entity.

I hereby affirm and warrant that the aforementioned business entity is enrolled in a federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, and the aforementioned business entity shall participate in said program with respect to all employees working in connection to work under the within state contract agreement with the Missouri Highways and Transportation Commission (MHTC). I have attached documentation to this affidavit to evidence enrollment/participation by the aforementioned business entity in a federal work authorization program, as required by Section 285.530, RSMo.

In addition, I hereby affirm and warrant that the aforementioned business entity does not and shall not knowingly employ, in connection to work under the within state contract agreement with MHTC, any alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. § 1324a(h)(3).

I am aware and recognize that, unless certain contract and affidavit conditions are satisfied pursuant to Section 285.530, RSMo, the aforementioned business entity may be held liable under Sections 285.525 though 285.550, RSMo, for subcontractors that knowingly employ

or continue to employ any unauthorized alien to work within the state of Missouri.

I acknowledge that I am signing this affidavit as a free act and deed of the aforementioned business entity and not under duress.

Edward N. Gershenson
President

Affiant Signature

Subscribed and sworn to before me this 8th day of December, 2015.

Notary Public

My commission expires: 9-7-18

[documentation of enrollment/participation in a federal work authorization program attached]

PENNY JO STEWART
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Sept. 7, 2018
Commission # 14530163

City of Wildwood

CITY-CONTRACTOR AGREEMENT

This City–Contractor Agreement "Agreement" is made and entered into this **8th** day of **February 2016**, by and between the **City of Wildwood, Missouri** (hereinafter called the "City") and **Gershenson Construction Company, Inc.**, with offices located at **2 Truitt Drive, Eureka, Missouri 63025** (hereinafter called the "Contractor").

WITNESSETH:

The Contractor and the City, for the consideration set forth herein, agree as follows:

ARTICLE I.

The Contract Documents

The Contract Documents, hereby placed on file with the City Clerk, consist of the General Conditions of City-Contractor Agreement, State Wage Determination, Non-Collusion Affidavit, Performance Payment Bond, Specifications, Drawings, the Construction Schedule, all Addenda, and all Modifications issued after execution of this Agreement, which together with this Agreement form the entire agreement, obligations and duties of the parties, and are all as fully a part of the Agreement as if attached to this Agreement or repeated herein. All definitions set forth in the General Conditions of City-Contractor Agreement are applicable to this Agreement.

ARTICLE II.

Scope of Work

The Contractor, acting as an independent contractor, shall do everything required by the Contract Documents (the "Work") and shall timely complete the project in strict compliance with all requirements and specifications set forth in the Contract Documents. Contractor represents and warrants that it has special skills which qualify it to perform the Work in accordance with the Contract Documents, and that it is free to perform all such Work and is not a party to any other agreement, written or oral, the performance of

which would prevent or interfere with the performance, in whole or in part, of the Work. All Work shall be performed in compliance with all applicable federal, state, and City laws and regulations, including but not limited to all grading, construction and zoning ordinances of the City.

ARTICLE III.

Time of Completion

All time limits stated in the Contract Documents are of the essence. The Work to be performed here under shall commence within ten (10) days of the date of the written notice to proceed from the City to the Contractor. Working days for the completion of the Work have been established. The count of working days will start on the date the Contractor starts any construction operations on this project and all Work shall be completed within the working days specified below.

Calendar Days : **One Hundred Fifty-Two (152)**

Should the Contractor, or in case of default, the surety, fail to complete the Work within the working days or the completion date specified, whichever occurs first, a deduction of the amount stipulated in Article V will be made for each day that the Work remains uncompleted.

ARTICLE IV.

The Contract Sum and Payments

The City shall pay the Contractor for the performance of the Work the total sum of **four hundred five thousand five hundred thirty-five dollars ($405,535.00 - the "Contract Sum")** based upon Applications for Payment submitted by the Contractor on or before the twentieth (20th) day of the month for Work completed in accordance with the General Conditions in the following manner:

(1) On or about the tenth (10th) day of each following month, ninety percent (90%) of the portion of the Contract Sum properly allocable to labor, materials and equipment

incorporated into the Work, and ninety percent (90%) of the portion of the Contract Sum properly allocable to materials and equipment suitably stored at the site to be incorporated into the Work, through the period ending up to the twentieth (20th) of the preceding month, less the aggregate of all previous progress payments;

(2) Upon completion of the Work, a sum sufficient to increase the total payments to ninety percent (90%) of the Contract Sum; and

(3) Final payment within 60 days after the Work is fully completed and accepted by the City and the Work fully performed.

(4) The retainage amount withheld by subsections (1) and (2) above shall not exceed any maximum amount permitted by law

ARTICLE V.

Performance of the Work

(a) Within seven (7) calendar days after being selected, the Contractor shall prepare and submit for the City's approval (1) a Construction Schedule for the Work in a bar chart format which Construction Schedule shall indicate the dates for starting and completing the various stages of construction and (2) a Traffic Control Plan indicating the location of all proposed signage, detours and road closures throughout the project which adequately address the traffic control plan of the proposed Work. All traffic control shall be according to the standards of the Manual on Uniform Traffic Control Devices developed by the Federal Highway Administration. The Notice To Proceed shall be issued within 10 working days of the selection, however, no Work will commence until the Contractor's Construction Schedule and traffic control plan are submitted and approved by the City. The Contractor shall be required to substantially finish portions of the Work as designated by the Director of Public Works prior to continuation of further Work remaining on the project. This may include backfilling, seeding, or cleanup as designated by the Director of Public Works.

(b) Completion of the Work in accordance with the time limits set forth in the Construction Schedule is an essential condition of the Agreement. If the Contractor fails to complete the Work in accordance with the Construction Schedule, unless the delay is excusable under the provisions of Article VI hereof, the Contractor shall pay the City, as liquidated damages and not as a penalty, the sum of **one hundred dollars ($100.00)** for each calendar day the Contractor fails to comply with the Construction Schedule. The total amount so payable to the City as liquidated damages may be deducted from any sums due or to become due to Contractor from City.

(c) After Commencement of the Work, and until final completion of the Work, the Contractor shall report to the City at such intervals as the City may reasonably direct, the actual progress of the Work compared to the Construction Schedule. If the Contractor falls behind the Construction Schedule for any reason, it shall promptly take, and cause its Subcontractors to take, such action as is necessary to remedy the delay, and shall submit promptly to the City for approval a supplementary schedule or progress chart demonstrating the manner in which the delay will be remedied; provided, however, that if the delay is excusable under Article VI hereof, the Contractor will not be required to take, or cause its Subcontractors to take, any action which would increase the overall cost of the Work (whether through overtime, premium pay or otherwise), unless the City shall have agreed in writing to reimburse the Contractor for such increase in cost. Any increase in cost incurred in remedying a delay, which is not excusable under Article VI hereof, or is not approved in advance by the City, shall be borne by the Contractor.

ARTICLE VI.

Delays Beyond Contractor's Control

(a) If the Contractor fails to complete the Work in accordance with the Construction Schedule solely as a result of the act or neglect of the City, or by strikes, lockouts, fire or other similar causes beyond the Contractor's control, the Contractor shall not be required

to pay liquidated damages to the City pursuant to paragraph (b) of Article V hereof, provided the Contractor uses his best efforts to remedy the delay in the manner specified in paragraph (c) of Article V hereof. If, as a result of any such cause beyond the Contractor's control, the delay in completion of the Work in accordance with the Construction Schedule is so substantial that it cannot be remedied in the aforesaid manner, or if the backlog of Work is so great that it cannot be remedied without incurring additional cost which the City does not authorize, then the time of completion and the Construction Schedule shall be extended pursuant to a Change Order for the minimum period of delay occasioned by such cause. The period of delay and extension shall be determined by the City.

(b) Notwithstanding the foregoing paragraph (a), no extension of time shall be granted for any delay the cause of which occurs more than seven (7) days before claim therefore is made in writing by the Contractor to the City, and no extension of time shall be granted if the Contractor could have avoided the need for such extension by the exercise of reasonable care and foresight. In the case of a continuing cause of delay, only one claim is necessary.

(c) Weather shall not constitute a cause for granting an extension of time.

(d) In the event a delay is caused by the City, the Contractor's sole remedy shall consist of its rights under this Article VI.

ARTICLE VII.

Changes in the Work or Cost of Work

(a) The City may make changes within the general scope of the project by altering, adding to or deducting from the Work, and the Contract Sum adjusted accordingly. All such changes in the Work shall be executed under the conditions of the Agreement. No extra Work or change in the Work shall be made except pursuant to a Change Order approved by the City and Contractor in accordance with the General

Conditions. Any claim for an increase in the Contract Sum resulting from any such change in the Work shall promptly be made by the Contractor in accordance with the General Conditions.

(b) If the requested change would result in a delay in the Construction Schedule, the provisions of paragraph (c) of Article V and of Article VI hereof shall apply. If the requested change would result in a decrease in the time required to perform the Work, the completion date and the Construction Schedule shall be adjusted by agreement between the parties to reflect such decrease.

(c) If the Contractor intends to make a claim for an increase in the Contract Sum, it shall give the City written notice explaining the circumstances, justifications and amount of Contract Sum increase desired thereof promptly after the occurrence of the event or circumstances giving rise to such claim. This notice shall be given by the Contractor before proceeding to execute further Work. No such claim shall be valid unless so made in accordance with the General Conditions. Any change in the Contract Sum resulting from such a claim shall first be authorized by Change Order executed by the City and Contractor. The City reserves the right to suspend Work of the Contractor pending the resolution of any claim for an increase in the Contract Sum.

(d) Any adjustment in the Contract Sum for duly authorized extra Work or change in the Work shall be determined based on the unit prices previously specified, to the extent such unit prices are applicable. To the extent such unit prices are not applicable, the adjustment in the Contract Sum shall, at the option of the City, be determined by an acceptable lump sum properly itemized and supported by sufficient substantiating data to permit evaluation, or by an acceptable cost plus percentage or fixed fee.

ARTICLE VIII.

Termination by City or Contractor

(a) If the Contractor is adjudged a bankrupt, or if the Contractor makes a general assignment for the benefit of creditors, or if a receiver is appointed on account of the Contractor's insolvency, or if the Contractor persistently or repeatedly fails, except in cases for which an extension of time is provided, to make progress in accordance with the Construction Schedule, or if the Contractor fails to make prompt payment to Subcontractors or for material or labor, or persistently disregards laws, ordinances or the instructions of the City, or otherwise breaches any provision of the Agreement, the City may, without prejudice to any other right or remedy, by giving written notice to the Contractor and its surety, terminate the Agreement, take possession of the Work and of all materials and equipment thereon and finish the Work by whatever method the City may deem expedient. In such case, the Contractor shall not be entitled to receive any further payment until the Work is finished. If the unpaid balance of the Agreement Sum shall exceed the expenses of finishing the Work, including additional architectural, managerial and administrative expenses, such excess shall be paid to the Contractor. If such expenses shall exceed the unpaid balance of the Contract Sum, the Contractor shall pay the difference to the City promptly upon demand.

In the event of termination pursuant to this Article, the Contractor, upon the request of the City, shall promptly:

(i) assign to the City, in the manner and to the extent directed by the City, all right, title and interest of the Contractor under any subcontracts, purchase orders and construction equipment leases to which the Contractor is a party and which relate to the Work or to construction equipment required therefore, and

(ii) make available to the City to the extent directed by the City all construction equipment owned by the Contractor and employed in connection with the Work.

(b) Performance of the Work hereunder may be terminated by the City by giving three (3) days prior written notice to the Contractor if the City, for any reason and in its sole discretion, decides to discontinue or suspend construction. In the event of such termination, as opposed to termination pursuant to paragraph (a) of this Article VIII, the Contract Sum shall be reduced in an equitable manner by agreement between the parties or by arbitration.

ARTICLE IX.

Contractor's Liability Insurance

The Contractor shall purchase and maintain in full force and effect the following insurance coverages with an insurance carrier acceptable to the City:

The policy shall be endorsed to cover the liability of the Contractor under the General Conditions of this Agreement.

The Contractor and his Subcontractors shall procure and maintain during the life of this Agreement insurance of the types and minimum amounts as follows:*

(a) Workers' Compensation in full compliance with statutory requirements of Federal and State of Missouri law and Employers' Liability coverage in the amount of $1,000,000.

(b) Comprehensive General Liability and Bodily Injury

Including Death:	$ 500,000 each person
	$3,000,000 each occurrence
Property Damage:	$3,000,000 each occurrence
	$3,000,000 aggregate

(c) Comprehensive Automobile Liability, Bodily Injury

Including Death:	$500,000 each person
	$3,000,000 each occurrence
Property Damage:	$3,000,000 each accident

The Contractor's policy shall name the City as the Insured. Certificates evidencing such insurance shall be furnished the City prior to Contractor commencing the Work on this project. The certificates must state "The City of Wildwood is an additional insured."

*But not less than the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, R.S.Mo. The Contractor and his Subcontractors shall cause the insurer(s) to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, R.S.Mo. In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for the City's rights or defenses with regard to its applicable sovereign, governmental, or official immunities and protections provided by state constitution or law.

ARTICLE X.

The Work

The Contractor shall furnish all labor, materials and equipment necessary to perform the scope of Work within the project limits. The Scope of Work includes **the installation of certain improvements that have been identified on the bid plans and specifications for the Community Park - Phase II Project to include, but be limited to, the extension of the park's interior roadway to the west terminus of Pond-Grover Loop Road, a companion multiple-use trail, stormwater management infrastructure, and the necessary grading and other site preparation work, as needed and defined**, including traffic control and other incidental items as identified in the construction documents.

ARTICLE XI.

Miscellaneous Provisions

(a) This Agreement constitutes the sole and complete understanding of the parties hereto with respect to the subject matter hereof, and shall replace all prior written and oral understandings. This Agreement may be amended only by written agreement signed by the parties.

(b) Each party hereunder represents to the other that it is duly organized, validly existing and in good standing under the laws of its state of incorporation or formation; the execution, delivery and performance of this Agreement by such party has been duly authorized by all necessary and appropriate action; and, this Agreement constitutes a valid and binding obligation of such party, enforceable against such party in accordance with the terms hereof.

(c) This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which shall constitute one agreement that is binding upon both parties hereto, notwithstanding that all parties are not signatories to the same counterpart. This Agreement may be delivered by facsimile or electronic mail transmission. This Agreement shall be considered to have been executed by a party, if there exists a photocopy, facsimile copy, electronic copy, or a photocopy of a facsimile or electronic copy of an original hereof or of a counterpart hereof which has been signed by such party. Any photocopy, facsimile copy, electronic copy or photocopy of a facsimile copy of this Agreement or any counterpart hereof shall be admissible into evidence in any proceeding as though the same was an original.

(d) The parties shall act in good faith in the performance of their obligations hereunder.

(e) If either party to this Agreement defaults in the performance of its obligation(s) hereunder, the prevailing party in any action to enforce its rights and remedies shall be entitled to obtain its costs and reasonable attorney's fees from the non-prevailing party.

(f) The failure of either party to enforce any of its rights hereunder shall not act as a waiver of that or any other right possessed by such party under this Agreement.

(g) If any provisions of this Agreement shall be found to be illegal, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect and be construed to effectuate the intent of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

CITY OF WILDWOOD
(the "City")

By_____
, Mayor

Attest:

_____
City Clerk

(the "Contractor")

By:_____

Printed Name: _____

_____
Title

Missouri
Division of Labor Standards

WAGE AND HOUR SECTION

JEREMIAH W. (JAY) NIXON, Governor

Annual Wage Order No. 22

Section 100

ST. LOUIS COUNTY

In accordance with Section 290.262 RSMo 2000, within thirty (30) days after a certified copy of this Annual Wage Order has been filed with the Secretary of State as indicated below, any person who may be affected by this Annual Wage Order may object by filing an objection in triplicate with the Labor and Industrial Relations Commission, P.O. Box 599, Jefferson City, MO 65102-0599. Such objections must set forth in writing the specific grounds of objection. Each objection shall certify that a copy has been furnished to the Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102-0449 pursuant to 8 CSR 20-5.010(1). A certified copy of the Annual Wage Order has been filed with the Secretary of State of Missouri.

Original Signed by
John E. Lindsey, Director
Division of Labor Standards

This Is A True And Accurate Copy Which Was Filed With The Secretary of State: **March 10, 2015**

Last Date Objections May Be Filed: **April 9, 2015**

Prepared by Missouri Department of Labor and Industrial Relations

OCCUPATIONAL TITLE	** Date of Increase	*	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Asbestos Worker (H & F) Insulator			$38.06	55	60	$20.71
Boilermaker	9/15		$32.76	126	7	$30.10
Bricklayer and Stone Mason	11/15		$32.50	72	5	$20.69
Carpenter	6/15		$36.34	77	41	$15.75
Cement Mason	6/15		$30.56	80	6	$17.30
Communication Technician			$30.35	44	47	$9.53 + 31.50%
Electrician (Inside Wireman)	8/15		$34.20	82	71	$10.78 + 39.5%
Electrician (Outside-Line Construction\Lineman)	9/15		$42.52	43	45	$5.00 + 36.5%
Lineman Operator	9/15		$36.70	43	45	$5.00 + 36.5%
Groundman	9/15		$28.38	43	45	$5.00 + 36.5%
Elevator Constructor	8/15	a	$45.09	26	54	$30.005
Glazier	6/15		$33.13	87	31	$19.58 + 10.53%
Ironworker	8/15		$32.88	11	8	$23.825
Laborer (Building):						
General			$30.57	97	26	$14.02
First Semi-Skilled			$30.31	114	27	$14.02
Second Semi-Skilled			$29.92	109	3	$13.72
Lather			USE CARPENTER RATE			
Linoleum Layer and Cutter	6/15		$31.08	92	26	$15.45
Marble Mason	10/15		$31.43	76	51	$14.17
Marble Finisher	10/15		$26.18	76	51	$13.47
Millwright			USE CARPENTER RATE			
Operating Engineer						
Group I	6/15		$32.16	3	66	$24.16
Group II	6/15		$32.16	3	66	$24.16
Group III	6/15		$30.26	3	66	$24.16
Group III-A	6/15		$32.16	3	66	$24.16
Group IV	6/15		$26.80	3	66	$24.16
Group V	6/15		$26.80	3	66	$24.16
Painter	10/15		$31.65	104	12	$13.76
Pile Driver			USE CARPENTER RATE			
Pipe Fitter	7/15		$37.00	91	69	$26.68
Plasterer	7/15		$31.06	67	3	$17.63
Plumber	7/15		$37.00	91	69	$26.68
Roofer \ Waterproofer			$30.70	15	73	$16.67
Sheet Metal Worker	10/15		$39.63	32	26	$21.72
Sprinkler Fitter - Fire Protection	10/15		$41.96	66	18	$21.62
Terrazzo Worker	6/15		$32.11	116	5	$13.37
Terrazzo Finisher	10/15		$30.35	116	5	$11.84
Tile Setter	10/15		$31.43	76	51	$14.17
Tile Finisher	10/15		$26.18	76	51	$13.47
Traffic Control Service Driver			$27.35	83	17	$9.045
Truck Driver-Teamster			$30.41	35	36	$10.82

Fringe Benefit Percentage is of the Basic Hourly Rate

**Annual Incremental Increase

OCCUPATIONAL TITLE	** Date of Increase	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits

* Welders receive rate prescribed for the occupational title performing operation to which welding is incidental.

Use Building Construction Rates on Building construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(2).

Use Heavy Construction Rates on Highway and Heavy construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(3).

a - Vacation: Employees over 5 years - 8%, under 5 years - 6%

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

FED: Minimum requirement per Fair Labor Standards Act means time and one-half (1 ½) shall be paid for all work in excess of forty (40) hours per work week.

NO. 3: Means the regular workday shall consist of eight (8) consecutive hours, exclusive of a thirty (30) minute lunch period, with pay at the straight time rate. The regular workday shall begin between the hours of 6:00 a.m. and 9:00 a.m. The Employer may have the option to schedule the work week from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be paid at the applicable overtime rate. If the Employer elects to work from Monday through Thursday and is stopped due to inclement weather, holiday or other conditions beyond the control of the Employer, they shall have the option to work Friday at the straight time rate of pay to complete the forty (40) hours for the workweek. All overtime work performed on Monday through Saturday shall be paid at time and one-half (1½) the hourly rate plus an amount equal to one-half (½) of the hourly Total Indicated Fringe Benefits. All work performed on Sundays and recognized holidays shall be paid at double (2) the hourly rate plus an amount equal to the hourly Total Indicated Fringe Benefits. Shifts may be established when considered necessary by the Employer. Shift hours and rates will be as follows. If shifts are established, work on the First Shift will begin between 6:00 a.m. and 9:00 a.m. and consist of eight (8) hours of work plus one-half hour unpaid lunch. Hours worked during the first shift will be paid at the straight time rate of pay. The second shift shall start eight hours after the start of the first shift and consist of eight (8) hours of work plus one-half hour unpaid lunch. Work on the second shift will begin between 2:00 p.m. and 5:00 p.m. and be paid the straight time rate plus $2.50 per hour. The third shift shall start eight hours after the start of the second shift and consist of eight (8) hours plus one-half hour unpaid lunch. Work on the third shift will begin between 10:00 p.m. and 1:00 a.m. and be paid the straight time rate plus $3.50 per hour. The additional amounts that are to be paid are only applicable when working shifts: Shifts that begin on Saturday morning through those shifts which end on Sunday morning will be paid at time and one-half these rates. Shifts that begin on Sunday morning through those shifts which end on Monday morning will be paid at double time these rates.

NO. 11: Means eight (8) hours shall constitute a day's work, with the starting time to be established between 6:00 a.m. and 8:00 a.m. from Monday to Friday. Time and one-half (1½) shall be paid for first two (2) hours of overtime Monday through Friday and the first eight (8) hours on Saturday. All other overtime hours Monday through Saturday shall be paid at double (2) time rate. Double (2) time shall be paid for all time on Sunday and recognized holidays or the days observed in lieu of these holidays.

NO. 15: Means the regular working day shall be scheduled to consist of at least eight (8) hours, but no more than ten (10) consecutive hours, exclusive of the lunch period. The regular working day may be scheduled to commence at any time between the hours of 5:00 a.m. and 10:00 a.m. All work performed in excess of forty (40) hours in one work week, or in excess of ten (10) hours in one work day shall be paid at the rate of one and one-half (1½) times the regular hourly wage scale. Any work performed on a Saturday shall be paid for at the rate of one and one-half (1½) times the regular hourly wage scale unless such Saturday work falls under the category of Saturday Make-Up Day. Any work performed by Employees anywhere on Sunday or recognized holidays, shall be paid for at the rate of double (2) time the regular wage scale. If, during the course of a work week, an Employee is unable to work for any reason, and, as a result, that Employee has not accumulated forty (40) hours of compensable time at the straight time rate, the Employer, at his option may offer the Employee the opportunity to work on Saturday at straight time; provided, however, if during the period worked by said Employee on Saturday, the Employee's compensable time at the straight time rate exceeds forty (40) hours, all time worked in excess of the forty (40) hours will be paid at the rate of one and one-half (1½) times the regular hourly wage scale.

NO. 26: Means that the regular working day shall consist of eight (8) hours worked between 6:00 a.m., and 5:00 p.m., five (5) days per week, Monday to Friday, inclusive. Hours of work at each jobsite shall be those established by the general contractor and worked by the majority of trades. (The above working hours may be changed by mutual agreement). Work performed on Construction Work on Saturdays, Sundays and before and after the regular working day on Monday to Friday, inclusive, shall be classified as overtime, and paid for at double (2) the rate of single time. The employer may establish hours worked on a jobsite for a four (4) ten (10) hour day work week at straight time pay for construction work; the regular working day shall consist of ten (10) hours worked consecutively, between 6:00 a.m. and 6:00 p.m., four (4) days per week, Monday to Thursday, inclusive. Any work performed on Friday, Saturday, Sunday and holidays, and before and after the regular working day on Monday to Thursday where a four (4) ten (10) hour day workweek has been established, will be paid at two times (2) the single time rate of pay. The rate of pay for all work performed on holidays shall be at two times (2) the single time rate of pay.

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 32: The regular working day shall consist of eight (8) hours of labor on the job between six (6) a.m. and four (4) p.m. and the regular working week shall consist of five (5) consecutive eight (8) hour day's of labor on the job beginning with Monday and ending with Friday of each week. The normal work week is 40 hours. All full-time or part-time labor performed during such hours shall be recognized as regular working hours and paid for at the regular hourly rate. All work performed during regular work hours on Saturdays will be paid at time and one-half (1 ½). All work performed outside of regular working hours and performed during the regular work week, shall be at double (2) times the regular rate, except that the first two (2) hours following the regular work day shall be paid at one and one-half (1½) times the regular rate. An early starting time of 6:00 a.m. may be used mutually agreed upon by the interested parties. SHIFT RATE: Shift work would start after 4:00 p.m. to 6:00 a.m. The first 8 hours would be at 115% of the basic wage rate. Overtime Monday through Friday would be at 1 ½ of base shift rate. Saturday regular work day hours – 1½ of base shift rate. Saturday – work after 8 hours – 2 times the basic wage rate. Sunday and Holidays – 2 times the basic wage rate. All work performed on recognized holidays and Sundays shall be paid double (2) time. Appropriate overtime rates to be based on fifteen minute increments.

NO. 35: Means a regular work week of forty (40) hours, will start on Monday and end on Friday. The regular work day shall be either eight (8) or ten (10) hours. If a crew is prevented from working forty (40) hours Monday through Friday, or any part thereof by reason of inclement weather, Saturday or any part thereof maybe worked as a make-up day at the straight time rate. Employees who are part of a regular crew on a make-up day, notwithstanding the fact that they may not have been employed the entire week, shall work Saturday at the straight time rate. A work day is to begin between 6:00 a.m. and 9:00 a.m. However, the project starting time maybe advanced or delayed if mutually agreed to by the interested parties. For all time worked on recognized holidays, or days observed as such, double (2) time shall be paid.

NO. 43: Eight (8) hours shall constitute a work day between the hours of 7:00 a.m. and 4:30 p.m. Forty (40) hours within five (5) days, Monday through Friday inclusive, shall constitute the work week. Work performed in the 9th and 10th hour, Monday through Friday, shall be paid at time and one-half (1½) the regular straight time rate of pay. Contractor has the option to pay two (2) hours per day at the time and one-half (1½) the regular straight time rate of pay between the hours of 6:00 a.m. and 5:30 p.m., Monday through Friday. Work performed outside the regularly scheduled working hours and on Saturdays, Sundays and recognized legal holidays, or days celebrated as such, shall be paid for at the rate of double (2) time.

NO. 44: Means forty (40) hours shall constitute a work week, Monday through Friday. Eight (8) hours shall constitute a work day. Hours of work shall be between the hours of 7:00 a.m. and 4:30 p.m. All work performed before 7:00 a.m. and after 4:30 p.m. and all work performed in excess of eight (8) hours in any one work day, over forty (40) hours in any work week and the first eight (8) hours of work on Saturday, shall be paid at the rate of one and one-half (1½) times the regular rate of pay. All hours worked in excess of eight (8) hours on Saturday, all hours worked on Sunday and on holidays, or days that may be celebrated as such, and as designated by the federal government, shall be paid at two (2) times the regular rate of pay. All shifts for work performed between the hours of 4:30 p.m. and 1:00 a.m. shall receive eight (8) hours pay at the regular hourly rate of pay plus two dollars ($2.00) per clock hour. All work performed between the hours of 12:30 a.m. and 9:00 a.m. on a third shift shall receive eight (8) hours pay at the regular hourly rate plus four dollars ($4.00) per clock hour. All overtime work required after the completion of a regular shift shall be paid at one and one-half times (1½ x) the "shift" hourly rate.

NO. 55: Means the regular work day shall be eight (8) hours between 6:00 a.m. and 4:30 p.m. The first two (2) hours of work performed in excess of the eight (8) hour work day, Monday through Friday, and the first ten (10) hours of work on Saturday, shall be paid at one & one-half (1½) times the straight time rate. All work performed on Sunday, observed holidays and in excess of ten (10) hours a day, Monday through Saturday, shall be paid at double (2) the straight time rate.

NO. 66: Means eight (8) hours shall constitute a day's work beginning at 7:00 a.m. (or 8:00) A.M. and ending at 3:30 (or 4:30) P.M. The work week shall be forty (40) hours beginning Monday at 7:00 a.m. (or 8:00) A.M. and ending Friday at 3:30 (or 4:30) P.M. The Employer at his option may use a flexible starting time between the hours of 6:00 a.m. and 8:00 a.m. All overtime, that is worked outside of the above established working hours of Monday through Friday, shall be paid at double (2) time, including Saturdays, Sundays and Holidays.

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 67: Means eight (8) hours shall constitute a day's work, with a flexible starting time to begin between 6:00 a.m. to 8:00 a.m., five (5) days a week, Monday through Friday. Any work over eight (8) hours in any one day shall be at the overtime rate, which is time & one-half (1½). Any work on Saturday shall be at time & one-half (1½), unless a Make-Up Day due to inclement weather is in effect. Any work on Sundays or holidays shall be at double (2) time. Four (4) days, ten (10) hours each day to be worked during Monday through Friday, shall be paid at straight time. A Make-Up Day Due To Inclement Weather Only - Employee(s) will be permitted to work an eight (8) hour make-up day on Saturday only, and the employee will receive the regular straight time wage rate.

NO. 72: Means that except as is otherwise provided herein, the work week shall be determined to begin at 8:00 a.m. Wednesday and end at 4:30 p.m. on the following Tuesday. Except as herein provided, working hours are from 8:00 a.m. to 11:55 a.m. and 12:30 p.m. to 4:25 p.m. and no more than the regular hours shall be worked during the forenoon or afternoon at the regular rate. In the case of days of inclement weather starting time and quitting time may be adjusted so long as the hours worked on such days do not exceed eight (8) and do not extend beyond 4:30 p.m. In circumstances where the Employee or Employees have regularly been working overtime on a particular day or days, no adjustment in the starting time shall operate to deprive Employees of overtime pay, which they would have otherwise received but for the change in the starting time. The parties understand that the application of the provisions of the preceding sentence will result in Employees receiving overtime pay even where they have not worked more than with (8) hours on a particular day. Regardless of the staring time, the forenoon working hours shall end at 11:55 a.m. and the afternoon working hours shall begin at 12:30 p.m. and end 8 hours and 25 minutes after the staring time fixed by the Employer for forenoon hours. Work performed by an employee on a non-holiday Saturday, except as hereinafter provided, or at night or before or after regular working hours on a non-holiday weekday, shall be considered overtime work, for which Employees working during such time shall be paid at the rate of one and one-half (1½) times their regular hourly wage rate for each hour or fraction thereof, worked during such time. Work performed on a Sunday or the recognized holidays shall be considered overtime work for which the Employee shall be paid twice the amount of his or her regular hourly wage rate for each hour or fraction thereof worked on any such day.

NO. 76: Means the standard workday shall consist of eight (8) hours of work between the hours of 8:00 a.m. and 4:30 p.m. with a thirty (30) minute unpaid lunch hour occurring in the middle of the shift. The standard workweek shall consist of five standard workdays commencing on Monday and ending on Friday. The normal starting and quitting times may be changed by mutual consent of interested parties. All time worked before and after the established eight (8) hour workday, Monday through Friday, and all time worked on Saturday, shall be paid for at the rate of time & one-half (1½) the hourly base wage rate in effect. All time worked on Sunday and holidays shall be paid at the rate of double (2) the hourly wage in effect. All work done on Saturday will be done at time & one-half (1½), unless Saturday shall be used as a make-up day. If an employee should lose one or more days in a work week and use Saturday as a make-up day the pay shall be at the regular hourly base wage rate and benefits.

NO. 77: Means the regular workday shall consist of eight (8) consecutive hours, exclusive of a thirty (30) minute lunch period, with pay at the regular straight time hourly rate. The regular workday shall begin on the job site between the hours of 6:00 a.m. and 8:00 a.m. with the starting time to be determined by the Employer, unless project owner requires different starting time. This adjustable starting time can, at the Employer's option, be staggered to permit starting portions of the work force at various times within the prescribed hours. The Employer may establish a four (4) ten (10) hour shift exclusive of the thirty (30) minute lunch period at the straight time wage rate. Forty (40) hours per week shall constitute a week's work Monday through Thursday. In the event a job is down due to weather conditions, safety or other conditions beyond the control of the Employer, then Friday may, at the option of the employer, be worked as a make-up day at the straight time wage rate. Straight time is not to exceed ten (10) hours a day or forty (40) hours per week. Time and one-half (1 ½) shall be paid for all overtime hours worked during the week, Monday through Friday and for all work performed on Saturday. Double (2) time shall be paid for all time worked on Sunday and recognized holidays.

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 80: Means eight (8) hours shall constitute the regular work day and forty (40) hours a work week, Monday through Friday. The Employer shall establish the starting time between 6:30 a.m. through 9:00 a.m. An Employer may further adjust the starting time up to 9:30 a.m. throughout the year: Time and one-half (1½) shall be paid after eight (8) consecutive hours worked after the established starting time and for hours worked before the established starting time. Time and one-half (1½) shall be paid for work performed on Saturdays. Work performed on Sundays and Holidays shall be paid at the double (2) time rate of pay. The Employer when working on Highway and Road Work may have the option to schedule the work week for his paving crew only from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be at the applicable overtime rate of time and one-half (1½). If the Employer elects to work from Monday through Thursday and is stopped due to inclement weather (rain, snow, sleet falling), the Employer shall have the option to work Friday at the straight time rate of pay to complete the forty (40) hours.

NO. 82: Means the work day shall consist of eight (8) hours worked between 7:00 a.m. and 4:30 p.m. Forty (40) hours will constitute the work week from Monday through Friday, inclusive. Up to four (4) hours of overtime work per day performed before or after the assigned normal work day, (twelve (12) continuous hours, starting no earlier than 6:00 a.m., Monday through Friday), shall be paid at a rate of one and one-half times (1.5x) that employee's hourly rate. Any additional overtime, Monday through Friday, shall be paid at two times (2x) the regular rate of pay. The first eight hours of overtime work on Saturday shall be paid at the rate of one and one-half times (1.5x) the regular rate of pay. Hours worked in excess of eight (8) hours on Saturday shall be paid at two times (2x) the regular rate of pay. Double time shall be paid for work performed on Sundays, recognized legal holidays or days that may be celebrated as such as designated by the federal government. All shifts for work performed between the hours of 4:30 p.m. and 1:00 a.m. shall be paid at the regular hourly rate plus two dollars ($2.00) per clock hour. All shifts for work performed between the hours of 12:30 a.m. and 9:00 a.m. shall be paid at the regular hour rate plus four dollars ($4.00) per clock hour. All overtime work required after the completion of a regular shift shall be paid at one and one-half times (1.5x) the "shift" hourly rate.

NO. 83: Means eight (8) hours shall constitute the regular workday except when the Employer elects to work Four, 10-Hour days as explained in this Section with starting time to be between the hours of 6:00 a.m. and 9:00 a.m. as determined by the Employer. This adjustable starting time can, at the Employer's option, be staggered to permit starting portions of the work force at various times within the prescribed hours. Overtime is to be paid after eight (8) hours at the rate of time and one-half (1½). The Employer may have the option to schedule his workweek from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be at the applicable overtime rate of time and one-half (1½). If the Employer elects to work from Monday through Thursday and is stopped due to inclement weather (rain, snow, sleet falling) he shall have the option to work Friday at the straight time rate of pay to complete his forty (40) hours. However, should a holiday occur, Monday through Thursday, the Employer shall have the option to work Friday at the straight time rate of pay, unless work is halted due to inclement weather (rain, snow, sleet falling). The work week is to begin on Monday. Time and one-half (1½) shall be paid for Saturday work. Double (2) time shall be paid for all Sunday work and work performed on recognized holidays.

NO. 87: Means eight (8) hours starting between 6:00 a.m. and 8:00 a.m. and ending between 2:30 p.m. and 4:30 p.m. at the Employers discretion shall constitute a day's work. Any work prior to 6:00 a.m. or after eight (8) hours shall be paid at the overtime rate. Five (5) days from Monday through Friday inclusive shall constitute a regular work week. All hours before and after these regular hours shall be considered overtime and shall be paid for at the rate of double (2) time. All work on Saturday and Sunday shall be paid at double (2) the prevailing scale of wages.

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 91: Means eight (8) hours shall constitute a day's work commencing at 7:00 a.m. and ending at 3:30 p.m., allowing one-half (½) hour for lunch. The option exists for the Employer to use a flexible starting time between the hours of 6:00 a.m. and 9:00 a.m. The regular workweek shall consist of forty (40) hours of five (5) workdays, Monday through Friday. The workweek may consist of four (4) ten (10) hour days from Monday through Thursday, with Friday as a make-up day. If the make-up day is a holiday, the employee shall be paid at the double (2) time rate. The employees shall be paid time and one-half (1½) for work performed on Saturdays, before the regular starting time or after the regular quitting time or over eight (8) hours per work day (unless working a 10-hour work day, then time and one-half (1½) is paid for work performed over ten (10) hours a day) or over forty (40) hours per work week. Work performed on Sundays and recognized holidays shall be paid at the double (2) time rate of pay. SHIFT WORK: When it is necessary for the project to operate in shifts, there will be three (3) eight (8) hour shifts commencing at 8:00 a.m. Shift work must continue for a period of not less than three (3) consecutive work days, two (2) days which must be regular work days (Monday through Friday). In the event the second or third shift of any regular work day shall fall into a Saturday or a holiday, such extension into a Saturday or holiday shall be considered as part of the previous workday and employees shall be paid at the regular shift rate. The first day shift shall work a regular eight (8) hour day at regular rates. The second shift shall be eight (8) hours regular time pay plus $2.50 per hour premium for eight (8) hours work. Third shift will be for eight (8) hours regular time pay plus $3.00 per hour premium for eight (8) hours work.

NO. 92: Means all work performed from 8:00 a.m. to 4:30 p.m., Monday through Friday, will be at straight time pay up to forty (40) hours per week. All work performed Monday through Friday before 8:00 a.m. and after 4:30 p.m. will be done at time and one-half (1½). All work done on Saturday will be done at time and one-half (1½), unless the employer and employee agree that Saturday shall be used as a make-up day. The Employer may use a flexible starting time of 7:00 a.m. to 8:00 a.m., and quitting time of 3:30 p.m. to 4:30 p.m., and any such different work starting time shall determine whether wages are payable at the straight rate or the premium rate. All work performed on Saturday shall be paid for at time and one-half (1½), unless the Saturday has been used as a make-up day. All work performed on Sunday and holidays shall be paid for at the rate of double (2) time.

NO. 97: Means the regular workday shall consist of eight (8) consecutive hours, exclusive of a thirty minute lunch period with pay at the regular straight time hourly rate. The regular workday shall begin on the job site between the hours of 6:00 a.m. and 9:00 a.m. with the starting time to be determined by the Employer. This adjustable start time can, at the Employer's option, be staggered to permit starting portions of the work force at various times within the prescribed hours. The workweek shall begin Monday at the established starting time. The Employer may establish a four (4) ten (10) hour shift exclusive of a thirty (30) minute unpaid lunch period at the straight time wage rate. Forty (40) hours per week shall constitute a week's work, Monday through Thursday. In the event a job is down due to weather conditions, holiday, or other conditions beyond the control of the Employer, then Friday may, at the option of the Employer, be worked as a make-up day at the straight time wage rate. Straight time is not to exceed ten (10) hours a day or forty (40) hours per week. When an Employer works a project on a four (4) ten (10) hour day work schedule, the Employer will not bring in any other crew for a fifth workday on the project while not calling in the normal crew that had been scheduled for that project. Time and one-half (1½) shall be paid for work performed in excess of eight (8) hours on any regular workday or outside the hours limiting a regular workday, Monday through Friday. Time and one-half (1½) shall be paid for work performed on Saturdays. Double (2) time shall be paid for work performed on Sundays and recognized holidays. Projects that cannot be performed during regular workday: If required by owner, the contractor may perform work outside the normal work hours and employees shall be paid applicable straight time hourly wage rate plus a premium of two dollars and fifty cents ($2.50) per hour for the first eight (8) hours worked. Any hours worked in excess of eight (8) hours shall be paid at the applicable overtime rate plus the two dollar and fifty cent ($2.50) per hour premium. Shift Work: Shifts may be established when considered necessary be the Employer. Shifts hours and rates will be as follows: First Shift, Eight (8) hours plus one-half (1/2) hour for lunch. Second Shift, Eight (8) hours plus one-half (1/2) hour for lunch. Third Shift, Eight (8) hours plus one-half (1/2) hour for lunch. Shifts shall be established for a minimum of three (3) consecutive workdays. The first shift will be paid at eight (8) hours straight time for eight (8) hours work. The second shift will be paid eight (8) hours straight time plus a two dollar and fifty cent ($2.50) per hour premium for eight (8) hours work, and third shift shall be paid eight (8) hours straight time plus a three dollar and fifty cent ($3.50) per hour premium for eight (8) hours work. Overtime is computed after the premium has been added to the hourly wage rate. Nothing above prohibits the working of two (2) shifts at greater than eight (8) hours with the excess hours to be paid at overtime rate.

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 104: Means eight (8) hours per day shall constitute a standard work day between the hours of 6:00 a.m. and 8:00 p.m. The standard work week shall be forty (40) hours between 6:00 a.m. on Monday and ending 8:00 p.m. on Friday. An overtime rate of time and one-half (1½) the base hourly rate shall be paid on all hours in excess of eight (8) hours in a day Monday through Friday. Saturdays shall be considered overtime and work done on Saturday shall be paid at time and one-half (1½) the prevailing scale. Sundays and holidays shall be considered overtime and work done on these days shall be paid at double (2) the prevailing scale.

NO. 109: Means a workday of eight (8) hours shall constitute the regular day's work beginning at 8:00 a.m. through 4:30 p.m.; five (5) days shall constitute a work week from Monday to Friday inclusive; time and one-half (1½) shall be paid for all work performed before 8:00 a.m. or after 4:30 p.m. of any day Monday through Friday, and all hours worked on Saturday. Double (2) time shall be paid for all work performed on Sunday or any of the recognized holidays. Overtime shall be computed at one-half (1/2) hour intervals. A flexible starting time for eight (8) hours shall constitute the regular workday between the hours of 6:00 a.m. and 5:30 p.m. with starting time determined by the Employer. This adjustable starting time can, at the employer's option, be staggered to permit starting portions of the work force at various times within the prescribed hours. The Employer may have the option to schedule his workweek from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be at the applicable overtime rate. If the Employer elects to work from Monday through Thursday and is stopped due to inclement weather (rain, snow, sleet falling), he shall have the option to work Friday at the straight time rate of pay to complete his forty (40) hours. When an Employer works a project of a four (4) ten (10) hour day work schedule, the Employer will not bring in any other crew for a fifth workday on the project while not calling in the normal crew that had been scheduled for that project. Projects that cannot be performed during regular workday: If required by owner, the contractor may perform work outside the normal work hours and employees shall be paid applicable straight time hourly wage rate plus a premium of two dollars and fifty cents ($2.50) per hour for the first eight (8) hours worked. Any hours worked in excess of eight (8) hours shall be paid at the applicable overtime rate plus the two dollar and fifty cent ($2.50) per hour premium. Shift work: Shifts may be established when necessary by the Employer. Shifts shall be established for a minimum of three (3) consecutive workdays. The first shift will be paid at eight (8) hours straight time pay for eight (8) hours work. The second shift will be paid at eight (8) hours straight time pay plus a two dollar and fifty cent ($2.50) per hour premium for eight (8) hours work. The third shift will be paid at eight (8) hours straight time pay plus a three dollar and fifty cent ($3.50) per hour premium for eight (8) hours work. Payment for shift work shall be determined when an Employer first begins his shift operation, i.e., the shifts which begin on Friday morning and end on Saturday morning will be paid straight time; the shifts which start on Saturday morning and end on Sunday morning will be paid at time and one-half (1½); the shift that start on Sunday morning and end on Monday morning will be paid at two (2) times the regular rate of pay. Employees working during the normal workday shall receive first shift pay; employees working predominantly in the evening hours shall receive second shift pay; employees working predominately during the early morning hours will receive third shift pay. Nothing above prohibits the working of two (2) shifts greater than eight (8) hours with excess hours to be paid at overtime rate.

NO. 114: Means eight (8) hours shall constitute a regular work day between the hours of 7:00 a.m. and 5:30 p.m. with a thirty (30) minute lunch period to start between the hours of 11:00 a.m. and 1:00 p.m. Five (5) days shall constitute a regular work week commencing on Monday and ending on Friday. One and one-half (1½) times the regular hourly rate of pay shall be paid for all overtime work, with the exception of holidays or Sundays. Overtime work shall be deemed to include any work performed in excess of eight (8) hours on any day in the regular work week, or any work performed before 7:00 a.m. or after 5:30 p.m. on any day in the regular work week. If a crew is prevented from working forty (40) hours Monday through Friday by reason of inclement weather, then Saturday may be worked by that crew as a make-up day at the straight time rate. Double (2) time shall be paid for work performed on Sundays and holidays, or days observed as such. Shift Work: In the case of three (3) shifts, workmen shall be paid eight (8) hours for seven and one-half (7½) hours worked.

NO. 116: Means the standard work day shall consist of eight (8) hours of work between the hours of 8:00 a.m. and 4:30 p.m. The standard work week shall consist of five standard work days commencing on Monday and ending on Friday inclusive. All time worked before and after the established eight (8) hour work day, Monday through Friday, and all time worked on Saturdays, shall be paid for at the rate of time & one-half (1½) the hourly base wage rate in effect. All time worked on Sundays and recognized holidays shall be paid for at the rate of double (2) the hourly base wage rate in effect.

REPLACEMENT PAGE
ST. LOUIS COUNTY
BUILDING CONSTRUCTION OVERTIME SCHEDULE

NO. 126: Means eight (8) hours per day shall constitute a day's work and forty (40) hours per week, Monday through Friday, shall constitute a week's work. The regular starting time shall be 8:00 a.m. If a second or third shift is used, the regular starting time of the second shift shall be 4:30 p.m. and the regular starting period for the third shift shall be 12:30 a.m. These times may be adjusted by the employer. The day shift shall work a regular eight (8) hours shift as outlined above. Employees working a second shift shall receive an additional $0.25 above the regular hourly rate and perform seven and one-half (7½) hours work for eight (8) hours pay. Third shift employees shall be paid an additional $0.50 above the regular hourly rate and work seven (7) hours for eight (8) hours pay. When circumstances warrant, the Employer may change the regular workweek to four (4) ten-hour days at the regular time rate of pay. All time worked before and after the established workday of eight (8) hours, Monday through Friday, and all time worked on Saturday shall be paid at the rate of time and one-half (1½) except in cases where work is part of an employee's regular Friday shift. All time worked on Sunday and recognized holidays shall be paid at the double (2) time rate of pay except in cases where work is part of an employee's previous day's shift. For all overtime hours worked $28.81 of the fringe benefits portion of the prevailing wage shall be paid at the same overtime rate at which the cash portion of the prevailing wage is to be paid. The remaining $1.29 of the fringe benefit portion of the prevailing wage may be paid at straight time.

ST. LOUIS COUNTY
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION

NO. 3: All work done on New Year's Day, Decoration Day, July 4th, Labor Day, Veteran's Day, Thanksgiving and Christmas shall be compensated at the double (2) time rate of pay. When any of these holidays fall on a Sunday, the following Monday shall be observed.

NO. 5: All work that shall be done on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day shall be paid at the double (2) time rate of pay.

NO. 6: The following days are recognized as holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day and any additional holidays which may be mutually agreed upon. Whenever any such holiday falls on a Sunday, the following Monday shall be recognized and observed as the holiday. Work performed on Sundays and holidays shall be paid at the double time rate of pay. No work shall be performed on Labor Day.

NO. 7: The following days are assigned days and are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This is applied to protect Labor Day. When a holiday falls during the normal workweek, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week. However, no reimbursement for these eight (8) hours is to be paid to the workman unless worked. If workman are required to work the above enumerated holidays or days observed as such, or on Sunday, they shall receive double (2) the regular rate of pay for such work.

NO. 8: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, or the days observed in lieu of these holidays, shall be paid at the double time rate of pay.

NO. 12: All work done on New Year's Day, Decoration Day, Independence Day, Veteran's Day, Thanksgiving Day and Christmas Day shall be paid at the double time rate of pay. Should any of these days fall on Sunday, then the following day shall be observed as the holiday. Under no circumstances shall employees be permitted to work on Labor Day.

NO. 17: All work performed by Employees working on the following legal holidays, namely New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, to be celebrated on either its national holiday or on the day after Thanksgiving whichever is agreed upon, Thanksgiving Day and Christmas Day shall be paid at the rate of double (2) time.

NO. 18: All work done on New Year's Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, the Friday following Thanksgiving and Christmas Day shall be paid at the double time rate of pay. When one of the above holidays falls on Sunday, the following Monday shall be considered the holiday, and when one of the above holidays falls on Saturday, the preceding Friday shall be considered the holiday, and all work performed on said day(s) shall be paid at the double time rate.

NO. 25: All work done on New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Day, Presidential Election Day, or days locally observed as such, and Saturday and Sunday shall be recognized as holidays and shall be paid at the double (2) time rate of pay. If a named holiday falls on a Saturday, the holiday will be observed on the preceding Friday. When a named holiday falls on Sunday, the Monday after will be observed as the holiday. Appropriate overtime rates to be based on fifteen minute increments.

NO. 26: All work done on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day shall be paid at the double time rate of pay. When a Holiday occurs on Saturday it shall not be observed on either the previous Friday or the following Monday. Such days shall be regular work days. If such a holiday occurs on Sunday it shall be observed on the following Monday.

ST. LOUIS COUNTY
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION

NO. 27: All work done on the following holidays or days observed as such shall be paid at the double time rate of pay: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

NO. 31: All work done on New Year's Day, Presidents Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day, and Employee's Birthday shall be paid at the double time rate of pay. If a holiday falls on Sunday, the following Monday will be observed as the recognized holiday. If a holiday falls on Saturday, the preceding Friday will be observed as the recognized holiday.

NO. 36: The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workman unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make-up day when an observed holiday occurs during the work week. Employees have the option to work that make-up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.

NO. 41: The following days shall be observed as legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. No work shall be performed on the Fourth of July, Labor Day or Christmas Day. Any work performed on the above holidays shall be paid for at two (2) times the regular straight time rate of pay. When any of the above holidays fall on Sunday, the following Monday shall be observed as such holiday. If a holiday falls on Saturday, it shall not be considered to be observed on the previous Friday or following Monday. Such days shall be regular workdays.

NO. 45: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the day before Christmas, and Christmas Day, shall be paid at the double time rate of pay.

NO. 47: The following holidays are recognized: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day. When a holiday listed above falls on Saturday, it shall be celebrated on the Friday preceding the holiday. When a holiday falls on Sunday, the following Monday shall be observed. Holidays referred to above shall be paid for at the double (2) time rate of pay when worked.

NO. 51: All time worked on Sundays and recognized holidays shall be paid for at the rate of double (2) the hourly base wage rate in effect. The Employer agrees to recognize the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. If the holiday falls on Sunday, it shall be recognized on the following Monday. If the holiday falls on a Saturday, it shall be recognized as a Saturday only holiday.

NO. 64: All work performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day shall be paid at the double (2) time rate of pay. When a holiday falls on Saturday, it shall be observed on Friday. When a holiday falls on Sunday, it shall be observed on Monday.

NO. 60: All work performed on New Year's Day, Armistice Day (Veteran's Day), Decoration Day (Memorial Day), Independence Day (Fourth of July), Thanksgiving Day and Christmas Day shall be paid at the double time rate of pay. No work shall be performed on Labor Day except when triple (3) time is paid. When a holiday falls on Saturday, Friday will be observed as the holiday. When a holiday falls on Sunday, the following Monday shall be observed as the holiday.

ST. LOUIS COUNTY
HOLIDAY SCHEDULE – BUILDING CONSTRUCTION

NO. 66: All work performed on Sundays and the following recognized holidays, or the days observed as such, of New Year's Day, Decoration Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, shall be paid at double (2) the hourly rate plus an amount equal to the hourly Total Indicated Fringe Benefits. Whenever any such holidays fall on a Sunday, the following Monday shall be observed as a holiday.

NO. 69: All work performed on New Year's Day, Memorial Day, July Fourth, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day shall be compensated at double (2) their straight-time hourly rate of pay. Friday after Thanksgiving and the day before Christmas are also holidays, however, if the employer chooses to work the normal work hours on these days, the employee will be paid at straight -time rate of pay. If a holiday falls on a Saturday, the holiday will be observed on Saturday; if a holiday falls on a Sunday, the holiday will be observed on the following Monday.

NO. 71: All work performed on the following recognized holidays, or days that may be celebrated as such, shall be paid at the double (2) time rate of pay: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving and Christmas Day. If a holiday falls on Sunday, it shall be celebrated on Monday. If a holiday falls on Saturday, it shall be celebrated on the Friday proceeding such Saturday.

NO. 73: The following days are recognized as holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day (or mutually agreed date of the Friday after Thanksgiving Day may be substituted for Veteran's Day), Thanksgiving Day and Christmas Day, or in the event that any of said Holidays falls on Sunday, then the day or days generally recognized as such. Any work performed anywhere on any of the aforesaid Holidays, or on the day or days recognized and observed as such, shall be paid for at double (2) time the regular hourly rate.

OCCUPATIONAL TITLE	* Date of Increase	Basic Hourly Rates	Over-Time Schedule	Holiday Schedule	Total Fringe Benefits
Carpenter	6/15	$36.34	11	7	$15.75
Cement Mason	6/15	$30.56	17	11	$17.30
Electrician (Outside-Line Construction\Lineman)	9/15	$42.52	9	12	$5.00 + 36.5%
Lineman Operator	9/15	$36.70	9	12	$5.00 + 36.5%
Lineman - Tree Trimmer	10/15	$24.99	32	31	$9.95 + 3%
Groundman	9/15	$28.38	9	12	$5.00 + 36.5%
Groundman - Tree Trimmer	10/15	$19.80	32	31	$8.10 + 3%
Laborer					
General Laborer		$30.57	16	10	$14.02
Millwright	6/15	$36.34	11	7	$15.75
Operating Engineer					
Group I	6/15	$32.16	10	9	$24.16
Group II	6/15	$32.16	10	9	$24.16
Group III	6/15	$30.86	10	9	$24.16
Group IV	6/15	$27.40	10	9	$24.16
Oiler-Driver	6/15	$27.86	10	9	$24.16
Pile Driver	6/15	$36.34	11	7	$15.75
Traffic Control Service Driver		$27.35	26	26	$9.045
Truck Driver-Teamster		$30.41	25	21	$10.82

Use Heavy Construction Rates on Highway and Heavy construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(3).

Use Building Construction Rates on Building construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(2).

If a worker is performing work on a heavy construction project within an occupational title that is not listed on the Heavy Construction Rate Sheet, use the rate for that occupational title as shown on the Building Construction Rate sheet.

REPLACEMENT PAGE
ST. LOUIS COUNTY
OVERTIME SCHEDULE - HEAVY CONSTRUCTION

FED: Minimum requirement per Fair Labor Standards Act means time and one-half (1 ½) shall be paid for all work in excess of forty (40) hours per work week.

NO. 9: Eight (8) hours shall constitute a work day between the hours of 7:00 a.m. and 4:30 p.m. Forty (40) hours within five (5) days, Monday through Friday inclusive, shall constitute the work week. Work performed in the 9th and 10th hour, Monday through Friday, shall be paid at time and one-half (1½) the regular straight time rate of pay. Contractor has the option to pay two (2) hours per day at the time and one-half (1½) the regular straight time rate of pay between the hours of 6:00 a.m. and 5:30 p.m., Monday through Friday. Worked performed in the first eight (8) hours on Saturday shall be paid at the rate of one and eight tenths (1.8) the regular straight time rate. Work performed outside these hours and on Sundays and recognized legal holidays, or days celebrated as such, shall be paid for at the rate of double (2) time.

NO. 10: Means the regular workday for which employees shall be compensated at straight time hourly rate of pay shall, unless otherwise provided for, begin at 8:00 a.m. and end at 4:30 p.m. The regular workweek shall consist of five (5) days, Monday through Friday, beginning at 8:00 a.m. and ending at 4:30 p.m. except as may be modified. The starting time may be either advanced or delayed one hour or two hours at the discretion of the Employer. The Employer may have the option to schedule his work week from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be at the applicable overtime rate. If the Employer elects to work Monday through Thursday and is stopped due to inclement weather, holidays or other conditions beyond the control of the Employer, he shall have the option to work Friday at the straight time rate of pay to complete the forty (40) hour workweek. All necessary overtime and work performed on Saturday, shall be paid at time and one-half (1½) the hourly rate, plus an amount equal to one-half (½) of the hourly Total Indicated Fringe Benefits. All work performed on Sundays and recognized holidays shall be paid at double (2) the hourly rate, plus an amount equal to the hourly Total Indicated Fringe Benefits. Shifts may be established when considered necessary by the Employer. Shift hours and rates will be as follows. If shifts are established, work on the First Shift will begin between 6:00 a.m. and 9:00 a.m. and consist of eight (8) hours of work plus one-half hour unpaid lunch. Hours worked during the first shift will be paid at the straight time rate of pay. The second shift shall start eight hours after the start of the first shift and consist of eight (8) hours of work plus one-half hour unpaid lunch. Work on the second shift will begin between 2:00 p.m. and 5:00 p.m. and be paid the straight time rate plus $2.50 per hour. The third shift shall start eight hours after the start of the second shift and consist of eight (8) hours plus one-half hour unpaid lunch. Work on the third shift will begin between 10:00 p.m. and 1:00 a.m. and be paid the straight time rate plus $3.50 per hour. The additional amounts that are to be paid are only applicable when working shifts. Shifts that begin on Saturday morning through those shifts which end on Sunday morning will be paid at time and one-half these rates. Shifts that begin on Sunday morning through those shifts which end on Monday morning will be paid at double time these rates.

NO. 11: Means the regular work day shall consist of eight (8) consecutive hours, exclusive of a thirty (30) minute lunch period, with pay at the regular straight time hourly rate. The regular workday shall begin on the jobsite between the hours of 6:00 a.m. and 8:00 a.m. with the starting time to be determined by the Employer, unless project owner requires different starting time. This adjustable starting time can, at the Employer's option, be staggered to permit starting portions of the work force, at various times within the prescribed hours. The Employer may establish a four (4) ten (10) hour shift exclusive of the thirty (30) minute lunch period at the straight time wage rate. Forty (40) hours per work week shall constitute a week's work Monday through Thursday. In the event a job is down due to weather conditions, safety or other conditions beyond the control of the Employer, then Friday may, at the option of the Employer, be worked as a make up day at the straight time wage rate. Straight time is not to exceed ten (10) hours a day or forty (40) hours per week. Time and one-half (1½) shall be paid for all overtime hours worked during the week, Monday through Friday, and for all work performed on Saturday. Double time shall be paid for all time worked on Sunday and recognized holidays. **For all overtime hours worked during the week or on Saturday $14.55 of the fringe benefits portion of the prevailing wage shall be paid at time and one-half (1½). For all overtime hours worked on Sundays or recognized holidays $14.55 of the fringe benefits portion of the prevailing wage shall be paid double time. The remaining $.70 of the fringe benefit portion of the prevailing wage shall be paid at straight time.**

REPLACEMENT PAGE
ST. LOUIS COUNTY
OVERTIME SCHEDULE - HEAVY CONSTRUCTION

NO. 16: Means the regular workday shall consist of eight (8) consecutive hours, exclusive of a thirty (30) minute lunch period with pay at the straight time hourly rate. The regular workday shall begin on the job site between the hours of 6:00 a.m. and 9:00 a.m. with the starting time to be determined by the Employer. This adjustable start time can, at the Employer's option, be staggered to permit starting portions of the work force at various times within the prescribed hours. The workweek shall begin Monday at the established starting time. The Employer may establish a four (4) ten (10) hour shift exclusive of a thirty (30) minute unpaid lunch period at the straight time wage rate. Forty (40) hours per week shall constitute a week's work, Monday through Thursday. In the event a job is down due to weather conditions, holiday, or other conditions beyond the control of the Employer, then Friday may, at the option of the Employer, be worked as a make-up day at the straight time wage rate. Straight time is not to exceed ten (10) hours a day or forty (40) hours per week. When an Employer works a project on a four (4) ten (10) hour day work schedule, the Employer will not bring in any other crew for a fifth workday on the project while not calling in the normal crew that had been scheduled for that project. Time and one-half (1½) shall be paid for work performed in excess of eight (8) hours on any regular workday or outside the hours limiting a regular workday, Monday through Friday. Time and one-half (1½) shall be paid for work performed on Saturdays. Double (2) time shall be paid for work performed on Sundays and recognized holidays. Projects that cannot be performed during regular workday: If required by owner, the contractor may perform work outside the normal work hours and employees shall be paid applicable straight time hourly wage rate plus a premium of two dollars and fifty cents ($2.50) per hour for the first eight (8) hours worked. Any hours worked in excess of eight (8) hours shall be paid at the applicable overtime rate plus the two dollar and fifty cent ($2.50) per hour premium. Shift work: Shifts may be established when considered necessary be the Employer. Shifts hours and rates will be as follows: First Shift, Eight (8) hours plus one-half (1/2) hour for lunch. Second Shift, Eight (8) hours plus one-half (1/2) hour for lunch. Third Shift, Eight (8) hours plus one-half (1/2) hour for lunch. Shifts shall be established for a minimum of three (3) consecutive workdays. The first shift will be paid at eight (8) hours straight time for eight (8) hours work. The second shift will be paid eight (8) hours straight time plus a two dollar and fifty cent ($2.50) per hour premium for eight (8) hours work, and third shift shall be paid eight (8) hours straight time plus a three dollar and fifty cent ($3.50) per hour premium for eight (8) hours work. Overtime is computed after the premium has been added to the hourly wage rate. Nothing above prohibits the working of two (2) shifts at greater than eight (8) hours with the excess hours to be paid at overtime rate.

NO. 17: Means eight (8) hours shall constitute the regular work day and forty (40) hours a work week, Monday through Friday. The Employer shall establish the starting time between 6:30 a.m. through 9:00 a.m. An Employer may further adjust the starting time up to 9:30 A.M. throughout the year. Time and one-half (1½) shall be paid after eight (8) consecutive hours worked after the established starting time and for hours worked before the established starting time. Time and one-half (1½) shall be paid for work performed on Saturdays. Work performed on Sundays and Holidays shall be paid at the double (2) time rate of pay. The Employer when working on Highway and Road Work may have the option to schedule the work week for his paving crew only from Monday through Thursday at ten (10) hours per day at the straight time rate of pay with all hours in excess of ten (10) hours in any one day to be at the applicable overtime rate of time and one-half (1½). If the Employer elects to work from Monday through Thursday and is stopped due to inclement weather (rain, snow, sleet falling), the Employer shall have the option to work Friday at the straight time rate of pay to complete the forty (40) hours.

NO. 25: Means a regular work week of forty (40) hours, starting on Monday and ending on Friday. The regular work day shall be either eight (8) or ten (10) hours. If a crew is prevented from working forty (40) hours Monday through Friday, or any part thereof by reason of inclement weather, Saturday or any part thereof maybe worked as a make-up day at the straight time rate. Employees who are part of a regular crew on a make-up day, notwithstanding the fact that they may not have been employed the entire week, shall work Saturday at the straight time rate. A work day is to begin between 6:00 a.m. and 9:00 a.m. However, the project starting time maybe advanced or delayed if mutually agreed to by the interest parties. All hours worked on recognized holidays, or days observed as such, double (2) time shall be paid.

ST. LOUIS COUNTY
HOLIDAY SCHEDULE – HEAVY CONSTRUCTION

NO. 7: The following days shall be observed as legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. No work shall be performed on the Fourth of July, Labor Day or Christmas Day. Any work performed on the above holidays shall be paid for at two (2) times the regular straight time rate of pay. When any of the above holidays fall on Sunday, the following Monday shall be observed as such holiday. If a holiday falls on Saturday, it shall not be considered to be observed on the previous Friday or following Monday. Such days shall be regular workdays.

NO. 9: All work performed on Sundays and the following recognized holidays, or the days observed as such, of New Year's Day, Decoration Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day, shall be paid at double (2) the hourly rate plus an amount equal to the hourly Total Indicated Fringe Benefits. Whenever any such holidays fall on a Sunday, the following Monday shall be observed as a holiday.

NO. 10: All work done on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day shall be paid at the double time rate of pay. When a holiday occurs on Saturday it shall not be observed on either the previous Friday or the following Monday. Such days shall be regular work days. If such a holiday occurs on Sunday, it shall be observed on the following Monday.

NO. 11: Means all work performed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any additional holidays which may be mutually agreed upon shall be paid at the double (2) time rate of pay. Whenever any such holiday falls on a Sunday, the following Monday shall be recognized and observed as the holiday. No work shall be performed on Labor Day.

NO. 12: All work performed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, or days celebrated as such, shall be paid at the double time rate of pay. When one of the foregoing holidays falls on Sunday, it shall be celebrated on the following Monday. When one of the foregoing holidays falls on Saturday, it shall be celebrated on the Friday before the holiday.

NO. 21: The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workman unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make-up day when an observed holiday occurs during the work week. Employees have the option to work that make-up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.

NO. 25: The following days are recognized as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. If a holiday falls on a Sunday, it shall be observed on the following Monday. No work shall be performed on Labor Day except in case of jeopardy to work under construction. This rule is applied to protect Labor Day. When a holiday falls during the normal work week, Monday through Friday, it shall be counted as eight (8) hours toward the forty (40) hour week; however, no reimbursement for this eight (8) hours is to be paid the workmen unless worked. An Employer working a four (4) day, ten (10) hour schedule may use Friday as a make up day when an observed holiday occurs during the work week. Employees have the option to work that make up day. If workmen are required to work the above enumerated holidays, or days observed as such, they shall receive double (2) the regular rate of pay for such work.

NO. 31: All work performed on New Year's Day, Presidents' Day, Veterans' Day, Good Friday, Decoration Day, Fourth of July, Labor Day, Christmas Eve Day, Christmas Day, Thanksgiving Day and Day after Thanksgiving or days celebrated for the same.

BILL NO. #2152 **ORDINANCE NO. #2152**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT AUTHORIZES CHANGES IN AMENDED C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #1389 TO ACCOMMODATE THE REUSE OF THE EXISTING BUILDING, BEING LOCATED IN THE TOWN CENTER AREA, FOR RETAIL, OFFICE, AND THE CUSTOM FABRICATION OF FURNITURE, THEREBY FACILITATING ITS RE-OCCUPANCY IN THIS REGARD, ALL BEING CONSISTENT WITH THE LETTER OF RECOMMENDATION APPROVED BY THE PLANNING AND ZONING COMMISSION ON OCTOBER 12, 2015 AND FORWARDED TO CITY COUNCIL FOR CONSIDERATION AND ACTION. (Ward Eight)

WHEREAS, this particular property was developed in 1989 as a feed store, focusing on retail activity, and occupied the facility for approximately six (6) years, then closed thereafter; and

WHEREAS, thereafter, the facility was a church, a day care center, and a dance academy for many years, all of which required changes in the governing ordinance on several occasions – the latest in 2007; and

WHEREAS, after 1995, these changes were reviewed by the City of Wildwood, while now required to include the Town Center Plan's design standards and architectural guidelines, thereby adding another set of requirements that must be considered in the use of the property; and

WHEREAS, the governing ordinance originally approved by St. Louis County was amended by the City of Wildwood to address the reuse of the building, while also ensuring any changes that occurred to it, and the property, would be consistent with the Town Center Plan of the City; and

WHEREAS, the building has not been occupied for approximately three (3) years, which has prompted the City and the owner of it to begin discussions on its planned use and how to address the fabrication component of this furniture business and the changes needed to the governing site-specific ordinance; and

WHEREAS, the matter was presented to the Planning and Zoning Commission at its October 5, 2015 meeting, where concerns were raised about the noise associated with the operation of the equipment to fabricate the furniture and its impact on the nearby residential areas; and

WHEREAS, to that end, the petitioner had completed a noise study upon it, which lead to the position, such would have limited impact, and also to describe the steps the new business would take to address the current condition of the improvements located thereon at this time; and

WHEREAS, after the submittal of this information and discussion of it by the Planning and Zoning Commission, the members agreed to recommend the ordinance be amended for this site to accommodate this craft-type business, but under certain hours of operation, along with other considerations to further integrate this property into the Town Center Area, including changes to its signage; and

WHEREAS, this matter was then forwarded to the City Council for a public hearing on October 12, 2015, where the property owner's representative and the proposed buyer of the site identified the hours of operation and other changes recommended by the Planning and Zoning Commission as issues and requested specific changes to them, which would lead to longer hours of operation and no changes to the site itself; and

WHEREAS, after discussion, the City Council agreed to the change in hours of operation and other components of the business' planned operation, but not to the sign remaining at its current size, but rather reducing its impact by decreasing its area by a proposed ten (10) square feet; and

WHEREAS, with this decision by City Council, it authorized the Department of Planning to prepare the necessary legislation, which it began, but was then informed shortly thereafter, by the current building owner's representative, the proposed purchaser of the site had decided not to proceed forward, in main part over the signage issue, thereby negating the need to proceed with the changes to the current governing ordinance; and

WHEREAS, the City Council was notified of this change by the proposed buyer of the site at its meeting on October 26, 2015, by memorandum from the Department of Planning, where no action was taken in this regard; and

WHEREAS, the proposed buyer of the site has returned to the City seeking the legislation be reconsidered, given his desire to complete its purchase, and acknowledging the sign size is already less than the allowable thirty (30) square feet and would like to keep it as-is, which is agreeable to the City Council at this stage; and

WHEREAS, the City Council, under its authority granted by State Statute and City Charter and codes, is empowered to address land uses decisions, so as to protect the public's health, safety, and general welfare, which this action meets.

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

Section One. The City of Wildwood Zoning Ordinances and Official Zoning District Maps, which are made a part hereof, are hereby amended by approving changes to existing Amended C-8 Planned Commercial District Ordinance #1389 (Town Center Workplace District) regulations, which are set forth therein for the following described tract of land:

A tract of land in the North Half of the Northwest Quarter of Section 12, Township 44 North, Range 3 East, St. Louis County, Missouri, being the same property conveyed to John Kramer and Diane Dowling by Deed Book 7399 Page 1732, and being more particularly described as: Beginning at an old stone marking the Southeast corner of Lot "A" of the "BOUNDARY ADJUSTMENT PLAT OF LOTS 1 THRU 6 OF GROVER HEIGHTS" (Plat Book 283, Page 34); thence along the Southerly projection of the East line of said Lot "A" South 00 degrees 33 minutes 36 seconds West 200.00 feet to an iron pipe; thence South 89 degrees 55 minutes 03 seconds West 299.66 feet to an iron pipe in the East line of East Avenue, 30 feet wide; thence along said East line of East Avenue North 00 degrees 29 minutes 23 seconds East 200.00 feet to the Southwest corner of the aforesaid Lot "A", from which point an old stone bears South 61 degrees 54 minutes East 0.32 feet; thence leaving said Southwest corner of Lot "A" along the South line of said Lot 'A" North 89 degrees 55 minutes 03 seconds East 299.90 feet to the point of beginning and containing 1.3763 acres.

Section Two: The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations and the conditions of this ordinance, except as, may be modified herein, upon the requirement the development and approved Site Development Plan are carried out in accordance with the recommendation forwarded to the City Council by the Planning and Zoning Commission within the communication dated October 5, 2015, which is incorporated herein by reference as if fully set forth in this ordinance. The zoning authority granted herein is further subject to the following conditions:

1. **PERMITTED USES**

   a. The uses permitted by this Amended C-8 Planned Commercial District shall be limited to professional offices **and retail activities set forth in the Town Center Plan's 'Workplace District', as well as light fabrication of specialty furniture pieces**. Reutilization of the existing residential building shall be limited to professional offices only, but may also be used for one (1) single family dwelling.

2. **FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS**

   a. The permitted building's occupied area cannot exceed ~~7,000~~ **9,200** square feet ~~in gross floor area~~ for leasing purposes and two (2) building levels. **The use of the basement area is limited**

to the furniture fabrication and storage of materials, not to exceed a total of (2,000) square feet of area. ~~and does not include the basement storage area.~~

b. Architectural style of the new building shall be reasonably consistent in appearance with the rendering submitted at public hearing and made part of the Letter of Recommendation as Attachment E. The existing architectural character of the residence shall be maintained. All new accessory structures, buildings, and fencing shall comply with the Architectural Guidelines of the Town Center Plan as described.

c. The basement area of this building shall be used for **the fabrication of specialty furniture pieces and** storage purposes only. **The fabrication operation must be conducted in the basement area to limit the sound that could be projected from it.** The second floor shall be limited to professional office uses and 1,200 square feet of area ~~(unless part of a dance academy operation)~~. Professional office floor area in the existing residence shall not exceed 940 square feet.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building or occupancy permit, the petitioner shall submit to the Planning and Zoning Commission for its review and approval a Site Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning and Zoning Commission. Said Site Development Plans shall include, but not be limited to, the following:

a. The location and size of all proposed structures, including freestanding business signs.
b. Existing and proposed contours at two (2) foot intervals.
c. Location and size of all parking areas, delineating patron parking from vehicle parking.
d. Roadways and driveways on and adjacent to the property in question, including required roadway right-of-way dedication and pavement widening.
e. The design, location, and size of all proposed lighting, fences, and trash areas.
f. A landscape plan, including, but not limited to, the location, size and general type of all plant and other material to be used. All existing trees to be retained and removed shall be identified on the plan.
g. The owner, operator, or applicant will submit an Amended Site Development Plan, if stacking and the use of the cross-access area of the adjoining property impedes circulation or creates congestion, which indicates the measures to be installed to eliminate the problem. These methods may include, but not be limited to, bollards, striping, signage, and/or removal.
h. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreens shall be a minimum of six (6) feet in height. All new shrubs shall be a minimum of twenty-four (24) inches in diameter.
i. Existing vegetation shall be preserved on the site and additional plantings will be required around the detention basin area. The type, amount, size, and location shall adhere to the City of Wildwood's Ordinance 206 Tree Preservation and Restoration Code requirements as specified in the accompanying Tree Manual.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

Building and Structure Setbacks

a. No new structure, except signs, lights, fences, retaining walls and flag poles, shall be within the following setbacks:

(1) Fifty (50) feet from the right-of-way of East Avenue and the northern limits of this Amended C-8.
(2) Sixty (60) feet from the eastern and southern limits of this Amended C-8.

Parking, Loading and Internal Drives Setbacks

b. No new parking space or internal drive, except points of ingress and egress, shall be within the following setbacks:

(1) Fifteen (15) feet from the right-of-way of East Avenue, and the eastern and northern limits of this Amended C-8.
(2) Sixty (60) feet from the southern limits of this Amended C-8.

Minimum Requirements

c. Parking requirements for the converted single family residence shall be based on the Town Center requirements [three (3) spaces per 1,000 square feet of gross floor area]. ~~For the dance academy use, the internal circulation pattern within the parking lot shall be configured and striped to allow for the appropriate drop-off and pick-up of children within a dedicated location. The westernmost entrance shall be designated for all pick-up and drop-off activity relative to this site and indicated as such on the property.~~ Parking for this property shall be limited to **twenty-four (24)** ~~twenty-six (26)~~ spaces, ~~as shown on the existing approved~~ **and indicated on an Amended** Site Development Plan.

Access

d. Access to this development from East Avenue shall be limited to one (1) bi-directional driveway and one (1) existing residential driveway, as directed by the Department of Public Works. Access to this development from Rockwood Pointe Court shall be limited to one (1) bi-directional driveway to be constructed as directed by the Department of Public Works. Cross access shall be provided through the site on the main drive aisle between East Avenue and Rockwood Pointe Court.

e. Commercial vehicles shall be limited to the use of the East Avenue access only.

Road Improvements and Sidewalks

f. Improve East Avenue to one-half of a fifty (50) foot right-of-way and a twenty-six (26) foot pavement, minimum twenty (20) foot pavement, including all storm drainage facilities as directed by the Department of Public Works.

g. Provide a sidewalk adjacent to East Avenue, or provide the finish grading therefore and required cash escrow as directed by the Department of Public Works.

Landscape Requirements

h. Either as part of the development plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with the following:

(1) All new deciduous trees shall be a minimum of one and one-half (1 1/2) inches in caliper, except the Department of Planning may approve ornamental trees of a minimum of one and one-half (1 1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height. All new shrubs shall be a minimum of eighteen (18) inches in diameter.

(2) Special attention shall be given to retain as many existing mature trees as possible.

Signs

i. The location, size, and design of all freestanding signs shall be as approved by the Planning Commission on the Site Development Plan.

j. One (1) wall sign and one (1) monument type business sign shall be permitted in accord with the regulations of the City of Wildwood's Zoning Ordinance, as they pertain to the C-2 Shopping District. However, the maximum size of the monument sign shall be limited **to no greater than** thirty (30) square feet in overall area. Lighting used in conjunction with the signage shall be from external sources only, ground mounted, and timed to shut off at 10:00 p.m. and not turn on before 7:00 a.m. each day. The removal of the existing pylon sign shall be accomplished before the issuance of any occupancy permit will be authorized.

k. No advertising signs shall be permitted in this development. All other signs shall comply with Chapter 415 Zoning Ordinance of the City of Wildwood – Section 415.420 Sign Regulations for all "C" and "M" Districts.

Lighting Requirements

l. The location, size and design of all lighting standards shall be as approved by the Planning and Zoning Commission on the Site Development Plan. In addition, no on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties or public roadways.

Miscellaneous

m. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence and their location shall be as approved on the Site Development Plan.

n. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.

o. All rooftop mechanical equipment on buildings shall be adequately screened, as approved by the Planning and Zoning Commission on the Site Development Plan.

p. Submit architectural elevations to the Planning and Zoning Commission for review and approval.

q. Hours of business operation for the **permitted retail and office uses shall be 9:00 a.m. to 9:00 p.m. seven (7) days a week. The hours of operation for the furniture fabrication shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Friday, with no hours of operation on the weekends.** ~~uses shall be 8:00 a.m to 10:00 p.m., Monday through Friday and 8:00 a.m to 10:00 p.m. on Saturdays, with no hours of operation on Sundays.~~ The hours of operation for the professional offices in the secondary building shall be 7:00 a.m. to 7:00 p.m., seven (7) days a week.

s. Prior to the issuance of any occupancy permits, the existing **trash enclosure shall be repaired** ~~metal shed located near the detention basin shall be removed and the parking lot~~ and the building condition improved by ~~resurfacing or~~ patching and painting respectively.

5. TRAFFIC GENERATION ASSESSMENT

The developer shall contribute to the East Area Corridor Traffic Generation Assessment Road Trust Fund established by Chapter 140 of the City's Codified Ordinances. This contribution shall not exceed an amount established by multiplying the proposed parking spaces by the following rate schedule.

Type of Development	Required Contribution
General Offices	$542.56/Parking Space
Recreational Uses	$374.94 /Parking Space
Loading Space	$2,663.66/Loading Space

(Parking space as required by Section 1003.165 of the City of Wildwood Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the Department of Planning.

As this development is located within a trust fund area established by the City of Wildwood, any portion of the Traffic Generation Assessment contribution, which remains, following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2008, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the City of Wildwood Department of Public Works.

6. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the Site Development Plan the petitioner shall:

Stormwater

a. Submit to the Planning and Zoning Commission a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.

(1) The developer is required to provide adequate stormwater systems in accordance with City of Wildwood and MSD Standards.
(2) All stormwater shall be discharged at an adequate natural discharge point.

Road Improvements and Curb Cuts

b. Provide verification of approval by the Department of Public Works of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

7. RECORDING

Within sixty (60) days of approval of any Site Development Plan by the Planning and Zoning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the Issuance of any building permit, the developer shall provide the following:

Landscape Bonds or Escrows

a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning and Zoning Commission exceeds an estimated cost of one thousand ($1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.

Notification to the Department of Public Works

b. Prior to the issuance of foundation or building permits, all approvals from the Department of Public Works and the Metropolitan St. Louis Sewer District must be received by the Department of Planning.

Trust Fund Contribution

c. Trust fund contribution shall be deposited with City of Wildwood through standard escrow procedure prior to the issuance of building permits. The trust fund contribution shall be deposited with City of Wildwood in the form of a cash escrow.

9. VERIFICATION PRIOR TO OCCUPANCY PERMITS

a. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

10. GENERAL DEVELOPMENT CONDITIONS

a. Adequate temporary off-street parking for construction employees shall be provided. Parking on non-surfaced areas should be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

b. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.

c. Interim stormwater drainage control, in the form of siltation control measures, is required.

d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as Rye or Sudan grasses shall be utilized to retard erosion.

f. The Code Enforcement Officer of City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.

~~g. It shall be the responsibility of the petitioner to receive all appropriate approvals from the State of Missouri regarding the operation of the child care facility. Nothing indicated within these conditions shall be deemed a waiver to any State requirements.~~

Section Three. This ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this _____ day of _____, 2016 by the Council of the City of Wildwood, Missouri after having been read by title, or in full, two (2) times prior to its passage.

_____ _____

Presiding Officer The Honorable Timothy Woerther, Mayor

ATTEST:

_____ _____

City Clerk City Clerk

BILL #2153 **ORDINANCE #2153**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI, TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH N. B. WEST CONTRACTING COMPANY FOR CONSTRUCTION OF THE MANCHESTER ROAD RESURFACING AND BIKE LANE IMPROVEMENT PROJECT, INCLUDING TRAFFIC CONTROL AND OTHER INCIDENTAL ITEMS AS SHOWN ON CONSTRUCTION DRAWINGS AND SPECIFICATIONS.

WHEREAS, the City of Wildwood has planned an improvement project for Manchester Road between Missouri Route 109 to Missouri Route 100 which will resurface the roadway as well as improve the shoulders for bikes, pedestrians, and vehicular traffic; and

WHEREAS, the City of Wildwood has entered into a federal funding agreement with the Missouri Highways and Transportation Commission which will reimburse the City for 80% of the project's construction cost, up to $960,000; and

WHEREAS, the Planning and Zoning Commission reviewed the project and approved the Site Development Plan; and

WHEREAS, the Department of Public Works, has completed engineering plans and specifications for the project, which led to a bidding process near the end of 2015; and

WHEREAS, the bidding process led to the submittal of four (4) bids by different companies, all of which were competitive and met the requirements set forth by the City for this project; and

WHEREAS, one (1) of these bids was from N. B. West Contracting Company, whose bid amount of $1,341,147.27, was the lowest of the bids received; and

WHEREAS, the Administrative and Public Works Committee reviewed the bids, and recommended awarding a contract to N.B West to construct this project at a contract amount of $1,341,147.27; and

WHEREAS, because the bid amount for the project exceeded the project budget of $1,200,000 as approved by City Council for Fiscal Year 2016, the Department of Public Works will strive to reduce project costs and has identified potential savings in the amount of $50,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI:

Section 1. The Mayor of the City of Wildwood is hereby authorized to execute on behalf of the City of Wildwood a contract with N. B. West Contracting Company for construction of the Manchester Road Resurfacing and Bike Lane Improvement Project, including traffic control and

other incidental items as shown on the construction drawings and specifications. Copies of the contracts shall be substantially in the form attached hereto and incorporated herein.

Section 2.

The total expenses and liability of the City under the contract shall not exceed a contract sum of $1,341,147.27, except that the Director of Public Works may, by written change order, increase the scope of the work pursuant to the same contract rates and terms in an amount not to exceed a total authorization under this ordinance of $1,408,204.63

Section 3.

This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ____ day of _____, 2016, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two times prior to passage.

_____	_____
Presiding Officer	Timothy Woerther, Mayor
ATTEST:	ATTEST:
_____	_____
City Clerk	City Clerk

BILL #2154 **ORDINANCE #2154**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI, TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF WILDWOOD WITH J. M. MARSCHUETZ CONSTRUCTION COMPANY FOR CITY-WIDE CONCRETE STREET AND SIDEWALK REPLACEMENT, INCLUDING TRAFFIC CONTROL AND OTHER INCIDENTAL ITEMS AS SHOWN ON CONSTRUCTION DRAWINGS AND SPECIFICATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI:

Section 1.

The Mayor of the City of Wildwood is hereby authorized to execute on behalf of the City of Wildwood a contract with J. M. Marschuetz Construction Company for citywide concrete street and sidewalk replacement, including traffic control and other incidental items as shown on construction drawings and specifications. Copies of the contract shall be substantially in the form attached hereto and incorporated herein.

Section 2.

The total expenses and liability of the City under the contract shall not exceed a contract sum of $908,100.00, except that the Director of Public Works may, by written change order, increase the scope of the work pursuant to the same contract rates and terms in an amount not to exceed a total authorization under this ordinance of $983,100.00.

Section 3.

This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ____ day of _____, 2016, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two times prior to passage.

_____ _____

Presiding Officer Timothy Woerther, Mayor

ATTEST: ATTEST:

_____ _____

City Clerk City Clerk

BILL #2155 **ORDINANCE #2155**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO EXECUTE A SUPPLEMENTAL AGREEMENT ON BEHALF OF THE CITY OF WILDWOOD WITH TWM, INC. FOR ADDITIONAL DESIGN SERVICES REQUIRED FOR THE MANCHESTER ROAD STREETSCAPE PROJECT, PHASE 3 IMPROVEMENT PROJECT WITHIN THE CITY OF WILDWOOD.

WHEREAS, the City of Wildwood has entered into a Consultant Services Agreement with Thouvenot, Wade & Moerchen, Inc. (TWM) for design of the Manchester Road Streetscape Improvement Project, Phase 3; and

WHEREAS, the City of Wildwood, subsequent to execution of the Consultant Services Agreement with TWM, entered into a federal funding agreement with the Missouri Highways and Transportation Commission which will reimburse the City for 80% of the project's construction cost, up to $1,300,000; and

WHEREAS, the federal funding agreement requires Missouri Department of Transportation (MoDOT) and Federal Highway Administration (FHWA) oversight which results in additional work for our design consultant, TWM, specifically as follows:

- Submittal of project plans to MoDOT for review and approval
- Preparation of additional environmental review documentation and necessary coordination
- Inclusion of additional federal clauses, restrictions, job special provisions, and contract requirements within the project bid documents (i.e. the Bid Manual)
- Additional work to follow MoDOT's bidding process and associated requirements such as the preparation of MoDOT review checklists, development of project certifications, and request for bid concurrence; and

WHEREAS, the federal funding agreement establishes a definitive schedule for obligation of federal funds which is inconsistent with our existing Consultant Services Agreement with TWM.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI:

Section 1.

The Mayor of the City of Wildwood is hereby authorized to execute on behalf of the City of Wildwood a supplemental agreement with TWM, Inc. for the additional design services required by the MoDOT and FHWA oversight of the Manchester Road Streetscape Phase 3 Improvement Project within the City of Wildwood. A copy of the contract shall be substantially in the form attached hereto and incorporated herein.

Section 2.

These additional services shall be in the amount not to exceed Ten Thousand, Eight Hundred Sixty Nine dollars and Five Cents ($10,869.05) without further authorization. The total expenses and liability to the City shall not exceed the sum of Three Hundred Six Thousand, Five Hundred and Sixty Nine dollars and Five Cents ($306,569.05).

Section 3.

TWM's Schedule of Work will be extended to be consistent with the obligation of funds through the City's federal funding program agreement with the Missouri Highways and Transportation Commission.

Section 3.

This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this _____ day of _____, 2016, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two times prior to passage.

_____	_____
Presiding Officer	Timothy Woerther, Mayor
ATTEST:	ATTEST:
_____	_____
City Clerk	City Clerk

BILL NO. 2156 **ORDINANCE NO.: 2156**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING THE MAYOR OF THE CITY OF WILDWOOD, MISSOURI TO EXECUTE AN AGREEMENT WITH AMEREN MISSOURI FOR THE INSTALLATION OF POWER POLES, ASSOCIATED LINES, AND EQUIPMENT TO PROVIDE ELECTRICAL SERVICE TO THE WILDWOOD COMMUNITY PARK – PHASE ONE. (Ward - One)

WHEREAS, the City of Wildwood, Missouri recently completed Phase One of its Community Park Project and opened it for general use, as part of its 20th Anniversary Celebration, but without electrical power to it, which was anticipated as part of the overall construction contract, when approved by City Council in 2014, and is now ready for installation; and

WHEREAS, this planned work includes the installation of electrical service to the Phase One Area of the park, from a new service line originating at Pond Road and State Route 100, then paralleling the highway from there to the entry into the City's facility, all in State right-of-way area; and

WHEREAS, this route had been planned for use for this electrical service and the design, engineering, and the bidding processes associated with this project anticipated this alignment into the City's facility, where, once at its boundary, the line would be placed in conduit, which would improve its appearance and function relative to eliminating the intrusion of overhead lines into the park's vista; and

WHEREAS, Ameren Missouri has provided a design for this service, along with a proposal for the installation of these electrical improvements that totals $89,545.02; and

WHEREAS, previously, the City Council has endorsed this installation in July 2015, when a different alignment was planned along State Route 100, which had a cost of $79,062.02 associated with it, so this change has increased the price by approximately ten thousand dollars ($10,000.00); and

WHEREAS, the increase in this cost is a function of it needing a minimum of two (2) additional poles and supplementary work on other existing structures to accommodate the planned three-phase design; and

WHEREAS, the funding for this service remains available in the City's Capital Improvements Program Budget from 2015, being it was carried over by the Department of Administration for use in Fiscal Year 2016; and

WHEREAS, this action is considered by the City Council to be consistent with the design of Community Park and its associated enhancements, as approved, and essential for the full use of its improvements and others that will follow over the next five (5) or more years.

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

Section One. The City Council of the City of Wildwood, Missouri hereby authorizes the Mayor of the City of Wildwood, Missouri to execute an agreement with Ameren Missouri for the installation of electrical services to the Wildwood Community Park, thereby providing the needed improvements therein, as all set forth in the attached Exhibit A.

Section Two. The extent of the costs associated with this authorization and related agreement shall not exceed $89,545.02.

Section Three. This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this ___ day of _____, 2016 by the City Council of the City of Wildwood, Missouri after having been read by title or in full, two (2) times, prior to passage.

_____	_____
Presiding Officer	The Honorable Timothy Woerther, MAYOR
ATTEST:	ATTEST:
_____	_____
City Clerk	City Clerk

WILDWOOD

July 21, 2015

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: Community Park – Phase One Use Areas and Policies See Page #2

Council Members:

The community park, as was noted in the last update to City Council, is nearing completion and a number of considerations need to be addressed, before it is open to the public. These considerations relate to many of the active use areas developed in the Phase I area of the park, which includes the pavilion and dog park. Each of these venues that are located in the park will offer certain activities that necessitate requirements to ensure their use is orderly and safe for all residents and visitors.

To this end, the Department of Planning and Parks requested the Committee address two (2) considerations relating to the Phase One Area of the community park and then review two (2) other items of interest on the same. A summary of each of these considerations and items is provided below, which includes background materials and the Committee's action in this regard. The summary is as follows:

Pavilion Rental Requirements and Fee –The development of the Phase I area of the community park included the signature pavilion as its overall centerpiece. Designed to create a feeling of openness and allow the beauty of the site to fill its space, the pavilion is something very special. Additionally, with the pavilion's large seating area, restrooms, barbecue pits, and proximity to the playground, it will surely be a popular place for Wildwood residents and visitors to meet and enjoy the outdoors. Given these circumstances, the City has expected the pavilion to be used for special events, just as the similar structures in Anniversary and Old Pond School Parks are now.

In fact, the Department advised the Committee members that it has already started a waiting list of residents who would like to reserve the pavilion for a special event. Although a waiting list has been started and the reservations of these residents accepted, no commitments were made to them in terms of availability and cost. Acknowledging this situation, the Committee was charged with addressing this situation. The City has a policy that was established with the completion of Anniversary Park for that pavilion and applies it there, as well as at the Old Pond School Park. This

policy is attached to the Memorandum for the Committee members' review and consideration. This Committee originally reviewed this policy, and its recommendation was then forwarded to the City Council for final action.

However, the community park's facility does differ in many ways from the other two (2) pavilion structures the City currently offers to its residents and others for rental. These differences led the Committee to believe the current policy needs to be modified to address the pavilion in the community park, given its larger size and greater cost. The cost of reserving one (1) of the City's available pavilions is not refunded ($30.00 for residents/$50.00 for non-residents), but retained to cover the expenses of cleanup that are incurred by this use. Given these circumstances, the Committee noted a greater amount for this associated fee was needed and appropriate in this case. The City's intent of this fee is to ensure the facility is maintained in a very good condition and any damage is repaired, at the perpetrator's expense, and that trash is removed in a timely manner, again not at the overall taxpayers' cost. Therefore, by a vote of 7 to 1, the members recommended a fee structure for the rental of the pavilion in the community park as follows: $100.00 for residents and $150.00 for non-residents. Additionally, the Committee members endorsed the same rental policy requirements, as applied already at Anniversary Park and Old Pond School Park.

Rules and Regulations for the Community Park's Dog Facility – Attached to this Memorandum is the Committee's recommended proposal for the dog park area of community park. This proposal reflects the Department and Committee's research of and input on other similar facilities in the St. Louis Region. The intent of these requirements is to ensure the facility is maintained by its users, in terms of their dogs, while ensuring all parties are safe, when utilizing it for play.

Ameren Missouri Service to the Community Park – Phase I –The City has received a design and cost proposal from Ameren Missouri for the service to the park, which is approximately $79,000.00, which can be added to the service bill for this facility, over a twelve (12) month period. The cost is consistent with the amount anticipated in the budget for this service. To extend this service, however, an easement is needed from a property owner to the west, which is the 11.7 acre tract of land between the community park's access point onto State Route 100 and Pond Road. Representatives with Ameren Missouri have been working with the property owners on this easement matter, but as of Tuesday, July 21, 2015, it had not yet been granted.

If the easement is delayed in terms of its granting by the abutting property owners, then the City, via Gershenson Construction, has received a bid for a temporary generator to be placed on the site to provide power to the restroom area, pavilion, and parking lot. This bid is attached to this Memorandum. Since all conduit and pads have been installed and are ready for service from Ameren Missouri, the extension of service to the park, once the easement is granted, should be able to be completed within a couple of weeks. Until then, the temporary generator could be used (given the park's hours of operation, dawn to dusk, electricity may not be needed to be provided for a partial opening, if chosen as the preferred direction by City Council).

Opening Date and Ceremony and Related Ceremonies – With two (2) walk-throughs completed with the general and playground contractors, the Department would expect the park to be finished

in the next two (2) to three (3) weeks, minus the electric service, and weather permitting. If the temporary generator is authorized or a partial opening preferred, then the opening of the park could be in the middle of August. The Committee did note that, given the City's 20th Anniversary is just two (2) weeks later; the opening could be delayed until then and be made part of the overall celebration of this milestone that is planned. Acknowledging these timelines, the Committee members recommended the official opening ceremony be scheduled for Sunday, August 30, 2015. Since Sunday, August 30, 2015, has just the Art Festival scheduled and underway that entire day, it may be best time for the opening ceremonies and would be just two (2) days before the official birthday of the City – September 1, 2015.

With the Committee recommending a date for the opening of the park, the members then noted that a ceremony can include many aspects, but were essential that such an event be provided for the community. Most of the City's ceremonies in the past have included a ribbon cutting, photographs, and a speech by the Mayor, and last no more than fifteen (15) to twenty (20) minutes. In the Committee's opinion, all of these items should be included in the community park's opening.

In advance of the formal opening ceremony, the Department suggested, and the Committee concurred, to hosting a pre-opening event for all of the parties that have worked on this project, since its inception. This event would be a barbecue for all City officials, contractors, subcontractors, consultants, and reviewers, and their families, to have an opportunity to see the park project, when completed, and have Wildwood say thank you for a job well done. The Committee recognizes there is an expense to such a barbecue, but does believe it is a very appropriate and nice way to show the City's appreciation in this regard. Accordingly, the Committee unanimously endorsed this pre-opening event.

If any of the City Council Members have questions or comments regarding this information, please feel free to contact the Department of Planning at (636) 458-0440.A presentation is planned on all of these items at tonight's Work Session. Thank you for your consideration of this information and requested action on the same.

Respectfully submitted,
CITY OF WILDWOOD

Jim Baugus, Chair*
Planning/Economic Development/Parks Committee

Cc: The Honorable Timothy Woerther, Mayor
Administration/Public Works Committee Members
Ryan S. Thomas, P.E., City Administrator
Kathy Arnett, Senior Planner I
Liz Weiss, Senior Planner II
Gary Crews, Superintendent of Parks and Recreation

* The Department of Planning and Parks developed this report, in conjunction with the Planning/Economic Development/Parks Committee. Content reflects the Committee's consideration of this subject, and not necessarily an individual's position or opinion.

From: **Bailey, Bob L** RBailey@ameren.com
Subject: Wildwood Community Park
Date: June 19, 2015 at 9:27 AM
To: Joe Vujnich (JVujnich@cityofwildwood.com) JVujnich@cityofwildwood.com

Joe:

I am sorry for the delay in getting everything to you; I know you want to open the park for July 4th but it doesn't look promising from our end even if you get everything back to me today which I certainly don't expect. Please sign the attached drawing in the construction plat acceptance block and return it to me. Also, please be aware of the notes I have on the job. I know Gershenson has already installed the conduit but I do have a note for the City to clear the trees in the easement. We don't have the easement yet and I asked our real estate rep Tom Kriete to contact you for assistance in securing the easement from the property owner. We will also need an easement from the City for the portion of our facilities on your property. There are also charges of $79,062.02 for our work. I am waiting for our credit department to let me know if we are going to require that payment up front or if it can be stretched out over a 12 month period. I hope to have an answer on that by early next week. Whatever revenue you generate will apply towards the total amount but I don't anticipate very much revenue from this project. Again, I apologize for the delay. If you have any questions or concerns please let me know.

Thanks

Bob

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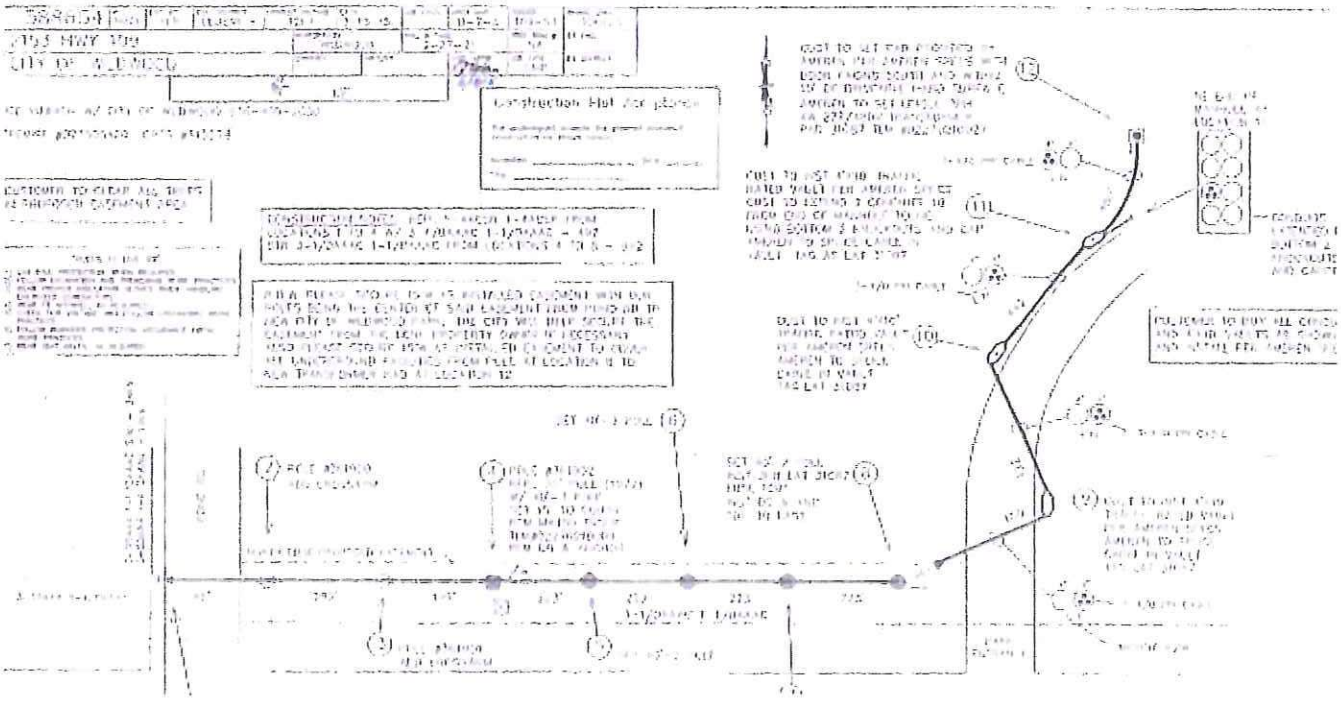


From: **Bailey, Bob L** RBailey@ameren.com
Subject: RE: Community Park
Date: July 10, 2015 at 6:44 AM
To: **Joe Vujnich** JVujnich@cityofwildwood.com

Joe:

I finally have an answer for you now. Yes, once the first bill goes out the cost of improvements can be placed on the City's monthly bill. However, I was told that the monthly bill won't show how far ahead or behind you are on the cost of improvements as it would with a separate bill. . They will true your bill up at the end of the 12 month period for the guarantee agreement for the park. Since we don't anticipate much revenue from the service in the park I don't think it's that critical that you know how far behind you are on the park service but I will let you decide. Basically you will get back the revenue the park service generates over the 12 month period.

Thanks

Bob

—Original Message—
From: Joe Vujnich [mailto:JVujnich@cityofwildwood.com]
Sent: Tuesday, July 07, 2015 12:45 PM
To: Bailey, Bob L
Subject: Community Park

Bob:

Thank you for the design efforts on the park. I was wondering if you had heard back about the cost of the improvements being placed on the City's monthly bill. If so, please advise. I appreciate it very much.

Joe Vujnich
The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All e-mails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this e-mail. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation

WR #: 588654	A.C. NBCL	EST. BY: RLB	EST. DISTRICT: ELLISVILLE	HIGHEST VOLTAGE 12KV	DATE: 3-13-15	JOB STKD:	AREA MAP: D-7-d	FEEDER: 169-53	WNBRG GRID: 30KK25
LOC. 2153 HWY 109				MUNICIPALITY: WILDWOOD		VOL. & PAGE: 2-27-21		TREE TRIM # NA	BT. ENG.
CUST. CITY OF WILDWOOD				CHARGES:	AMOUNT:	DIST. APPR: [signature] 6/18/15		JOB TYPE: SIMP	BT. DISTRICT:

AmerenUE

JOE VUJNICH W/ CITY OF WILDWOOD 636-405-2030

PREMISE #073505420 CRTS #313578

Construction Plat Acceptance

The undersigned accepts the planned AmerenUE construction as shown hereon:

Accepted: _____ Date: _____

Title: _____

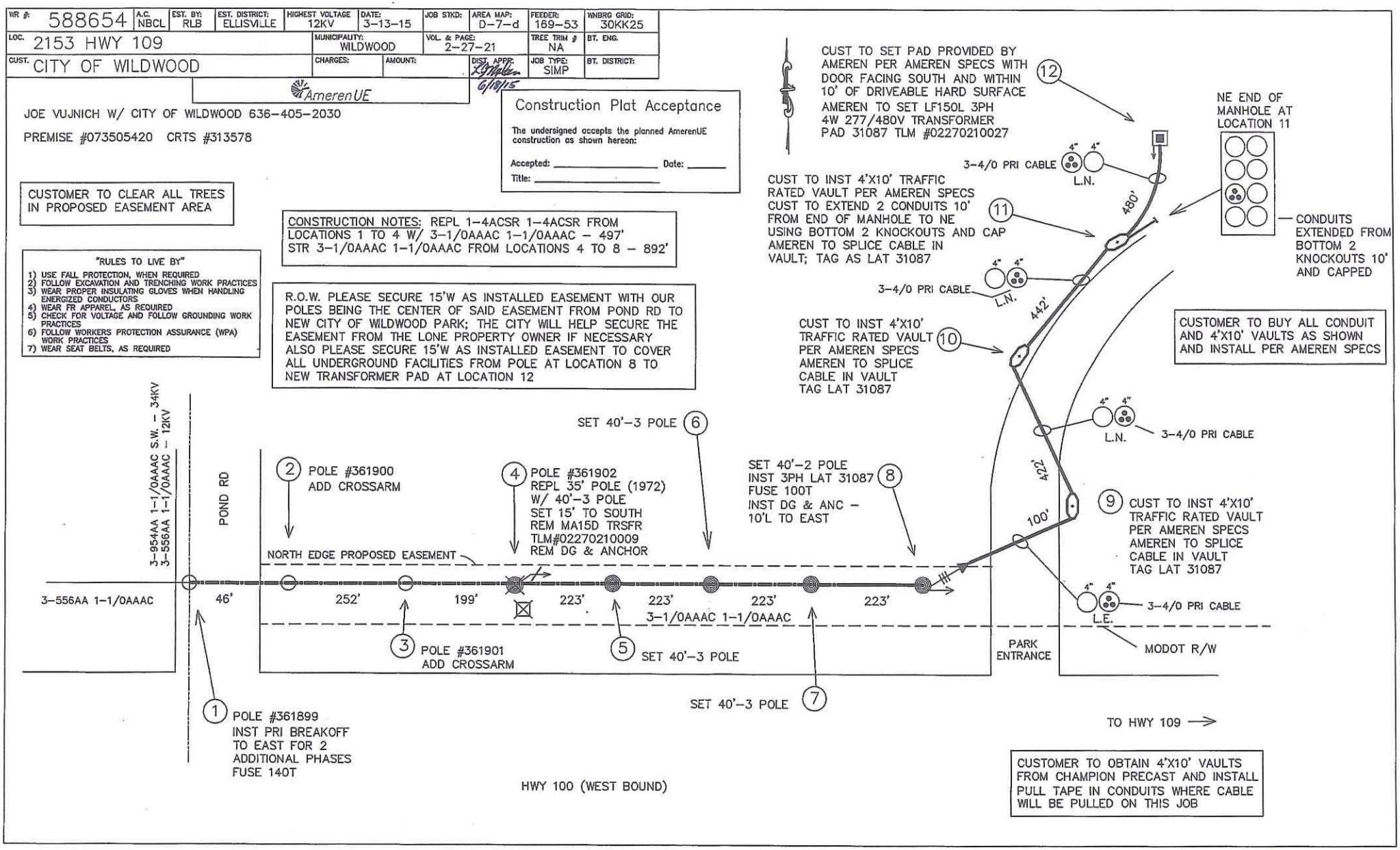
CUSTOMER TO CLEAR ALL TREES IN PROPOSED EASEMENT AREA

CONSTRUCTION NOTES: REPL 1-4ACSR 1-4ACSR FROM LOCATIONS 1 TO 4 W/ 3-1/0AAAC 1-1/0AAAC - 497' STR 3-1/0AAAC 1-1/0AAAC FROM LOCATIONS 4 TO 8 - 892'

"RULES TO LIVE BY"

1) USE FALL PROTECTION, WHEN REQUIRED
2) FOLLOW EXCAVATION AND TRENCHING WORK PRACTICES
3) WEAR PROPER INSULATING GLOVES WHEN HANDLING ENERGIZED CONDUCTORS
4) WEAR FR APPAREL, AS REQUIRED
5) CHECK FOR VOLTAGE AND FOLLOW GROUNDING WORK PRACTICES
6) FOLLOW WORKERS PROTECTION ASSURANCE (WPA) WORK PRACTICES
7) WEAR SEAT BELTS, AS REQUIRED

R.O.W. PLEASE SECURE 15'W AS INSTALLED EASEMENT WITH OUR POLES BEING THE CENTER OF SAID EASEMENT FROM POND RD TO NEW CITY OF WILDWOOD PARK; THE CITY WILL HELP SECURE THE EASEMENT FROM THE LONE PROPERTY OWNER IF NECESSARY ALSO PLEASE SECURE 15'W AS INSTALLED EASEMENT TO COVER ALL UNDERGROUND FACILITIES FROM POLE AT LOCATION 8 TO NEW TRANSFORMER PAD AT LOCATION 12



CUSTOMER TO OBTAIN 4'X10' VAULTS FROM CHAMPION PRECAST AND INSTALL PULL TAPE IN CONDUITS WHERE CABLE WILL BE PULLED ON THIS JOB

ORIGINAL

WR #	A.C.	EST. BY:	EST. DISTRICT:	HIGHEST VOLTAGE	DATE:	JOB STKD:	AREA MAP:	FEEDER:	WNBRG GRID:
588654	NBCL	RLB	ELLISVILLE	12KV	1-22-16		D-7-d	169-53	30KK25

LOC.	MUNICIPALITY:	VOL. & PAGE:	TREE TRIM #	BT. ENG.
2153 HWY 109	WILDWOOD	2-27-21	NA	

CUST.	CHARGES:	AMOUNT:	DIST. APPR.	JOB TYPE:	BT. DISTRICT:
CITY OF WILDWOOD				SIMP	

AmerenUE

JOE VUJNICH W/ CITY OF WILDWOOD 636-405-2030

PREMISE #073505420 CRTS #313578

CUSTOMER TO CLEAR ALL TREES IN MODOT R.O.W IN PATH OF NEW AMEREN CONDUCTORS

Construction Plat Acceptance

The undersigned accepts the planned AmerenUE construction as shown hereon:

Accepted: _____ Date: _____

Title: _____

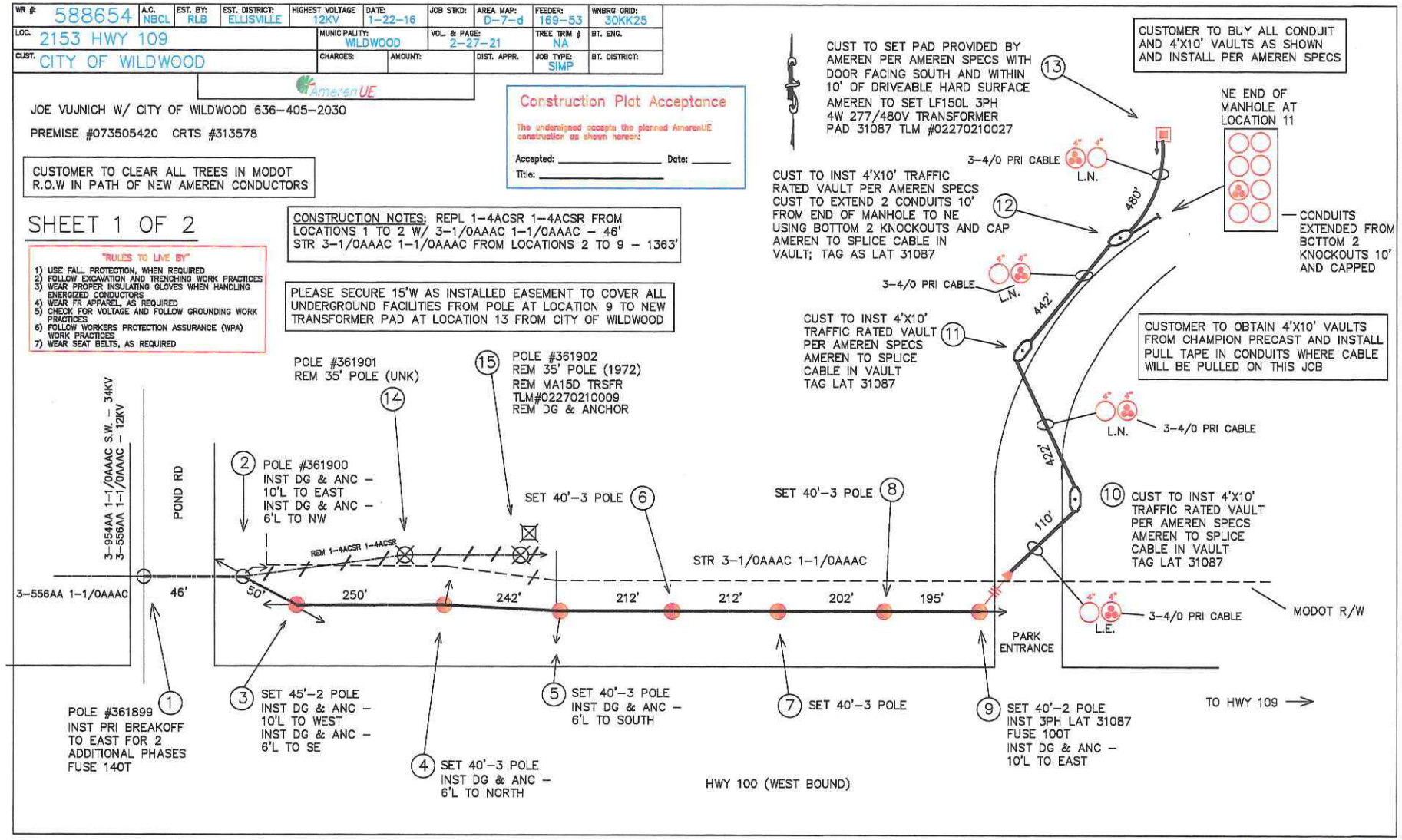
SHEET 1 OF 2

"RULES TO LIVE BY"

1) USE FALL PROTECTION, WHEN REQUIRED
2) FOLLOW EXCAVATION AND TRENCHING WORK PRACTICES
3) WEAR PROPER INSULATING GLOVES WHEN HANDLING ENERGIZED CONDUCTORS
4) WEAR FR APPAREL, AS REQUIRED
5) CHECK FOR VOLTAGE AND FOLLOW GROUNDING WORK PRACTICES
6) FOLLOW WORKERS PROTECTION ASSURANCE (WPA) WORK PRACTICES
7) WEAR SEAT BELTS, AS REQUIRED

CONSTRUCTION NOTES: REPL 1-4ACSR 1-4ACSR FROM LOCATIONS 1 TO 2 W/ 3-1/0AAAC 1-1/0AAAC - 46'
STR 3-1/0AAAC 1-1/0AAAC FROM LOCATIONS 2 TO 9 - 1363'

PLEASE SECURE 15'W AS INSTALLED EASEMENT TO COVER ALL UNDERGROUND FACILITIES FROM POLE AT LOCATION 9 TO NEW TRANSFORMER PAD AT LOCATION 13 FROM CITY OF WILDWOOD



REVISED

Form 1608M (Missouri)
Rev. 10/2010

SYSTEM EXTENSION GUARANTEE AGREEMENT

(For Extension or Modification of Single and/or Three Phase Service Facilities; Permanent Service)
(Each connection requires a separate agreement)

Execution Date: _____(Date signed by Ameren Missouri)

This Agreement is between Union Electric Company d/b/a Ameren Missouri Company (hereinafter called Company) and City of Wildwood (hereinafter called Customer/Guarantor). Company agrees to make ☐ **single phase** ☒ **three phase** ☐ **single and three phase service** available to the address listed below under the following terms and conditions:

Project Description:	**Apply Revenue From:**	**Bill Deficiency to:** ☒ **Same Acct** ☐ **New Acct**
Name: Wildwood Community Park	Premise No: 073505420	Premise No:
Address: 2153 Highway 109	Acct No:	Acct No:
DOJM W/R #: 588654	Payer (name):	Payer (name):
☐ **Additional Premises apply to this SEGA (See attached)**	☐ **This SEGA is subordinate to another SEGA (WR#**)	

Single Phase and/or Three Phase cost.....	**$ 89545.02**	**(Amount A)**
Customer's present net average monthly bill for electric service (equals sum of last 12 net monthly bills divided by 12) is.....	**$**	**(Amount B)**
One twelfth of Amount A is.....	**$ 7462.09**	**(Amount C)**
The sum of Amounts B and C is.....	**$ 7462.09**	**(Amount D)**
Twelve times Amount D is.....	**$ 89545.02**	**(Amount E)**

☐ **Arrangement 1 (Standard Agreement):** Customer/Guarantor agrees to pay (Guarantee payments) to Company each month during the term of this one-year guarantee agreement, whether or not service is used, the following amounts:

When the total net bill for electric service used at said premises equals or exceeds Amount D above, Customer/Guarantor shall pay the amount of said bill.

When the total net bill for electric service used at said premises is less than Amount D above, but equals or exceeds Amount B above, Customer/Guarantor shall pay Amount D. The difference between the bill for electric service and Amount D is defined as a deficiency payment.

When the total net bill for electric service used at said premises is less than Amount B above, Customer/Guarantor shall pay said bill for electric service plus a deficiency payment equal to Amount C above.

Guarantee payments shall commence with the fourth full billing period for permanent service and shall terminate one year from such billing. In the event the total of the monthly amounts (excluding taxes) paid by Customer/Guarantor under this Agreement equals or exceeds Amount E above within the one-year guarantee period, the Customer/Guarantor has satisfied this Agreement and the Agreement will terminate. The Company will apply any excess accumulated deficiency payments toward the subsequent purchase of electric service, exclusive of all sales or revenue taxes, by Customer/Guarantor during the remainder of the one-year guarantee period. At the end of the one-year guarantee period, deficiency payments not already applied to the purchase of electric service or utilized in satisfying Amount E above, shall be retained by the Company.

☒ **Arrangement 2 (Prepaid Agreement):** To insure that the revenue estimated to be derived from the extension will in fact be realized, Company will require Amount A as an advance deposit of the guarantee amount. Company will apply the advance deposit of guarantee funds on a monthly basis, during the term of the Guarantee period, to the monthly bill in an amount equal to the net bill for electric service less Amount B, but not less than 0.

Application of Guarantee payments shall commence with the fourth full billing period for permanent service and shall terminate one year from such billing. In the event the total of the monthly net amounts paid by Customer/Guarantor under this Agreement (excluding taxes) equals or exceeds Amount E above within the one-year guarantee period, the Customer/Guarantor has satisfied this Agreement and the Agreement will terminate & normal billing will commence thereafter. At the end of the one-year guarantee period, any advance deposit of guarantee funds not already applied to the purchase of electric service, shall be retained by the Company. In the case where the prepaid amount is contributed by a party other than the customer of record on the service account, refunds of the prepaid amount will be made to the depositor after the 6th and 12th month of the Guarantee Period in lieu of credits to the service account.

Accepted: Union Electric Company d/b/a Ameren Missouri

By: _____(Signature)

Print Name: _____

Title: _____

Credit Approval Number:_____

Prepaid – No Credit Approval Req'd ☒

Customer Check Number (if Prepaid): _____

Customer/Guarantor Name: _____

By: _____(Signature)

Print Name: _____

Title: _____

Address: _____

City/St/Zip:_____

Phone No: _____

SSN/FEIN No: _____

Form 1608M (Missouri)
Rev. 10/2010

SYSTEM EXTENSION GUARANTEE AGREEMENT
(For Extension or Modification of Single and/or Three Phase Service Facilities; Permanent Service)
(Each connection requires a separate agreement)

TERMS COMMON TO BOTH ARRANGEMENTS

No interest shall be applied to any deficiency payments/credits applied or refunded in this Agreement

All amounts referred to are exclusive of any sales or revenue taxes. Company will add taxes to all amounts where applicable. A first full billing period for new service is defined as a billing period consisting of 28 days or more. The total net bill is the customer bill less taxes and any additional surcharges.

The deficiency payment is paid by the Deficiency Account Payer if different from the Revenue Account Payer.

The line extension shall be considered as completed when said extension is adjacent to the premises to be served and Company is prepared to connect electric service thereto, and Company reserves the right to begin billing, for Guarantee Agreement purposes, at that time.

Service must begin within six (6) months of the Effective Date of this Agreement. Company may recalculate service extension cost thereafter.

Company shall not be obligated to extend its distribution system to supply service to said premises until arrangements for extension of service to other customer/guarantors to be served from the extension are completed and until Company has secured all necessary easements, licenses and permits and right-of-way has been cleared of all trees or other obstructions.

This Agreement may not be assigned without the Company's approval.

This Agreement shall be binding upon the parties hereto and their successors-in-interest or other parties to whom this Agreement is assigned.

The Information required by Company to assess the credit risk of Customer/Guarantor includes, but is not limited to, the Customer/Guarantor name, location address, telephone number, expected revenue from operations, total cost of project, total security deposit required, description of former Company accounts associated with Customer/Guarantor, Dun & Bradstreet number of Customer/Guarantor, and SSN /FEIN Number.

This Agreement is subject to all present and future valid laws of the State of Missouri and lawful orders, rules, and regulations of the Missouri Public Service Commission, or either of them; and should either of the Parties, by force of any such law or regulation imposed at any time during the term of this Agreement, be ordered, or required, to do any act inconsistent with other provisions of this Agreement, the Agreement may be canceled by Customer or Company on written notice to the other.

The rates to be charged by the Company for electric service rendered shall be such as are approved from time to time by the Missouri Public Service Commission and/or such other duly constituted governmental authority as shall have jurisdiction thereof.

After its execution, this Agreement shall not be modified except in writing executed by both parties, making express reference to this Agreement and the specific provision hereof modified or amended.

Revenue from Premises subordinate to this extension will be that revenue in excess of the subordinate premises own SEGA or if no SEGA exists, the subordinate premises revenue in excess of its line extension cost.

Customers that have signed this Agreement and leave the system prior to the end of the guarantee term will be liable to Company for the remaining uncollected extension cost plus the cost to remove facilities if the facilities will be removed.

TERMS PERTAINING TO ARRANGEMENT 1 (STANDARD ARRANGEMENT)

When the premise is assigned to a new Customer/Guarantor and a new Agreement is <u>not</u> signed by the successor/assignee:

- The original Customer/Guarantor signing this Agreement will continue to be held liable to Company and will be "billed out" the remaining balance.
- The original Customer/Guarantor is the only party that may request a full/partial refund (if applicable) as calculated by Company at the termination of the Agreement

When the premise is assigned to a new Customer/Guarantor and a new Agreement is signed by the successor/assignee then the new Customer/Guarantor becomes responsible for future deficiency payments and refunds.

TERMS PERTAINING TO ARRANGEMENT 2 (PREPAID ARRANGEMENT)

When the premise is assigned to a new Customer/Guarantor:

- A new Customer/Guarantor will not be allowed to assume the System Extension Guarantee Agreement.
- The original Customer/Guarantor may request a full/partial refund (if applicable) as calculated by Company after the termination of this Agreement.

WILDWOOD

February 1, 2016

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: A response to a communication from Douglas B. Gilberg, owner of Gilberg Perennial Farms and Wildwood Green Arts, L.L.C., which is dated October 29, 2015, requesting amendments to an existing Conditional Use Permit (CUP), which governs the use of this 7.34 acre site, thereby allowing the addition of an education center, meeting space, and acoustic entertainment venue, all to be housed within the existing buildings that are located upon the subject site, along with the previously authorized plant nursery, and associated salesroom **(St. Louis County's P.C. 162-89 Douglas Gilberg)**.

Zoning: Conditional Use Permit (CUP) in the NU Non-Urban Residence District

Location: East side of Ossenfort Road, north of Melrose Road (Locator Number: 24Y420183/Street Address: 2906 Ossenfort Road)

Ward: Six

Council Members:

Introduction >>>

The Planning and Zoning Commission is in receipt of a submittal from Douglas B. Gilberg, ***Gilberg's Perennial Farms and Wildwood Green Arts, L.L.C.***, dated October 29, 2015, which describes a proposal for his now shuttered facility that is located on the east side of Ossenfort Road, north of Melrose Road. This correspondence identifies certain amendments that are needed to the governing Conditional Use Permit (CUP), so as to accommodate the addition of an education center, meeting space, and acoustic entertainment venue on the property, all within the existing buildings located there, while also retaining the plant nursery, and associated salesroom, previously authorized by St. Louis County in 1990. With the submittal of this request, the Planning and Zoning Commission has reviewed the files and other materials available to it regarding this development and prepared the following recommendation in this regard. Accordingly, as a result of this review process and, acting at the Planning and Zoning Commission's February 1, 2016 Executive Meeting, and, by a vote of 9 to 0, hereby submits the following report and action to the City Council for its review and consideration in this regard.

Zoning History and Background >>>

For the purpose of review, **St. Louis County's P.C. 162-89 Douglas Gilberg**, was a request to grant a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a plant nursery, and associated salesroom, on a 7.3 acre tract of land located on the east side of Ossenfort Road, north of Melrose Road. The nature of the permit was to allow the petitioner to expand the operation of the facility and add the sale of other materials associated with the current business, which specialized in perennials and display such in a

unique garden setting. To accommodate this use, several garden areas, structures, and buildings would be used, all with visibility from Ossenfort Road. At that time, this facility was one of the few in the Midwest offering these types of plantings and related varieties.

The St. Louis County Planning Commission heard this request at the end of 1989 and a substantial amount of public comment was generated due to the concerns about on-going traffic and parking concerns on Ossenfort Road, which was very rural in nature, and a successful business located within a rural residential area. The operation had been underway prior to this hearing, but had grown in size and, with such, concerns/problems about safety, property values, parking intrusions, and other less definable impacts that followed has also grown. The County Planning Commission reviewed the matter and granted the requested salesroom component to the existing plant nursery, based upon the size of the property, its characteristics – woodlands and gardens - including its long-standing history there, the limited intensity, and the rural nature of the location, which complemented the business. The vote of the County Planning Commission on this matter was 7 to 0. The St. Louis County Council did not stop the permit from becoming effective, which occurred on February 24, 1990.

The plant nursery and salesroom, under the County's action, was meant to formalize many of the activities that had been taking place at the location for a number of years, while ensuring the retail component was limited to items in support of the primary use, which, again, was the plant nursery. Additionally, the permit established provisions for the placement of buildings and structures relative to Ossenfort Road, the addition of adequate parking, and the establishment of hours and days for the operation of machinery. All of these governing conditions were established to address the concerns voiced by surrounding residents at the public hearing. Over a period of several years, particularly from the late 1980's to early 1990's, this site created a number of concerns for surrounding residents and St. Louis County, as the governing jurisdiction.

The facility continued to operate for many years thereafter and slowly closed its operation in the early 2000's, as the sale of perennials became more common at the big-box, home improvement centers and other nurseries as well. For many years now, the facility has not been in operation and many of the gardens and beds have become less tended, while the other improvements remained in place, but have not had much attention over that same period of time. Due to this change in the business operation, from a viable plant nursery and salesroom, to a residential property only, the City has not been asked, nor acted, upon any changes to the governing permit and associated Site Development Plan.

Current Request >>>

The petitioner, Douglas B. Gilberg, is requesting the expansion of the permitted activities authorized by the Conditional Use Permit (CUP) in the NU Non-Urban Residence District to allow for the following:

1. A Community Education Center offering instruction in ceramic and other visual arts, with natural history and sustainability (location – ceramics building).
2. A small lecture and meeting space, including an art library (location – ceramics building).
3. Covered Outdoor Activity Center that would be used for outdoor education in art, natural history, sustainability and a small section for strictly acoustic music (location – pavilion)
4. A sustainability showcase that promotes residential scale renewable energy sources, such as wind, solar, anaerobic digestion, along with native plants and rain gardens for stormwater management (locations – existing outdoor garden beds).

The initial phase would be the studio and offer classes this year, including the aforementioned ceramics instruction, but also beginning photography, drawing, bee keeping, winter tree identification, invasive species identification and eradication, and alternative energy sources. No new buildings or improvements are planned and all existing facilities will be used for these new activities. The petitioner also wants to retain the rights of use for the previous plant nursery and salesroom.

Analysis >>>

Advertisement of Request - The Planning and Zoning Commission would first note that, when St. Louis County advertised this request for public hearing, it included a plant nursery, botanical gift store, craft gallery, education and lecture room, retail sales, offices, and food service, which was premised on the petitioner's desire to obtain both a Conditional Use Permit (CUP) and a Landmark and Preservation Area (LPA) upon the property, which the County's Planning Commission recommended denial of the latter and approval of the former, both of which were upheld by the County Council. This advertisement is very similar to the current request's detailed activities, but would be included, as part of the existing Conditional Use Permit's (CUP) language, if granted by the City of Wildwood. This initial advertisement was such to allow for the consideration of this current request at this stage of its submittal.

Mix of Uses – The Planning and Zoning Commission, however, does agree with St. Louis County's past assessment that several of these activities do not necessarily meet the requirements to be considered part of an allowable plant nursery and salesroom and will need to be considered under another type of conditional use. In the NU Non-Urban Residence District regulations of the City's Zoning Ordinance, the list of allowable uses under the Conditional Use Permit (CUP) process include the following:

> ***Conditional Land Use And Development Permits Issued By The Commission.*** The following land uses and developments may be permitted under conditions and requirements specified in Section 415.500 "Conditional Use Permits", except the specified home occupations described below which must adhere to simplified process defined in Subsections (H) and (I) of this Section:
>
> 1. Administrative offices and educational facilities.
> 2. Banners: sponsorship types for both public and not-for-profit uses, with a minimum of two (2) operational athletic fields on the same lot.
>   [Ord. No. 415.090 §1, 4-13-2015]
> 3. Bed and breakfast establishments.
> 4. Blacksmiths.
> 5. Cemeteries, including mortuaries operated in conjunction with the cemetery.
> 6. Child care centers, nursery schools and day nurseries.
> 7. Clubs, private not-for-profit.
> 8. (Reserved)
> 9. (Reserved)
> 10. Fairgrounds.
> 11. Feed or grain storage, commercial or cooperative.
> 12. Foster homes for handicapped children.
> 13. Golf courses, including practice driving tees on the same premises. Miniature golf courses and independent practice driving tees are excluded.
> 14. (Reserved)
> 15. Group homes for the elderly.
> 16. (Reserved)

17. Home occupations permitted by Section 415.090(H).
18. Large water features.
19. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
    a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
    b. Placed underground; or
    c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
    d. All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.
20. Mortuaries.
21. Mulching plants for trees, wood or wood waste, but not including any assembly or manufacture of a product.
22. Nursing homes, including assisted care living facilities (overall density of assisted care units is a function of permitted beds).
23. Police and fire stations.
24. Post offices and other government buildings.
25. Public utility facilities, other than local public utility facilities.
26. Radio, television and communication transmitting, receiving or relay towers and facilities, subject to the provisions of the Model Telecommunications Code.
27. Recreational camps and camping facilities.
28. Recreational land uses, commercial or not-for-profit.
29. Residential substance abuse treatment facilities.
30. Retreats operated by educational or other not-for-profit entities.
31. Riding stables, kennels and veterinary clinics.
32. (Reserved)
33. Salesrooms (retail and wholesale), when established as an accessory use to commercial gardens, plant nurseries and greenhouses, for the sale of nursery products and related items for use in preserving the life and health of such products, hand tools and plant containers. The preceding items shall not include power-driven equipment, lawn and garden furniture nor decorative accessories and fencing; however, bulk sale of sand, gravel, mulch, railroad ties or similar materials may be permitted. The salesroom may occupy all or a portion of a building.
34. Satellite dishes (additional to provisions of Section 415.380(R)).
35. Sewage treatment facilities, other than facilities permitted as an accessory use.
35a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s).
    [Ord. No. 2028 §§1 — 2, 4, 8-25-2014]
36. Specialized private schools.
37. (Reserved)

In this case, the Commission does believe that certain aspects of the petitioner's identified list of uses can be accommodated on this site under one (1) of the activities that can be considered conditionally in the NU Non-Urban Residence District. The conditional use that would appear to accommodate the use of this property, under the petitioner's description, would be "recreational land uses, commercial or not-for-profit." It is important to note this conditional use requires a minimum lot area of five (5) acres, which is met by the current size of the subject site of this request (7.3 acres). Additionally, the consideration of minimum lot area, under the City's Zoning Ordinance, is not cumulative, but rather based upon the activity requiring the

greatest amount of acreage be met, which, again, is five (5) acres of area for both recreational uses and the existing plant nursery and salesroom. Therefore, minimum area required for either conditional use is met.

New Conditional Uses and Impacts - Given the general definition of "recreational land uses," the Commission holds the opinion the community education component, which would offer instruction in ceramic and other visual arts, with natural history, and a small lecture and meeting space, including an art library, can be accommodated on this site, within this general area of Wildwood. Conversely, the Commission does not support any outdoor activities involving music, training, or displays intended to support sustainability practices and/or the sale of products for these purposes. These activities are not within the scope of the underlying NU Non-Urban Residence District zoning district designation of the property, which sets the parameters for the consideration of any permitted or conditional use identified therein, and is, first, and foremost, contrary to the intent of maintaining this category as residential in Wildwood. The offering of music and sustainability exhibits, and demonstrations, need to be located in a commercially zoned area of the City, like Town Center, not this rural location. Again, music, sustainability displays and demonstrations exceed the allowable relationships associated with the underlying zoning district designation and any possible conditional provisions that might exist therein.

The Commission would also note the current level of improvements, i.e. buildings, structures, and infrastructure can accommodate these recreational activities on the site and do not need to be expanded or enlarged. It is the Commission's opinion these improvements need to be repaired, restored, and maintained, as any new use of the property is considered. With the allowance for these additional conditional activities on the subject site, an incentive exists to improve its appearance and upkeep for the future. Also, by limiting the improvements to those types that currently exist on site, the Commission also believes that such is indicative of the minimal impacts of these additional activities on the area and the abutting roadway system, given all are in place at this time.

Along with the limitation on improvements associated with the use of this property, the Commission also believes a number of restrictions need to be established on operating parameters, like some of those requirements that already exist in the Conditional Use Permit (CUP) granted for the plant nursery and salesroom. These restrictions would include the following items:

1. Operating hours of the instruction/meeting spaces shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, Saturday, from 9:00 a.m. to 7:00 p.m., and Sunday, from 11:00 a.m. to 5:00 p.m.
2. Class size and the total number of them per day shall be limited to no more than can be accommodated by existing building spaces (to be determined) and be wholly contained inside those defined structures or areas, as approved by the Planning and Zoning Commission on the Amended Site Development Plan for this facility.
3. No speakers, amplification, or similar equipment shall be installed on the site, so as to broadcast sound to the outdoors.
4. Lighting shall be limited to that necessary for safety and visibility of parking lot areas, walkways, and building locations and comply with the City of Wildwood's Outdoor Lighting Requirements of the Zoning Ordinance.
5. No on-street parking shall be allowed in conjunction with any of the permitted or conditional uses located on this site. All parking of vehicles associated with this site shall be on designated lots located upon it.

The Commission remains committed to protecting the residential area around this location and believes these restrictions, along with the conditions of the current permit, achieve this end.

Master Plan - The expansion of this site's use for a recreational activity, of the recommended nature and extent, is a positive for the area and consistent with Wildwood's Master Plan, which seeks to foster art-related activities/events in this community, where so many creative people live and work. Specifically, this policy in the *Open Space and Recreation Element* of the Master Plan states the following: "Develop opportunities for arts and cultural events for residents and other interested parties, as part of the City's public facilities and programs, and complement those provided by the public and private schools and regional institutions serving the St. Louis Metropolitan Area." The Commission recongizes concerns of surrounding residents, but believes this property, and the conditions set forth in this permit, will provide a complement to the area and allow for its upkeep and care, as a viable part of the overall neighborhood.

Summary and Recommendation >>>

In summary, the Commission believes the current Conditional Use Permit (CUP) can be modified to accommodate a limited expansion of the permitted uses, without creating the previous impacts that occurred in the late 1980's and early 1990's with the plant nursery and salerooms activities. These additional uses would create an art and education center for the larger Wildwood community, in a setting that is unique. Therefore, the Planning and Zoning Commission hereby grants changes to St. Louis County's Conditional Use Permit #642, which would read as follows:

1. **PERMITTED USES**

The use authorized by this Conditional Use Permit (CUP) shall be limited to a plant nursery, with associated salesroom, and a recreational use, limited to instruction in ceramic and other visual arts, including natural history, and a small lecture and meeting space, plus an accessory art library.

2. **FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS**

   a. Gross floor area for the salesroom, as shown on the approved Site Development Plan, being in conjunction with the plant nursery, shall not exceed a total of 5,200 square feet and may be located in an exterior sales room and within the residential structure located on the premises.

   b. The recreational use herein allowed shall be contained in one (1) or both of the other two (2) existing structures located on the site, unless the aforementioned salesroom is converted for such activity. Regardless, no more than two (2) of the three (3) buildings/structures located on the site may be used for the recreational use authorized by this permit.

   c. Any new building shall be subject to consideration by the Architectural Review Board of the City of Wildwood in accordance with the standards contained within Section 1003.167 of the City of Wildwood's Zoning Ordinance. Said review board must consider and act on any new building, before the issuance of a Zoning Authorization for building permit(s).

   d. Class size and the total number of them per day shall be limited to no more than can be accommodated within the defined building or buildings, noted above in Condition 2(b.), and be wholly contained inside that defined structure, structures or other areas, as approved by the Planning and Zoning Commission on the Amended Site Development Plan for this facility.

   e. The uses permitted in this Conditional Use Permit (CUP) shall be contained and operated within the boundaries of the Conditional Use Permit (CUP).

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the effective date of this Conditional Use Permit and prior to issuance of any building or occupancy permit, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning Commission. Said Site Development Plan shall include, but not be limited to, the following:

a. The location and size of all existing and proposed structures, including freestanding business signs.
b. Existing and proposed contours at two (2) foot intervals.
c. Location and size of all parking areas and parking calculations.
d. Roadways and driveways on and adjacent to the property in question including required roadway right-of-way dedication and pavement widening.
e. The design, location, and size of all proposed lighting, fences, and trash areas.
f. A landscape plan, including, but not limited to, the location, size and general type of all plant and other material to be used.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

Structure Setbacks

a. Structure setbacks shall be as follows:
    1. Fifty (50) feet from the right-of-way of Ossenfort Road.
    2. Fifty (50) feet from all other limits of the Conditional Use Permit (CUP).

Parking, Loading and Internal Drives Setbacks

b. Parking space and internal drive setbacks, except points of ingress and egress, shall be as follows:
    1. Fifty (50) feet from the right-of-way of Ossenfort Road.
    2. Fifty (50) feet from all other limits of the Conditional Use Permit (CUP).

Minimum Requirements – Parking

c. Minimum parking requirements shall be as set forth in Chapter 415.280 of the City of Wildwood Zoning Ordinance. One (1), paved on-site loading space shall be required. No on-street parking shall be allowed in conjunction with any of the permitted or conditional uses located on this site. All parking of vehicles associated with these conditional uses shall occur in the designated lots located upon the subject site.

Access, Roadway Improvements, and Sidewalks

d. Improve Ossenfort Road to one-half of a twenty-four (24) foot pavement within the existing right-of-way across the entire frontage of the property. The widening shall consist of nine and one-half (9-1/2") of asphaltic concrete pavement.

e. Overlay existing Ossenfort Road pavement within two (2) inches of Type "C" asphaltic concrete across the entire frontage of the property.

f. Access to this development from Ossenfort Road shall be limited to two (2) commercial entrances located to provide required sight distance as directed by the Department of Highways and Traffic. Any existing entrances in excess of the two permitted shall be removed and the right-of-way re-graded and restored as directed by the Department of Highways and Traffic.

g. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Department of Highways and Traffic.

Landscape Requirements

h. Either as part of the development plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with the following:

1. All new deciduous trees shall be a minimum of two and one-half (2 ½) inches in caliper, except the Department of Planning may approve ornamental trees of a minimum of one and one-half (1 ½) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height. All new shrubs shall be a minimum of eighteen (18) inches in diameter.
2. Building and paved area setbacks shall contain adequate landscaping and sight-proof fencing, as approved by the Planning and Zoning Commission on the Site Development Plan.

Signs

i. Signs shall be permitted in accord with the regulations of Chapter 415, 410 of the City of Wildwood Zoning Ordinance pertaining to the "NU" Non-Urban Residence District. However, no sign shall exceed twenty (20) square feet, while being limited to a single display location along the site's Ossenfort Road frontage.

Lighting Requirements

j. The location of all lighting standards shall be as approved by the Planning Commission on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels for all lighting shall comply with the provisions of the City of Wildwood's Zoning Ordinance Section 1003.160 "Outdoor Lighting Requirements." A Lighting Study shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The Planning and Zoning Commission shall approve the location, design, and appearance of all light standards and fixtures as part of the Site Development Plan review process.

Miscellaneous

k. A six (6) foot high sight-proof fence shall enclose all exterior trash areas.

l. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.

m. All rooftop mechanical equipment on buildings shall be adequately screened, as approved by the Planning and Zoning Commission, as part of the Site Development Plan review process.

n. No portable toilets are permitted.

o. No operation of machinery shall be permitted before 8:00 a.m. or after 5:00 p.m.

p. Operating hours for the instruction/meeting spaces shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, Saturday, from 9:00 a.m. to 7:00 p.m., and Sunday, from 11:00 a.m. to 5:00 p.m.

q. No public address or loudspeaker system shall be authorized within this Conditional Use Permit (CUP) boundary. Live or recorded music shall not be played outdoors. ~~so as to be audible anywhere off the property~~

5. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the Site Development Plan the petitioner shall:

Stormwater Improvements

a. Submit to the Planning and Zoning Commission an engineering plan approved by the City of Wildwood Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.

I. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood standards.
II. All stormwater shall be discharged at an adequate natural discharge point.
III. Retention/detention of differential runoff of stormwater shall be required. Stormwater management shall be provided in permanent retention/detention facilities, such as ponds or other acceptable alternatives. These retention/detention facilities shall be completed and in operation prior to the issuance of building permits for approved buildings and structures.
IV. The developer of this site shall be solely responsible to provide the necessary mechanisms, as part of the Site Development Plan/Improvement Plan process, to implement "best management practices" for stormwater management/water quality and the construction of related facilities. Minimally, these practices/facilities should include rain gardens, vegetative swales, and other options to substantially reduce the amount of stormwater discharging from the subject site.
V. The developer shall provide adequate detention and/or hydrologic calculations for review and approval of all stormwater that will encroach on City of Wildwood rights-of-way.

Stormwater Pollution Prevention Plan – New Construction Only

b. Prior to the addition of any new structures/buildings or the expansion of any existing structures/buildings, submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to Federal, State, and local requirements regarding the management of stormwater runoff to prevent siltation and erosion, both on-site and upon downstream properties.

Road Improvements and Curb Cuts

c. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

6. RECORDING

Prior to issuance of a building permit or permit authorizing the use of the property, a copy of the conditions and legal description of this permit shall be recorded with the St. Louis County Recorder of Deeds.

7. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, the developer shall provide the following:

Landscape Bonds or Escrows

a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning and Zoning Commission exceeds an estimated cost of one thousand ($1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.

Notification to the Department of Public Works

b. Prior to the issuance of foundation or building permits, all approvals from the Department of Public Works and the Metro West Fire Protection District must be received by the Department of Planning.

8. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. The delays due to utility company relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

9. GENERAL DEVELOPMENT CONDITIONS

a. Adequate temporary off-street parking for construction employees shall be provided. Parking on no-surfaced areas should be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

b. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.

c. Interim stormwater drainage controls in the form of siltation control measures are required.

d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devised and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as Rye or Sudan Grasses shall be utilized to retard erosion.

f. The Zoning Enforcement Officer of City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.

g. This Conditional Use Permit (CUP) shall be authorized for a period of two (2) years, with renewals based upon compliance to the requirements of the same. Renewal requests shall be the responsibility of the petitioner to submit to the City and must be provided a minimum two (2) months in advance of each annual renewal for consideration and action by the Planning and Zoning Commission following an initial three (3) year period of time.

10. PUBLIC SPACE REQUIREMENTS

Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 of the City of Wildwood's Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to or less than an amount that is roughly proportional to the actual or anticipated impact. The installation of public space improvements shall be as required by the applicable ordinance, but must be completed prior to issuance of any zoning authorizations for any building permit authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, based upon the number of new parking spaces that are provided, shall be 290.4 square feet per space or its equivalent.

All other conditions remain unchanged and in full force.

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

R. Jon Bopp, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

Cc: The Honorable Timothy Woerther, Mayor
Ryan S. Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
Doug B. Gilberg, Petitioner and Property Owner

Note: Additions to the existing Conditional Use Permit (CUP) are shown by red type.

October 29, 2015

To:
City of Wildwood Missouri
Zoning Commission
Joe Vujnich

CITY OF WILDWOOD
OCT 30 2015
DEPT OF PLANNING & PARKS

From:
Douglas B. Gilberg
Wildwood Green Arts LLC.
2906 Ossenfort Road
Wildwood Missouri, 63038

Description of proposed activities and accessory land use for Wildwood Green Arts located at 2906 Ossenfort Road.

Our vision is to be a community grass roots education center that offers instructions in ceramic and other visual arts along with natural history and sustainability.

This is a wide ranging ideal but will start firmly with a ceramic teaching studio located in the Ceramics building. The building will also host a small lecture and meeting space, gardening and art library.

The Pavilion located on our upper terrace will be our covered outdoor activity center. It is envisioned that this space will be used for outdoor education in Art, Natural History, Sustainability as well as a small venue for strictly acoustic music.

The areas formally used as display garden will be home to our Sustainability Showcase. We hope to have on display residential scale renewable energy of many types including wind, solar and anaerobic digestion and possibly power the farm and studio with it. It will also showcase the uses of native plants and raingardens for storm water management.

Our current goal is to assemble the Ceramic Studio and be able to offer classes after the first of the year or whenever the Planning Committee finishes their process.

Classes to be offered the first year include:

- Beginning, intermediated and advanced ceramics
- Beginning photography
- Beginning drawing
- Bee Keeping
- Winter tree identification.
- Invasive species identification and eradication.
- Alternative energy sources

Thank you for hearing our request. We are motivated to create more community in the City of Wildwood.

WILDWOOD

16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC HEARING
before the Planning and Zoning Commission
Monday, February 1, 2016, at 7:30 p.m.

AS A RESIDENT OR PROPERTY OWNER NEAR THE SITE THAT IS IDENTIFIED ON THIS MAILER, THE CITY OF WILDWOOD WOULD LIKE TO ENSURE YOU ARE AWARE OF THIS REQUEST/PROPOSAL BECAUSE IT IS LOCATED WITHIN 3,000 FEET OF YOUR PROPERTY. YOUR COMMENTS ARE ENCOURAGED, ALONG WITH YOUR PARTICIPATION AT THE SCHEDULED HEARING OR MEETING. THIS ITEM IS SCHEDULED FOR DISCUSSION AND ITS OUTCOME MAY IMPACT YOUR HOME, NEIGHBORHOOD, OR AREA, SO PLEASE CAREFULLY READ THE DESCRIPTION AND PARTICIPATE AT YOUR DISCRETION. THE CITY OF WILDWOOD ENCOURAGES CITIZEN INPUT AT ALL OF ITS HEARINGS OR MEETINGS AND YOUR INVOLVEMENT WILL ASSIST IT IN REACHING THE BEST DECISION POSSIBLE FOR ALL PARTIES.

* PLEASE SEE YELLOW BOX ON OPPOSITE SIDE OF THIS MAILER FOR A LIST OF WAYS TO EITHER COMMENT ON AND/OR TRACK THIS ITEM.

Street Addresses of Subject Sites:
2906 Ossenfort Road
Wildwood, MO 63038

THE CITY WELCOMES AND ENCOURAGES YOUR COMMENTS AND PARTICIPATION IN ITS PUBLIC PROCESSES.

The Planning and Zoning Commission of the City of Wildwood will hold a public hearing on **Monday, February 1, 2016 at 7:30 p.m. in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040** for the purposes of accepting testimony regarding a request for either the modification of zoning district designations, application or amendment of special procedures, change in the underlying regulations of the Zoning Ordinance, action on Record Plats, updates to other land use regulations, or amendment of the Master Plan, which will then be taken under advisement for future action. The meeting will be open to all interested parties to comment upon this request, whether in favor or opposition, or provide additional input for consideration. *If you wish to attend this public hearing and require accommodation due to disability, please contact the Department of Planning forty-eight (48) hours in advance at (636) 458-0440.* If you do not have comments regarding this request, no action is required on your part. The following **request** will be considered at this time:

A response to a communication from Douglas B. Gilberg, owner of Gilberg Perennial Farms and Wildwood Green Arts, LLC., which is dated October 29, 2015, requesting amendments to an Amended Conditional Use Permit (CUP) in the NU Non-Urban Residence District **(St. Louis County's P.C. 162-89 Douglas Gilberg)** which governs the use of this 7.34 acre site that is located on the east side of Ossenfort Road, north of Melrose Road (Locator Number: 24Y420183/Street Address: 2906 Ossenfort Road.) **Proposed Use: The addition of an education center, meeting space, and acoustic entertainment, all within the existing buildings that are located on the subject site, along with the previously authorized plant nursery, with sales room. (Ward Six)**

***RESIDENT OR PROPERTY OWNER - PLEASE COMMENT ON AND/OR TRACK THIS REQUEST BY:**

1) Submitting a comment online by visiting: http://www.cityofwildwood.com/comment.
2) Submitting a written comment prior to the hearing and addressed to the Planning and Zoning Commission, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040.
3) Viewing the Planning and Zoning Commission's agenda, which is available on the City's website at: www.cityofwildwood.com, the Friday before the aforementioned meeting date.

If you should have any questions regarding this information, please feel free to contact the Department of Planning at (636) 458-0440. Thank you in advance for your interest in this matter.

Travis Newberry

From: noreply@cityofwildwood.com
Sent: Monday, January 25, 2016 4:37 PM
To: Lynne Greene-Beldner; Ryan Thomas; Elizabeth Weiss; Kathy Arnett; Travis Newberry
Subject: Online Form Submittal: Public Hearing Comment Form

Public Hearing Comment Form

By utilizing this form, your comments will be considered by the Department of Planning in its development of a recommendation of this request. Additionally, the Planning and Zoning Commission, the City Council, and/or the applicable board or committee will also receive copies of your comments, as they consider the merits of these land use proposals being reviewed by the city. You must submit a separate form for each public hearing for which you have comments.

Request Being Considered	*Field not completed.*
Item Description	Planning and Zoning Public Hearing, February 1
Position on Request	Do Not Support
General Comments	My wife and I have an issue with the noise from the acoustic entertainment. It was noisy enough when the nursery was in operation. Second, the road is narrow and winding and visibility on the curves and hills is very poor and this project would create a road hazard. During the school year children are boarding and exiting the school bus at the entrance of St Albans Forest.
Suggestions	Widen the road!
	(Section Break)
Name	George Beatty, Carolyn Beatty
Address	19224 St Albans Forest Lane
City	Glencoe
State	MO
Zip	63038
Phone Number	6368213119
Email	2beattys@sbcglobal.net

Planning & Zoning Commission
City of Wildwood
January 29, 2016

RE: Douglas Gilberg – Expansion of Conditional Use Permit for property at 2906 Ossenfort Road

Comments/Position: Opposed

We are residents of St. Albans Forest Subdivision, located directly across Ossenfort from the subject property. After moving here in 1999, we became acutely aware of the hazardous nature of this stretch of road which is winding and too narrow for a center stripe. Those drivers who are unfamiliar with the road often occupy the center of the road and, when they encounter oncoming vehicles, which includes delivery trucks, trash trucks and school busses, they don't know what to do. Ossenfort is also heavily used by bikers, many of whom seem unaware or unconcerned of the hazardous nature of a one lane road. All of this causes many to swerve off the road or stop dead in their tracks at surprise encounters. This profound traffic hazard became significantly alleviated when Gilberg's Nursery terminated their business. If Wildwood sees fit to approve this request, there should be a provision included either for the city or Doug Gilberg to widen the road to Hwy. T.

Our second objection is that of the addition of "acoustic entertainment". The area and its surroundings are extremely "natural" in character and it would be at odds with this addition. Furthermore, how do we stop it when the "guitar music" becomes a teenager's band?

We would also like to mention the fact that in recent years the property has been ill-maintained, with grass (weed) mowing done about once a year, if that. It is our understanding that ownership is to remain the same, so we will have uneducated drivers on narrow streets, outdoor music, and a piece of property that will still be in disrepair. Who wants all that? We certainly do not!!

With these concerns, we therefore strongly object to an amendment to Mr. Gilberg's request for a Conditional Use Permit.

James & Rita Connolley
2817 St. Albans Forest Ct., 63038
636-405-7242
jconnolley@att.net

ST. LOUIS COUNTY PLANNING COMMISSION
GOVERNMENT CENTER . 41 SOUTH CENTRAL . CLAYTON, MISSOURI 63105
889-2516

March 12, 1990

CONDITIONAL USE PERMIT NUMBER - 642

The St. Louis County Planning Commission hereby grants a Conditional Use Permit in the "NU" Non-Urban District for a 7.34 acre tract of land located on the east side of Ossenfort Road, approximately 1,500 feet north of Melrose Road.

The Conditional Use Permit hereby granted shall be subject to the conditions listed in the attached letter of approval, P.C. 162-89 Douglas Gilberg.

Respectfully,

ST. LOUIS COUNTY PLANNING COMMISSION

Donald F. Essen, Chairman

ATTEST:

Roger M. Grow
Director of Planning

RMG/MDP/dhc
(6696g)

cc: John Watson, Zoning Enforcement
Department of Public Works
County Council

Effective Date: February 24, 1990

Attachments

ST. LOUIS COUNTY PLANNING COMMISSION

GOVERNMENT CENTER . 41 SOUTH CENTRAL . CLAYTON, MISSOURI 63105
889-2516

February 6, 1990

The Honorable County Council
County Government Center
Clayton, Missouri 63105

Council Members:

The petition listed below is hereby transmitted for your consideration:

Petition No.:	P.C. 162 and 163-89
Petitioner:	Douglas Gilberg
Request:	P.C. 162-89 - C.U.P. in "NU" P.C. 163-89 - "LPA in "NU"
Tract Size:	7.34 acres
Location:	East side of Ossenfort Road, approximately 1,500 feet north of Melrose Road
Hearing Date:	November 27, 1989
In Favor:	Crowd Count-24
Opposed:	Ind.-7; Letters-10; Petitions-101; Crowd Count-17
Decision Date:	January 8, 1990
Recommendation:	Approval of P.C. 162-89 and Denial of P.C. 163-89
Vote:	7-0
Report:	Attachment A
Departmental Comments:	Attachment B
Conditions:	Attachment C
Preliminary Development Plan:	Attachment D
Fire District:	Chesterfield
School District:	Rockwood
Council District:	Seventh

A sketch of the property is also attached. The legal description is on file with the County Clerk.

Respectfully,

ST. LOUIS COUNTY PLANNING COMMISSION

Donald F. Essen, Chairman

ATTEST:

Roger M. Grow
Director of Planning

RMG/MDP/dhc
(162-89)

ATTACHMENT A

AREA LAND USE AND ZONING

The petitioned 7.34 acre tract of land is located in far west St. Louis County on the east side of Ossenfort Road approximately 1,500 feet north of Melrose Road. There is a nursery, with several greenhouses and outbuildings, currently operating on the site. The site is zoned "NU" Non-Urban District. Surrounding land uses and zoning districts include the following:

To the north, south and east:	The tract is surrounded on three sides by large wooded tracts of land with scattered single family homes in the "NU" Non-Urban District.
To the west:	Across Ossenfort Road are scattered single family homes and large wooded tracts in the "NU" Non-Urban District.

DEPARTMENTAL/AGENCY COMMENTS

The St. Louis County Department of Highways and Traffic, the Department of Community Health and Medical Care, the Historic Building Commission and the Metropolitan St. Louis Sewer District have submitted comments relative to this petition and said comments are included in Attachment B.

PETITIONER'S REQUEST

The petitioner is requesting either an LPA in "NU" to permit a botanical gift store, craft gallery, education and lecture room, retail sales, office and food service or a C.U.P. in "NU" Non-Urban District to permit a plant nursery with a salesroom.

The petitioner is currently operating a nursery and perennial farm at this location. As stated at public hearing, there is a building on the site which originates from the 1800's. The petitioner believes this building to be historically significant. There are also several greenhouses, storage buildings, and numerous outbuildings which house growing plants and plants for sale in addition to the area used for the perennial form. The petitioner has acquired additional land and proposed to relocate the existing parking lot to the north of the existing operation. There are currently 60 parking spaces provided on the site and 83 parking spaces are proposed on the new lot. Access to the site is via a curb cut off Ossenfort Road, and the petitioner proposes a second curb cut north of the existing curb cut.

ANALYSIS

The petitioner is requesting either an LPA in the "NU" Non-Urban District to permit a botanical gift store, craft gallery, education and lecture room, retail sales office and food service, or a C.U.P. in the "NU" Non-Urban District to permit a plant nursery with sales room. Each of these requests will be considered separately.

LPA Request - P.C. 163-89

Pertinent to this analysis is whether the petitioner's request meets the criteria for an LPA as established by the Zoning Ordinance. As stated in the St. Louis County Zoning Ordinance, the purpose and intent of the Landmark and Preservation Area is to promote the general welfare, heritage, education, and economic benefit of St. Louis County, through the preservation, protection, and regulation of buildings, sites, structures, monuments, and neighborhoods of historic, architectural, cultural or archeological significance. It is further the intent of this procedure to encourage the adaptation of these buildings, sites, structures, etc. for current use. The Landmark and Preservation Area encourages the preservation, enhancement, rehabilitation, and perpetuation of the landmark building, structure or area. In order for the Planning Commission to recommend and the County Council, by ordinance, to approve designation for a specific parcel or area, the area must be characterized by one or more of the following criteria:

(1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the County of St. Louis, State of Missouri, or the United States.
(2) Is the site of a significant historic event.
(3) Is the work of a designer whose individual work has significantly influenced the development of the St. Louis region, State of Missouri or United States.
(4) Contains elements of design, detail, materials, or craftsmanship which represent a particular architectural style or significant innovation.
(5) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of a neighborhood, or within St. Louis County.

The Ordinance goes on further to state the Planning Commission shall address the comments and recommendation of the Historic Building Commission, general planning considerations including consistency with good planning practice and compatibility with adjoining permitted developments and uses.

The Commission believes this proposal does not meet the criteria for an LPA as outlined above. The comments from the Historic Building Commission do not clearly establish the house on the site as being historically significant, and further, made their recommendation contingent upon reconstruction of the house to the standards of an historical architect. The historical house appears to be unrelated to the petitioners nursery business and the general use of the property. The Commission believes it would be a misuse of the LPA procedure to look favorably upon the petitioner's proposal. Therefore, the Planning Commission recommends denial of P.C. 163-89 Douglas Gilberg.

C.U.P. Request - P.,C. 162-89

The issues relative to this analysis are the appropriateness of the requested accessory salesroom at this location and the site plan. The Commission would point out there are several criteria setforth in the Zoning Ordinance in considering a request for a Conditional Use Permit: is the request consistent with good planning practice, can it be operated in a manner that is not detrimental to the permitted developments and uses in the district, can it be developed and

operated in a manner that is visually compatible with permitted uses in the surrounding area, and is it essential or desirable to preserve and promote the public health, safety, and general welfare of St. Louis County.

The Commission believes the proposal has substantially met the above criteria given the relative low intensity of the petitioners proposal, the size of the petitioner's tract, the scale of the proposal, and the isolated nature of the petitioner's location.

The tract is located in a largely undeveloped part of St. Louis County surrounded on three sides by heavily wooded parcels of land. The nursery operation and perennial farm are well suited to this setting and are a permitted use in the "NU" Non-Urban District. The associated salesroom would allow the petitioner to sell nursery products and related items for use in presenting the life and health of such products, hard tools and plant containers. The acceptable items for sale do not include power driven equipment, lawn and garden furniture nor decorative accessories, fencing, nor bulk sale of sand, gravel, mulch, railroad ties or similar materials. Therefore, the Commission believes this salesroom can be operated in a manner that is compatible with the existing development and will not detrimentally impact the area.

Regarding the site plan, the petitioner is proposing no new buildings or new structures. However, all structures and parking spaces must maintain a fifty (50) foot setback from the right-of-way of Ossenfort Road and all limits of this "C-8" development. While there is an existing fence indicated on the site plan along Ossenfort Road the Commission would note this fence cannot interfere with the sight distance and cannot be higher than six feet. The proposed new parking lot must be paved and must meet all the minimum standards of the St. Louis County Zoning Ordinance. The Department of Highways and Traffic has indicated two commercial entrances will be permitted but these entrances will be required to be located so as to provide adequate sight distance. Additionally, in an effort to maintain compatibility with the existing development, the Commission suggests several specific conditions: The uses permitted by this C.U.P. should be contained within the boundaries of the C.U.P.; No operation of machinery shall be permitted before 8:00 a.m. or after 5:00 p.m.; An on-site loading space will be required. These conditions seek to eliminate some of the existing concerns that were raised at the public hearing regarding the current operation of the site.

SUMMARY AND RECOMMENDATION

Based on the preceding considerations regarding the suitability of the nursery salesroom to the location and the inappropriateness of the use of the LPA procedure, the Commission recommends approval of P.C. 162-89 Douglas Gilberg subject to the conditions in Attachment C and denial of P.C. 163-89 Douglas Gilberg.

Metropolitan
St. Louis Sewer
District

2000 Hampton Avenue
St. Louis, MO 63139-2979
(314) 768-6200

Attachment B

November 21, 1989

Mr. Donald E. Clark
Director of Planning, Department of Planning
Fifth Floor, Department of Planning
St. Louis County Government Center
41 South Central Avenue
St. Louis, MO 63105

Re: St. Louis County Planning Commission
Public Hearing Notice
November 27, 1989

Dear Mr. Clark:

The Metropolitan St. Louis Sewer District has reviewed the sites listed on the November 27, 1989, Public Hearing Notice and have the following preliminary comments.

a. Petition Number 162 and 163-89
Douglas Gilberg
C.U.P. in "NU" or L.P.A. in "NU"
East side of Ossenfort Road, north of Melrose Road

Stormwater and Sanitary - No comment. Outside MSD Boundary.

b. Petition Number 164-89
St. Luke's Episcopal-Presbyterian Hospital
C.U.P. in "NU" and "FPNU"
Northeast corner of Highway 141 and Conway Road

Stormwater - Stormwater drainage plan must be reviewed by M.S.D. Stormwater detention will be required, as directed by M.S.D.

Mr. Roger M. Grow, Acting Director
Department of Planning

Public Hearing
November 27, 1989

P.C. 162-89 and 163-89 DOUGLAS GILBERG

The Department of Highways and Traffic has recently obtained core samples of Ossenfort Road between Melrose Road and State Highway "T". It was determined that the average depth of pavement is two (2) inches of asphalt concrete on two (2) inches of rock base. This pavement thickness is structurally deficient and will not withstand the truck traffic generated by this development. Therefore, the roadway improvements herein are mandatory and must be completed by this developer.

Relative to this rezoning, we request that the following special conditions be met:

1. Overlay Ossenfort Road with 3 inch Type "X" Asphaltic Concrete Base Course and 2 inch Type "C" Asphaltic Concrete Wearing Surface for a width of 22 feet from the proposed development's southern entrance to State Highway "T", including all storm drainage facilities as directed by the Department of Highways and Traffic.

2. Truck traffic shall be restricted to the improved section of Ossenfort Road north to State Highway "T", no movement of truck traffic from this development will be allowed south to Melrose Road.

3. Provide the finish grading and required cash escrow for a sidewalk adjacent to Ossenfort Road as directed by the Department of Highways and Traffic.

4. Access to this development from Ossenfort Road shall be limited to two (2) commercial entrances located to provide required sight distance as directed by the Department of Highways and Traffic. Any existing entrances in excess of the two permitted shall be removed and the right-of-way regarded and restored as directed by the Department of Highways and Traffic.

5. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Department of Highways and Traffic.

6. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. The developer should also be aware of extensive delays in

utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

Relative to this petition, we request that the following grading conditions and stormwater control requirements be met:

1. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted.

2. Interim stormwater drainage control in the form of siltation control measures are required.

3. Submit to the Planning Commission an engineering plan approved by the Department of Highways and Traffic and M.S.D. showing that adequate handling of the stormwater drainage of the site is provided.

4. a. The developer is required to provide adequate stormwater systems in accordance with St. Louis County and M.S.D. Standards.

   b. All stormwater shall be discharged at an adequate natural discharge point.

   c. Under present and proposed use, this development would not warrant detention, however with any further development of the subject tract, detention of differential runoff of stormwater will be required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternative. The detention basin shall be completed and in operation prior to paving of any driveways or parking areas.

   The above mentioned comments are as determined by the Director of the Department of Highways and Traffic.

5. Prior to issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works.

In addition, we request the following general conditions be met:

1. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

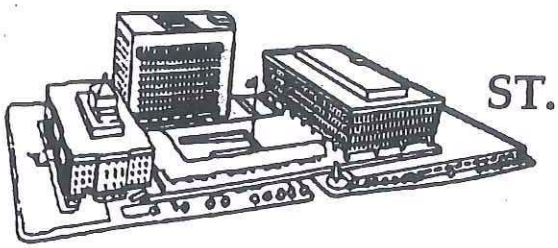
P.C. 162-89 and 163-89 DOUGLAS GILBERG (Continued)

2. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

cc: Mr. Al Michenfelder, Ziercher & Hocker, 130 South Bemiston, 4th Floor, Clayton, Missouri 63105
Mr. Douglas Gilberg, 2906 Ossenfort Road, Glencoe, Missouri 63038
James Engineering and Surveying Company, Inc., 7810 Forsyth Boulevard, Suite 300, Clayton, Missouri 63105

Attachment B



NOV 20 '89

ST. LOUIS COUNTY, MISSOURI

GENE McNARY, COUNTY EXECUTIVE

DIVISIONS
Emergency Medical Services
Environmental Health Services
Medical Examiner
Personal Health Services
Planning and Administration Services

DEPARTMENT OF COMMUNITY HEALTH AND MEDICAL CARE
KENNETH BALDWIN, Director

November 17, 1989

Mr. Donald E. Clark
Director of Planning
Department of Planning
St. Louis County Government Center
Clayton, MO 63105

Dear Mr. Clark:

I am in receipt of the St. Louis County Planning Commission's Agenda for November 27, 1989, and would like to comment on the following petitions:

P.C. 163-89 DOUGLAS GILBERG c/o Al Michenfelder, Ziercher and Hocker, 130 S. Bemiston, 4th Floor, Clayton, Missouri 63105 - A request for an L.P.A. Landmark and Preservation Area in the "NU" Non-Urban District for the same 7.34 acre tract of land located on the east side of Ossenfort Road approximately 1300 feet north of Melrose Road. Proposed use: Plant nursery, botanical gift store, craft gallery, education and lecture room, retail sales, offices and food service.

P.C. 164-89 ST. LUKE'S EPISCOPAL-PRESBYTERIAN HOSPITALS c/o Richard D. Watters, 714 Locust Street, St. Louis, Missouri 63101 - A request for a C.U.P. Conditional Use Permit in the "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District for a 54.779 acre tract of land located at the northeast corner of Highway 141 and Conway Road. Proposed use: Hospital and accessory uses including medical offices.

P.C. 165-89 DAVID E. AND JUDITH A. MANSFIELD c/o John P. King, 10 S. Brentwood, Suite 215, Clayton, Missouri 63105 - A request for a change of zoning from "NU" Non-Urban District to "C-8" Planned Commercial District for a 5.9 acre tract of land located on the north side of Telegraph Road, approximately 175 feet west of Tollgate Road. Proposed use: Retail sales, convenience store with gas pumps, plant nursery with salesroom, sales and service of lawn and garden equipment and accessories, and all other permitted and conditional uses in the "C-2" Shopping District.

P.C. 166-89 LECHNER AND SIMON, INC. c/o John P. King, 10 S. Brentwood, Suite 215, Clayton, Missouri 63105 - A request for a change of zoning from "R-2" 15,000 square foot Residence District to "C-8" Planned Commercial District for a 1.19 acre tract of land located on the northeast side of Mattis Road, approximately 180 feet southeast of Tesson Ferry Road (Missouri Route 21). Proposed use: Offices including medical offices.

Attachment B
Revised

bcc: Mr. Norman C. Schaefer
Mr. Donald E. Spencer
Mr. Thomas J. Dalton
Mr. Robert J. Bunt
Mr. Myles J. Midgley
Mr. Thomas A. Barta
Ms. Mary K. Frisch
Mr. Brian A. Bass
Mr. Jack J. Gallai
Mr. Joe P. Passanise
Mr. Harry J. Wissmann
Mr. Dennis W. Bice
Mr. Ronald E. Halbach
Project File
Central File
Mail Room #

November 27, 1989

MEMORANDUM: Mr. Roger M. Grow, Acting Director
Department of Planning

Subject: Department of Highways and Traffic Comments for Public Hearing for November 27, 1989 P.C. 162-89 and 163-89, Douglas Gilberg Ossenfort Road, Between Melrose Road and State Highway T

Pursuant to a November 20, 1989 meeting with the developer and his attorney, the Department of Highways and Traffic received further clarification with regard to the Conditional Use Permit requested by P.C. 162-89 and 163-89, Douglas Gilberg. The facility has been in existence for approximately 10 years and the Conditional Use Permit is being requested to allow the sale of an informational book and other miscellaneous items associated with plants. In addition, a more detailed cost estimate of the previously requested road improvements revealed that the improvements were twice the estimated traffic generation assessment for this site.

Therefore, in order to bring the required roadway improvements associated with this development more in line with the traffic generation assessment, it is requested that the enclosed comments be substituted for this Department's comments transmitted with letter dated November 15, 1989.

Donald E. Spencer
Engineer of Planning and Design

DES/glr
Attachment

cc: Ms. Dee A. Joyner, Executive Assistant to the County Executive
Mr. Richard F. Daykin, Director
Mr. James E. Farrell, Administrative Assistant
Mr. John T. Williams, Administrative Director
Mr. Jan H. Paynton, Director, Department of Public Works
Mr. J. T. Yarnell, District Engineer, Missouri Highway and Transportation Department
Metropolitan St. Louis Sewer District

Attachment B

Mr. Roger M. Grow, Acting Director
Department of Planning

Public Hearing
November 27, 1989

P.C. 162-89 and 163-89 DOUGLAS GILBERG

Relative to this rezoning, we request that the following special conditions be met:

1. Improve Ossenfort Road to one-half of a twenty-four (24) foot pavement within the existing right-of-way across the entire frontage of the property. The widening shall consist of nine and one-half (9-1/2") of asphaltic concrete pavement.

2. Overlay existing Ossenfort Road pavement with two (2) inches of Type "C" asphaltic concrete across the entire frontage of the property.

3. Provide a cash escrow for a sidewalk adjacent to Ossenfort Road as directed by the Department of Highways and Traffic.

4. Access to this development from Ossenfort Road shall be limited to two (2) commercial entrances located to provide required sight distance as directed by the Department of Highways and Traffic. Any existing entrances in excess of the two permitted shall be removed and the right-of-way regarded and restored as directed by the Department of Highways and Traffic.

5. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Department of Highways and Traffic.

6. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

Relative to this petition, we request that the following grading conditions and stormwater control requirements be met:

1. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted.

2. Interim stormwater drainage control in the form of siltation control measures are required.

P.C. 162-89 and 163-89 DOUGLAS GILBERG (Continued)

3. Submit to the Planning Commission an engineering plan approved by the Department of Highways and Traffic and M.S.D. showing that adequate handling of the stormwater drainage of the site is provided.

4. a. The developer is required to provide adequate stormwater systems in accordance with St. Louis County and M.S.D. Standards.

   b. All stormwater shall be discharged at an adequate natural discharge point.

   c. Under present and proposed use, this development would not warrant detention, however with any further development of the subject tract, detention of differential runoff of stormwater may be required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternative. The detention basin shall be completed and in operation prior to paving of any driveways or parking areas.

   The above mentioned comments are as determined by the Director of the Department of Highways and Traffic.

5. Prior to issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works.

In addition, we request the following general conditions be met:

1. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

2. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

Attachment B

Mr. Roger M. Grow, Acting Director
Department of Planning

Public Hearing
November 27, 1989

P.C. 162-89 and 163-89 DOUGLAS GILBERG

The Department of Highways and Traffic has recently obtained core samples of Ossenfort Road between Melrose Road and State Highway "T". It was determined that the average depth of pavement is two (2) inches of asphalt concrete on two (2) inches of rock base. This pavement thickness is structurally deficient and will not withstand the truck traffic generated by this development. Therefore, the roadway improvements herein are mandatory and must be completed by this developer.

Relative to this rezoning, we request that the following special conditions be met:

1. Overlay Ossenfort Road with 3 inch Type "X" Asphaltic Concrete Base Course and 2 inch Type "C" Asphaltic Concrete Wearing Surface for a width of 22 feet from the proposed development's southern entrance to State Highway "T", including all storm drainage facilities as directed by the Department of Highways and Traffic.

2. Truck traffic shall be restricted to the improved section of Ossenfort Road north to State Highway "T", no movement of truck traffic from this development will be allowed south to Melrose Road.

3. Provide the finish grading and required cash escrow for a sidewalk adjacent to Ossenfort Road as directed by the Department of Highways and Traffic.

4. Access to this development from Ossenfort Road shall be limited to two (2) commercial entrances located to provide required sight distance as directed by the Department of Highways and Traffic. Any existing entrances in excess of the two permitted shall be removed and the right-of-way regarded and restored as directed by the Department of Highways and Traffic.

5. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Department of Highways and Traffic.

6. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. The developer should also be aware of extensive delays in

utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

Relative to this petition, we request that the following grading conditions and stormwater control requirements be met:

1. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted.

2. Interim stormwater drainage control in the form of siltation control measures are required.

3. Submit to the Planning Commission an engineering plan approved by the Department of Highways and Traffic and M.S.D. showing that adequate handling of the stormwater drainage of the site is provided.

4. a. The developer is required to provide adequate stormwater systems in accordance with St. Louis County and M.S.D. Standards.

   b. All stormwater shall be discharged at an adequate natural discharge point.

   c. Under present and proposed use, this development would not warrant detention, however with any further development of the subject tract, detention of differential runoff of stormwater will be required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternative. The detention basin shall be completed and in operation prior to paving of any driveways or parking areas.

   The above mentioned comments are as determined by the Director of the Department of Highways and Traffic.

5. Prior to issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works.

In addition, we request the following general conditions be met:

1. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

2. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

cc: Mr. Al Michenfelder, Ziercher & Hocker, 130 South Bemiston, 4th Floor, Clayton, Missouri 63105
Mr. Douglas Gilberg, 2906 Ossenfort Road, Glencoe, Missouri 63038
James Engineering and Surveying Company, Inc., 7810 Forsyth Boulevard, Suite 300, Clayton, Missouri 63105

ATTACHMENT C

1. PERMITTED USES

The use authorized by this Conditional Use Permit shall be limited to a nursery with associated salesroom.

2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

a. Gross floor area for the salesroom shall not exceed a total of 5,200 square feet and may be located in the exterior sales room and in the residential structure on the premises.

b. The uses permitted in this C.U.P. shall be contained and operated within the boundaries of the C.U.P.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the effective date of this Conditional Use Permit and prior to issuance of any building or occupancy permit, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning Commission. Said Site Development Plan shall include, but not be limited to, the following:

a. The location and size of all existing and proposed structures, including freestanding business signs.
b. Existing and proposed contours at two (2) foot intervals.
c. Location and size of all parking areas and parking calculations.
d. Roadways and driveways on and adjacent to the property in question including required roadway right-of-way dedication and pavement widening.
e. The design, location, and size of all proposed lighting, fences, and trash areas.
f. A landscape plan, including, but not limited to, the location, size and general type of all plant and other material to be used.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

Structure Setbacks

a. Structure setbacks shall be as follows:

(1) Fifty (50) feet from the right-of-way of Ossenfort Road.
(2) Fifty (50) feet from all other limits of the C.U.P.

Parking, Loading and Internal Drives

Setbacks

b. Parking space and internal drive setbacks, except points of ingress and egress, shall be as follows:

(1) Fifty (50) feet from the right-of-way of Ossenfort Road.
(2) Fifty (50) feet from all other limits of the C.U.P.

Minimum Requirements

c. Minimum parking requirements shall be as set forth in Section 1003.165 of the St. Louis County Zoning Ordinance. One paved on-site loading space shall be required.

Access, Roadway Improvements, and Sidewalks

d. Improve Ossenfort Road to one-half of a twenty-four (24) foot pavement within the existing right-of-way across the entire frontage of the property. The widening shall consist of nine and one-half (9-1/2") of asphaltic concrete pavement.

e. Overlay existing Ossenfort Road pavement within two (2) inches of Type "C" asphaltic concrete across the entire frontage of the property.

f. Access to this development from Ossenfort Road shall be limited to two (2) commercial entrances located to provide required sight distance as directed by the Department of Highways and Traffic. Any existing entrances in excess of the two permitted shall be removed and the right-of-way regarded and restored as directed by the Department of Highways and Traffic.

g. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Department of Highways and Traffic.

Landscape Requirements

h. Either as part of the development plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with the following:

(1) All new deciduous trees shall be a minimum of two and one-half (2 1/2) inches in caliper, except the Department of Planning may approve ornamental trees of a minimum of one and one-half (1 1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height. All new shrubs shall be a minimum of eighteen (18) inches in diameter.

(2) Building and paved area setbacks shall contain adequate landscaping and sight-proof fencing as approved by the Planning Commission on the Site Development Plan.

Signs

i. Signs shall be permitted in accord with the regulations of Section 1003.168 of the St. Louis County Zoning Ordinance pertaining to the "NU" Residence District.

Lighting Requirements

j. The location of all lighting standards shall be as approved by the Planning Commission on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties or public roadways.

Miscellaneous

k. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence.

l. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.

m. All rooftop mechanical equipment on buildings shall be adequately screened by roofing or other screening as approved by the Planning Commission.

n. No portable toilets are permitted.

o. No operation of machinery shall be permitted before 8:00 a.m. or after 5:00 p.m.

5. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the Site Development Plan the petitioner shall:

Stormwater

a. Submit to the Planning Commission an engineering plan approved by the Department of Highways and Traffic and Metropolitan St. Louis Sewer District showing that adequate handling of the stormwater drainage of the site is provided.

(1) The developer is required to provide adequate stormwater systems in accordance with St. Louis County Standards.
(2) All stormwater shall be discharged at an adequate natural discharge point.
(3) Under present and proposed use, this development would not warrant detention, however with any further development of the subject tract, detention of differential runoff of stormwater may be required by providing permanent detention facilities, such as: dry reservoirs, ponds or other acceptable alternative. The detention basin shall be completed and in operation prior to paving of any driveways or parking areas.

Road Improvements and Curb Cuts

b. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

6. RECORDING

Prior to issuance of a building permit or permit authorizing the use of the property, a copy of the conditions and legal description of this permit shall be recorded with the St. Louis County Recorder of Deeds.

7. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, the developer shall provide the following:

Landscape Bonds or Escrows

a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds an estimated cost of one thousand ($1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.

Notification to the Department of Public Works

b. Prior to the issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works.

8. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. The delays due to utility company relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

9. GENERAL DEVELOPMENT CONDITIONS

a. Adequate temporary off-street parking for construction employees shall be provided. Parking on non-surfaced areas should be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

b. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.

c. Interim stormwater drainage control in the form of siltation control measures are required.

d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion.

f. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.

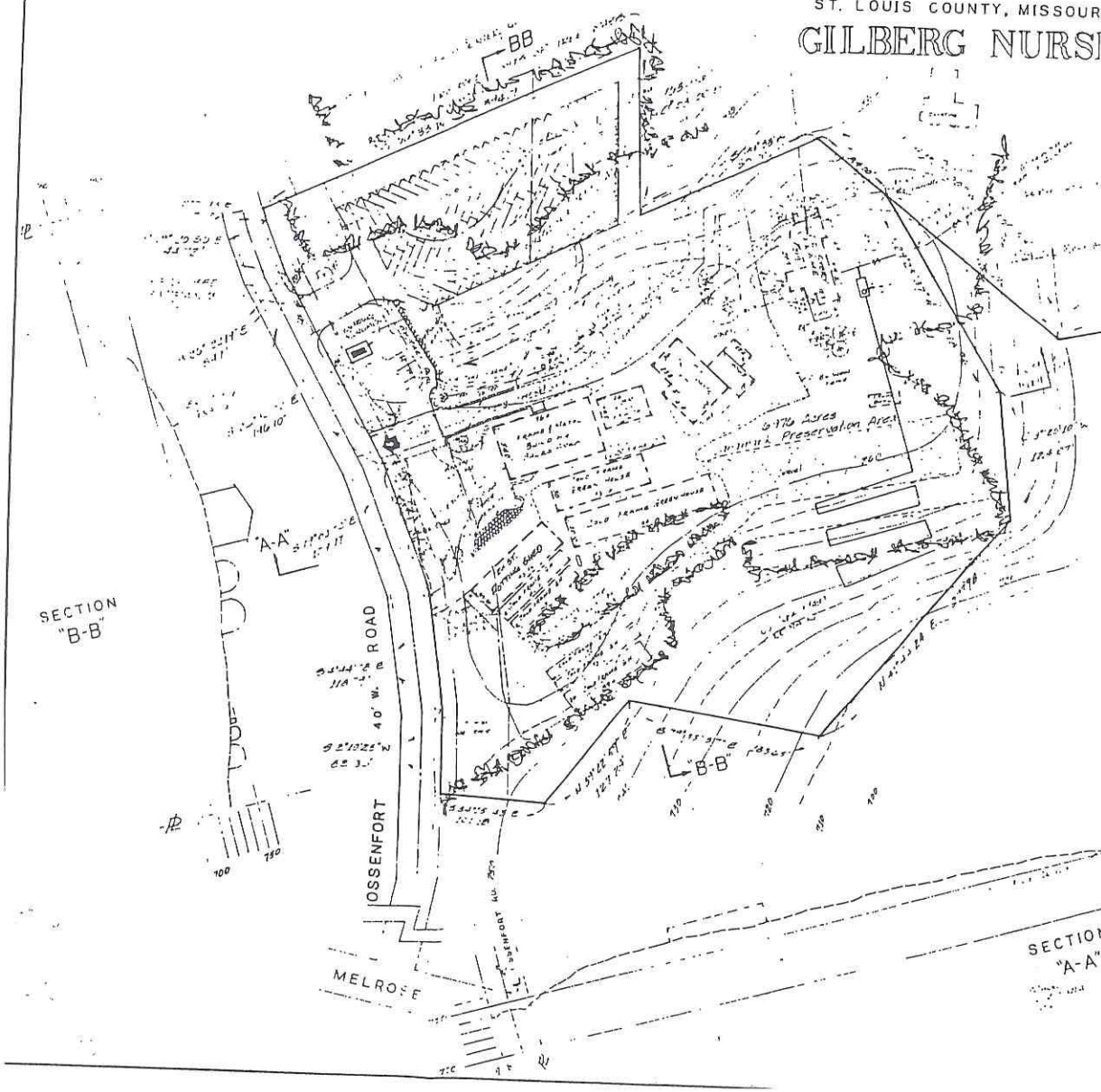
Attachment D

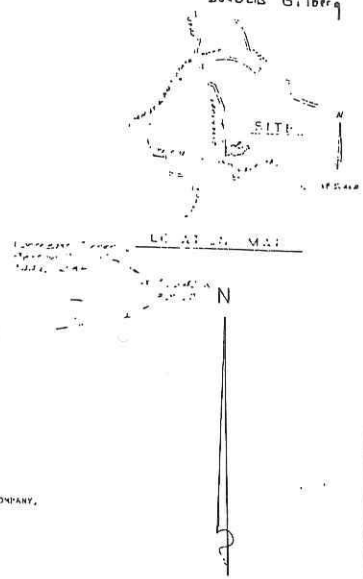
P.C. 162-163-89
Douglas Gilberg

PRELIMINARY DEVELOPMENT PLAN

A TRACT OF LAND IN
SECTION 7, T. 44 N.-R. 3 E.
ST. LOUIS COUNTY, MISSOURI.

GILBERG NURSERY





NOTES:

PREPARED BY, DESIGN ENGINEER:	JAMES ENGINEERING & SURVEYING COMPANY, INC. SUITE 308 7910 PUBLIC SQUARE BOULEVARD CLAYTON, MO 63105
TRACT AREA:	7.14 ACRES
EXISTING ZONING:	"M-U" - MIXED-URBAN
PRESENT LAND USE:	PLANT NURSERY
PROPOSED USE OF TRACT:	5.0 ACRES TO REMAIN NON-URBAN 1.0 ACRES HISTORICAL PRESERVATION DISTRICT
SCHOOL DISTRICT:	RITENHOUSE R-6
FIRE DISTRICT:	BALLWIN
WATER DISTRICT:	MISSOURI-AMERICAN WATER COMPANY
SEWER DISTRICT:	MSD

STREET TREES TO BE PROVIDED PER ST. LOUIS COUNTY SUBDIVISION ORDINANCE.

ENTRANCES, GRADING AND DRAINAGE TO BE AS DIRECTED BY THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC.

PROPOSED DRAINAGE WILL SUBSTANTIALLY CONFORM WITH THE APPROVED DRAINAGE PLAN FOR CYPRESS STATION.

SOURCE OF TOPOGRAPHY: U.S. GEOLOGICAL SURVEY

RECEIVED
OCT 20 1989
DEPARTMENT OF PLANNING

THIS IS TO CERTIFY THAT AT THE REQUEST OF DOUG GILBERG, WE HAVE IN THE MONTH OF SEPTEMBER 1989, PREPARED A PRELIMINARY DEVELOPMENT PLAN OF A PARCEL OF LAND IN PART OF SECTION 7, TOWNSHIP 44 NORTH, RANGE 3 EAST, ST. LOUIS COUNTY, MISSOURI, AND THE RESULTS ARE REPRESENTED HEREON.

JAMES ENGINEERING AND SURVEYING COMPANY, INC.

BY: James L. Wuhm

STATE OF MISSOURI
JAMES L. WUHM
LS-462
REGISTERED LAND SURVEYOR

20 employees	2 spaces/1000 sq.ft.	40 spaces
8 vehicles	1 space/vehicle	8 spaces
5000 sq.ft. Office	3 spaces/1000 sq.ft.	15 spaces
TOTAL		63 spaces

PRELIMINARY DEVELOPMENT PLAN

PREPARED FOR:
DOUG GILBERG, 2908 OSSENFORT RD.
GLENCOE MO. 63038, (314) 458-2033

DRN SJA	DATE 10/89	DESCRIPTION	JESCO
CHK JLW	CHK DATE	SCALE: HEAT 1"=	SURVEY NUMBER 76880
DATE		MSD NO. P.	SHEET OF

JAMES ENGINEERING & SURVEYING CO., INC.
ENGINEERS PLANNERS SURVEYORS

PUBLIC HEARING

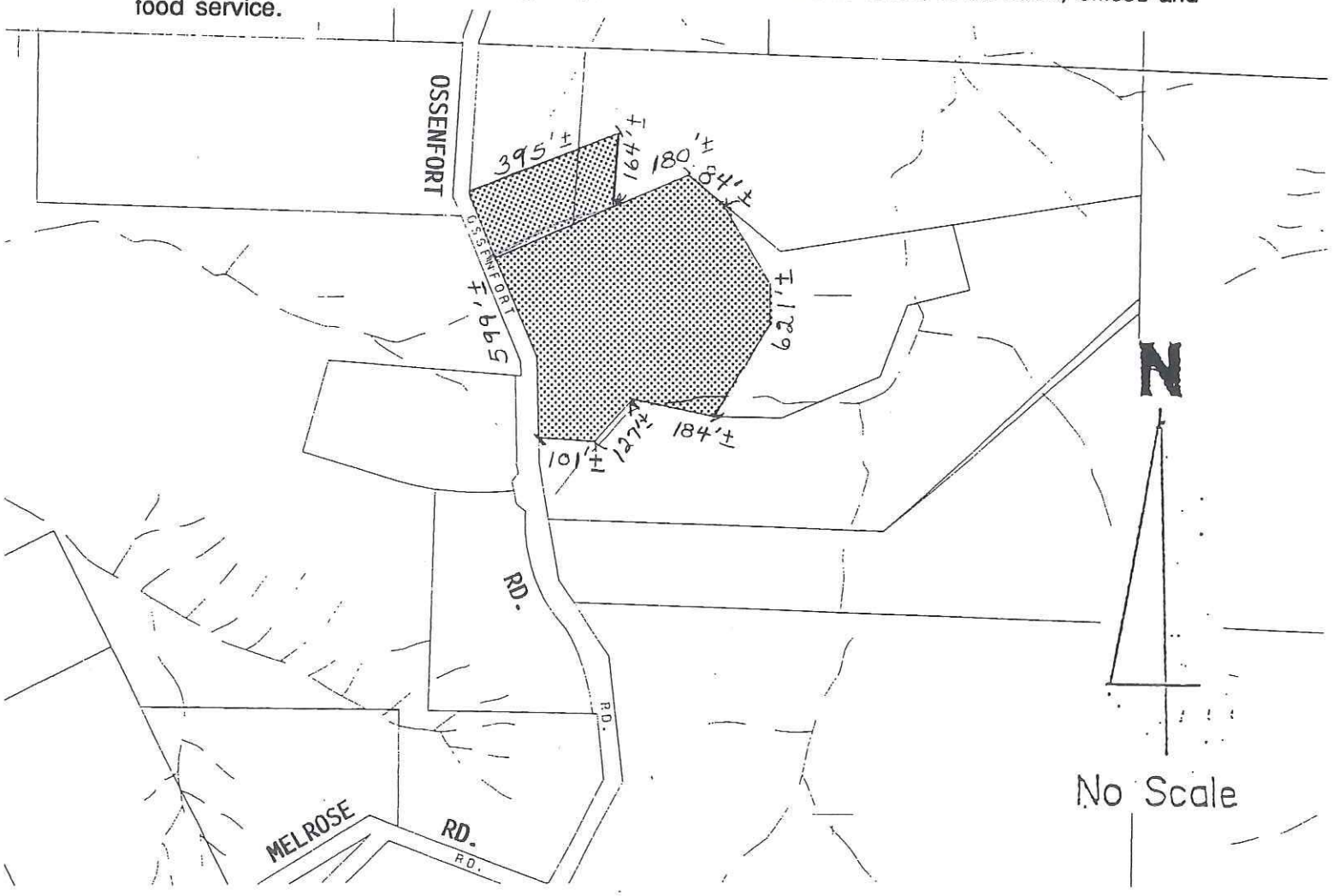
PUBLIC NOTICE
MONDAY, NOVEMBER 27, 1989

St. Louis County Planning Commission will hold a public hearing at 7:00 P.M. on Monday, November 27, 1989 in the County Council Chambers, Administration Building, County Government Center, 41 South Central Avenue, Clayton, Missouri 63105. The Planning Commission may recommend and the County Council may enact by ordinance a zoning district other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petition. The following request will be considered at that time:

P.C. 162-89 DOUGLAS GILBERG c/o Al Michenfelder, Ziercher and Hocker, 130 S. Bemiston, 4th Floor, Clayton, Missouri 63105 - A request for a C.U.P. Conditional Use Permit in the "NU" Non-Urban District for a 7.34 acre tract of land. Proposed use: Plant nursery with sales room.

OR

P.C. 163-89 DOUGLAS GILBERG c/o Al Michenfelder, Ziercher and Hocker, 130 S. Bemiston, 4th Floor, Clayton, Missouri 63105 - A request for an L.P.A. Landmark and Preservation Area in the "NU" Non-Urban District for the same 7.34 acre tract of land located on the east side of Ossenfort Road approximately 1300 feet north of Melrose Road. Proposed use: Plant nursery, botanical gift store, craft gallery, education and lecture room, retail sales, offices and food service.



A SITE DEVELOPMENT PLAN OF

GILBERG NURSERY

A TRACT OF LAND BEING LOT I OF
GILBERG SUBDIVISION IN SECTION 7
T.44N., R.3E., ST. LOUIS COUNTY, MO.

This is to certify that we have during the month of July 1991, by order of Gilberg Nursery, compiled a boundary for this site development plan, from available public records, of a tract of land being Lot 1 of Gilberg Subdivision in Section 7, Township 44 North, Range 3 East, St. Louis, County, Missouri, and that the results of said records compilation are shown hereon; this plan does not represent a boundary survey in any way.

Bax Engineering Co., Inc.
Neal John Niewald
Mo. Reg. L.S. #2117
July 9, 1991

CITY OF WILDWOOD
OCT 30 2015
DEPT OF PLANNING & PARKS

HANDICAPPED PARKING SIGN
NOT TO SCALE

HANDICAPPED PARKING
12"x18"

STANDARD SIGN FACE, STANDARD CITY STREET DEPARTMENT GAUGE, WHITE LETTERING ON BLUE BACKGROUND, GALVANIZED STEEL POST 8'-6" LONG, SET BOTTOM OF SIGN 4'-0" ABOVE GRADE, 3'-0" INTO GRADE.

APPROVED SITE DEVELOPMENT PLAN
☐ CONCEPT ☐ SECTION ☐ LANDSCAPE
ST. LOUIS COUNTY PLANNING COMMISSION

DATE: 4/20/92 CHAIRMAN: Douglas Morgan (mp)
P.C. 162-89 Gilberg
MAP NO. 24Y ZONING Cup#642 in NU
AMENDED

LEGEND

EXISTING		PROPOSED
400	Contours	(400)
431	Spot Elevation	(456)
	Building Line	
	Property Line	
	Center Line	
	Structures	
Bush, 6" Tree	Tree or Bush	
Chain Link	Fence	Chain Link
12" RCP	Storm Sewer	
6" V.C.P.	Sanitary Sewer	
	Curb or Area Catch Basin	
	Grated Inlet	
	Manhole	
	Flared End Section	
C.O.	Cleanout	C.O.
UP PP	Utility or Power Pole	UP PP
FH	Fire Hydrant	FH
	Soil Boring	
	Railroad	
2"G	Gas Main	(2"G)
5"W	Water Main	(5"W)
T	Telephone	(T)
E	Electric	(E)
	Use in Place	(U.I.P.)
	To Be Removed	(T.B.R.)
	To Be Removed & Relocated	(T.B.R.&R.)
	Swale	
LS OLS	Light Standard	
	Handicapped	H
	Limited Access	

STATE OF MISSOURI HAROLD J. BAX NUMBER E-17666 REGISTERED PROFESSIONAL ENGINEER

PREPARED FOR:
GILBERG NURSERY
2906 OSSENFORT ROAD
GLENCO, MO. 63038
PHONE: (314) 458-2033

APR 21 1992

MSD BENCHMARK: 443-35

776.096 - 40' north and 39' west of intersection Ossenfort Road and Melrose Road at major power lines crossing. Standard tablet stamped 34 GEU 1975 and set in concrete base of southeast most power line leg.

PREPARED BY:

BAX ENGINEERING CO., INC.
35 NORTH CENTRAL AVE. SUITE 235
ST. LOUIS, MISSOURI 63105
726-6588

Date: July 8, 1991 Order No.: 9010229
Rev. 9-3-91, 9-12-91, 9-20-91, 4-21-92

SHEET 1 OF 2

WILDWOOD

Recommendation Report

<<< Site Development Plan Package >>>
City of Wildwood Planning and Zoning Commission – Site Plan Subcommittee
February 1, 2016 Executive Meeting

Petition No.:	**P.Z. 20-14 Happy Hounds Playground**
Petitioner:	**Happy Hounds Playground, LLC., 431 Castle Glen Court, Ballwin, Missouri, 63021, c/o Clayton Engineering, Steven W. Quigley, 11920 Westline Industrial Drive, St. Louis, Missouri, 63146**
Zoning District(s):	NU – Non-Urban Residence District, with a Conditional Use Permit (CUP)
Location:	East side of Pond Road, south of State Route 100
Street Address:	2440 and 2448 Pond Road
Locator Number:	23W340042 and 23W330032
Ward:	One
Tract Size:	11.02 acres
Site Plan Subcommittee Meeting Date:	January 21, 2016
Commission Meeting:	February 1, 2016
Nature of Request:	Approval of the Site Development Plan (SDP) and related items (including the Landscape Plan component) for the use of the 11.02 acre tract of land as a recreational facility for a private dog park, with associated parking, and public space areas.

Summary of Proceedings:

The Site Plan Subcommittee of the Planning and Zoning Commission held its meeting on this submittal package at its January 21, 2016 Special Session. The Department of Planning staff, the owner of Happy Hounds, LLC, Laura VanGerpen, the engineer from Clayton Engineering, Steve Quigley, and the landscape architect from Arcturis, Gabe Presley, were in attendance. The Department of Planning described the plan and packet of the related information that had been provided for tonight's meeting to assist in this discussion. Highlights of this review included the plan sheets (including Landscape Plan), review letters from the City, approval confirmation from Metro West Fire Protection District, approval conformation from Missouri American Water Company, the Conditional Use Permit (CUP), which governs the property and its future use, and catalog cut sheets of amenities to be placed on the site for the purposes of this dog park use.

After this review, the Department then identified key points on the Site Development Plan (SDP) relating to the surrounding development pattern and the use of the site as a private dog park. These points included the following:

1. The site will be accessible from one (1) access point on Pond Road and have forty-two (42) parking spaces.
2. The site will also be accessible for pedestrians from a trail that is part of the public space requirements for the site. The site meets all public space requirements. A striped crosswalk will be provided across Pond Road, thereby linking to the existing trail already located on the west side of Pond Road.
3. The site will have a main building that will serve as the controlled-access point for the small and large dog play areas. The building will include a reception area for members that may serve as an accessory retail use in the future. The building will also have private offices and public restrooms at the rear. The final elevations of the building were approved by the Architectural Review Board at its meeting on January 14, 2016.
4. A pond currently exists on the site that will be restored and increased in size to serve as an active play area for all dogs.
5. The site will include small dog and large dog areas, separated by a fence. Both areas have agility equipment.
6. As a requirement of the CUP, the site will be served by Missouri American Water Company. The pond will be filled with this water and not with groundwater sources.
7. The site is not within the Metropolitan St. Louis Sewer District's (MSD's) jurisdiction.
8. The Natural Resource Protection Standards require four (4) or more acres be preserved. The Site Development Plan meets this requirement
9. The design of the site improvements meets the minimum of thirty percent (30%) of the tree canopy that is to be preserved. The Site Development Plan meets this requirement, with over forty percent (40%) being preserved.
10. A Waste Management Plan was provided, as required in the CUP. The Waste Management Plan is displayed prominently on Sheet 1 of the Site Development Plan and stipulates that ten (10) waste stations will be located throughout the area and will be emptied daily into a dumpster on the site. Employees of the park will perform daily checks to ensure the grounds are cleaned of pet waste that may be left behind by members. The dumpster will be emptied at least once a week.
11. The Site Development Plan meets the City's requirements for grading and stormwater management.

Following the Department's presentation, the Site Plan Subcommittee Members responded with discussion and questions of the Department and petitioner about a number of topics concerning the proposed plan. The following information was provided, as a result of the members' discussion and questions:

1. A traffic study was completed by CBB Transportation Engineers and Planners for this project. The study has since been distributed to Planning and Zoning Commission Members by the Department and is included as an attachment to this report.
2. The steps from the small dog area will provide access to the open play area.

3. The site design, for management of stormwater, indicates water quality features in front of the parking lot and around paved areas. The pond has two (2) overflow outlets, and will also help manage stormwater.
4. The owner of the site, Ms. VanGerpen is excited to open and has received significant interest about her future private dog park.

Site Plan Subcommittee's Recommendation:

The Site Plan Subcommittee of the Planning and Zoning Commission has considered the submitted package, which includes the Site Development Plan (SDP) and related items (including the Landscape Plan), and believes they meet the Conditional Use Permit (CUP) requirements in this regard. This determination was based upon review of the plan by the Departments of Planning and Public Works and their comments relating to it. These reviews by the respective departments addressed the requirements set forth by City codes. Additionally, other service providers have provided comments that have been incorporated into the plan. This Site Development Plan represents an excellent application of many of the City's current land use codes and should receive a favorable action from the Planning and Zoning Commission in this regard.

Summary and Conditions of Action:

The Site Plan Subcommittee of the Planning and Zoning Commission has completed its review of the aforementioned Site Development Plan (SDP), and related items, and determined them to be in compliance with the Conditional Use Permit (CUP) governing this site and the City's Zoning Ordinance. Therefore, based upon the above mentioned information, the Subcommittee of the Planning and Zoning Commission recommends final approval of these plans, contingent upon the petitioner's compliance to all applicable codes in this regard and adherence to their requirements during the construction of improvements and operation of this business.

Vote of the Commission:

Approval of the Site Development Plan (SDP) and related items by a vote of 9 to 0 (Voting Aye: Renner, Archeski, Peasley, Gragnani, Bauer, Liddy, Manton, Woerther, and Bopp)

Attachments And Enclosures:

Attachment A –Site Development Plan (SDP) and Related Items
Attachment B – Conditional Use Permit
Attachment C – Background Information

Attachment A:

Site Development Plans and

Related Items

TOTAL TRACT AREA: 19.68 ACRES

C.U.P. SITE AREA: 11.02 ACRES
PARCEL 1: 8.02 ACRES LOCATOR # 23W340042
PARCEL 2: 3.00 ACRES LOCATOR # 23W330032
EXISTING ZONING: NU NON-URBAN RESIDENCE DISTRICT w/ A CONDITIONAL USE PERMIT
STRUCTURE HEIGHT: 30' (2-STORY)
STRUCTURE AREA: 1,022 SQ. FT.
PARKING CALCULATION: SPACE EQUIVALENT TO 1% OF THE LAND USE AREA
480,062 SF x 1% = 4,801 SF
PARKING REQUIRED = 4,801 SF / 171 SF EACH = 29 SPACES
PARKING PROVIDED: 42 SPACES @ 171 SF EACH = 7,182 SF
POND AREA = 29,639 S.F. or 0.68 ACRES
UNDISTURBED AREA = 224,867 S.F. or 5.16 ACRES
POND & UNDISTURBED AREA = 5.84 ACRES

MAXIMUM LAND DISTURBANCE PERMITTED = 7.02 ACRES

PUBLIC SPACE CALCULATIONS:

NUMBER OF PARKING SPACES PROVIDED	42
STANDARD FOR PUBLIC SPACE CALCULATION:	ONE (1) ACRE FOR EVERY 150 PARKING SPACES (290.4 SQUARE FEET PER PARKING SPACE)
AMOUNT OF REQUIRED PUBLIC SPACE	12,196.80 SQUARE FEET
AMOUNT OF PROVIDED PUBLIC SPACE	12,200 SQUARE FEET
MULTIPLE USE TRAIL	1,400 SQUARE FEET
UNDERGROUND DETENTION AREA	0 SQUARE FEET
PUBLIC LAND DEDICATION	0 SQAURE FEET
PRIVATELY HELD COMMON GROUND	12,200 SQUARE FEET
OTHER	0 SQUARE FEET
LIST INSTALLED IMPROVEMENTS	TOTAL NUMBER (LIST BELOW ON LINES)
PICNIC TABLES	0
BENCHES	1
TRASH RECEPTACLES	1
BICYCLE RACKS	2
OTHER	0
OTHER PUBLIC SPACE ITEMS (IF PROVIDED)	0
FEE IN LIEU (IF APPLICABLE)	0

NOTES:

ENTRANCE, STREET INTERSECTION, CUL-DE-SAC SHALL BE CONSTRUCTED TO CITY OF WILDWOOD STANDARDS.

GRADING SHALL BE DONE PER CITY OF WILDWOOD STANDARDS.

GRADING AND DRAINAGE SHALL BE PER CITY OF WILDWOOD STANDARDS.

SLOPE SHALL NOT EXCEED 3 (HORIZONTAL) : 1 (VERTICAL), UNLESS SUPPORTED BY GEOTECHNICAL REPORT.

STORM WATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINK HOLES ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.

ALL CONCRETE WALKS WILL BE ADA ACCESSIBLE.

ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS - PLUMBING SECTION - RESTRICTIONS OVER THE DRIP IRRIGATION FIELD IS: NO CATTLE, HORSES OR HEAVY FARM EQUIPMENT. PEDESTRIAN AND LIGHT TO MEDIUM DUTY LAWN EQUIPMENT IS ACCEPTABLE.

PROJECT BENCHMARK:
16-47 ELEVATION=799.39 "L" ON THE SOUTHWEST CORNER OF CONCRETE STEP AT SIDE ENTRANCE TO SOUTHWESTERN BELL TELEPHONE BUILDING; (ONE STORY BRICK) 43' EAST OF CENTERLINE OF POND ROAD AND 86' NORTH OF CENTERLINE OF MANCHESTER ROAD (N304912 E236447)

SITE BENCHMARK:
FOUND IRON PIPE AT THE SOUTHWESTERN CORNER OF PARCEL 1 OF PROPERTY CONVEYED TO HAPPY HOUNDS PLAYGROUND LLC. ELEV=781.32

SIGNAGE SHALL COMPLY WITH CITY OF WILDWOOD REQUIREMENTS

SITE LIGHTING SHALL COMPLY WITH CITY OF WILDWOOD REQUIREMENTS.

ALL BRIDGES WILL REQUIRE BUILDING PERMITS.

WASTE MANAGEMENT PLAN:
MEMBERS WILL BE EXPECTED TO BAG AND PROPERLY DISPOSE OF THEIR DOGS FECES IN THE PARK'S WASTE RECEPTACLES. TEN DOG WASTE STATIONS WILL BE CONVENIENTLY PLACED -- TWO AT THE ENTRANCE TO THE PARK, TWO INSIDE THE SMALL DOG AREA, AND 6 INSIDE THE LARGE DOG AREA -- TO MAKE WASTE REMOVAL EASY.

THE PARK'S WASTE RECEPTACLES WILL BE COLLECTED AND EMPTIED INTO DUMPSTER EACH DAY. THE PARK WILL BE CHECKED EACH DAY FOR ADDITIONAL WASTE PICKUP THAT MAY HAVE BEEN MISSED BY MEMBERS.

THE PARK'S DUMPSTER SHALL BE SCHEDULED TO BE EMPTIED AT LEAST ONCE PER WEEK.

THIS SITE IS SERVED BY THE FOLLOWING UTILITIES:

FIRE DISTRICT:	METRO WEST FIRE PROTECTION DISTRICT
WATER:	MISSOURI AMERICAN WATER COMPANY
SEWERS:	ONSITE SEPTIC (PRIVATE)
GAS:	LACLEDE GAS COMPANY
ELECTRIC:	AMEREN MISSOURI
TELEPHONE:	AT&T
INTERNET:	CHARTER COMMUNICATIONS
SCHOOL:	ROCKWOOD SCHOOL DISTRICT.
WARD:	CITY COUNCIL WARD 1

SHEET INDEX:

1. SITE DEVELOPMENT PLAN
2. C.U.P. NOTES
3. SITE DEMOLITION PLAN
4. SITE CROSS SECTIONS
5. STORMWATER POLLUTION PREVENTION PLAN
6. SITE DEVELOPMENT PLAN - AERIAL PHOTO
7. ZONING & ACREAGE PLAT
8. SITE DEVELOPMENT PLAN DETAILS
9. NATURAL RESOURCE DELINEATION
10. TREE PRESERVATION PLAN (L-001)
11. LANDSCAPE SITE PLAN (L-201)
12. LANDSCAPE DETAIL PLANS (L-301)
13. SITE STRUCTURES (L-601)
14. LANDSCAPE & FENCE DETAILS (L-801)

STORM WATER CALCULATIONS (15-YR., 20-MIN.)

ONSITE ANALYSIS / PROJECT AREA

EXISTING CONDITIONS
PROPERTY AREA = 11.02 AC
GRASS AREA = 10.75 AC
GRAVEL AREA = 0.11 AC
PAVEMENT AREA = 0.10 AC
ROOF AREA = 0.06 AC
COMPOSITE PI = 1.741 CFS/AC
Q = 19.19 CFS

DEVELOPED CONDITIONS
PROPERTY AREA = 11.02 AC
GRASS AREA = 10.05 AC
GRAVEL AREA = 0.16 AC
PAVEMENT AREA = 0.79 AC
ROOF AREA = 0.02 AC
COMPOSITE PI = 1.857 CFS/AC
Q = 20.46 CFS

STORMWATER MANAGEMENT SUMMARY:
15-yr, 20-min. ONSITE DIFFERENTIAL = + 1.09 CFS < 2 CFS

—FLOOD DETENTION IS NOT REQUIRED—

Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 319, RSMO.

Call Before you DIG
Dial 811 or TOLL FREE
1-800-344-7483
mo1call.com
MISSOURI ONE-CALL SYSTEM INC.

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

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Clayton Engineering Co.
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the clayton engineering company, inc.
ENGINEERS • SURVEYORS • PLANNERS
2266 WELSCH INDUSTRIAL COURT
ST. LOUIS, MISSOURI 63146
(314) 692-8888 FAX: (314) 692-8886 claytoneng.com
MO Cert. of Authority - Prof. Engineering #000087 & Prof. Surveying #000014
IL Dept. Financial & Prof. Reg. Prof. Design & Engineering Corp. #184.000879

REVISIONS

1	09/22/14	EJS	Revised per City Comments
2	12/11/14	EJS	Revised Grading per City Comments
3	08/14/15	EJS	Revised per City Comments & Client Input
4	10/22/15	EJS	Revised per City Comments
5	01/11/16	EJS	Revised per City Comments

F.B. 1155 SUR.
PLOTTED: 1/12/2016 8:21 AM BY: EJS
FILE: O:\13cco\13199_DOG PARK\Plans\Site Plan03.dwg

Prepared for:
HAPPY HOUNDS PLAYGROUND, LLC
895 Bolger Court
Fenton, Missouri, 63026
636-343-9770

SITE DEVELOPMENT PLAN
HAPPY HOUNDS PLAYGROUND

2449 Pond Road
Wildwood, MO 63040

Erik J. Staley - Professional Engineer (PE-2006000132)
STATE OF MISSOURI
ERIK JON STALEY
NUMBER PE-2006000132
PROFESSIONAL ENGINEER
01/11/16

Designed	SWO
Drawn	HRL
Checked	EJS
Date	June 11, 2014
Project Number	13199
Sheet Number	1 of 14

Book:21427 Page:0488

[redacted]

2015031900355

GERALD E SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 SOUTH CENTRAL, CLAYTON, MO 63105

TYPE OF INSTRUMENT	GRANTOR	TO	GRANTEE
PERMT	HAPPY HOUNDS PLAYGROUND LLC		

PROPERTY DESCRIPTION: SEC: 2 TWP: 44 RNG: 3

Lien Number	Notation	Locator

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the TYPE OF INSTRUMENT, the NAMES of the GRANTOR and GRANTEE as well as the DESCRIPTION of the REAL PROPERTY affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the ATTACHED DOCUMENT governs. Only the DOCUMENT NUMBER, the DATE and TIME of filing for record, and the BOOK and PAGE of the recorded Document is taken from this CERTIFICATION SHEET.

RECORDER OF DEEDS DOCUMENT CERTIFICATION

STATE OF MISSOURI)
SS.
COUNTY OF ST. LOUIS)

Document Number
00355

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 12 pages, (this page inclusive), was filed for record in my office on the 19 day of March 2015 at 01:20PM and is truly recorded in the book and at the page number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

JLM2
Deputy Recorder

Gerald E. Smith
Recorder of Deeds
St. Louis County, Missouri

Mail to:

CLAYTON ENGINEERING
11920 WESTLINE INDUSTRIAL DR.
ST. LOUIS, MO 63146

Destination code: 3005 M

RECORDING FEE 54.00
(Paid at the time of Recording)

Book:21427 Page:0489

WILDWOOD

DATE: March 13, 2015

Gerald E. Smith
St. Louis County Recorder of Deeds
41 South Central Avenue
Clayton, Missouri 63105

RE: Authorization for Plat/Document Recordation - City of Wildwood, Missouri

Dear Mr. Smith:

The below described,

___ SITE DEVELOPMENT PLAN
___ SUBDIVISION RECORD PLAT
___ DWELLING UNIT DISPLAY PLAT
___ BOUNDARY ADJUSTMENT PLAT
___ CONDOMINIUM PLAT
√ (Other) Conditional Use Permit (CUP)

is hereby authorized by the City of Wildwood to be received and recorded in the St. Louis County Record.

The following items are to be filed simultaneously with the above document(s):

___ Trust Indenture/Deed Restrictions
___ General Warranty Deed
___ Condominium Declaration/Amendments
___ Ordinance/Resolution
√ (Other) Conditions and legal description of property
___ None

DOCUMENT INFORMATION:

PROJECT NAME: P.Z. 20-14 Happy Hounds Playground, L.L.C.

OWNER/DEVELOPER: Laura Van Gerpen

ORDINANCE/RESOLUTION: N/A

CITY COUNCIL APPROVAL DATE: February 10 2015

PLANNING COMMISSION APPROVAL DATE: January 20, 2015

NOTE: The Owner/Developer will be required to submit 2 recorded copies of all checked material(s) listed above to the City of Wildwood, upon which proof of proper recordation is indicated. THE CITY CANNOT RELEASE ZONING AUTHORIZATION(S) FOR BUILDING PERMITS, IF ANY OF THE ABOVE-REFERENCED RECORDED COPIES ARE NOT ON FILE WITH THE DEPARTMENT OF PLANNING.

Authorized By:

Joe Vujnich 3-18-15
Joe Vujnich, Director of Planning

Mylar Review: LW

Planning Tomorrow Today

Book 21427 Page:0490

ATTACHMENT B - Conditions

1. PERMITTED USES

This Conditional Use Permit (CUP) shall authorize a recreational land use (commercial type), i.e. a private dog park, as defined by the City's Zoning Ordinance, which can offer said services to the general public. No boarding, grooming, or training services shall be authorized at this site for the general public, as part of this operation under the requirements of this Conditional Use Permit (CUP). Additionally, no dog shows shall be conducted at the site.

2. LOT, BUILDING, AND USE REQUIREMENTS

a. ~~The maximum number of members allowed, as part of this conditional use authorized on this subject property, shall not exceed four hundred (400) in total. Modifications to this number of authorized members can be considered and amended by the Planning and Zoning Commission, upon written request of the owners, via the defined amendment request set for in the City of Wildwood Zoning Ordinance for Conditional Use Permit (CUP).~~ *Eliminated by the Planning and Zoning Commission, as part of its favorable action on this permit request (1-20-2015).*

a. The facility may have up to three (3) activity areas for large and small dogs collectively, while offering a total of two (2) splash pads within the use area as well. Equipment placement within these authorized areas shall be indicated on the submitted Site Development Plan. These splash pads must be designed to utilize only a public water supply available to the site from the Missouri American Water Company.

b. The development of the proposed trail system shall be authorized as part of this Conditional Use Permit (CUP) on the site and consist of hard and natural surface types. The locations of these trails shall be indicated on the required Site Development Plan and acted upon by the Planning and Zoning Commission, as part of its review of such.

c. No building and/or structure shall be more than two (2) stories above final grade, as determined by finish final grade in the area of the development. The size of the primary building shall not exceed 1,200 square feet in overall size. The main building shall accommodate permanent restroom facilities for the customers of this conditional use.

d. All structures or buildings that are to be constructed on the subject property shall be reviewed and acted upon by the City's Architectural Review Board. Plan submittals must be completed, signed, and sealed by a licensed, practicing architect in the State of Missouri. The selection of colors, materials, design components, and related architectural items shall adhere to the City of Wildwood's Zoning Ordinance requirements, as set forth in Chapter 415.380 Miscellaneous Regulations.

e. The minimum size of the Conditional Use Permit (CUP) area to accommodate this activity shall be eleven (11) acres in area.

f. The facility shall be authorized for operation on the following days and at these allowable times: Monday through Saturday - 6:00 a.m. to dusk; and Sunday - 7:00 a.m. to dusk.

g. No outdoor lighting shall be authorized, as part of the site's utilization, within the active use locations of the dog park, excepting standards and bollards to light specific activity areas, pathways, and entries/exits. The approval of this authorized lighting shall be as part of the Site Development Plan, which shall be acted upon by the Planning and Zoning Commission.

W/1

Book:21427 Page:0491

h. The maximum area of this 11.02 acre tract of land, which can be used for development and related land disturbance for the permitted and accessory uses, shall not exceed 7.02 acres.

i. The minimum amount of this 11.02 acre tract of land, which must be preserved as part of this development, shall be four point seven (4.7) acres in overall size.

3. PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the Conditional Use Permit (CUP) granted by the Planning and Zoning Commission, and prior to any site disturbance, the operator shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan. Where due cause is shown by the operator, this time interval may be extended once by the Planning and Zoning Commission in accord with requirements of Chapter 415.510 of the City of Wildwood Zoning Ordinance. Said Site Development Plan shall include, but not be limited to, the following information:

a. Outboundary plat and legal description of the property.
b. Location and extent of all existing and proposed improvements, including parking lot area, play areas, splash pads, trail network, and accessory structures, along with the water feature (lake).
c. A general plan indicating setback lines along the perimeter of the subject tract of land and surrounding property lines and related improvements within two hundred (200) feet of this site's boundaries, i.e. curb cut and access locations, stormwater facilities, and utility installations and easements.
d. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening, with existing and proposed improvements and trails, and general location, size, right-of-way, and pavement width of all interior drives.
e. The location and size of all freestanding signs, lighting, fences, and other above ground structures, except retaining walls less than three (3) feet in height per section.
f. Existing and proposed contours at vertical intervals of not more than two (2) feet.
g. General location of sanitary sewer and stormwater facilities.
h. Parking calculations.
i. Conceptual location and size of public space areas.
j. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Chapter 410 and accompanying Tree Manual.
k. An inventory of the percent of tree canopy or individual trees to be retained on the site indicated on a Tree Preservation Plan completed in accordance with the City of Wildwood Chapter 410 Tree Preservation and Restoration Code and accompanying Tree Manual.
l. Location of all existing and proposed easements.
m. All other information not mentioned above, but required on a preliminary plat in accord with Chapter 420.060 of the City of Wildwood Subdivision and Development Regulations.
n. A Stormwater Pollution Prevention Plan (SWPPP) for the site, which shall include the developer's signature and acknowledgment of its requirements.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Building Setbacks - Residential

a. No new building or structure, other than boundary and/or retaining walls, fences, detention/retention facilities, and/or light standards, shall be located within the following setbacks:

(2) W/2

Book:21427 Page:0492

1. Fifty (50) feet from any roadway right-of-way.
2. Thirty (30) feet from any side yard property line of any individual lot, excepting a minimum of fifty (50) feet shall be maintained along the western boundary line of the permit area, which is shared by the two (2) existing single family dwellings located there.
3. Thirty (30) feet from any rear yard property line of any individual lot.

Parking Setbacks - Residential

b. All parking stalls or loading spaces, excluding points of ingress or egress and streets and roads, shall comply with the requirements of Chapter 415.090 NU Non-Urban Residence District of the City of Wildwood's Zoning Ordinance.

Miscellaneous Setbacks - Right-of-Way and Other Locations

c. No land disturbance shall be authorized within thirty (30) feet of any boundary line of this Conditional Use Permit (CUP), except as authorized on the Site Development Plan by the Planning and Zoning Commission.

Access and Roadway Improvements

d. Roadway improvements shall be required to Pond Road for this conditional use, specifically for ingress and egress to the site and any required sight distance modifications to it, which shall be premised on a Sight Distance Study prepared by a registered engineer. Any improvements shall minimally comply with the requirements of the City of Wildwood's construction standards. The required improvements within the public right-of-way shall be as approved by the Director of Public Works. The dedication of public right-of-way and the establishment of corresponding easements on Pond Road, if determined necessary, shall be in accordance with Chapter 420 Subdivision and Development Regulations of the City of Wildwood Municipal Code. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance, as directed by the Department of Public Works.

e. Access to Pond Road shall be limited to one (1) commercial street approach located to provide required sight distance and constructed to conform to the requirements of the Department of Public Works in this regard. All work within the right-of-way shall be as directed by the Department of Public Works.

f. Dedicate, as public right-of-way, to the City of Wildwood the necessary land area along Pond Road to eliminate the existing notch located along the southern most portion of it, as directed by the City of Wildwood Department of Public Works.

Miscellaneous Roadway Requirements

g. The construction of all drainageway crossings, i.e. culverts, shall comply with the City of Wildwood standards and all other applicable Federal and State regulations in this regard. All submittals to the City shall be reviewed and approved by the Department of Public Works, as part of the Planning and Zoning Commission's consideration of the Site Development Plan.

j. A Traffic Study shall be submitted to the Planning and Zoning Commission for its review, which indicates the current Level of Service at the State Route 100/Pond Road Intersection and how this facility will impact that current situation. Additionally, if Level of Service is determined to be at a "D"

(3) W/3

Book:21427 Page:0493

through "F" Level, improvements to the State Route 100/Pond Road intersection shall be required and must comply with all requirements and standards of the Missouri Department of Transportation for their right-of-way. Review and action of these determined improvements, if required, shall be by the Planning and Zoning Commission on the Site Development Plan.

k. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to its installation or construction.

Parking Requirements

j. Parking spaces shall be provided, as required by Chapter 415.340 Off-Street Parking and Loading Requirements of the City of Wildwood Zoning Ordinance for the NU Non-Urban Residence District. Minimally, forty-two (42) parking spaces shall be provided on the site (1% of the land use area).

Landscape Requirements - General

k. Landscaping shall adhere to all requirements of Chapter 410 of the City's Tree Preservation and Restoration Code and its accompanying Sustainable Plantings Guide and Tree Manual, including the submittal of a Tree Preservation Plan, in conjunction with the Site Development Plan. All roadway frontages shall be appropriately landscaped, as required by the Chapter 410 Tree Preservation and Restoration Code, and be approved by the Planning and Zoning Commission on the Site Development Plan.

l. The areas of existing vegetation within the Conditional Use Permit (CUP) boundaries identified as to be retained shall be marked on the site prior to the commencement of any disturbance in accord with the City of Wildwood's Chapter 410. These areas shall be indicated on the Site Development Plan submitted to the City of Wildwood for Planning and Zoning Commission review and approval. Existing mature tree canopy shall be preserved in accordance with the requirements of City of Wildwood's Chapter 410 Tree Preservation and Restoration Code. Initial clearing and grubbing of the site shall be limited to the installation of any new building and structure.

m. All disturbed areas of the site shall be restored in compliance to the City's Sustainable Plantings Guide and Tree Manual by a combination of ground cover, landscaping, berms, natural stones, and other means to address stormwater runoff and erosion, as well as improve overall site aesthetics. The restoration of disturbed areas shall be indicated on the required Landscape Plan and acted upon by the Planning and Zoning Commission.

n. A registered Landscape Architect shall prepare, submit, and sign all plan(s).

Signs

o. Signs for this Conditional Use Permit (CUP) shall be erected in accordance with Chapter 415.410 Sign Regulations of the City of Wildwood Zoning Ordinance for the NU Non-Urban Residence District. However, the one (1) allowable freestanding sign (monument type) shall not exceed an overall size of thirty (30) square feet. The location and design of this sign, and all other signage, shall be as reviewed and acted upon by the Planning and Zoning Commission, as part of the Site Development Plan process.

(4) W/4

Book:21427 Page:0494

Lighting Requirements

p. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties. Minimally, lighting levels and their design specifications shall be approved by the Planning and Zoning Commission and are subject to the standards and requirements defined in the City of Wildwood's Lighting Code – Chapter 415.450 of the Zoning Ordinance. Lighting associated with the active use areas may be provided for safety and visibility purposes therein, but must placed on a timer to ensure all equipment is off one-half hour after closing. Illumination sources in these active use areas may not exceed twelve (12) feet in height.

Miscellaneous Conditions

q. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.

r. The hours of construction and grading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No development (grading and construction) activity shall be authorized on Sundays.

s. All retaining walls exceeding three (3) feet in height per section or crossing individual property lines shall be constructed of an appropriate inter-locking concrete block system or boulders. The Planning and Zoning Commission, as part of the Site Development Plan review process, shall approve said materials and design.

t. The generalized location of all utility easements for proposed service to this development shall be as approved by the Planning and Zoning Commission on the Site Development Plan.

u. All utilities serving this site shall be installed underground in accord with the requirements of the City of Wildwood's Subdivision and Development Regulations. Any existing easements located on the subject site, which are not being utilized, shall be vacated under the standard procedures of the City of Wildwood Subdivision and Development Regulations.

v. No outdoor public address system is permitted on this site.

5. PUBLIC SPACE REQUIREMENTS

Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 of the City of Wildwood's Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to less than an amount that is roughly proportional to the actual or anticipated impact. The installation of public space improvements shall be as required by the applicable ordinance, but must be completed prior to issuance of any zoning authorizations for any building permit authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, based upon the number of provided parking spaces, shall be 290.4 square feet or its equivalent.

(5) W/5

Book:21427 Page:0495

6. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater Improvements

a. Submit to the Planning and Zoning Commission an engineering plan approved by the City of Wildwood Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.

1. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood standards.
2. All stormwater shall be discharged at an adequate natural discharge point.
3. Retention/detention of differential runoff of stormwater shall be required. Stormwater management shall be provided in permanent retention/detention facilities, such as ponds or other acceptable alternatives. These retention/detention facilities shall be completed and in operation prior to the issuance of building permits for an approved buildings and structures.
4. The developer of this site shall be solely responsible to provide the necessary mechanisms, as part of the Site Development Plan/Improvement Plan process, to implement "best management practices" for stormwater management/water quality and the construction of related facilities. Minimally, these practices/facilities should include rain gardens, vegetative swales, and other options to substantially reduce the amount of stormwater discharging from the subject site.
5. The developer shall provide adequate detention and/or hydrologic calculations for review and approval of all stormwater that will encroach on City of Wildwood rights-of-way.

Stormwater Pollution Prevention Plan

b. Submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to Federal, State, and local requirements regarding the management of stormwater runoff to prevent siltation and erosion, both on-site and upon downstream properties.

Waste Management Plan

c. Provide a management plan for the disposal of animal waste and by-products of the operation for review and approval by the Planning and Zoning Commission. Minimally, this plan should address the removal of animal wastes on a weekly basis to an approved location for their disposal.

Natural Resource Protection Plan

d. Provide a revised and final copy of the Natural Resource Protection Plan indicating all areas of the site, which are to be designated as protected and not developable. This revised and final copy of this map shall be reviewed and signed by a qualified soil scientist, who completed the analysis, and a statement indicating compliance with all the requirements of Section 1005.200 of the City of Wildwood's Subdivision and Development Regulations.

Geotechnical Report

e. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions, which are susceptible to rapid erosion,

(6) W/6

Book:21427 Page:0496

landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on the Site Development Plan. The development and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report.

7. RECORDING

Within sixty (60) days of granting of the Conditional Use Permit (CUP) by the Planning and Zoning Commission, the approved permit language and legal description of the property shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO PERMITS

Notification to Department of Planning

a. Subsequent to approval of the Site Development Plan, and prior to issuance of any grading or building permit, all approvals from the Department of Public Works, the Missouri Department of Natural Resources, the Missouri Department of Transportation (if required), St. Louis County Department of Public Works, and the Metro West Fire Protection District must be received by the Department of Planning.

Roadway Improvements

b. Based upon the preliminary development plan, improvements to Pond Road and State Route 100 (if required) must be completed prior to issuance of the occupancy permits.

Nuisance Bond

c. Provide to the City of Wildwood a bond, letter of credit, or cash deposit in the amount of one thousand dollars ($1,000.00) for use to correct any potential nuisance violations, if the property and improvements are not maintained in accordance with said regulations (Chapter 215 Nuisances of the City of Wildwood Municipal Code). The City shall hold this deposit and it will be pre-authorized by the owner/operator, in writing, to exercise its use, if violations are noted and not abated in a timely manner.

Public Potable Water

d. The developer shall be required to provide public potable water from the Missouri American Water Company to the property. Verification of this service shall be in a form acceptable to the City of Wildwood. Additionally, the design and location of this water system shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Site Development Plan submittal process.

Escrow Requirements

e. All landscaping costs shall be submitted to the City of Wildwood through the standard bond procedures.

Land Subdivision

f. Record a proper subdivision of the property and comply with all other applicable Subdivision and Development Regulations sections affecting the development of land, except as otherwise specified by this ordinance.

(7) W/7

Book:21427 Page:0497

Sanitary Sewers

g. Provide an engineered plan to the City of Wildwood and the St. Louis County Department of Public Works for review and acceptance indicating the proper treatment of all wastewater generated by the use of this site. This on-site wastewater system shall meet all current St. Louis County Plumbing Code requirements for the quality of effluent and not exceed a capacity of five thousand (5,000) gallons per day.

9. GENERAL DEVELOPMENT CONDITIONS

a. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

b. A grading permit is required prior to any grading on the site. Interim stormwater drainage controls in the form of siltation control measures are required and must comply with the Stormwater Pollution Prevention Plan for this development (SWPPP). The developer shall be solely responsible for obtaining any temporary slope and construction licensees needed to address the installation of public and private improvements on this site that require the use of adjoining parcels of ground that are not under their ownership or control.

c. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract of land.

d. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public right-of-way. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of infrastructure improvements.

e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as Rye or Sudan Grasses, shall be utilized to retard erosion. This restoration must occur within thirty (30) days of the conclusion of preliminary grading as determined by the Director of Public Works.

f. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wildwood Departments or Commissions.

g. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plan approved by the Planning and Zoning Commission and the Department of Planning. The owner/operator must acknowledge in writing that access to this site for inspection purposes by personnel of the City of Wildwood shall be authorized and, if refused, such action is grounds for revocation of said permit by the City.

j. Any other applicable zoning, subdivision, or other regulations or requirements of the City shall further apply to the development of this property, as authorized by this Conditional Use Permit (CUP), except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning, or other development regulation of the City whether by implication or reference.

k. This zoning approval is conditioned on compliance with the Zoning Ordinance, Subdivision and Development Regulations, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result

(8) W/8

Book:21427 Page:0498

from this Conditional Use Permit (CUP), except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

(9) W/9

Book:21427 Page:0499

PROPERTY DESCRIPTION

A tract of land being a composite of that part of property conveyed, as Parcels 1 and 2, to Happy Hounds Playground, LLC by deed recorded in Deed Book 20778, Page 2383 and Correction Deed recorded in Deed Book 20874, Page 1049 of the St. Louis County Records, situated in Section 2, Township 44 North, Range 3 East, in the City of Wildwood, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Eastern right of way line of Pond Road, 40 feet wide, at its intersection with a point on the East-West Centerline of said Section 2; thence Northeasterly, along the Eastern right of way line thereof, North 01 degree 09 minutes 00 seconds East, 209.67 feet to the Northwest corner of property conveyed to Mildred E. Schneider Revocable Living Trust, dated 01/17/01, by deed recorded in Deed Book 12833, Page 659 of the St. Louis County Records; thence Southeasterly, along the Northern line thereof, South 89 degrees 02 minutes 51 seconds East, 616.18 feet to a point; thence Southeasterly, along the Northern line of property conveyed to Mildred E. Schneider Revocable Living Trust, dated 01/17/01, by deed recorded in Deed Book 12833, Page 602 of the St. Louis County Records, South 88 degrees 32 minutes 23 seconds East, 695.13 feet to its intersection with a point on the North-South Centerline of said Section 2; thence Southwesterly, along the North-South Centerline thereof, South 01 degree 33 minutes 26 seconds West, 215.00 feet to its intersection with a point on the aforementioned East-West Centerline of said Section 2; thence Northwesterly, along the East-West Centerline thereof, North 88 degrees 32 minutes 43 seconds West, 356.16 feet to a point; thence Southwesterly, departing the East-West Centerline of said Section 2, South 22 degrees 32 minutes 00 seconds West, 311.11 feet to a point; thence North 88 degrees 31 minutes 00 seconds West, 594.55 feet to a point; thence Northeasterly, along the Eastern line of property conveyed, as Parcels 1 and 2, to Jane M. Houlihan by deed recorded in Deed Book 18642, Page 4970 of the St. Louis County Records, North 00 degrees 51 minutes 00 seconds East, 131.29 feet to the Northeastern corner of Parcel 1 thereof; thence Northwesterly, along the Northern line of said Parcel 1, North 88 degrees 35 minutes 00 seconds West, 32.00 feet to the Southeastern corner of property conveyed to Jeffrey Leeker and Katie Leeker, husband and wife, by deed recorded in Deed Book 19046, Page 557 of the St. Louis County Records; thence Northeasterly, along the Eastern line of said property conveyed to Jeffrey Leeker et ux, North 00 degrees 51 minutes 00 seconds East, 133.00 feet to the Northeastern corner thereof; thence Northwesterly, along the Northern line thereof, North 88 degrees 35 minutes 00 seconds West, 218.00 feet to its intersection with a point on the Eastern right of way line of Pond Road, as aforementioned; thence Northeasterly, along the Eastern right of way line of said Pond Road, North 00 degrees 51 minutes 00 seconds East, 25.88 feet to an angle point on the Eastern right of way line thereof, at its intersection with a point on the East-West Centerline of said Section 2; thence Southeasterly, continuing along the Eastern right of way line of said Pond Road and also being along the East-West Centerline of said Section 2, South 88 degrees 32 minutes 43 seconds East, 5.88 feet to the point of beginning and containing 11.02 acres, more or less (480,062 square feet).

THE CLAYTON ENGINEERING COMPANY
February 26, 2015

C:\Users\...\PROPERTY DESCRIPTION - PARCELS 1 AND 2 DB 20778 PG 2383 (revised 2-26-15) (2).doc

W/10

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MO Cert. of Authority - Prof. Engineering #000087 & Prof. Surveying #000014
IL Dept. Financial & Prof. Reg. Prof. Design & Engineering Corp. #184.000879

REVISIONS			
1	09/23/14	EJS	Revised per City Comments
2	12/11/14	EJS	Revised Grading per City Comments
3	08/14/15	EJS	Revised per City Comments & Client Input
4	10/22/15	EJS	Revised per City Comments
5	01/11/16	EJS	Revised per City Comments

F.S. | F.B. 1155 | SUR.

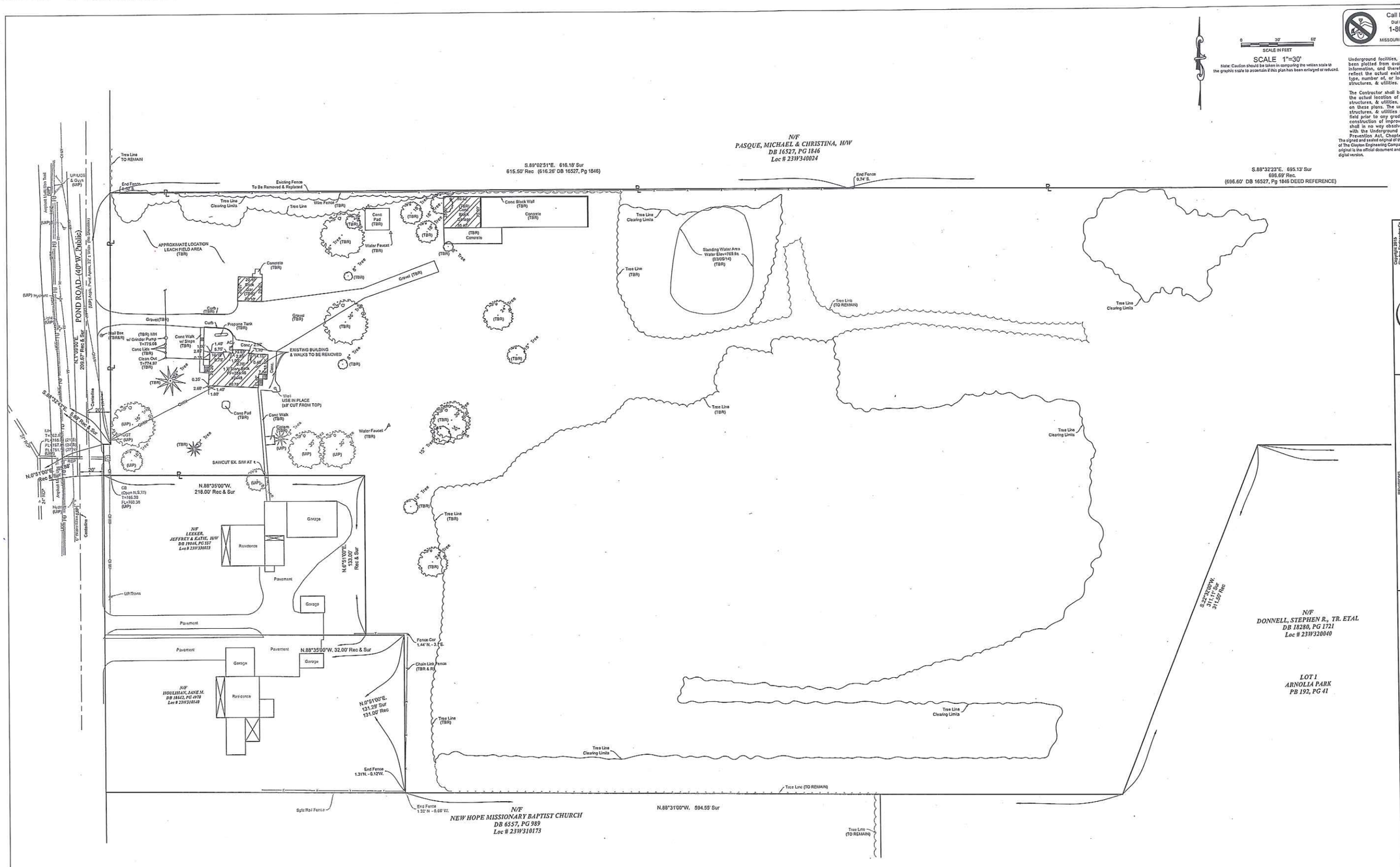
FILE: G:\13xxx\13199_DOG PARK\Plans\Site Plan\03 CUP Sheet.dwg | PLOTTED: 1/11/2016 1:07 PM | BY: EJS

Prepared for:
HAPPY HOUNDS PLAYGROUND, LLC
895 Bolger Court
Fenton, Missouri, 63026
636-343-9770

SITE DEVELOPMENT PLAN - CUP NOTES
HAPPY HOUNDS PLAYGROUND
2448 Pond Road
Wildwood, MO 63040

Erik J. Staley - Professional Engineer (PE-2006000132)
STATE OF MISSOURI
ERIK JON STALEY
NUMBER PE-2006000132
PROFESSIONAL ENGINEER
01/11/16

Designed	SWQ
Drawn	HRL
Checked	EJS
Date	June 11, 2014
Project Number	13199
Sheet Number	2 of 14



LEGEND:
(ATG) ADJUST TO GRADE
(TBR) TO BE REMOVED
(TBR&R) TO BE REMOVED & REPLACED
(UIP) USE IN PLACE

NOTES:
1. DEMOLITION OF EXISTING BUILDINGS ON SITE WILL NEED TO BE REVIEWED BY THE CITY'S HISTORIC PRESERVATION COMMISSION DUE TO THEIR AGE (OVER 75 YEARS).
2. REFER TO SHEET L-001, TREE PRESERVATION PLAN, FOR LIMITS OF TREE REMOVAL AREAS THAT MUST BE PERFORMED WITHOUT MACHINERY GREATER THAN 1,800 POUNDS.

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the clayton engineering company, inc.
ENGINEERS - SURVEYORS - PLANNERS
2356 VILLAGE INDUSTRIAL COURT
FENTON, MISSOURI 63026
(314) 962-2665 FAX: (314) 962-2666 claytoneng.com
All Civil Consultant Prof. Prep. Shall Comply With Current Edition of Clayton Engineering Co. Standard Prof. Prep. Shall Comply With Current Edition of Clayton Engineering Co. Standard

No.	Date	By	Revisions
1	09/2014	EJS	Revised per City Comments
2	12/1/14	EJS	Revised Grading per City Comments
3	02/11/15	EJS	Revised per City Comments & Client Input
4	03/11/15	EJS	Revised per City Comments
5	5/11/15	EJS	Revised per City Comments

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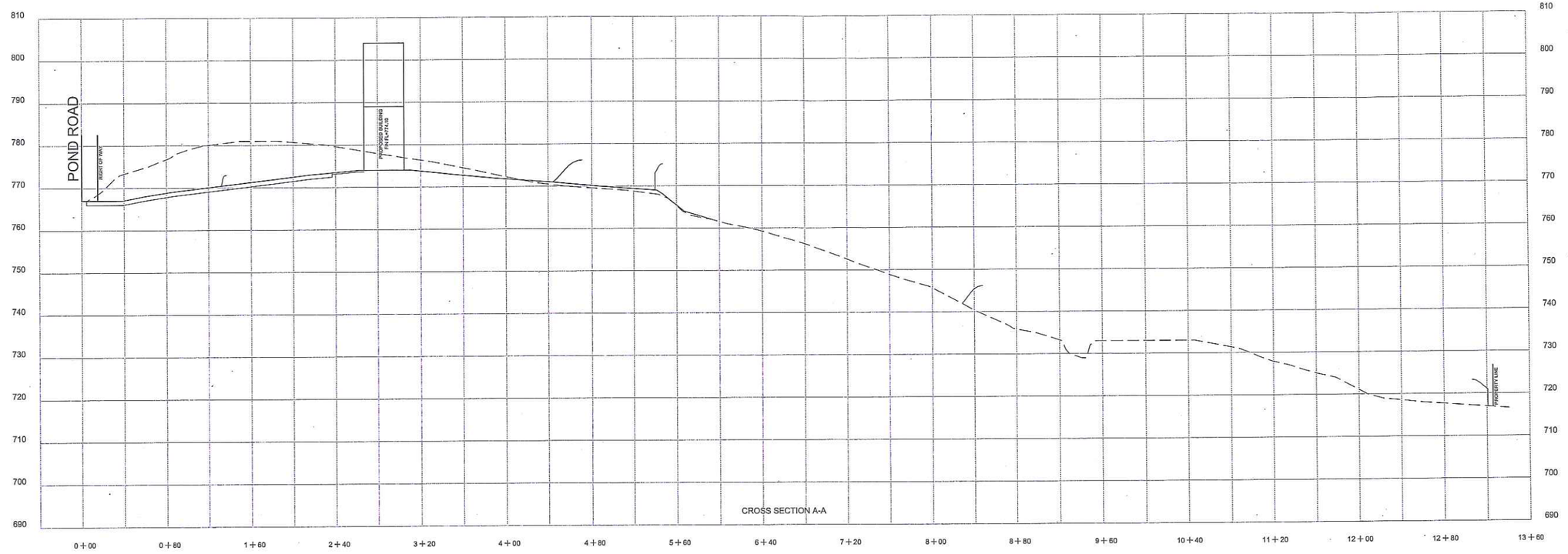
P:\13199\DWG\PLAN SHEETS\13199 SITE DEMOLITION.dwg

Prepared for:
HAPPY HOUNDS PLAYGROUND, LLC
895 Bolger Court
Fenton, Missouri 63026
636-343-9770

SITE DEVELOPMENT - DEMOLITION PLAN
HAPPY HOUNDS PLAYGROUND
2448 Pond Road
Wildwood, MO 63040

Erik J. Sigrist - Professional Engineer
PE-2006000132
STATE OF MISSOURI
ERIK JOINT SIGRIST
NUMBER PE-2006000132
PROFESSIONAL ENGINEER
07/11/15

Designed	SWQ
Drawn	HRL
Checked	EJS
Date	June 11, 2014
Project Number	13199
Sheet Number	3 of 14



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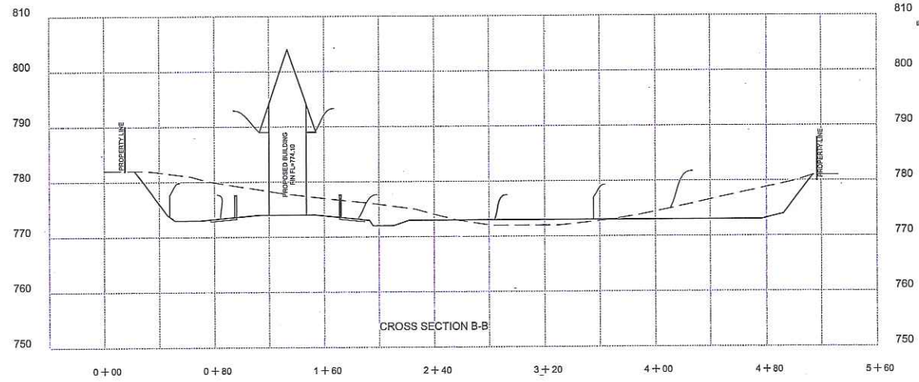
SCALE IN FEET

HORIZONTAL SCALE 1"=40'
Note: Caution should be taken in comparing the written scale to the graphic scale to ascertain if this plan has been enlarged or reduced.



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SCALE IN FEET

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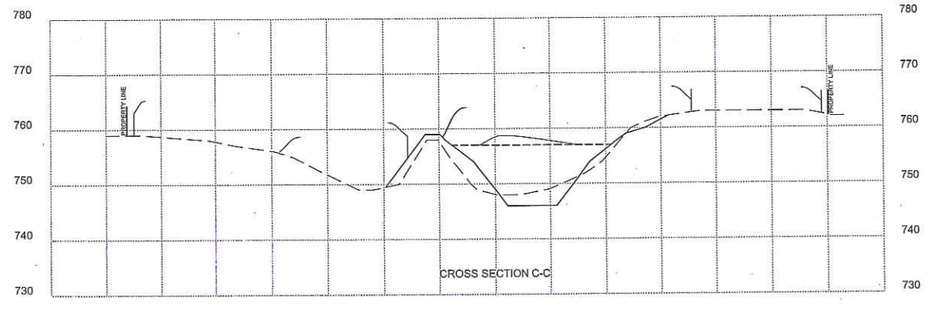

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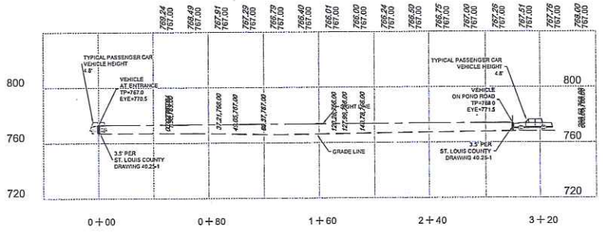

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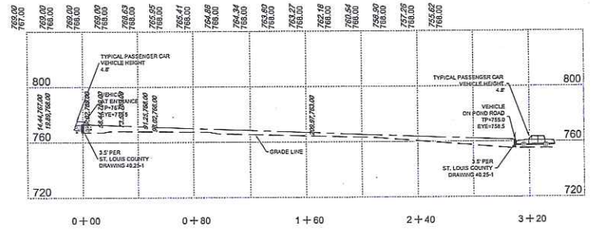

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

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MO Cert. of Authority - Prof. Engineering #000307 & Prof. Surveying #000307
Illinois Design Firm - Professional Engineering #184.000979

1	09/23/14	EJS	Revised per City Comments
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5	01/11/16	EJS	Revised per City Comments
P.E.			

Job No. 13199
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Xrefs: Attached: 13199-BASE

Prepared for:
HAPPY HOUNDS PLAYGROUND, LLC
695 Bolger Court
Fenton, Missouri 63026
636-349-9770

DEVELOPMENT PLAN - CROSS SECTIONS
HAPPY HOUNDS PLAYGROUND
2448 Pond Road

Eric J. Sicky - Professional Engineer
PE-2009000135
STATE OF MISSOURI
ERIK JOHN SICKY
NUMBER PE-2009000135
PROFESSIONAL ENGINEER
01/11/16

Designed SWO
Drawn HRL
Checked EJS
Date June 11, 2014
Project Number 13199
Sheet Number 4 of 14

CONSTRUCTION & EROSION CONTROL NOTES:

1. ANY LAND CLEARING, CONSTRUCTION, OR DEVELOPMENT INVOLVING THE MOVEMENT OF EARTH SHALL BE IN ACCORDANCE WITH THE STORM WATER POLLUTION PREVENTION PLAN, AND THE PERSON ISSUED A LAND DISTURBANCE PERMIT ASSUMES AND ACKNOWLEDGES RESPONSIBILITY FOR COMPLIANCE WITH THE CITY OF WILDWOOD LAND DISTURBANCE CODE AND THE APPROVED STORM WATER POLLUTION PREVENTION PLAN AT THE SITE OF THE PERMITTED ACTIVITY.
2. A LAND DISTURBANCE PERMIT FROM THE STATE OF MISSOURI DEPARTMENT OF NATURAL RESOURCES (MDNR) WILL BE REQUIRED FOR THIS PROJECT, AS IT IS OVER 1 ACRE OF DISTURBANCE.
3. THE SILT CONTROLS SHALL BE INSTALLED PRIOR TO ANY OTHER LAND DISTURBANCE.
4. ADDITIONAL SILTATION CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE CITY OF WILDWOOD AND/OR MNDR.
5. UPON COMPLETION OF CONSTRUCTION OR COMPACTION , SLOPES STEEPER THAN 5:1 SHALL BE PROTECTED BY SODDING (OR APPROVED EQUAL). ALL OTHER AREAS DISTURBED BY GRADING OPERATIONS TO BE PROTECTED BY SEEDING AND MULCHING AS SOON AS POSSIBLE (SEE SWPPP DETAILS - SEEDING & MULCHING SCHEDULES) .
6. AN APPROVED EROSION CONTROL BLANKET MAY BE USED AS A TEMPORARY EROSION CONTROL MEASURE ON SLOPES STEEPER THAN 5:1 WITH APPROVAL OF THE CIVIL ENGINEER AND THE CITY OF WILDWOOD.
7. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED DURING CONSTRUCTION THAT ARE NOT SHOWN ON THESE PLANS. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING TEMPORARY AND/OR INTERIM EROSION CONTROL MEASURES DURING CONSTRUCTION PROGRESSION OR AS REQUIRED BY CITY/MDNR INSPECTOR. ANY CHANGES/ADDITIONS TO THE SWPPP PLAN SHALL BE DOCUMENTED BY THE CONTRACTOR AND REMAIN ON FILE AT THE SITE.
8. THE CONTRACTOR TO REPAIR ANY DAMAGE THAT OCCURS TO THE EXISTING LOCAL PUBLIC STREETS RESULTING FROM WORK ON THIS SITE.
9. A CONCRETE WASHDOWN AREA SHALL BE DEDICATED ON THE SITE. THE CONTRACTOR SHALL NOT LOCATE THIS IN A STORMWATER DRAINAGE FLOW PATH.
10. DUST CONTROL SHALL BE UTILIZED FOR THIS PROJECT.
11. CONTRACTOR TO PROVIDE SUFFICIENT TEMPORARY TOILET FACILITIES TO SERVE THE NUMBER OF WORKERS ONSITE.
12. A STABILIZED CONSTRUCTION ENTRANCE AND WASHDOWN STATION SHALL BE INSTALLED IN THE LOCATION OF THE EXISTING GRAVEL DRIVEWAY ON POND ROAD. STABILIZED CONSTRUCTION PARKING AREAS SHALL BE UTILIZED FOR THE OFF-STREET TEMPORARY PARKING.
13. SEDIMENT SHALL BE WASHED FROM ALL VEHICLES AT WASH DOWN STATION PRIOR TO LEAVING THE SITE. NO TRACKING OF MUD ONTO PUBLIC ROADS SHALL BE ALLOWED. THE CONTRACTOR MUST PROVIDE OR ESTABLISH A WATER SOURCE AT THE WASHDOWN STATION.
14. NO ONSITE TEMPORARY ACTIVITIES ARE PLANNED FOR THIS PROJECT, LIKE CONCRETE OR ASPHALT BATCH PLANTS.
15. NO ANTICIPATED POTENTIAL SOURCES OF POLLUTION (OTHER THAN SEDIMENT), WASTE, OR CONSTRUCTION MATERIALS ARE EXPECTED TO BE STORED ONSITE AND UNPROTECTED. TYPICALLY, SOURCES OF POLLUTANTS OF THIS NATURE DURING CONSTRUCTION INCLUDE SMALL FUELING ACTIVITIES, MINOR EQUIPMENT MAINTENANCE, AND SANITARY FACILITIES. TYPICAL WASTE OR CONSTRUCTION MATERIALS MAY INCLUDE GENERAL BUILDING MATERIALS, SOLVENTS, ADHESIVES, PAVING MATERIALS, PAINTS, AGGREGATES, TRASH, ETC. HOWEVER, FOR THIS PROJECT ANY MATERIALS OF THIS SORT MUST BE STORED EITHER IN ENCLOSED CONSTRUCTION TRAILERS, AND/OR IN APPROPRIATE DUMPSTER FACILITIES.
16. NO ONSITE MAINTENANCE FOR RELATED CONSTRUCTION VEHICLES IS PERMITTED FOR THIS PROJECT. ALL MAINTENANCE MUST BE PERFORMED OFFSITE.

ROUTINE INSPECTION SCHEDULE

The permit-holder shall contact the CITY/MDNR Inspector for a site inspection at least two working days prior to the following:

1. Start of construction;
2. Installation of sediment and erosion control measures;
3. Completion of site clearing;
4. Completion of rough grading;
5. Completion of final grading;
6. Close of construction season;
7. Completion of final landscaping.

Inspections by the permit-holder's inspector shall be regularly performed on land disturbance sites, including all erosion and sediment and other pollutant control measures, outfall and off-site receiving waters per the following schedule:

1. At least once per week;
2. No later than 48 hours after a rainfall that causes storm water runoff to occur onsite.

All inspections shall be documented in writing on weekly reports with copies submitted to the CITY/MDNR, if required.

The permit-holder shall notify the Contractor of any deficiencies identified. The Contractor shall have seven calendar days to correct the deficiencies.

AMENDING THE STORM WATER POLLUTION PREVENTION PLAN
THE PERMIT-HOLDER SHALL AMEND THE STORM WATER POLLUTION PREVENTION PLAN WHENEVER:

1. DESIGN, OPERATION OR MAINTENANCE OF BEST MANAGEMENT PRACTICES (BMP'S) IS CHANGED.
2. DESIGN OF THE CONSTRUCTION PROJECT IS CHANGED THAT COULD SIGNIFICANTLY AFFECT THE QUALITY OF THE STORM WATER DISCHARGES.
3. SITE OPERATOR'S INSPECTIONS INDICATE DEFICIENCES IN THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) OR ANY BEST MANAGEMENT PRACTICES (BMP'S).
4. INSPECTIONS BY A LOCAL AUTHORITY OR BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES INDICATE DEFICIENCIES IN THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) OR ANY BEST MANAGEMENT PRACTICES (BMP'S).

DEWATERING PROCEDURES

1. ALTHOUGH NO DEWATERING ACTIVITIES ARE ANTICIPATED FOR THIS PROJECT, IF THEY BECOME NECESSARY DUE TO UNFORSEEN CIRCUMSTANCES, THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE RULES AND REGULATIONS FOR DEWATERING. THESE INCLUDE BUT ARE NOT LIMITED TO THE CITY OF WILDWOOD, MDNR, ST. LOUIS COUNTY, AND THE EPA.
2. DURING DEWATERING ACTIVITIES, STANDING "CLEAR, UNPOLLUTED WATER" CAN BE DECANTED AND DISCHARGED ONSITE. WATER THAT HAS BECOME TURBID DURING CLEANING SHOULD BE EITHER, (1) PUMPED AND HAULED TO AN ACCEPTABLE WASTEWATER DISPOSAL FACILITY OR (2) TREATED BY FILTRATION, SUCH AS PUMPED THROUGH A BAG FILTER AND DISCHARGED ONSITE.
3. THE CONTRACTOR IS RESPONSIBLE TO MAKE THE DETERMINATION FOR PROPER DISPOSAL MEETING LOCAL, STATE AND FEDERAL LAWS.

DEFINITIONS

CLEAR WATER: WATER THAT HAS SETTLED ITS SOLIDS FOR 24 HOURS AND CAN BE PUMPED OUT WITHOUT RE-SUSPENDING THE SOLIDS.

UNPOLLUTED WATER: DEFINED BY MSD ORDINANCE 12559 AS MEANING "ANY WATER THAT MAY BE DISCHARGED UNDER NPDES REGULATIONS INTO WATERS OF THE STATE WITHOUT HAVING TO BE AUTHORIZED BY A NPDES PERMIT AND WHICH WILL NOT CAUSE ANY VIOLATIONS OF STATE OR FEDERAL WATER QUALITY STANDARDS.

CONTAINMENT FAILURE PLAN
IN THE EVENT OF ANY LOSS OF CONTAINED SEDIMENT:

1. REPAIR ANY DAMAGED SILTATION FENCES.
2. CLEAN UP ANY NECESSARY SILTED AREAS.
3. RESTORE ANY NECESSARY SILTED AREAS.
4. PROVIDE DOCUMENTATION OF ACTIONS & MANDATORY REPORTING TO THE CITY OF WILDWOOD DEPARTMENT OF PUBLIC WORKS.

OWNER INFORMATION:
HAPPY HOUNDS PLAYGROUND, LLC
895 BOLGER COURT
FENTON, MO 63026
(636) 343-9770

24-HOUR EMERGENCY CONTACT:
MRS. LAURA VANGERPEN
HAPPY HOUNDS PLAYGROUND, LLC
895 BOLGER COURT
FENTON, MO 63026
(636) 343-9770

SITE ADDRESS:
2448 POND ROAD
WILDWOOD, MO 63040
PARCEL 1 LOCATOR # 23W340042
PARCEL 2 LOCATOR # 23W330032

SITE INFORMATION:
PROJECT ANALYSIS AREA = 11.02 ACRES;
PRE - DEV. RUNOFF COEFFICIENT = 0.313±
POST - DEV. RUNOFF COEFFICIENT = 0.345±
AREA OF DISTURBANCE: 7.02± ACRES MAX.

HAUL ROUTE:
NO HAUL ROUTE ANTICIPATED (BALANCED EARTHWORK FOR SITE), NOT INCLUDING DEMOLITION MATERIALS. IF ALTERED BY CONTRACTOR, THEY MUST SUBMIT HAUL ROUTE TO CITY OF WILDWOOD

Additional erosion control measures may be required during construction that are not shown on these plans. Contractor is responsible for installing and maintaining temporary and/or interim erosion control measures during construction progression or as required by the City of Wildwood and/or MDNR Inspector. Any changes/additions to the Storm Water Pollution Prevention Plan (SWPPP) shall be documented by the contractor and remain on file at the site.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

SWPPP CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT THIS STORM WATER POLLUTION PREVENTION PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS AND REGULATIONS OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND THE APPROVAL OF THE LOCAL GOVERNING AGENCY. ADDITIONALLY, THIS PLAN HAS BEEN PREPARED TO SUBSTANTIALLY COMPLY WITH THE GENERAL PERMIT REQUIREMENTS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED IN THIS PLAN IS TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWN VIOLATIONS.

SIGNATURE: [signature] DATE: 01/11/16

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

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Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage

minimum depth of 18 inches. Depth shall be increased to a minimum of 22 inches if fence is placed on a slope of 3:1 or greater. When the post embedment depth is impossible to obtain, the posts shall be adequately secured to prevent overturning of the fence due to sediment loading.

Erect silt fence in a continuous fashion from a single roll of fabric to eliminate gaps in the fence. If a continuous roll of fabric is not available, overlap the fabric from both directions only at stakes or posts. Overlap at least 6 inches.

The Geosynthetic filter fabric and wire mesh (when applicable) shall be no less than 30 inches above ground and are stapled or wired to the upslope side of the post. Staples should be a 17-gauge wire and ½ inch long. Excavate a trench to bury the bottom of the fabric fence in a "J" configuration at least 6 inches below the ground surface. The trench shall be backfilled with native soil and the soil compacted over the geotextile. This helps to prevent gaps from forming near the ground surface. Gaps would make the fencing useless as a sediment barrier.

The height of the fence posts should be 38 (22-inch embedment) to 42 (18-inch embedment) inches above the original ground surface. If standard-strength fabric is used with 14-gauge steel wire with a mesh spacing of 6 inches by 6 inches (or a prefabricated polymeric mesh of equivalent strength), space the posts no more than 4 feet apart. If extra-strength fabric is used without wire mesh reinforcement, space the posts no more than 4 feet apart with woven or 6 feet apart with non-woven geosynthetic.

Alternate Construction: Install fence by slicing it into ground with specialized equipment. Install posts at reduced spacing indicated on detail.

LIMITATIONS - Do not install silt fences along areas where rocks or other hard surfaces will prevent you from uniformly anchoring the fence posts and entrenching the filter fabric. Installing fences in such an area greatly reduces their effectiveness and can create runoff channels leading offsite. Silt fences are not suitable for areas where large amounts of concentrated runoff are likely. Fence shall not be used when slope is 1:1 or greater and water flow rates exceed 2 cubic feet per minute. Open, windy areas present a maintenance challenge, too, because high winds can make the filter fabric deteriorate faster. Do not install silt fences across streams, ditches, or waterways (Smolen et al., 1988).

When the pores of the fence fabric become clogged with sediment, pools of water are likely to form on the uphill side of the fence. Setting and design of the silt fence should account for this. Take care to avoid unnecessarily diverting stormwater from these pools, causing further erosion damage.

MAINTENANCE CONSIDERATIONS - Inspect silt fences regularly and frequently, as well as after each rainfall event, to make sure that they are intact and that there are no gaps where the fence meets the ground or tears along the length of the fence. If you find gaps or tears, repair or replace the fabric immediately. Remove accumulated sediments from the fence base when the sediment reaches one-third to one-half the fence height. Remove sediment more frequently if accumulated sediment is creating noticeable strain on the fabric and the fence might fail from a sudden storm event. When you remove the silt fence, remove the accumulated sediment, dress the area disturbed to give it a pleasing appearance and vegetate all bare areas as well.

O&M PROCEDURES

- ✓ Inspect every week and after every storm.
- ✓ Remove sediment buildup deeper than ½ the fence height or 12", whichever is less.
- ✓ Replace torn of clogged fabric; repair loose fabric.
- ✓ Repair unstable or broken posts.
- ✓ Stabilize any areas susceptible to undermining.
- ✓ Extend fence or add additional row(s) of fence if necessary to provide adequate protection.

SITING AND DESIGN CONSIDERATIONS - The material for silt fences should be a pervious sheet of synthetic fabric such as polypropylene, nylon, and polyester or polyethylene yarn. Choose the material based on the minimum synthetic fabric requirements shown in Table 1 below.

Table 1- Temporary Silt Fence Property Requirements

Physical Property	Test Method	Units	MARV Geotextile Requirements: Supported Silt Fence [2]	Unsupported Silt Fence: Woven, Elongation ≥ 50% [1]	Unsupported Silt Fence: Non-Woven, Elongation ≤ 50% [1]
Post Spacing (Maximum)		feet	4	4	6
Height of Wire / Polymer Fence (Minimum)		inches	30	—	—
Grab Strength (Minimum): Machine Direction / Cross Machine Direction	ASTM D 4632	pounds	90 / 90	125 / 100	125 / 100
Permittivity (Minimum)	ASTM D 4491	sec^{-1}	0.05	0.05	0.05
Apparent Opening Size (AOS) [3]	ASTM D 4751	Sieve Number	30	30	30
Ultraviolet Stability (Minimum) (retained strength)	ASTM D 4355		70% after 500 h of exposure		

Notes:

MARV Minimum Average Roll Value

[1] Elongation measured in accordance with ASTM D 4632

[2] Silt Fence Support - 14-gauge steel wire with a mesh spacing of 6 inches by 6 inches (or a prefabricated polymeric mesh of equivalent strength)

[3] Maximum Average Roll Value

SITE CONDITIONS FOR REMOVAL - After permanent vegetation of slope is established. Remove fence and post, re-grade trench area and vegetate.

TYPICAL DETAIL - 806-70.0

SILT FENCE

PHYSICAL DESCRIPTION - Silt fences are used as temporary perimeter controls, appropriate to the BMP, at sites where construction activities will disturb the soil. They can also be used on the interior of the site. A silt fence consists of a length of filter fabric stretched between anchoring posts spaced at regular intervals along the site at low and down slope areas. The filter fabric should be entrenched in the ground. When installed correctly and inspected frequently, silt fence can be an effective barrier to silt leaving the site in storm water runoff.

WHERE BMP IS TO BE INSTALLED - Silt fences apply to construction sites with relatively small drainage areas. They are appropriate in areas where runoff will occur as low-level flow, not exceeding 0.5 c.f.s. The drainage area for silt fences should not exceed 0.25 acre per 100-foot fence length (100 square feet per foot of fence). The slope length above the fence should not exceed 100 feet (NAHB, 1995). The fence should be designed to withstand the runoff from a 10-year peak storm event.

CONDITIONS FOR EFFECTIVE USE OF BMP - Spacing of parallel lengths of silt fence along slopes is relative to slope steepness as follows:

Type of Flow: Sheet flow only.

Contributing Slope Length: 30 foot maximum for 3:1 slopes.
50 foot maximum for slopes between 3:1 and 10:1.
100 foot maximum for slopes under 10%.

For additional information see Section 806.70 of St. Louis County's Standard Specification for Highway Construction.

WHEN BMP IS TO BE INSTALLED - Prior to disturbance of natural vegetation and at intervals during construction of fill slopes. Install on the perimeter of the site (where storm water exits the site) prior to disturbance of natural vegetation, around material stock piles and interior to the site along slopes, at the base of slopes and at intervals during construction of slopes.

INSTALLATION / CONSTRUCTION PROCEDURES

- ✓ Drive post for fence line.
- ✓ Dig trench to required dimensions in front of posts for fabric burial.
- ✓ Attach wire mesh to posts.
- ✓ Attach fabric to posts, allowing required length below ground level to run fabric along bottom of trench
- ✓ Backfill and compact soil in trench to protect and anchor fabric.

If a standard-strength fabric is used, it can be reinforced with wire mesh behind the filter fabric. This increases the effective life of the fence. The maximum life expectancy for synthetic fabric silt fences is about 6 months, depending on the amount of rainfall and runoff.

The stakes used to anchor the filter fabric should be wood or metal. Wooden stakes should have minimum dimensions of 2 by 2 inches if a hardwood like oak is used. Stakes from soft woods like No. 2 Southern Pine, should have minimum dimensions of 4 by 4 inches. When using steel (standard U, T, L or C shape sections) posts in place of wooden stakes, they should weigh no less than 1.0 lb/linear foot. If metal posts are used, attachment points are needed for fastening the filter fabric with wire ties. Posts should be least 5 feet long and driven or placed at a slight upstream angle into the ground to a

SEEDING REQUIREMENTS

Dates for Seeding

Permanent Seeding	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec
Tall Fescue			O	O	O			O	O			
Smooth Brome			O	O	O			O	O			
Fescue & Brome			O	O	O	O		O	O			
Fescue, Rye & Bluegrass	A	A	O	O	O	P	P	O	O	P	P	A

Temporary Seeding	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec
Rye or Sudan	A	A	O	O	O	O	O	O	O	O	A	A
Oats		A	O	O	O	O	O	O	O			

O = Optimum seeding dates
A = Acceptable seeding dates
P = Permitted seeding dates with reseeding 2 months later - initially use 50% of seed and 75% of fertilizer. Reseed with additional 75% seed and remaining fertilizer.

Minimum Fertilizer and Seeding Rates

Permanent Seeding*	Pounds per acre	Pounds Per 1000 sq. ft.
Tall Fescue	300	7.0
Smooth Brome	200	4.6
Mixture # 1	250	5.7
Mixture # 2	210	4.8

Mixture # 1 = Tall Fescue @ 150 pounds per acre and Brome @ 100 pounds per acre
Mixture # 2 = Tall Fescue @ 100 pounds per acre; Perennial Rye grass @ 100 pounds per acre; and Kentucky Blue grass @ 10 pounds per acre.
* = Seeding rate for slopes in excess of 20% (5:1) shall be 10 pounds per 1000 sq. ft.

Temporary Seeding	Pounds per acre	Pounds Per 1000 sq. ft.
Rye or Sudan	150	3.5
Oats	200	2.5

Fertilizer	Permanent Seeding (pounds per acre)	Temporary Seeding (pounds per acre)
Nitrogen	45	30
Phosphate	65	30
Potassium	65	30
Lime - ENM	600	400

ENM = Effective neutralizing material per State evaluation of quarried rock.

MULCH SELECTION AS A FUNCTION OF SLOPE

(1) For slopes steeper than 1:1, consider building a diversion above slope to divert water.
(2) Example: An 8% slope, 100 feet long, requires straw mulch with netting

GENERAL MULCH RECOMMENDATIONS TO PROTECT FROM SPLASH AND SHEET FLOW

Material	Rate Per Acre	Requirements	Notes
Straw	2 to 2.5 tons	Dry, unchopped unweathered; avoid weeds	Spread by hand or machine; must be tacked or tied down
Wood Fiber or Wood Cellulose	0.5 to 1 ton		Use with hydro seeder, may be used to tack straw. Do not use in hot, dry weather.
Wood Chips	5 to 6 tons	Air dry. Add nitrogen fertilizer at 12 lb per ton	Apply with blower, chip handler, or by hand. Not for fine turf areas.
Bark	35 cu. yds.	Air dry, shredded, or hammermilled; or chips	Apply with mulch blower, chip handler or by hand. Do not use asphalt tack.

REVISIONS

No.	Date	By	Description
1	09/23/14	EJS	Revised per City Comments
2	12/11/14	EJS	Revised Grading per City Comments
3	08/14/15	EJS	Revised per City Comments & Client Input
4	10/22/15	EJS	Revised per City Comments

F.B. 1155 SUR.
FILE: G:\13xxx\13199_DOG PARK\Plans\Site Plan03.dwg PLOTTED: 1/12/2016 8:54 AM BY: EJS

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MO Cert. of Authority - Prof. Engineering #000087 & Prof. Surveying #000014
IL Dept. Financial & Prof. Reg. Prof. Design & Engineering Corp. #184.006878

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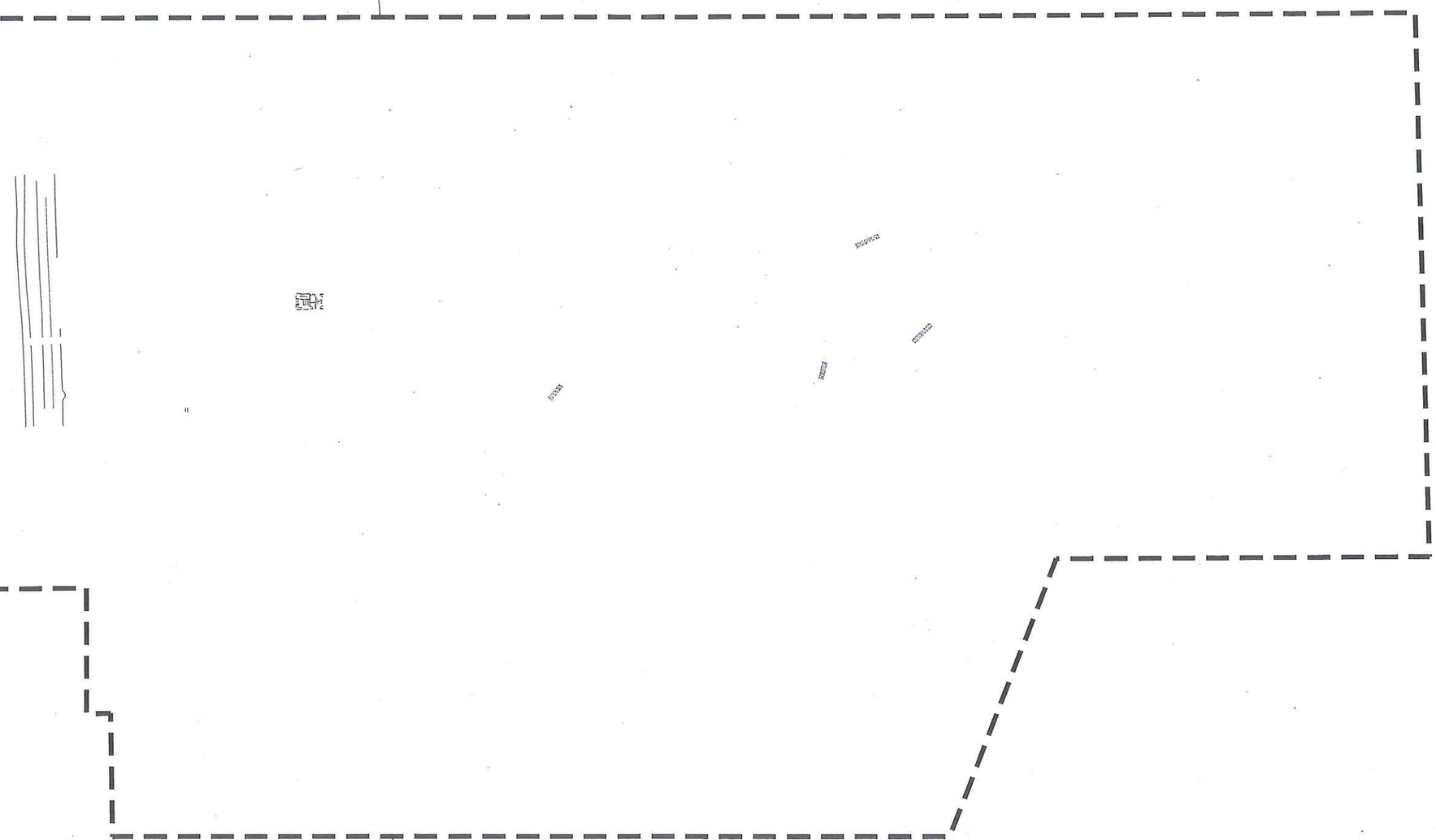
Prepared for:
HAPPY HOUNDS PLAYGROUND, LLC
895 Bolger Court
Fenton, Missouri, 63026
636-343-9770

SITE DEVELOPMENT - STORMWATER POLLUTION PREVENTION PLAN
HAPPY HOUNDS PLAYGROUND
2448 Pond Road Wildwood, MO 63040

Erik J. Staley - Professional Engineer (PE-2006000132)
STATE OF MISSOURI ERIK JON STALEY NUMBER PE-2006000132 PROFESSIONAL ENGINEER 01/11/16

Designed SWQ
Drawn HRL
Checked EJS
Date June 11, 2014
Project Number 13199
Sheet Number 5 of 14

APPROXIMATE 200' LIMITS FROM SUBJECT PROPERTY



APPROXIMATE 200' LIMITS FROM SUBJECT PROPERTY

0 50' 100'
SCALE IN FEET

SCALE 1"=50'

Note: Caution should be taken in comparing the written scale to the graphic scale to ascertain if this plan has been enlarged or reduced.

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MO Certificate of Authority #000156 MO Land Surveying Corp #LS-2003019
IL Design Firm and Prof. Eng. Prof. Design Firm Corporate Corp #184.005019

NO.	DATE	BY	REVISIONS
1	9/22/14	EJS	Revised per City Comments
2	12/19/14	EJS	Revised Grading per City Comments
3	09/18/15	EJS	Revised per City Comments & Sales Input
4	10/27/15	EJS	Revised per City Comments
5	01/21/16	EJS	Revised per City Comments
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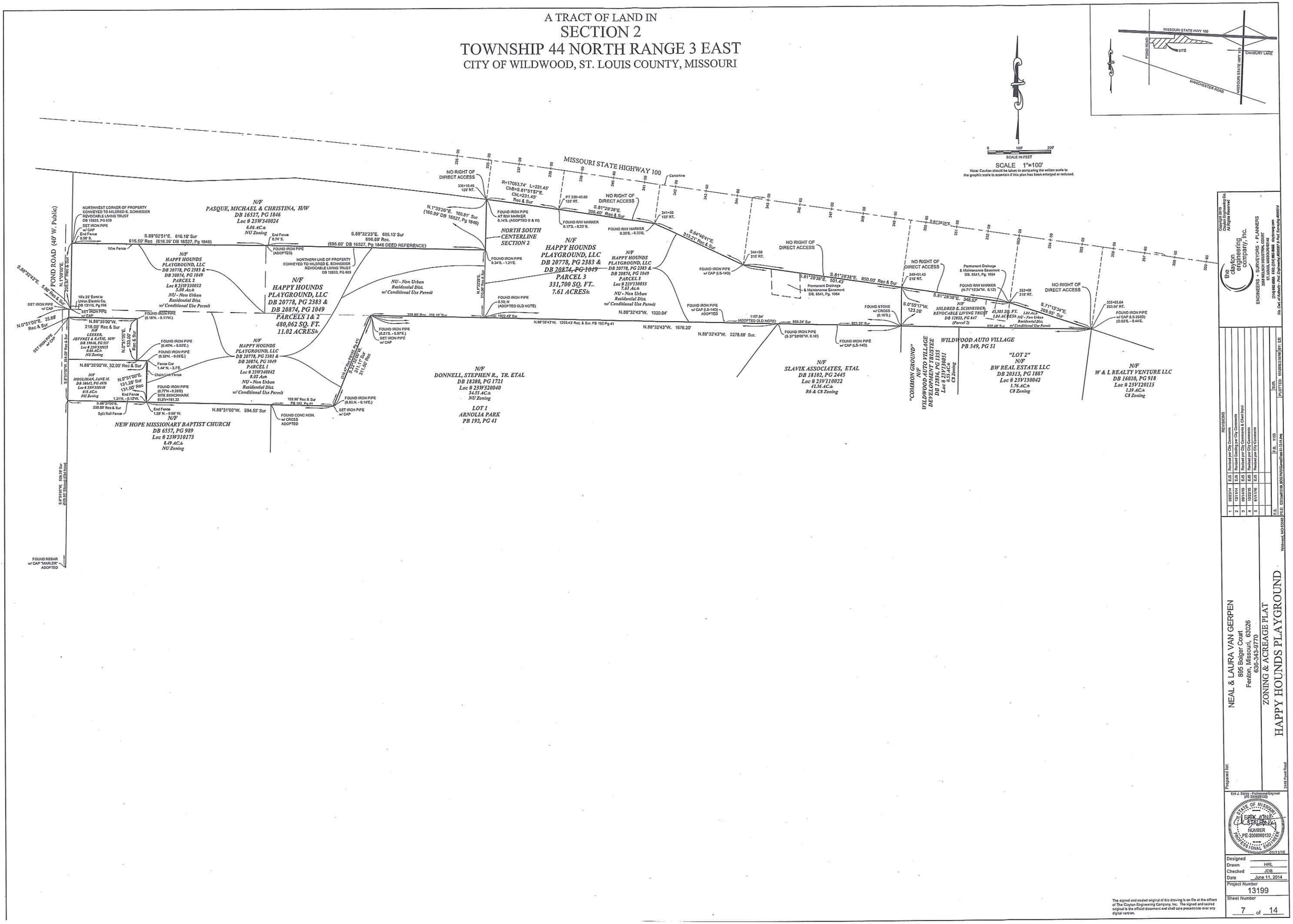
Prepared for:
HAPPY HOUNDS PLAYGROUND, LLC
895 Badger Court
Fenton, Missouri 63026
636-343-9770

SITE DEVELOPMENT PLAN - AERIAL PHOTO
HAPPY HOUNDS PLAYGROUND
2313 Pond Road
Wildwood, MO 63005

Eric J. Sabo - Professional Engineer
PE-2009000132
STATE OF MISSOURI
ERIK JAMES SABO
NUMBER
PE-2009000132
PROFESSIONAL ENGINEER
01/21/16

Designed	SWD
Drawn	HRL
Checked	EJS
Date	June 11, 2014
Project Number	13199
Sheet Number	6 of 14

A TRACT OF LAND IN
SECTION 2
TOWNSHIP 44 NORTH RANGE 3 EAST
CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI



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FOUND REBAR w/ CAP "MARLER" ADOPTED

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No.	Date	By	Revisions
1	09/23/14	EJS	Revised per City Comments
2	12/19/14	EJS	Revised per City Comments
3	06/24/15	EJS	Revised per City Comments & Deed Added
4	10/27/15	EJS	Revised per City Comments
5	01/21/16	EJS	Revised per City Comments

P.B. 1195
P.C. Estimated 20070402
Scale:
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Prepared for:
NEAL & LAURA VAN GERPEN
895 Bolger Court
Fenton, Missouri, 63026
636-343-9770

ZONING & ACREAGE PLAT
HAPPY HOUNDS PLAYGROUND
Wildwood, MO 63040
2448 Hoyt Road

Eric J. Stang - Professional Engineer
PE-2006000132
STATE OF MISSOURI
ERIC JOHN STANG
NUMBER PE-2006000132
PROFESSIONAL ENGINEER
01/21/16

Designed	
Drawn	HRL
Checked	JDB
Date	June 11, 2014
Project Number	13199
Sheet Number	7 of 14

7202
6' BASIC DOG PAW BENCH

Dog-ON-It-Parks®
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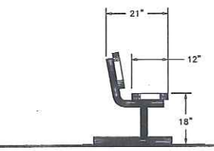
PH: 877-348-3647 • Fax: 425-347-3056 • Email: info@dog-on-it-parks.com

Revision: 2.3
Issued: 10/18/2011

IMAGES

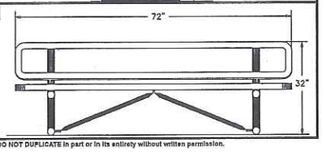
TOP VIEW

- 2 3/8" diameter pipe frames.
- In ground, portable, and surface mount options are available.
- No extra charge for surface mount or bolt down option, (mounting hardware is not included)
- Baked polyester finish on frames.
- Custom logos are available with an additional set-up cost.



FRONT VIEW

- Refer to the installation manual for all installation instructions.



MADE IN U.S.A.

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BENCHES TO BE RED

7212
ADA -BI-LEVEL BARRIER FREE PEDESTAL FOUNTAIN

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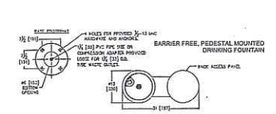
Revision: 2.4
Issued: 3/26/2013

IMAGES

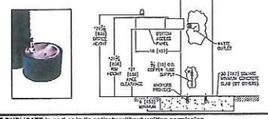
SUGGESTED SPECIFICATIONS:
Model 7212 is an ADA accessible bi-level, barrier free, pedestal mounted, vandal resistant, round drinking fountain made from an 18 gage, 304 stainless steel bowl mounted into a welded stainless steel pedestal. Unit shall be activated by a front mounted self-closing button, by using less than 5 pounds of force, which activates an internally mounted valve with an adjustable stream regulator controlling the water flow. Bubbler shall be polished chrome plated brass with a non-squirt feature and operate on water pressure range of 20 - 105 psig. Unit shall adhere to ANSI A117.1 and Americans with Disabilities Act of 1990 frontal approach and protruding objects requirements, Adult ADA parallel and frontal approach and ANSI/NSF 61, Section 9.

TOP VIEW

- Resistant to sunlight, heat, moisture and wear.
- 18 gage, 304 stainless steel bowl.
- Heavy duty stainless steel pedestal, corrosion resistant, brushed stainless steel finish. Powder coat colors are available
- Polished chrome plated brass, anti-rotation non-squirt bubbler.
- 100 mesh inlet strainer.
- Access door, heavy duty steel, vandal resistant.
- Vandal resistant stainless steel bottom plate.



FRONT VIEW



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TRASH RECEPTABLES TO BE GREEN POWDERCOAT

Dog-ON-it-PARKS

626 128th St SW #104A Everett, WA 98204
877-FIT-DOGS www.dog-on-it-parks.com

7502 - 32 Gallon "Trash Only" Receptacle w/ liner, lid & surface mount kit

Please take the time to locate and identify each part. Assemble the units on a smooth flat surface. It is also helpful to lay the tops and seats on cardboard or a drop cloth to prevent scratching of the surface during assembly. All parts have been pre-cut and pre-drilled for ease of assembly. All holes are slotted to allow for easy assembly and for final levelling of tops and seats to frames. Fully assemble all parts without totally tightening nuts and bolts. After all assembled go back and retighten nuts to bolts. DO NOT OVER TIGHTEN NUTS TO BOLTS. Over tightened nuts can crack the plastisol coating. All the necessary quantities of parts required are listed in this assembly instructions.

DO NOT BEGIN ASSEMBLY UNTIL YOU HAVE READ THESE INSTRUCTIONS AND ARE FAMILIAR WITH THE PARTS.

TRASH RECEPTABLES TO BE DARK GREEN

SPEC SHEET: SJDBK

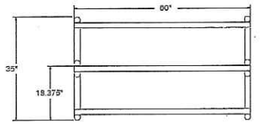
5' WIDE 8 SPACES "J" FRAME BIKE RACK DOUBLE SIDED

Wt. 74 lbs

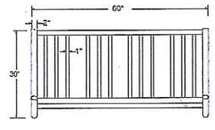
photo

10JDBK FOR SHOW ONLY

top view

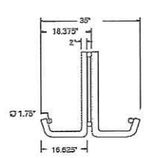


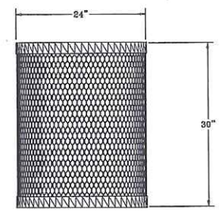
front view



BIKE RACK TO BE SILVER

side view





SPECIFICATIONS

30" X 24" STEEL RIBBED TRASH RECEPTACLE.
COATED WITH A 1/8" TO 1/4" THICK PLASTISOL ULTRAVIOLET STABILIZED VINYL COATING FUSED AND BAKED TO A 90% GLOSS.

30" TALL X 24" DIAMETER. 32 GALLON CAN SIZE

ALL HARDWARE IS NON CORROSIVE.
WEIGHT IS 70 LB.

MAINTENANCE

To maintain luster it is recommended to wash, rinse, and dry the units after prolonged use. Check for loose bolts and nuts and tighten as needed. Contact the factory for genuine Webcoat part replacements if needed.

TUFF SHED

Premier Tall Ranch

7 YEAR WARRANTY

A taller version of our Premier Ranch with the same great Premier Series features. The taller walls of the Premier Tall Ranch add more wall and overhead storage space, plus they allow for more door placement options. For popular sizes, prices and more specs, click the tabs below.

- 7'5" interior sidewall height
- 67" tall, steel-reinforced door placed on any wall
- Galvanized steel floor joists
- Treated LP® ProStruct Floor with Smart Finish™
- 2×4 wall framing placed 16" on center
- LP SilverTech™ radiant barrier siding and roof decking
- Owens Corning® 25 Year shingles

Categories: Ranch Styles, Sheds

Specifications

- 7-Year Warranty
- Galvanized Steel Floor with 6" Joists at 2' on Center
- 6" Patented Keyed, Locking Door Handle
- 4'x 6'7" Steel Reinforced Door
- 7'5" Interior Clear Sidewall Height
- 2"x4" Spaced 16" On Center Wall Framing
- Double Top Plates on All Walls
- Siding: LP® SilverTech Radiant Barrier Siding w/ 50-Year Manufacturer's Warranty
- 4" Trim – 50 Year Limited Warranty Smart Trim
- 3/4" Heavy-Duty Tongue & Groove Treated LP® ProStruct Floor Decking with Smart Finish
- 7/16" Radiant Heat Barrier Roof Decking
- 4" Box w/ 4" Fascia on Sidewalls Eave
- 15# Felt Paper
- Entire Roof Perimeter covered with Colored, Baked Enamel Drip Edge
- 25-Year Limited Warranty 3-Tab Composition Shingles from Owens Corning
- Rafters and Trusses Joined w/ Steel Plates
- Roof Pitch at Peak (4/12)
- On-Site Installation Included in Price (Delivery, Access, and/or Generator fees may apply)

TUFF SHED PREMIER TALL RANCH (16'x24') w/ TAN LOUISIANA PACIFIC SMART SIDING w/ BROWN TRIM & DARK SHINGLE ROOF (PEAK HEIGHT=11'-2") ON MINIMUM 6-INCH THICK CONCRETE FOUNDATION PAD.

SITE ITEMS DISCLAIMER

ALL DETAILS AND SPECIFICATIONS SHOWN ON THIS PLAN SHEET WERE PROVIDED BY A THIRD PARTY. THE CLAYTON ENGINEERING COMPANY, INC. IS NOT RESPONSIBLE FOR THE SELECTION, INSTALLATION DETAILS, PRODUCT SPECIFICATIONS, ETC. FOR ANY OF THESE ITEMS. THESE ITEMS HAVE BEEN PROVIDED AS A PART OF THIS PLAN SET FOR INFORMATIONAL PURPOSES ONLY. CURRENT PRODUCT CUT SHEETS, PROVIDED BY OTHERS, SHALL TAKE PRECEDENCE OVER ANY DETAILS AND/OR SPECIFICATIONS SHOWN HERE.

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MO Corp. Auth. #2001000004 MO Land Surveying Corp. #2001000004
IL Dsgn. Firm #184.007722 IL Land Surveying Corp. #184.006978

REVISIONS		
1	09/23/14	EJS	Revised per City Comments
2	10/17/14	EJS	Revised Grading per City Comments
3	01/14/15	EJS	Revised per Cut & Detail Sheet
4	10/22/15	EJS	Revised per City Comments
5	01/11/16	EJS	Revised per City Comments

F.B. 1155
PLOTTED: 1/20/2016 8:48 AM | DWG. BJS
F.S. 0130at13399 2001\PRO\Parks Plan.dwg

HAPPY HOUNDS PLAYGROUND, LLC
895 Bolger Court
Fenton, Missouri, 63026
636-343-9770

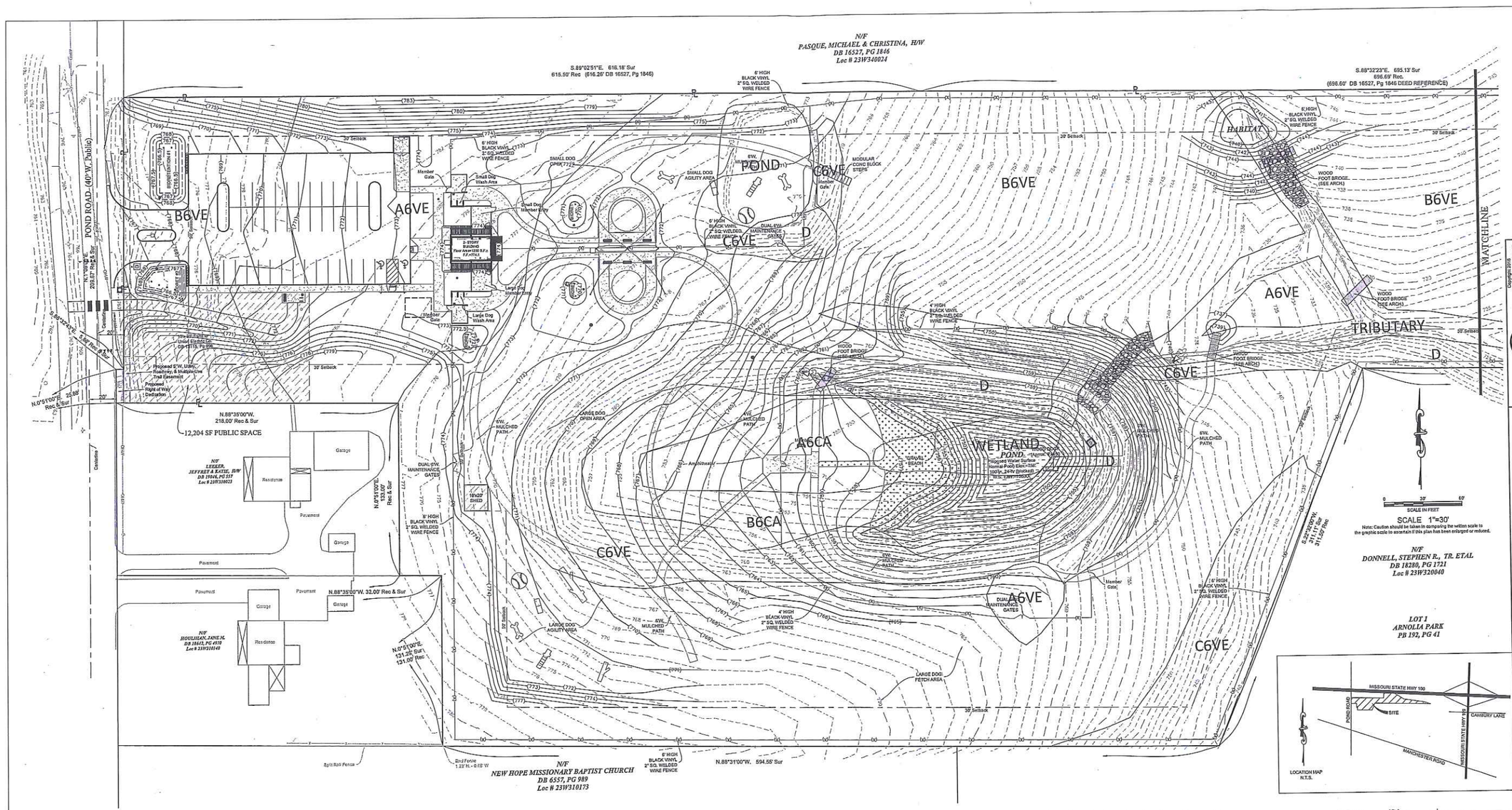
SITE DEVELOPMENT PLAN DETAILS
HAPPY HOUNDS PLAYGROUND

Prepared for:

2448 Pond Road
Wildwood, MO 63040

Erik J. Sluss • Professional Engineer
PE-2006000132
STATE OF MISSOURI
ERIK JON SLUSS
NUMBER PE-2006000132
PROFESSIONAL ENGINEER
01/11/16

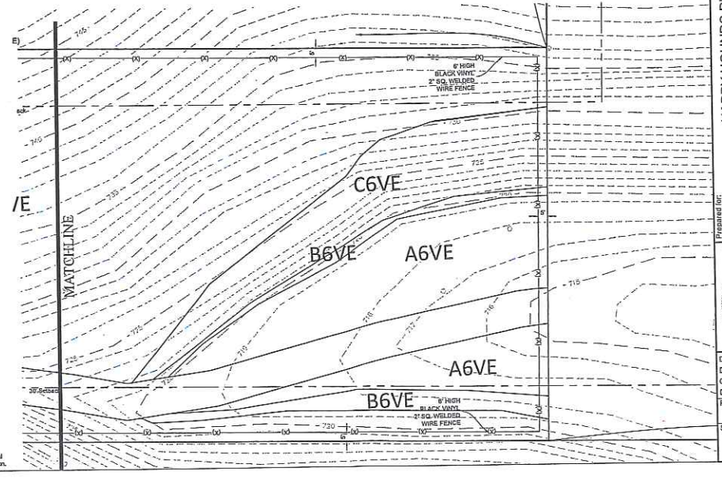
Designed	SWQ
Drawn	HRL
Checked	EJS
Date	June 11, 2014
Project Number	13199
Sheet Number	8 of 14



SLOPE CLASS	ACREAGE	% PRESERVED	ACRES TO BE PRESERVED	ACRES PRESERVED
A6CA	0.29	0	0	0
A6VE	1.48	0	0	1.07
B6CA	0.46	60	0.28	0
B6VE	6.25	30	1.88	2.39
C6VE	1.26	50	0.63	0.74
D	0.50	100	0.50	0.33
WATERBODIES	0.67	100	0.67	0.33
WETLANDS	0.11	100	0.11	0
TOTAL	11.02	-	4.70	4.86

THIS PLAN WAS COMPLETED IN ACCORDANCE WITH THE CITY OF WILDWOOD'S SUBDIVISION CODE SECTION 1005.200 NATURAL RESOURCES PROTECTION STANDARDS AND REFLECT THE RESULTS OF THE ON-SITE FIELD INVESTIGATION CONTAINED IN THE ACCOMPANYING REPORT

SCOTT D. HARDING CPSS/SC



Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 319, RSMO.

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MISSOURI ONE-CALL SYSTEM INC.

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

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(314) 692-2400 FAX: (314) 692-2688 claytonco.com
MO Certificate of Authority: Engineering #000514
MO Certificate of Authority: Land Surveying #000514
E-Seal Extended 2 Prof. Rec. Prof. Design 2 Engineering Date: 6/14/2015

NO.	BY	REVISIONS
1	EJS	6/02/14 Revised per City Comments
2	EJS	10/17/14 Revised Grading per City Comments
3	EJS	09/14/15 Revised per City Comments & Cover Input
4	EJS	10/22/15 Revised per City Comments
5	EJS	01/21/16 Revised per City Comments

P.M. TBD
PLOTTED: 01/26/2016 12:26 PM By: EJS
F.B. -
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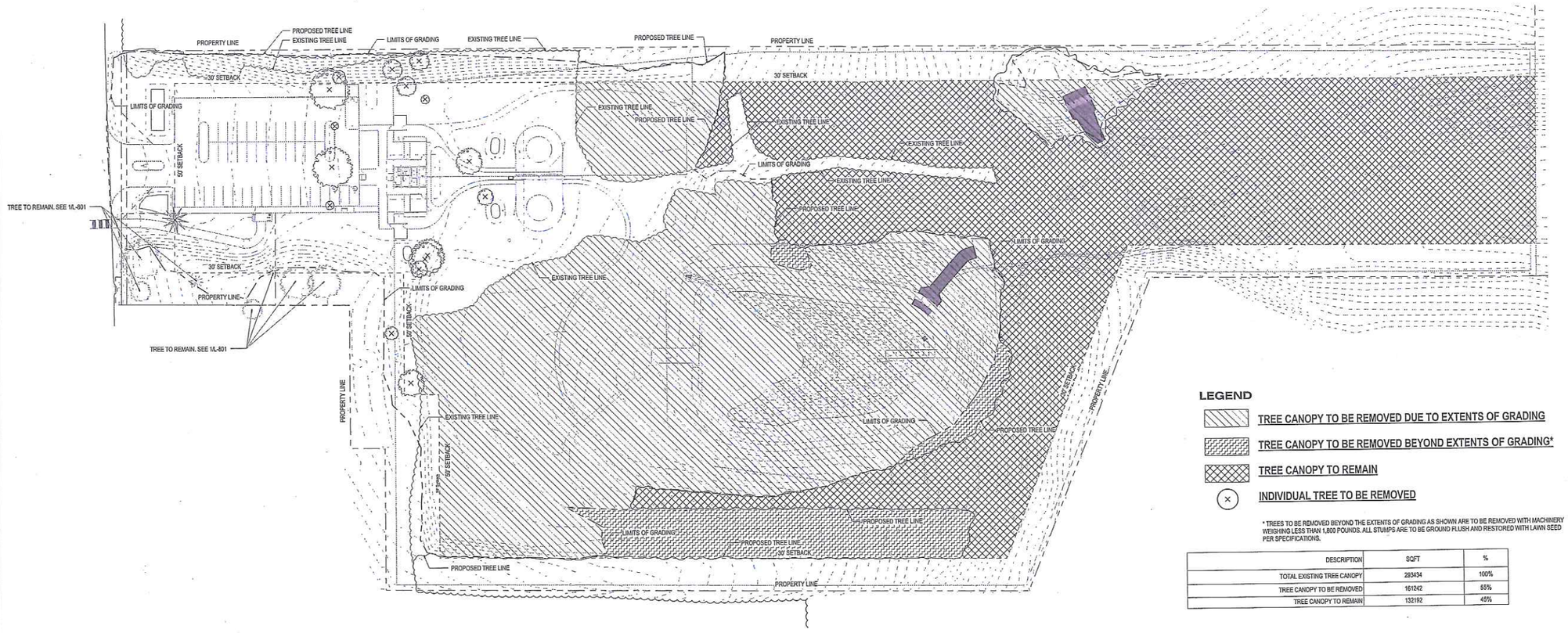
HAPPY HOUNDS PLAYGROUND, LLC
895 Bolger Court
Fenton, Missouri 63026
636-343-9770

NATURAL RESOURCE DELINEATION
HAPPY HOUNDS PLAYGROUND

Prepared for:

Erik J. Ebeling - Professional Engineer
PE-2009009132
STATE OF MISSOURI
ERIK JOHN EBELING
NUMBER PE-2009009132
PROFESSIONAL ENGINEER
01/21/16

Designed	SWQ
Drawn	HRL
Checked	EJS
Date	June 11, 2014
Project Number	13199
Sheet Number	9 of 14



1 L-001 TREE PRESERVATION PLAN
1" = 40'-0"

NOTE:
1. CONTRACTOR TO STAKE TREE REMOVAL AREA WITH STAKES AND FLAGGING IN FIELD PRIOR TO TREE REMOVAL. LANDSCAPE ARCHITECT TO APPROVE IN FIELD.

LEGEND

- TREE CANOPY TO BE REMOVED DUE TO EXTENTS OF GRADING
- TREE CANOPY TO BE REMOVED BEYOND EXTENTS OF GRADING*
- TREE CANOPY TO REMAIN
- INDIVIDUAL TREE TO BE REMOVED

* TREES TO BE REMOVED BEYOND THE EXTENTS OF GRADING AS SHOWN ARE TO BE REMOVED WITH MACHINERY WEIGHING LESS THAN 1,800 POUNDS. ALL STUMPS ARE TO BE GROUND FLUSH AND RESTORED WITH LAWN SEED PER SPECIFICATIONS.

DESCRIPTION	SQFT	%
TOTAL EXISTING TREE CANOPY	293434	100%
TREE CANOPY TO BE REMOVED	161242	55%
TREE CANOPY TO REMAIN	132192	45%

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Happy Hounds Playground
2448 Pond Rd.
Wildwood, MO 63040

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STRUCTURAL ENGINEER
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Aedifica engineering | case
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796 Mmus Court
St. Louis, MO 63026
T 636.349.1600
F 636.349.1730
mechanical
electrical
plumbing
fire protection
structural
CERTIFICATE OF AUTHORITY NO. E-2000155319-D

ARCHITECT OF RECORD:
STATE OF MISSOURI RUSSELL G. VOLMERT LA-000172 REGISTERED LANDSCAPE ARCHITECT 04-12-16
RUSSELL G. VOLMERT
MISSOURI LA-000172

ISSUE DATE	DESCRIPTION
4.16.2015	SITE PRICING SET - 75% CDS
6.12.2015	BUILDING PRICING SET
8.13.2015	SITE DEV PLAN -REVISED
1.19.2016	SITE DEV PLAN -REVISED

Revision Schedule

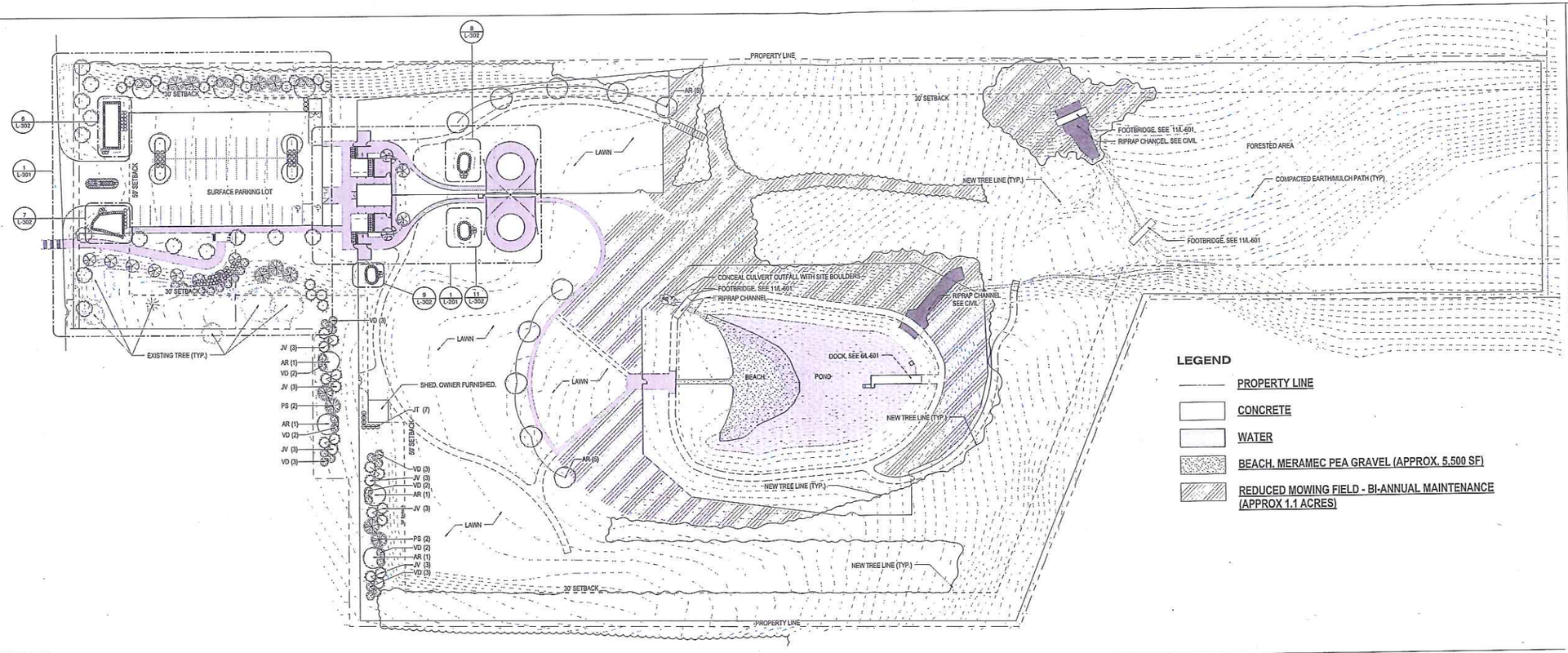
No.	Date	Description

Key Plan:

Project Number: 14-2287.00

Sheet Title: TREE PRESERVATION PLAN P-7

L-001



11 L-201 LANDSCAPE PLAN
1" = 40'-0"

LANDSCAPE REQUIREMENTS CALCULATIONS

BUFFERYARDS

	DISTANCE	TYPE / PUs	REQUIRED*	SHOWN
NORTH	550 LF	E / 17 PUs	(17) CANOPY TREES (17) EVERGREEN TREES (17) UNDERSTORY TREES (170) SHRUBS	(3) CANOPY TREES (16) EVERGREEN TREES (0) UNDERSTORY TREES (6) SHRUBS
SOUTH	440 LF	E / 15 PUs	(15) CANOPY TREES (15) EVERGREEN TREES (15) UNDERSTORY TREES (150) SHRUBS	(6) CANOPY TREES (7) EVERGREEN TREES (8) UNDERSTORY TREES (48) SHRUBS
WEST	260 LF	E / 9 PUs	(9) CANOPY TREES (9) EVERGREEN TREES (9) UNDERSTORY TREES (90) SHRUBS	(4) CANOPY TREES (22) EVERGREEN TREES (0) UNDERSTORY TREES (20) SHRUBS
EAST	N/A	N/A		
STREET	(WAIVED 1/7/16)			

ADDITIONAL REQUIREMENTS

	DISTANCE	TYPE / PUs	REQUIRED*	SHOWN
STREET TREES	230 LF	1 PER 30 LF	(8) TREES	(8) TREES
PARKING LOT	42 SPACES	5 PUs	(10) CANOPY TREES (50) SHRUBS	(4) CANOPY TREES (16) SHRUBS (80) GRASSES
ENTRANCE DRIVE	(WAIVED 1/7/16)			
NON-RESIDENTIAL BUILDING SITES	(WAIVED 1/7/16)			

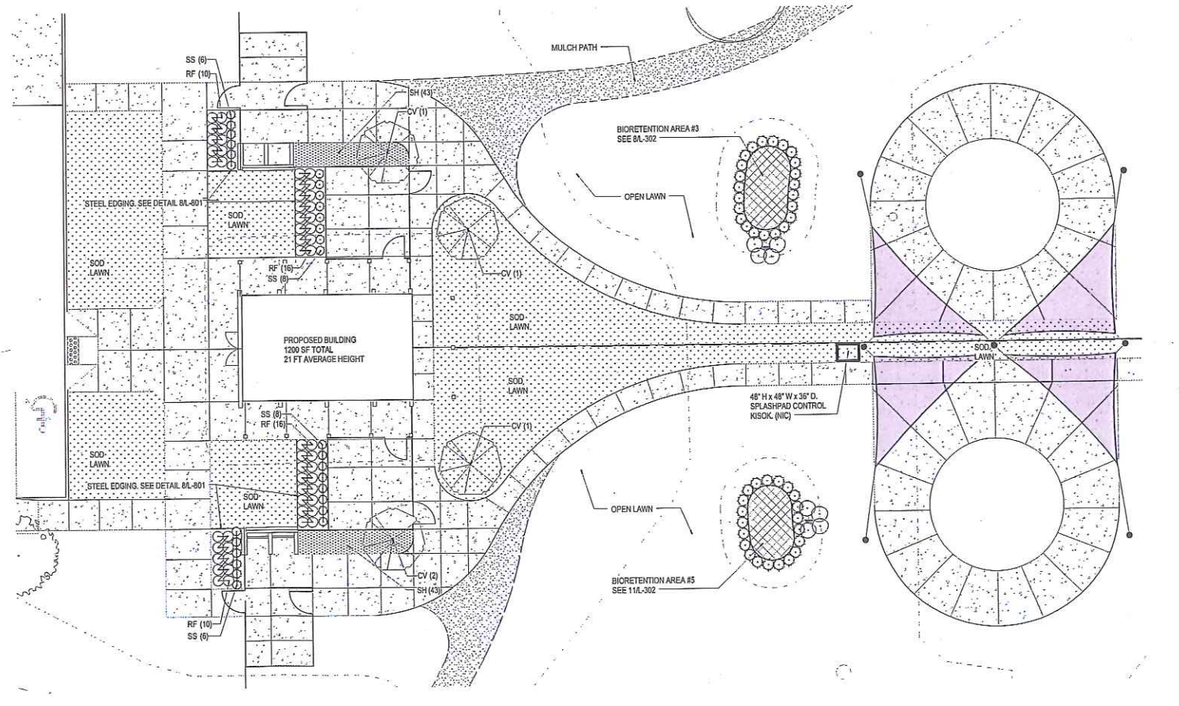
*REQUIREMENTS SHOWN WERE PROVIDED WITHIN LANDSCAPE PLAN REVIEW BY TERRASPEC, DATED NOVEMBER 16, 2015. CITY OF WILDWOOD DIRECTOR OF PLANNING HAS AGREED TO WAIVE REQUIREMENTS PER JANUARY 7, 2016 MEETING. LANDSCAPE PLAN AS SHOWN REFLECTS DIRECTION FROM THE DIRECTOR OF PLANNING

GENERAL NOTES:

1. GRADING SHOWN IS FOR REFERENCE ONLY. SEE CIVIL DRAWINGS FOR GRADING PLANS.
2. REFER TO CIVIL DRAWINGS FOR UNDERGROUND UTILITY LOCATIONS AND INFORMATION AS WELL AS SIDEWALK AND PAVING LAYOUTS, UNLESS NOTED OTHERWISE.
3. ANY AND ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES - WHETHER SHOWN ON THE DRAWINGS OR OCCURRING IN THE FIELD - ARE TO BE RESTORED WITH SEED OR SOD. AREAS TO BE REPLACED WITH SOD WILL BE SPECIFICALLY NOTED ON LANDSCAPE PLANS. SEE SPECIFICATIONS FOR LAWN SEED MIXTURE
4. CONTRACTOR SHALL REMOVE EXISTING BRUSH AND TREES AS NECESSARY TO INSTALL PROPOSED LANDSCAPING AS INDICATED.
5. ALL TREE REMOVAL AND NEW TREE LINES TO BE VERIFIED BY LANDSCAPE ARCHITECT IN THE FIELD.
6. CONTRACTOR SHALL PROTECT EXISTING AND NEW TREES, SEE DETAIL 1/L-801, WITHIN THE DISTURBED AREA OF THE PROJECT CONSTRUCTION LIMITS.
7. ALL PLANTINGS TO HAVE A SPADE CUT EDGE UNLESS OTHERWISE NOTED.
8. ALL WOODED MATERIAL CLEARED FROM SITE IS TO BE SHREDDED INTO MULCH FOR USE ON WALKING PATHS AND OTHER AREAS AS NOTED
9. REFER TO SHEET L-801 FOR PLANTING SCHEDULE AND DETAILS.
10. ALL AREAS SHOWN AS OPEN LAWN TO BE RESEEDED AFTER CONSTRUCTION
11. ALL SQUARE FOOTAGE ESTIMATES ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED BY CONTRACTOR
12. REFER TO CIVIL DRAWINGS FOR BIORETENTION AREA LAYOUTS

CITY OF WILDWOOD LANDSCAPE GENERAL NOTES

1. UNLESS OTHERWISE STIPULATED BY SPECIFIC REQUIREMENTS OF THE CITY OF WILDWOOD TREE MANUAL, THE LANDSCAPING SHOWN ON THIS PLAN MUST BE PLANTED IN ACCORDANCE WITH THE LATEST EDITION OF THE TREE AND SHRUB TRANSPLANTING MANUAL PUBLISHED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE (PO BOX GG, SAVOY, IL 61874-9902)
2. ALL TREES ARE TO BE LOCATED A MINIMUM DISTANCE OF 5' FROM ALL UTILITY BOXES, 5' FROM A STORM DRAIN INLET OR MANHOLE, 10' FROM A FIRE HYDRANT, 15' FROM PUBLIC STREET LIGHTS, 0' FROM DRIVEWAY APRONS, 20' FROM ANY TRAFFIC CONTROL SIGN, AND AT LEAST 30' FROM ANY INTERSECTION;
3. LOCATIONS OF STREET TREES MAY BE SUBJECT TO CHANGE IN ORDER TO AVOID CONFLICT WITH STREET LIGHTING
4. ANY PLANTING WITHIN A TREE PRESERVATION AREA, AS DESIGNATED ONT HE TREE PRESERVATION PLAN AND SHOWN ON THIS PLAN, MUST BE DONE TO AVOID ANY ADVERSE IMPACT TO THE ROOTS OF EXISTING TREES
5. PLANT TYPE SUBSTITUTIONS ARE PERMITTED WITH VERBAL OR WRITTEN APPROVAL FROM THE CITY OF WILDWOOD PLANNING DEPARTMENT
6. ALL PLANT MATERIAL WILL BE REINSPECTED FOR SURVIVAL BY THE CITY OF WILDWOOD PLANNING DEPARTMENT ONE YEAR FOLLOWING INSTALLATION AND AGAIN TWO FULL GROWING SEASONS AFTER PLANTING
7. ALL PLANS MUST MEET STANDARDS OF THE LATEST EDITION OF THE AMERICAN STANDARDS FOR NURSERY STOCK SPONSORED BY THE ASSOCIATION OF AMERICAN NURSERYMEN
8. NO PLAN SHALL BE LOCATED IN AREAS OF OBVIOUS POOR DRAINAGE. IF SUCH CONDITIONS EXIST, CONTACT THE LANDSCAPE ARCHITECT IMMEDIATELY TO RELOCATE AFFECTED PLANT MATERIAL.
9. SOIL CONDITIONS MUST BE TESTED, VERIFIED AND ADJUSTED BY THE LANDSCAPE CONTRACTOR TO INSURE THAT APPROPRIATE SOIL COMPOSITION AND pH LEVELS ARE SUITABLE FOR PLANT MATERIAL SPECIFIED FOR THAT SPECIFIC LOCATION.
10. GRADING - ALL GRADING FOR LANDSCAPED AREAS WILL NOT EXCEED A SLOPE GREATER THAN 3:1. ALL EXPOSED SLOPES WILL BE PROTECTED FROM EROSION AS NEEDED.
11. MAINTENANCE - THE LANDSCAPE OF ALL UNDEVELOPED AND DEVELOPED PROPERTY WILL BE PROPERLY MAINTAINED IN A SIGHTLY AND WELL-KEPT MANNER
12. REPLACEMENT - REPLANTING AND REPLACEMENT OF EXISTING PLANT MATERIALS WILL BE EXECUTED ON AN ANNUAL BASIS AS NEEDED BY THE PROPERTY OWNER



1 L-201 LANDSCAPE DETAIL PLAN - BUILDING
1" = 10'-0"

NOT FOR CONSTRUCTION

Happy Hounds Playground
2448 Pond Rd.
Wildwood, MO 63040

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mail@case.cees
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electrical
plumbing
fire protection
structural
CERTIFICATE OF AUTHORITY NO. E-2000155319-D

ARCHITECT OF RECORD:
STATE OF MISSOURI
RUSSELL G. VOLMERT
NUMBER LA-000172
LICENSED LANDSCAPE ARCHITECT
04/12/16
RUSSELL G. VOLMERT
MISSOURI LA-000172

ISSUE DATE	DESCRIPTION
4.16.2015	SITE PRICING SET - 75% CDS
6.12.2015	BUILDING PRICING SET
8.13.2015	SITE DEV PLAN -REVISED
1.19.2016	SITE DEV PLAN -REVISED

Revision Schedule

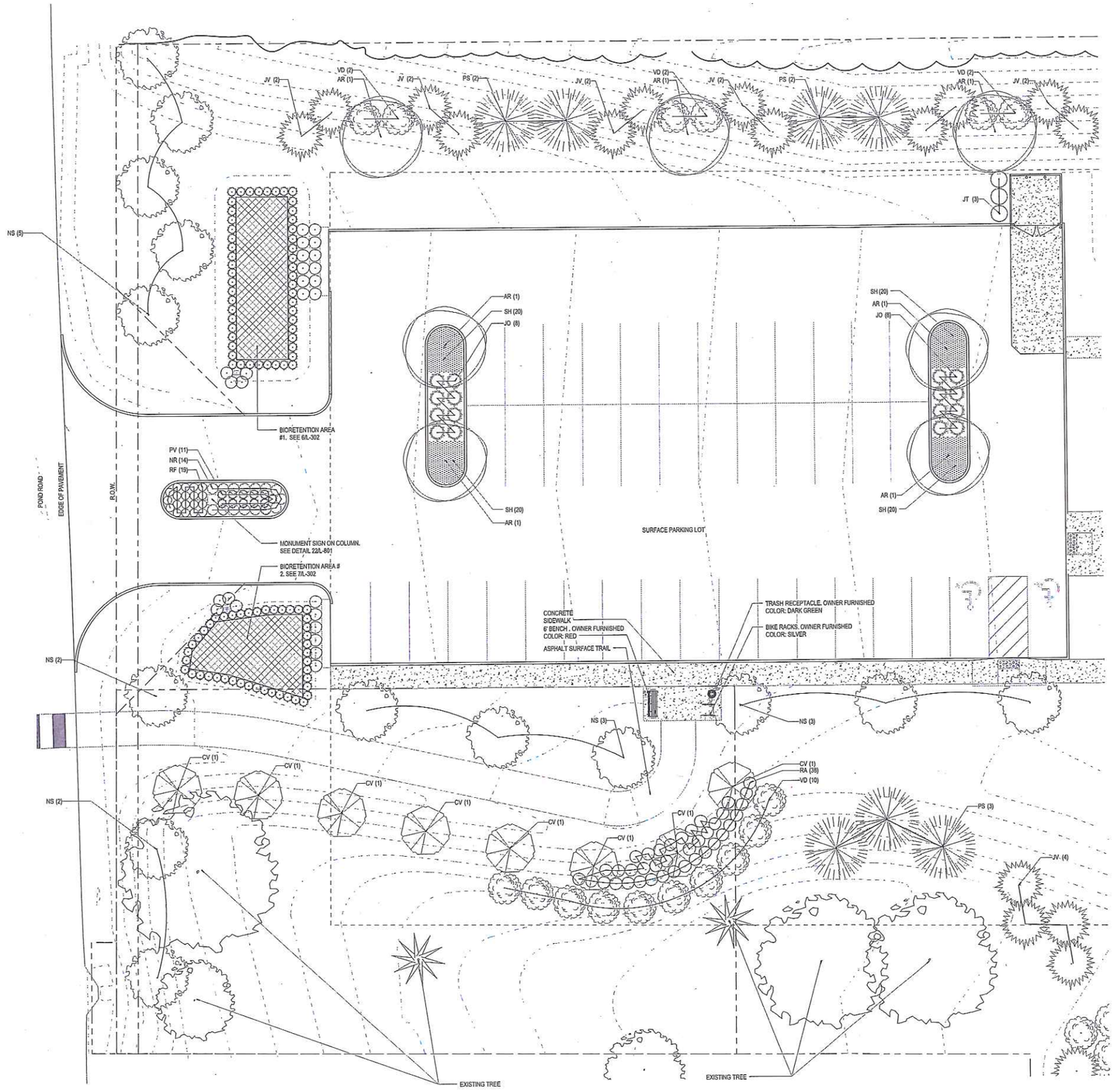
No.	Date	Description

Key Plan:

Project Number: 14-2287.00

Sheet Title: LANDSCAPE SITE PLAN P-10

L-201



1 L-301 LANDSCAPE DETAIL PLAN - PUBLIC SPACE
1" = 10'-0"

GENERAL NOTES:

1. GRADING SHOWN IS FOR REFERENCE ONLY. SEE CIVIL DRAWINGS FOR GRADING PLANS.
2. REFER TO CIVIL DRAWINGS FOR UNDERGROUND UTILITY LOCATIONS AND INFORMATION AS WELL AS SIDEWALK AND PAVING LAYOUTS, UNLESS NOTED OTHERWISE.
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6. CONTRACTOR SHALL PROTECT EXISTING AND NEW TREES, SEE DETAIL 1/L-801, WITHIN THE DISTURBED AREA OF THE PROJECT CONSTRUCTION LIMITS.
7. ALL PLANTINGS TO HAVE A SPADE CUT EDGE UNLESS OTHERWISE NOTED.
8. REFER TO SHEET L-801 FOR PLANTING SCHEDULE AND DETAILS.
9. ALL AREAS SHOWN AS OPEN LAWN TO BE RESEEDED AFTER CONSTRUCTION
10. REFER TO CIVIL DRAWINGS FOR BIORETENTION LAYOUTS

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mechanical
electrical
plumbing
fire protection
structural
CERTIFICATE OF AUTHORITY NO. E-2000155319-D

ARCHITECT OF RECORD:
MISSOURI STATE CERTIFICATE OF AUTHORITY #00248188

MEGAN NASRALLAH
ARCHITECT MISSOURI 7383

ISSUE DATE	DESCRIPTION
4.16.2015	SITE PRICING SET - 75% CDS
6.12.2015	BUILDING PRICING SET
8.13.2015	SITE DEV PLAN -REVISED
1.19.2016	SITE DEV PLAN -REVISED

Revision Schedule

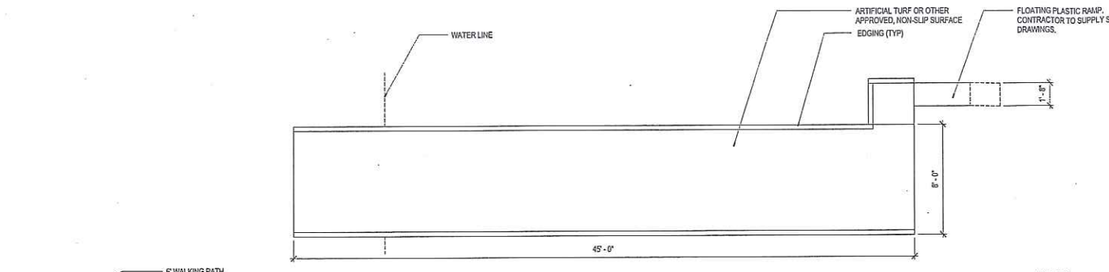
No.	Date	Description

Key Plan:

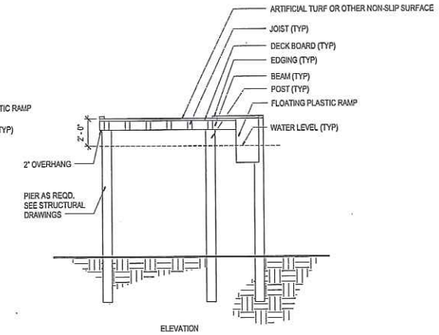
Project Number: 14-2287.00

Sheet Title:
LANDSCAPE DETAIL PLANS P-11

L-301

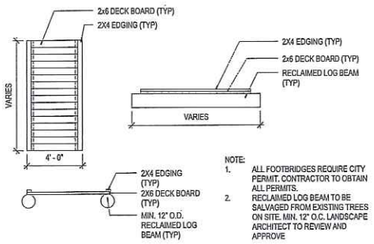


6 L-601 DOCK
1/4" = 1'-0"

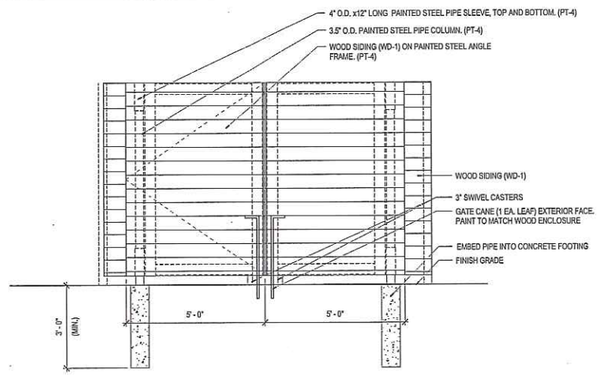


NOTES:

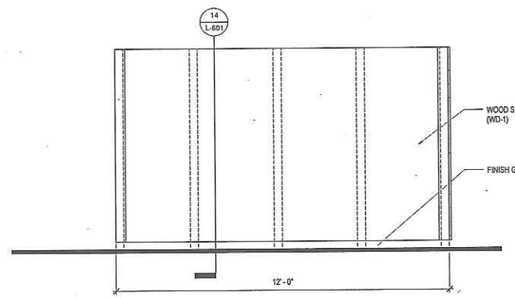
1. ALL WOOD TO BE PRESSURE TREATED, STAINED AND SEALED.
2. DOCK SHOWN FOR AESTHETIC DIRECTION ONLY AND SHALL CONFORM TO THE OFFICIAL DOCK JUMPING REQUIREMENTS.
3. DOCK TO BE DESIGN BUILD BY DOCK CONTRACTOR. CONTRACTOR TO FURNISH SHOP DRAWINGS AND CALCULATIONS, SIGNED AND SEALED BY STRUCTURAL ENGINEER LICENSED IN THE STATE OF MISSOURI.



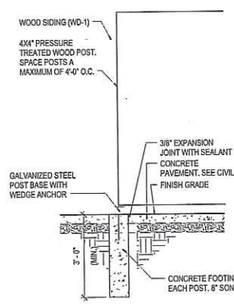
11 L-601 FOOT BRIDGE
1/4" = 1'-0"



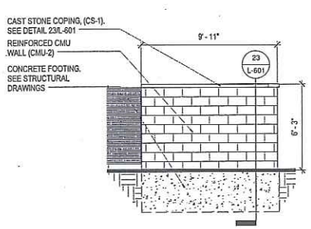
12 L-601 ELEVATION - TRASH ENCLOSURE SOUTH
1/2" = 1'-0"



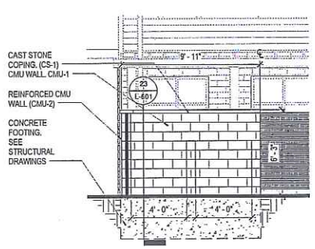
13 L-601 ELEVATION - TRASH ENCLOSURE WEST
1/2" = 1'-0"



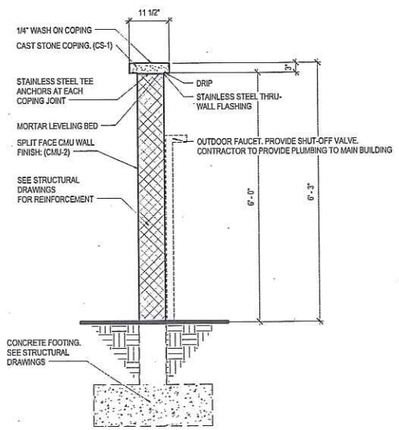
14 L-601 SECTION - TRASH ENCLOSURE
1/2" = 1'-0"



21 L-601 ELEVATION - SHOWER WALL SOUTH
1/4" = 1'-0"



22 L-601 ELEVATION - SHOWER WALL NORTH
1/4" = 1'-0"



23 L-601 SECTION - SHOWER WALL
3/4" = 1'-0"

FINISH LEGEND

PT-4 EXTERIOR PAINT:
MANUFACTURER: SHERWIN WILLIAMS
PRODUCT: SW 7018 E29
COLOR: DOVETAIL
LOCATION/REMARKS: EXTERIOR DOORS & FRAMES
REP: HANK MEINKING (314) 281-7485

CMU-2 CMU:
MANUFACTURER: TRENWYTH INDUSTRIES
DESCRIPTION: GROUND FACE MASONRY UNITS
PRODUCT: TRENDSTONE
COLOR:HAYDITE
LOCATION/REMARKS: EXTERIOR SHOWERS
REP:

CS-1 CAST STONE:
MANUFACTURER: MIDWEST CAST STONE
DESCRIPTION: CAST STONE COPING
COLOR: TBD
LOCATION/REMARKS: TOP OF EXTERIOR SHOWER WALLS

WD-1 WOOD:
MANUFACTURER: ARBORWOOD CO.
DESCRIPTION: THERMALLY MODIFIED 6" SHIPLAP ASH WOOD SIDING
SPECIES: ASH LIGHT 150
LOCATION/REMARKS: EXTERIOR SIDING
REP:

NOT FOR CONSTRUCTION

Happy Hounds Playground
2448 Pond Rd.
Wildwood, MO 63040

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mail@mcase.com
mechanical
electrical
plumbing
fire protection
structural
CERTIFICATE OF AUTHORITY NO. E-2000115319-D

ARCHITECT OF RECORD:
RUSSELL G. VOLMERT
MISSOURI LA-000172

ISSUE DATE	DESCRIPTION
4.16.2015	SITE PRICING SET - 75% CDS
6.12.2015	BUILDING PRICING SET
8.13.2015	SITE DEV PLAN -REVISED
1.19.2016	SITE DEV PLAN -REVISED

Revision Schedule

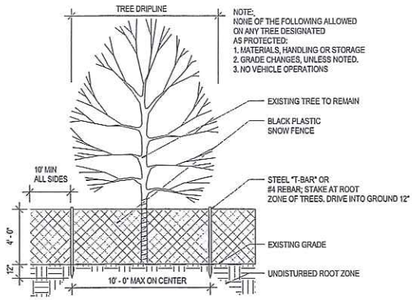
No.	Date	Description

Key Plan:

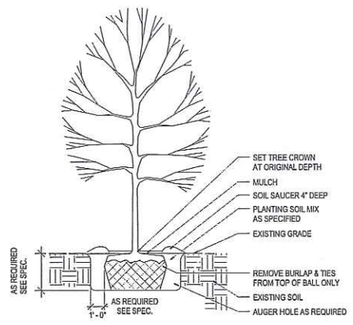
Project Number: 14-2287.00

Sheet Title:
SITE STRUCTURES P-12

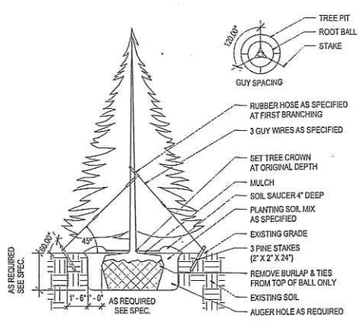
L-601



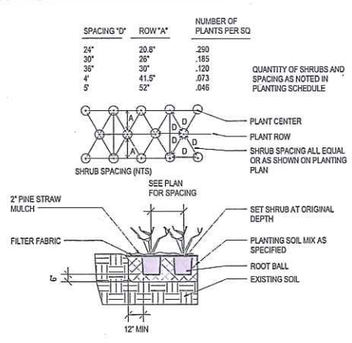
1 L-801 DETAIL - LANDSCAPE - TREE PROTECTION
1/4" = 1'-0"



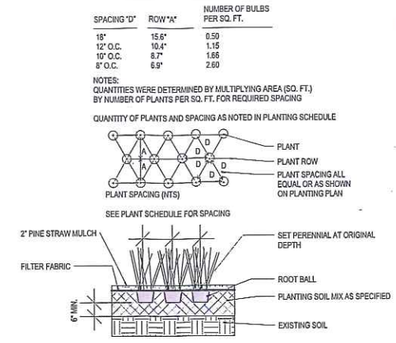
2 L-801 TREE PLANTING
1/4" = 1'-0"



3 L-801 EVERGREEN TREE PLANTING
1/4" = 1'-0"



4 L-801 SHRUB PLANTING
1/4" = 1'-0"

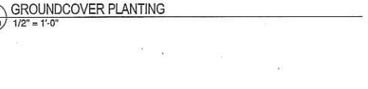


5 L-801 PERENNIAL PLANTING
1/2" = 1'-0"

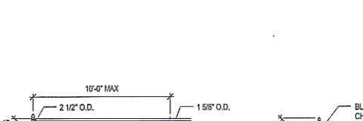
SPACING "D"	ROW "A"	NUMBER OF BULBS PER SQ. FT.
12" O.C.	10.4"	1.15
10" O.C.	8.7"	1.66
8" O.C.	6.9"	2.60

NOTES:
QUANTITIES WERE DETERMINED BY MULTIPLYING AREA (SQ. FT.) BY NUMBER OF PLANTS PER SQ. FT. FOR REQUIRED SPACING

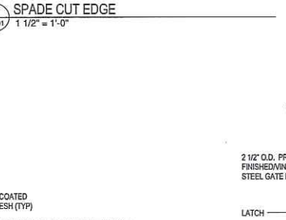
QUANTITY OF PLANTS AND SPACING AS NOTED IN PLANTING SCHEDULE



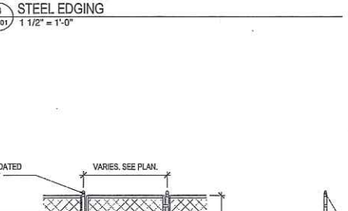
SEE PLANT SCHEDULE FOR SPACING



6 L-801 GROUNDCOVER PLANTING
1/2" = 1'-0"



7 L-801 SPADE CUT EDGE
1 1/2" = 1'-0"

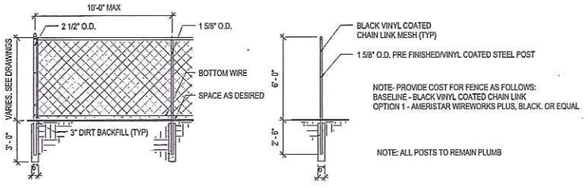


8 L-801 STEEL EDGING
1 1/2" = 1'-0"

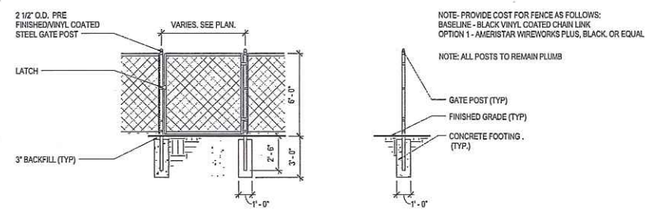
PLANTING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	CULTIVAR	COMMON NAME	SIZE/CALIPER	METHOD	SPACING	DETAIL	COMMENTS
TREES									
AR	21	Acer rubrum	'Red Sunset'	Red Maple	3" Cal.	BB	As Shown	2/L-801	
CV	12	Crataegus viridis	'Winter King'	Winter King Hawthorn	2.5" Cal.	BB	As Shown	2/L-801	
JT	10	Juniperus virginiana	'Taylor'	Columnar Red Cedar	6'	BB	As Shown	3/L-801	
JV	34	Juniperus virginiana	'Canaertil'	Canaerti Red Cedar	6'	BB	As Shown	3/L-801	
NS	14	Nyssa sylvatica	'Wildfire'	Blackgum	2.5" Cal.	BB	As Shown	2/L-801	
PS	11	Pinus strobus		White Pine	6'	BB	As Shown	3/L-801	
SHRUBS									
JO	16	Juniperus virginiana	'Grey Owl'	Grey Owl Juniper	#5				
RA	76	Rhus Aromatica	'Gro Low'	Fragrant Sumac	#3	Cont.	36" O.C.	4/L-801	
VD	36	Viburnum denalum		Arrowwood Viburnum	#5	Cont.	As Shown	4/L-801	
PERENNIAL									
NR	16	Nepeta racemosa	'Walker's Low'	Catmint	SP4	Cont.	30" O.C.	5/L-801	
RF	71	Rudbeckia fulgida	var. Sullivanii 'Goldsturm'	Black-eyed Susan	SP4	Cont.	24" O.C.	5/L-801	
ORNAMENTAL GRASSES									
PV	36	Panicum virgatum	'Northwinds'	Northwinds Switchgrass	#1	Cont.	30" O.C.	5/L-801	
SS	35	Schizachyrium scoparium	'Minnblues' BLUE HEAVEN	Blue Heaven Little Bluestem	#1	Cont.	24" O.C.	4/L-801	
GROUNDCOVER									
SH	386	Sporobolus heterolepis		Prairie Dropseed	PLUG	Cont.	24" O.C.	4/L-801	

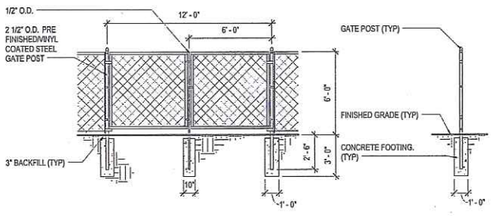
NOTE: SEE SHEET L-302 FOR BIORETENTION AREA PLANTING SCHEDULE



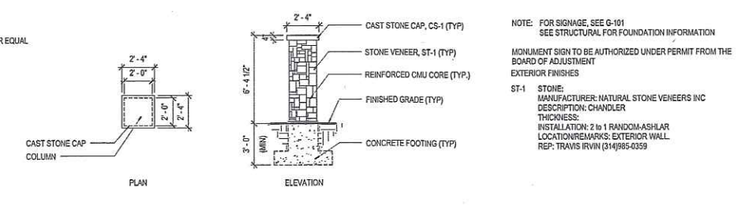
16 L-801 CHAIN LINK FENCE
1/4" = 1'-0"



17 L-801 CHAIN LINK MEMBER GATE
1/4" = 1'-0"



21 L-801 12' CHAIN LINK GATE
1/4" = 1'-0"



22 L-801 FREE STANDING STONE COLUMN
1/4" = 1'-0"

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Happy Hounds Playground
2448 Pond Rd.
Wildwood, MO 63040

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mechanical
electrical
plumbing
fire protection
structural
CERTIFICATE OF AUTHORITY NO. E-2000155319-D

ARCHITECT OF RECORD:
RUSSELL G. VOLMERT
MISSOURI LA-000172

ISSUE DATE	DESCRIPTION
4.16.2015	SITE PRICING SET - 75% CDS
6.12.2015	BUILDING PRICING SET
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1.19.2016	SITE DEV PLAN -REVISED

Revision Schedule

No.	Date	Description

Key Plan:

Project Number: 14-2267.00

Sheet Title:
LANDSCAPE DETAILS P-13

L-801

Attachment B:

Conditional Use Permit (CUP)

ATTACHMENT B - Conditions

1. **PERMITTED USES**

This Conditional Use Permit (CUP) shall authorize a **recreational land use (commercial type), i.e. a private dog park**, as defined by the City's Zoning Ordinance, which can offer said services to the general public. No boarding, grooming, or training services shall be authorized at this site for the general public, as part of this operation under the requirements of this Conditional Use Permit (CUP). Additionally, no dog shows shall be conducted at the site.

2. **LOT, BUILDING, AND USE REQUIREMENTS**

~~a. The maximum number of members allowed, as part of this conditional use authorized on this subject property, shall not exceed four hundred (400) in total. Modifications to this number of authorized members can be considered and amended by the Planning and Zoning Commission, upon written request of the owners, via the defined amendment request set for in the City of Wildwood Zoning Ordinance for Conditional Use Permit (CUP).~~ *Eliminated by the Planning and Zoning Commission, as part of its favorable action on this permit request (1-20-2015).*

a. The facility may have up to three (3) activity areas for large and small dogs collectively, while offering a total of two (2) splash pads within the use area as well. Equipment placement within these authorized areas shall be indicated on the submitted Site Development Plan. These splash pads must be designed to utilize only a public water supply available to the site from the Missouri American Water Company.

b. The development of the proposed trail system shall be authorized as part of this Conditional Use Permit (CUP) on the site and consist of hard and natural surface types. The locations of these trails shall be indicated on the required Site Development Plan and acted upon by the Planning and Zoning Commission, as part of its review of such.

c. No building and/or structure shall be more than two (2) stories above final grade, as determined by finish final grade in the area of the development. The size of the primary building shall not exceed 1,200 square feet in overall size. The main building shall accommodate permanent restroom facilities for the customers of this conditional use.

d. All structures or buildings that are to be constructed on the subject property shall be reviewed and acted upon by the City's Architectural Review Board. Plan submittals must be completed, signed, and sealed by a licensed, practicing architect in the State of Missouri. The selection of colors, materials, design components, and related architectural items shall adhere to the City of Wildwood's Zoning Ordinance requirements, as set forth in Chapter 415.380 Miscellaneous Regulations.

e. The minimum size of the Conditional Use Permit (CUP) area to accommodate this activity shall be eleven (11) acres in area.

f. The facility shall be authorized for operation on the following days and at these allowable times: Monday through Saturday - 6:00 a.m. to dusk; and Sunday - 7:00 a.m. to dusk.

g. No outdoor lighting shall be authorized, as part of the site's utilization, within the active use locations of the dog park, excepting standards and bollards to light specific activity areas, pathways, and entries/exits. The approval of this authorized lighting shall be as part of the Site Development Plan, which shall be acted upon by the Planning and Zoning Commission.

h. The maximum area of this 11.02 acre tract of land, which can be used for development and related land disturbance for the permitted and accessory uses, shall not exceed 7.02 acres.

i. The minimum amount of this 11.02 acre tract of land, which must be preserved as part of this development, shall be four point seven (4.7) acres in overall size.

3. PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the Conditional Use Permit (CUP) granted by the Planning and Zoning Commission, and prior to any site disturbance, the operator shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan. Where due cause is shown by the operator, this time interval may be extended once by the Planning and Zoning Commission in accord with requirements of Chapter 415.510 of the City of Wildwood Zoning Ordinance. Said Site Development Plan shall include, but not be limited to, the following information:

a. Outboundary plat and legal description of the property.
b. Location and extent of all existing and proposed improvements, including parking lot area, play areas, splash pads, trail network, and accessory structures, along with the water feature (lake).
c. A general plan indicating setback lines along the perimeter of the subject tract of land and surrounding property lines and related improvements within two hundred (200) feet of this site's boundaries, i.e. curb cut and access locations, stormwater facilities, and utility installations and easements.
d. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening, with existing and proposed improvements and trails, and general location, size, right-of-way, and pavement width of all interior drives.
e. The location and size of all freestanding signs, lighting, fences, and other above ground structures, except retaining walls less than three (3) feet in height per section.
f. Existing and proposed contours at vertical intervals of not more than two (2) feet.
g. General location of sanitary sewer and stormwater facilities.
h. Parking calculations.
i. Conceptual location and size of public space areas.
j. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Chapter 410 and accompanying Tree Manual.
k. An inventory of the percent of tree canopy or individual trees to be retained on the site indicated on a Tree Preservation Plan completed in accordance with the City of Wildwood Chapter 410 Tree Preservation and Restoration Code and accompanying Tree Manual.
l. Location of all existing and proposed easements.
m. All other information not mentioned above, but required on a preliminary plat in accord with Chapter 420.060 of the City of Wildwood Subdivision and Development Regulations.
n. A Stormwater Pollution Prevention Plan (SWPPP) for the site, which shall include the developer's signature and acknowledgment of its requirements.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Building Setbacks – Residential

a. No new building or structure, other than boundary and/or retaining walls, fences, detention/retention facilities, and/or light standards, shall be located within the following setbacks:

1. Fifty (50) feet from any roadway right-of-way.
2. Thirty (30) feet from any side yard property line of any individual lot, excepting a minimum of fifty (50) feet shall be maintained along the western boundary line of the permit area, which is shared by the two (2) existing single family dwellings located there.
3. Thirty (30) feet from any rear yard property line of any individual lot.

Parking Setbacks - Residential

b. All parking stalls or loading spaces, excluding points of ingress or egress and streets and roads, shall comply with the requirements of Chapter 415.090 NU Non-Urban Residence District of the City of Wildwood's Zoning Ordinance.

Miscellaneous Setbacks - Right-of-Way and Other Locations

c. No land disturbance shall be authorized within thirty (30) feet of any boundary line of this Conditional Use Permit (CUP), except as authorized on the Site Development Plan by the Planning and Zoning Commission.

Access and Roadway Improvements

d. Roadway improvements shall be required to Pond Road for this conditional use, specifically for ingress and egress to the site and any required sight distance modifications to it, which shall be premised on a Sight Distance Study prepared by a registered engineer. Any improvements shall minimally comply with the requirements of the City of Wildwood's construction standards. The required improvements within the public right-of-way shall be as approved by the Director of Public Works. The dedication of public right-of-way and the establishment of corresponding easements on Pond Road, if determined necessary, shall be in accordance with Chapter 420 Subdivision and Development Regulations of the City of Wildwood Municipal Code. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance, as directed by the Department of Public Works.

e. Access to Pond Road shall be limited to one (1) commercial street approach located to provide required sight distance and constructed to conform to the requirements of the Department of Public Works in this regard. All work within the right-of-way shall be as directed by the Department of Public Works.

f. Dedicate, as public right-of-way, to the City of Wildwood the necessary land area along Pond Road to eliminate the existing notch located along the southern most portion of it, as directed by the City of Wildwood Department of Public Works.

Miscellaneous Roadway Requirements

g. The construction of all drainageway crossings, i.e. culverts, shall comply with the City of Wildwood standards and all other applicable Federal and State regulations in this regard. All submittals to the City shall be reviewed and approved by the Department of Public Works, as part of the Planning and Zoning Commission's consideration of the Site Development Plan.

j. A Traffic Study shall be submitted to the Planning and Zoning Commission for its review, which indicates the current Level of Service at the State Route 100/Pond Road intersection and how this facility will impact that current situation. Additionally, if Level of Service is determined to be at a "D"

through "F" Level, improvements to the State Route 100/Pond Road intersection shall be required and must comply with all requirements and standards of the Missouri Department of Transportation for their right-of-way. Review and action of these determined improvements, if required, shall be by the Planning and Zoning Commission on the Site Development Plan.

k. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to its installation or construction.

Parking Requirements

j. Parking spaces shall be provided, as required by Chapter 415.340 Off-Street Parking and Loading Requirements of the City of Wildwood Zoning Ordinance for the NU Non-Urban Residence District. Minimally, forty-two (42) parking spaces shall be provided on the site (1% of the land use area).

Landscape Requirements - General

k. Landscaping shall adhere to all requirements of Chapter 410 of the City's Tree Preservation and Restoration Code and its accompanying Sustainable Plantings Guide and Tree Manual, including the submittal of a Tree Preservation Plan, in conjunction with the Site Development Plan. All roadway frontages shall be appropriately landscaped, as required by the Chapter 410 Tree Preservation and Restoration Code, and be approved by the Planning and Zoning Commission on the Site Development Plan.

l. The areas of existing vegetation within the Conditional Use Permit (CUP) boundaries identified as to be retained shall be marked on the site prior to the commencement of any disturbance in accord with the City of Wildwood's Chapter 410. These areas shall be indicated on the Site Development Plan submitted to the City of Wildwood for Planning and Zoning Commission review and approval. Existing mature tree canopy shall be preserved in accordance with the requirements of City of Wildwood's Chapter 410 Tree Preservation and Restoration Code. Initial clearing and grubbing of the site shall be limited to the installation of any new building and structure.

m. All disturbed areas of the site shall be restored in compliance to the City's Sustainable Plantings Guide and Tree Manual by a combination of ground cover, landscaping, berms, natural stones, and other means to address stormwater runoff and erosion, as well as improve overall site aesthetics. The restoration of disturbed areas shall be indicated on the required Landscape Plan and acted upon by the Planning and Zoning Commission.

n. A registered Landscape Architect shall prepare, submit, and sign all plan(s).

Signs

o. Signs for this Conditional Use Permit (CUP) shall be erected in accordance with Chapter 415.410 Sign Regulations of the City of Wildwood Zoning Ordinance for the NU Non-Urban Residence District. However, the one (1) allowable freestanding sign (monument type) shall not exceed an overall size of thirty (30) square feet. The location and design of this sign, and all other signage, shall be as reviewed and acted upon by the Planning and Zoning Commission, as part of the Site Development Plan process.

Lighting Requirements

p. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties. Minimally, lighting levels and their design specifications shall be approved by the Planning and Zoning Commission and are subject to the standards and requirements defined in the City of Wildwood's Lighting Code – Chapter 415.450 of the Zoning Ordinance. Lighting associated with the active use areas may be provided for safety and visibility purposes therein, but must placed on a timer to ensure all equipment is off one-half hour after closing. Illumination sources in these active use areas may not exceed twelve (12) feet in height.

Miscellaneous Conditions

q. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.

r. The hours of construction and grading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No development (grading and construction) activity shall be authorized on Sundays.

s. All retaining walls exceeding three (3) feet in height per section or crossing individual property lines shall be constructed of an appropriate inter-locking concrete block system or boulders. The Planning and Zoning Commission, as part of the Site Development Plan review process, shall approve said materials and design.

t. The generalized location of all utility easements for proposed service to this development shall be as approved by the Planning and Zoning Commission on the Site Development Plan.

u. All utilities serving this site shall be installed underground in accord with the requirements of the City of Wildwood's Subdivision and Development Regulations. Any existing easements located on the subject site, which are not being utilized, shall be vacated under the standard procedures of the City of Wildwood Subdivision and Development Regulations.

v. No outdoor public address system is permitted on this site.

5. PUBLIC SPACE REQUIREMENTS

Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 of the City of Wildwood's Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to less than an amount that is roughly proportional to the actual or anticipated impact. The installation of public space improvements shall be as required by the applicable ordinance, but must be completed prior to issuance of any zoning authorizations for any building permit authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, based upon the number of provided parking spaces, shall be 290.4 square feet or its equivalent.

6. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater Improvements

a. Submit to the Planning and Zoning Commission an engineering plan approved by the City of Wildwood Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.

1. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood standards.
2. All stormwater shall be discharged at an adequate natural discharge point.
3. Retention/detention of differential runoff of stormwater shall be required. Stormwater management shall be provided in permanent retention/detention facilities, such as ponds or other acceptable alternatives. These retention/detention facilities shall be completed and in operation prior to the issuance of building permits for an approved buildings and structures.
4. The developer of this site shall be solely responsible to provide the necessary mechanisms, as part of the Site Development Plan/Improvement Plan process, to implement "best management practices" for stormwater management/water quality and the construction of related facilities. Minimally, these practices/facilities should include rain gardens, vegetative swales, and other options to substantially reduce the amount of stormwater discharging from the subject site.
5. The developer shall provide adequate detention and/or hydrologic calculations for review and approval of all stormwater that will encroach on City of Wildwood rights-of-way.

Stormwater Pollution Prevention Plan

b. Submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to Federal, State, and local requirements regarding the management of stormwater runoff to prevent siltation and erosion, both on-site and upon downstream properties.

Waste Management Plan

c. Provide a management plan for the disposal of animal waste and by-products of the operation for review and approval by the Planning and Zoning Commission. Minimally, this plan should address the removal of animal wastes on a weekly basis to an approved location for their disposal.

Natural Resource Protection Plan

d. Provide a revised and final copy of the Natural Resource Protection Plan indicating all areas of the site, which are to be designated as protected and not developable. This revised and final copy of this map shall be reviewed and signed by a qualified soil scientist, who completed the analysis, and a statement indicating compliance with all the requirements of Section 1005.200 of the City of Wildwood's Subdivision and Development Regulations.

Geotechnical Report

e. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions, which are susceptible to rapid erosion,

landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on the Site Development Plan. The development and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report.

7. **RECORDING**

Within sixty (60) days of granting of the Conditional Use Permit (CUP) by the Planning and Zoning Commission, the approved permit language and legal description of the property shall be recorded with the St. Louis County Recorder of Deeds.

8. **VERIFICATION PRIOR TO PERMITS**

Notification to Department of Planning

a. Subsequent to approval of the Site Development Plan, and prior to issuance of any grading or building permit, all approvals from the Department of Public Works, the Missouri Department of Natural Resources, the Missouri Department of Transportation (if required), St. Louis County Department of Public Works, and the Metro West Fire Protection District must be received by the Department of Planning.

Roadway Improvements

b. Based upon the preliminary development plan, improvements to Pond Road and State Route 100 (if required) must be completed prior to issuance of the occupancy permits.

Nuisance Bond

c. Provide to the City of Wildwood a bond, letter of credit, or cash deposit in the amount of one thousand dollars ($1,000.00) for use to correct any potential nuisance violations, if the property and improvements are not maintained in accordance with said regulations (Chapter 215 Nuisances of the City of Wildwood Municipal Code). The City shall hold this deposit and it will be pre-authorized by the owner/operator, in writing, to exercise its use, if violations are noted and not abated in a timely manner.

Public Potable Water

d. The developer shall be required to provide public potable water from the Missouri American Water Company to the property. Verification of this service shall be in a form acceptable to the City of Wildwood. Additionally, the design and location of this water system shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Site Development Plan submittal process.

Escrow Requirements

e. All landscaping costs shall be submitted to the City of Wildwood through the standard bond procedures.

Land Subdivision

f. Record a proper subdivision of the property and comply with all other applicable Subdivision and Development Regulations sections affecting the development of land, except as otherwise specified by this ordinance.

Sanitary Sewers

g. Provide an engineered plan to the City of Wildwood and the St. Louis County Department of Public Works for review and acceptance indicating the proper treatment of all wastewater generated by the use of this site. This on-site wastewater system shall meet all current St. Louis County Plumbing Code requirements for the quality of effluent and not exceed a capacity of five thousand (5,000) gallons per day.

9. GENERAL DEVELOPMENT CONDITIONS

a. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

b. A grading permit is required prior to any grading on the site. Interim stormwater drainage controls in the form of siltation control measures are required and must comply with the Stormwater Pollution Prevention Plan for this development (SWPPP). The developer shall be solely responsible for obtaining any temporary slope and construction licensees needed to address the installation of public and private improvements on this site that require the use of adjoining parcels of ground that are not under their ownership or control.

c. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract of land.

d. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public right-of-way. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of infrastructure improvements.

e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as Rye or Sudan Grasses, shall be utilized to retard erosion. This restoration must occur within thirty (30) days of the conclusion of preliminary grading as determined by the Director of Public Works.

f. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wildwood Departments or Commissions.

g. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plan approved by the Planning and Zoning Commission and the Department of Planning. The owner/operator must acknowledge in writing that access to this site for inspection purposes by personnel of the City of Wildwood shall be authorized and, if refused, such action is grounds for revocation of said permit by the City.

j. Any other applicable zoning, subdivision, or other regulations or requirements of the City shall further apply to the development of this property, as authorized by this Conditional Use Permit (CUP), except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning, or other development regulation of the City whether by implication or reference.

k. This zoning approval is conditioned on compliance with the Zoning Ordinance, Subdivision and Development Regulations, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result

from this Conditional Use Permit (CUP), except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

Attachment C:

Background Information

Metro West
Fire Protection District
of St. Louis County

P.O. Box 310
Wildwood, Missouri 63040

(636) 458-2100
Fax (636) 458-2199

www.metrowest-fire.org

Vincent T. Loyal
Chief Fire &
EMS Services

Tim Flora
Director

Ralph Starck
Director

Mark Macinski
Director

Serving all or portions of

Ballwin
Ellisville
Wildwood
Chesterfield
Clarkson Valley
Winchester

Unincorporated
Areas of

Sherman
St. Louis, Co.
Castlewood

CITY OF WILDWOOD
OCT 09 2014
DEPT OF PLANNING & PARKS

October 7, 2014

The Clayton Engineering Company, Inc.
11920 Westline Industrial Dr.
St. Louis, MO 63146

RE: Happy Hounds Dog Park

Dear Sir,

The Bureau of Fire Prevention has reviewed the above-mentioned plat as submitted. There are no additional fire requirements.

If there are any additional questions please give my office a call 636-821-5806.

Yours in Fire Safety,

David E. Phipps
Fire Marshal
Metro West Fire Protection District

MISSOURI
AMERICAN WATER

Missouri American Water
727 Craig Road, Suite 201
St. Louis, MO 63141
amwater.com

September 9, 2015

Steve Quigley
The Clayton Engineering Company
2268 Welsch Industrial Court
St Louis, MO 63146

Re: E2015-446 – Happy Hounds Dog Park – 2448 Pond Road

Thank you for the opportunity to review your revised plans for the above-referenced project. Based on the drawings received to date with respect to our existing water facilities, we do not anticipate any potential conflicts with our facilities at this time.

Please be aware that it is the responsibility of your contractor to verify the exact location of our facilities prior to any excavation as well as ensuring the water main is adequately supported along any exposed length that spans an open excavation. An approximate location of our facilities can be obtained by contacting our System Records Department at (314) 996-2244. The contractor should use care when working around these facilities, as they will be responsible for any damage to MAWC facilities caused by their construction activities. Additionally, over dig in the vicinity of our existing fittings and/or thrust blocks would disturb the supporting soil such that failure of the water main is likely.

Please verify the submitted plans are in accordance with the Department of Natural Resources Code of State Regulations 10CSR 20-8.120, which states: Sewers and laterals shall maintain a horizontal separation of at least 10-ft. from any existing or proposed water main. The distances shall be measured edge-to-edge. Sewer runs crossing water mains shall be laid to provide a minimum vertical distance of eighteen inches (18") (46cm) between the outside of the water main and the outside of the sewer and the water main must remain on an undisturbed earth shelf. The crossing shall be arranged so that the sewer joints will be equidistant and as far as possible from the water main joints.

MISSOURI
AMERICAN WATER

Missouri American Water
727 Craig Road, Suite 201
St. Louis, MO 63141
amwater.com

Please be advised that you will need to contact the Operations Supervisor, Tom Masters at (314) 996-2432 or Tom.Masters@amwater.com for the required specifications concerning service line configuration, location, suitability and related meter box requirements or to discuss any other requirements for your project. If you do not contact the aforementioned Operations Supervisor concerning the service line requirements for your project, this may cause delays with the approval of your service line connection, possibly requiring additional modifications to your service line installation.

If you have any questions or comments, please contact me at 314-996-2247.

Sincerely,

Monte E Griffith

Monte Griffith, PE
Project Manager

Kathy Arnett

From: Elizabeth Weiss
Sent: Monday, September 28, 2015 3:56 PM
To: Kathy Arnett
Subject: FW: Happy Hounds Playground Traffic Assessment

From: Steve Quigley [mailto:SQuigley@claytoneng.com]
Sent: Monday, September 28, 2015 2:33 PM
To: Elizabeth Weiss; Joe Vujnich
Subject: FW: Happy Hounds Playground Traffic Assessment

Steven W. Quigley
President
The Clayton Engineering Company, Inc.
2268 Welsch Industrial Court
St. Louis, Mo. 63146
314-692-8888 ext. 113

CITY OF WILDWOOD
SEP 28 2015
DEPT OF PLANNING & PARKS

From: JEANETTE K RUGGERI [mailto:Jeanette.Ruggeri@modot.mo.gov]
Sent: Monday, September 28, 2015 2:21 PM
To: Brensing.cbbtraffic.com <Brensing@cbbtraffic.com>
Cc: Steve Quigley (squigley@claytoneng.com) <squigley@claytoneng.com>
Subject: RE: Happy Hounds Playground Traffic Assessment

MoDOT has no comments or concerns regarding this development.

Thank you,

Jeanette Ruggeri

Senior Traffic Studies Specialist
Missouri Department of Transportation
South and West St. Louis County
jeanette.ruggeri@modot.mo.gov

From: Brensing.cbbtraffic.com
Sent: Wednesday, September 23, 2015 4:30 PM
To: JEANETTE K RUGGERI
Cc: Steve Quigley (squigley@claytoneng.com)
Subject: Happy Hounds Playground Traffic Assessment

Jeanette,

CBB prepared a traffic assessment in February of this year for a proposed dog park "Happy Hounds Playground" located in Wildwood, generally the southeast quadrant of Route 100 and Pond Road. It was my understanding that MoDOT did not have any specific concerns about the project or require a traffic study, so CBB did not engage MoDOT. Instead CBB did a traffic assessment to help address some comments from Wildwood regarding potential impacts to Route 100 and Pond Road. Wildwood has now asked for MoDOT's comments/concurrence on the assessment, so I am submitting the assessment to you for review/comment/concurrence.

I also included a preliminary site plan that was provided to me in January for the study. Changes were likely made to the site plans since then so I copied Steve Quigley with The Clayton Engineering Company. He is the site civil if you have questions regarding the site or want updated plans.

Thanks.

Brian Rensing, PE, PTOE
Transportation Engineer
CBB
12400 Olive Boulevard, Suite 430 | St. Louis, MO 63141
314-878-6644, Ext. 37 (Office) | 314-479-5022 (Mobile) | 314-878-5876 (Fax)
Brensing@cbbtraffic.com | www.cbbtraffic.com

MEMORANDUM

Date:	February 6, 2015
To:	Ms. Laura VanGerpen
From:	Mr. Brian Rensing, P.E., PTOE
CBB Job Number:	013-15
Project:	Proposed Happy Hounds Playground Wildwood, Missouri

In accordance with your request, CBB has completed a traffic assessment pertaining to the proposed Happy Hounds Playground (dog park) in Wildwood, Missouri. The site is located on the east side of Pond Road, south of Route 100. It is our understanding that an 11 acre dog park is proposed with access to Pond Road approximately 500 feet south of Route 100 (centerline-to-centerline).

The purpose of this assessment was to evaluate the trip generation characteristics of the proposed dog park and to determine the estimated impact to the Route 100 at Pond Road intersection. The sole intent of this assessment is to address the City's concerns related to the potential impacts of the dog park at the intersection of Route 100. It must be acknowledged that this assessment does not constitute a detailed traffic impact study.

Existing Roadways

Route 100 is four lane divided highway (two travel lanes in each direction) with separate eastbound and westbound left-turn lanes provided at Pond Road. The striping on the right side of the road tapers and shoulders are provided to allow right-turning vehicles the ability to move out of the through lanes of Route 100. The median between the eastbound and westbound lanes is paved and provides storage for the left-turning vehicles and allow vehicles to make left-turns from the side-street (Pond Road) in two stages. The posted speed limit is 55 miles per hour (mph).

Pond Road is a two lane local road that serves residential uses on the north side of Route 100. On the south side of Route 100, Pond Road serves residential uses and a church as well as Wildwood Middle School off Old Manchester Road, just west of Pond Road. The northbound and southbound approaches of Pond Road are required to stop at the intersection with Route 100. The area around the intersection is shown in **Figure 1**.

Figure 1- Study Area

Existing Traffic

The Missouri Department of Transportation provided manual turning movement counts from 2013 at the intersection of Route 100 and Pond Road for the morning (7:00– 9:00 a.m.) and afternoon (4:00 – 6:00 p.m.) peak periods of a typical weekday. Based on the data, two peak hours were chosen for the analysis, the a.m. (7:15– 8:15 a.m.) and p.m. (4:15 – 5:15 p.m.) peak hours. The existing traffic movements are illustrated in **Figure 2.**

Based on the traffic data, the total entering volume at the intersection of Route 100 and Pond Road is relatively high, approximately 1,620 vehicles per hour (vph) and 1,600 vph during the a.m. and p.m. peak hours, respectively. The eastbound and westbound movements on Route 100 are the predominant movements which consist of approximately 90% of the intersection total entering traffic volume during the peak hours. The movements from the north and south legs (Pond Road) are generally less than 45 vph for any one movement with the exception of the northbound right-turn, which was 100 vph during the a.m. peak hour. A large majority of the northbound right-turns were made between 7:00 and 7:30 a.m., which correlates with the parent drop off times for the Wildwood Middle school.

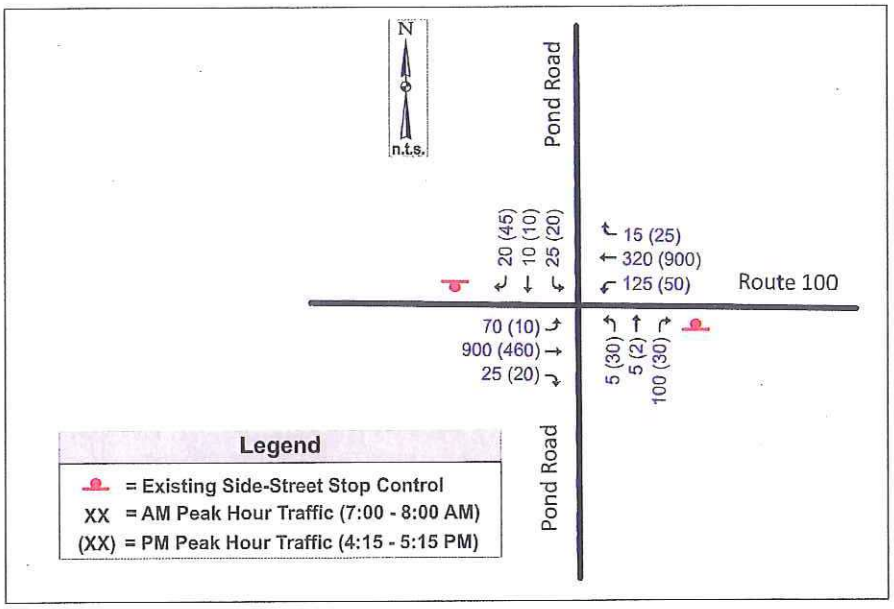


Figure 2- Existing Traffic Volumes

Trip Generation of Proposed Happy Hounds Playground

It is our understanding that an 11 acre dog park is proposed on the east side of Pond Road, south of Route 100. Access to the site is proposed via one driveway to Pond Road, approximately 500 feet south of Route 100. Based on the site plan, the dog park will have many amenities including; a dog wash area, a splash pad, open fetch areas, concrete paths, an agility area, and a pond with a dock.

Due to the unique dog park land use, typical trip generation methods could not be used directly. As a result, trip generation rates were estimated based on operational data provided by the applicant. The following summarizes information from the applicant:

> Patrons to the facility will need a membership and approximately 400 total memberships are expected. The operating hours are Monday through Saturday 6:00 a.m. to dusk and Sunday 7:00 a.m. to dusk. The peak weekday times are expected to be before and after work. The patrons are expected to visit the park for 30 to 60 minutes.

Based on the information provided and anticipated operating conditions, the trip generation for the proposed dog park was estimated to be 10 patrons during the morning peak hour and 20 patrons during the evening peak hour. These assumptions relate to the parking lot being about ¼ full during the morning peak and ½ full during the evening peak hour. It was assumed that each patron would enter and exit the site within the peak hour.

As a result, 20 total trips (10 in and 10 out) are expected during the weekday commuter a.m. peak hour and 40 total trips (20 in and 20 out) are expected during the p.m. commuter peak hour. **Table 1** summarizes the estimated trip generation during the peak hours.

Table 1 - Trip Generation Estimate

Land Use	*Size*	*AM Peak Hour*			*PM Peak Hour*		
		In	*Out*	*Total*	*In*	*Out*	*Total*
Dog Park	11 Ac	10	10	20	20	20	40

In order to verify the order of magnitude of trips to the dog park it, the County Park listed in the "Trip Generation Manual, 9th Edition," published by the Institute of Transportation Engineers was referenced. An 11 acre County/Regional Park is estimated to generate a total of less than 5 trips during the a.m. and p.m. peak hours. As a result, it would appear that the trip generation estimated for the dog park would be conservatively high.

Trip Distribution

In order to provide a conservatively high estimate, it was assumed that all the traffic to the dog park would travel through the intersection of Route 100 and Pond Road. All site-generated trips were assigned to Route 100 with a directional distribution based on existing and anticipated travel patterns as well as our knowledge of the area. It was assumed that 75 percent of the traffic would travel to/from the east, while the remaining 25 percent travel to/from the west.

The proposed dog park trips were assigned to the Route 100 and Pond Road intersection and added to the existing traffic volumes to produce the forecasted traffic volumes. **Figure 3** illustrates the Forecasted Traffic Volumes during the a.m. and p.m. commuter hours. As can be seen, the traffic added by the Happy Hounds Playground would have very little impact on the traffic volumes at the intersection of Route 100 and Pond Road.

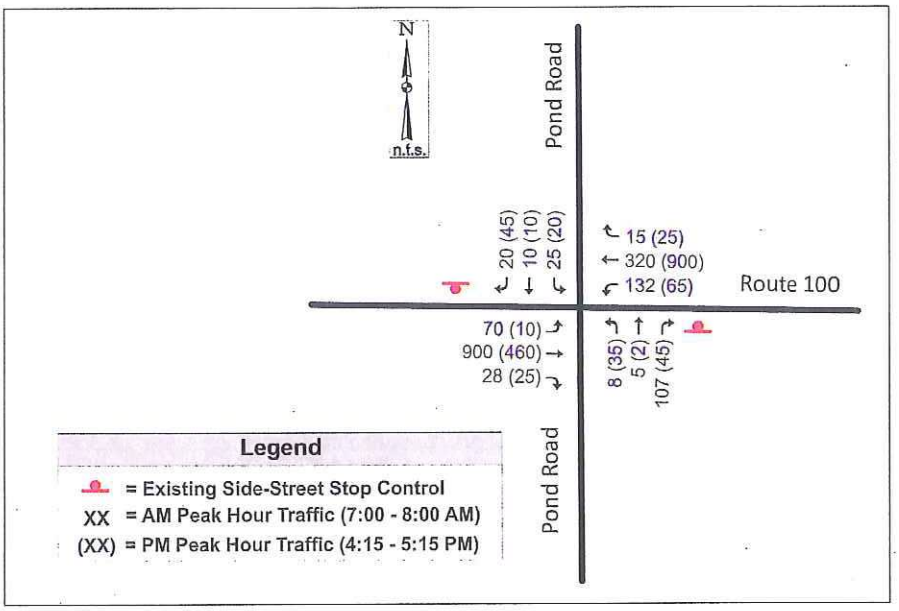


Figure 3- Forecasted Traffic Volumes

Operating Conditions

The existing and forecasted operating conditions at the intersection of Route 100 with Pond Road were analyzed using study procedures outlined in the Highway Research Report No. 209 - "Highway Capacity Manual," updated in 2010. The Manual, which is used universally by highway and traffic engineers to measure roadway capacity, established six levels of traffic service: "Free Flow" (Level A), to "Breakdown Flow" (Level F). Levels of traffic service (LOS) are quantifiable measures of traffic flow, which consider such factors as speed, travel time, traffic interruptions, safety, driving comfort, and convenience.

Level C, normally used for highway design, represents a roadway operating at 70 to 80 percent of its capacity. However, Level D is considered acceptable for peak period operating conditions in urban areas. It must be acknowledged that the perception of acceptable traffic service varies widely by area. Specifically, more delay is usually tolerated in urban and suburban areas. Based on the character of this area, we believe that LOS D would be an appropriate target for peak period traffic operations in the mainline direction even though the side street LOS maybe less than desirable.

It should be noted that overall level of service is not reported for unsignalized intersections with partial (side-street) stop control since motorists on the main road are not required to stop or yield. Instead, levels of service are provided for the secondary movements only (mainline left-turns and minor street movements). Furthermore, levels of service thresholds for unsignalized intersections are lower than those for signalized intersections, since motorists are not guaranteed service at regular intervals.

Existing Operating Conditions

The study intersection was evaluated using the methodologies described above and the existing traffic volumes. **Table 2** summarizes the results of the existing operating conditions and average delays at the intersection of Route 100 at Pond Road during the a.m. and p.m. commuter peak hours.

Table 2 – Existing Operating Conditions

Traffic Movement	*AM Peak Hour*	*PM Peak Hour*
Route 100 at Pond Road (unsignalized)		
Eastbound Route 100 Left-Turn	A (8.2)	B (10.5)
Westbound Route 100 Left-Turn	B (11.6)	A (8.6)
Northbound Pond Road Approach	C (20.5)	D (32.6)
Southbound Pond Road Approach	F (69.8)	E (35.6)

X (XX.X) - Level of Service (Vehicular delay in seconds per vehicle)

The existing operating conditions for all approaches are acceptable (LOS D or better) except for the southbound approach of Pond Road, which currently operates at LOS F during the a.m. peak hour and LOS E during the p.m. peak hour.

The delays for southbound Pond Road are attributed to the high volumes along Route 100 during the peak hours (900 vph). It should be noted that a center median is provided between the eastbound and westbound lanes which allows vehicles from the side street to cross Route 100 or make a left-turn in two-stages. For example, a southbound left-turn vehicle will cross the westbound lanes to the median when an adequate gap is available then proceed to the south or east when a second adequate gap is available. This reduces the delay since a simultaneous gap in both directions is rare due to the heavy east-west volumes.

In addition to the heavy flows along Route 100, the northbound right-turn movement is relatively high during the a.m. peak hour (100 vph). As noted above, a large majority of this right-turn traffic occurs in 30 minutes, which is likely parent drop off traffic leaving the Wildwood Middle School to travel east on Route 100.

Consequently, there are no improvements, short of a traffic signal (which is not recommended or warranted due to the low side street traffic), that would lessen the delay for northbound and southbound motorists from Pond Road desiring to cross Route 100 or turn left onto Route 100. It is not unusual for motorists on the side-streets to incur longer delays turning onto major arterials in the St. Louis Region, such as Route 100.

Forecasted Operating Conditions

The study intersection was again evaluated using the same methodologies using this forecasted traffic volumes. **Table 3** summarizes the results of the forecasted operating conditions and average delays at the intersection of Route 100 and Pond Road during the a.m. and p.m. commuter peak hours.

Table 3 – Forecasted Operating Conditions

Traffic Movement	*AM Peak Hour*	*PM Peak Hour*
Route 100 at Pond Road (unsignalized)		
Eastbound Route 100 Left-Turn	A (8.2)	B (10.5)
Westbound Route 100 Left-Turn	B (11.7)	A (8.9)
Northbound Pond Road Approach	C (23.5)	D (34.5)
Southbound Pond Road Approach	F (75.9)	E (39.3)

X (XX.X) - Level of Service (Vehicular delay in seconds per vehicle)

When comparing the existing and forecasted operating conditions, the change in delay is minimal at the intersection of Route 100 and Pond Road. The delay for the southbound approach on Pond Road is only expected to increase by about 6 seconds in the a.m. peak and less than 4 seconds in the p.m. peak. The delay for the northbound approach on Pond Road is expected to increase by less than 3 seconds in the a.m. and p.m. peak hours. These changes in delay are negligible and would be difficult to notice on a day to day basis.

It is also our understanding that concerns were also made regard Sunday mornings. The Living Word United Methodist Church is located on the west side of Pond Road south of Route 100. It is logical to assume that some congestion occurs on Sundays at the intersection of Route 100 and Pond Road due to the impacts of the church services. Churches are event-based traffic generators, meaning that the traffic is oriented to the use for a specific event and generally leaves directly after the event. Schools, churches, concerts, and sports events are all common examples. Generally, event-based uses will create congestion but typically are limited to a short duration.

The minimal traffic oriented to the proposed dog park on a Sunday morning is not expected to have a meaningful impact at the intersection of Route 100 at Pond Road.

Summary

This study has addressed the trip generation characteristics of the proposed Happy Hounds Playground and potential impacts to the intersection of Route 100 and Pond Road in Wildwood, Missouri. The proposed dog park is estimated to generate 20 total trips per hour during the a.m. peak hour and 40 total trips during the p.m. peak hour.

The southbound approach of Pond Road currently operates at less than desirable levels during the a.m. and p.m. peak hours. This condition is due to the heavy east-west traffic volume on Route 100, which limits the number of adequate gaps during the peak hours. The study intersection has a median between the eastbound and westbound lanes so that the north-south throughs and left-turns from Pond Road can be made in two stages.

The additional traffic from the Happy Hounds Playground dog park is expected to have minimal impacts on the intersection. The intersection could also be congested on Sundays due to the existing church, which is an event-based traffic generator. As a result, the congestion is generally short in duration. The small amount of additional traffic to the dog park is not expected to have a meaningful impact at the intersection on a Sunday.

We trust that you will find this information useful. Should you have any questions or comments, please contact our office.

Sincerely,

Brian Rensing

Brian Rensing, P.E., PTOE
Transportation Engineer

WILDWOOD

December 21, 2015

Clayton Engineering
ATTN: Steven W. Quigley, President
11920 Westline Industrial Drive
St. Louis, Missouri 63146

Re: P.Z. 20-14 Happy Hounds Playground, L.L.C.; a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a recreational land use facility (commercial dog park) at 2440 and 2448 Pond Road (Locator Numbers 23W34042 and 23W330032).

Dear Mr. Quigley:

The Department of Planning, in conjunction with the Department of Public Works, has completed its third review of the Site Development Plan being submitted in association with the approved Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a recreational land use facility (commercial dog park) at the above-referenced location. This review centered on the plan's compliance with the applicable sections of the City's Zoning Ordinance, the Conditional Use Permit (CUP) for the tract of land, and other related requirements and design criteria of the City of Wildwood. In this comparison, a number of items were identified that must be addressed, before this matter can be scheduled for Site Plan Subcommittee's review. These items are as follows:

Sheet 1

1. Please provide the total number of required parking spaces (twenty-nine (29)), as part of the calculation.
2. Please remove 'and MSD' in Note #3.
3. Please modify Note #3 under the Waste Management Plan to state the dumpster will be emptied 'at least' once per week.
4. Please provide details regarding the eighteen (18) foot by twenty-four (24) foot shed, specifically its height, materials, and color.
5. Please indicate, as best as possible, the full extent of the sanitary drip irrigation field.
6. Please note the color of the block steps providing access between the small and large dog park areas.

Sheet 3

7. Please revise the tree clearing limits to reflect the current grading plan, as shown on Sheet 1 of 14.

Sheet 5

8. Please add the owners' script to the SWPPP, in addition to the engineer's signature block.

Sheet 8

9. Please note the color of the trash receptacles, benches, and bicycle racks.

Sheet 9

10. Please complete the Natural Resource Protection Table to include the amount of preservation required in each area and provide the Soil Scientist script and signature block.

Sheet L-201

11. Please address the comments included in the attached review letter on future submittals of the Landscape Plan

Sheet L-201

12. Please correct the Landscape Plan to comply with the attached comment letter from the City's Landscape Consultant.

Sheet L-601

13. Please explain how the access bars (gate canes) will be accessible to the trash company. If they are to be placed on the exterior of the enclosure, please add a note stating they will be painted to match the wood enclosure and not left galvanized steel.
14. Please note the monument sign will be authorized under a separate permit. As a reminder, this sign will need a variance from the Board of Adjustment for its location within the front yard setback. The Board of Adjustment only meets once a month, so to begin this process, please see the application and instructions found on the City's website here: http://www.cityofwildwood.com/145/Board-of-Adjustment.

General

15. Please note the Department of Public Works is still reviewing the Improvement Plans and will forward its comments under a separate letter.
16. As a reminder, a consolidation plat will need to be completed, since the project overlaps multiple parcels of ground. By completing this consolidation, the interior setbacks will be removed, which currently preclude disturbance in those areas.
17. Please provide an escrow, in the amount of $1,107.09, for the future installation of a sidewalk along Pond Road. This escrow will be required prior to the issuance of any grading permit or zoning authorization for construction of any improvements.

The Department would like to schedule this item for review by the Planning and Zoning Commission Site Plan Subcommittee at its January 19, 2016 meeting. To meet this date, the resubmittal of the plans would need to occur no later than January 12, 2016. Please let us know if you are unable to meet this deadline and we will schedule this review by the Subcommittee for a later date.

Once the revisions are complete, please resubmit three (3) full sets, and a digital set, of the revised Preliminary Development Plan to the Department of Planning for further review. Please be advised that additional comments may follow after this resubmittal, given the extent of information being sought. If you should have any questions or comments in this regard, please feel free to contact the Departments of Public Works and/or Planning at (636) 458-0440.

Sincerely,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning and Parks

CC: The Honorable Timothy Woerther, Mayor
Council Members Glen DeHart and Larry McGowen, Ward One
Ryan Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Terri Gaston, Senior Planner
Travis Newberry, Planner
Happy Hounds Playground, L.L.C., 431 Castle Glen Court, Ballwin, Missouri

terraspec

November 16, 2015

Mr. Joe Vujnich
Director of Planning
City of Wildwood
16860 Main Street
Wildwood, Mo 63040

Re: Landscape Plan Review #1
Happy Hounds Playground
2448 Pond Road
terraspec Job Number 02038-98

Dear Mr. Vujnich:

Per your request we have performed a review of the proposed landscape plan for the above referenced project and submit for consideration the following comments and recommendations.

We have reviewed the landscape plan prepared for Happy Hounds Playground. by Arcturis, Inc. dated Rev. 8/13/15 and find that the landscape development proposed for this project does not appear to meet the minimum requirements set forth in the City's Ordinances and Tree Manual/Sustainable Plantings Guide.

1. To meet the minimum drawing requirements, the plan should include General Notes from the Landscape Plans section of the Tree Manual (b through j) as well as the following notes from the Landscape Applications section:

- Grading - All grading for landscaped areas will not exceed a slope greater than 3:1. All exposed slopes will be protected from erosion as needed.
- Maintenance - The landscape of all undeveloped and developed property will be properly maintained in a sightly and well-kept manner.
- Replacement - Replanting and replacement of existing plant materials will be executed on an annual basis as needed by the property owner.

2. To meet the minimum planting requirements for a non-residential application, the plan should include:

A. Street Trees along Pond Road frontage at (1) 2-1/2" tree per 30' of frontage
(230'/30 = 7.66 say **8 trees required**) Note: These trees should be grouped and not evenly spaced)

B. Parking Lot Plantings at 1 Plant Unit (PU) per 8 spaces.
(42 spaces / 8 = **5 PU's required**) Note: 1 Standard Plant Unit (PU) = (2) 3" cal. Canopy Tree, (0) 2" cal. Ornamental Tree, (5) 24" ht. evergreen shrubs and (5) 24" ht. deciduous shrubs , see Tree Manual for Alternative Plant Units) (Note: 3 additional islands are needed to achieve a minimum of 1 island per 8 spaces and eliminate long lines of parking. This requirement will reduce the total parking to 39 spaces, which does not affect the total number of PU's required for the parking area)

C. Entrance Drive at 3 PUs per 8000 sf of drive area.
(10,250 sf / 8000 = 1.28 x 3 PUs = 3.84 say **4 PUs required**) Note: PU requirements for entrance drive is the same as for parking areas.

(Continued on page 2)

D. Non-Residential Building Sites at 1 PU (Plant Unit) for every 75' of new building perimeter
(100 lf / 75' = 1.33 say **1 PU required**) Note: 1 Standard Plant Unit PU = (1) 3" cal. Canopy Tree, (1) 2" cal. Understory Tree, (10) 24" ht. shrubs and (1) 8' ht. Evergreen Tree, see Tree Manual for Alternative Plant Units)

In addition to the above requirement regarding building perimeter, each acre of non-wooded landscape surface not designated for parking, pavements, buildings or bufferyards shall contain 15 PUs. (Approx. 5 acres of non-wooded landscape area x 15 PUs = **75 PUs required**)
Note: Exact calculations were not performed by this office as part of the review. Applicant should show calculations for non-wooded landscape surface planting requirements on the next submittal along with the calculations for all landscape requirements indicating requirements and how those requirements are being met.

E. Bufferyards - Type 'E' required for separation between NU and "Commercial" Use
North Bufferyard at 5 PU's per 150 lf of bufferyard
(550 lf / 150 = 3.33 x 5 PUs = 16.66 say **17 PUs required**) (Note: Due to the extensive amount of woodlands on the property, adjacent to the property line, it is our recommendation that bufferyard requirements be applied only to the first 550' of the 1300'+/- property line
South Bufferyard at 5 PUs per 150 lf of bufferyard
(440 lf / 150 = 2.93 x 5 PUs = 14.66 say **15 PUs required**) (Note: Due to the extensive amount of woodlands on the property, adjacent to the property line, it is our recommendation that bufferyard requirements be applied only to the first 440' of the 1300'+/- south property lines)
East Bufferyard at 5 PUs per 150 lf of bufferyard
Due to the extensive amount of woodlands on the property, adjacent to the property line, it is our recommendation that bufferyard requirements be waived along this property line.
West Bufferyard at 5 PUs per 150 lf of bufferyard
(260 lf / 150 = 1.73 x 5 PUs = 8.66 say **9 PUs required**)

Bufferyard Note: 1 Standard Plant Unit (PU) = (1) Canopy Tree, (1) Understory Tree, (1) Evergreen Tree and (10) 24" ht. shrubs, see Tree Manual for Alternative Plant Units and the various size requirements for each type of plant listed.

F. Street Bufferyard - Type 'C' required along Pond Rd. at 3 PUs per 150 lf of frontage
(230 lf / 150 = 1.53 x 3 PUs = 4.6 say **5 PUs required**)
Note: the Standard Plant Unit (PU) requirements for Street Bufferyards is the same as Indicated above for Bufferyards.

3. Additional Comments:

A. The proposed plant materials indicated on the submitted landscape plan are considered hardy to the area and are reasonable selections for the particular applications with a couple of exceptions. We highly recommend that a different species of tree be utilized in lieu of the specified Cornus florida (Flowering Dogwood) due to the fact that, even though this tree is native to MO, it is susceptible to all sorts of problems when sited in stressful locations. Also, we recommend that another tree species be selected for the parking lot islands. Liriodendron tulipifera (Tulip Tree) is a very large, fast growing, weak wooded tree that is best utilized in large, open areas, not confined landscape islands.

terraspec

B. The site specific ordinance requires that the landscape plan be prepared, signed and sealed by a Missouri registered landscape architect.

C. It appears that clearing and grading are proposed within the 30' no land disturbance setback along a large portion of the northern property line of this development as well as portions of the western property line where it adjoins the existing residential properties along Pond Road. Clearing and grading limits should be adjusted so as to not encroach in these setbacks.

D. How are the bio retention basins to be planted?

E. Additional labeling of the plans, indicating hardscape elements would be very helpful.

If there are any questions or additional information is required, please don't hesitate to contact this office.

Sincerely,
terraspec

Kenneth J. Keitel, PLA, ASLA
Landscape Architect

terraspec

WILDWOOD

September 16, 2015

Happy Hounds Playground, L.L.C.
c/o Clayton Engineering, Steven W. Quigley, President
11920 Westline Industrial Drive
St. Louis, Missouri 63146

Re: P.Z. 20-14 Happy Hounds Playground, L.L.C.; a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a recreational land use facility (commercial dog park) at 2440 and 2448 Pond Road (Locator Numbers 23W34042 and 23W330032).

Dear Mr. Quigley:

The Department of Planning, in conjunction with the Department of Public Works, has completed its second review of the Site Development Plan being submitted in association with the approved Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a recreational land use facility (commercial dog park) at the above-referenced location. This review centered on the plan's compliance with the applicable sections of the City's Zoning Ordinance, the Conditional Use Permit (CUP) for the tract of land, and other related requirements and design criteria of the City of Wildwood. In this comparison, a number of items were identified that must be addressed, before this matter can be scheduled for Site Plan Subcommittee's review. These items are as follows:

Additional Information/Requirements:

1. Please overlay the Natural Resource Protection Standard Areas onto the overall development plan for the site, per the requirements of the Subdivision and Development Regulations. Additionally, the attribute areas and percentages of preservation will need to be included, as a related sheet, in relation to the Natural Resource Protection Standards report that was submitted.
2. Please add the catalog cut sheets of all trash receptacles, benches, bicycle racks, and other human items that are planned to be placed at the facility on to a plan sheet.
3. Please provide MoDOT's comments on the traffic study completed at State Route 100 and Pond Road.
4. Please provide details regarding whether the St. Louis County – Plumbing Section will allow an active use area of the facility on top of the drip irrigation field.
5. Please note the demolition of the buildings on site will need to be reviewed by the City's Historic Preservation Commission due to their age (over seventy-five (75) years). To begin this process, please identify, on a survey section, the buildings to be removed and email the information to Liz Weiss, staff liaison to the Historic Preservation Commission. Liz's email is liz@cityofwildwood.com.
6. Due to the high level of detail already shown on the submitted plans, please consider combining them with the Improvement Plans and submit as one. The City will combine the review in an effort to streamline the final stages of this process.
7. Please provide a Stormwater Management Plan, including full stormwater calculations for the site and floodwater and water quality calculations, in accordance with City standards (these standards are identical to the Metropolitan St. Louis Sewer District's requirements).
8. Please provide greater detail in the area by Bioretention #2, by better illustrating the terminus of the sidewalk that defines the southern edge of the parking lot area.
9. Please provide more detail relating to the two (2) outfall and rip rap areas.
10. Please provide details on the inlet and pipe from the retention basin, as part of the requested stormwater construction plans.

11. Please provide details/clarification on how water is discharged from the site, at the eastern portion of the property, then north into Bonhomme Creek.
12. Please provide a drainage area map, as part of the stormwater calculations.
13. Please note the monument sign, at the entrance, will need a variance from the Board of Adjustment for its location within the front yard setback. The Board of Adjustment only meets once a month, so to begin this process, please see the application and instructions found on the City's website here: http://www.cityofwildwood.com/145/Board-of-Adjustment.
14. Please be advised that, if any of the sheets reflecting architectural details of the building are to change, the details must be updated as well. The Department had been advised the cost of the building precluded its construction, and the property owner was going to seek modifications.
15. Please revise the location of the dual six foot (6') wide maintenance gates and the disturbance in the setback area on the west side of the property, near the large dog area. Both extend into this setback limit, which is a non-disturbance area.
16. Please provide an escrow, in the amount of $1,107.09, for the future installation of a sidewalk along Pond Road.
17. Please amend the type of easement shown for the sidewalk along Pond Road to a utility, roadway, and multiple-use trail easement.
18. In addition to the striped crosswalk, please provide, and identify on the plans, the appropriate signage.
19. Please dimension the two (2) accessible spaces, and the aisle between them, in addition to details and the location of the required signs for these spaces.
20. Please add information in the waste management plan to provide a schedule for when the dumpster will be emptied.
21. Please overlay the proposed site grading on the Tree Preservation Plan sheet and determine if there are any areas where the amount of tree protection can be increased.
22. Please note a consolidation plat will need to be completed, since the project overlaps multiple parcels of ground. By completing this consolidation, the interior setbacks will be removed, which currently preclude disturbance in those areas.

Once the revisions are completed, please resubmit three (3) full sets of the revised Preliminary Development Plan and other requested items to the Department of Planning for further review. Please be advised that additional comments may follow after this resubmittal, given the extent of information being sought. If you should have any questions or comments in this regard, please feel free to contact the Departments of Public Works and/or Planning at (636) 458-0440.

Sincerely,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning and Parks

Sincerely,
CITY OF WILDWOOD

Rick Brown, P.E., P.T.O.E., Director
Department of Public Works

CC: The Honorable Timothy Woerther, Mayor
Council Members Glen DeHart and Larry McGowen, Ward One
Ryan Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Senior Planner I
Liz Weiss, Senior Planner II
Terri Gaston, Planner
Happy Hounds Playground, L.L.C., 431 Castle Glen Court, Ballwin, Missouri

WILDWOOD

June 18, 2015

Happy Hounds Playground, L.L.C.
c/o Clayton Engineering, Steven W. Quigley
11920 Westline Industrial Drive
St. Louis, Missouri 63146

Re: P.Z. 20-14 Happy Hounds Playground, L.L.C.; a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a recreational land use facility (commercial dog park) at 2440 and 2448 Pond Road (Locator Numbers 23W34042 and 23W330032).

Dear Mr. Quigley:

The Department of Planning, in conjunction with the Department of Public Works, has completed its initial review of your Site Development Plan in association with the approved Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a recreational land use facility (commercial dog park) at the above-referenced location. This review centered on the plan's compliance with the applicable sections of the City's Zoning Ordinance, the Conditional Use Permit (CUP) for the tract of land, and other related requirements and design criteria of the City of Wildwood. In this comparison, a number of items were identified that must be addressed, before this matter can be scheduled for Site Plan Subcommittee review. These items are as follows:

Additional Information/Requirements:

1. Provide the Natural Resource Protection Plan and Analysis to the City.
2. Provide the Geotechnical Report to the City. Additionally, the Professional Engineer preparing the geotechnical report must sign and seal the plan.
3. Provide to the City the catalog cut sheets of all trash receptacles, play equipment, and other items planned to be placed at the facility.
4. Provide a copy of the plan set to the Metro West Fire Protection District for its review and comments.
5. Provide a copy of the traffic study completed at State Route 100 and Pond Road to MoDOT, along with a copy of the plan set, for its review and analysis.
6. Provide a copy of the plan set to St. Louis County – Plumbing Section for its review and comments. Also, please note if this entity will allow an active use area of the facility on top of the drip irrigation field.
7. Provide a copy of the plan set to Missouri American Water Company for its review and comments.
8. Provide a copy of the supporting documentation (profile along sight distance line) for determining sight distance measurements.
9. Please note the demolition of the buildings on site will need to be reviewed by the City's Historic Preservation Commission due to their age (over seventy-five (75) years).
10. Please provide a Stormwater Management Plan for the development area, in accordance with City standards (these standards are identical to the Metropolitan St. Louis Sewer District's requirements).
11. Please note the monument sign, at the entrance, will need a variance from the Board of Adjustment for its location within the front yard setback.

Preliminary Development Plan:

12. Please provide the size and zoning district designations of adjoining parcels of ground.
13. Please identify the pavement width along Pond Road.
14. Please remove all play features in the Small Dog Agility Area, Large Dog Agility Area, along with the mulched path on the north side of the property from the thirty (30) foot side setback area.
15. Please add a page to the plan set that has all CUP conditions to the Site Development Plan.
16. Please modify the Existing Zoning, listed on the Site Development Plan, to be NU Non-Urban Residence District, with a Conditional Use Permit.
17. Please number the plan sheets for ease in reference.
18. Please provide details regarding the proposed building's height.
19. Please note how the pond's size was determined and if it was based upon normal pool elevations.
20. Please provide mitigation for the grading in the side yard setback area along the northern boundary of the property.
21. Please consider a different material for the steps, other than railroad ties, since wood would be slippery when wet.
22. Please add a note that all bridges will require building permits.
23. Please add to the Waste Management Plan the disposal schedule for the facility.
24. Please overlay the proposed improvements on to the Tree Preservation Plan.
25. Please better define the forest management activity that is identified on the Tree Preservation Plan.
26. Please provide a minimum five (5) foot sidewalk along Pond Road, with handicapped curbs and ramps at the driveway access points. This improvement will help meet the City's public space requirement.
27. Please indicate a striped crosswalk on Pond Road to connect the eight (8) foot trail shown south of the parking lot, to connect to the existing pedestrian network on the west side of Pond Road. This crosswalk is also a public space requirement.

Once the revisions are completed, please resubmit three (3) full sets of the revised Preliminary Development Plan and other requested items to the Department of Planning for further review. Please be advised that additional comments may follow after this resubmittal, given the extent of information being sought. If you should have any questions or comments in this regard, please feel free to contact the Departments of Public Works and/or Planning at (636) 458-0440.

Sincerely,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning and Parks

Sincerely,
CITY OF WILDWOOD

Rick Brown, P.E., P.T.O.E., Director
Department of Public Works

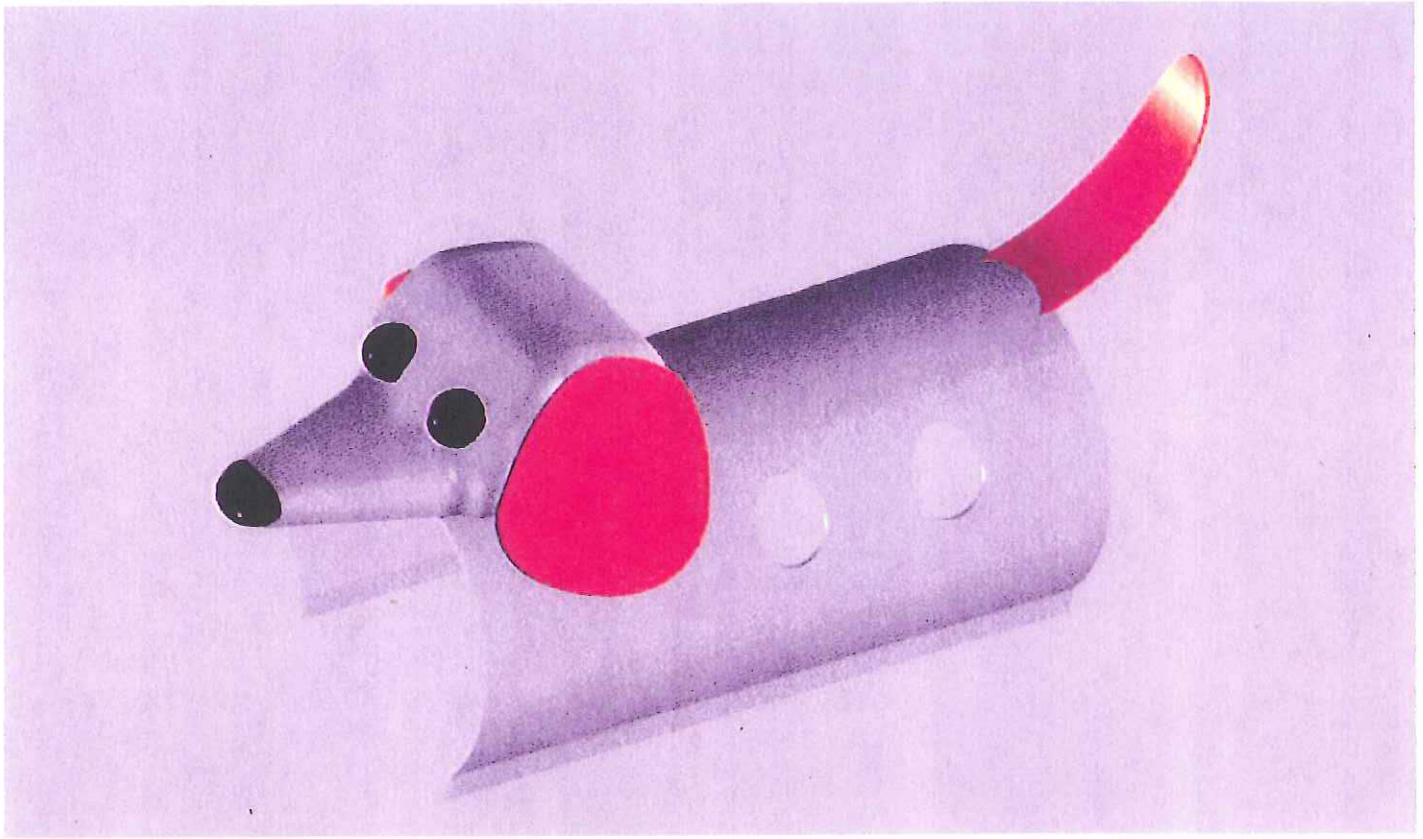
CC: The Honorable Timothy Woerther, Mayor
Council Members Glen DeHart and Larry McGowen, Ward One
Ryan Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Kathy Arnett, Senior Planner I
Liz Weiss, Senior Planner II
Terri Gaston, Planner
Happy Hounds Playground, L.L.C., 431 Castle Glen Court, Ballwin, Missouri

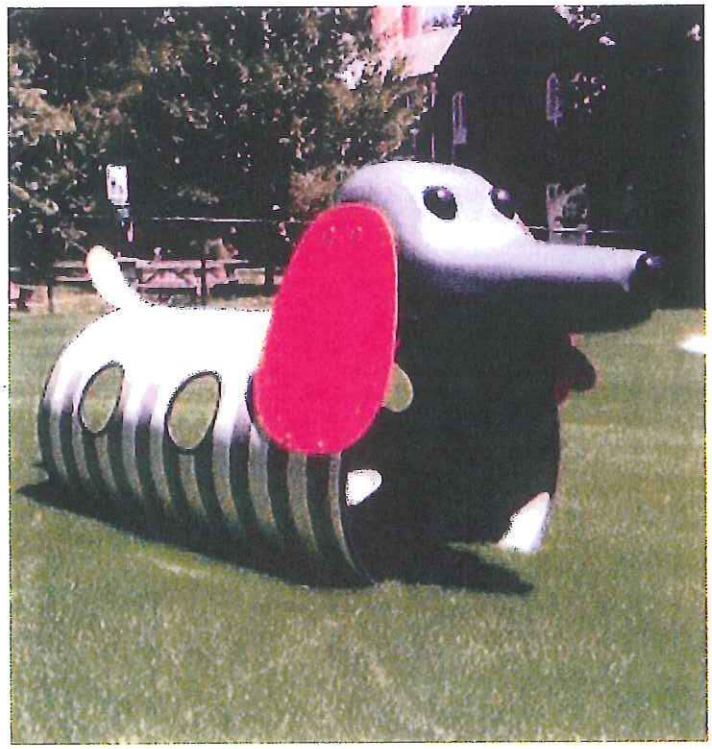
K9RECREATION

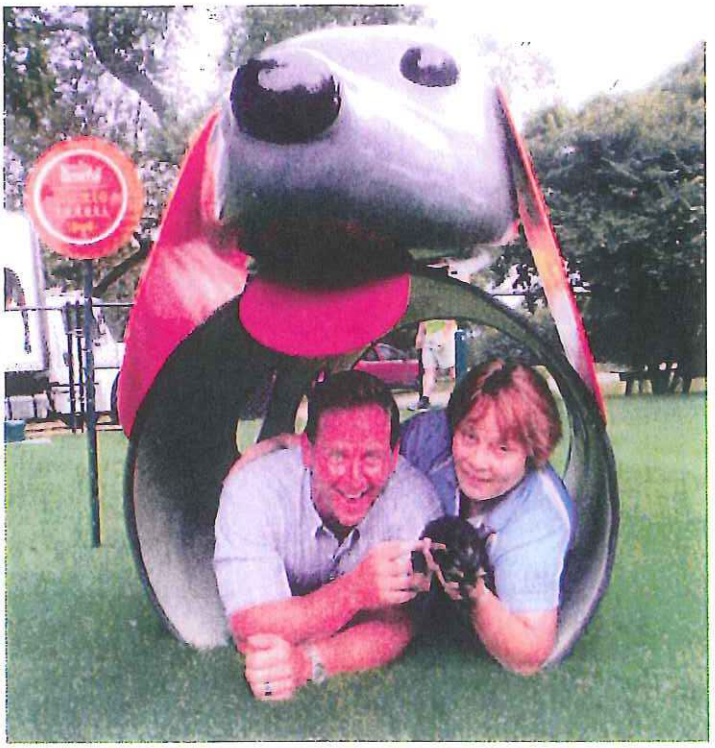
Materials: FRP Composite with smooth finish
Optional: Graphics Wrap (choice of images)
Tunnel Dimensions: 6' x 3'
Overall: 9' x 4'
Shipping Weight: Approx. 260lbs

** Tunnels are handcrafted so slight variations in size and weight are expected*

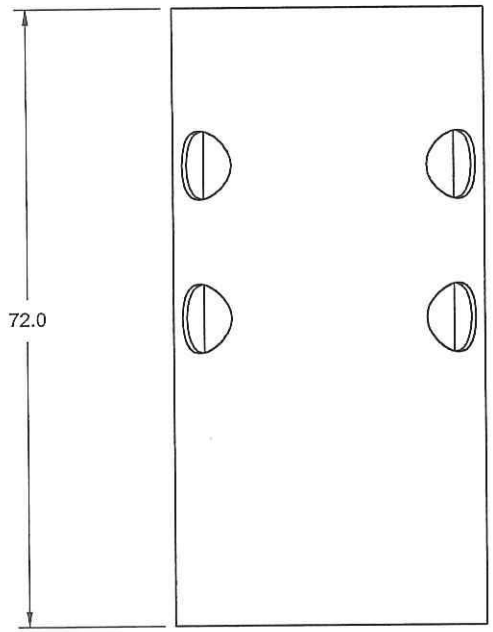
"Doxie" Tunnel

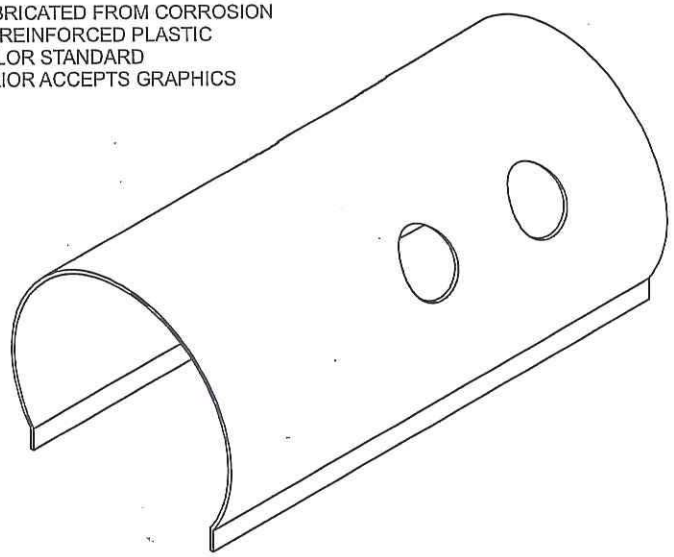


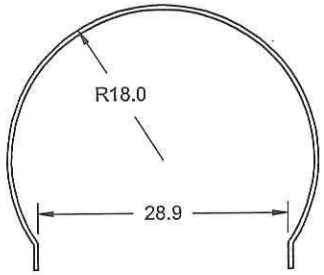


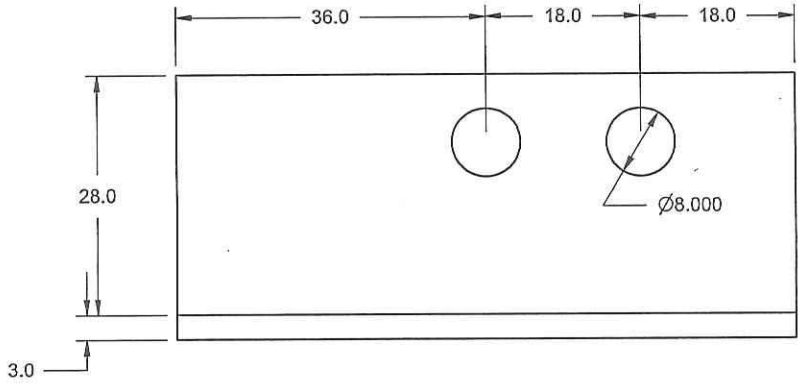


NOTES:
1. BODY TO BE FABRICATED FROM CORROSION RESISTANT FIBER REINFORCED PLASTIC
2. LIGHT GRAY COLOR STANDARD
3. SMOOTH EXTERIOR ACCEPTS GRAPHICS









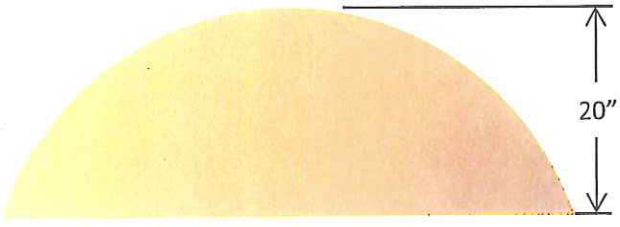
	SIZE	PART NO.	DESCRIPTION.	REV
Aqua Play Solutions Inc.	A		DOXIE BODY	1
	SCALE 1:20			SHEET 1 0F 1

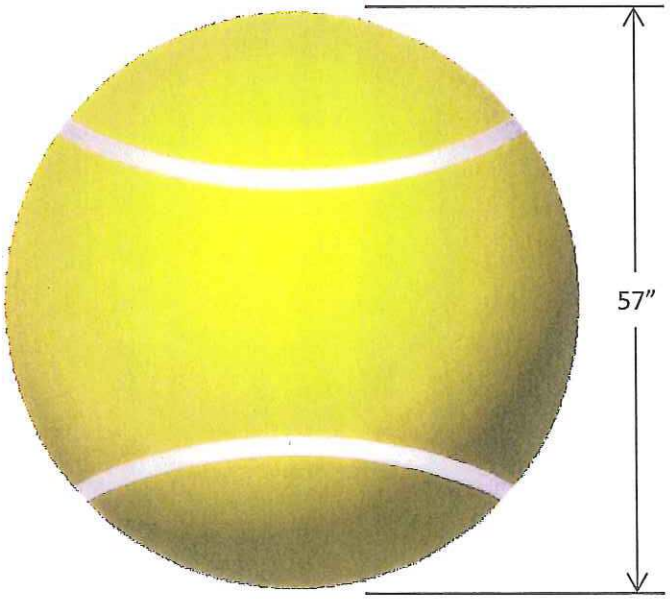
K9RECREATION

Materials: FRP Composite
Finish: Semi-smooth w/1/3 Tennis Ball Graphics
Dimensions: 57" W x 20" H
Shipping Weight: Approx. 220lbs

** FRP Features are handcrafted so slight variations in size and weight are expected*

"Tennis" Ball



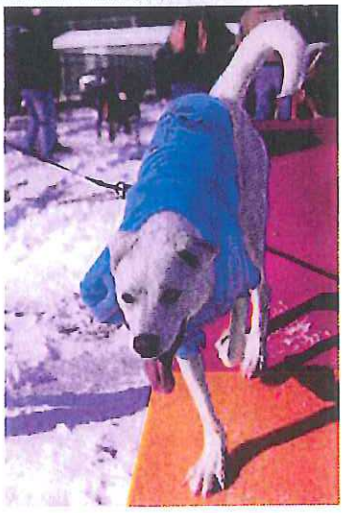


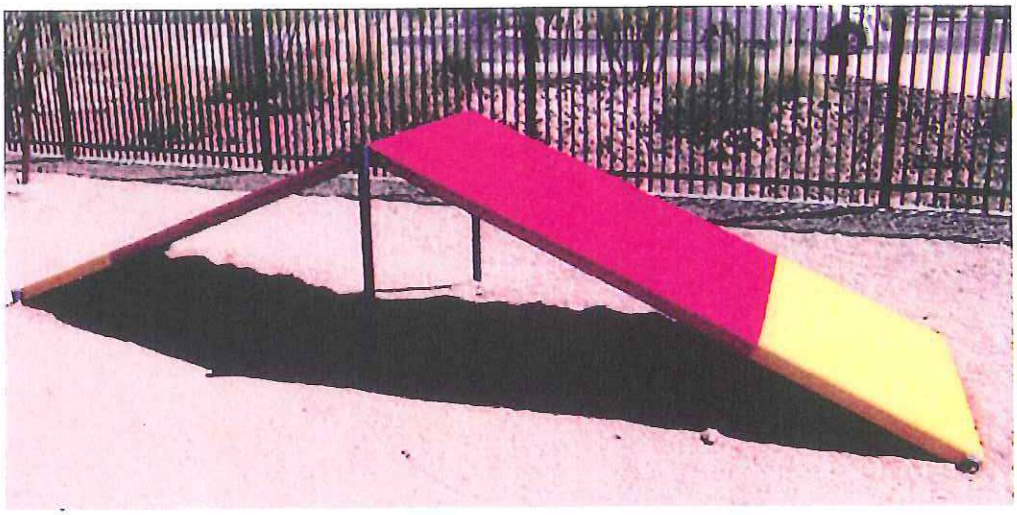
Dog-ON-It-Parks®
626 128th St SW Suite #104A • Everett, WA 98204 • WWW.DOG-ON-IT-PARKS.COM
PH: 877-348-3647 • Fax: 425-347-3056 • Email: info@dog-on-it-parks.com

6401
A-FRAME

Revision: 2.3
Issued: 10/18/2011

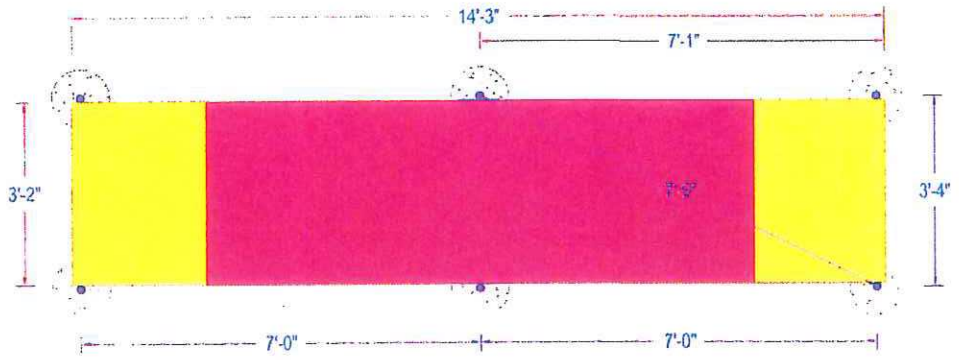
IMAGES





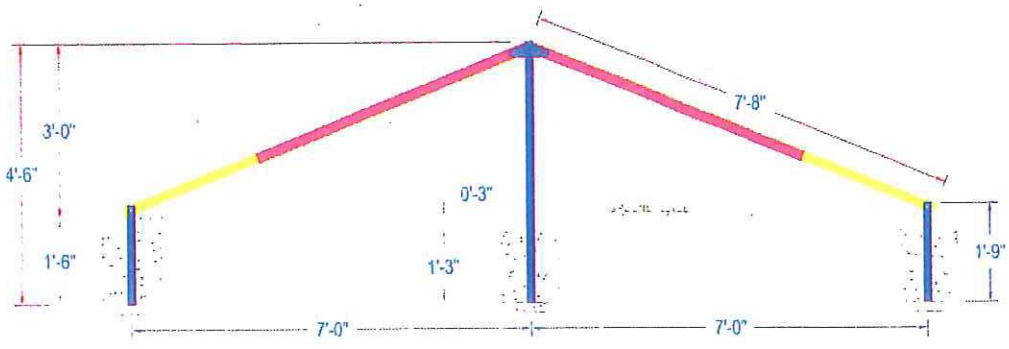
TOP VIEW

- *One-piece 10 gauge reinforced aluminum planks.*
- *Highly-textured Paws Grip™ poly urea coating for superior slip-resistance.*
- *Two-color UV-resistant polymeric top coat finish.*
- *Stainless steel hardware.*
- *Schedule 40 aluminum posts.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



MADE IN U.S.A

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PH: 877-348-3647 • Fax: 425-347-3056 • Email: info@dog-on-it-parks.com

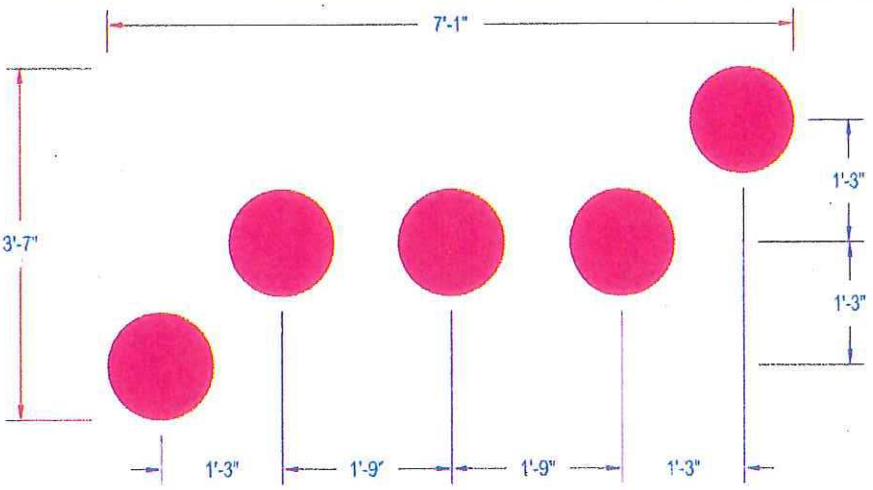
6413
AGILITY WALK

Revision: 2.3
Issued: 10/18/2011

IMAGES

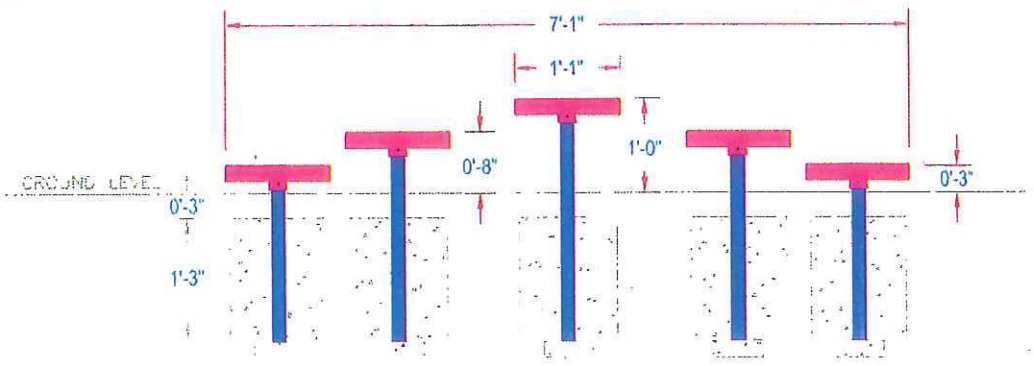
TOP VIEW

- *10 gauge reinforced aluminum discs.*
- *Highly-textured Paws Grip™ poly urea coating for superior slip-resistance.*
- *Varied heights.*
- *Schedule 40 aluminum posts.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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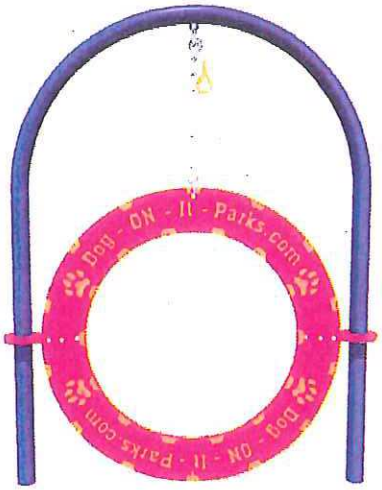
6520 ADJUSTABLE TIRE JUMP

Revision: 2.3
Issued: 10/18/2011

IMAGES

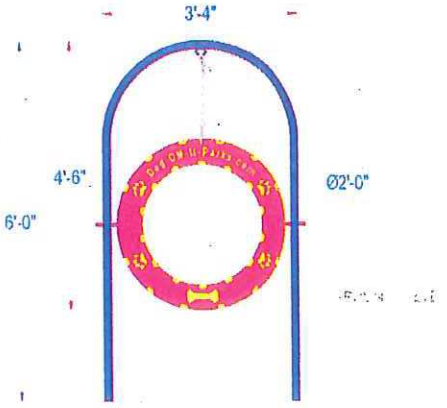


TOP VIEW

- *Height easily adjusted by useres*
- *Multi-colored precision machined solid polyethylene plastic is 3/4" thick.*
- *Sliding brackets reduce noise.*
- *Stainless steel hardware.*
- *Inside diameter is big enough for the largest dogs.*
- *Approximatley 14" range of height adjustment*
- *Schedule 40 aluminum arch with baked polyester finish.*

FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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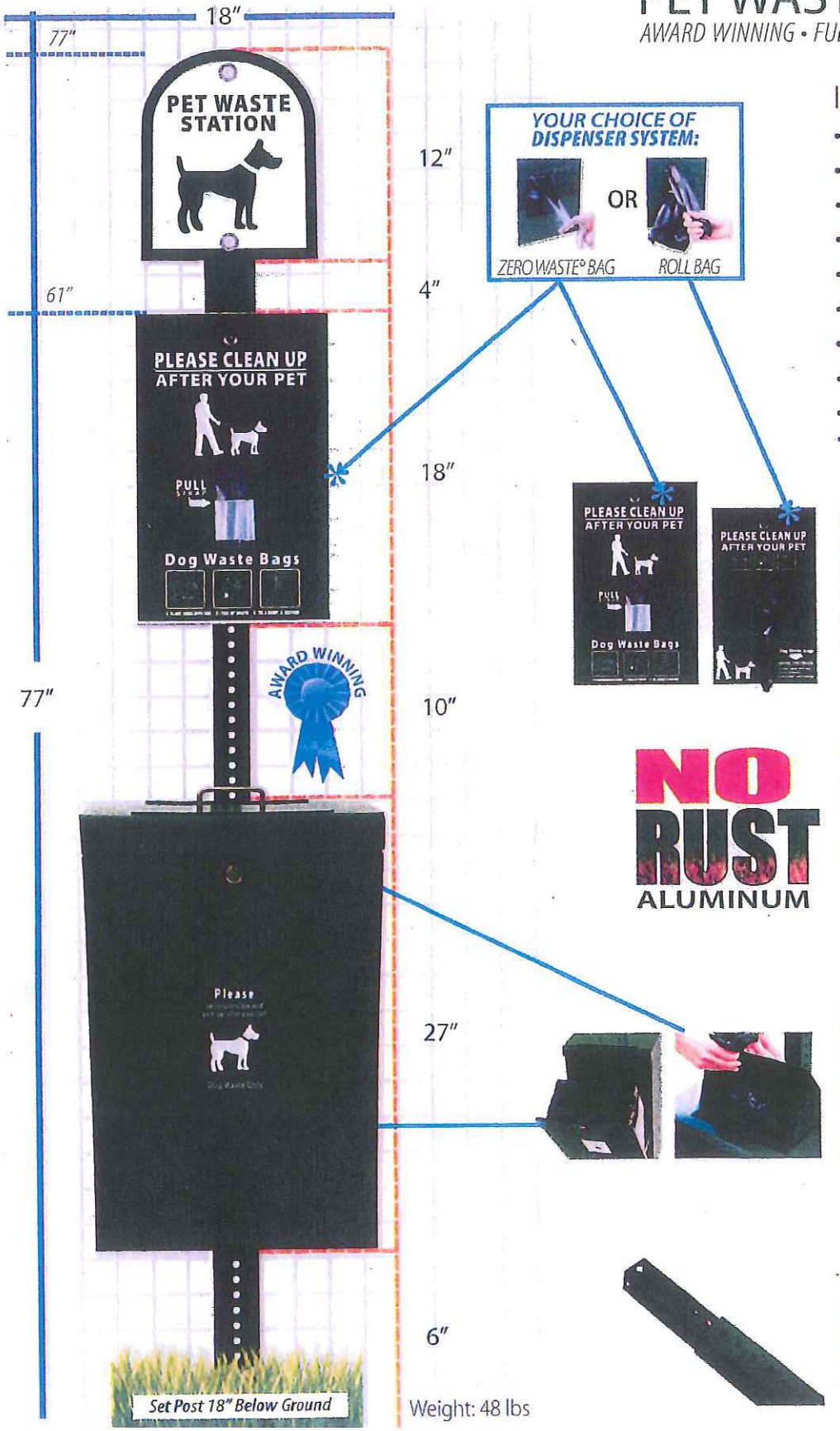
Green Pet Waste Solutions®

The GLADIATOR® PET WASTE STATION

AWARD WINNING • FULLY SEALED • LOCKING CAN



Includes EVERYTHING:

- 7 ft Square Post
- Bag Dispenser (Zero Waste or Roll Bag)
- 11 Gallon Locking Can
- Hardware & Keys
- Installation Instructions
- Sign
- Sign Bracket
- 50 Can Liners
- 400 Waste Bags

Clear & Simple

Easy To See, Simple To Use

Highly visible integrated signage. Simple instructions show how to dispense and use bags.
(permanent screened lettering will not peel or fade)

Strong & Durable

Commercial Aluminum, Rust-Proof

NO RUST ALUMINUM

Manufactured to endure the harshest elements. Commercial-grade aluminum is built to last—will not rust like metal pet waste stations; will not crack like polyresin or plastic stations.

Locking Can, Sealed Chute

Large, Sealed System, Locking

The Gladiator can is made from heavy gauge, rust-proof aluminum. The sealed chute keeps out the elements while the large can holds 11gallons of waste.

Commercial-Grade Post

Heavy weight, Commercial-Grade.

A sturdy 14 gauge steel square post. A two piece telescoping 7 ft post for easy installation. Powder-coated.

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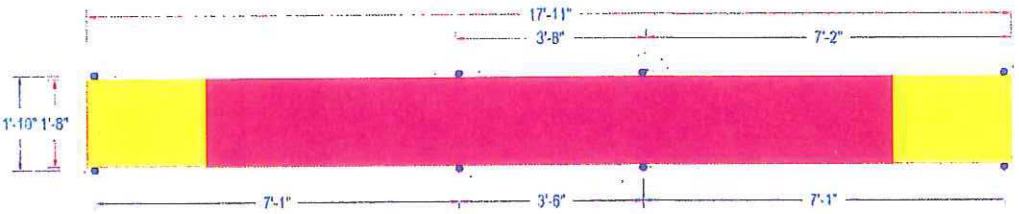
6402
DOG WALK RAMP

Revision: 2.3
Issued: 10/18/2011

IMAGES

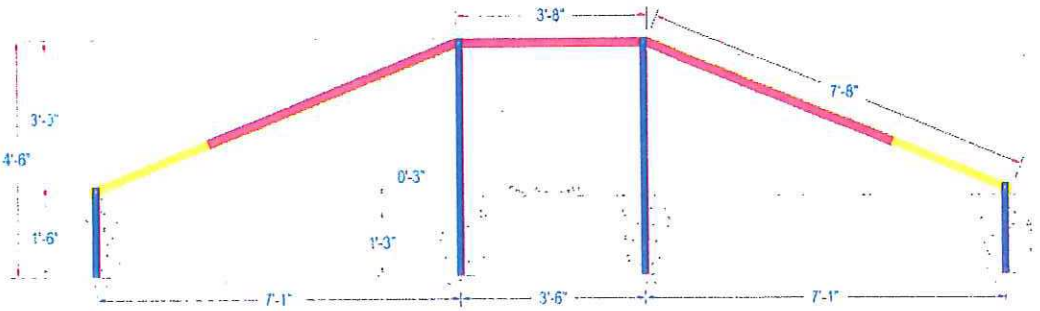
TOP VIEW

- *One-piece 10 gauge reinforced aluminum planks.*
- *Highly-textured Paws Grip™ poly urea coating for superior slip-resistance.*
- *Two-color UV-resistant polymeric top coat finish.*
- *Stainless steel hardware.*
- *Schedule 40 aluminum posts.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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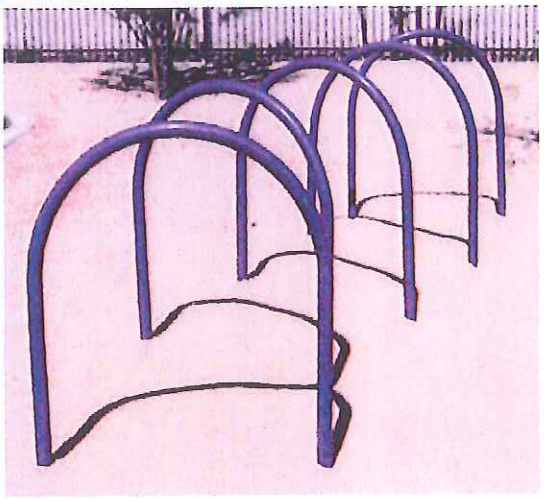
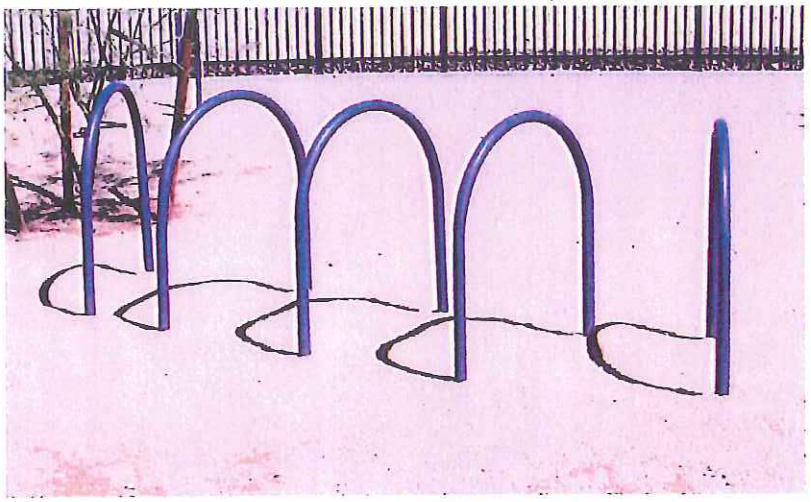
6415
HOUND HOOPS

Revision: 2.3
Issued: 10/18/2011

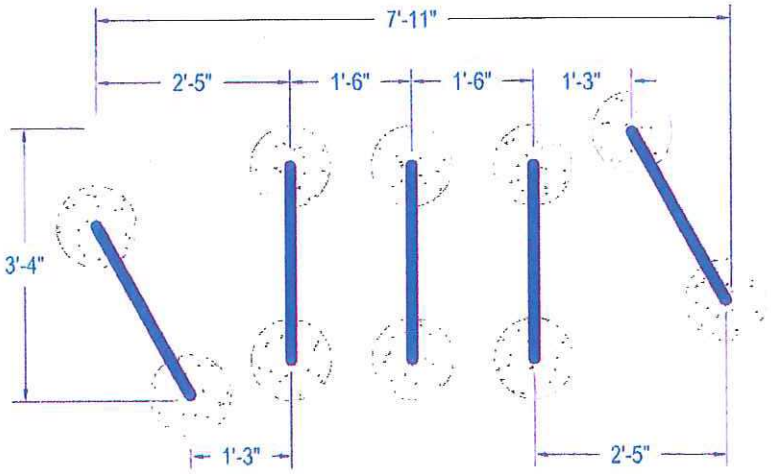
IMAGES





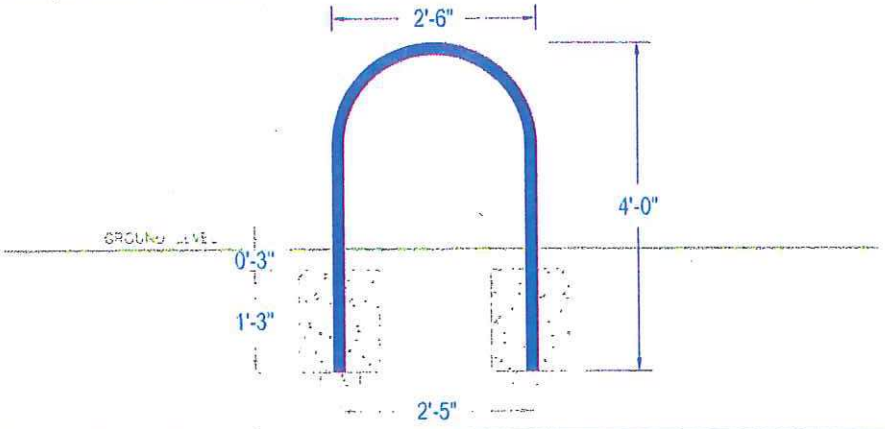
TOP VIEW

- *Schedule 40 aluminum posts with baked polyester finish.*
- *Includes 5 hoops (arranged in a serpentine shape)*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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6521
ADJUSTABLE JUMP BAR W/ HYDRANTS

Revision: 2.3
Issued: 10/18/2011

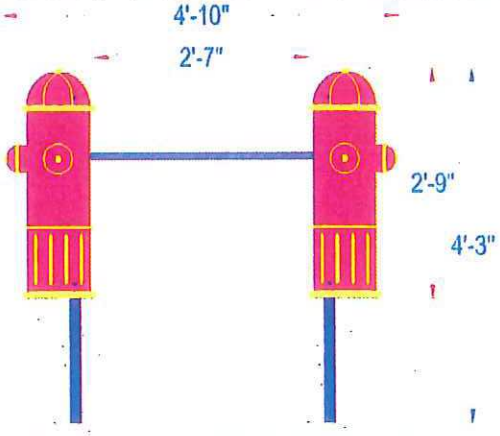
IMAGES

TOP VIEW

- *Extra strong solid aircraft aluminum crossbar adjust to 7 positions.*
- *Multi-colored precision machined solid polyethylene plastic is 3/4" thick.*
- *Crossbar will fall from jumping position with minimal impact from a jumping dog.*
- *Stainless steel hardware.*
- *Schedule 40 aluminum posts.*

FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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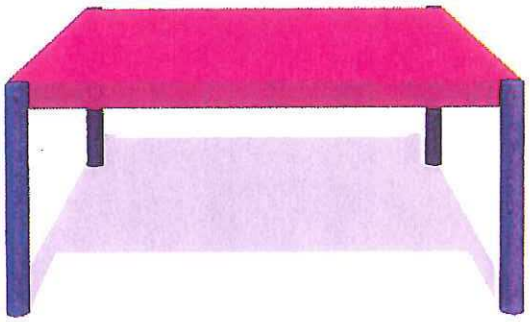
6404
WAIT TABLE

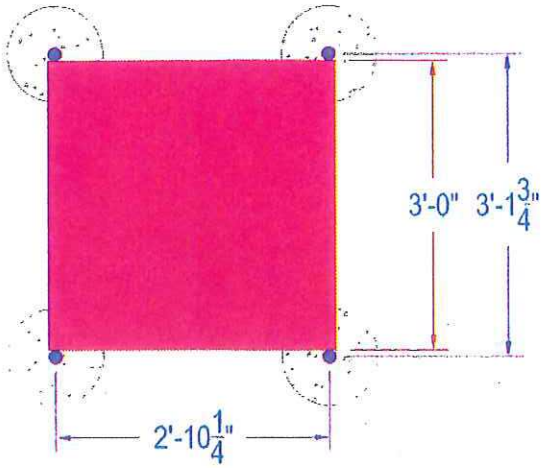
Revision: 2.3
Issued: 10/18/2011

IMAGES



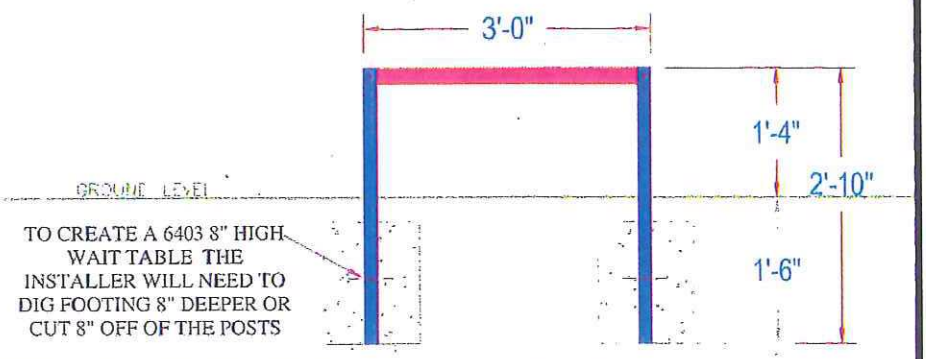
TOP VIEW

- *One-piece 10 gauge aluminum planks.*
- *Highly-textured Paws Grip™ poly urea coating for superior slip-resistance.*
- *UV-resistant polymeric top coat.*
- *Availbe in 8" & 16" heights*
- *Stainless steel hardware.*
- *Schedule 40 aluminum posts.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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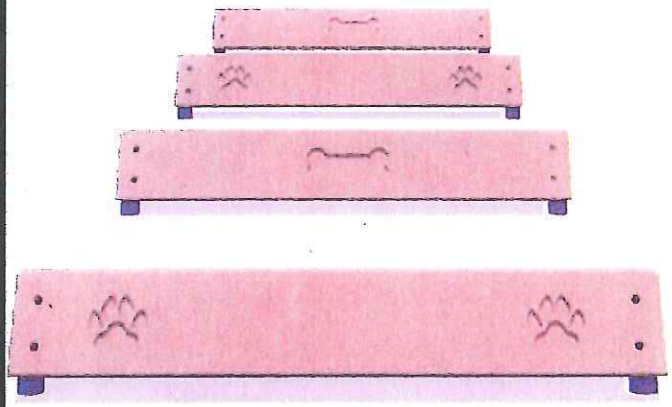
6509
HOUND HURDLES

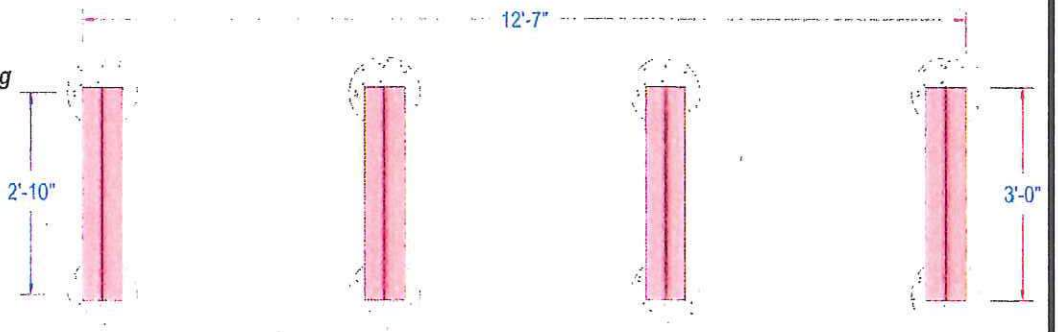
Revision: 2.3
Issued: 10/18/2011

IMAGES



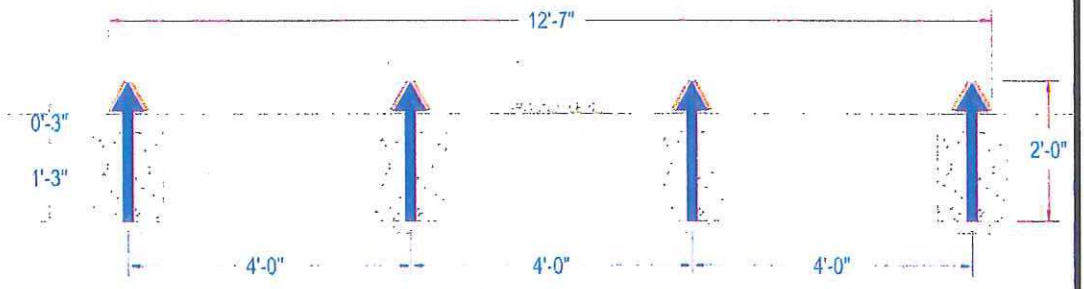
TOP VIEW

- *Attractive engraved recycled plastic planks.*
- *Arrange with appropriate spacing for intended dog sizes.*
- *Stainless steel hardware.*
- *Schedule 40 aluminum posts with welded 10 gauge aluminum brackets.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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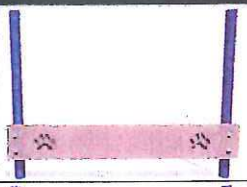
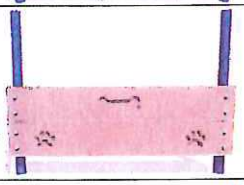
6601-6603
WALL JUMPS
(SINGLE, DOUBLE & TRIPLE PLANK)

Revision: 2.3
Issued: 10/18/2011

IMAGES


6601

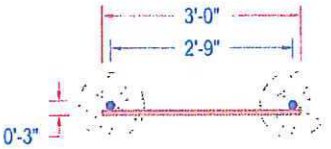

6602

6603

6602

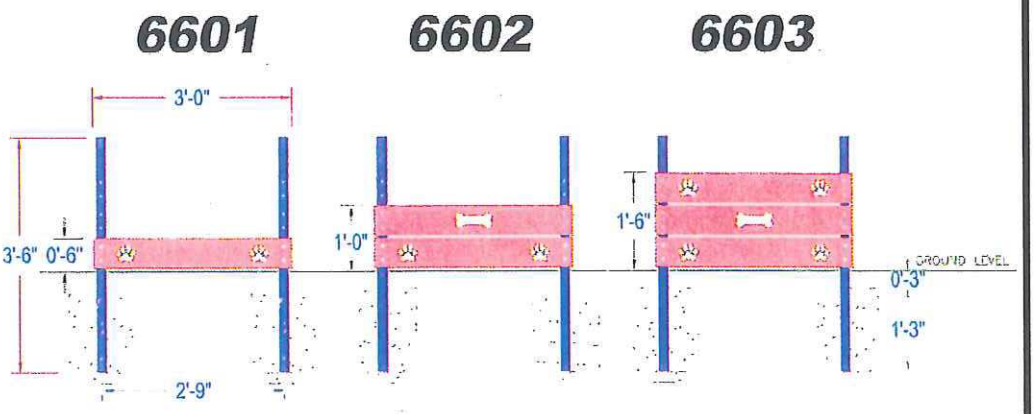
TOP VIEW

- *Attractive engraved recycled plastic planks.*
- *Arrange with appropriate spacing for intended dog sizes.*
- *Stainless steel hardware.*
- *Schedule 40 aluminum posts.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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6412
TEETER TOTTER

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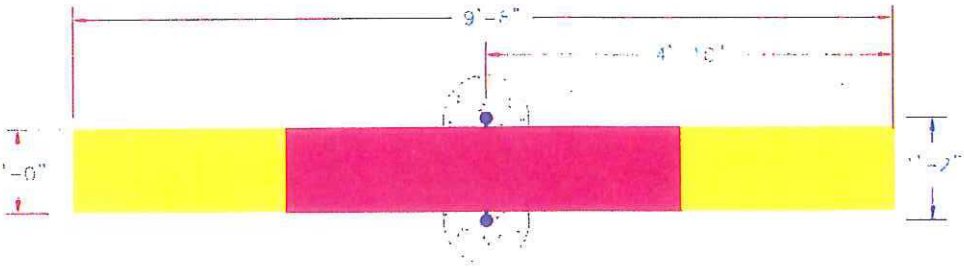
Revision: 2.3
Issued: 10/18/2011

IMAGES

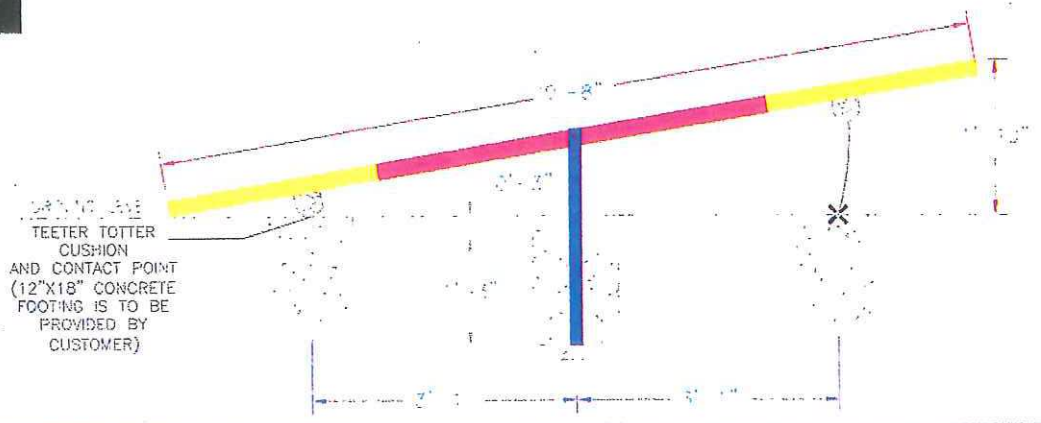
TOP VIEW

- *One-piece 10 gauge reinforced aluminum planks.*
- *Highly-textured Paws Grip™ poly urea coating for superior slip-resistance.*
- *Two-color UV-resistant polymeric top coat finish.*
- *Stainless steel hardware.*
- *Cushioned bumpers for soft landgings.*
- *Schedule 40 aluminum posts.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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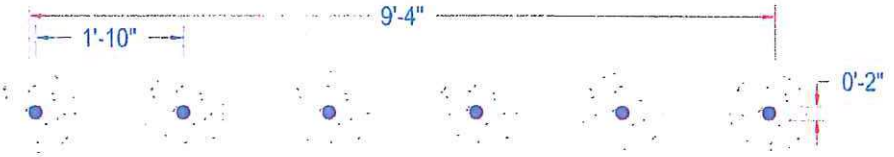
6516
WEAVE POLES

Revision: 2.3
Issued: 10/18/2011

IMAGES

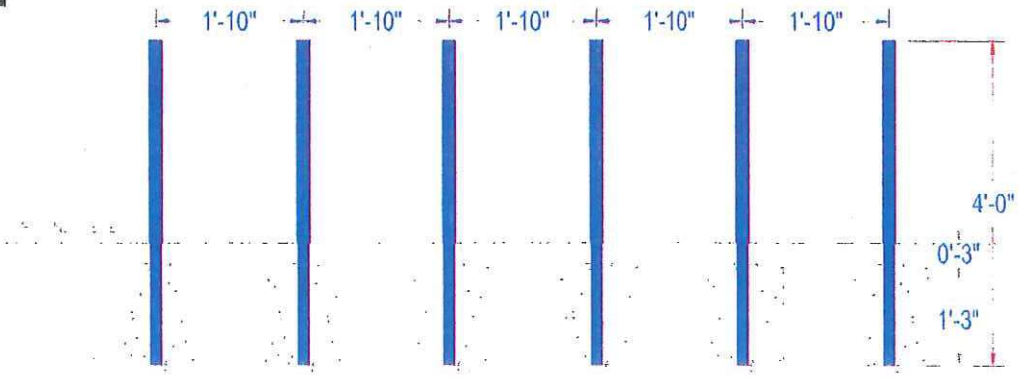
TOP VIEW

- *Flexible urethane poles can collapse without breaking, and return to an upright position with very little spring back (patent pending).*
- *Urethane poles are very resilient and hold up well against chewing.*
- *Stainless steel hardware.*
- *Schedule 40 aluminum post in ground assembly.*



FRONT VIEW

- *Refer to the installation manual for all installation instructions.*



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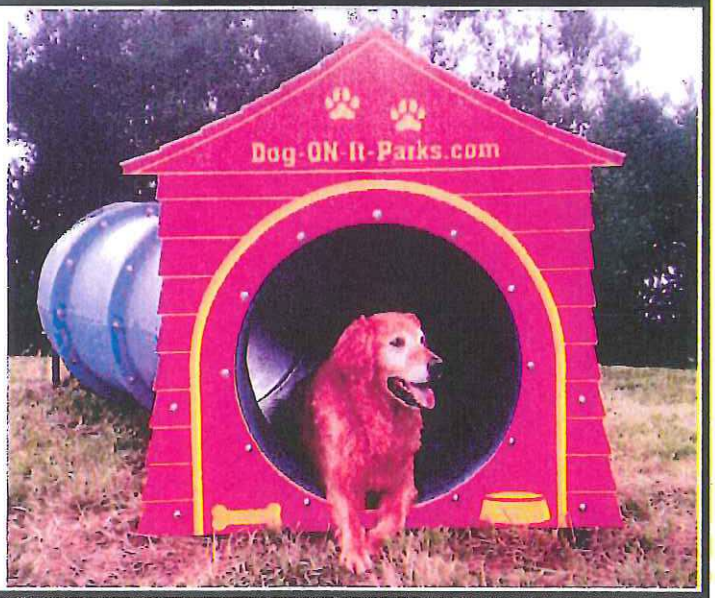
6801
S-TUNNEL W/ DOG HOUSE & PIPE ARCH

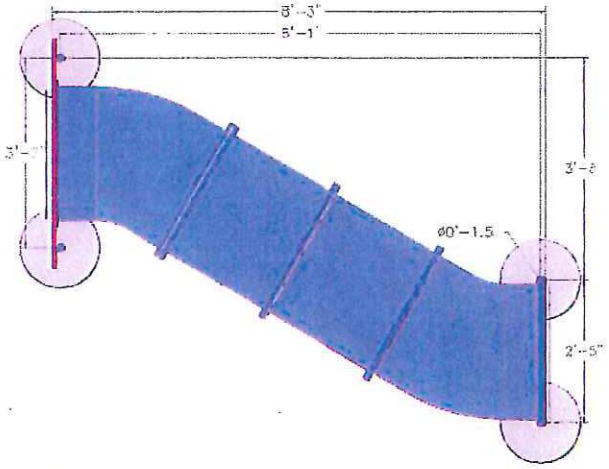
Issued / Revised: A 12/08

3-D & PHOTO



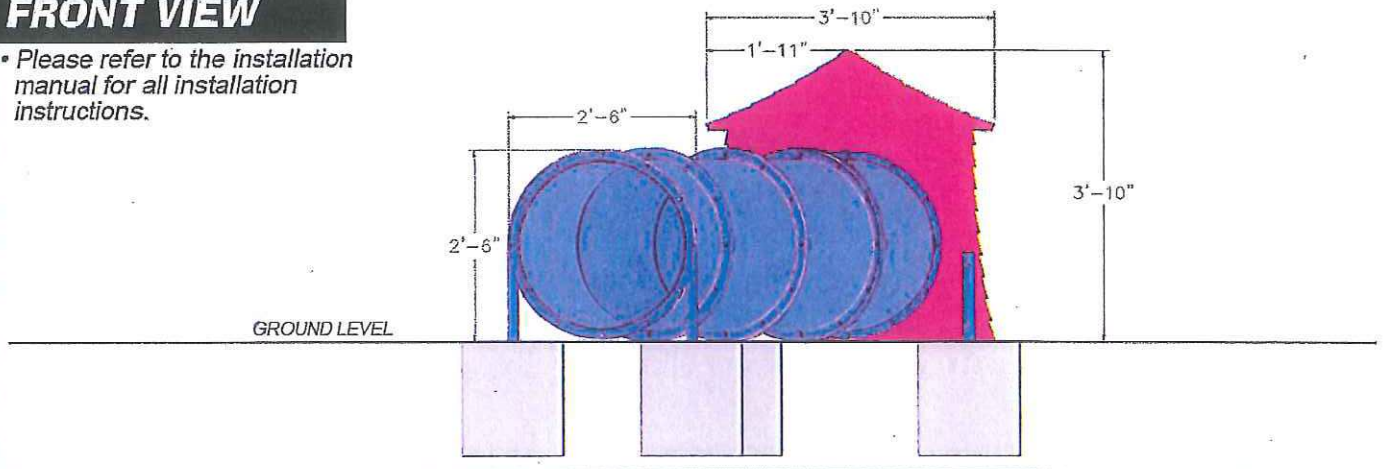
TOP VIEW

- *Extra large 27" diameter tube.*
- *Large tube fits wider range of dogs.*
- *Non-toxic "Paws Grip"™ slip-resistant texture is impregnated into the plastic for long life.*
- *Multi-colored precision-machined 3/4" thick solid poly-ethylene on optional dog house entrances.*
- *Stainless steel hardware.*
- *Galvanized steel posts with baked polyester finish.*



FRONT VIEW

- *Please refer to the installation manual for all installation instructions.*



WILDWOOD

Memo

To: Mayor Timothy Woerther
Wildwood City Council Members

From: Mike Hartwig, Assistant City Engineer
Joe Vujnich, Director of Planning & Parks

Date: February 5, 2016

Re: Construction Project Updates

Following is an update on all active City construction projects. The Departments of Public Works and Planning/Parks will be available for any questions at the February 8, 2016 City Council Meeting.

Route 109 Improvements (Route 100 to Clayton): The contractor has completed the replacement of most of the dead landscaping. This replacement landscaping will be monitored over the next year and replaced again if necessary. MoDOT has taken over maintenance of the project from the contractor.

Forby Road and Alt Road Project in Eureka: The City of Eureka has started a project to reconstruct Alt and Forby Roads near the south border of the City of Wildwood. This project will widen Alt Road and Forby Road, re-align the Alt Road/Forby Road intersection, and construct a pedestrian trail along the east edge of Alt Road and the north edge of Forby Road between Wren Meadow Drive and Meramec Boulevard. Utility relocation work began in late January and will continue into March. Road construction work is expected to start in mid-March. Sections of Alt Road and Forby Road will be closed at times to complete the work, with the first closure of a section of Alt Road expected in April. Signed detour routes will be in place during closures and the City of Wildwood will be notified in advance of the closures as the scheduled dates are made available. Forby Road west of the Alt Road intersection will remain open and accessible at all times to at least one lane of traffic. This project is expected to be completed by the end of 2016.

Manchester Road Great Streets Project: The contractor has completed the project and will complete the final planting work as weather allows.

MH and JV