AGENDA

for the

CITY OF WILDWOOD'S

PLANNING AND ZONING COMMISSION

City Hall Council Chambers · 16860 Main Street

June 6, 2016 - Monday

7:00 P.M.

Action Items on Tonight's Agenda ----------> Two (2) Public Hearings, One (1) Letter of Recommendation, Two (2) Information Reports, and One (1) Site Development Plan Recommendation.

I. Welcome To Attendees And Roll Call Of Commission Members

II. Review Tonight's Agenda/Questions Or Comments

III. Approval Of Minutes Of The Meeting Of Monday, May 16, 2016

Documents: III. DRAFT MAY 16,2016 MINUTES.PDF

IV. Department Of Planning's Opening Remarks/Updates

V. Public Hearings – Two (2) Items For Consideration

1. P.Z. 1-16 Old Towne Parc, Mike Whalen, Whalen Custom Homes, Inc., 338 South Kirkwood Road, Suite 103, Kirkwood, Missouri 63122
   A request for a change in zoning from the NU Non-Urban Residence District to the R-3 10,000 square foot Residence District on a 1.4 acre tract of land consisting of four (4) lots of record, all being located on the east side of Center Avenue, south of Manchester Road (Locator Numbers: 24V510232, 24V510221, 24V510166, and 24V510089/Street Addresses: 17020, 17026, and 17030 Manchester Road and 2612

Center Avenue). Proposed Use: A total of four (4) single family dwellings on individual lots. (Ward Eight)

Documents: V.A OLD TOWNE PARC.PDF

2. P.Z. 11-16 City Of Wildwood Planning And Zoning Commission, C/O Department Of Planning, 16860 Main Street, Wildwood, Missouri 63040
   A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – for all of its "R" Residence Districts designations (Chapter 415 – Sections 110 through 160), including Chapter 415.090 NU Non-Urban Residence District, along with Chapter 415.030 Definitions, which would thereby consider the addition of new language for group homes for the developmentally disabled that is consistent with current Missouri Revised Statutes. (Wards – All)

   Documents: V.B. GROUP HOMES.PDF

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

1. Letters Of Recommendation – One (1) Item For Consideration

   a. P.Z. 2-16 City Of Wildwood Planning And Zoning Commission C/O Department Of Planning, 16860 Main Street, Wildwood, Missouri
      A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designation under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change. (Wards One, Four, Five, Seven, and Eight)

      Documents: VI. A DOWNTOWN DISTRICT.PDF

   a.1. Public Comments On Recommendation

2. Information Reports – Two (2) Items For Consideration

   a. P.Z. 5 And 5(A)-16 Stonecrest At Wildwood, NorthPoint Development, 5015 Northwest Canal Street, Suite 200, Riverside, Missouri, 64150
      A request for the modification of the Town Center Plan's Regulating Plan for two (2) lots that are a 1.6 acre area of the Phase II portion 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 site, all 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 eighty-one (81) units. (Ward Eight)

      Documents: VI.B. STONECREST.PDF

   a.1. Public Comments On Recommendation

   b. P.Z. 7-16 City Of Wildwood Planning And Zoning Commission, C/O Department Of Planning, 16860 Main Street, Wildwood, Missouri 63040
      A request to evaluate possible amendments to Chapter 415.590. "Sexually-Explicit Business Regulations," of the City of Wildwood Municipal Code, which would thereby consider the addition of new language to expand the types of businesses that would be regulated as sexually-oriented businesses and expand regulations in regard to particular activities conducted within sexually-oriented businesses. (Wards – All)

Documents: VI.C. SEXUALLY EXPLICIT BUSINESSES.PDF

b.1. Public Comments On Recommendation

VII. New Business – No Items For Consideration

VIII. Site Development Plans-Public Space Plans-Record Plats – One (1) Item For Consideration

1. A Recommendation Report Of The Site Plan Subcommittee Regarding P.Z. 14-98 Capital-Dierbergs Wildwood LLC
   Amended C-8 Planned Commercial District; southeast corner of State Route 100 and Taylor Road; that addresses the submittal of the Amended Site Development Section Plan for the conversion of an existing parking lot area to accommodate drive-through lanes in support of a new tenant in the liner building (Outbuilding G) located at the intersection of State Route 100 and Taylor Road (St. Louis Bread Company). (Ward Eight)

   Documents: VIII.A. OUTLOT G - PANERA DRIVE THROUGH.PDF

   a. Public Comments On Recommendation

IX. Other – No Items For Consideration

X. Closing Remarks And Adjournment By Chair Of Commission

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

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
May 16, 2016

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, May 16, 2016, 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 Lee	
Commissioner Archeski	
Commissioner Bauer	
Commissioner Renner	
Commissioner Gragnani	
Commissioner Liddy	
Commissioner Kohn	
Council Member Manton	
Mayor Bowlin	

Other City officials present: Director of Planning Vujnich, Planner Newberry, and City Attorney Golterman.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the May 2, 2016 Meeting

Commissioner Bauer identified a correction to the minutes regarding her motion to approve the Department's report on P.Z. 25-15 Laurie Taylor, with the amendment to require the property owner to submit reports annually, and not monthly.

A motion was made by Commissioner Archeski, seconded by Commissioner Bauer, to approve the minutes from the May 2, 2016 meeting, with Commissioner Bauer's suggested change. 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 announced Commissioner Liddy would be leaving his position on the Planning and Zoning Commission in the coming days, and tonight would be his last meeting as a Commissioner.

Director Vujnich and the members of the Planning and Zoning Commission thanked Commissioner Liddy for his dedicated service to the City, both as a past member of the Board of Adjustment and now on the Planning and Zoning Commission.

V. Public Hearings – One (1) Item for Consideration

Chair Bopp read the public hearing guidelines into the record and requested the item be read by the Department.

a) **P.Z. 7-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** – A request to evaluate possible amendments to Chapter 415.590. "Sexually-Explicit Business Regulations," of the City of Wildwood Municipal Code, which would thereby consider the addition of new language to expand the types of businesses that would be regulated as sexually-oriented businesses and expand regulations in regard to particular activities conducted within sexually-oriented businesses. **(Wards – All)**

Planner Newberry read the request into the record.

Director Vujnich submitted into the record the Master Plan, City Charter, the City's Zoning Regulations (Chapter 415), and the Department of Planning's file on the request. Director Vujnich explained the City did not have any regulations regarding sexually explicit businesses for the first twelve (12) years of its existence. He explained the current regulations were adopted in 2007 and there have been no proposed sexually explicit businesses requested, since the City's incorporation. Director Vujnich outlined the Public Hearing Primer provided to Commission Members. He described a situation in University City, Missouri, which prompted this request to evaluate possible amendments to the City's "Sexually-Explicit Business Regulations".

Chair Bopp invited members of the public to comment on the item. No members of the public wished to speak on this matter.

Discussion was held among Commission Members and the City Attorney regarding the different approaches, as outlined in the Public Hearing Primer, the City could take to address types of businesses that would be regulated as sexually-oriented businesses and certain activities allowed within them as well.

VI. Old Business – One (1) Item for Consideration

Information Reports – One (1) Item for Consideration

a) **P.Z. 2-16 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri** – A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designation under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change. (**Wards One, Four, Five, Seven, and Eight**)

Planner Newberry read the request into the record.

Director Vujnich explained that, over the past several months, the Department of Planning has received a

number of proposals to develop multiple family residences in the 'Downtown and Workplace Districts' of the Town Center Area. This prompted the Department to request the Planning and Zoning Commission provide its comments on potentially amending the 'Regulating Plan' of the City's Town Center Plan to allow residential activities in these districts. Director Vujnich outlined several considerations that addressed the pertinent points discussed by the Commission at the Public Hearing on this matter. He stated the Department is not recommending a blanket allowance for residential activities in the Town Center Area's 'Downtown and Workplace Districts'. In addition to this recommendation, the Department acknowledges that, where conditions are appropriate, the more suitable approach would be to consider land use designation changes to the Town Center Plan's Regulating Plan, on a case-by- case basis.

Chair Bopp invited members of the public to comment on the item. No members of the public wished to speak on this matter.

Discussion was held among Commission Members about the importance of businesses having visibility from major roadways and other important components to be successful; and the importance of having a good site plan, when considering residential activities in these districts.

A motion by Commissioner Gragnani, seconded by Commissioner Archeski, to accept the Department's Information Report and recommendation.

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Renner, Commissioner Lee, Commissioner Archeski, Commissioner Bauer, Commissioner Gragnani, Commissioner Liddy, Council Member Manton, Mayor Bowlin, and Chair Bopp
Nays: None
Absent: None
Abstain: Commissioner Kohn
Whereupon, Chair Bopp declared the motion passed by a vote of 9-0, with one (1) abstention.

VII. New Business – Two (2) Items for Consideration

Correspondence Items – Two (2) Items for Consideration

a) **P.Z. 8-16 James Thurman, 930 Kingsridge Court, Wildwood, Missouri, 63021, c/o Sport Court St. Louis, 343 Great Oaks Drive, Labadie, Missouri 63055,** is seeking the review and action of the Planning and Zoning Commission on the requested installation of an outdoor game court that is twenty-six (26) feet by thirty-four (34) feet in size, which is to be located at 930 Kingsridge Court, Wildwood, Missouri (Locator Number 24T110296); R-1A 22,000 square foot Residence District, with a Planned Environment Unit (PEU). This request is to be reviewed in accordance with Chapter 415.120 R-1A 22,000 square foot Residence District Regulations of the City of Wildwood Zoning Code, which establishes standards and requirements for outdoor game courts relating to their consideration by the Planning and Zoning Commission. The proposed game court is to be situated to the east of the single family residence located on the subject property. The Department will have a recommendation report prepared for consideration at this meeting for this request. **(Ward Eight)**

Planner Newberry read the request into the record.

Director Vujnich outlined the proposal and the characteristics of the subject site and the proposed outdoor game court. He stated the Department is recommending approval, with conditions requiring additional landscaping and netting to meet the requirements set forth in the Zoning Ordinance and a requirement that the petitioner obtain a grading permit from the Department of Public Works, prior to the installation of the outdoor game court.

Chair Bopp invited the petitioner and his representative to address the Commission.

James Thurman, 930 Kingsridge Court and Austin Helfers, Sport Court St. Louis, expressed their opposition to the condition requiring additional landscaping.

Discussion was held among Commission Members about the importance of adhering to the regulations regarding outdoor game courts; concerns about the effect the outdoor game court would have on stormwater drainage; the extent of the additional landscaping; and the Department of Planning's discretion in approving the details of the proposed or updated landscaping plan.

A motion by Commissioner Bauer, seconded by Commissioner Renner, to accept the Department's recommendation.

Chair Bopp called the question.

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

b) A Department of Planning report on the required public meeting for **St. Louis County P.C. 69-91 Frank Erickson**, which was held on December 1, 2014 and set forth in the conditions of the Amended C-8 Planned Commercial District Ordinance #1960 relative to its allowance for the proprietor of the restaurant to hold live music performances on the outdoor patio area located on the south side of the existing building. The intent of the public meeting was to accept comments from any participant regarding the impact or lack of impact this allowance for these live music performances on the outdoor patio area have created or not created on surrounding residential, institutional, and commercial properties in the vicinity. (**Ward One**)

Planner Newberry read the request into the record.

Director Vujnich explained the process of renewing this allowance for outdoor music. He explained the neighborhood meeting that was held regarding this renewal was only attended by the petitioner and one (1) City Council member. Additionally, the comments received from neighbors, prior to the meeting, were supportive of renewing this allowance. Director Vujnich highlighted the Commission members' discussion and vote regarding this renewal, as well as the need to pursue an amendment to the Zoning Ordinance, creating outdoor music regulations that apply to all businesses in the City of Wildwood.

A motion by Commissioner Lee, seconded by Council Liaison Manton, to accept the Department's

recommendation.

Chair Bopp called the question.

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

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

IX. Other – One (1) for Consideration

a) Planning and Zoning Commission on proposed Resolution formally adopting the Master Plan 2016 Update as the Amended Master Plan of the City of Wildwood, Missouri. **(Wards – All)**

Planner Newberry read the request into the record.

Discussion was held among Commission Members regarding the success of the Master Plan Update process and the Commission noted its thanks to the citizen volunteers on the Master Plan Advisory Committee and the many others who participated in the process.

A motion by Commissioner Liddy, seconded by Commissioner Archeski, to adopt the Resolution formally adopting the Master Plan 2016 Update, as the Amended Master Plan of the City of Wildwood, Missouri.

Chair Bopp called the question.

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

DRAFT

X. Closing Remarks and Adjournment

Motion by Commissioner Archeski, seconded by Commissioner Liddy, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 8:45 p.m.

Approved by: _____

Chair – 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.

DRAFT

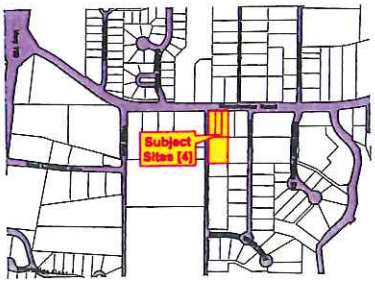
WILDWOOD

16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC HEARING
before the Planning and Zoning Commission
Monday, June 6, 2016, at 7:00 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.**



Street Addresses of Subject Site:
17020, 17026, and 17030 Manchester Road and 2612 Center Avenue

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

The Planning and Zoning Commission of the City of Wildwood will conduct a public hearing on **Monday, June 6, 2016, at 7:00 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 Planning and Zoning Commission, 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. 1-16 Old Towne Parc, Mike Whalen, Whalen Custom Homes, Inc., 338 South Kirkwood Road, Suite 103, Kirkwood, Missouri 63122 – A request for a change in zoning from the NU Non-Urban Residence District to the R-3 10,000 square foot Residence District on a 1.4 acre tract of land consisting of four (4) lots of record, all being located on the east side of Center Avenue, south of Manchester Road (Locator Numbers: 24V510232, 24V510221, 24V510166, and 24V510089/Street Addresses: 17020, 17026, and 17030 Manchester Road and 2612 Center Avenue). **Proposed Use: A total of four (4) single family dwellings on individual lots. (Ward Eight)**

Please note, as of June 6, 2016, all Planning and Zoning Commission meetings will begin at 7:00 p.m.

***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

May 6, 2016

Whalen Custom Homes, Inc.
c/o Michael Whalen
338 South Kirkwood Road
Suite 103
Kirkwood, Missouri 63112

Re: Preliminary Development Plan for Old Towne Parc – A change in zoning from NU Non-Urban Residence District to the R-3 10,000 square foot Residence District, with a Town Center Designation of Neighborhood Edge District.

Dear Mr. Whalen,

The Department of Planning has completed its second review of the Preliminary Development Plan and related materials that have been submitted for the above mentioned proposal. This review compared the compliance of this plan and related materials to the Zoning Ordinance, Town Center Plan requirements for residential developments of this type, and to the Department's initial review letter dated February 12, 2016. In this comparison, a few items were found that need to be addressed, before the public hearing proceeds to its tentatively scheduled date of June 6, 2016. These items can be summarized as follows:

1. Please consider changing the orientation of the dwelling on Lot 1 to show the driveway and garage fronting on Center Avenue or having the residence facing Manchester Road, with its access on Center Avenue. The Department of Public Works has expressed some reservations about the driveway accessing Manchester Road.
2. Please consider changing the design of the dwelling on Lot 2 to accommodate a detached garage located at the rear of the lot, similar to Lots 3 and 4.
3. Please indicate Center Avenue as a private street at this time.
4. Please note the City's consultant has determined all future improvements to Center Avenue will occur within its existing right-of-way and to the east, affecting the subject site. Please note additional right-of-way dedication may be required to accommodate improvements to Center Avenue.
5. Please add a note stating the following: "The deficiency in the amount of provided public space will be supplemented by the excess provided public space, as part of the Stone Mill Subdivision (Ordinance #2088), if authorized by City Council."
6. Please provide preliminary comments regarding this subdivision from the Metro West Fire Protection District and the Metropolitan St. Louis Sewer District (MSD).
7. Please change "R-3 Residential District" to "R-3 10,000 square foot Residence District" in both the title block and the Development Notes Section.
8. Please note the orientation of the dwelling on Lot 2 shown on Sheet L100 is not consistent with what is represented on the Preliminary Development Plan sheet. Please correct this inconsistency.

Once the revisions are completed, please resubmit fifteen (15) full sets of the revised Preliminary Development Plan to the Department of Planning for distribution to the Planning and Zoning Commission members, as part of the public hearing packet. These sets of plans should be provided to the Department by Thursday, June 2nd. Please be advised that additional comments may be identified between this letter's date and the June 6, 2016 hearing at the Planning and Zoning Commission. 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

Cc: The Honorable James R. Bowlin, Mayor
Council Members Joe Garritano and Larry Goodson, Ward 8
Ryan S. Thomas, P.E., City Administrator
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner

WILDWOOD

February 12, 2016

Whalen Custom Homes, Inc.
c/o Michael Whalen
338 South Kirkwood Road
Suite 103
Kirkwood, Missouri 63112

Re: Preliminary Development Plan for Old Towne Parc – A change in zoning from NU Non-Urban Residence District to the R-3 10,000 square foot Residence District, with a Town Center Designation of Neighborhood Edge District.

Dear Mr. Whalen,

The Department of Planning has completed its initial review of the Preliminary Development Plan that has been submitted for the 1.4 acre tract of land located at the southeast corner of Manchester Road and Center Avenue. This review compared the compliance of this plan and related application materials to the Zoning Ordinance and Town Center Plan requirements for residential developments of this type. In this comparison, a number of items were found that need to be addressed, before the Department can schedule the public hearing before the Planning and Zoning Commission for its review and action on this request. These items can be summarized as follows:

1. Please be advised the proposed rezoning of this property for four (4) lots to the R-3 10,000 square foot Residence District is within the range of zoning district designations identified as suitable within the "Neighborhood Edge" District designation of the Town Center Plan. However, lot widths and other design components of these lots must be addressed to meet the minimums or maximums of that designation and other items that are identified in the Neighborhood Design Standards for the same. These standards have been attached to this review letter for your review and use.
2. Please note the preferred design of housing in the "Neighborhood Edge" District designation is a rear entry garages served by a lane, not front entry garages accessing the fronting street directly. Although front-entry garages can be considered in the "Neighborhood Edge" District designation, this site, with its visibility along Manchester Road, does not lend itself well to this application and is problematic. This plan is not consistent to the intent of creating a New Urbanism development at this location.
3. Please identify on the Preliminary Development Plan the streetscape requirements that must be provided on Center Avenue. Additionally, please note the street specifications for this type of roadway must also be met. A dedication of right-of-way will be required to the City of Wildwood on Center Avenue.
4. Please indicate Center Avenue as a private street at this time.
5. Please provide preliminary comments regarding this subdivision from the Metro West Fire Protection District and the Metropolitan St. Louis Sewer District (MSD).
6. Please provide the parking calculations for this proposed use of the property for four (4) lots.

7. Please provide the density calculations for this site and please be advised the dedication of twenty (20) feet of land area for right-of-way purposes along Center Avenue must be used in the determination of net acreage.
8. Please provide the gross acreage of the site on the Preliminary Development Plan sheet. Additionally, please provide a legal description that corresponds to the Outboundary Survey that has already been submitted.
9. Please identify the required Public Space information on the Preliminary Development Plan sheet. The Department has attached a table to assist in this regard.
10. Please provide preliminary elevations of the proposed houses, so they can be forwarded to the City's Architectural Review Board for its comments.
11. Please provide a preliminary Landscape Plan for this project.
12. Please provide information regarding the proposed lighting of this project. At this stage of the zoning process, a note that all outdoor lighting will be provided in compliance with the City's Outdoor Lighting Requirements would suffice.
13. Please identify the tree preservation requirements for this site, i.e. existing tree canopy and remaining tree canopy.
14. Please add a note to the plan sheet indicating grading and drainage shall comply with the City of Wildwood and Metropolitan St. Louis Sewer District (MSD) standards.
15. Please see the attached sheet for additional comments in this regard.

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.

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

Sincerely,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning

Cc: The Honorable Timothy Woerther, Mayor
Ryan S. Thomas, P.E., City Administrator
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner

P.Z. Number(s): 1-16
(as assigned by department)

PETITION

before the

CITY OF WILDWOOD'S
PLANNING AND ZONING COMMISSION

FOR THE PURPOSE OF HEARING REQUESTS
FOR ONE OR A COMBINATION OF THE FOLLOWING:
(PLEASE CHECK THOSE ITEMS WHICH ARE APPLICABLE)

✓ Change in Zoning
____ Conditional Use Permit
____ Approval of a Planned District or other special procedure (C-8/M-3/PRD)

APPLICANT/OWNER INFORMATION

Applicant's Name: Whalen Custom Homes, Inc.
Mailing Address: 338 S. Kirkwood Road Suite 103
Kirkwood, MO 63122
Telephone Number, with Area Code: (314) 575-7645
Fax Number, with Area Code: (314) 821-1755
E-Mail Address: Mike@WhalenCustomHomes.com
Interest in Property (Owner or Owner Under Contract):
Owner Under Contract

✓ If owner under contract, please attach a copy of the contract.

Owner's Name (if different than applicant):
Keith & Judith Gegg
Address: 317 Clarkson Road Suite 201
Ellisville, MO 63011
Telephone Number, with Area Code: (636) 236-8881

SITE INFORMATION

Postal Address of the Petitioned Property(ies):

17020; 17026; 17030 Manchester Road
2612 Center Avenue, Wildwood MO

Locator Number(s) of the petitioned Property(ies):

24V510232 ; # 24V510221 ; # 24V510166
24V510089

Total Acreage of the Site to the Nearest Tenth of an Acre:

1.4 Acres

Current Zoning District Designation: NU

Proposed Zoning District Designation: R-3

Proposed Planned District or Special Procedure:

USE INFORMATION

Current Use of Petitioned Site: Vacant Land

Proposed Use of Site: Single Family Residential

Proposed Title of Project: Old Towne Parc

Proposed Development Schedule (include approximate date of start and completion of the project):

6/1/16 - 6/1/17

CONSULTANT INFORMATION

Engineer's/Architect's Name: Special Inspections, LLC

Address: 16624 Old Chesterfield Rd.
St. Louis, MO 63017

Telephone Number, with area code: (636) 751-3161

Fax Number, with area code: N/A

E-Mail Address: specialinspections.info

Soil Scientist/Forester's Name: TBD

Address:

Telephone Number, with area code:

Fax Number, with area code:

E-Mail Address:

ACKNOWLEDGEMENT INFORMATION

The petitioner(s) state(s) they (he) (she) will comply with all the requirements of the city of wildwood with regard to the procedures relating to its administration of land use and development controls within its boundaries, including the payment of all applicable fees.

The petitioner(s) further represent(s) and agree(s) that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Wildwood with respect to this application.

The petitioner(s) hereby certify(ies) that (indicate one):

(✓) I (we) have a legal interest in the hereinabove described property.

( ) I am (we are) the duly appointed agent of the petitioner(s) and that all information given and represented on this application is an accurate and true statement of fact. Any misrepresentation of information on this application or accompanying information shall constitute grounds for the City of Wildwood, Missouri to terminate review of this petition and return all materials, minus any fees, associated with its review up to and through that point.

SIGNATURE: _____

NAME (PRINTED): Michael Whalen

ADDRESS: 338 S. Kirkwood Road Suite 103
Kirkwood, MO 63122

TELEPHONE NUMBER: 314-575-7645

[PLEASE NOTE: THE ABOVE NAMED PERSON SHALL RECEIVE ALL OFFICIAL NOTICES REGARDING THIS REQUEST, INCLUDING THE PUBLIC HEARING NOTICE.]

SEAL: MARY E. WHALEN
Notary Public - Notary Seal
State of Missouri, St Louis County
Commission # 14797829
My Commission Expires Oct 17, 2018

SUBSCRIBED AND SWORN BEFORE ME THIS 11TH DAY OF JANUARY, 20 16.

SIGNED: Mary E. Whalen
(NOTARY PUBLIC)

NOTARY PUBLIC _____,
STATE OF MISSOURI.

MY COMMISSION EXPIRES OCT. 17, 2018.

FOR OFFICE USE ONLY

1ST SUBMITTAL DATE: _____
FEE: _____; RECEIVED BY: _____
PRELIMINARY DEVELOPMENT PLAN: YES NO
PACKET COMPLETE: YES NO

2ND SUBMITTAL DATE: _____
PACKET COMPLETE: YES NO

3RD SUBMITTAL DATE: _____
PACKET COMPLETE: YES NO

4TH SUBMITTAL DATE: _____
PACKET COMPLETE: YES NO

REAL ESTATE SALE CONTRACT

This Contract is made and entered into as of the Effective Date (as defined herein) by and between WHALEN CUSTOM HOMES, INC. a Missouri CORPORATION, ("Purchaser"), and Keith M. Gegg, and Judith H. Gegg, Trustees of The Keith M. Gegg and Judith H. Gegg Revocable Trust dated 12/10/2009 (for lot 17020 Manchester) and Keith M. Gegg and Judith H. Gegg for lots 17026, 17030 Manchester and 2612 Center Ave. (the, "Seller"). The following recitals form the basis of this Contract, and are a material part hereof:

A. Seller is the owner of that certain real estate described on Exhibit A attached, in the city of Wildwood, St. Louis County, Missouri 17030, 17026, 17020 Manchester Road and 2612 Center Avenue, (the "Property") (legal description in the Title Commitment to govern); and

B. Purchaser desires to purchase, and Seller desires to sell the Property in accordance with the terms of this Contract.

NOW THEREFORE, in consideration of the mutual covenants and premises contained herein, the parties agree as follows:

1. Sale and Purchase of Property. Seller agrees to sell and Purchaser agrees to purchase, subject to the terms and conditions contained in this Contract, the Property and any improvements thereon and appurtenances thereto. The Property shall be sold together with all of Seller's right, title, and interest in and to all public and private streets, roads, avenues, and passageways abutting the Property, and any strips of land adjoining the Property, and all of Seller's water rights, mineral rights, easements, privileges, and related appurtenances. Subject to Seller's reasonable approval of such a survey, the exact acreage of the Property will be determined pursuant to Purchaser's survey of the Property.

2. Purchase Price. The purchase price for the Property shall be $300,000 (the "Purchase Price"). The Purchase Price shall be payable in immediately available funds at each Closing.

3. Earnest Deposit. Purchaser agrees to deliver an earnest deposit in the amount of THREE THOUSAND AND 00/100 DOLLARS ($3,000) (the "Earnest Deposit") in the form of cash with the Seller. Except as otherwise provided herein, the Earnest Deposit shall be refundable if contract is terminated within Contingency Period and applied as a credit at Closing in favor of Purchaser.

4. Conveyance of Title. At Closing, Seller shall convey to Purchaser by recordable special warranty deed marketable and insurable fee simple title to the Property, free and clear of all liens and encumbrances, subject only to covenants, conditions, restrictions, and easements of record; general and special taxes and assessments for the current year which are a lien on the Property but are not yet due and payable; building, zoning and like laws; statutes, ordinances and regulations (the "Permitted Exceptions").

5. Purchaser's Due Diligence Contingencies. This Contract and the obligations of Purchaser hereunder are subject to the contingencies set forth in the following Subparagraphs of this Section hereof, each of which shall be fulfilled or waived by Purchaser within 120 days following the Effective Date (the "Due Diligence Period"). If at any time within the Due Diligence Period, the applicable contingency is not satisfied, or will not be satisfied as determined in Purchaser's sole discretion, Purchaser may notify Seller in writing no later than 5:00 p.m. on the last day of the Due Diligence Period that it desires to terminate this Contract. Upon such termination, this Contract shall be null and void and the Earnest Deposit shall be retained by Seller. Notwithstanding the foregoing, in the event of failure by Purchaser to notify Seller in writing within such time of the waiver or satisfaction of the contingency or the termination of this Contract pursuant to such contingency, such contingency shall be deemed not to have been met and this Contract shall automatically be terminated with Earnest Deposit to be returned to Purchaser.

6.

(a) Survey and Title Examination. Within the Due Diligence Period, Purchaser shall, at Purchaser's expense, order and receive from the Title Company an ALTA form title insurance commitment (the "Title Commitment") with respect to the Property, together with copies of all exceptions to the Title Commitment and, at Purchaser's expense, a current ALTA form survey of the Property prepared by a licensed surveyor and certified to Purchaser and to the Title Company, showing all title exceptions, boundaries, improvements, easements, encroachments, building set-back lines, wetlands and floodway and flood plain boundaries as to the Property and in sufficient form to delete the survey exception on the title insurance policy, and neither the documents supplied by Seller, the Title Commitment nor the survey shall include any exceptions (including exceptions for mechanics liens) to title or other matters which are unacceptable to Purchaser.

(b) Zoning and other Governmental Approvals. Within the Due Diligence Period, Purchaser shall receive confirmation that (i) the zoning and permitted uses of the Property, and any general or special assessments applicable to the Property, are acceptable for such uses of the Property as are contemplated by Purchaser and (ii) all zoning and other governmental approvals necessary for Purchaser's intended development, including, without limitation, site plan and utility approvals, permits for water and sewer connections, and all other governmental permits and approvals which, in the Purchaser's reasonable judgment, are a prerequisite to the Purchaser's intended use of the Property, are received from all applicable regulatory agencies and utilities in form and content acceptable to Purchaser. Purchaser is responsible for obtaining the confirmation of zoning and permitted use as described in this Section.

(c) Plans, Specifications and Engineering. Within the Due Diligence Period, Purchaser may conduct, at Purchaser's expense, inspections, tests, studies, and analyses, including, without limitation, soil, percolation and flood plain tests, tests of capacity of utilities, environmental audits, engineering studies and feasibility studies, the results of which shall not disclose or indicate any soil, topographical, demographical or other conditions which would render the Property unacceptable, in Purchaser's sole but good faith discretion, for Purchaser's intended development and use of the Property.

(d) Due Diligence Contingency Extension. Purchaser shall have the right to extend the Due Diligence Period in this Section 5 hereof for two (2) additional 30 day periods by providing Seller with FOUR THOUSAND DOLLARS ($4,000) prior to the expiration of the then current Due Diligence Period. The payment(s) made pursuant to this Section 5(e) will be non-refundable, but will be applied against the Purchase Price if Purchaser closes the purchase of the Property.

(e) Due Diligence Documents. In the event Purchaser elects to terminate this contract, Purchaser shall provide copies of, and freely assign any and all due diligence documents procured by Purchaser in connection with the Property to Seller.

7. Additional Purchaser Contingencies. Purchaser's obligation to close the transaction contemplated by this Contract shall, in addition to the contingencies listed in Section 5 hereof, be contingent upon (i) all of Seller's representations and warranties hereunder being true and correct as of the date of Closing, and (ii) Seller having tendered to Purchaser all of the items required to be delivered by Seller to Purchaser at the Closing.

8. Seller Contingencies. Seller's obligation to close the transaction contemplated by this Contract shall be contingent upon (i) all of Purchaser's representations and warranties hereunder being true and correct as of the date of Closing, and (ii) Purchaser having tendered to Seller all of the items required to be delivered by Purchaser to Seller at the Closing.

9. Inspection. During the Due Diligence Period, the Purchaser, its agents, employees, contractors and engineers shall have the right from time-to-time to enter upon the Property at their risk for the purpose of inspecting same and conducting surveys, engineering studies, borings, soil tests, investigations, feasibility studies and the like. To the extent that it is practical to do so, all such entries shall be made in such a manner as to minimize interference with Seller's present use of the Property. Within a reasonable time after such entries Purchaser shall, to the extent

practicable, restore the Property to its prior condition. The Purchaser agrees to indemnify and save the Seller harmless from and against any loss and all damages, liabilities, claims, causes of action, penalties, demands and expenses of any kind or nature arising out of, resulting from , or incident to such entries and activities.

10. Sellers Representations and Warranties. Seller hereby makes the following representations and warranties to Purchaser, which representations shall be true as of the Closing:

(a) Seller is now and will at the date of the Closing be the lawful owner of and have good and marketable title to all of the Property being sold, transferred or assigned by Seller to Purchaser at Closing;

(b) All of the Property will be at the time of the Closing, free and clear of any and all liens, security interests, restrictions, limitations, charges and encumbrances, except those listed as exceptions in the Title Commitment and approved by Purchaser.

(c) Seller has and will have at Closing good right, title and authority to sell, transfer and convey the Property pursuant to the terms of this Contract; and Seller will warrant and defend the same against the claims and demands of all persons whomsoever;

(d) If Seller is an entity, Seller is duly formed and validly existing. The execution and delivery of this Contract has been duly authorized to the extent required by Seller's organizational documents and no further action on the part of Seller is necessary in order to permit Seller to enter into this Contract;

(e) This Contract constitutes the valid and binding obligation of Seller enforceable in accordance with its terms;

(f) Seller has full right, power and authority and is duly authorized to enter into this Contract, to perform each and every one of the covenants on its part to be performed hereunder and to execute and deliver and to perform its obligations under all documents required to be executed and delivered by Seller pursuant to this Contract;

(g) The execution of this Contract by Seller and Seller's observance and performance of all its covenants and obligations hereunder does not contravene any judgment, order or provision of the law of which Seller is aware, or any agreement binding upon the Seller;

(h) There is no litigation or proceeding pending or, to Seller's knowledge, threatened against the Property or Seller;

(i) Seller has not received any written notice of any violation or any ordinance, regulation, law, statute, building code, zoning ordinance or environmental laws pertaining to the Property, or any portion thereof;

(j) Seller has received no written notice that there has been any unlawful contamination (including any disposal, discharge, deposit, injection, dumping, leaking, spilling, placing or escape) of any hazardous substance, pollutant or contaminant (as those items are defined under 42 U.S.C. Section 9601) on, in under or from the Property, and to the best of Seller's knowledge, there is no facility in or on the Property which is used for the treatment, storage or disposal of hazardous wastes (as those terms are described in The Resource Conversation and Recovery Act, 42 U.S.C., Sections 6901-6987, and the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C., Section 11,000 et seq.); To the best of Seller's knowledge, there is currently no action, suit or proceeding pending, nor has Seller received notice of any threatened action, suit or proceeding, which would result in a condemnation of the Property or any portion thereof or which would affect the access to the Property or the utilities presently serving the Property;

(k) No written or otherwise enforceable commitments have been made by Seller to any governmental authority which would impose any obligation on Purchaser or its successors or assigns to make any contribution or dedication of money or land to construct or maintain any roads, levees or other improvements of a public or private nature on or off the Property, except for payments to MSD as previously disclosed by Seller;

(l) Seller shall have made no changes in the current zoning of the Property except as may be requested by Purchaser;

(m) There are no mechanics, materialmans or similar claims or liens presently claimed or which will be claimed against the Property for work performed or commenced prior to Closing at the request of Seller or of which Seller has knowledge; and

(n) Except as otherwise set forth in this Contract, the covenants, representations and warranties set forth herein are made as of the date of execution of this Contract, but Seller agrees that by the act of Closing the sale and purchase hereunder, the said covenants, representations and warranties shall be deemed confirmed as of the date of Closing.

11. Purchaser's Representations and Warranties.

(a) Purchaser is a MISSOURI CORPORATION company duly formed, validly existing and authorized to do business in the State of Missouri. The person executing this Contract on behalf of the Purchaser personally guarantees the execution and delivery of this Contract has been duly authorized to the extent required by Purchaser's organizational documents and no further action on the part of Purchaser is necessary in order to permit Purchaser to enter into this Contract;

(b) This Contract constitutes the valid and binding obligation of Purchaser enforceable in accordance with its terms;

(c) Purchaser has full right, power and authority and is duly authorized to enter into this Contract, to perform each and every one of the covenants on its part to be performed hereunder and to execute and deliver and to perform its obligations under all documents required to be executed and delivered by Purchaser pursuant to this Contract;

(d) The execution of this Contract by Purchaser and Purchaser's observance and performance of all its covenants and obligations hereunder does not contravene any judgment, order or provision of the law of which Purchaser is aware, or any agreement binding upon the Purchaser; and

(e) Purchaser shall provide Seller with a Certificate of Good Standing from the Missouri Secretary of State.

12. Adjustments to Purchase Price. The Purchase Price to be paid at Closing shall be adjusted at the time of Closing to account for pro-ration of real estate taxes, other assessments for the calendar year (all related only to the portion of the Property to be purchased at the specific Closing) in which Closing occurs, special taxes, and assessments on the Property levied prior to Closing.

13. Closing. The Closing shall take place at the office of the Title Company or at such other place as shall be mutually agreed to by Seller and Purchaser WITHIN THIRTY (30) DAYS OF CONTINGENCY WAIVER. Title to and possession of the Property shall pass to Purchaser upon completion of Closing.

14. Closing Documents. At Closing, Purchaser and Seller will execute and deliver such documents and/or instruments as may be reasonably required in order to convey the Property to the Purchaser and to satisfy the

obligations of the parties hereunder, all in form and substance acceptable to Purchaser and to Seller.

15. Condemnation. If, prior to Closing, all of the Property shall be condemned by governmental or other lawful authority, this Contract shall terminate. If, prior to Closing, less than all of the Property shall be condemned by governmental or other lawful authority, Purchaser shall have the option of (i) completing the purchase for the Purchase Price set forth in Section 2, in which event all condemnation proceeds or claims therefore shall be assigned to Purchaser, or (ii) terminating this Contract.

16. Default.

(a) If Purchaser fails or refuses to comply fully with the terms of this Contract or breaches any of its representations and warranties hereunder for any reason, and Purchaser fails to cure any such default within 10 days of receiving written notice of default from Seller, Seller may, as its sole and exclusive remedy, terminate this Contract and retain the Earnest Deposit and any other money paid hereunder as liquidated and stipulated damages.

(b) If Seller fails or refuses to comply fully with the terms of this Contract for any reason, or breaches any of its representations and warranties hereunder, and Seller fails to cure such default within 10 days of receiving written notice of default from Purchaser, Purchaser may, at its option, either: (i) terminate this Contract whereupon the Earnest Deposit will be immediately refunded to Purchaser; or (ii) pursue a suit for specific performance.

17. Real Estate Brokers. Purchaser is not represented by any real estate broker. Any commission due to any licensed real estate broker will be the sole responsibility of Seller.

18. Notices. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be sent by prepaid reputable courier delivery service or mailed by registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

If to Purchaser: WHALEN CUSTOM HOMES, INC
338 S. Kirkwood Road
Kirkwood MO, 63122
Telephone: 314-575-7645
Facsimile: 314-821-1755
E-mail: mike@whalencustomhomes.com

If to Seller: Keith and Judith Gegg
2473 Hickory Manor Dr.
Wildwood, MO 63011
Telephone: 636-236-8881
Facsimile: 636-394-4456
E-mail: keith@geggdesign.com

With copy to:

Either party may designate a different address for itself by notice similarly given. Any notice given by registered or certified mail shall be deemed to have been given when deposited in the mail, and any notice not so given shall be deemed to have been given upon receipt of the same by the party to whom the same is to be given.

19. Miscellaneous.

(a) The Effective Date of this Agreement ("Effective Date") shall be the date this Contract is last signed by the Purchaser or by any of the Sellers.

(b) This Contract shall be governed by the laws of the State of Missouri without regard to its conflict of laws provisions.

(c) This Contract (which includes any exhibit or addendum attached hereto, the provision of any said exhibit or addendum being hereby incorporated in this Contract) contains the entire Contract between Seller and Purchaser and there are no other terms, conditions, promises, undertakings, statements, or representations, express or implied, concerning the sale and purchase contemplated by this Contract. Neither party shall be bound by any representation, promise, undertaking, or statement unless set forth in this Contract.

(d) The headings to the paragraphs of this Contract have been inserted for convenience of reference only and shall in no way modify or restrict any provisions hereof or be used to construe any of such provisions.

(e) Purchaser and Seller agree to execute at Closing all forms and reports required for tax reporting purposes, including federal and state income tax reporting and any declaration of value required by St. Louis County, assessor's office. Purchaser and Seller further agree to deliver all other documents, instrument, or affidavits which are customary in a real estate closing in St. Louis County, or which reasonably may be required by the Title Company to effect the Closing hereunder and the issuance of the title policy pursuant to the Title Commitment.

(f) The terms of this Contract may not be amended, waived or terminated orally, but only by an instrument in writing signed by both Seller and Purchaser; provided, however, that either party shall have the right to waive any condition or contingency in this Contract which is for the benefit of the party granting such waiver, so long as such waiver is done so in writing.

(g) This Contract shall inure to the benefit of and be binding upon Seller and Purchaser and their respective heirs, personal representatives, successor and assigns. Seller may not assign its interest in this Contract without the consent of Purchaser. Likewise, Purchaser may not assign its interest in this Contract without the consent of Seller. In order for either Party to assign its interest in this Contract, the same must provide the other Party with written notice of its intent to make such assignment. The other Party shall have 10 days from receipt of such written notice to either consent to the assignment or terminate this Contract. In the event that an assignment is made pursuant to this Section, the assignor shall be relieved of any responsibility, liabilities, or obligations pursuant to this Contract to the extent assumed by the assignee. This Contract may not be assigned within 10 days prior to Closing. Time is of the essence of this Contract.

(h) If the date for performance of any act pursuant to this Contract falls on a Saturday, Sunday, or legal holiday in the State of Missouri, then the date for performance of such act shall be the next following business day.

(i) Whenever it is provided in this Contract that days shall be counted, the first date to be counted shall be the day following the date on which the event causing the period to commence occurs.

(j) In an event of a dispute between the parties with respect to this Contract, then the non-prevailing party shall reimburse the prevailing party for its reasonable attorney's fees and costs.

(k) It shall be a condition precedent to Purchaser's obligations hereunder that there be no material change in the Property, physically or otherwise, in the time between the final execution of the Contract and the date of Closing.

(l) Seller and Purchaser covenant and agree that until this Contract is closed, all terms, conditions and provisions thereof shall remain confidential and shall not be disclosed by either party to any persons

other than those necessary to complete the transaction contemplated herein.

(m) All of Property shall be held at the risk of Seller, and all portions of the Property shall remain the risk of Seller until such portion is purchased at Closing.

(n) This Contract may be executed in one or more counterparts, each of which will be deemed to be an original and all of which, when taken together, will be deemed to constitute one and the same contract. Facsimile transmission of this signed Contract shall be regarded and accepted as original signatures.

(p) Seller agrees, within five (5) business days of acceptance, to provide Purchaser with any title work in Seller's possession as of the Effective Date of this Contract, along with copies of all restrictions, appraisals, survey, topographical survey, construction plans, plats, engineering, soils test, and any other documents, agreements pertaining to the property to the extent Seller has these in his possession.

20. Acceptance of Purchaser's Offer. Seller shall have 2 business days from the date of its receipt of this Agreement during which to accept Purchaser's offer. Upon Seller's acceptance of Purchaser's offer, Seller shall deliver a fully executed copy of this Agreement to Purchaser. Unless so accepted by Seller, this Agreement shall be considered rejected and said copies as executed by Purchaser shall be promptly returned to Purchaser.

21. Signage. Purchaser shall have the right to erect signage on the Property during the term of this contract.

IN WITNESS WHEREOF the parties have executed this Contract as of the date written below their signatures on this Contract.

PURCHASER:

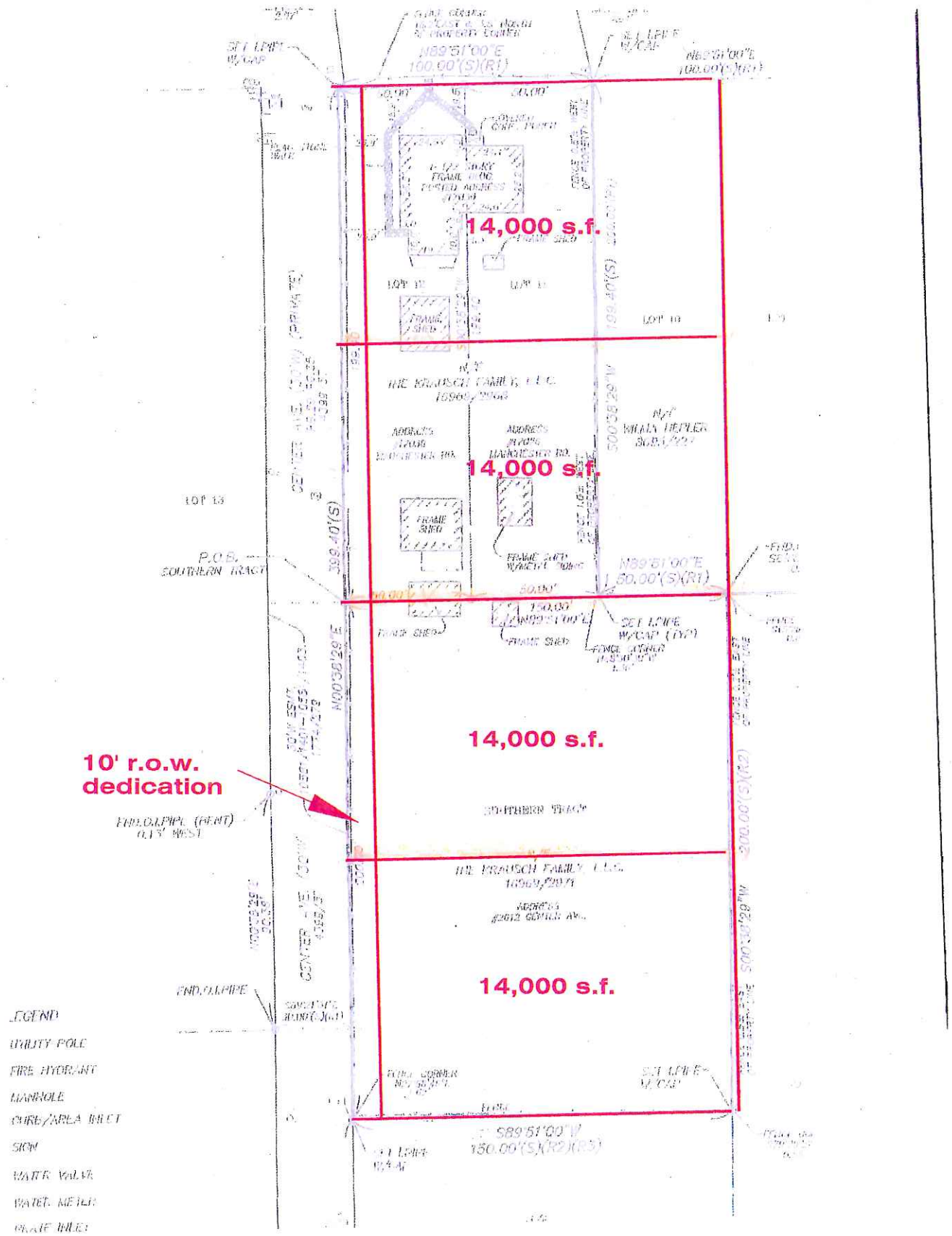
By: _____ Date: 11-18-15
Michael D. Whalen, President

SELLER: Keith M. Geer Date: 11-12-15

Judith H. Geer Date: 11.12.2015.

EXHIBIT A
Description of the Property

Exhibit A



14,000 s.f.
14,000 s.f.
14,000 s.f.
14,000 s.f.
10' r.o.w. dedication
N89°51'00"E 100.00'(S)(R1)
N89°51'00"E 150.00'(S)(R1)
S89°51'00"W 150.00'(S)(R2)(R3)
N00°38'29"E
S00°38'29"W
399.40'(S)
200.00'(S)(R2)
P.O.B. SOUTHERN TRACT
SOUTHERN TRACT
THE KRAUSCH FAMILY, L.L.C.
LEGEND
UTILITY POLE
FIRE HYDRANT
MANHOLE
CURB/AREA INLET
SIGN
WATER VALVE
WATER METER
GRATE INLET

Old Towne Parc

A TRACT OF LAND BEING PART OF SECTION 12, TOWNSHIP 44 NORTH, RANGE 3 EAST,
CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI

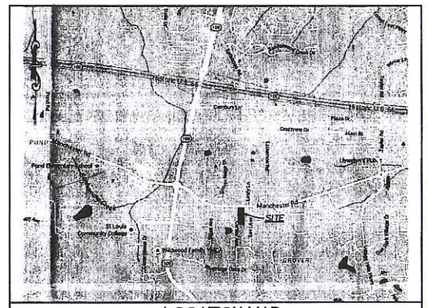
PRELIMINARY DEVELOPMENT PLAN

R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT

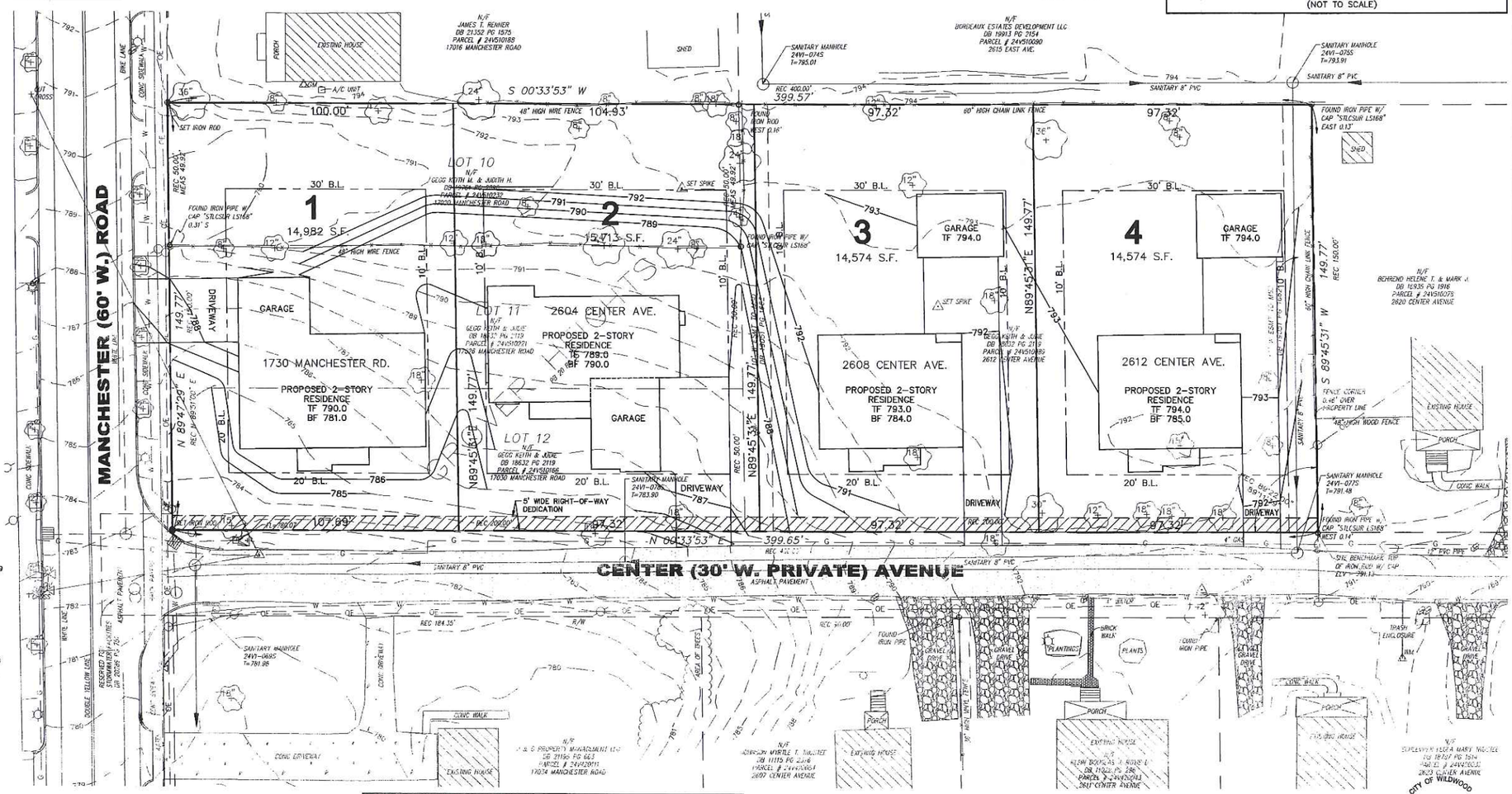
SCALE: 1" = 20'

SYMBOL LEGEND

SANITARY/STORM GRATE MANHOLE		UNDERGROUND STEAM LINE
SANITARY / STORM MANHOLE		SANITARY / STORM LINE
CURB INLET	OE	OVERHEAD ELECTRIC
GRATE	UE	UNDERGROUND ELECTRIC
TRASH CAN	UT	UNDERGROUND TELEPHONE
POWER POLE	W	WATER LINE
SIGN	G	GAS LINE
SET COTTON SPINDLE	EM ELECTRIC METER	ELECTRIC MANHOLE
LIGHT / LIGHT ON BUILDING	PM PHONE MANHOLE	ST STREET LIGHTING PULL BOX
WM WATER METER	GV GAS VALVE	GM GAS METER
WV WATER VALVE / FIRE HYDRANT	CABLE BOX	RD ROOF DRAIN
WATER MANHOLE	12" TREE	CONCRETE STOPBAR
SPK SPRINKLER CONTROL VALVE		TRAFFIC SIGNAL POST
CO CLEAN OUT	BUSH	BOLLARD



LOCATION MAP
(NOT TO SCALE)



DEVELOPMENT NOTES

LOCATOR NUMBER: 24V510166

1. SITE ADDRESS: 17030 MANCHESTER ROAD
   OWNER: WHALEN CUSTOM HOMES, 338 S. KIRKWOOD RD., KIRKWOOD, MO 63122
2. EXISTING ZONING: NU – NON-URBAN RESIDENCE DISTRICT
3. PROPOSED ZONING: R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT
4. PROPOSED USE: SINGLE FAMILY RESIDENTIAL
5. GROSS AREA OF SITE: 1.37 ACRES
   LESS RIGHT-OF-WAY: <0.05> ACRES
   NET AREA: 1.32 ACRES
6. DENSITY = 4 LOTS/1.32 ACRES = 3.03 LOTS/ACRE
   1.32 ACRES x 3.5 UNITS/ACRE = 4.62 UNITS, 4 LOTS PERMITTED
7. NUMBER OF LOTS PROPOSED: 4
8. LOT SIZE: 10,000 S.F. MINIMUM
10. AVERAGE LOT SIZE: 14,948 S.F.

GENERAL NOTES:

1. THIS SITE IS IN THE FOLLOWING DISTRICTS AND UTILITY SERVICE AREAS:
   WARD EIGHT
   METRO WEST FIRE PROTECTION DISTRICT
   ST. LOUIS COUNTY POLICE DEPARTMENT – WILDWOOD PRECINCT
   ROCKWOOD R-6 SCHOOL DISTRICT
   METROPOLITAN ST. LOUIS SEWER DISTRICT
   AMEREN MISSOURI
   AT&T
   LACLEDE GAS COMPANY
   MISSOURI AMERICAN WATER COMPANY
   CHARTER CABLE SERVICES
2. SANITARY SEWER CONSTRUCTION AND CONNECTIONS SHALL BE AS APPROVED BY THE METROPOLITAN ST. LOUIS SEWER DISTRICT AND IN ACCORDANCE WITH THE STANDARD CONSTRUCTION SPECIFICATIONS FOR SEWERS AND DRAINAGE FACILITIES.
3. ALL GRADING AND DRAINAGE SHALL BE PER CITY OF WILDWOOD AND METROPOLITAN ST. LOUIS SEWER DISTRICT STANDARDS.
4. NO SLOPES SHALL EXCEED 3 (HORIZONTAL) TO 1 (VERTICAL), UNLESS JUSTIFIED BY GEOTECHNICAL REPORT WHICH HAS BEEN ACCEPTED/APPROVED BY THE CITY OF WILDWOOD.
   NO SLOPES WITHIN CITY OF WILDWOOD RIGHT-OF-WAY SHALL EXCEED 3 (HORIZONTAL) TO 1 (VERTICAL).
5. ALL UTILITIES WILL BE LOCATED UNDERGROUND WITHIN THIS SITE.
6. MAXIMUM HEIGHT OF STREET LIGHTING FIXTURES SHALL BE 16 FEET AND SHALL BE IN COMPLIANCE WITH THE CITY OF WILDWOOD CODE REQUIREMENTS.
7. BUILDING HEIGHT SHALL NOT EXCEED 2 STORIES OR 24 FEET.
8. THE NEAREST MAJOR INTERSECTION IS MANCHESTER ROAD AND STATE ROUTE 109 APPROXIMATELY 0.5 MILES TO THE NORTHWEST.
9. PARKING REQUIREMENTS:
   2/UNIT: 8 SPACES
   PROVIDED: 8 SPACES
10. ALL OUTDOOR LIGHTING WILL BE IN COMPLIANCE WITH THE CITY OF WILDWOOD LIGHTING REQUIREMENTS.
11. ENTRANCES SHALL BE CONSTRUCTED TO CITY OF WILDWOOD STANDARDS.
12. ALL FUTURE IMPROVEMENTS TO CENTER AVENUE WILL OCCUR WITHIN ITS EXISTING RIGHT-OF-WAY AND TO THE EAST, AFFECTING THE SUBJECT SITE. ADDITIONAL RIGHT-OF-WAY DEDICATION MAY BE REQUIRED TO ACCOMMODATE IMPROVEMENTS TO CENTER AVENUE.
13. THE DEFICIENCY IN THE AMOUNT OF PROVIDED PUBLIC SPACE WILL BE SUPPLEMENTED BY THE EXCESS PROVIDED PUBLIC SPACE, AS PART OF THE STONE MILL SUBDIVISION (ORDINANCE #2088), IF AUTHORIZED BY CITY COUNCIL.

TREE PRESERVATION CALCULATIONS:

EXISTING TREE CANOPY: 0.57 AC.
TREE CANOPY REMOVED: 0.13 AC.
REMAINING TREE CANOPY: 0.44 AC. (79%)

BASIS OF BEARING:

BEARINGS ARE IN RELATION TO WESTRIDGE OAKS PLAT ONE, AS RECORDED IN PLAT BOOK 338, PAGE 53, ST LOUIS COUNTY RECORDS.

BENCHMARK:

ST. LOUIS COUNTY BM 16-109: 794.70 (NGVD'29) "L" ON THE WEST SIDE OF A CONCRETE PORCH OF BUILDING AT # 16957 MANCHESTER ROAD; 21' EAST OF THE CENTERLINE OF EATHERTON ROAD AND 39' NORTH OF THE CENTERLINE OF MANCHESTER ROAD.

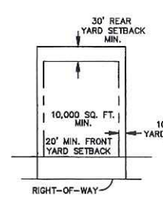
SITE BENCHMARKS:

795.68 (NGVD'29) CROSS AT THE INTERSECTION OF THE CENTERLINE OF BORDEAUX WALK WAY AND THE EAST LINE OF CENTER AVENUE. SAID POINT BEING 216.08 FEET SOUTH AND 29.86 FEET EAST OF THE NORTHEAST CORNER OF SUBJECT TRACT.

ELEV: 781.13 (NGVD'29) TOP OF IRON ROD WITH CAP LOCATED AT THE SOUTHWEST CORNER OF THE PROPERTY 2612 CENTER AVENUE. LOCATION IS SHOWN ON DRAWING.

FLOOD NOTE:

ACCORDING TO THE FLOOD INSURANCE RATE MAP ADOPTED BY FEMA (PANEL NUMBER 29189C0260K, EFFECTIVE FEBRUARY 4, 2015)



TYPICAL LOT

Standard for Public Space Calculation:	Four (4) acres for every one hundred (100) Single Family Dwelling Units (1,742.4 square feet per new singel family dwelling)
Amount of Required Public Space	6,969.6 s.f.
Amount of Provided Public Space	1,998 s.f.
Multiple Use Trail	
Underground Detention Area	
Public Land Dedication	1,998 s.f.*
Privately-Held Common Ground	
List Installed Improvements	
Picnic Tables	
Benches	
Trash Receptacles	
Bicycle Racks	
Other:	
Other Public Space Items(if provided)	

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY TO MICHAEL WHALEN OF WHALEN CUSTOM HOMES, THAT AT HIS REQUEST, SUBURBAN LAND SURVEY, INC. HAS PREPARED A BOUNDARY AND TOPOGRAPHIC SURVEY DATED DECEMBER 4, 2015, OF LOT 10, LOT 11, AND LOT 12 OF "GROVER HEIGHTS" A SUBDIVISION RECORDED IN PLAT BOOK 20, PAGE 35 OF ST. LOUIS COUNTY RECORDS, ALSO THE PROPERTY OF KEITH AND JUDIE GEGG, CONVEYED IN DEED BOOK 18632, PAGE 2119, ST. LOUIS COUNTY RECORDS, SAID LAND BEING IN SECTION 12, TOWNSHIP 44 NORTH, RANGE 3 EAST, ST. LOUIS COUNTY, MISSOURI; THAT THIS PLAT IS BASED UPON A BOUNDARY SURVEY COMPLETED ON THE GROUND; THAT THE RESULTS OF SAID SURVEY ARE SHOWN HEREON; AND THAT THE SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR URBAN CLASS BOUNDARY SURVEYS, AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY.

STATE OF MISSOURI
DAVID L. ROBBINS
NUMBER LS-2210
REGISTERED LAND SURVEYOR

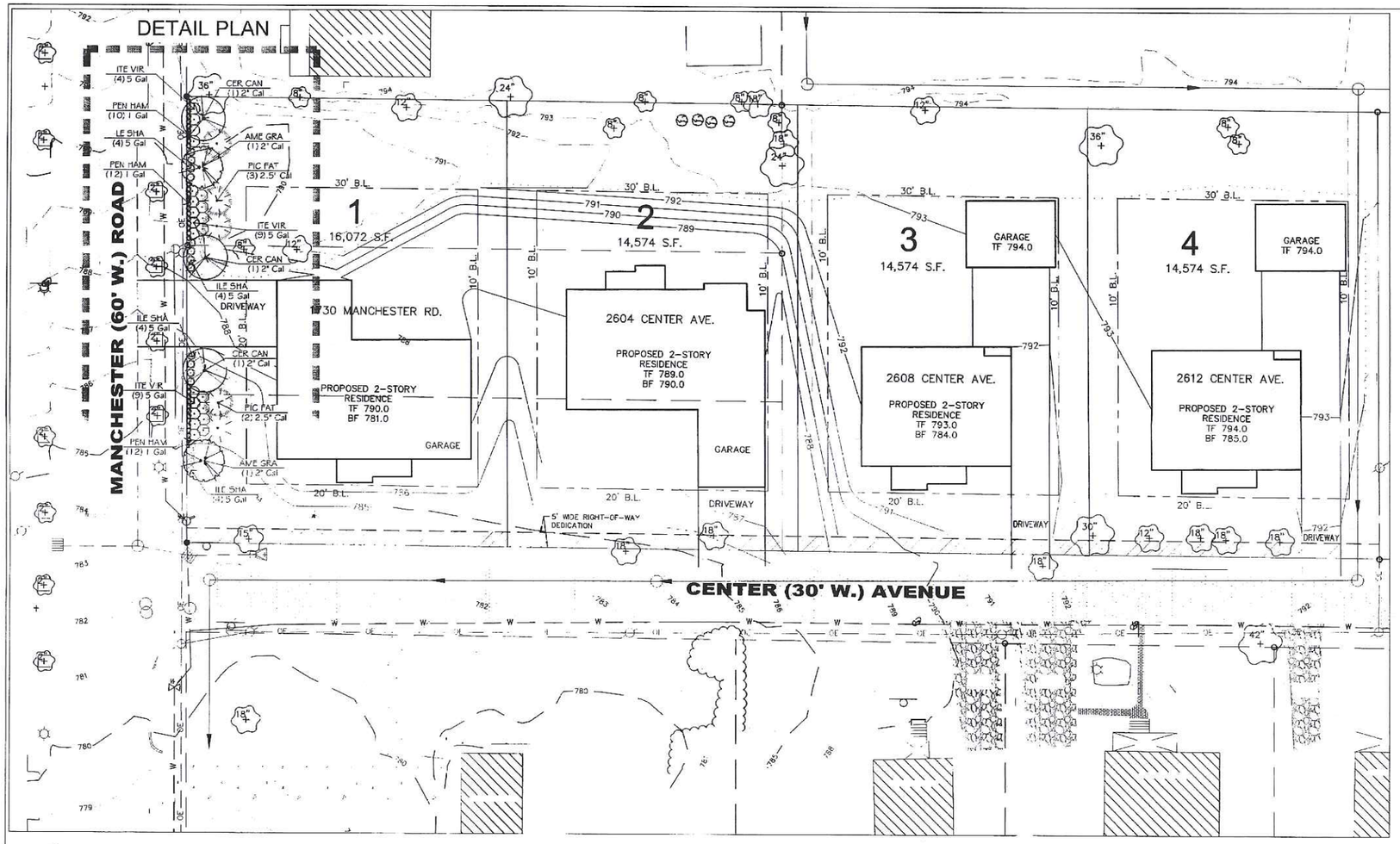
DAVID L. ROBBINS, R.L.S. 2210 — 5/23/2016 DATE

Special Inspections, LLC
16624 Old Chesterfield Rd.
St. Louis, MO. 63017
(636)751-8161
Specialinspections.info

OWNER/DEVELOPER:
Whalen Custom Homes
338 S. Kirkwood Rd.
Kirkwood, MO 63122
314-575-7645

PROJECT TITLE AND LOCATION:
Old Towne Parc
2612 Center Avenue
Wildwood, MO 63040

JOB NUMBER: 15-002
DATE: 3/23/2016
DRAWN BY: TBM
CHECKED BY: MTM
SHEET TITLE: PRELIMINARY DEVELOPMENT PLAN
SHEET NUMBER: 1 of 1

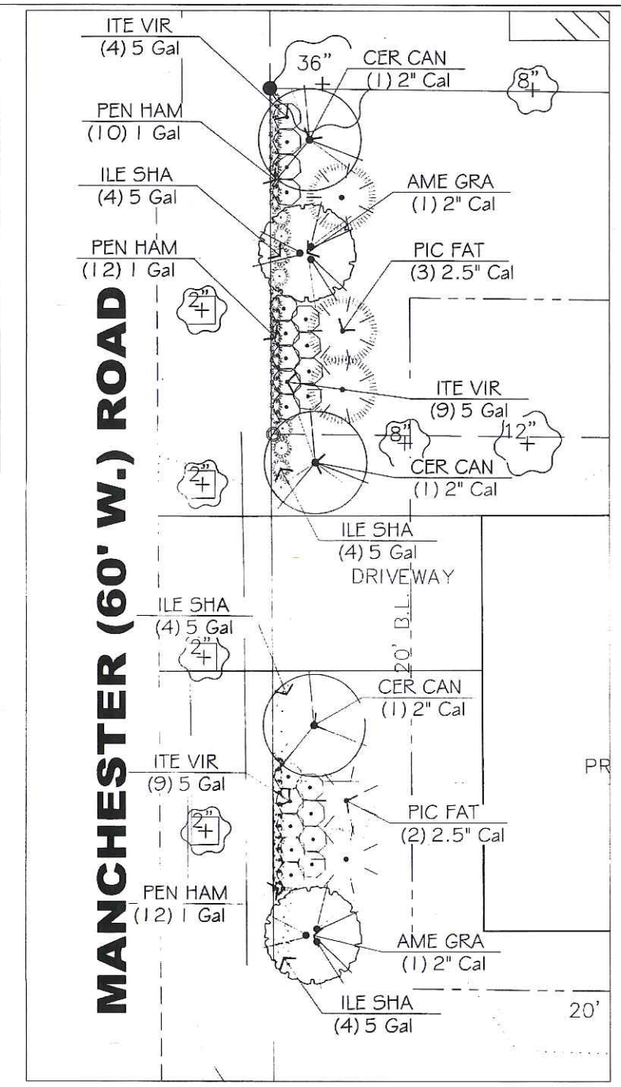


NORTH

0 20 40 60 feet

SCALE: 1" = 20'

LANDSCAPE PLAN



NORTH

0 10 20 30 feet

SCALE: 1" = 10'

BUFFER DETAIL PLAN

GENERAL NOTES:

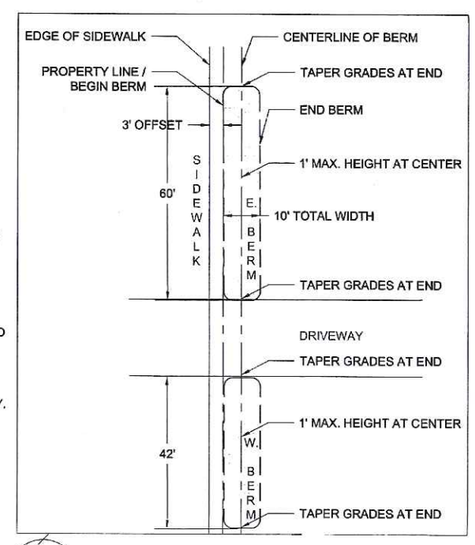
1. INDIVIDUAL HOMEOWNERS MUST BE NOTIFIED AT LEAST ONE WEEK PRIOR TO INSTALLATION OF PLANTS ON LOTS THAT HAVE AN OCCUPIED DWELLING;
2. UNLESS OTHERWISE STIPULATED BY SPECIFIC REQUIREMENTS OF THE CITY OF WILDWOOD TREE MANUAL, THE LANDSCAPING SHOWN ON THIS PLAN MUST BE PLANTED IN ACCORDANCE WITH THE LATEST EDITION OF THE TREE AND SHRUB TRANSPLANTING MANUAL PUBLISHED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE (PO BOX GG, SAVOY, IL 61874-9902;
3. ALL TREES ARE TO BE LOCATED A MINIMUM DISTANCE OF 5' FROM ALL UTILITY BOXES, 5' FROM A STORM INLET OR MANHOLE, 10' FROM A FIRE HYDRANT, 15' FROM PUBLIC STREET LIGHTS, 5' FROM DRIVEWAY APRONS, 20' FROM ANY TRAFFIC CONTROL SIGN, AND AT LEAST 30' FROM ANY INTERSECTION;
4. PLANT TYPE SUBSTITUTIONS ARE PERMITTED WITH VERBAL OR WRITTEN APPROVAL FROM THE CITY OF WILDWOOD PLANNING DEPARTMENT;
5. 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;
6. ALL PLANTS MUST MEET STANDSARDS OF THE LATEST EDITION OF THE AMERICAN STANDARDS FOR NURSERY STOCK SPONSORED BY THE ASSOCIATION OF AMERICAN NURSERYMEN;
7. NO PLANT SHALL BE LOCATED IN AREAS OF OBVIOUS POOR DRAINAGE. IF SUCH CONDITIONS EXIST, CONTACT THE LANDSCAPE ARCHITECT IMMEDIATELY TO RELOCATE AFFECTED PLANT MATERIAL;
8. 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.
9. LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR SURVEYED

SPECIFICATIONS:

1. PLANTING SOIL SHALL BE A PREPARED SOIL BY A REPUTABLE LOCAL NURSERY OR SIMILAR SOURCE.
2. PLANTING SOIL SHALL BE FREE OF STONES, STUMPS, ROOTS OR OTHERWOODY MATERIAL OVER 1 INCH IN DIAMETER. FOR BEST RESULTS BRUSHOR SEEDS FROM NOXIOUS WEEDS, SUCH AS JOHNSON GRASS,MUGWORT, NUTSEDGE AND CANADIAN THISTLE SHOULD NOT BEPRESENT IN THE SOILS.
3. pH RANGE: 5.0 - 7.0
4. ORGANIC MATTER: UP TO 10%

LANDSCAPE BERM NOTES:

1. PROPOSED LANDSCAPE BUFFER ALONG MANCHESTER ROAD IS TO BE PLANTED ON A LOW CONSTRUCTED BERM.
2. BERM IS TO BE A MAXIMUM OF 1 FOOT TALL AT CENTERLINE.
3. BERM SHALL BE 10 FEET WIDE STARTING FROM PROPERTY LINE, AND BE OFFSET FROM EXISTING SIDEWALK BY AT LEAST 3 FEET.
4. TAPER BERM GRADES DOWN TO DRIVEWAY GRADE ACCORDINGLY.



NORTH

BERM DIAGRAM

PLANT SCHEDULE OLD TOWNE PARC

TREES	CODE	BOTANICAL NAME / COMMON NAME	CAL	CONT	HGT		QTY
	AME GRA	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / 'AUTUMN BRILLIANCE' SERVICEBERRY	2" CAL	B+B			2
	CER CAN	CERCIS CANADENSIS / EASTERN REDBUD	2" CAL	B+B			3
	PIC FAT	PICEA PUNGENS GLAUCA 'FAT ALBERT' / 'FAT ALBERT COLORADO BLUE SPRUCE	2.5" CAL	B+B	6 FT.		5
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT			SPACING	QTY
	ILE SHA	ILEX GLABRA 'SHAMROCK' / INKBERRY	5 GAL			36" o.c.	16
	ITE VIR	ITEA VIRGINICA 'HENRY'S GARNET' / HENRY'S GARNET SWEETSPIRE	5 GAL			48" o.c.	22
GRASSES	CODE	BOTANICAL NAME / COMMON NAME	CONT			SPACING	QTY
	PEN HAM	PENNISETUM ALOPECUROIDES 'HAMELN' / HAMELN DWARF FOUNTAIN GRASS	1 GAL			24" o.c.	34

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DG2 Design
Landscape Architecture
4335 MO 109, Suite 102
EUREKA, MO 63025
TEL: 636.549.9007
www.dg2design.com
DG2 DESIGN MISSOURI STATE CERTIFICATE OF AUTHORITY #LC1123925

CONSULTANT

OLD TOWNE PARC
WHALEN CUSTOM HOMES
WILDWOOD, MISSOURI 63040

NO.	ISSUED FOR	DATE
REV	REV WAS	REV DATE
	CLIENT REVIEW	08.06.18
	UPDATED BASE FILE	10.26.18

STAMP

STATE OF MISSOURI
KRISTY DEGUIRE
NUMBER LA-2010001189
LANDSCAPE ARCHITECT

Kristy DeGuire
Landscape Architect
LA-2010001189

DRAWING TITLE
LANDSCAPE PLAN

PROJECT #: 18-222

SHEET NUMBER
L100

WILDWOOD

PLANNING AND ZONING COMMISSION
CITY OF WILDWOOD, MISSOURI
PUBLIC HEARING PRIMER
June 6, 2016 Executive Meeting
Prepared by the Department of Planning

PETITION NUMBER: **P.Z. 11-16**
PETITIONER: **City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri**
REQUEST: A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – including, but not necessarily limited to, all of its "R" Residence Districts designations (Chapter 415 – Sections 110 through 160), Section 415.090 NU Non-Urban Residence District, and Section 415.030 Definitions; and providing authority for the location and operation of group homes for persons with disabilities that is consistent with current Missouri Revised Statutes and Federal Law.
LOCATION: All Single-Family Residentially Zoned Properties
ZONING: Multiple Residential Districts
WARDS: All

INTRODUCTION >>> The State of Missouri, within its revised statutes, addresses certain uses and how they must be treated at not only the statewide level, but also at the County and municipal levels of government. One such use is 'group homes.' The State of Missouri requires that group homes for persons with disabilities be classified the same as single family dwellings and single family residences. As such, to the extent a single-family dwelling is a permitted use in a residential zoning district, a group home must similarly be a permitted use. Currently, the City's Zoning Ordinance allows this use, but only by Conditional Use Permit (CUP). Furthermore, Federal Law (the Fair Housing Act and the Fair Housing Amendments Act) prohibits the disparate treatment of persons with disabilities. The zoning regulations of municipalities as applied to group homes, and the administration thereof, have been held to fall within the scope of this federal prohibition

The State Statute prompting this modification, RSMO 89.020.2, reads as follows: "For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood."

CURRENT REQUEST >>> The Department of Planning is presenting to the Planning and Zoning Commission a request to consider changes to several sections within the Zoning Ordinance in this regard. These changes would include the definitions section and the list of permitted and conditional uses in all single-family

residential districts (NU, R-1, R-1A, R-2, R-3, and R-4). Each of these items may need to be amended to ensure the City's Code is in compliance with the current State Statutes and Federal Law. The specific advertisement for this consideration is as follows:

> ***P.Z. 11-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040*** *– A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – including, but not necessarily limited to, all of its "R" Residence Districts designations (Chapter 415 – Sections 110 through 160), Section 415.090 NU Non-Urban Residence District, and Section 415.030 Definitions; and providing authority for the location and operation of group homes for persons with disabilities.* ***(Wards – All)***

DISCUSSION OF APPLICABLE CODE >>> A number of provisions within the City's Zoning Ordinance reference this type of use and may need to be amended to ensure compliance with the State Statute and Federal Law. These code sections are listed below:

Section 415.030 Definitions

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family, excluding earth sheltered dwellings. The presence of an accessory dwelling on the same lot shall not change the classification of the principal dwelling as a single-family dwelling.

FAMILY

An individual or two (2) or more persons, excluding servants, who are related by blood, marriage or adoption or a group of not more than three (3) persons who need not be related by blood, marriage or adoption occupying a single dwelling unit or in combination with an accessory dwelling, living together and subsisting in common as a single non-profit housekeeping unit. This definition shall not exclude groups of three (3) or more persons who are required by State or Federal law to be treated as a family for residential zoning purposes. This definition expressly excludes any other group of two (2) or more persons where meals or lodging are made available in exchange for payment or other consideration.

Additional defined terms may be required.

Section 415.090 NU Non-Urban Residence District Regulations

B. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

4. Dwelling, single-family.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "NU" Non-Urban Residence District shall be as set out below:

a.

USE	MINIMUM AREA (acres)
Group homes for the developmentally disabled	3 acres

b. Any lot or tract of record on the effective date of this Chapter, which contains less than three (3) acres, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses.

Section 415.110 R-1 Residence District Regulations

C. 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":

10. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-1" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	1 acre

b. Any lot or tract of record on the effective date of this Chapter, which contains less than one (1) acre, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Section 415.120 R-1A Residence District Regulations

C. 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":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-1A" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	22,000 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than twenty-two thousand (22,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Section 415.130 R-2 Residence District Regulations

C. 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":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-2" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	15,000 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than fifteen thousand (15,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Section 415.140 R-3 Residence District Regulations

C. 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":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-3" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	10,000 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than ten thousand (10,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Section 415.150 R-4 Residence District Regulations

C. 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":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the

facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-4" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	7,500 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than seven thousand five hundred (7,500) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Section 415.390 Area Regulations For Group Homes For The Developmentally Disabled
[Ord. No. 1324 App. A §1003.167A, 8-14-2006]
A. Group homes for the developmentally disabled shall, in all zoning districts in which established, comply with the following space requirements:

1. Each bedroom occupied by one (1) person shall contain at least eighty (80) square feet of floor space.
2. Each bedroom occupied by more than one (1) person shall provide at least sixty (60) square feet of floor space per person and no more than four (4) persons shall occupy each bedroom.
3. Each home shall provide eighty (80) square feet of interior floor space, excluding bedrooms, kitchens, bathrooms, closets and basements, for each occupant, including staff.

Section 415.340 Off-Street Parking and Loading Requirements – Residential.
[Ord. No. 1324 App. A §1003.165F, 8-14-2006]
Residential uses shall provide off-street parking and loading facilities as follows:

Use	Minimum Parking Requirement	Minimum Loading Requirement (Section 415.360)
Group homes for the developmentally disabled	2 spaces for each such use	None

---

The Department's concerns align with the following within the City's Zoning Ordinance:

- The lack of inclusion within the definition of a family;
- The absence of group homes for the developmentally disabled within the NU Non-Urban Residence District; and
- The minimum lot requirements in all single-family zoning districts.

The group home activity should be accommodated within the 'Family' definition, and therefore, be permitted on all lots, where single-family dwellings are allowed, including those residences within the NU Non-Urban Residence District.

SUMMARY AND CONCLUSION >>> If any of the Commission members should have questions or comments in this regard before tonight's public hearing, please feel free to contact the Department of Planning at (636) 458-0440. Thank you for your review of this information in preparation of tonight's hearing on this topic.

Missouri Revised Statutes

Chapter 89
Zoning and Planning

←89.010

Section 89.020.1

89.030→

August 28, 2015

Powers of municipal legislative body--group homes, classification, standards, restrictions--enforcement of zoning beyond lake shorelines, when, how--foster homes, classifications of--certain municipalities may adopt county zoning regulations.

89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as described in this section from and after September 28, 1985.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns and villages.

5. Should a single family dwelling or single family residence as defined in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the children's division or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the children's division, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations.

(RSMo 1939 § 7412, A.L. 1957 p. 274, A.L. 1959 H.B. 493, A.L. 1985 H.B. 552, A.L. 1989 S.B. 11, A.L. 2006 S.B. 809, A.L. 2014 H.B. 1299 Revision)

2006	1991

Top

Missouri General Assembly

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JOINT STATEMENT OF THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GROUP HOMES, LOCAL LAND USE, AND THE FAIR HOUSING ACT

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers.
The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability.[1] The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful –

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.

- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

- What constitutes a reasonable accommodation is a case-by-case determination.
- Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

The disability discrimination provisions of the Fair Housing Act do <u>not</u> extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable dispute resolution procedures, like mediation, as alternatives to litigation.

DATE: AUGUST 18, 1999

Questions and Answers

on the Fair Housing Act and Zoning

Q. Does the Fair Housing Act pre-empt local zoning laws?

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authorityin that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

Q. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities.[2] Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

Q. Who are persons with disabilities within the meaning of the Fair Housing Act?

The Fair Housing Act prohibits discrimination on the basis of handicap. "Handicap" has the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Q. What kinds of local zoning and land use laws relating to group homes violate the Fair Housing Act?

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a

city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

Q. What is a reasonable accommodation under the Fair Housing Act?

As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.

What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.

By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Q. What is the procedure for requesting a reasonable accommodation?

Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.

Whether a procedure for requesting accommodations is provided or not, if local government officials have previously made statements or otherwise indicated that an application would not receive fair consideration, or if the procedure itself is discriminatory, then individuals with disabilities living in a group home (and/or its operator) might be able to go directly into court to request an order for an accommodation.

Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.

Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

Q. What kinds of health and safety regulations can be imposed upon group homes?

The great majority of group homes for persons with disabilities are subject to state regulations intended to protect the health and safety of their residents. The Department of Justice and HUD believe, as do responsible group home operators, that such licensing schemes are necessary and legitimate. Neighbors who have concerns that a particular group home is being operated inappropriately should be able to bring their concerns to the attention of the responsible licensing agency. We encourage the states

to commit the resources needed to make these systems responsive to resident and community needs and concerns.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or

may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved.

Q. Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?

In the same way a local government would break the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities, a local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers are not themselves personally prejudiced against persons with disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, that could be enough to prove a violation.

Of course, a city council or zoning board is not bound by everything that is said by every person who speaks out at a public hearing. It is the record as a whole that will be determinative. If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to treat them as pretextual, and to find that there has been discrimination.

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by credible and unrebutted evidence that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

Q. What is the status of group living arrangements for children under the Fair Housing Act?

In the course of litigation addressing group homes for persons with disabilities, the issue has arisen whether the Fair Housing Act also provides protections for group living arrangements for children. Such living arrangements are covered by the Fair Housing Act's provisions prohibiting discrimination against families with children. For example, a local government may not enforce a zoning ordinance which treats group living arrangements for children less favorably than it treats a similar group living arrangement for unrelated adults. Thus, an ordinance that defined a group of up to six unrelated adult persons as a family, but specifically disallowed a group living arrangement for six or fewer children, would, on its face, discriminate on the basis of familial status. Likewise, a local government might violate the Act if it denied a permit to such a home because neighbors did not want to have a group facility for children next to them.

The law generally recognizes that children require adult supervision. Imposing a reasonable requirement for adequate supervision in group living facilities for children would not violate the familial status provisions of the Fair Housing Act.

Q. How are zoning and land use matters handled by HUD and the Department of Justice?

The Fair Housing Act gives the Department of Housing and Urban Development the power to receive and investigate complaints of discrimination, including complaints that a local government has discriminated in exercising its land use and zoning powers. HUD is also obligated by statute to attempt to conciliate the complaints that it receives, even before it completes an investigation.

In matters involving zoning and land use, HUD does not issue a charge of discrimination. Instead, HUD refers matters it believes may be meritorious to the Department of Justice which, in its discretion, may decide to bring suit against the respondent in such a case. The Department of Justice may also bring suit in a case that has not been the subject of a HUD complaint by exercising its power to initiate litigation alleging a "pattern or practice" of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

The Department of Justice's principal objective in a suit of this kind is to remove significant barriers to the housing opportunities available for persons with disabilities. The Department ordinarily will not participate in litigation to challenge discriminatory ordinances which are not being enforced, unless there is evidence that the mere existence of the provisions are preventing or discouraging the development of needed housing.

If HUD determines that there is no reasonable basis to believe that there may be a violation, it will close an investigation without referring the matter to the Department of Justice. Although the Department of Justice would still have independent "pattern or practice" authority to take enforcement action in the matter that was the subject of the closed HUD investigation, that would be an unlikely event. A HUD or Department of Justice decision not to proceed with a zoning or land use matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation. HUD attempts to conciliate all Fair Housing Act complaints that it receives. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

1. The Fair Housing Act uses the term "handicap." This document uses the term "disability" which has exactly the same legal meaning.

2. There are groups of unrelated persons with disabilities who choose to live together who do not consider their living arrangements "group homes," and it is inappropriate to consider them "group homes" as that concept is discussed in this statement.

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Updated August 6, 2015

WILDWOOD

June 6, 2016

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

Council Members:

The Planning and Zoning Commission has completed its review and consideration of the matter relating to adding residential uses to the "Downtown and Workplace" District designations of the Town Center Plan's Regulating Plan. As a result of this review, the Planning and Zoning Commission has prepared a recommendation regarding its action upon this change and is forwarding it to the City Council for its endorsement and ratification. The process to complete this recommendation followed the requirements of Chapter 89 of the Missouri Revised Statutes. This action, which is not to change the permitted uses in these two (2) commercial designations, reflects the following:

PETITION NUMBER:	**P.Z. 5-16**
PETITIONER:	**City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri**
REQUEST:	A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designations under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change.
LOCATION:	Town Center Area
ZONING:	Multiple Commercial and Residential Districts, including the NU Non-Urban Residence District
PUBLIC HEARING DATE:	March 21, 2016
VOTE ON INFORMATION REPORT:	May 16, 2016 – 9 to 0, with one (1) abstention (Voting Aye – Renner, Lee, Archeski, Gragnani, Bauer, Liddy, Bowlin, Manton, and Bopp; abstaining – Kohn)
DATE AND VOTE ON LETTER OF RECOMMENDATION:	June 6, 2016 - TBD
REPORT:	Attachment A
BACKGROUND INFORMATION:	Attachment B
SCHOOL DISTRICT:	Rockwood
FIRE DISTRICT:	Metro West
WARDS:	One, Four, Five, Seven, and Eight

RECOMMENDATION: Denial of the requested change to the list of permitted activities in the Town Center's "Downtown and Workplace" Districts.

Copies of the City of Wildwood's Charter, Master Plan 2016, Town Center Plan and related Development Manual, and the Zoning Ordinance are 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 James R. Bowlin, Mayor
Ryan S. Thomas, P.E., City Administrator
John A. Young, City Attorney
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner - Zoning

<<< ATTACHMENT A >>>

<<< INTRODUCTION >>> Over the course of the last eighteen (18) months, the City has received a number of inquiries and actual submittals from different development interests for high-density residential proposals in the areas of the "Downtown and Workplace Districts" of the Town Center. These requests have involved properties that are designated for "Downtown or Workplace District" uses, not residential types in nature. With the completion of the update of the Town Center Plan in 2013, these districts do not authorize any type of stand-alone residential use, but rather commercial types only. In most instances, the interested party is advised of the conflict between his/her requested use and the Regulating Plan of the Town Center Plan and typically request what options exist for consideration.

Some of these inquiries have led to informal and formal submittals of projects, but none of them have yet to be acted upon by the Planning and Zoning Commission. The decision to proceed in submitting a formal application to the City is premised on many factors, but certainly one such major consideration is whether the application must also seek a change to the Town Center Plan's Regulating Plan, along with the modification in zoning and/or the application of the special procedures permit or a planned district of the City's Zoning Ordinance. This additional step in the process and the importance of this plan to the City often discourage an interested party from proceeding beyond its initial discussions with City staff. Given the City's recent stated desire to focus on providing more rooftops in the Town Center Area, the Commission thought it appropriate to have a discussion about this matter and its potential benefits along with the possible drawbacks for this special area of the City. If residential uses would be allowed in the

"Downtown and Workplace Districts" of the Town Center Area, certain proposals considered by the City could then be reviewed and acted upon due to consistency with the Regulating Plan.

<<< CURRENT REQUEST >>> The Planning and Zoning Commission was provided this request for changes to the list of permitted uses associated with the Town Center Plan for its consideration. These changes would affect the land use categories that are reflected upon the Town Center Plan's Regulating Plan. The Regulating Plan assigns a land use category to all properties located within the Town Center Boundary. This land use category defines the allowable activities that can be considered by any property owner or an interested party for a site. The specific advertisement is as follows:

> ***P.Z. 5-16 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri*** *– A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designation under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change.* ***(Wards One, Four, Five, Seven, and Eight)***

<<< DISCUSSION OF PERTINENT POINTS >>> The Commission had identified certain considerations that are noted above in this letter that have prompted the presentation of this request to the City Council for its review and action. The Commission would note that a number of important discussion points have also been identified relative to changes of these types for consideration, which were reviewed at the public hearing on this matter. These considerations include the following:

1. The loss of available acreage for future, and sustainable, commercial development in Town Center and City of Wildwood, whether under the "Downtown or Workplace District" regulations.
2. The alterations of land use at the street frontages, not behind buildings fronting the same. Potentially, if such were to be considered, residences could be placed across the street from commercial activities, but not in the defined pattern sought by New Urbanism principles.
3. The integration of differing land uses elsewhere beyond just the fronting streets.
4. The potential increase in population at key commercial locations in Town Center Area.
5. The integration of ground floor retail or commercial uses, as part of any residential development proposal in the "Downtown and Workplace Districts."
6. The fiscal impacts of such changes on taxes, assessments, collections, etc.

These considerations will be the focus of the Commission's analysis of this request and provide the basis for its recommendation to the City Council on the same.

<<< ANALYSIS >>>

In reviewing these six (6) considerations that have been identified above, the Commission believes each must provide a positive community benefit from their potential change or incorporation to support adding residential activities into what have been, since the update of the Town Center Plan, traditional commercial areas. Along with these six (6) considerations, the Planning and Zoning Commission members also provided their respective opinions on this matter, so as this input could be used for the development of the recommendation. These comments from the Planning and Zoning Commission can be summarized below:

1. New Urbanism encourages a mixing of land uses and prohibiting residential activities in these two (2) land use categories would be inconsistent with such (See Consideration #3).

2. Live/Work units have not had success in Wildwood, as well as other locations in the metropolitan area (see Consideration #5).
3. Define and segregate the types of residential housing options that might be considered in the "Downtown and Workplace" Districts, i.e. live/work; rowhouses, multiple-story apartment buildings; etc. (see Considerations #4 and #5).
4. Leave "Downtown" District as-is, given any changes would cause a loss of commercial acreage overall in the Town Center Area (see Consideration #1).

These comments must also be addressed, as part of the responses to the aforementioned six (6) considerations.

CONSIDERATION #1 – LOSS OF COMMERCIALLY DESIGNATED LAND IN TOWN CENTER – Currently within the Town Center Area, the overall size of the "Downtown and Workplace" Districts combined are 241 acres. Of the 880 acres of Wildwood that defines the Town Center Area, the "Downtown and Workplace" Districts represent over twenty-five (25) percent of it. This total represents a slight reduction from the original acreage that was intended to set aside for commercial activities in the originally adopted Town Center Plan in 1998. Therefore, any change to the land use of a "Downtown or Workplace" District property would reduce the extent of commercial land uses in Town Center, unless some retail, restaurant, service, office, or other similar activity were to be required as part of its authorization. Additionally of these 241 acres, approximately one-half (½) of it is already developed, leaving a limited amount of properties for these types of uses.

However, the reason the amount of commercially designated property in the Town Center Area Boundary was reduced with the plan's update in 2013 related to a number of independent studies conducted with the Great Streets Project and by the East-West Gateway Council of Governments about the oversupply of commercially designated properties in the Manchester Road Corridor, and region, and how its absorption into active use areas would be many decades in the making, if ever. Acknowledging a need to provide a population for Wildwood's existing businesses, more residential land uses were programmed into the plan, which meant certain properties that had been designated for commercial activities were now residential, i.e. Spanos Property and Slavik Tract. Accordingly, the City has already reduced the available commercial space in Town Center Area, based upon projections of needed square footages for the future.

Rather than considering the loss of commercial land area in terms of acreage, the Commission believes a more appropriate approach would be to understand such from the perspective of strategic locations of the properties that are designated "Downtown and Workplace" Districts within the Town Center boundary. Therefore, a second or third tier property that is designated one (1) of these two (2) districts, with no direct access would not necessarily be as strategic as another that does not have these characteristics. Utilizing this approach, the Commission would note that some of the properties abutting State Route 100, with poor visibility from the roadway, and limited access, may not be best designated as "Downtown or Workplace" Districts, but rather a residential designation. Despite such, the more appropriate approach would be to change the land use designation of the property under the Town Center Plan, instead of adding residential uses to the two (2) land use designations, given this approach is more consistent with the original document that had more land use categories and a more diverse geographic application of them than currently in place.

CONSIDERATION #2 – ALTERATIONS OF LAND USE AT THE STREET FRONTAGES – Many of the referenced inquiries for residential uses in these two (2) commercial land use designations have been along Main Street and Manchester Road. Both of these streets have existing commercial uses in place and, in the

instance of Manchester Road, for many decades. Therefore, if these residential inquiries were to be favorably considered, the land use pattern, as defined by the Town Center Plan, would change at the street and not behind the fronting building. This requirement was part of the original Town Center Plan and has been adhered to in the City's land use decision-making processes for the Town Center Area.

It is the opinion of the Commission this requirement should not be varied. Regardless, if residential uses are allowed in a commercial land use designation of the Town Center Plan, as requested here, the corresponding property on the opposite side of the street should be the same designation as well. Ensuring that non-complementary uses are not facing each other across the same street is appropriate and preserves the character of the roadway and its functional characteristics as well, such as on-street parking, commercial lighting and signage, and extended hours of activity and operation, which often conflict with residential uses in certain settings. Maintaining this design requirement is paramount to the Commission, particularly along State Routes 100 and 109, Main Street, Eatherton Road, and Taylor Road. The Commission would note such an application along Manchester Road could be varied, given its historical significance and the diversity of land uses that have always existed along its length in Wildwood.

CONSIDERATION #3 –INTEGRATION OF LAND USES BEYOND FRONTING STREETS - The Town Center Area has always been the location in the City where a range of uses could be considered within the same block and, in some instances, the same building. In the original Town Center Plan, and now in the updated version, land use decisions were to be made in the context of the one-half mile diameter, typical neighborhood. Within that defined area, all land uses allowed by the Town Center Plan's Regulating Plan could be considered for placement, based upon changing the pattern behind the buildings fronting the abutting streets, creating the desired streetscapes, incorporating the required street specifications, and managing stormwater. Therefore, land use was to be a mix and complementary to each block, lot, and building.

To accomplish this outcome, the City created a hierarchy of streets, based upon the understanding that certain streets, given their intended designs had more importance in creating the character of Town Center. Therefore, on these street frontages and associated properties, the application of land use and design standards and architectural guidelines was mandatory, while on secondary streets latitude could be provided to accommodate the placement of necessary infrastructure, utilities, and support services, such as trash enclosures, drive-through facilities, and the like. In making this determination, the City identified Taylor Road, Main Street, Eatherton Road, and State Route 109 as primary streets, while State Route 100 as secondary. Also, as part of this designation process, the City noted that Manchester Road, given its historical pattern, could be both, depending on circumstances and the characteristics of the individual properties and surrounding neighborhood.

With this action, the Commission does not believe those streets identified as primary could have land use changes occur at the frontages, so where commercial land use patterns exist, such should be retained, but where not, again, land use designations should be considered for modifications. Accordingly, adding residential uses to the "Downtown and Workplace" District designations, where a commercial pattern has been established is not supported by the Commission.

CONSIDERATION #4 – INCREASE IN POPULATION NEAR BUSINESS CORE – Population growth creates many positive aspects, including more individuals to utilize existing and future commercial businesses in Town Center. Additionally, population growth brings a vibrancy and excitement to a community. Therefore, adding residential units in the Town Center Area is a goal of Wildwood, and its officials.

Acknowledging these positives and the desire of the City to undertake a more proactive approach to developing business opportunities in Wildwood, population growth is needed.

The Commission believes by, following the recommendations provided herein, i.e. maintain current commercial areas that have been established by mirroring land use patterns across common primary streets and modifying land use designations, where appropriate, to allow for more residential in the live/wok scenario, growing the City's population base can be achieved within its Town Center. Given the past actions of the City in the update of the Town Center Plan in 2013, population growth due to more residentially designated land area is already occurring in this special location of Wildwood.

CONSIDERATION #5 – LIVE/WORK BUILDINGS AND AREAS IN WILDWOOD –

When first adopted in 1998, the Town Center Plan contained a district termed "Neighborhood Center" that was intended to provide a land use option of first and second floor commercial activities, with residential uses on all floors thereafter. Although not required, second floor uses for commercial activities was not as critical as the first floor being dedicated to such and having that presence on the abutting street. Having retail, services, and restaurants on the street level, with residential thereafter, was a hallmark of the long-popular Main Street pattern of most small towns in rural America. This concept, however, in the City's context of the Town Center, was always controversial and not supported by the development community from its inception. Many in the development community noted such would never be adaptable or popular in suburban St. Louis.

The Commission's research in this regard does not substantiate this claim of not being workable in the St. Louis Region. In considering other live/work settings in the St. Louis Region and contacting the appropriate parties in those cities, the following was determined:

Park Plaza - Edwardsville, Illinois

Commercial	49,350 square feet (7,000 office/42,350 retail)
Commercial Occupancy	95%
Commercial Tenants	A wide mix of restaurants, retail, boutique shops, personal services, and offices • National and regional chains – Massage Lux, CVS (with drive-thru), Gliks, Wasabi Sushi, Chavas Mexican Restaurant, Subway • U.S. Marines recruiting office. • Locally owned – Olive Oils and More, Bin 51 (wine and specialty liquor), 1818 Chophouse, Global Brew, Hair Studios @ Park Plaza, Select Physical Therapy
Residential	• Renter occupied lofts that are priced at the highest end of the rental market in Edwardsville • 29,750 square feet • 35 units
Residential Occupancy	100%

Notes:

- This development has a common misconception that the retail units aren't successful. The developer stated the residential component has been 90% to 100% occupied, since the project was completed.
- Based upon observations, the commercial component is successful and holds mostly long-term tenants. Locally owned boutique shops have been successful, despite competing with an extraordinary number of big box retailers located in Edwardsville.
- The City Planner, Scott Hanson, said there are several commercial property owners who want to use the second and third stories as residential and have approached the City regarding such. The City currently requires the equivalent of Wildwood's conditional use permit to allow residential units above retail.

The Boulevard - Richmond Heights, Missouri

Commercial Occupancy	80%-90%
Commercial Tenants	• A wide mix of restaurants, retail, boutique, personal services, and offices • Office space is only permitted on the second story
Residential	• Renter occupied apartments that are priced at the highest end of the rental market • 74 units
Residential Occupancy	100%

Notes:

- The developer of the project, Pace Development, is planning a second phase, with similar mix of uses and residential on the upper stories.
- Professional office space is only permitted on the second story.
- David Reary, the Building/Zoning Commissioner for the City, stated the project has been extremely successful.

Hanley Station - Brentwood, Missouri

Commercial	• 2 buildings with retail (4,000 square feet and 7,000 square feet) • 123 room hotel • 3 freestanding restaurants • Parking garage
Commercial Occupancy	• Retail and Restaurant – 100% • Hotel – 85% (2014)
Commercial Tenants	Not a broad mix, resembles strip type development in regards to the commercial tenants
Residential	150 condominiums in three buildings (38 units/56 units/56units)
Residential Occupancy	100% occupancy · 118 units are owner-occupied · 32 units are rental units

Notes:

- This project may not be a great example of "New Urbanism", but was included due to the condominiums are largely owner-occupied, which was a discussion point among Commission members. Additionally, owner-occupied units are next to several restaurants.

Streets of St. Charles - St. Charles, Missouri

Commercial	500,000 square feet of commercial (250,000 square feet restaurant and retail/ 250,000 square feet professional office space)
Commercial Tenants	• A good mix, mostly restaurants, but includes a movie theatre, college campus (Art Institute of St. Louis), a few personal services, and a gas station • The plan allows for 2 hotels
Residential	• 309 renter-occupied units
Residential Occupancy	75+%

Notes:

- This project was originally planned by Whittaker Homes and has lost some of its "New Urbanism" components over the years.
- The planner at the City said it was overall a successful project.
- Office space is only permitted on the second floor.

When the Town Center Plan was updated in 2013, the "Neighborhood Center" District was combined into the "Neighborhood General" District, thereby still retaining the option for first and second floor commercial activities, but recognizing the residential component is principle in Wildwood, even in its Town Center Area. This action, however, was undertaken in conjunction with limiting residential uses in the "Downtown and Workplace" Districts, and thereby established two (2) main residential land use areas for all of Town Center Area, which included the "Neighborhood General and Edge" Districts. Again, the "Neighborhood General" District does allow commercial activities, but always in conjunction with residential uses, such as condominiums, apartments, rowhouses, and villas. No distinction is made with regards to the types of housing options that can be considered in this land use designation, when done in conjunction with commercial activities.

The Commission believes the live/work design of buildings remains a viable approach to land use in the City's Town Center Area. Given the "Neighborhood General" District designation accommodates such, the Commission believes instead of adding residential uses to the "Downtown and Workplace" Districts, property designations should be considered for change, when appropriate under an analysis of surrounding land use, proximity to certain streets, and impacts.

CONSIDERATION #6 – FISCAL IMPACTS – Protecting the core "Downtown and Workplace" District designation properties along the City's primary streets in the Town Center Area is fiscally responsible, given the benefits derived from this type of activity on revenue generation. Certainly, residential users pay taxes, fees, and other considerations, but commercial land use is critical in this regard to most communities. Therefore, again, the Commission believes that certain locations in the Town Center Area that front onto the City's system of primary streets or are part of a commercial core location must be preserved and not altered to accommodate residential activities. Again, where conditions allow, changes to the "Downtown and Workplace" District designations on secondary streets and Manchester Road could be considered, where the ramifications are less onerous in this regard.

<<< SUMMARY AND CONCLUSION >>>

In this report, the Planning and Zoning Commission is not recommending the blanket allowance for residential activities in the Town Center Area's "Downtown and Workplace" District designations, but rather an acknowledgement that where conditions are appropriate, the more suitable approach would be to consider land use designation changes to the Town Center Plan's Regulating Plan. Accommodating this approach allows the land use designations on both sides of the system of streets to be matched and/or retained, while respecting the components of primary and secondary street descriptions established in 1998. Therefore, based upon these considerations, the Commission is not making any changes to the permitted land uses in the "Downtown and Workplace" District designations of the Regulating Plan of the Town Center Plan.

ATTACHMENT B
Background Information

Public Notice posted in accordance with
610 RSMO 1994, as amended,
by Liz Weiss
City Clerk

NOTICE OF PUBLIC HEARING
before the
CITY OF WILDWOOD
Planning and Zoning Commission
March 21, 2016 - 7:30 p.m. (Monday)

The Planning and Zoning Commission of the City of Wildwood will conduct a public hearing on **Monday, March 21, 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 the hearing and addressed to the Planning and Zoning Commission, 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. 5-16 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri – A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designation under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change. (**Wards Seven and Eight**)

By Order of the Planning and Zoning Commission
On March 3, 2016
By Liz Weiss
City Clerk

The City of Wildwood is working to comply with the American with Disabilities Act mandates. Individuals who require accommodation to attend a meeting should contact City Hall, (636) 458-0440, at least 48 hours in advance.

WILDWOOD

PLANNING AND ZONING COMMISSION
CITY OF WILDWOOD, MISSOURI
PUBLIC HEARING PRIMER
March 21, 2016 Executive Session
Prepared by the Department of Planning

PETITION NUMBER: **P.Z. 5-16**
PETITIONER: **City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri**
REQUEST: A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designations under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change.
LOCATION: Town Center Area
ZONING: Multiple Commercial Districts
WARDS: One, Four, Five, Seven, and Eight

INTRODUCTION >>> Over the course of the last eighteen (18) months, the City has received a number of inquiries and actual submittals from different development interests for high-density residential proposals in the areas of the "Downtown and Workplace Districts" of the Town Center. These requests have involved properties that are designated for "Downtown or Workplace District" uses, not residential types in nature. With the completion of the update of the Town Center Plan in 2013, these districts do not authorize any type of stand-alone residential use, but rather commercial types only. In most instances, the interested party is advised of the conflict between his/her requested use and the Regulating Plan of the Town Center Plan and typically request what options exist for consideration.

Some of these inquiries have led to informal and formal submittals of projects, but none of them have yet to be acted upon by the Planning and Zoning Commission. The decision to proceed in submitting a formal application to the City is premised on many factors, but certainly one such major consideration is whether the application must also seek a change to the Town Center Plan's Regulating Plan, along with the change in zoning and/or the application of the special procedures permit of a planned district of the City's Zoning Ordinance. This additional step in the process and the importance of this plan to the City often discourage an interested party from proceeding beyond its initial discussions with City staff. Given the City's recent stated desire to focus on providing more rooftops in the Town Center Area, the Department thought it appropriate to have a discussion about this matter and its potential benefits along with the possible drawbacks for this special area of the City. If residential uses would be allowed in the "Downtown and Workplace Districts" of the Town Center Area, certain proposals considered by the City could then be reviewed and acted upon due to consistency with the Regulating Plan.

CURRENT REQUEST >>> The Department of Planning is presenting to the Planning and Zoning Commission a request to consider changes to the list of permitted uses associated with the Town Center Plan. These changes would affect the land use categories that are reflected upon the Town Center Plan's Regulating Plan. The

Regulating Plan assigns a land use category to all properties located within the Town Center Boundary. This land use category defines the allowable activities that can be considered by any property owner or an interested party for a site. The specific advertisement is as follows:

> ***P.Z. 5-16 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri*** *– A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designation under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change.* ***(Wards One, Four, Five, Seven, and Eight)***

DISCUSSION OF PERTINENT POINTS >>> The Department has identified certain considerations above that have prompted the presentation of this request to the Planning and Zoning Commission for its review and discussion. The Department would note that a number of important discussions points have also been identified relative to changes of these types for consideration at tonight's public hearing, which would include the following:

1. The loss of available acreage for future, and sustainable, commercial development in Town Center and City of Wildwood, whether under the "Downtown or Workplace District" regulations.
2. The alterations of land use at the street frontages, not behind buildings fronting the same. Potentially, if such were to be considered, residences could be placed across the street from commercial activities, but not in the defined pattern sought by New Urbanism principles.
3. The integration of differing land uses elsewhere beyond just the fronting streets.
4. The potential increase in population at key commercial locations in Town Center Area.
5. The integration of ground floor retail or commercial uses, as part of any residential development proposal in the "Downtown and Workplace Districts."
6. The fiscal impacts of such changes on taxes, assessments, collections, etc.

These points will be the focus of tonight's discussion on this potential set of changes to the permitted land uses of these specific commercial districts of the Town Center Plan.

SUMMARY AND CONCLUSION >>> If any of the Commission members should have questions or comments in this regard before tonight's public hearing, please feel free to contact the Department of Planning at (636) 458-0440. Thank you for your input on this matter at tonight's hearing.

Land Use Activities	*Land Use Classifications*					
Commercial	D	W	NG*	NE	C/I	POND
Animal Hospitals & Veterinary Clinics	P	P				
Art or Photo Studios or Galleries	P	P	P		C	P
Bakeries	P	P	P		C	P
Barber & Beauty Shops	P	P	P		C	P
Cleaning, Pick-up Stations	P	P	P		C	P
Coffee Shops	P	P	P		C	P
Department or Discount Stores	P					
Filling Stations for Automobiles	P	C			C	
Financial Institutions w/ Drive-Thru Facilities	P	P			C	
Financial Institutions w/o Drive-Thru Facilities		P	P		C	
Flower or Plant Stores	P	P	P		C	
Hotels	P				C	
Music or Dancing Academies	P	P			C	
Office/Warehouse Facilities	P	P	P			
Parking Areas	P	P				P
Parking Garages	P	P	P			
Professional Offices including Medical and Dental	P	P			C	
Professional Offices, not medical or dental	P	P	P		C	P
Recreational Facilities, including indoor theaters and outdoor activities	P				C	
Recreational Facilities (no indoor theater or outdoor activities)		P			C	
Research Laboratories & Facilities	P				C	
Restaurants, including fast food, w/ Drive-Thru facilities**	P				C	
Restaurants, including fast food, but w/o drive thru facilities	P	P			C	
Restaurants, no fast food	P	P	P		C	P
Sewage Treatment Facilities	P	P	P	P		P
Shops for Artists and Similar Specialties		P	P		C	P
Stores and Shops for Retail Purposes	P	P			C	
Stores, Shops, and Open-Air Markets for Retail Purposes	P	P	P			
Taverns, Cocktail Lounges, Night Clubs, or Micro-Breweries	P	P			C	
Vehicle Service Centers	P	C				
Cultural/Institutional						
Cemeteries, Mausoleums				P	C	P
Child Care Centers	P	P	P	P	C	P
Churches	P	P	P	P	P	P
Civic Buildings(government)	P	P	P	P	P	P
Colleges, Universities					P	
Libraries			P	P	P	P
Museums					P	
Nursing Homes			P		P	
Park & Open Spaces; Public and Private areas	P	P	P	P	P	P
Philanthropic Institutions					C	

Land Use Activities	*Land Use Classifications*					
	D	W	NG*	NE	C/I	POND
Post Offices	P	P			P	
Public and Other Utility Facilities	P	P			C	
Recreational Fields					P	
Scenic Areas	P	P	P	P	P	P
Schools			P	P	P	
Wildlife Refuges						
Housing						
Multi-Family Residential(live/work, rowhouses, and apartments)			P		P	P
Single-Family Attached			P		C	
Single-Family Detached			P	P	C	P
Other Housing						
Accessory Dwelling Units			P	P		P
Bed and Breakfasts			P	P		P
Group Shelters			P	P		P
Home for the Aged			P	P	C	
Home Occupations			P	P		P

P Uses permitted by right

C Uses requiring conditional use permit

* See Neighborhood General District text for a detailed explanation of permitted uses within the context of building types

** Any building footprints within the Workplace districts exceeding 10,000 sq. ft. require conditional approval

** Any building footprints within the Commercial districts exceeding 40,000 sq. ft. require conditional approval

Permitted uses and specific site requirements shall be subject to further definition or qualification as provided by ordinance

Zoning Abbreviations Key

D- Downtown
W- Workplace
NG- Neighborhood General
NE- Neighborhood Edge
C/I- Cultural/Institutional overlay
Pond – Pond Historic District

Downtown District

This design/land use district is the most urban permitted within the Town Center Area. It is intended to be a walkable, mixed-use downtown for Wildwood and surrounding communities, which can be active at least eighteen (18) hours a day and seven (7) days a week. The intent is to create intensive development within a traditional street and block system, and not to permit isolated individual structures surrounded by parking lots. Although intensive development is encouraged, the topography of watersheds and creeks should be respected in all development proposals.

Permitted Land Uses

This design/land use district permits multiple-story buildings, hotels, offices, retail stores, restaurants, and entertainment uses constructed within a street and block system. Garage parking is encouraged. Condominium and rental apartment buildings are permitted, but ground floors are limited to commercial uses only. Row houses are permitted by conditional use permit (CUP), but not on principal streets.

See the Permitted Land Use Chart on Pages xx for details.

Building Types

Mixed-use buildings, retail buildings, offices, hotels, restaurants, entertainment uses, apartment buildings, parking garages.

Lot Size (unless otherwise site-specific)

Lot Width: Twenty (20) feet minimum/no maximum, but lot must be within a street and block system
Lot Depth: Eighty (80) feet minimum/no maximum, but lot must be within a street and block system
The maximum block perimeter at the building line is 2,000 feet. The long dimension of each block may not be less than twice the short dimension.

Building Standards

Minimum Frontage Requirement: Seventy (70) percent of the frontage along Main Street and other designated Principal Streets should be occupied by buildings.

Front Setback: Facades shall be placed at the lot's frontage line, except that recesses can occur for outdoor dining areas and to create vertical bays. Frontage lines can be established on private streets that are internal to a property, as long as a continuous street and block system is maintained.

Corner buildings shall accommodate a clear view triangle defined by two (2) points thirty (30) feet from the intersection of the sidewalk curbs extended.

Side setbacks: Side setbacks for unattached buildings shall be a minimum of five (5) feet.

Rear setback: Minimum rear setback of principal building from rear lot line: thirty (30) feet; from alley or access lane: five (5) feet.

Maximum Building Height: 3.5 stories or forty (40) feet measured from the average grade level at the front facade to the eave or top of parapet. Exception: vertical elements (towers, belvederes, etc.) no greater than 240 square feet (footprint) may be up to sixty (60) feet high measured at the eave. However, the maximum building height for apartment buildings may be five (5) stories or sixty (60) feet measured from the average grade level at the front facade to the eave or top of parapet.

Building Footprints: Footprints exceeding 40,000 square feet require a Conditional Use Permit (CUP).

Ground Floor: Ground floor uses shall be commercial, and the ground floor facade along the primary street shall have continuous storefront windows, with the exception of necessary piers, columns, pilasters, etc., unless otherwise modified by a conditional use permit (CUP).

Building Height Calculations: Basements with ceilings three (3) feet or less above grade shall not count as a story. Habitable attics with floors three (3) feet or less below the eaves shall count as 1/2 story.

Large Spaces: Users requiring over 20,000 square feet must still maintain continuous storefront windows and primary entrances along street facades. Such windows and entrances can be for smaller users, as long as they are provided within the context of the larger use.

Facade Standards

Elevation: In general, all buildings should be at sidewalk grade. Commercial frontages should be at sidewalk grade. Apartment Building and Row House ground floors shall be at least 1.5′ above grade at the front and at the street side of corner lots, although entrances must meet ADA access requirements.

Interior Height: The first story interior clear ceiling height shall be at least twelve (12) feet for all buildings, except hotels, apartment houses, and row houses. The lobby spaces for hotels and apartment buildings should have interior clear ceiling heights of at least twelve (12) feet.

Vertical Bays: Facades visible from a street shall be broken into vertical bays not exceeding thirty (30) feet in width through the use of one (1) or more of the following: façade recesses, facade projections, or pilasters. Supplemental elements might include canopies, roofline changes, and parapet changes.

Arcades: If provided, shall have a minimum depth of ten (10) feet.

Ground Floor: Ground floor facades shall have continuous storefront windows along the primary street frontage. This requirement does not preclude vertical elements typically used to separate window units. As required by Building Standards, large space users requiring more than 20,000 square feet must still meet this requirement, which can be satisfied, if other uses line the street frontage and the larger structure is located behind them.

Entrance: Each individual ground floor store, restaurant, office, or other use, shall have at least one (1) main entrance having direct access to the applicable primary street. Service access doors shall only face parking areas, secondary streets, and/or service lanes.

Site Standards

Pedestrian Friendly Design: Site plans in the Downtown District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria.

Public Open Space: Developments located within the City's Town Center Area shall meet the requirements of the City's Zoning Ordinance for public space dedications, as set forth in Chapter 415.169 Public Space Requirements. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District. Public Space has been deemed to be of critical importance to the character of the community.

Environmental Preservation: In general, all development within the City's Town Center Area should be designed and built in such a way as to minimize adverse impacts on the natural environment. The design, engineering, and construction of projects located within the Town Center Area shall be subject to the environmental protection standards and regulations, as set forth specifically in the following: Chapter 420.200 Natural Resource Protection Standards and Procedures of the Subdivision and Development Regulations; Chapter 415 Grading Code; and Chapter 410 Tree Preservation and Restoration Code. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Parking Requirements: Parking shall be provided at a ratio of three (3) spaces per 1,000 square feet of gross floor area, although reductions will be considered for shared parking proposals between abutting and adjacent properties, as herein described. On-street parking within three hundred (300) feet of the main access door into the building or use shall also count towards the required amount of total spaces. Outdoor parking lots should meet Green Parking Lot standards (as developed and to be acted upon by the City Council at a future date).

Parking Locations: Off-street parking spaces are to be located behind a building or garden wall.

Access: Off-street parking shall only be accessed by a secondary street or service lane. Service docks shall only be accessed from a secondary street or service lane.

Walls: In the absence of buildings, garden style walls shall be placed on the frontage line (edge of sidewalk furthest from street) and shall be thirty-two (32) inches to forty-two (42) inches in height. Walls shall be brick, stone, or acceptable alternative and have a masonry cap, where consistent.

Screening of Services: All loading and service activities, including storage of garbage and rubbish containers, shall take place within the building or must be screened from view from adjacent properties and primary and secondary streets.

Storm Water Management and Retention: All developments located within the Town Center Area shall meet current standards and requirements for the

management and control of stormwater runoff, as set forth by the City of Wildwood and the Metropolitan St. Louis Sewer District.

Workplace District

Workplace Districts shall be located along arterial streets. These design/land use districts are primarily for offices, including medical and dental offices and clinics, and individual retail or restaurant businesses. Live-work units are also permitted. The intent of the Workplace District is to encourage businesses that have an individual character and relate to the immediate street. Individual developments should have a landscaped perimeter, and parking areas should be primarily at the side and rear of the buildings. The topography of watersheds and creeks should be respected in all development proposals. This design/land use district is not intended to permit commercial strip development, where individual structures are surrounded by parking, or parking lots are built in front of buildings.

Permitted Land Uses

This district permits a variety of commercial and institutional uses; residential uses are permitted on upper floors or as live-work units, either as condominiums or rentals

See the Permitted Land Use Chart on Pages xx for details.

Building Types

Permitted Buildings: Commercial Facilities, including offices, medical and dental offices, and clinics; shops and restaurants; schools; Parking Garages.

Lot Size (unless otherwise site-specific)

Lot Width: Thirty (30) foot minimum/250 foot maximum
Lot Depth: Eighty (80) foot minimum/250 foot maximum

Building Standards

Front Setback: Facades shall be placed at the lot's frontage line, which is ten (10) feet from the edge of public right-of-way, except that recesses can occur for outdoor dining areas and to create vertical bays. Corner buildings shall accommodate a clear view triangle defined by two (2) points thirty (30) feet from the intersection of the sidewalk curbs extended.

Side setbacks: Fifteen (15) feet total, but no less than five (5) feet on one (1) side.

Rear Setbacks: Minimum Rear Setback of principal building from rear lot line: thirty (30) feet; from alley or lane: three (3) feet.

Maximum Building Height: 3.5 stories or forty (40) feet measured from the average grade level at the front facade to the eave or top of parapet. Exception: vertical elements (towers, belvederes, etc.) no greater than 240 square feet (footprint) may be up to sixty (60) feet high measured at the eave.

Building Footprints: Footprints exceeding 10,000 square feet in the Workplace District require a conditional use permit (CUP).

Facade Standards

Elevation: The first story shall be at sidewalk grade.

Interior Height: The first story interior clear ceiling height shall be at least twelve (12) feet, unless the building size dictates otherwise.

Vertical Bays: Facades visible from a street shall be broken into vertical bays not exceeding thirty (30) feet in width through the use of one (1) or more of the following: façade recesses, facade projections, or pilasters. Supplemental elements might include canopies, roofline changes, and parapet changes.

Arcades: If provided, shall have a minimum depth of ten (10) feet.

Ground Floor: Ground floor facades shall have at least fifty (50) percent window and door openings along the primary street frontage. This requirement does not preclude vertical elements typically used to separate window units.

Entrance: Each ground floor space shall have at least one (1) primary entrance having direct access to the applicable primary street. Service access doors shall only face parking areas, secondary streets, or service lanes - be operable.

Site Standards

Pedestrian Friendly Design: Site plans in the Workplace District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria.

Public Open Space: Developments located within the City's Town Center Area shall meet the requirements of the City's Zoning Ordinance for public space dedications, as set forth in Chapter 415.169 Public Space Requirements. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District. Public Space has been deemed to be of critical importance to the character of the community.

Landscaped Perimeter: The side and rear boundaries of individual properties in the Workplace District shall comply with the City of Wildwood Buffer Yards Standards type 3 or higher with a width of no less than twenty (20) feet, except that these requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Environmental Preservation: In general, all development within the City's Town Center Area should be designed and built in such a way as to minimize adverse impacts on the natural environment. The design, engineering, and construction of projects located within the Town Center Area shall be subject to the environmental protection standards and regulations, as set forth specifically in the following: Chapter 420.200 Natural Resource Protection Standards and Procedures of the Subdivision and Development Regulations; Chapter 415 Grading Code; and Chapter 410 Tree Preservation and Restoration

Code. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Parking Requirements: Parking must be provided at a ratio of three (3) spaces per 1,000 square feet of gross floor area, although reductions should be considered for shared parking proposals between abutting and adjacent properties, as herein described. On-street parking within three hundred (300) feet of the main access door into the building or use shall also count towards the required amount of total spaces.

Parking Locations: Off-street parking spaces shall be located behind buildings or beside them, if the lot is small and there is no alternative. Parking should not be provided between the building and the street. At-grade outdoor parking lots should meet Green Parking Lot standards (as developed and to be acted upon by the City Council at a future date).

Access: Off-street parking shall only be accessed by a secondary street or service lane.

Walls: In the absence of buildings, garden style walls shall be placed on the frontage line (edge of sidewalk furthest from street) and shall be thirty-two (32) to forty-two (42) inches in height. Walls shall be brick, stone, or acceptable alternative and have a masonry cap, where consistent.

Screening of Services: All loading and service activities, including storage of garbage and rubbish containers, shall take place within the building or must be screened from view from adjacent properties, and primary and secondary streets.

Storm Water Management and Retention: All developments located within the Town Center Area shall meet current standards and requirements for the management and control of stormwater runoff, as set forth by the City of Wildwood and the Metropolitan St. Louis Sewer District.

Neighborhood General District

The intent of this design/land use district is to provide a variety of housing types, including apartments and row houses, in walkable neighborhoods close to the Downtown and Workplace Districts. Institutional uses and ground-floor commercial uses on principal streets are also permitted. The topography of watersheds and creeks should be respected in all development proposals.

Permitted Land Uses

This district permits a wide variety of residential uses, including condominium and rental apartment buildings and row houses. Ground floor commercial spaces are permitted within apartment buildings. Other low-intensity commercial uses are allowed, such as Bed & Breakfasts, as well as compatible institutional uses.

See the Permitted Land Use Chart on Pages xx for more details.

Building Types

Permitted Buildings: Rowhouses, Apartment Buildings, Live-Work Buildings, Houses, Parking Garages, and associated Outbuildings. Individual garages and

outbuildings associated with single-family houses may not have footprints that exceed 650 square feet Residential lots may include a secondary residential unit (not to exceed 650 square feet) over the garage or in a detached accessory structure.

Lot Size

Apartment Buildings:
Lot Width: Twenty (20) feet minimum/no maximum, but lot must be within a street and block system
Lot Depth: Eighty (80 feet minimum/no maximum, but lot must be within a street and block system
The maximum block perimeter at the building line is 2,000 feet.

Row houses:
Lot Width: Twenty (20) feet minimum/forty (40) feet maximum within a street and block system, rear access from lane required
Lot Depth: Eighty (80) feet minimum/125 feet maximum within a street and block system, rear access from lane required
The maximum block perimeter for a block containing only row houses is 1,800 feet. This requirement can be satisfied in a larger block by dividing the block with a landscaped mid-block pedestrian walkway no less than twenty (20) feet wide, including a sidewalk of suitable pervious material no less than (5) feet wide, which connects the sidewalks on two streets that form two parallel sides of the larger block.

Houses:
Lot Width: Twenty (20) feet minimum/fifty (50) feet maximum within a street and block system, rear access from lane preferred
Lot Depth: Eighty (80) feet minimum/125 foot maximum within a street and block system, rear access from lane preferred
The maximum block perimeter for a block containing only houses is 2,000 feet.

Building Standards

Apartment Buildings and Row Houses:
Front Setback: At least eighty (80) percent of the front facade of each apartment building or row house must be placed along a uniform build to/set-back line that applies to the full block frontage. This build-to/set-back line should be determined at the time that a street and block plan is approved, and should be from zero (0) feet to fifteen (15) feet from the frontage line. Buildings on corner lots should conform to the build-to/set back requirements for both streets.

Front Setback Exceptions: Stoops, balconies, unenclosed porches, and bay windows may encroach within front setbacks, but not over or into the public right-of-way.

Side Setbacks: Five (5) to fifteen (15) feet (no setback between attached Row House Units).

Minimum Rear Setback of Principal Building from Rear Lot Line: thirty (30) feet from alley or lane: **five** (5) feet.

Maximum Building Height for Apartment Buildings: five (5) stories or sixty (60) feet measured from the average grade level at the front facade to the eave or top of parapet.

Maximum Building Height for Row Houses: 3.5 stories or forty (40) feet measured from the average grade level at the front facade to the eave or top of parapet.

Maximum Building Height for Outbuildings: two (2) stories or twenty-two (22) feet measured at the eave.

Minimum Rear Setback of Principal Building from Rear Lot Line: thirty (30) feet, from alley or lane: three (3) feet.

Building Height Calculations: Basements with ceilings three (3) feet or less above grade shall not count against the number of stories. Habitable attics with eaves no higher than three (3) feet from the floor shall count as 1/2 story.

Houses:
Front Setback: At least eighty (80) percent of the front facade of each house must be placed along a uniform build to/set-back line that applies to the full block frontage. This build-to/set-back line should be determined at the time that a street and block plan is approved, and should be from zero (0) to fifteen (15) feet from the frontage line. Buildings on corner lots should conform to the build-to/set back requirements for both streets.

Front Setback Exceptions: Stoops, balconies, unenclosed porches, and bay windows may encroach within front setbacks, but not over or into the public right-of-way.

Side Setbacks: a total of fifteen (15) feet no less than five (5) feet on one (1) side.

Minimum Rear Setback of Principal Building from Rear Lot Line: twenty-five (25) feet; from alley or lane: **five (5)** feet.

Maximum Building Height for Primary Buildings: 3.5 stories or forty (40) feet measured from the average grade level at the front facade to the eave or top of parapet.

Maximum Building Height for Outbuildings: two (2) stories or twenty-two (22) feet measured at the eave.

Building Height Calculations: Basements with ceilings three (3) feet or less above grade shall not count against the number of stories. Habitable attics with eaves no higher than three (3) feet from the floor shall count as 1/2 story.

Outbuilding Maximum Size: 650 square feet building footprint.

Side Setbacks: Five (5) feet to fifteen (15) feet for Cottages / Ten (10) feet to thirty (30) feet for Houses.

Facade Standards

Elevation: Ground floors of apartment buildings at the front façade line shall be at least 1.5′ above grade at frontage line, but ground-floor shops may be entered at grade and apartment entrances must meet ADA access requirements.

Interior Heights: Ground floor interior clear heights of apartment building lobbies and ground-floor shops shall be no less than twelve (12) feet. Minimum floor to floor heights for apartments: Nine (9) feet.

Vertical Bays: Facades visible from the street shall be broken into vertical bays not exceeding thirty (30) feet in width through the use of one (1) or more of the following: façade recesses, facade projections, or pilasters. Supplemental elements might include canopies, roofline changes, and parapet changes.

Elevation: Ground floors for row houses at the front façade line shall be at least 1.5′ above grade at frontage line.

Site Standards

Pedestrian Friendly Design: Site plans in the Neighborhood General District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria.

Public Open Space: Developments located within the City's Town Center Area shall meet the requirements of the City's Zoning Ordinance for public space dedications, as set forth in Chapter 415.169 Public Space Requirements. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District. Public Space has been deemed to be of critical importance to the character of the community.

Environmental Preservation: In general, all development within the City's Town Center Area should be designed and built in such a way as to minimize adverse impacts on the natural environment. The design, engineering, and construction of projects located within the Town Center Area shall be subject to the environmental protection standards and regulations, as set forth specifically in the following: Chapter 420.200 Natural Resource Protection Standards and Procedures of the Subdivision and Development Regulations; Chapter 415 Grading Code; and Chapter 410 Tree Preservation and Restoration Code. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Parking Requirements for Apartment Buildings: A ratio of 1.5 garage spaces per unit, plus 2.5 spaces per 1,000 square feet of non-residential gross habitable building space shall be required for apartment buildings. Off-street parking may be substituted for a garage by conditional use permit. Any at-grade outdoor parking should meet Green Parking Lot standards (as developed and to be acted upon by the City Council at a future date).

Rowhouses, Houses, and Cottages: Two (2) spaces per unit, plus one (1) space for an accessory unit.

On-street parking adjacent to the frontage line(s) shall also count towards these requirements for Rowhouses and Apartments.

Parking Locations: Off-street parking spaces and garage entrances are to be located behind the building or along the least visible side of the structure from the principal street.

Access: Off-street parking for apartments and rowhouses shall be accessed from either a secondary street or service lane. Off-street parking for houses shall be accessed from either a front driveway or a rear alley or lane.

Walls and Fences: Where voids exist, walls (brick, stone, or comparable material, with masonry cap) or picket fences shall be placed within twenty-four (24) inches of the frontage line and be thirty-two (32) to forty-two (42) inches in height.

Storm Water Management and Retention: All developments located within the Town Center Area shall meet current standards and requirements for the management and control of stormwater runoff, as set forth by the City of Wildwood and the Metropolitan St. Louis Sewer District.

Neighborhood Edge District

The intent of this design/land use district is to provide for single-family houses within the Town Center Area that can be constructed on smaller lots than can be found elsewhere in Wildwood, and are located within walkable neighborhood street systems close to Workplace Districts and the Downtown District. The topography of watersheds and creeks should be respected in all development proposals.

Permitted Land Uses

This design/land use district permits only single-family residential uses, in addition to a narrow range of potentially compatible non-residential uses, such as parks, churches, schools, child care facilities, and civic buildings. However, by conditional use permit, a neighborhood grocery and prepared food service store[1] may be permitted up to 3,000 square feet.

See the Permitted Land Use Chart on Pages xx for more details.

Building Types

Permitted Buildings: Houses, Zero-lot-line Houses, Attached Houses, Garages, **Outbuildings, and Secondary Residential Units:** Garages and outbuildings may not exceed 650 square feet. Residential lots may include a secondary residential unit (not to exceed 650 square feet) over the garage or in a detached accessory structure.

Lot Size (unless otherwise site-specific)

Lot Width: Twenty (20) feet minimum/100′ maximum within a street and block system
Lot Depth: Eighty (80) feet minimum/150′ maximum within a street and block system
Maximum block perimeter: 1,800 feet. This requirement can be satisfied in a larger block by dividing the block with a landscaped mid-block pedestrian walkway no less than twenty (20) feet wide, including a sidewalk of suitable pervious material no less than (5) feet wide that connects the sidewalks on two streets that form two parallel sides of the larger block.

Building Standards

[1] Convenience store with a floor area limited to a specific maximum and the owners offer prepared food.

Front Setback: At least sixty (60) percent of the front facade of each house must be placed along a uniform build to/set-back line that applies to the full block frontage. This build-to/set-back line should be determined at the time that a street and block plan is approved, and should be from ten (10) feet to twenty-five (25) feet from the frontage line. Houses on corner lots should conform to the build-to/set back requirements for both streets.

Front Setback Exceptions: Stoops, balconies, unenclosed porches, and bay windows may encroach within front setbacks.

Side Setbacks: Attached houses and zero-lot line houses with fifteen (15) foot setbacks on one (1) side only may be approved by a conditional use permit (CUP). For detached houses, total side setbacks should equal a minimum of fifteen (15) feet, but should be no less than five (5) feet on any side.

Rear Setback: Twenty-five (25) feet for primary buildings/three (3) feet for outbuildings.

Maximum Building Height for Primary Buildings: 3.5 stories or thirty-five (35) feet measured from the average grade level at the front facade to the eave or top of parapet.

Maximum Building Height for Outbuildings: Two (2) stories or twenty-two (22) feet measured at the eave.

Building Height Calculations: Basements with ceilings three (3) feet or less above grade shall not count as a story. Habitable attics with floors three (3) feet or less below the eaves shall count as 1/2 story.

Outbuilding Maximum Size: 650 square feet building footprint.

Facade Standards

Elevation: Ground floors of buildings at the front façade shall be at least 1.5′ above grade, except that garages can be at grade. Front access garages must be recessed a minimum of fifteen (15) feet from the front facade or porch. The fifteen (15) feet minimum recess also applies to side facades on corner lots. Garage door openings fronting a street may not exceed twelve (12) feet, so that two (2) car garages shall have two (2) individual door openings. Foundations fronting on streets shall be continuous walls, not individual piers

Site Standards

Pedestrian Friendly Design: Site plans in the Neighborhood Edge District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria.

Public Open Space: Developments located within the City's Town Center Area shall meet the requirements of the City's Zoning Ordinance for public space dedications, as set forth in Chapter 415.169 Public Space Requirements. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District. Public Space has been deemed to be of critical importance to the character of the community.

Environmental Preservation: In general, all development within the City's Town Center Area should be designed and built in such a way as to minimize adverse impacts on the natural environment. The design, engineering, and construction of projects located within the Town Center Area shall be subject to the environmental protection standards and regulations, as set forth specifically in the following: Chapter 420.200 Natural Resource Protection Standards and Procedures of the Subdivision and Development Regulations; Chapter 415 Grading Code; and Chapter 410 Tree Preservation and Restoration Code. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Parking Requirements: Two (2) garage spaces per dwelling unit, one (1) off-street car space for an accessory unit. Designated on-street parking within three hundred (300) feet of the main access door into the building or use can count towards parking requirements. Any outdoor at-grade parking should meet Green Parking Lot standards (as developed and to be acted upon by the City Council at a future date).

Access: Garage parking shall be accessed from either a front driveway or a rear alley or lane. Front facing driveways should be no wider than ten (10) feet between the build-to/setback line and the street. Front-facing garages should be located no less than twenty-five (25) feet behind the build-to/set-back line. Each front-facing garage space should have an individual garage door.

Storm Water Management and Retention: All developments located within the Town Center Area shall meet current standards and requirements for the management and control of stormwater runoff, as set forth by the City of Wildwood and the Metropolitan St. Louis Sewer District.

Cultural/Institutional District

The purpose of this design/land use district is to permit a variety of institutional uses that will reinforce the unique attractions of the Town Center Area as a place to work, shop, and live. The design and character of public open spaces is particularly important in this district. The topography of watersheds and creeks should be respected in all development proposals.

Permitted Land Uses

This design/land use district permits a variety of institutional uses, such as churches, schools, governmental buildings, libraries, museums, congregate living, and parks. In the case of colleges and universities, the district also permits "conditional" uses that are supportive and ancillary to the functioning of an institution of higher learning.

See the Permitted Land Use Chart on Pages xx for more details.

Design Standards

Building Locations: Within the context of the Town Center Area, locations at special sites, such as those mapped as Locations of civic importance, and other high-visibility sites, such as those terminating a street axis, should be sought for individual institutional buildings.

Building Setbacks: Institutional buildings may have different front and side setbacks than those of non-institutional buildings in order to emphasize their significance. There are no minimum or maximum front, side, or rear building setbacks within the Cultural/Institutional Overlay District, instead appropriate setbacks will be determined on a site specific basis by conditional use permit (CUP).

Building Height: No building within a Cultural/Institutional District shall exceed a height of sixty (60) feet, measured from final finish grade at the main entry area facing the primary street, although vertical architectural elements, such as steeples and cupolas may extend up to twenty-five (25) feet above the height limit.

Architectural Character: Main entrances should be clearly articulated through their prominent location, size, and design. Roof forms might also include cupolas, steeples, and similar vertical architectural elements intended to give the building prominence.

Site Standards

Pedestrian Friendly Design: Site plans in the Cultural/Institutional Overlay District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria.

Public Open Space: Developments located within the City's Town Center Area shall meet the requirements of the City's Zoning Ordinance for public space dedications, as set forth in Chapter 415.169 Public Space Requirements. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District. Public Space has been deemed to be of critical importance to the character of the community.

Environmental Preservation: In general, all development within the City's Town Center Area should be designed and built in such a way as to minimize adverse impacts on the natural environment. The design, engineering, and construction of projects located within the Town Center Area shall be subject to the environmental protection standards and regulations, as set forth specifically in the following: Chapter 420.200 Natural Resource Protection Standards and Procedures of the Subdivision and Development Regulations; Chapter 415 Grading Code; and Chapter 410 Tree Preservation and Restoration Code. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Parking Requirements: Parking requirements shall be determined on a case-by-case basis, depending upon the specific use and projected peak-hour demands. Parking should be located and designed so that it can be screened from view from surrounding streets. Arrangements for shared parking are also encouraged. Any outdoor at-grade parking should meet Green Parking Lot standards (as developed and to be acted upon by the City Council at a future date).

Storm Water Management and Retention: All developments located within the Town Center Area shall meet current standards and requirements for the management and control of stormwater runoff, as set forth by the City of Wildwood and the Metropolitan St. Louis Sewer District.

Pond Historic District

The purpose of this district is to preserve and enhance the historic character of the Pond Area of Wildwood, which has a concentration of assets that have been identified as significant because of their age, architecture, or role in the community. Pond has been a village with a rural character and a mix of low-intensity residential and commercial land uses since the 1850's, but more recently experienced inappropriate intrusions of industrial uses, as authorized by St. Louis County. All alterations and additions to buildings in this district are subject to review and approval under Section 440 of the Wildwood Municipal Code, while all proposed new buildings shall be conditioned on the requirements therein applied by a site-specific ordinance associated with a zoning change of the property.

Permitted Land Uses: Single family residential buildings, apartment buildings of six (6) units or fewer, retail businesses occupying less than 5,000 square feet on the ground floor, offices (general, professional, and medical/dental types), bed and breakfasts, restaurants, and institutional buildings

Design Standards

Building Height: The height of any proposed alteration or addition should be compatible with the style and character of the historic property. No building within the Pond Historic District shall exceed a height of thirty-five (35) feet, measured from final finish grade at the main entry area facing the primary street, although vertical architectural elements, such as steeples and cupolas, may extend up to twenty-five (25) feet above the height limit.

Building Setbacks: The setback and relationship of a historic structure to the open space between it and adjoining street/roadway should be maintained. New structures should be compatible with prevailing existing setbacks.

Scale: The scale of any new, or existing, structure, after any alteration or construction, should be compatible with the original architectural style and character of any historic building that is located on the site and all development should be in blend with surrounding historic properties.

Directional Expression: Surrounding development should be compatible with the directional expression and orientation of neighboring historic properties.

Signs: The character of signs should be in keeping with the historic architectural style of the property. Character of a sign shall be interpreted to include the total number, size, area, scale, location, type, (e.g., on-site business signs), letter size and style, and intensity and type of illumination.

Site Standards

Pedestrian Friendly Design: Site plans in the Pond Historic District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria.

Public Open Space: Developments located within the City's Town Center Area shall meet the requirements of the City's Zoning Ordinance for public space

dedications, as set forth in Chapter 415.169 Public Space Requirements. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District. Public space has been deemed to be of critical importance to the character of the community.

Environmental Preservation: In general, all development within the City's Town Center Area should be designed and built in such a way as to minimize adverse impacts on the natural environment. The design, engineering, and construction of projects located within the Town Center Area shall be subject to the environmental protection standards and regulations, as set forth specifically in the following: Chapter 420.200 Natural Resource Protection Standards and Procedures of the Subdivision and Development Regulations; Chapter 415 Grading Code; and Chapter 410 Tree Preservation and Restoration Code. These requirements may be modified by the City Council, as part of an approved site-specific ordinance, whether by a C-8 Planned Commercial District or a Planned Residential Development Overlay District.

Parking Requirements: Parking requirements shall be determined on a case-by-case basis for each use, depending upon the specific nature of the activity and the projected peak-hour demands associated with it, but may not exceed the number of required spaces set forth for the activity in the City of Wildwood's Zoning Ordinance. Parking should be located and designed so that it can be screened from view from abutting streets. Arrangements for shared parking are also encouraged within this district. Any outdoor at-grade parking should meet Green Parking Lot standards (as developed and to be acted upon by the City Council at a future date).

Storm Water Management and Retention: All developments located within the Town Center Area shall meet current standards and requirements for the management and control of stormwater runoff, as set forth by the City of Wildwood.

Other: Certain activities previously authorized by St. Louis County or determined to be legal, non-conforming uses by the Zoning Ordinance of the City of Wildwood, shall be considered grandfathered under their current zoning district designations and may be allowed to make alterations, changes, expansions, or other modifications consistent with the requirements of either Chapter 415.460 Non-Conforming Uses, Lands, and Structures, Chapter 415.560 Procedure for Amending the Zoning Ordinance of the City of Wildwood Zoning Ordinance, or under the authority set forth in the site-specific ordinance for that property.

From: **Scott Haley** shaley@kpstl.com
Subject: NP Wildwood, LLC -- zoning report
Date: March 18, 2016 at 9:37 AM
To: Joe Vujnich JVujnich@cityofwildwood.com, Kathy Arnett Kathy@cityofwildwood.com

Joe/Kathy,
Hope all is well.

With today being Friday, I am certain that you are wrapping up the report for Monday's meeting.

I am hopeful that staff has incorporated in the upcoming report that all the of our site specific ordinances (with all the subsequent amendments) and the accompanying staff reports encouraged the creation of a true mixed-use community. The site specific emphasized all major use components of residential, recreational and commercial activities, and that Phase II (Western side) was to potentially include up to 100 residential units.

Furthermore, all great downtowns/town centers (big or small, old or evolving) are as strong as the residents with that districts. These downtown/town center residents provide continuous life, energy and activity to the area. The intrinsic value added by a strong and growing residential base in these areas is hard to quantify, but certainly important and vital.

As both of you know, the *anatomy of successful downtowns/town centers* includes: community gathering spaces, restaurants/outdoor dining, farmers market, city hall, street retail, office space, etc – just to identify a few. But always on the top of the these lists is the incorporation of ***residential*** (ie, multi-family housing, adult communities, single-family) – the link that makes the other components successful.

Finally, your conversations with several other residential developers the past several months, highlights the desire for a variety of housing types (in addition SF) in the Wildwood Town Center.

The support and recognition of our current site specific ordinances and re-incorporating residential in the Downtown District is vital to the long-term success to the Wildwood Town Center.

Scott Haley
Managing Director of Development
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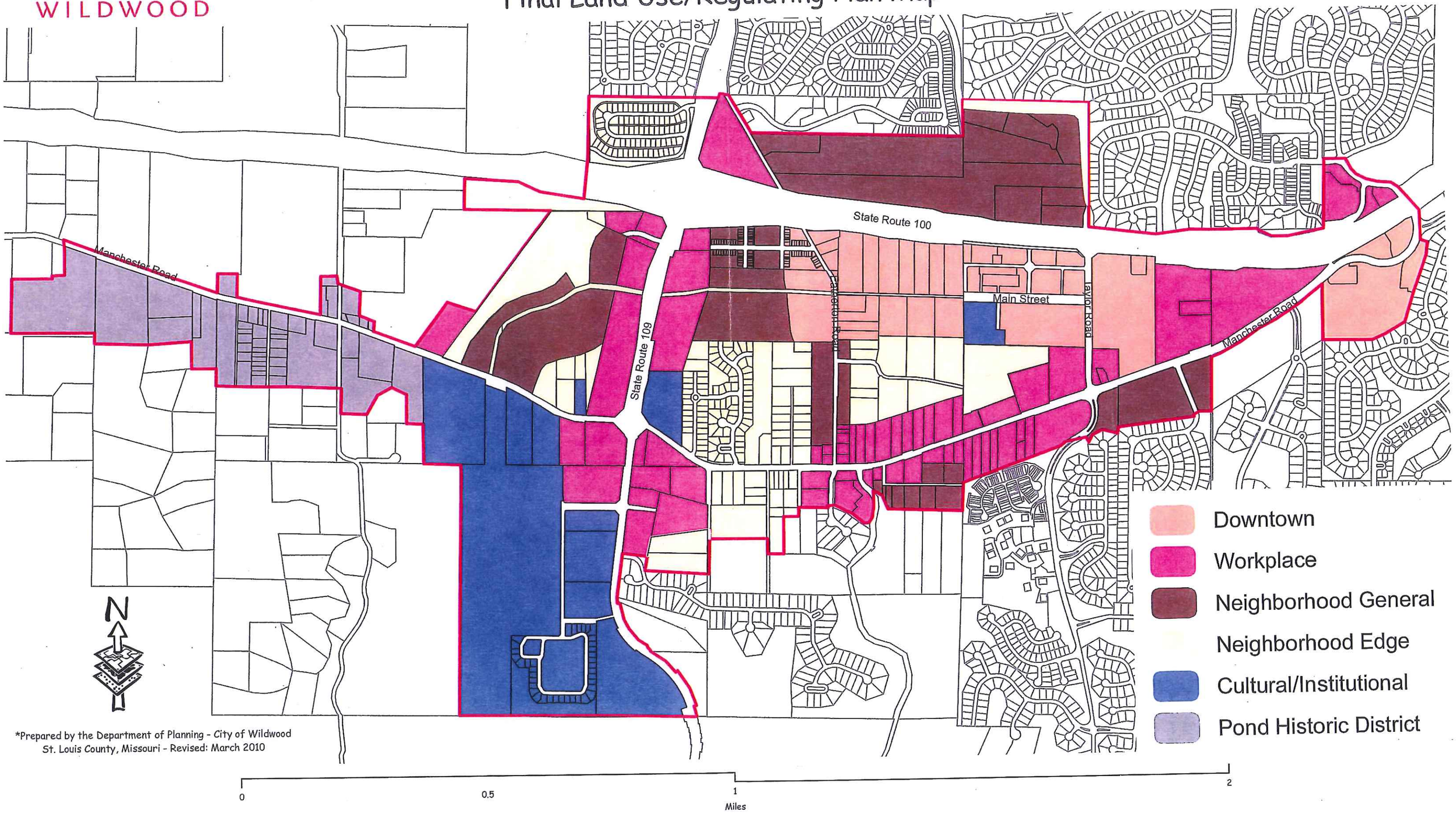
KP Development
www.kpstl.com

CITY OF WILDWOOD
MAR 18 2016
DEPT OF PLANNING & PARKS

WILDWOOD

City of Wildwood Town Center Area - Ten Year Update

Final Land Use/Regulating Plan Map



*Prepared by the Department of Planning - City of Wildwood
St. Louis County, Missouri - Revised: March 2010

OLD BUSINESS **AGENDA ITEM**

WILDWOOD

INFORMATION REPORT

City of Wildwood, Missouri
Prepared by the Department of Planning
Draft Date: June 6, 2016
"Planning Tomorrow Today"

Petition Nos.:	**P.Z. 5 and 5(a)-16**
Petitioner:	**Stonecrest at Wildwood,** NorthPoint Development, 5015 Northwest Canal Street, Suite 200, Riverside, Missouri, 64150
Request:	A request for the modification of the Town Center Plan's Regulating Plan for two (2) lots that are part of the Phase II portion 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 site. **Proposed Use:** A three (3) story senior housing facility, which would allow a maximum of ninety-five (95) beds.
Tract Size:	1.65 acres
Location:	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 Drive)
Hearing Date:	May 2, 2016
Date and Vote on Information Report:	June 6, 2016 - TBD
Report:	Attachment A
Conditions:	Attachment B
Plan Sheets:	Attachment C
Background Information:	Attachment D
Fire District:	Metro West
School District:	Rockwood
Police:	St. Louis County Police Department – Wildwood Precinct
Ward:	Eight
Recommendation:	The Department recommends the Planning and Zoning Commission support the Regulating Plan change requested by the petitioner and, therefore, favorably recommends the requested rezoning petition for the amendment of the current site-specific ordinance governing this tract of land.

ATTACHMENT A - REPORT

Area Synopsis (includes land use and zoning history) -

The first portion of the Department of Planning's Information Report is intended to provide elected officials, nearby residents, and petitioners, along with any other interested parties, pertinent information relating to land use and development application(s) under the City's consideration. This information is designed to provide these users the perspective of the City's plans and codes and how these items determine the appropriateness or inappropriateness of this request for rezoning and a special procedure permit that is being considered at this subject location in the City's Town Center Area. To facilitate the use of the report, the Department has highlighted the key components of the property, the area, the infrastructure and utility levels associated with it, and the site and area's history of zoning and land use decisions, in the following table format.

Characteristic(s)	Explanation
Size of the tract of land	1.6 acres
Location	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)
Number of parcels of ground constituting this tract of land	Two (2) lots
Amount of Frontage (approximate)	Plaza Drive – 315 feet State Route 100 – 370 feet
Plaza Drive	Plaza Drive is a City-maintained Town Center Street that was constructed with the overall Wildwood Town Center Project. This street is 34.5 feet in width, including the parallel parking lane, with the associated right-of-way having the same overall size. Two (2) sidewalk, utility, and maintenance easements exist on either side of the right-of-way, which are as follows: north side of Plaza Drive, at the subject site, 8.5 feet; south side of Plaza Drive, across from the subject site, ten (10) feet. Total public use area is fifty-three (53) feet. Within this right-of-way area are two (2) lanes of driving surface (asphalt material, with concrete curb and gutter), sidewalks on both sides of the driving lanes (eight (8) feet in width), and street trees, in grates, streetlights, and traffic signage. All of these improvements are

Characteristic(s)	Explanation
	constructed to the Town Center Plan's Streetscape Standards and Street Specifications. This roadway has an east-west orientation, with limited traffic volumes at this time.
State Route 100	State Route 100 a limited-access, arterial roadway maintained by the Missouri Department of Transportation (MoDOT). The width of this roadway is four (4) lanes, with additional turn bays at the intersections with Westglen Farms/Manchester Road and Taylor Road. The design of this roadway provides for limited access to it, with traffic volumes being high, and speeds substantial. The alignment of the roadway is east/west, bisecting the City in two (2) unequal halves, and it serves a diverse land use pattern of commercial activities located in the City's Town Center Area and low-density residential uses further to the west. This roadway has an interstate design along petitioners' frontage. This roadway provides for inter-county traffic movements and does have certain characteristics, which need to be understood as part of this development's consideration, including turning movements of vehicles at Taylor Road and pedestrian crossings at Taylor Road and State Route 100. Along with these items, sound levels associated with the roadway are a consideration as well.
Current use of properties	Vacant, with a small area of improved parking – asphalt surface
Watershed	Caulks Creek
Soil and Slope Characteristics	The physical characteristics of these sites are typical of this physiographic region, where they are located. Soils generally have a high clay and chert content and can be shallow in nature. The site itself exhibits a level topography, given the development activity that has occurred upon it over the last ten (10) years. Overall relief is less than ten (10) feet, with drainage runoff toward the southwest corner of the overall site. The site is lawn area and no trees exist on it, except a narrow band along its westernmost boundary.
Current zoning district designation	C-8 Planned Commercial District

History of zoning district designation	These properties have been the subject of four (4) major zoning events over the last fifty (50) years, which are summarized below: a. In 1965, St. Louis County zoned all of these properties NU Non-Urban District, a holding category for future development patterns that would emerge over time, although establishing a three (3) acre residential land use category that would become the predominant type in Wildwood. b. In 1995, the City of Wildwood modified the NU Non-Urban District to the NU Non-Urban Residence District, which finally identified this designation as a true residential type and its pattern would no longer be considered as a holding category for future development. c. In 2004, the City of Wildwood approved a C-8 Planned Commercial District zoning designation upon these properties and several others, all part of the Wildwood Town Center Project being proposed by Koman Properties. These two (2) lots are authorized for two (2) mixed-use buildings that would be one (1) story and two (2) stories in overall heights respectively, with a total area of 30,610 square feet (per the approved Site Development Plan). d. In 2015, Gardner Capital Development requested a change in the Town Center Plan's Regulating Plan, as well as to the site-specific zoning ordinance, for these same two (2) properties to allow a three-story, senior apartment facility, which would consist of forty-eight (48) total units. These units would be housed in a single building that would be facing Plaza Drive, with parking oriented toward State Route 100. The Department of Planning recommended the change to the Town Center Plan's Regulating Plan not be supported, while also not endorsing any changes to the existing C-8 Planned Commercial District for a number of reasons relating to the impacts of such an action on "Downtown" District designated properties and the proposed design and architecture of the site and associated building. Action was never taken by the Planning and Zoning Commission on this recommendation and, later, the petitioner withdrew the request. It is important to note that, when the Department met with the petitioner, it stated support for a residential project at this specific location could be obtained, if the following components were added to its application: (1.) increasing its density; (2.) adding more structured parking that would also be available to the public; (3.) incorporating additional public space; (4.) adding a commercial component on the street level; and (5.) improving the architecture to the level of existing buildings in the vicinity. The petitioner, again, chose to withdraw the requests versus redesign its components.

Master Plan and Town Center Plan	This site was part of the Master Plan process in 1995-1996. As part of this planning process, the site was designated 'Town Center Area,' given its proximity to State Route 100 and the zoning actions by St. Louis County. This designation has not changed, since its initial adoption in February 1996. As part of the development of the Town Center Plan, which began in 1996 and concluded in 1998, the property was designated a range of potential use categories, including Neighborhood Center and General Districts. These designations reflected the size of the tract of land and its location relative to the existing roadway network and frontages thereon. With the update of the Town Center Plan in 2010, Phase II, along with Phase I, of the Wildwood Town Center Project were both designated the newly created Downtown District, which allows for all types of commercial activities, while also allowing building footprints up to forty thousand (40,000) square feet in size. In the past, the current owner of the property had sought the right for drive-through facilities on one (1) of the two (2) lots that form the current subject site, which are now allowed with this Regulating Plan change to Downtown District.
Surrounding land use	**To the North**: Crossing State Route 100 is a series of properties that now form the Villages at Bright Leaf Project, which consists of 194 single family dwellings on individual lots. This property was zoned a mix of zoning district designations, indicative of at least two (2) proposals that were acted upon by St. Louis County or Wildwood. The current proposal changed the existing zoning district designations to the R-3 10,000 square foot Residence District, with a Planned Residential Development Overlay District (PRD). The request is consistent with the current Regulating Plan designations of the overall tract of land. **To the East**: Abutting in this direction is a portion of the Wildwood Town Center Project, which also includes the City's public plaza area, parking lots, a vacant site, and a medical/dental office. All of these areas are currently zoned C-8 Planned Commercial District. To the east of the medical/dental office is Fountain Place. **To the South**: Crossing Plaza Drive in this direction is another portion of the Wildwood Town Center Project, which also includes several vacant lots, the parking garage, and the Wildwood Hotel. All of these areas are currently zoned C-8 Planned Commercial District. To the south of these land uses is Main Street.

	To the West: Adjoining in this direction is an area of three (3) acre residential lots, with dwellings located upon them. These lots are served by Crestview Drive and the entire area is zoned NU Non-Urban Residence District. Eatherton Road defines the westernmost end of this specific residential area.

Current Request -

The petitioner is seeking to develop this approximately 1.65 acre site with a single, three (3) story building that is intended to house up to ninety-five (95), licensed beds for assisted and memory care patients. The building forms an L-shape, with the intersection of its two (2) wings facing toward the southwest corner of the property, and Plaza Drive. Parking is provided on the north side of the building, in the area of those existing limited improvements. A total of fifty-five (55) parking spaces are planned to serve the requested ninety-five (95) units. Of those spaces, three (3) of them are designated for ADA purposes.

All of the units appear to be single occupancy types, and have a total size of approximately six hundred (600) square feet. On the submitted Preliminary Development Plan, the petitioner also notes the following regarding this proposed project:

1. The petitioner indicates a fifteen (15) foot setback is to be provided between the proposed building and the site's western property line, which abuts a NU Non-Urban Residence District area, which does not meet the required regulation in this regard.
2. The petitioner plans to complete the columns and decorative fencing along the site's State Route 100 frontage.
3. The petitioner has indicated a trash enclosure off the property's Plaza Road frontage, with it integrated into the building's southwest corner, so as to screen it from view. Access to this area will be via a gate, again facing to the southwest, with the planned materials for this screen gate to be consistent with that of the main building.
4. The petitioner notes on the plan that all landscaping and lighting will be in accordance with City regulations and has provided Landscape and Lighting Plans as well, as part of the overall submittal package associated with these requests.
5. The petitioner is providing all utilities to the site.
6. The petitioner is not providing any new public space dedications or roadway improvements, since all were completed with the original Wildwood Town Center Project, but the plan indicates the provision of public art in the main entry area of the parking lot area into the front of the building. Along with this public art, the petitioner is also providing an outdoor gathering area, which is next to Plaza Drive, and offers residents a location to be outdoors and enjoy the street life of Town Center.
7. The building placement relative to the two (2) primary frontages meets the requirements of the Neighborhood Design Standards for the "Neighborhood General" District of the Town Center Plan - zero (0) feet for Plaza Drive and eight (8) feet for State Route 100.

8. The subject site is part of an approved stormwater management plan authorized over ten (10) years ago, but must, and does, provide new improvements to address the Phase II stormwater regulations of the Metropolitan St. Louis Sewer District (MSD). The major feature is a bioretention area by the main entry into the project. Another area of bioretention is provided inside the turning island that offers access to the front of the building.
9. The petitioner provided an architectural rendering of the building, at the public hearing, which is attached to this report (a revised rendering has now been provided indicating the changes to the building along its eastern end).

Analysis -

The Department of Planning has considered the request for the Regulating Plan change and the related amendment of the existing planned district zoning designation to allow for the development of this 1.65 acre site for a senior services residential facility by reviewing and analyzing its relevant components. These components that were considered included the following items:

1. The appropriateness of the inclusion of residential uses in the Downtown District Area of Town Center, which requires a change to the Regulating Plan, if determined appropriate.
2. The impact of the allowance of residential uses at this location, without the inclusion of commercial uses as a component of its design.
3. The desirability of the proposed design of the site and its related improvements.
4. The compliance of the design with the general standards and guidelines of the Town Center Plan, including the conditions of the site-specific ordinance that is in place at this time.

In considering these four (4) items, each of them must be favorably addressed, before a positive recommendation can be made in this regard. If all are determined to be consistent with the plan for Town Center, development of this site can be supported.

(1.) The appropriateness of the inclusion of residential uses in this specific location of Town Center, which would require a change to the Regulating Plan, if determined appropriate - The Department would note the Downtown District does not authorize residential activities within its boundaries due to the desire of the City to build on the development pattern that had emerged in this area with the completion of the two (2) major land use projects, Dierbergs Town Center and Koman's Wildwood Town Center. With these projects, the pattern of all commercial uses was established on these lots and, over the years, retained, despite the latter being authorized for live work and other residential units during the initial rezoning process that began in 2004. However, with the update of the Town Center Plan, the City wanted to protect this pattern and foster its growth over the next ten (10) years of the plan's application.

With the recent action of the Planning and Zoning Commission to not allow residential uses to be considered as permitted types in both the "Downtown and Workplace" Districts, this request for senior housing requires a Regulating Plan change to the "Neighborhood General" District, which allows for the type of activity that is being requested at this location in Town Center. The requested

designation of "Neighborhood General" District allows for a mix of different uses, such as housing, services, and commercial activities. This designation accommodates a full range of uses within the same block, lot, and, in fact, building. In fact, New Urbanism promotes a full range of land uses in the standard neighborhood, which is a one-half mile diameter circle. Within that circle, all uses are encouraged to provide a resident the walkability sought in neo-traditional developments. Therefore, residual and commercial activities were intended to occur on the same block, lot, and, in some instances, the building, i.e. live-work types, as anticipated in the "Neighborhood General" District designation.

Accordingly, early ordinances of the City for projects in the Town Center Area almost always contained some type of residential components, whether live-work types or some others. These residential uses again would form part of the traditional neighborhood and offer a resident of that area all the services such would need for a typical day. Conversely, typical segregation of uses was discouraged, which many post-war zoning ordinances stipulated. Examples of this type of land use plan are the subject site and the surrounding lots that form Koman's Wildwood Town Center Project.

In this case, the western phase, or phase two, of this overall fifteen (15) acre project was intended to include up to one hundred (100) residential units. In fact, the governing ordinance for this part of the project still stipulates that certain allowable buildings within this phase have dedicated residential activities. These buildings included those structures planned on Lots L and M; both in Phase Two again. The subject site is not one (1) of these two (2) mandated locations, but is across Plaza Drive from Lot L. Acknowledging such situation, the Department believes adding residential uses here would not be inconsistent with the original intent of the Town Center Plan's structure of the typical neighborhood to have residential activities in the vicinity of commercial uses, along with the live-work types as well.

This support, however, would set into place other Regulating Plan changes on the nearby properties to maintain matching land use patterns on both sides of the common streets. The requirement for land use patterns to change behind the street dictates this requirement of accompanying changes to other land use designations in the vicinity of the site to occur as well. These changes would include the property to the south of the subject site, on Plaza Drive. With these changes, other potential impacts would be anticipated on the lot located on the opposite side of the public plaza from the subject tract of land. Therefore, the area between Fountain Place, State Route 100, and Plaza Drive would become a residential area, in principle, if commercial uses are not introduced as part of them. This change in this area would have impacts and those considerations need to be fully understood as well.

These considerations include the reduction in available commercial land area in Wildwood, the integration of these uses, so as all function well with each other, and the adherence to the Master Plan's intent to provide a range of housing types in the community. These factors, and others not specifically identified herein, point out whether the impacts are too great to proceed. In considering them, the Department does believe the reduction in available commercial space would be problematic and cannot be allowed by the City, without accommodations made elsewhere.

These accommodations would include the inclusion of commercial uses, as part of any residential development, including these current requests. With commercial activities as part of a residential project, the intended neighborhood mix is maintained and business locations are provided where planned.

In terms of the integration of land uses of differing types, the Department has the opinion that only certain residential uses are most suited for this mixing. The residential uses most suitable for the mixing of activities found in other locations, where New Urbanism has been successful, are generally multiple-family types and not necessarily always owner-occupied. These residential uses can best accommodate the activity levels and characteristics of commercial uses in very close proximity. Therefore, this congregate setting would appear to be appropriate for this location, given the integration of commercial uses within it and the ownership model associated with it.

Since the adoption of the first Master Plan, the document has always contained the policy of providing a range of housing types for existing and future residents of the City. Certainly, over the last twenty (20) years, the City has provided many single family detached dwellings on individual lots, but a limited number of other types. These other types include senior housing. In fact, only one (1) recent development has focused on a group above fifty-five (55) years of age, which is the Meadows of Wildwood. This development was intended to offer a range of housing options to seniors, but, due to unforeseen circumstances, only self-care villas have been constructed, with assistance with daily activities the sole responsibility of each owner of an individual unit. Therefore, for the City of Wildwood, this project would represent the first to address a care setting of a bed-based nature and density.

(2.) The impact of the allowance of residential uses at this location without the inclusion of commercial uses as a component of its design - The conversion of commercially designated property in Town Center to any other use category will have an impact. That impact can be significant, if appropriate accommodations are not made in the design of the primary use that is seeking a change to the Regulating Plan, such as residential activities. To minimize this impact and recognize the limited interest in multiple-story commercial buildings in Wildwood at this time, the Department believes it is imperative that any residential project that may be considered in an area formerly designated "Downtown" or "Workplace" Districts be first re-designated to "Neighborhood General " District and always include a ground floor commercial component. The extent of this component of commercial activity must be at a scale sufficient to provide a measurable community benefit and add to the street life of the area. The Department would not recommend the favorable support for a change in the Regulating Plan to "Neighborhood General" District, without first ensuring the accommodation for commercial uses on the ground floor of the building or buildings.

In this case, the original plans for these two (2) properties did not contain any commercial components in association with them. The plans, the original concept submittal by Gardner Capital Development, and now the other by Stonecrest, indicated all stories of the respective buildings as residential in nature. This approach raised questions at both of the public hearings and led to concerns by the Commission regarding impacts, both now and well into the future. As described in

the zoning history section of this report, the Department noted to Gardner Capital Development's application that an approach to having the project more compatible and consistent with the Town Center Plan's standards and guidelines would be the addition of commercial uses on the ground floor of the building. This matter was also discussed with the representatives of Stonecrest at the Department's first meeting with them as well.

After the public hearing on the Stonecrest request, the petitioner has now changed the design of the ground floor of the building to include a commercial component at the most prominent corner of it, the area of the structure that faces the public plaza and Plaza Drive. This change now adds a commercial component in a very visible location on this street and engages the public space immediately to the east of the subject site. With this modification to the building and its relative use, the Department believes the change to the Regulating Plan designation of this property to "Neighborhood General" District is appropriate and achieves the best outcome for the Town Center, which is commercial activity on the ground floor part of the building, with all other stories providing a residential type of use not available elsewhere in the City. Therefore, this design and function change offsets the major impact of the Regulating Plan modification associated with this request, while setting the pattern for the development of the remaining lots located on Plaza Drive.

(3.) The desirability of the proposed design of the site and its related improvements - The Department has reviewed the submitted Preliminary Development Plan and determined that it meets the minimum standards and guidelines of the Town Center Plan, while also providing updated features and improvements that are not currently required in the governing ordinance for the overall Koman Properties' Wildwood Town Center site. This compliance, plus addressing the new requirements of the Metropolitan St. Louis Sewer District (MSD) and integrating new public space and other improvements, adds a new character to this property that would otherwise not be provided under the old, approved Site Development Section Plan for this tract of land (a Site Development Section Plan for the subject tract of land was approved by the City in the mid-2000's).

This compliance to the standards and guidelines is described below in the provided comparison:

Standard - Guideline	Requirement of Town Center Plan	Submitted Plan	Commentary
Build-To Line	0 ' to 15'	• 0' to Plaza Drive • 0' feet to State Route 100	Compliance is met

Setback Areas	• 5' to 15' for side yard areas • 30' feet for rear yard areas	• 15' feet for side yard - west end of the building • 26' feet for rear yard - east end of the building	Compliance in most regards, with rear yard area slightly less than required, but abuts a drive aisle, which provides access to the adjoining public plaza. It is important to note the underlying C-8 Planned Commercial District regulations require a minimum forty (40) foot structure/building setback between any property so designated and a site zoned NU Non-Urban Residence District, which exists at this location on the subject site's westernmost boundary. Petitioner's plan indicates a minimum of fifteen (15) feet of distance, which will have to be considered by the City's Board of Adjustment, since the underlying regulation cannot be adjusted via the planned district zoning process.
Building Height	5 stories	3 stories	Compliant
Parking Ratio	1.5 spaces per unit/bed and 2.5 spaces for non-residential	• 1 space for every 5 units • 1 space for every 2 employees • 2 visitor spaces	The type of use assisted/memory care typically does not generate the same type of parking demand as a multiple-family project, which is why the proposed ratio is lower than required by the Town Center Plan. However, the Department would note that such ratio is consistent with the City's Off-Street Parking and Loading Regulations of the Zoning Ordinance for a skilled care facility of this nature - one (1) space for every five (5) beds. Additionally, this tract of land, like others in the project's boundaries, has rights of use of the on-street parking stalls, the parking garage, and cross-parking agreements with the parking lot to the east. When calculated in total, the Department does believe the parking requirements for a facility of this size are met.

Parking Location	Behind buildings or along with least visible side of the structure from the principal street	The parking is behind, and to the side, of the building from the perspective of Plaza Drive, which is the primary street, but visible only from State Route 100, the secondary street.	Compliant It is important to note the City made this decision on these streets, when it approved the drive-through facilities for Starbuck's and PNC Bank, in Phase One of the Koman Properties' Wildwood Town Center Project thereby noting the working components of these types of uses would be visible from State Route 100, rather than Plaza Drive.
Access	Off-street parking accessed from either secondary streets or service lane	Access to the off-street parking area in association with this use is via an existing drive aisle located on Plaza Drive, and to the west of the public plaza, and the existing drive aisles serving the abutting parking lot area to the east.	Compliant
Lot Width	20' minimum, with no maximum, but must fit with required block dimension	320'	Compliant
Lot Depth	80' minimum, with no maximum, but must fit with the required block dimension	210'	Compliant
Block Dimension	2000' (maximum)	1000'	Compliant The block dimension was already in place and the lots forming this tract of land established in accordance with the Town Center Plan.
Elevation	• 1.5' feet from street elevation • 0' for commercial uses from street elevation, with ADA compliance	1.15' feet for main entry area to residential use 0' feet to commercial area from sidewalk grade	Compliant for commercial spaces, while residential component is slightly lower, but for this type of use, the Department believes acceptable to accommodate the age, type, and condition of the planned population to be housed inside the facility.
Interior Floor Height	• 12' for commercial spaces • 9' for residential spaces	Not Provided	Unknown at this time.

Pedestrian Friendly Design	Sidewalks to all building entries, along with connections to existing network in the vicinity	Sidewalks to be added to accommodate access from all exterior entries/exits from the building, which connect to the surrounding network of existing facilities, including the State Route 100 trail system.	Compliant The design provides for a minimum width of 5' for all new sidewalk improvements, while building the intended pedestrian facilities on the east side of the proposed building.
Public Space	Compliance to Public Space Requirements of Zoning Ordinance	The existing site-specific ordinance has a condition that does not require future building development to participate in providing more public space, given the amount originally set aside with the approval of the overall fifteen (15) acre project. However, petitioner is indicating public art at the main entry area into the building, while providing "Best Management Practices" for water quality purposes, which is a creditable improvement for public space in the City of Wildwood.	Compliant
Environmental Preservation	Minimize adverse effects on the natural environment	Utilizing existing lots, which were previously graded to accommodate future building pads.	Compliant

Walls and Fences	Walls and fences to continue building line, where void exists	No voids along Plaza Drive	Compliant Walls and fences not necessary, given current placement of the building does not create a void/space along its Plaza Drive frontage. A retaining wall is indicated along the majority of the site's western boundary to accommodate the building's placement, while offering an area for improved plantings. The wall's design, materials, and colors will have to complement the building's architecture and colors as well.
Stormwater Management	Current Metropolitan St. Louis Sewer District and City standards - Phase II	Phase II water quality component to be addressed	Compliant

As indicated in the comparison table provided above, the submitted design of the building relative to the 1.65 acre site meets the major standards and guidelines of the Town Center Plan and provides a high level of aesthetics to the abutting street and overall area, as defined by the larger project's boundaries.

(4.) The compliance of the design with the general standards and guidelines of the Town Center Plan, including the conditions of the site-specific ordinance that is in place at this time -

This subject tract of land, which is the location of these requests, is already governed by a site-specific ordinance that was last amended by the City in 2009. This ordinance addresses not only the subject tract of land, but also the remaining thirteen plus (13+) acres of the development that includes the Wildwood Hotel, the Walgreen's building, the Starbuck's location, and many other retail and service users in a total of six (6) existing buildings. This ordinance has also been amended over the last ten (10) years to accommodate changes in design and other considerations, many times in attempting to address the marketability of the overall project and individual items associated with it.

The owners of the project, not the City, primarily initiated these amendments. Often these amendment requests were in response to potential users of the vacant lots and how they might need to be accommodated upon them in terms of their building sizes and designs, along with parking and infrastructure improvements. Over the timeframe, this project has been authorized for development activity, the standard for design and architecture has remained very high due to the protections and requirements provided in the site-specific ordinance, which attests to the need to appropriately amend it for the purposes of this current proposal.

The Department would note that many of the design and infrastructure conditions contained in the current ordinance were addressed/constructed many years ago and are no longer applicable to the development of the remaining lots. However, this ordinance anticipated up to one hundred (100) residential units and many of its conditions address how they should be developed and the architecture associated with them as well. Therefore the Department has reviewed this existing ordinance and updated it to reflect the proposed design and other parameters associated with the subject requests. Through this review, the following items have been addressed in this existing ordinance to accommodate the ninety-five (95) units at this senior care facility being proposed in Town Center:

1. The references throughout the current site-specific ordinance to "Neighborhood Center" District are changed to "Downtown" District, except for the two (2) subject lots, which are recommended to be the "Neighborhood General" District.
2. The references to open space, a former land use designation of the Town Center Plan, are now defined as public space, consistent with the City's Zoning Ordinance.
3. The building requirements are changed to reflect the modifications in the subject tract of land's recommended use for a senior housing facility.
4. The accommodations for future, additional residential activities on properties located on the opposite side (south side) of Plaza Drive from the subject tract of land are referenced.

The Department would also state that many of these changes to the governing ordinance would not be necessary, if for, during the update of the Town Center Plan during the period of 2008 to 2012, the land use designations for these two (2) lots, and others in its vicinity, had not been changed from "Neighborhood Center" District to "Downtown" District. This change precluded residential uses in an area previously approved for them, which again necessitates the need to amend the Regulating Plan to better allow the current conditions of the site-specific ordinance to once again be applied with the development of this subject site. The change to the Regulating Plan, as part of the update of the Town Center Plan, was intended to address past requests by the owners and others to have more commercial options on these properties and move away from any live-work type of units or other similar residential activities. However, now with the current proposal being considered by the Planning and Zoning Commission, and the addition of commercial uses on the proposed building's ground floor by the petitioner, much is as it was, when the City last acted upon the ordinance in 2009.

Summary of Report's Findings and Recommendation -

The Department of Planning has determined the requests, first to change the Regulating Plan's designation of this property, is appropriate, given modifications to the planned mix of uses on this subject site, while the amended rezoning is also suitable and consistent at this location. In the report, evidence is provided indicating the requests support the original intent of this area, as defined in the Town Center, prior to its update, while also meeting the key criteria of a current "Neighborhood General" District use. The Department has also determined the placement and design of the building on this subject tract of land meets many of the Town Center Plan's standards and guidelines, while appropriate measures have been created within the conditions of this

recommendation to improve their application. Based upon this information, the Department of Planning is recommending the requests be supported by the Planning and Zoning Commission and an affirmative recommendation be forwarded to the City Council for their ultimate consideration and action. This support is premised on the petitioner accepting and adhering to all the development conditions contained in Attachment B of this Information Report.

ATTACHMENT B – CONDITIONS

1. **PERMITTED USES**

a. If the developer anticipates the phasing of the permitted uses authorized for this development, and their related improvements, the following requirements and limits shall apply to the number of residential units and commercial square footage (as defined in Conditions 1(b.) and 1(c.) of this ordinance), which can be authorized within a specific phase:

PHASES	USES
One (Amended C-8 District area)	A minimum of five (5) commercial buildings not to exceed 88,300 square feet of gross floor area. Any building housing residential units shall also be required to utilize its first floor for commercial users.
Two (Amended C-8 and C-8 District area)	A maximum of **seven (7) Downtown District buildings and one (1) Neighborhood General District building (Lots 1 and 2)** ~~nine (9) Neighborhood General Center~~, with all not to be less than 167,000 square feet of gross floor area ~~including the required live/work units, but not any other residential units added to these existing buildings to accommodate an authorized third or fourth floor option~~. Any building housing residential units shall also be required to utilize **a portion of its** first floor for commercial users, as approved by the Planning and Zoning Commission on the Site Development Plan.

No Phase II building permits, nor Phase I occupancy permits, shall be issued, until Main Street construction has substantially commenced, the reimbursement of the City for all of its costs associated with the purchase price of this right-of-way area is complete, and the plat for the roadway has been submitted and approved by the City of Wildwood or an acceptable agreement between the developer and the City has been signed regarding these same items.

b. The uses allowed in this Amended C-8 Planned Commercial District (Phase I) shall be limited to all permitted '**Downtown**' ~~Commercial and Neighborhood Center~~' District uses, as defined in the Town Center Plan (as amended March **1, 2010** ~~2, 1998~~ and may be modified here and after by applicable ordinance). The C-8 Planned Commercial District (Phase II) portion of this site shall be limited to all permitted '**Downtown and Neighborhood General**' ~~Neighborhood Center and Open Space~~' District uses and may also include a hotel, restaurants (fast-food, but no drive-through facilities), and medical and dental offices, with associated parking, but excluding sewage treatment plants, research laboratories and facilities, and office/warehouse units. **The 'Neighborhood General' District designation in the Phase II area is limited to two (2) existing lots (Lots 1 and 2, as indicated on the approved Site Development Plan dated March 15, 2010 in the Department of Planning's files) and the proposed location of the allowable senior care facility, which shall be limited to no more than ninety-five (95) beds, as may be set forth within the Certificate of Need (CON) approved/issued by the Missouri Health Facilities Review Board, and shall be provided to**

the City of Wildwood's City Attorney for verification and acceptance to form and compliance.

i. A minimum of ten (10) percent of the residential units in this development shall be live/work types and **shall be located within** the '**Downtown District** ~~Center~~' area of the Phase II portion of this project. Additional independent dwelling units shall ~~also be authorized~~ **be required** in conjunction with **Buildings G and J/K(Lots 3A and 6)** ~~F through N~~, but the combined, and total, number of residential units, whether live/work or independent types, **shall be as determined at the time of each Regulating Plan change (Downtown District to Neighborhood General District) and the accompanying amendment of the planned district ordinance for that specific lot or lots being considered for the buildings identified above** ~~not exceed one hundred (100) on the site~~. These additional dwelling units shall be located within a 'Neighborhood **General** ~~Center~~' District designated portion of Phase II, as defined by this ordinance. Residential units shall occupy at least one (1) floor of **each of the** buildings **identified above**, unless otherwise authorized on the Site Development Plan.

ii. A multiple-level parking structure shall also be constructed in the **'Downtown' District** '~~Neighborhood Center~~' District area of the subject site (western half of property) and provide a minimum of two hundred ninety-four (294) spaces, which shall also be available for public parking purposes, as defined in a separate agreement in terms of the overall number of these stalls and other related items. No more than fifty (50) percent of the building square footage can be constructed in Phase II (as defined in Condition 1(a.)) without the parking garage commencing construction, with its completion no greater than two hundred seventy (270) days from its start. Completion shall be construed as the issuance of a final occupancy permit.

iii. Buildings J/K shall contain separate underground parking containing not less than sixty (60) total spaces.

c. An area of this site, within the Phase II portion of this development, and of a size not less than as shown on the Preliminary Development Plan, and north of the east-west arterial street within the C-8 Planned Commercial District (Phase II), shall be utilized for **'Public** '~~Open~~ Space' District permitted uses only. This area of '**Public** ~~Open~~ Space' District shall incorporate hard and soft improvements in an area of sufficient size to accommodate public events. This area shall be platted and transferred by fee simple title (general warranty deed) to the City of Wildwood, unless otherwise directed by the City Council. The design, improvements, and parking access for this facility shall be acted upon by the Planning and Zoning Commission and Architectural Review Board, as part of the Site Development Plan submittal and review process. The parking lot area located immediately to the north of this public plaza shall be dedicated for public use and access purposes, including by easement to the City of Wildwood in a form acceptable to the City Attorney, thereby granting the City of Wildwood authority to control access and use of such area; provided the fee owner of this area shall maintain any improvements thereon, while retaining the right to use the area for

additional site parking to the extent not inconsistent with the public use as may be authorized by the City.

ii. **The senior care facility shall provide public art pieces, as part of the development of Lots 1 and 2, for the allowable residential uses, which shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Amended Site Development Section Plan required for this area.**

iii. **The development of this senior care facility shall also provide a public/private exterior patio/courtyard area along its Plaza Drive frontage. This patio/courtyard area shall be not less than one thousand (1,000) square feet in size and allow for seating of residents within its defined boundaries. Design details shall be reviewed and acted upon by the Planning and Zoning Commission, as part of its review and consideration of the Amended Site Development Section Plan.**

iv. **The developer shall construct along the property's State Route 100 frontage the remainder of the system of fencing and columns that currently defines this area to the east of the subject site. The columns and fencing shall match those structures already in place along this roadway frontage. Design and construction details shall be reviewed and acted upon by the Planning and Zoning Commission, as part of its review and consideration of the Amended Site Development Section Plan.**

2. **FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS**

a. All phases of this development shall be authorized a total of 393,300 square feet of residential and non-residential users in maximum allowable building sizes as follows:

BUILDING IDENTIFIER	SIZE - Commercial (Total square footage)	SIZE – Residential (Total square footage)
Financial Institution with Drive-through facility (Building A)	17,800	
Retail (Building B)	9,900	
Retail (Building C)	5,400	
Mixed-Use/Office/Retail (Building D)	40,000	
Retail with Drive-through facility (Building E)	15,200	
Mixed-Use (Building F)	20,000	
Mixed-Use (Building G)	30,000	
~~Mixed-Use (Building H)~~	~~30,000~~	
~~Mixed-Use (Building I)~~	~~10,000~~	
Senior Care Facility (no more than 95 beds)	**No less than 2,700**	**No more than 75,000**
Mixed-Use (Building J/K)	20,000	60,000
Mixed-Use and/or Hotel (Building L)	85,000	
Mixed-Use (Building M)	20,000	
Child Care Center/Private School (Building N)	10,000	

Total square footage of permitted buildings utilized for commercial uses only shall not to exceed 313,300 square feet in overall gross floor area. If a third and fourth story option is exercised upon Buildings F through N, they shall be residential in use and be approved as part of a Site Development Plan submittal to the Planning and Zoning Commission in terms of size and number of units, provided that required additional parking is provided for such addition stories. Residential square footage in Phase II of this development shall not be more than **seventy-five thousand (75,000)** ~~eighty thousand (80,000)~~ square feet in gross floor area and as approved by the Planning and Zoning Commission on the Site Development Plan **(amended and/or section)**.

b. A minimum of two (2) buildings, with the option of a third, must be located abutting the Taylor Road right-of-way, with no more than twenty (20) percent of the frontage not occupied by an arcade, porch, or building façade within the Amended C-8 Planned Commercial District portion of this development (Phase I). The orientation of these buildings shall be as shown on the Preliminary Development Plan submitted by the petitioner as part of the rezoning request. These buildings shall be constructed with glazing to provide a minimum of seventy (70) percent transparency along Taylor Road or as approved by the Architectural Review Board.

c. All buildings and structures located along Main Street and the internal east/west drive shall be placed at the edge of right-of-way. In any instance where a building façade is absent, a garden or screen wall shall be installed. This wall(s) must complement the appearance of the buildings located within the same block in terms of its design, architecture, color, material, and character. All garden or screen walls located within the Amended C-8 Planned Commercial District (Phase I) and C-8 Planned Commercial District (Phase II) portions of this site shall be reviewed and approved by the Architectural Review Board as part of the Site Development Plan submittal process.

d. Only two (2) docking areas are authorized within the boundaries of this Amended C-8 Planned Commercial District (Phase I) and C-8 Planned Commercial District (Phase II), which shall serve Buildings E and L. Appropriate screen walls or other comparable measures shall be employed as part of these areas to minimize visual intrusions onto adjoining properties and any roadway right-of-way, including the installation of gates at its opening. All screen walls located within the Amended C-8 Planned Commercial (Phase I) portion of this site shall be reviewed and approved by the Architectural Review Board as part of the Site Development Plan submittal process.

e. Only three (3) drive-through facilities shall be authorized in the Amended C-8 Planned Commercial District (Phase I) portion of this development. These facilities shall be in conjunction with the retail stores (Buildings B and E) and the financial institution (Building A). These facilities shall be oriented toward minor streets or the interior locations of adjoining parking lots. Architectural requirements shall be as established in the Town Center Plan and be reviewed and acted upon by the City's Architectural Review Board.

f. The integration of a clock tower at the northwest corner of the intersection of Main Street and Taylor Road as a focal point of this development shall be required as part of the construction of Building E and allow for public access and use as part of the public open space/street atmosphere. This architectural feature shall substantially comply with the rendering provided to the Planning and Zoning Commission at its December 18, 2000 Executive Session. The Architectural Review Board shall base approval of the required design upon the character of the proposed built environment within the boundaries of the Amended C-8 Planned Commercial District (Phase I) approved on this site.

g. No structure or building in Phase I shall exceed two (2) stories in overall height, as measured from final finish grade at the adjoining street, excluding the clock tower, unless residential uses are requested as part of a third and/or fourth floor design, then a maximum of two (2) additional floors may be added. The clock tower shall not exceed a height of sixty (60) feet. This height requirement shall not apply to rooftop architectural treatments, but will be subject to Architectural Review Board approval in terms of this requirement.

h. All buildings located in Phase II shall be a minimum of two (2) stories in overall height (plus architectural rooftop treatments), as measured from final finish grade at the adjoining street, unless residential uses are requested as part of a third and/or fourth floor design, then a maximum of two (2) additional floors may be added, except as noted below:

   i. Building F may be reduced to a single story height, if Building A is authorized and constructed at the same reduced height. If Building F is reduced below a two (2) story height, its ultimate design must be considered and acted upon by the Planning and Zoning Commission on the Site Development Plan, along with the Architectural Review Board. The developer/owner of Building F shall be required to meet the following requirements in its design:

      1. A continuous pitched or barreled flat roof that meets the Architectural Guidelines of the Town Center Development Manual shall only be authorized on this building, unless otherwise approved by the Architectural Review Board. Minimally, architectural style shingles, standing seam metal, or tiles a white material color shall be required for use on this roof.
      2. Brick shall constitute one hundred (100) percent of the material to be used on all four (4) elevations of the building (grade to parapet) and of a complementary color to other buildings within a three hundred (300) foot radius of this property, except grade to the watertable (stone may be considered), glazed areas, guttering, and downspouts.
      3. Gables, dormers, and towers shall not be authorized as components of this building, unless otherwise approved by the Architectural Review Board.
      4. Roof penetrations shall not be authorized, unless otherwise authorized by the Architectural Review Board.

5. Openings (windows) shall have equally proportioned lights and awnings shall be used over windows abutting Fountain Place and Plaza Drive, unless otherwise acted upon the City's Architectural Review Board.
6. A porch shall be provided as a component of this building, and it must be a minimum of eight (8) feet in depth and have a metal type of canopy covering it of which its design, extent, and type shall be as reviewed and acted upon by the City's Architectural Review Board (southeast corner facing Plaza Drive and Fountain Place intersection).

ii. Building I and N may be reduced to a single story height, but incorporate additional roof design elements to complement the surrounding built environment in terms of massing, scale, and character. This height requirement shall be measured from final finish grade at the adjoining street, if applicable.

iii. Building L shall be allowed a total of five (5) stories along its Main Street frontage, as measured from the final finish grade of this adjoining street. All other elevation heights shall be no greater than four (4) stories in height. This height requirement shall be measured from final finish grade at the adjoining street, if applicable.

iv. Building M shall be a minimum of three (3) stories in height along its Main Street frontage. This height requirement shall be measured from final finish grade at the adjoining street, if applicable.

i. The area of this Amended C-8 Planned Commercial and C-8 Planned Commercial District (Phases I and II) shall be a minimum of fifteen (15) acres in overall size.

j. All residential units within the boundaries of this Amended C-8 Planned Commercial District and C-8 Planned Commercial District (Phases I and II) portions of this site must incorporate a deck, porch, or balcony on their front elevations, except for the proposed live/work units and **senior care facility**, which can be at sidewalk grade.

k. 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 facades of all building and structures located along the Taylor Road and Main Street frontages and all buildings that front or have visibility from a roadway relative to its building materials, openings, elements, and color to ensure their appearance is consistent with the other elevations. All buildings utilized for 'Commercial or Neighborhood Center' District uses, except those structures abutting Taylor Road (see Condition 2(b.), must have a minimum of fifty (50) percent glazing at street level or an amount approved by the Architectural Review Board on the required renderings and models. Approval of the required design shall be by the Architectural Review Board. Minimally, all buildings shall maintain a consistent theme throughout the boundaries of these Amended C-8 Planned

Commercial District and C-8 Planned Commercial District (Phases I and II) in terms of material, color, and style.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the date of approval of the Preliminary Development Plan by the City Council and prior to any site disturbance, 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 for a period not to exceed two (2) years. The Site Development Plan shall include, but not be limited to, the following:

a. Outboundary and legal description of the property.
b. A 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 and screen 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, cross access easement areas, and public green spaces within these 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. A description of the area's (all surrounding properties within one hundred (100) 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. This representation shall be supplemented by a recent aerial photograph of the area, which shall include all properties within one thousand (1,000) feet of the subject site and at a scale of 1:100.
m. Cross-sections through all portions of the site, particularly a minimum of two (2) such representations along Taylor Road and Main Street. These cross-sections must include all buildings and structures, including screen and plant walls and any other similar treatments.
n. 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.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:
Build-to Requirements

a. All buildings or structures, excluding boundary, garden, screen, and/or retaining walls, or fences, shall adhere to the build-to lines therein established by the City of Wildwood's Town Center Neighborhood Design Standards for the **'Downtown and Neighborhood General'** ~~Commercial and Neighborhood Center~~ Districts.

Parking Setbacks

b. All parking stalls, loading spaces, internal drives, excluding points of ingress and egress and public or private roadways, shall adhere to the City of Wildwood's Town Center Neighborhood Design Standards for the **'Downtown and Neighborhood General'** ~~Commercial and Neighborhood Center~~ Districts, unless as otherwise approved on the Site Development Plan by the Planning and Zoning Commission or as noted below:

   i. Fifteen (15) feet from the Taylor Road right-of-way line.

Minimum Parking Requirements

c. Minimum parking requirements as set forth in the City of Wildwood's Town Center Neighborhood Design Standards for the **'Downtown and Neighborhood General'** ~~Commercial and Neighborhood Center~~ Districts and Chapter 415.280 Parking Regulations of the City of Wildwood's Zoning Code, except that three point three (3.3) spaces per one thousand (1,000) square feet of gross floor area shall be allowed for all retail/office uses. The parking reduction associated with this overall site shall not exceed ten (10) percent of the required parking spaces to be constructed and provided for the purposes of compliance to this site-specific ordinance.

Access and Roadway Improvements, including sidewalks

Main Street

d. The developer's development plan seeks to use, and depends on the use of, the City's property to the south of these districts ("City's Main Street Property") for purpose of access, sidewalks, on-street parking, and other Main Street improvements to which this development is dependent and conditioned. Before the issuance of any building or construction permit, the developer shall have reached a mutually binding development agreement with the City authorizing and providing for the use of the City's property for such purposes and providing the terms, including reimbursement or compensation to the City, for such use. The developer and development authorized by this ordinance shall be responsible for the acquisition of land and installation thereon of the northern one-half (1/2) of the total Main Street improvements (of a one hundred four (104) foot right-of-way or improvement width) adjacent to this development necessary for primary access to the development. These improvements shall be the responsibility of the developer to complete and must conform to the requirements of the City of Wildwood's Street Specifications of the Town Center Plan as directed and approved by the Department of Public Works, when the

necessary land area for its construction is available for use as required herein. All streetscape requirements (street trees, lights, and 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 Main Street and be approved by the Department of Public Works. Certain requirements may be escrowed with the City of Wildwood for future installation at the discretion of the Department of Planning and the Department of Public Works. Traffic Generation Assessment Fee credits shall be granted for installation of improvements on the south one-half of Main Street, as such installation may be approved by the City, unless the City and Developer mutually agree to other reimbursement terms for that portion of the improvements. No building permit shall be issued in these districts, until the developer has obtained authority for use of the City's Main Street property by an approved development agreement. In the event the developer is unable or unwilling to enter into a development agreement acceptable to the City authorizing this use of the public property and terms thereof, this zoning approval shall authorize no building construction or other use approved herein until this ordinance has been revised to reflect and authorize a modified development and uses that are not dependent or conditioned on the use or access from the City's Main Street property.

e. Access to this development from Main Street shall be limited to four (4) curb cuts and two (2) garage entry/exit access points and designed in accordance with the City of Wildwood's Street Specifications of the Town Center and as directed by the Department of Public Works. These access points shall be coordinated with the dedication of roadway right-of-way along the southern property line of this development.

State Route 100

f. 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 and the City of Wildwood. Verification of the ownership of any excess right-of-way, which exists along State Route 100 that is to be used as part of this development, must be provided in the form of a Purchase Agreement signed by the Missouri Department of Transportation prior to approval of the Site Development Plan by the Planning and Zoning Commission.

g. Conform to all of the requirements of the Missouri Department of Transportation and the City of Wildwood regarding the required State Route 100 roadway improvements. Improvements shall be as directed by the Missouri Department of Transportation.

h. Provide a variable width easement no less than ten (10) foot wide along or within 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. This improvement is considered as one (1) of the green space and public space requirements

of the Town Center Plan's Commercial District and Neighborhood Center District designations and the construction cost will be a creditable charge against the developer's required Traffic Generation Assessment Fee contribution to the East Area Fund of the City of Wildwood for any portion of it located outside the subject site and within the State of Missouri's right-of-way area. Determinations regarding credits shall be made by the Departments of Planning and Public Works and completed prior to the issuance of any building permit for the Phase II portion of this overall project.

i. No vehicular access shall be allowed from this development to State Route 100, except as directed or previously authorized by the Missouri Department of Transportation and approved by the City of Wildwood.

Taylor Road

j. Dedicate the remaining portion of an eighty (80) foot right-of-way for Taylor Road and 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.

k. Access to this development from Taylor 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 be as directed by the Department of Public Works. This entrance along Taylor Road shall maintain a minimum distance of two hundred twenty (220) feet from State Route 100 (as measured from edge of proposed pavement of State Route 100 to the centerline of the access point) and be restricted to a right-in/right-out configuration.

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. Provide the necessary infrastructure and conduits for the coordination of the traffic signals at the Taylor Road/Main Street intersection as directed by the Department of Public Works. The installation of this equipment and infrastructure will be a creditable charge against the developer's required Traffic Generation Assessment contribution to the East Area Fund of the City of Wildwood and based upon a fair share determination of the overall improvement cost at this intersection.

Miscellaneous Roadway Requirements

n. Sidewalks shall be required on all public and private streets and provide for a continuous and logical layout of this pedestrian network. Design and construction requirements for all

sidewalks within the entire development shall be as established in the Street Specifications and Streetscape Elements of the Town Center Plan. Approval of their location, design, and material shall be by the Planning and Zoning Commission and the Architectural Review Board as part of the Site Development Plan review process.

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. Any contractor utilizing these easements or license areas shall be required to replace all improvements, plantings, or other items damaged or disturbed to their original condition and restore the entire area to its pre-development condition. This replacement and restoration shall be accomplished in sixty (60) days or less from the completion of construction as determined by the City of Wildwood.

p. 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 main east/west drive aisle closer than two hundred (200) 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 these districts and on rights-of-way otherwise constructed pursuant to this authorization shall be installed and placed underground in locations as approved by the Director of Public Works.

s. All internal streets, access drives, or lanes, whether public or private, shall comply with the Streetscape Requirements of the Town Center Plan in terms of improvements, such as drive lane widths, sidewalks, stormwater drainage facilities, garden walls, street trees and lights, and pedestrian furniture. If certain streets, drives, or lanes are to be private, an easement shall be provided to the City granting public use of them for pedestrian and vehicular purposes. These easements shall be granted at the time of the Record Plat approval by the City Council.

t. A traffic circle shall be incorporated into the design of the internal roadway system serving this mixed-use development. The location, design, and appearance of this circle shall be as directed by the Department of Public Works. Final approval of the circle's location, design, and appearance shall be by the Planning and Zoning Commission as part of the Site Development Plan review process. Building placement and design around the circle shall

reflect its character and complement its inclusion. Building placement within the proximity of the traffic circle shall be indicated on the Site Development Plan.

u. Dedicate a land area, forty (40) feet in width, for public right-of-way purposes along the western boundary of the site, as determined by the Departments of Public Works and Planning on the Site Development Plan for a future "street" at this location. The petitioner/developer shall be responsible to construct the roadway, sidewalk, and other improvements, including on-street parking spaces, within this "street" in conformance with the requirements of the City of Wildwood's Street Specifications of the Town Center Plan for one-half (1/2) of this public right-of-way area, with all design components reviewed and approved by the Department of Public Works. All streetscape requirements (street trees, lights, signs, waste receptacles, benches), and other items shall consist of approved materials and shall be installed, as required by the City of Wildwood's Town Center Plan within the right-of-way of "unnamed street," and also be reviewed and approved by the Department of Public Works. Developer shall also construct the remaining pavement width, including curb and gutter, and on-street parking spaces, within the remaining west one-half (1/2) of the right-of-way of this "unnamed street," in accord with the requirements of the Town Center Street Specifications and as directed by the Department of Public Works. In regards to the construction of this west one-half (1/2) on the "unnamed street," streetscape requirements, such as trees, etc., shall not be required.

Landscape Requirements - Specific

v. Building and parking setbacks shall be landscaped in accordance with Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual.

w. 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. Wetlands plantings must be used at appropriate locations within the basins themselves as directed by the Department of Public Works, if applicable.

x. 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.

y. 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 and the Architectural Review Board as part of the Site Development Plan process. Street tree planting patterns must be based on and comply with the Town Center Streetscape Design.

z. A Registered Landscape Architect shall prepare and sign all Landscape Plans for this development.

Lighting Requirements

aa. Light standards shall not exceed sixteen (16) feet in height. 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 Ordinance – Chapter 415.450 "Outdoor Lighting Requirements." A Lighting Plan shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The Planning and Zoning Commission shall approve the location of all light standards and their design and appearance as part of the Site Development Plan review process.

Sign Regulations

bb. All signage shall be in accordance with the requirements of the City of Wildwood's Town Center Architectural Guidelines, subject to the following:

1. A total of three (3) freestanding monument style signs shall be allowed within the boundaries of the Amended C-8 Planned Commercial District and C-8 Planned Commercial District (Phase I and Phase II combined). One (1) of these signs shall be located at the access point into this development from Taylor Road and cannot exceed fifty (50) square feet in overall size. This Taylor Road sign shall be integrated, and be a part of the gateway structure to be constructed at this authorized access point along the Taylor Road frontage. Two (2) signs shall be authorized along the property's State Route 100 frontage and cannot exceed seventy-five (75) square feet in overall size, nor ten (10) feet in height, 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.

2. The three (3) authorized monument signs shall additionally 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.

3. Notwithstanding any other approval to the contrary, all wall signs shall additionally comply with the City of Wildwood Zoning Ordinance – Chapter 415.420 Sign Regulations for the C-2 Shopping District, and all signage shall be externally illuminated according to the Town Center Plan's Architectural Guidelines, or may be backlit, if otherwise in compliance with the Town Center Architectural Guidelines. A third wall sign shall be authorized for the commercial building located on the northwest corner of Taylor Road and Main Street. Signs may only be located on the north, south, and east elevations of this building (Building E, as identified by this ordinance).

4. No advertising, temporary, or portable signs shall be authorized in this Amended C-8 District and C-8 District development (Phases I and II). No other signs shall be authorized,

except as may comply with the C-2 Shopping District Regulations of the City of Wildwood Zoning Ordinance and the Town Center Plan's Architectural Guidelines.

Miscellaneous Conditions

cc. 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 these enclosures shall be shown on the Site Development Plan and approved by the Planning and Zoning Commission and the Architectural Review Board. 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 individual building it serves and adjoins in terms of location.

dd. Handicap parking and access requirements shall comply with Section 512.4 of the City of Wildwood Building Code.

ee. 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 of the individual buildings where they are to be constructed. Screening shall be reviewed and considered by the Architectural Review Board at the time of the renderings submittal.

ff. The design, color, material, and location of all garden and screen walls or fences 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 and the Architectural Review Board.

gg. All deliveries and trash pick-up vehicles must access the site from State Route 100, not Manchester Road. No deliveries or trash pick-up shall occur between the hours of 11:00 p.m. and 6:00 a.m., seven (7) days per week.

hh. 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.

ii. The developer shall grant the right to the City of Wildwood to utilize areas, buildings, and structures for the installation of wireless antenna and related equipment through the granting of appropriate easements for service to this site.

5. TRAFFIC GENERATION ASSESSMENT FEE CONTRIBUTION

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
Apartments/Condominiums	$485.09/Parking Space
Senior Housing	**$485.09/Parking Space**
General Office	$741.06/Parking Space
Quality Restaurant	741.06/Parking Space
General Retail	$2,223.29/Parking Space
Shopping Centers	$2,223.29/Parking Space
High-Turnover, Sit-Down Restaurants	$2,223.29/Parking Space
Bank	$4,446.75/Parking Space
Medical Offices	$2,223.29/Parking Space
Hotel	$1,482.25/Parking Space
Loading Space	$3,3638.14/Loading Space

(Parking space as required by Chapter 415.280 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.

A minimum of two hundred twenty-six (226) parking spaces within Phase I of this overall project shall be assessed the required Traffic Generation Assessment Fee under the schedule described above for the East Area Corridor Traffic Generation Assessment Trust Fund. A minimum of six hundred six (606) parking spaces within Phase II of this overall project shall be assessed the required Traffic Generation Assessment Fee under the schedule described above for the East Area Corridor Road Traffic Generation Assessment Road Trust Fund. Allocations of these spaces shall be based upon the required parking ratios for building square footage and types of uses. Changes in uses may require reallocation or different parking requirements. Any final parking allocation shall be further reflected on the final site plan and subdivision plats, including any cross-access easements or other recording of parking rights and responsibilities as may be required due to location of required off-site parking as to a subdivided lot within this development.

Building Id.	Required Parking Spaces (per City Code)	Location(s) of Parking Spaces	TGA Parking Spaces	TGA Credit
F	24	Off-Street (24)	24	To be Determined at Zoning Authorization
G	67	On-Street (4)/Off-Street (63)	63	To be Determined at Zoning Authorization

H	78	On-Street (5)/Off-Street (73)	73	To be Determined at Zoning Authorization
I	18	Off-Street (18)	18	To be Determined at Zoning Authorization
J/K	166	Underground (68)/Parking Garage (86)/Off-Street (12)	166	To be Determined at Zoning Authorization
L	228	Parking Garage (189)/On-Street (39)	189	To be Determined at Zoning Authorization
M	61	Parking Garage (32)/On-Street (29)	32	To be Determined at Zoning Authorization
N	28	On-Street (15)/Off-Street (13)	13	To be Determined at Zoning Authorization
Total	670	Underground Parking (68)/Parking Garage (307)/On-Street Parking (92)/Off-Street Parking (231)	578	

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, 2016, 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 APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to the approval of the Site Development Plan, the petitioner shall:

Stormwater

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 (MSD) 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 and Metropolitan St. Louis Sewer District (MSD) Standards.

    2. All stormwater shall be discharged at an adequate natural discharge point.

3. Detention or differential runoff of stormwater is at the discretion of Metropolitan St. Louis Sewer District and the City of Wildwood. If required by Metropolitan St. Louis Sewer District (MSD) and the Department of Public Works, it shall be provided in permanent detention/retention facilities, such as: dry reservoirs, ponds, or another acceptable alternative. These detention/retention facilities shall be completed and in operation prior to paving of any driveways or parking areas, within any phase of the development where construction activity is authorized.

b. The approved stormwater management plan for this development may include the use of off-site, regional facilities in terms of the retention/detention of runoff from this site, unless otherwise authorized by the Department of Public Works on the Site Development Plan. The developer(s) shall be responsible for all costs associated with the construction and modifications to existing facilities to accomplish this regional stormwater management requirement, if applicable.

Geotechnical Report

c. 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:

Notification of Department of Planning

a. 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 (if applicable), the Metro West Fire Protection District and the Metropolitan St. Louis Sewer District (MSD) must be received by the Department of Planning.

Certification of Plans

b. 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

c. Traffic generation assessment contribution shall be deposited with City of Wildwood in the form of cash prior to the issuance of building permits.

9. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Subsequent to approval of a Site Development Plan, and prior to issuance of any occupancy permit, the following requirement shall be met:
Roadway Improvements

a. Road improvements and right-of-way dedication shall be completed, or the appropriate escrow established, prior to the issuance of an occupancy permit. If development phasing is anticipated, said work, right-of-way dedications, and/or escrow agreements shall be based upon those areas of the defined phases where construction is authorized. 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.

10. 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 accordance 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 Planned Commercial and C-8 Planned Commercial 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. Substantial construction shall begin within twenty-four (24) months of the approval of the Site Development Plan for the parcel of ground governed by this Amended C-8 Planned Commercial District and C-8 Planned Commercial District ordinance. Construction shall be deemed to have commenced with the final grading for and installation of roadways necessary for the first approved plat or phase of construction and commencement of installation of the sanitary and storm sewers.

h. As portions of the Main Street roadway improvements may require the acquisition of additional right-of-way and easement from private property, the normal sequence of design, right-of-way acquisition, and construction shall commence immediately on approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, the City of Wildwood may, at its sole discretion, authorize the acquisition of the same through eminent domain proceedings. The costs of appraisals, negotiations, administrations, court proceedings, and associated costs incurred by the City of Wildwood shall be paid by the developer.

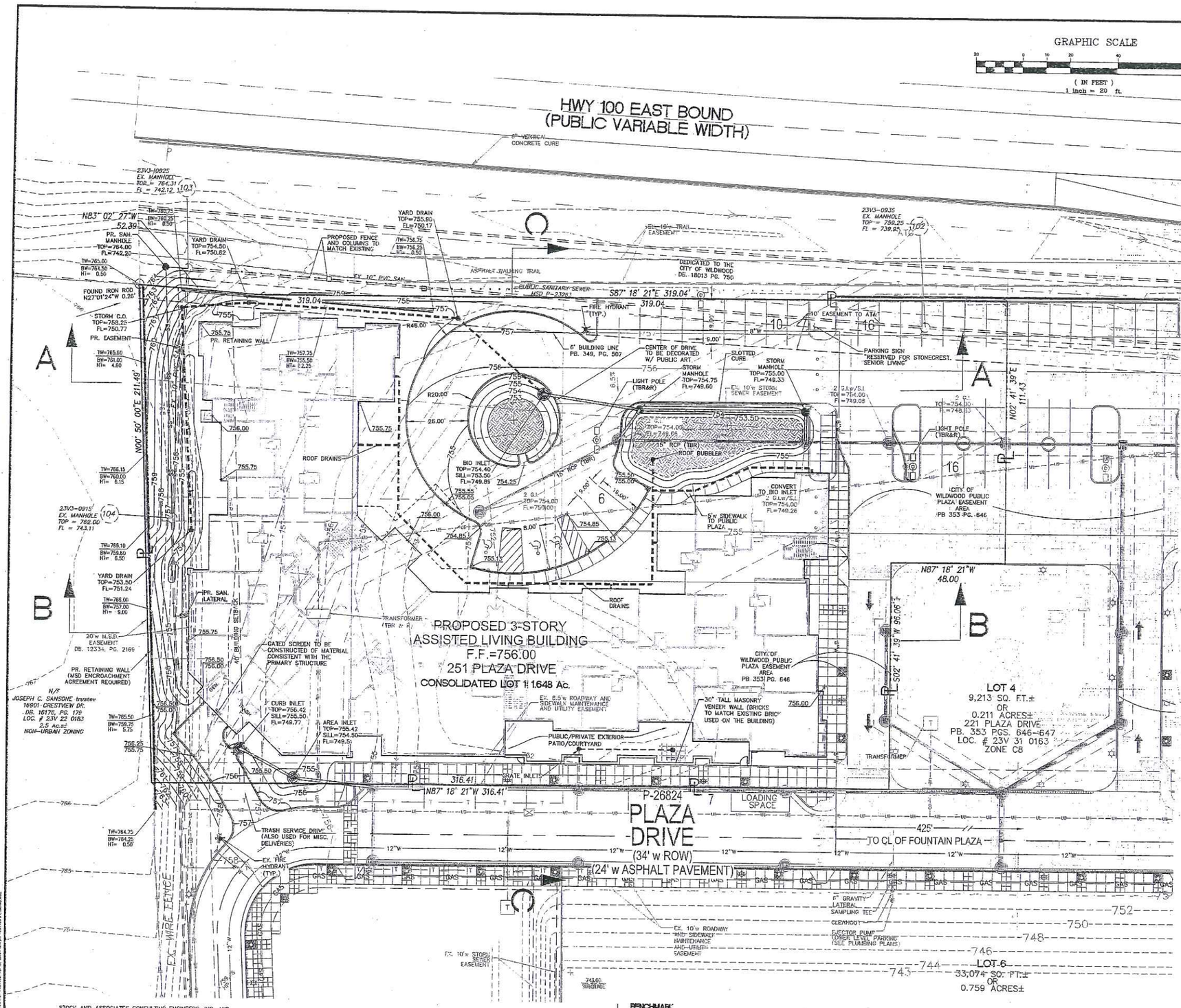
i. This zoning approval is conditioned on compliance with the Zoning Code, Subdivision and Development Regulations, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result from the Amended C-8 Planned Commercial and C-8 Planned Commercial District ordinance, except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

j. The passage and approval of this ordinance shall constitute the necessary development approval authorizing the Director of Public Works to issue a grading permit in accordance with the procedure and requirements of Chapter 425 of the City's Municipal Code, but not before Condition 1 (c.) has been met by the developer.

k. The developer shall provide justification to the City, acceptable to the City Attorney and the City Council, indicating the reasons why a payment in lieu of taxes (PILOT) shall not be required of this project. If these reasons are determined not to be satisfactory, an agreement shall be established between the developer of the site and the City of

Wildwood, Missouri for the payment in lieu of taxes (PILOT), which is satisfactory to the City Attorney in terms of form and content, so as the City will received appropriate compensation in this regard. This agreement must be in place, before any permits can be issued by the City of Wildwood, Missouri for this project. In lieu of this agreement, if determined necessary for this project, the developer can increase the amount of commercial square footage associated with this building's ground floor level from its current area.

ATTACHMENT C
Plan Sheets



LOCATION MAP
(NOT TO SCALE)

LEGEND

- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING TREE
- EXISTING BUILDING
- EXISTING CONTOUR
- SPOT ELEVATION
- EXISTING UTILITIES
- FOUND 1/2" IRON PIPE
- SET IRON PIPE
- FOUND CROSS
- FOUND STONE
- FIRE HYDRANT
- LIGHT STANDARD
- BUSH
- SIGN
- NOTES PARKING SPACES
- GUY WIRE
- POWER POLE
- WATER VALVE
- DENOTES RECORD INFORMATION
- HANDICAPPED PARKING
- PROPOSED CONTOUR
- PROPOSED SPOT
- PROPOSED STORM
- PROPOSED SANITARY

ABBREVIATIONS

ATG	–	ADJUST TO GRADE
B.C.	–	BACK OF CURB
C.O.	–	CLEANOUT
DB.	–	DEED BOOK
E	–	ELECTRIC
F.C.	–	FACE OF CURB
FL	–	FLOWLINE
FT	–	FEET
FND.	–	FOUND
G	–	GAS
M.H.	–	MANHOLE
N/F	–	NOW OR FORMERLY
PB.	–	PLAT BOOK
PG.	–	PAGE
PR	–	PROPOSED
P.V.C.	–	POLYVINYL CHLORIDE PIPE
R.C.P.	–	
SQ.	–	SQUARE
T	–	TELEPHONE CABLE
TBR	–	TO BE REMOVED
TBR&R	–	
UIP	–	REINFORCED CONCRETE PIPE IN PLACE
V.C.P.	–	VITRIFIED CLAY PIPE
W	–	WATER
(88'W)	–	RIGHT-OF-WAY WIDTH TO BE REMOVED & REPLACED

PARKING DATA

PROPOSED ASSISTED LIVING FACILITY	
95 BEDS * 1 SPACE/5 BEDS	19 P.S.
24 EMPLOYEES * 1 SPACE/2 EMPLOYEES	12 P.S.
2 VISITORS	2 P.S.
TOTAL REQUIRED:	33 P.S.
PROVIDED PARKING (ON LOT):	16 P.S.
PROVIDED PARKING (PLAZA DRIVE)	7 P.S.
PROVIDED PARKING (PUBLIC PLAZA)	32 P.S.
TOTAL:	55 P.S. TOTAL

PERTINENT DATA

SITE AREA:	1.648 Acres ± (CONSOLIDATED LOT 1)
EXISTING ZONING:	"AMENDED C-8" (PLANNED COMMERCIAL DISTRICT)
LOCATOR NO:	23V220194 and 23V220206
SUBDIVISION:	WILDWOOD TOWN CENTER PLAT 3 PB. 357 PG. 120
ADDRESS:	251 and 261 PLAZA DR. WILDWOOD, MO 63040
FIRE DISTRICT:	METRO WEST
SCHOOL DISTRICT:	ROCKWOOD R-6
SEWER DISTRICT:	METROPOLITAN ST. LOUIS SEWER DISTRICT
WATER SHED:	CAULKS CREEK WATERSHED
FEMA MAP:	29189C0235 H, DATE: 08/02/95
ELECTRIC COMPANY:	AMEREN UE
GAS COMPANY:	LACLEDE GAS COMPANY
PHONE COMPANY:	AT+T
WATER COMPANY:	MISSOURI AMERICAN WATER COMPANY

STORMWATER DETENTION PROVIDED FOR IN OFFSITE BASIN APPROVED UNDER P# 25457

PROPERTY DESCRIPTION

A TRACT OF LAND BEING ADJUSTED LOT 1 AND ADJUSTED LOT 2 OF "WILDWOOD TOWN CENTER PLAT TWO", A SUBDIVISION FILED FOR RECORD IN PLAT BOOK 356, PAGES 485 AND 486 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, AND BEING PART OF THE SOUTHEAST QUARTER OF SECTION 11 IN TOWNSHIP 44 NORTH, RANGE 3 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF ADJUSTED LOT 1 OF "WILDWOOD TOWN CENTER PLAT TWO", A SUBDIVISION FILED FOR RECORD IN PLAT BOOK 356, PAGE 485 AND 486 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE WESTERN LINE OF SAID ADJUSTED LOT 1 NORTH 00 DEGREES 50 MINUTES 00 SECONDS EAST, 211.49 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTHERN LINE OF ADJUSTED LOT 1 AND ADJUSTED LOT 2 THE FOLLOWING: SOUTH 83 DEGREES 02 MINUTES 27 SECONDS EAST, 52.39 FEET TO A POINT; THENCE SOUTH 87 DEGREES 18 MINUTES 21 SECONDS EAST, 319.04 FEET TO THE NORTHEAST CORNER OF ADJUSTED LOT 2; THENCE ALONG THE EASTERN LINE OF ADJUSTED LOT 2 SOUTH 02 DEGREES 41 MINUTES 39 SECONDS WEST, 111.43 FEET TO A POINT; THENCE NORTH 87 DEGREES 18 MINUTES 21 SECONDS WEST, 48.00 FEET TO A POINT; THENCE SOUTH 02 DEGREES 41 MINUTES 39 SECONDS WEST, 96.06 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF PLAZA DRIVE; THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE NORTH 87 DEGREES 18 MINUTES 21 SECONDS WEST, 316.41 FEET TO THE POINT OF BEGINNING AND CONTAINING 71,801 SQUARE FEET OR 1.646 ACRES MORE OR LESS AS PER CALCULATIONS BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. DURING FEBRUARY, 2016.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. AND THE UNDERSIGNED ENGINEER HAVE NO RESPONSIBILITY FOR SERVICES PROVIDED BY OTHERS TO IMPLEMENT THE IMPROVEMENTS SHOWN ON THIS PLAN AND ALL OTHER DRAWINGS WHERE THE UNDERSIGNED ENGINEER'S SEAL APPEARS. THE CONSTRUCTION MEANS AND METHODS ARE THE SOLE RESPONSIBILITY OF THE OWNER AND CONTRACTOR. STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. HAS NO RESPONSIBILITY TO VERIFY FINAL IMPROVEMENTS AS SHOWN ON THIS PLAN UNLESS SPECIFICALLY ENGAGED AND AUTHORIZED TO DO SO BY THE OWNER OR CONTRACTOR.

SITE BENCHMARK

SITE BENCH MARK: ELEV. = 756.55
"O" IN THE WORD "OPEN" ON FIRE HYDRANT; APPROXIMATELY 25 FEET WEST OF A GRAVEL DRIVEWAY AT #16904 CRESTVIEW.

BENCHMARK

THE CONTOUR LINES SHOWN HEREON IS 1929 NATIONAL GEODETIC VERTICAL DATUM BASED ON METROPOLITAN ST. LOUIS SEWER DISTRICT BENCH MARK.

MSD BENCH MARK NO. 16-109: ELEV. = 794.70
"L" ON THE WEST SIDE OF A CONCRETE PORCH OF BUILDING AT #18957 MANCHESTER ROAD; 21' EAST OF THE CENTERLINE OF EATHERTON ROAD AND 35' NORTH OF THE CENTERLINE OF MANCHESTER ROAD.

ORIGINAL LOT 1: 0.424 Ac.
N/F WILDWOOD CROSSING, INC.
LOC # 23V 22 0194
261 PLAZA DRIVE, WILDWOOD, MO
ZONE: C8

ORIGINAL LOT 2: 1.146 Ac.
N/F WILDWOOD CROSSING, INC.
LOC # 23V 22 0206
251 PLAZA DRIVE, WILDWOOD, MO
ZONE: C8

PREPARED BY:
STOCK & ASSOCIATES Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9700
e-mail: general@stockassoc.com
Web: www.stockassoc.com

PRELIMINARY DEVELOPMENT PLAN FOR:

STONECREST AT WILDWOOD

251 PLAZA DR.
WILDWOOD
MO

DATE:

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER PE-25116
PROFESSIONAL ENGINEER
04/15/16

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY NUMBER: 000996

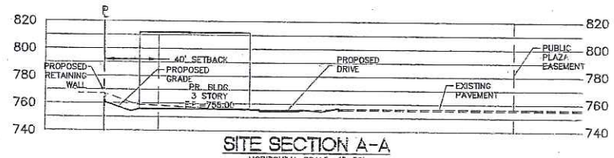
REVISIONS:

1	CITY COMMENTS	04/15/16

DRAWN BY: R.E.S.	CHECKED BY: G.M.S.
DATE: 03.04.16	JOB NO.: 216-5763
M.S.D. P#: –	BASE MAP #: –
S.L.C. MAT #: –	MAT SURF. #: –
M.B.N.S. #: M0-00	

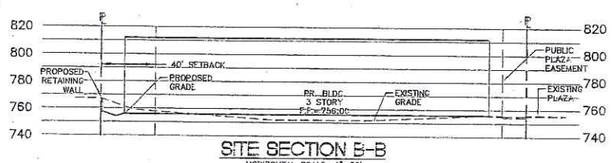
SHEET TITLE:
PRELIMINARY DEVELOPMENT PLAN

SHEET NO.:
C1



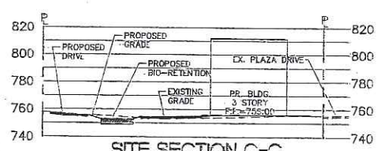
SITE SECTION A-A

HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=50'



SITE SECTION B-B

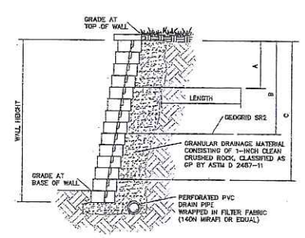
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=50'



SITE SECTION C-C

HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=50'

ISOMETRIC VIEW

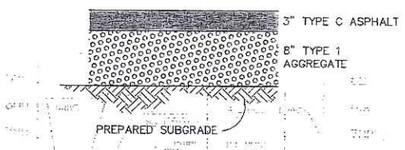


SECTION "A-A"

NOTES:

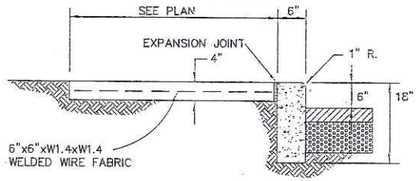
1.) ALL CONSTRUCTION SHALL BE PER THE MANUFACTURERS RECOMMENDATION.
2.) THE ABOVE INFORMATION IS A CONCEPT ONLY. ACTUAL DESIGN OF RETAINING WALL SHALL BE BY A LICENSED PROFESSIONAL ENGINEER & SUBMITTED TO STOCK AND ASSOCIATES FOR GENERAL COMPLIANCE WITH GRADING PLAN.
3.) ACCEPTED ALTERNATE WALL SYSTEM: VERSA-LOK OR UNILOCK PISA.
4.) TW= TOP OF RETAINING WALL, BW= GRADE AT BASE OF WALL.
5.) VERTICAL WALL SYSTEM ASSUMED FOR THIS PROJECT. ZERO BATTER.
6.) WALL DESIGNER SHALL CONSULT GEOTECHNICAL ENGINEER FOR GLOBAL STABILITY.
7.) RETAINING WALL WILL REQUIRE A SEPARATE PERMIT (BUILDING PERMIT) PRIOR TO CONSTRUCTION.

VERSA-LOK RETAINING WALL
TYPICAL SECTION



ASPHALT PAVEMENT DETAIL-LIGHT DUTY

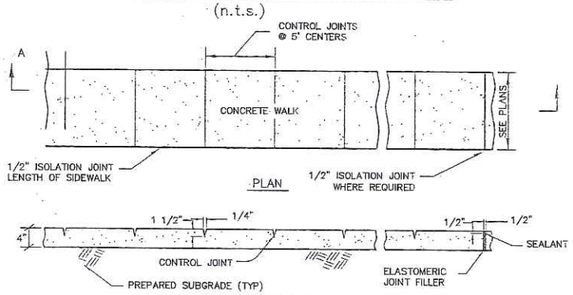
(n.t.s.)



NOTE: EXPANSION JOINT MATERIAL SHALL BE INSTALLED IN THE WALK FOR ITS FULL WIDTH AND DEPTH AT INTERVALS OF APPROX. 15'. CONTROL JOINTS AT INTERVALS OF 1.5' TIMES ITS WIDTH.

INTEGRAL CONCRETE SIDEWALK AND CURB DETAIL

(n.t.s.)



SECTION A-A

CONCRETE WALK

(n.t.s.)

PREPARED BY:

STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH. (636)
530-9100 FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

PRELIMINARY DEVELOPMENT PLAN FOR:

STONECREST AT WILDWOOD

251 PLAZA DR.
WILDWOOD
MO

DATE:

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER E-25116
PROFESSIONAL ENGINEER
04/15/16

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

1	CITY COMMENTS	04/15/16

DRAWN BY: R.E.S.	CHECKED BY: G.M.S.
DATE: 03.04.16	JOB NO.: 216-5763
M.S.D. Dp: –	BASE MAP #: –
S.L.C. MAT #: –	MAT SUFF. #: –
M.D.N.R. #: M0-00	

SHEET TITLE:
PRELIMINARY DEVELOPMENT PLAN

SHEET NO.:
C2

BILL #1650 ORDINANCE #1650

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING CHANGES TO AMENDED C-8 PLANNED COMMERCIAL DISTRICT/C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #1282, WHICH GOVERNS A TWO (2) PHASED, MIXED-USE DEVELOPMENT AREA THAT IS LOCATED ON THE SOUTHWEST CORNER OF STATE ROUTE 100 AND TAYLOR ROAD, FOR THE PURPOSES OF ALLOWING BUILDING F IN PHASE II OF THIS PROJECT TO BE A SINGLE STORY BUILDING HEIGHT, CONDITIONED ON CERTAIN ARCHITECTURAL REQUIREMENTS BEING MET, ALL IN ACCORDANCE WITH THE PLANNING AND ZONING COMMISSION'S REPORT ON THIS MATTER DATED AUGUST 3, 2009. (P.Z. 2 and 3-04 Koman Properties) (Ward Eight)

WHEREAS, the development of the City's Town Center Area has been an incremental process, which has come over ten (10) years of planning and design; and

WHEREAS, two (2) major projects began near the end of 1999 and the beginning of 2000 in the vicinity of the planned Taylor Road construction and its future intersection with State Route 100; and

WHEREAS, these two (2) projects included the Dierbergs Markets Center and a mixed-use development proposal submitted by Koman Properties, which was to be located west of Taylor Road, and south of State Route 100, upon a fifteen (15) acre tract of land; and

WHEREAS, this project was to be unique in that it was planned from its inception to integrate many of the major tenants of the City's Town Center Plan in terms of a system of grid streets, ample pedestrian and bicycle facilities, engaging architecture and streetscapes, and buildings fronting the street, with parking areas to the rear; and

WHEREAS, as this project was being planned, designed, constructed in phases, and refined, modifications to many of its features occurred, public financing was provided to elevate the street and public amenities, and architecture of the buildings became more pronounced and appealing, which has led to this location being one (1) of the most popular in this community as a place to meet, eat, drink, and play; and

WHEREAS, in creating two (2) phases to this project, the developer has completed the buildings in the east half, along with two (2) others in the west half of the site (Hotel and parking garage), all of which in Phase II (the west half) must be two (2) stories in height to help compensate for the scale of the hotel (five (5) stories); and

WHEREAS, the original developer sold a portion of the west phase of the project to another user, who sought the authorization to construct a one (1) story building in lieu of the required two (2) story type (Building F – southwest corner of State Route 100 and Fountain Place); and

WHEREAS, the Planning and Zoning Commission was asked to review the ordinance governing this project that specified the two (2) story height and provide a recommendation in this regard for the City Council's ultimate consideration and action; and

WHEREAS, a hearing on this matter was scheduled before the Planning and Zoning Commission on this proposed ordinance change for Building F on August 3, 2009 and the Department of Planning provided a recommendation relating to this request for its consideration and action; and

WHEREAS, the Planning and Zoning Commission considered the Department's recommendation and voted to allow the change in the height of Building F to address several factors that were determined to be applicable in this case, which included the following: the width of the Fountain Place right-of-way and the impact of this building height on the viewscapes and streetscapes therein; the location of another one (1) story building on the opposite corner; the ability to address the building's lesser height through architectural improvements to its current design; and the organic nature of the Town Center as it allows good designs to occur, when justified; and

WHEREAS, the City Council received the Planning and Zoning Commission's report on this request and related recommendation and held a public hearing upon the matter as well at its August 10, 2009 meeting to hear input upon the same and prepare an action on it; and

WHEREAS, after the public hearing comments and input was completed, the City Council discussed the requested change and supported the Planning and Zoning Commission's action upon it, as reflected in its report, and authorized the Department of Planning to prepare the appropriate legislation to allow for Building F in Phase II of the Koman Properties' Wildwood Town Center Project to be constructed as a single story building; and

WHEREAS, the City of Wildwood hereby exercises its land use authorities under the allowances of Chapter 89 of Missouri Revised Statutes that are consistent with its Master Plan and Town Center Development Manual, so as to promote the public's health, safety, and general welfare.

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, made a part thereof, are hereby amended by enacting changes to existing Amended C-8 Planned Commercial District/C-8 Planned Commercial District Ordinance #1282 regulations, which are set forth in therein for the following described tract of land:

(Legal Description on File with City Clerk)

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 August 3, 2009, 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. If the developer anticipates the phasing of the permitted uses authorized for this development and their related improvements, the following requirements and limits shall apply to the number of residential units and commercial square footage (as defined in Condition 1(b.) and 1(c.) of this ordinance), which can be authorized within a specific phase:

PHASES	USES
One (Amended C-8 District area)	A minimum of five (5) commercial buildings not to exceed 88,300 square feet of gross floor area. Any building housing residential units shall also be required to utilize its first floor for commercial users.
Two (Amended C-8 and C-8 District area)	A maximum of nine (9) Neighborhood Center buildings, not to be less than 167,000 square feet of gross floor area, including the required live/work units, but not any other residential units added to these existing buildings to accommodate an authorized third or fourth floor option. Any building housing residential units shall also be required to utilize its first floor for commercial users, unless approved by the Planning and Zoning Commission on the Site Development Plan.

No Phase II building permits, nor Phase I occupancy permits, shall be issued, until Main Street construction has substantially commenced, the reimbursement of the City for all of its costs associated with the purchase price of this right-of-way area is complete, and the plat for the roadway has been submitted and approved by the City of Wildwood or an acceptable agreement between the developer and the City has been signed regarding these same items.

b. The uses allowed in this Amended C-8 Planned Commercial District (Phase I) shall be limited to all permitted 'Commercial and Neighborhood Center' District uses, as defined in the Town Center Plan (as amended March 2, 1998 and may be modified here and after by applicable ordinance). The C-8 Planned Commercial District (Phase II) portion of this site shall be limited to all permitted 'Neighborhood Center and Open Space' District uses and may also include a hotel, restaurants (fast-food, but no drive-through facilities), and medical and dental offices, with associated parking, but excluding sewage treatment plants, research laboratories and facilities, and office/warehouse units.

i. A minimum of ten (10) percent of the residential units in this development shall be live/work types and located in the 'Neighborhood Center' area of the Phase II portion of this project. Additional independent dwelling units shall also be authorized in conjunction with Buildings F through N, but the combined total number of residential units, whether live/work or independent types, shall not exceed one hundred (100) on the site. These additional dwelling units shall be located within the 'Neighborhood Center' portion of Phase II, as defined by this ordinance. Residential units shall occupy at least one (1) floor of each building, unless otherwise authorized as per the Site Development Plan.

ii. A multiple-level parking structure shall also be constructed in the 'Neighborhood Center' District area of the subject site (western half of property) and provide a minimum of two hundred ninety-four (294) spaces, which shall also be available for public parking purposes, as defined in a separate agreement in terms of the overall number of these stalls and other related items. No more than fifty (50) percent of the building square footage can be constructed in Phase II (as defined in Condition 1(a.)) without the parking garage commencing construction, with its completion no greater than two hundred seventy (270) days from its start. Completion shall be construed as the issuance of a final occupancy permit.

iii. Buildings J and K shall contain separate underground parking containing not less than sixty (60) spaces.

c. An area of this site, within the Phase II portion of this development, and of a size not less than as shown on the Preliminary Development Plan, and north of the east-west arterial street within the C-8 Planned Commercial District (Phase II), shall be utilized for 'Open Space' District permitted uses only. This area of 'Open Space' District shall incorporate hard and soft improvements in an area of sufficient size to accommodate public events. This area shall be platted and transferred by fee simple title (general warranty deed) to the City of Wildwood, unless otherwise directed by the City Council. The design, improvements, and parking access for this facility shall be acted upon by the Planning and Zoning Commission and Architectural Review Board, as part of the Site Development Plan submittal and review process. The parking lot area located immediately to the north of this public plaza shall be dedicated for public use and access purposes, including by easement to the City of Wildwood in a form acceptable to the City Attorney, thereby granting the City of Wildwood authority to control access and use of such area; provided the fee owner of this area shall maintain any improvements thereon, while retaining the right to use the area for additional site parking to the extent not inconsistent with the public use as may be authorized by the City.

2. FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS

a. All phases of this development shall be authorized a total of 393,300 square feet of residential and non-residential users in maximum allowable building sizes as follows:

BUILDING TYPE	SIZE – Commercial (Total square footage)	SIZE – Residential (Total square footage)
Financial Institution with Drive-through facility (Building A)	17,800	
Retail (Building B)	9,900	
Retail (Building C)	5,400	
Mixed-Use/Office/Retail (Building D)	40,000	
Retail with Drive-through facility (Building E)	15,200	
Mixed-Use (Building F)	20,000	
Mixed-Use (Building G)	30,000	
Mixed-Use (Building H)	30,000	
Mixed-Use (Building I)	10,000	
Mixed-Use (Building J/K)	20,000	60,000
Mixed-Use and/or Hotel (Building L)	85,000	
Mixed-Use (Building M)	20,000	20,000
Child Care Center/Private School (Building N)	10,000	

Total square footage of permitted buildings utilized for commercial uses only shall not to exceed 313,300 square feet in overall gross floor area. If a third and fourth story option is exercised upon Buildings F through N, they shall be residential in use and be approved as part of a Site Development Plan submittal to the Planning and Zoning Commission in terms of size and number of units, provided that required additional parking is provided for such addition stories. Residential square footage in Phase II of this development shall not be less than eighty thousand (80,000) square feet in gross floor area or as approved by the Planning and Zoning Commission on the Site Development Plan.

b. A minimum of two (2) buildings, with the option of a third, must be located abutting the Taylor Road right-of-way, with no more than twenty (20) percent of the frontage not occupied by an arcade, porch, or building façade within the Amended C-8 Planned Commercial District portion of this development (Phase I). The orientation of these buildings shall be as shown on the Preliminary Development Plan submitted by the petitioner as part of the rezoning request. These buildings shall be constructed with glazing to provide a minimum of seventy (70) percent transparency along Taylor Road or as approved by the Architectural Review Board.

c. All buildings and structures located along Main Street and the internal east/west drive shall be placed at the edge of right-of-way. In any instance where a building façade is absent, a garden or screen wall shall be installed. This wall(s) must complement the appearance of the buildings located within the same block in terms of its design, architecture, color, material, and character. All garden or screen walls located within the Amended C-8 Planned Commercial District (Phase I) and C-8 Planned Commercial District (Phase II) portions of this site shall be reviewed and approved by the Architectural Review Board as part of the Site Development Plan submittal process.

d. Only two (2) docking areas are authorized within the boundaries of this Amended C-8 Planned Commercial District (Phase I) and C-8 Planned Commercial District (Phase II), which shall serve Buildings E and L. Appropriate screen walls or other comparable measures shall be employed as part of these areas to minimize visual intrusions onto adjoining properties and any roadway right-of-way, including the installation of gates at its opening. All screen walls located within the Amended C-8 Planned Commercial (Phase I) portion of this site shall be reviewed and approved by the Architectural Review Board as part of the Site Development Plan submittal process.

e. Only three (3) drive-through facilities shall be authorized in the Amended C-8 Planned Commercial District (Phase I) portion of this development. These facilities shall be in conjunction with the retail stores (Buildings B and E) and the financial institution (Building A). These facilities shall be oriented toward minor streets or the interior locations of adjoining parking lots. Architectural requirements shall be as established in the Town Center Plan and be reviewed and acted upon by the City's Architectural Review Board.

f. The integration of a clock tower at the northwest corner of the intersection of Main Street and Taylor Road as a focal point of this development shall be required as part of the construction of Building E and allow for public access and use as part of the public open space/street atmosphere. This architectural feature shall substantially comply with the rendering provided to the Planning and Zoning Commission at its December 18, 2000 Executive Session. The Architectural Review Board shall base approval of the required design upon the character of the proposed built environment within the boundaries of the Amended C-8 Planned Commercial District (Phase I) approved on this site.

g. No structure or building in Phase I shall exceed two (2) stories in overall height, as measured from final finish grade at the adjoining street, excluding the clock tower, unless residential uses are requested as part of a third and/or fourth floor design, then a maximum of two (2) additional floors may be added. The clock tower shall not exceed a height of sixty (60) feet. This height requirement shall not apply to rooftop architectural treatments, but will be subject to Architectural Review Board approval in terms of this requirement.

h. All buildings located in Phase II shall be a minimum of two (2) stories in overall height (plus architectural rooftop treatments), as measured from final finish grade at the adjoining street, unless residential uses are requested as part of a third and/or fourth floor design, then a maximum of two (2) additional floors may be added, except as noted below:

i. Building F may be reduced to a single story height, ~~if Building A is authorized and constructed at the same reduced height~~. If Building F is reduced below a two (2) story height, its ultimate design must be considered and acted upon by the Planning and Zoning Commission on the Site Development Plan, along with the Architectural Review Board. The developer/owner of Building F shall be required to meet the following requirements in its design:

1. A ~~continuous pitched or barreled~~ flat roof that meets the Architectural Guidelines of the Town Center Development Manual shall only be authorized on this building, unless otherwise approved by the Architectural Review Board. Minimally, ~~architectural style shingles, standing seam metal, or (for a~~ white material color shall be required for use on this roof.
2. Brick shall constitute one hundred (100) percent of the material to be used on all four (4) elevations of the building (grade to parapet) and of a complementary color to other buildings within a three hundred (300) foot radius of this property, except grade to the waterable (stone may be considered), glazed areas, guttering, and downspouts.
3. Gables, dormers, and towers shall not be authorized as components of this building, unless otherwise approved by the Architectural Review Board.
4. Roof penetrations shall not be authorized, unless otherwise authorized by the Architectural Review Board.
5. Openings (windows) shall have equally proportioned lights and awnings shall be used over windows abutting Fountain Place and Plaza Drive, unless otherwise acted upon the City's Architectural Review Board.
6. A porch shall be provided as a component of this building, ~~and it must be a minimum of eight (8) feet in depth and have a metal type of canopy covering it~~ of which its design, extent, and type shall be as reviewed and acted upon by the City's Architectural Review Board (southeast corner facing Plaza Drive and Fountain Place intersection).

ii. Building I and N may be reduced to a single story height, but incorporate additional roof design elements to complement the surrounding built environment in terms of massing, scale, and character. This height requirement shall be measured from final finish grade at the adjoining street, if applicable.

iii. Building L shall be allowed a total of five (5) stories along its Main Street frontage, as measured from the final finish grade of this adjoining street. All other elevation heights shall be no greater than four (4) stories in height. This height requirement shall be measured from final finish grade at the adjoining street, if applicable.

iv. Building M shall be a minimum of three (3) stories in height along its Main Street frontage. This height requirement shall be measured from final finish grade at the adjoining street, if applicable.

i. The area of this Amended C-8 Planned Commercial and C-8 Planned Commercial District (Phases I and II) shall be a minimum of fifteen (15) acres in overall size.

j. All residential units within the boundaries of this Amended C-8 Planned Commercial District and C-8 Planned Commercial District (Phases I and II) portions of this site must incorporate a deck, porch, or balcony on their front elevations, except for the proposed live/work units, which can be at sidewalk grade.

k. 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 facades of all building and structures located along the Taylor Road and Main Street frontages and all buildings that front or have visibility from a roadway relative to its building materials, openings, elements, and color to ensure their appearance is consistent with the other elevations. All buildings utilized for 'Commercial or Neighborhood Center' District uses, except those structures abutting Taylor Road (see Condition 2(b.), must have a minimum of fifty (50) percent glazing at street level or an amount approved by the Architectural Review Board on the required renderings and models. Approval of the required design shall be by the Architectural Review Board. Minimally, all buildings shall maintain a consistent theme throughout the boundaries of these Amended C-8 Planned Commercial District and C-8 Planned Commercial District (Phases I and II) in terms of material, color, and style.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the date of approval of the Preliminary Development Plan by the City Council and prior to any site disturbance, 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 for a period not to exceed two (2) years. The Site Development Plan shall include, but not be limited to, the following:

a. Outboundary and legal description of the property.
b. A 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 and screen 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, cross access easement areas, and public green spaces within these 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. A description of the area's (all surrounding properties within one hundred (100) 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. This representation shall be supplemented by a recent aerial photograph of the area, which shall include all properties within one thousand (1,000) feet of the subject site and at a scale of 1:100.
m. Cross-sections through all portions of the site, particularly a minimum of two (2) such representations along Taylor Road and Main Street. These cross-sections must include all buildings and structures, including screen and plant walls and any other similar treatments.
n. 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.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:
Build-to Requirements

a. All buildings or structures, excluding boundary, garden, screen, and/or retaining walls, or fences, shall adhere to the build-to lines therein established by the City of Wildwood's Town Center Neighborhood Design Standards for the Commercial and Neighborhood Center Districts.

Parking Setbacks

b. All parking stalls, loading spaces, internal drives, excluding points of ingress and egress and public or private roadways, shall adhere to the City of Wildwood's Town Center Neighborhood Design Standards for the Commercial and Neighborhood Center Districts, unless as otherwise approved on the Site Development Plan by the Planning and Zoning Commission or as noted below:

- Fifteen (15) feet from the Taylor Road right-of-way line.

Minimum Parking Requirements

c. Minimum parking requirements: as set forth in the City of Wildwood's Town Center Neighborhood Design Standards for the Commercial and Neighborhood Center Districts and Chapter 415.280 Parking Regulations of the City of Wildwood's Zoning Code, except that three point three (3.3) spaces per one thousand (1,000) square feet of gross floor area shall be allowed for all retail/office uses. The parking reduction associated with this overall site shall not exceed ten (10) percent of the required parking spaces to be constructed and provided for the purposes of compliance to this site-specific ordinance.

Access and Roadway Improvements, including sidewalks

Main Street

d. The developer's development plan seeks to use, and depends on the use of, the City's property to the south of these districts ("City's Main Street Property") for purpose of access, sidewalks, on-street parking, and other Main Street improvements to which this development is dependent and conditioned. Before the issuance of any building or construction permit, the developer shall have reached a mutually binding development agreement with the City authorizing and providing for the use of the City's property for such purposes and providing the terms, including reimbursement or compensation to the City, for such use. The developer and development authorized by this ordinance shall be responsible for the acquisition of land and installation thereon of the northern one-half (1/2) of the total Main Street improvements (of a one hundred four (104) foot right-of-way or improvement width) adjacent to this development necessary for primary access to the development. These improvements shall be the responsibility of the developer to complete and must conform to the requirements of the City of Wildwood's Street Specifications of the Town Center Plan as directed and approved by the Department of Public Works, when the necessary land area for its construction is available for use as required herein. All streetscape requirements (street trees, lights, and 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 Main Street and be approved by the Department of Public Works. Certain requirements may be escrowed with the City of Wildwood for future installation at the discretion of the Department of Planning and the Department of Public Works. Traffic Generation Assessment Fee credits shall be granted for installation of improvements on the south one-half of Main Street, as such installation may be approved by the City, unless the City and Developer mutually agree to other reimbursement terms for that portion of the improvements. No building permit shall be issued in these districts, until the developer has obtained authority for use of the City's Main Street property by an approved development agreement. In the event the developer is unable or unwilling to enter into a development agreement acceptable to the City authorizing this use of the public property and terms thereof, this zoning approval shall authorize no building construction or other use approved herein until this ordinance has been revised to reflect and authorize a modified development and uses that are not dependent or conditioned on the use or access from the City's Main Street property.

e. Access to this development from Main Street shall be limited to four (4) curb cuts and two (2) garage entry/exit access points and designed in accordance with the City of Wildwood's Street Specifications of the Town Center and as directed by the Department of Public Works. These access points shall be coordinated with the dedication of roadway right-of-way along the southern property line of this development.

State Route 100

f. 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 and the City of Wildwood. Verification of the ownership of any excess right-of-way, which exists along State Route 100 that is to be used as part of this development, must be provided in the form of a Purchase Agreement signed by the Missouri Department of Transportation prior to approval of the Site Development Plan by the Planning and Zoning Commission.

g. Conform to all of the requirements of the Missouri Department of Transportation and the City of Wildwood regarding the required State Route 100 roadway improvements, improvements shall be as directed by the Missouri Department of Transportation.

h. Provide a variable width easement no less than ten (10) foot wide along or within 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. This improvement is considered as one (1) of the green space and public space requirements of the Town Center Plan's Commercial District and Neighborhood Center District designations and the construction cost will be a creditable charge against the developer's required Traffic Generation Assessment Fee contribution to the East Area Fund of the City of Wildwood for any portion of it located outside the subject site and within the State of Missouri's right-of-way area. Determinations regarding credits shall be made by the Departments of Planning and Public Works and completed prior to the issuance of any building permit for the Phase II portion of this overall project.

i. No vehicular access shall be allowed from this development to State Route 100, except as directed or previously authorized by the Missouri Department of Transportation and approved by the City of Wildwood.

Taylor Road

j. Dedicate the remaining portion of an eighty (80) foot right-of-way for Taylor Road and 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

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PRELIMINARY DEVELOPMENT PLAN FOR:

STONECREST AT WILDWOOD

251 PLAZA DR.
WILDWOOD
MO

DATE:

STATE OF MISSOURI — GEORGE MICHAEL STOCK — NUMBER PE-25116 — PROFESSIONAL ENGINEER
04/15/16

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

1	CITY COMMENTS	04/15/16

DRAWN BY: R.E.S.	CHECKED BY: G.M.S.
DATE: 03.04.16	JOB NO.: 216-5763
M.S.D. P#: –	BASE MAP #: –
S.L.C. H&T #: –	H&T SUP. #: –
M.D.N.R. #: MO-00	

SHEET TITLE:
PRELIMINARY DEVELOPMENT PLAN

SHEET NO.:
C3

City of Wildwood's Town Center Plan within the right-of-way of Taylor Road and be approved by the Department of Public Works.

k. Access to this development from Taylor 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 be as directed by the Department of Public Works. This entrance along Taylor Road shall maintain a minimum distance of two hundred twenty (220) feet from State Route 100 (as measured from edge of proposed pavement of State Route 100 to the centerline of the access point) and be restricted to a right-in/right-out configuration.

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. Provide the necessary infrastructure and conduits for the coordination of the traffic signals at the Taylor Road/Main Street intersection as directed by the Department of Public Works. The installation of this equipment and infrastructure will be a creditable charge against the developer's required Traffic Generation Assessment contribution to the East Area Fund of the City of Wildwood and based upon a fair share determination of the overall improvement cost at this intersection.

Miscellaneous Roadway Requirements

n. Sidewalks shall be required on all public and private streets and provide for a continuous and logical layout of this pedestrian network. Design and construction requirements for all sidewalks within the entire development shall be as established in the Street Specifications and Streetscape Elements of the Town Center Plan. Approval of their location, design, and material shall be by the Planning and Zoning Commission and the Architectural Review Board as part of the Site Development Plan review process.

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. Any contractor utilizing these easements or license areas shall be required to replace all improvements, plantings, or other items damaged or disturbed to their original condition and restore the entire area to its pre-development condition. This replacement and restoration shall be accomplished in sixty (60) days or less from the completion of construction as determined by the City of Wildwood.

p. 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 main east/west drive aisle closer than two hundred (200) 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.

City of Wildwood's Town Center Plan within the right-of-way of Taylor Road and be approved by the Department of Public Works.

k. Access to this development from Taylor 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 be as directed by the Department of Public Works. This entrance along Taylor Road shall maintain a minimum distance of two hundred twenty (220) feet from State Route 100 (as measured from edge of proposed pavement of State Route 100 to the centerline of the access point) and be restricted to a right-in/right-out configuration.

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. Provide the necessary infrastructure and conduits for the coordination of the traffic signals at the Taylor Road/Main Street intersection as directed by the Department of Public Works. The installation of this equipment and infrastructure will be a creditable charge against the developer's required Traffic Generation Assessment contribution to the East Area Fund of the City of Wildwood and based upon a fair share determination of the overall improvement cost at this intersection.

Miscellaneous Roadway Requirements

n. Sidewalks shall be required on all public and private streets and provide for a continuous and logical layout of this pedestrian network. Design and construction requirements for all sidewalks within the entire development shall be as established in the Street Specifications and Streetscape Elements of the Town Center Plan. Approval of their location, design, and material shall be by the Planning and Zoning Commission and the Architectural Review Board as part of the Site Development Plan review process.

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. Any contractor utilizing these easements or license areas shall be required to replace all improvements, plantings, or other items damaged or disturbed to their original condition and restore the entire area to its pre-development condition. This replacement and restoration shall be accomplished in sixty (60) days or less from the completion of construction as determined by the City of Wildwood.

p. 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 main east/west drive aisle closer than two hundred (200) 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.

w. 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. Wetlands plantings must be used at appropriate locations within the basins themselves as directed by the Department of Public Works, if applicable.

x. 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.

y. 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 and the Architectural Review Board as part of the Site Development Plan process. Street tree planting patterns must be based on and comply with the Town Center Streetscape Design.

z. A Registered Landscape Architect shall prepare and sign all Landscape Plans for this development.

Lighting Requirements

aa. Light standards shall not exceed sixteen (16) feet in height. 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 Ordinance – Chapter 415.450 "Outdoor Lighting Requirements." A Lighting Plan shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The Planning and Zoning Commission shall approve the location of all light standards and their design and appearance as part of the Site Development Plan review process.

Sign Regulations

bb. All signage shall be in accordance with the requirements of the City of Wildwood's Town Center Architectural Guidelines, subject to the following:

1. A total of three (3) freestanding monument style signs shall be allowed within the boundaries of the Amended C-8 Planned Commercial District and C-8 Planned Commercial District (Phase I and Phase II combined). One (1) of these signs shall be located at the access point into this development from Taylor Road and cannot exceed fifty (50) square feet in overall size. This Taylor Road sign shall be integrated, and be a part of the gateway structure to be constructed at the authorized access point along the Taylor Road frontage. Two (2) signs shall be authorized along the property's State Route 100 frontage and cannot exceed seventy-five (75) square feet in overall size, nor ten (10) feet in height, 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.

2. The three (3) authorized monument signs shall additionally 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.

3. Notwithstanding any other approval to the contrary, all wall signs shall additionally comply with the City of Wildwood Zoning Ordinance – Chapter 415.420 Sign Regulations for the C-2 Shopping District, and all signage shall be externally illuminated according to the Town Center Plan's Architectural Guidelines, or may be backlit, if otherwise in compliance with the Town Center Architectural Guidelines. A third wall sign shall be authorized for the commercial building located on the northwest corner of Taylor Road and Main Street. Signs may only be located on the north, south, and east elevations of this building (Building E, as identified by this ordinance).

4. No advertising, temporary, or portable signs shall be authorized in this Amended C-8 District and C-8 District (Phase I and II). No other signs shall be authorized, except as may comply with the C-2 Shopping District Regulations of the City of Wildwood Zoning Ordinance and the Town Center Plan's Architectural Guidelines.

Miscellaneous Conditions

cc. 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 these enclosures shall be shown on the Site Development Plan and approved by the Planning and Zoning Commission and the Architectural Review Board. 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 individual building it serves and adjoins in terms of location.

dd. Handicap parking and access requirements shall comply with Section 512.4 of the City of Wildwood Building Code.

ee. All rooftop mechanical equipment shall be screened from view on all sides of the building's facade in an architectually consistent manner in terms of color and style of the individual buildings where they are to be constructed. Screening shall be reviewed and considered by the Architectural Review Board at the time of the renderings submittal.

ff. The design, color, material, and location of all garden and screen walls or fences 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 and the Architectural Review Board.

gg. All deliveries and trash pick-up vehicles must access the site from State Route 100, not Manchester Road. No deliveries or trash pick-up shall occur between the hours of 11:00 p.m. and 6:00 a.m., seven (7) days per week.

hh. 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.

ii. The developer shall grant the right to the City of Wildwood to utilize areas, buildings, and structures for the installation of wireless antenna and related equipment through the granting of appropriate easements for service to this site.

5. TRAFFIC GENERATION ASSESSMENT FEE CONTRIBUTION

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
Apartments/Condominiums	$376.42/Parking Space
General Office	$575.04/Parking Space
Quality Restaurant	$575.04/Parking Space
General Retail	$1,725.20/Parking Space
Shopping Center	$1,725.20/Parking Space
High-Turnover, Sit-Down Restaurants	$1,725.20/Parking Space
Bank	$3,450.53/Parking Space
Medical Offices	$1,725.20/Parking Space
Hotel	$1,150.18/Parking Space
Lending Space	$2,873.08/Lending Space

(Parking space as required by Chapter 415.280 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.

A minimum of two hundred twenty-six (226) parking spaces within Phase I of their overall project shall be assessed the required Traffic Generation Assessment Fee under the schedule described above for the East Area Corridor Traffic Generation Assessment Trust Fund. A minimum of six hundred six (606) parking spaces within Phase II of their overall project shall be assessed the required Traffic Generation Assessment Fee under the schedule described above for the East Area Corridor Road Traffic Generation Assessment Road Trust Fund. Allocations of these spaces shall be based upon the required parking ratios for building square footages and types of uses. Changes in uses may require reallocation or different parking requirements. Any final parking allocation shall be further reflected on the final site plan and subdivision plats, including any cross-access easements or other recording of parking rights and responsibilities as may be required due to location of required off-site parking as to a subdivided lot within this development.

Building Id.	Required Parking Spaces (per City Code)	Location(s) of Parking Spaces	TGA Parking Spaces	TGA Credit
E	~~24/42~~	~~Off-Street (24)~~	~~24/42~~	~~To be Determined at Zoning Authorization~~
G	67	On-Street (4)/Off-Street (63)	63	To be Determined at Zoning Authorization
H	76	On-Street (5)/Off-Street (73)	73	To be Determined at Zoning Authorization
I	18	Off-Street (18)	18	To be Determined at Zoning Authorization
J/K	166	Underground Parking (68)/Parking Garage (66)/Off-Street (32)	166	To be Determined at Zoning Authorization
L	228	Parking Garage (189)/On-Street (39)	189	To be Determined at Zoning Authorization
M	61	Parking Garage (32)/On-Street (29)	32	To be Determined at Zoning Authorization
N	28	On-Street (15)/Off-Street (13)	13	To be Determined at Zoning Authorization
Total	~~670 606~~	Underground Parking (68)/Parking Garage (307)/On-Street Parking (92)/Off-Street Parking (23).	~~670 606~~	

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, 2010, 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 APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to the approval of the Site Development Plan, the petitioner shall:

Stormwater

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.
   1. The developer is required to provide adequate stormwater easement in accordance with the City of Wildwood and Metropolitan St. Louis Sewer District Standards.
   2. All stormwater shall be discharged at an adequate natural discharge point.
   3. Extension or differential runoff of stormwater is at the discretion of Metropolitan St. Louis Sewer District and the City of Wildwood. If required by Metropolitan St. Louis Sewer District and the Department of Public Works, it shall be provided in permanent detention/retention facilities, such as: dry reservoirs, ponds, or another acceptable alternative. These detention/retention facilities shall be completed and in operation prior to paving of any driveways or parking areas, within any phase of the development where construction activity is authorized.

b. The approved stormwater management plan for this development may include the use of off-site, regional facilities in terms of the retention/detention of runoff from the site, unless otherwise authorized by the Department of Public Works on the Site Development Plan. The developer(s) shall be responsible for all costs associated with the construction and modifications to existing facilities to accommodate this regional stormwater management requirement, if applicable.

Geotechnical Report

c. 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 mass 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 phase 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:

Notification of Department of Planning

a. 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 Corps. of Engineers (if applicable), and the Metropolitan St. Louis Sewer District must be received by the Department of Planning.

Certification of Plans

b. 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

c. Traffic generation assessment contribution shall be deposited with City of Wildwood in the form of cash prior to the issuance of building permits.

9. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Subsequent to approval of a Site Development Plan, and prior to issuance of any occupancy permit, the following requirement shall be met:

Roadway Improvements

a. Road improvements and right-of-way dedication shall be completed, or the appropriate escrow established, prior to the issuance of an occupancy permit. If development planning is anticipated, said work, right-of-way dedications, and/or escrow agreements shall be based upon those areas of the defined phases where construction is authorized. 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.

10. 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 accordance 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 Planned Commercial and C-8 Planned Commercial 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. Substantial construction shall begin within twenty-four (24) months of the approval of the Site Development Plan for the parcel of ground governed by this Amended C-8 Planned Commercial District and C-8 Planned Commercial District ordinance. Construction shall be deemed to have commenced with the final grading for and installation of roadways necessary for the first approved plat or phase of construction and commencement of installation of the sanitary and storm sewers.

h. As portions of the Main Street roadway improvements may require the acquisition of additional right-of-way and easement from private property, the normal sequence of design, right-of-way acquisition, and construction shall commence immediately on approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, the City of Wildwood may, at its sole discretion, authorize the acquisition of the same through eminent domain proceedings. The costs of appraisals, negotiations, administrations, court proceedings, and associated costs incurred by the City of Wildwood shall be paid by the developer.

i. This zoning approval is conditioned on compliance with the Zoning Code, 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 the Amended C-8 Planned Commercial and C-8 Planned Commercial District ordinance, except where this ordinance has expressly modified such regulation by reference to the applicable provision authorizing such modification.

j. The passage and approval of this ordinance shall constitute the necessary development approval authorizing the Director of Public Works to issue a grading permit in accordance with the procedure and requirements of Chapter 425 of the City's Municipal Code, but not before Condition 1 (C.) has been met by the developer.

Note: Changes to the current ordinance language are shown in bold and underlined type. Deletions are shown by a double-strike through line.

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 14 day of January, 2009 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 — Timothy Woerner, Mayor

ATTEST:

City Clerk — City Clerk

This plan was approved by the City of Wildwood's Planning and Zoning Commission in accordance with the provisions of Section _____ of the Zoning Code. This plan shall be developed under the conditions herein prescribed by Ordinance _____, which was approved by the City Council of the City of Wildwood, Missouri on _____.

_____
Joe Vujnich, Director of Planning

_____
Date

I, Lynne Greene–Beldner, City Clerk of the City of Wildwood, St. Louis County, Missouri do hereby certify the Partially Amended Site Development Plan submitted for this commercial development is required under Ordinance_____, which was approved by the City Council on _____. Said ordinance of the same appears on record in my office as testimony whereof, I hereunto now set my hand and affix the official seal of the City of Wildwood, Missouri, St. Louis County on this _____ day of _____ 20___.

_____
Lynne Greene–Beldner, City Clerk

Owner's Script:

_____
(Owners Name)

In connection with a change in zoning for the following described property from _____ to _____

Owner's Script:

_____
(Owners Name)

In connection with a change in zoning for the following described property from _____ to _____.
(Prior zoning) (Present Zoning)

_____ the owner(s) of the property shown on this plan for and in consideration of being granted a permit to develop said property under the provisions of Section _____(applicable subsection) of the City's Zoning Code and the _____(present zoning), do hereby agree, declare, and covenant that from the date of recording of this plan, the property shall be developed only as shown herein. This covenant shall run with the land, and shall be enforceable pursuant to Sections 67.870 through 67.900 R.S. Mo. by the City of Wildwood or its successor as a plan of development adopted by the City of Wildwood's Planning and Zoning Commission to promote orderly development. This plan may be amended or superseded by the Planning and Zoning Commission or modified by the Department of Planning or voided by order of the City of Wildwood's City Council, each as more particularly authorized by the City of Wildwood's Zoning Code now and hereafter in effect.

Signature: _____

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this _____ day of _____, 20___, before me personally appeared ED GRUNLOH, who being by me duly sworn, did say he is the OWNER of _____ L.L.C., a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company, and that said _____ acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have signed and sealed the foregoing the day and year first above written.

_____
Notary Public

_____
Print Name

My commission expires: _____

GEOTECHNICAL ENGINEER'S STATEMENT

Neither SCI Engineering, Inc. (SCI) nor the undersigned has prepared any part of these plans. My signature and seal are intended to confirm only my personal review and professional opinion that these plans, comply with the Geotechnical Report for the project, dated July 2004; and are compatible with the soil and geologic conditions at the site, as anticipated from the exploration data.

Conditions may vary from those encountered during the exploration or can change due to construction activities, weather, or other conditions. Therefore, SCI must be involved during the construction of this project to observe the actual subsurface conditions and implementation of our recommendations relative to construction. Construction means and methods shall be left to the Contractor.

SCI ENGINEERING, INC.

_____
SHAWNNA EPTER, P.E.

Date:

PROPERTY DESCRIPTION

A tract of land being Adjusted Lot 1 and Adjusted Lot 2 of "Wildwood Town Center Plat Two", a subdivision filed for record in Plat Book 356, Pages 485 and 486 of the St. Louis County, Missouri records, and being part of the Southeast Quarter of Section 11 in Township 44 North, Range 3 East of the Fifth Principal Meridian, City of Wildwood, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at the Southwest corner of Adjusted Lot 1 of "Wildwood Town Center Plat Two", a subdivision filed for record in Plat Book 356, Page 485 and 486 of the St. Louis County Records; thence along the Western line of said Adjusted Lot 1 North 00 degrees 50 minutes 00 seconds East, 211.49 feet to the Northwest corner thereof; thence along the Northern line of Adjusted Lot 1 and Adjusted Lot 2 the following: South 83 degrees 02 minutes 27 seconds East, 52.39 feet to a point; thence South 87 degrees 18 minutes 21 seconds East, 319.04 feet to the Northeast corner of Adjusted Lot 2; thence along the Eastern line of Adjusted Lot 2 South 02 degrees 41 minutes 39 seconds West, 111.43 feet to a point; thence North 87 degrees 18 minutes 21 seconds West, 48.00 feet to a point; thence South 02 degrees 41 minutes 39 seconds West, 98.06 feet to a point on the Northern right-of-way line of Plaza Drive; thence along said Northern right-of-way line North 87 degrees 18 minutes 21 seconds west, 316.41 feet to the Point of Beginning and containing 71,801 square feet or 1.646 acres more or less as per calculations by Stock & Associates Consulting Engineers, Inc. during February, 2016.

PREPARED BY:
STOCK & ASSOCIATES Consulting Engineers, Inc.
2257 Chesterfield Business Parkway
St. Louis, MO 63005 Ph. (636)
530-9100 FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

PRELIMINARY DEVELOPMENT PLAN FOR:

STONECREST AT WILDWOOD

251 PLAZA DR.
WILDWOOD
MO

DATE:

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER PE-25116
PROFESSIONAL ENGINEER
04/15/16

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

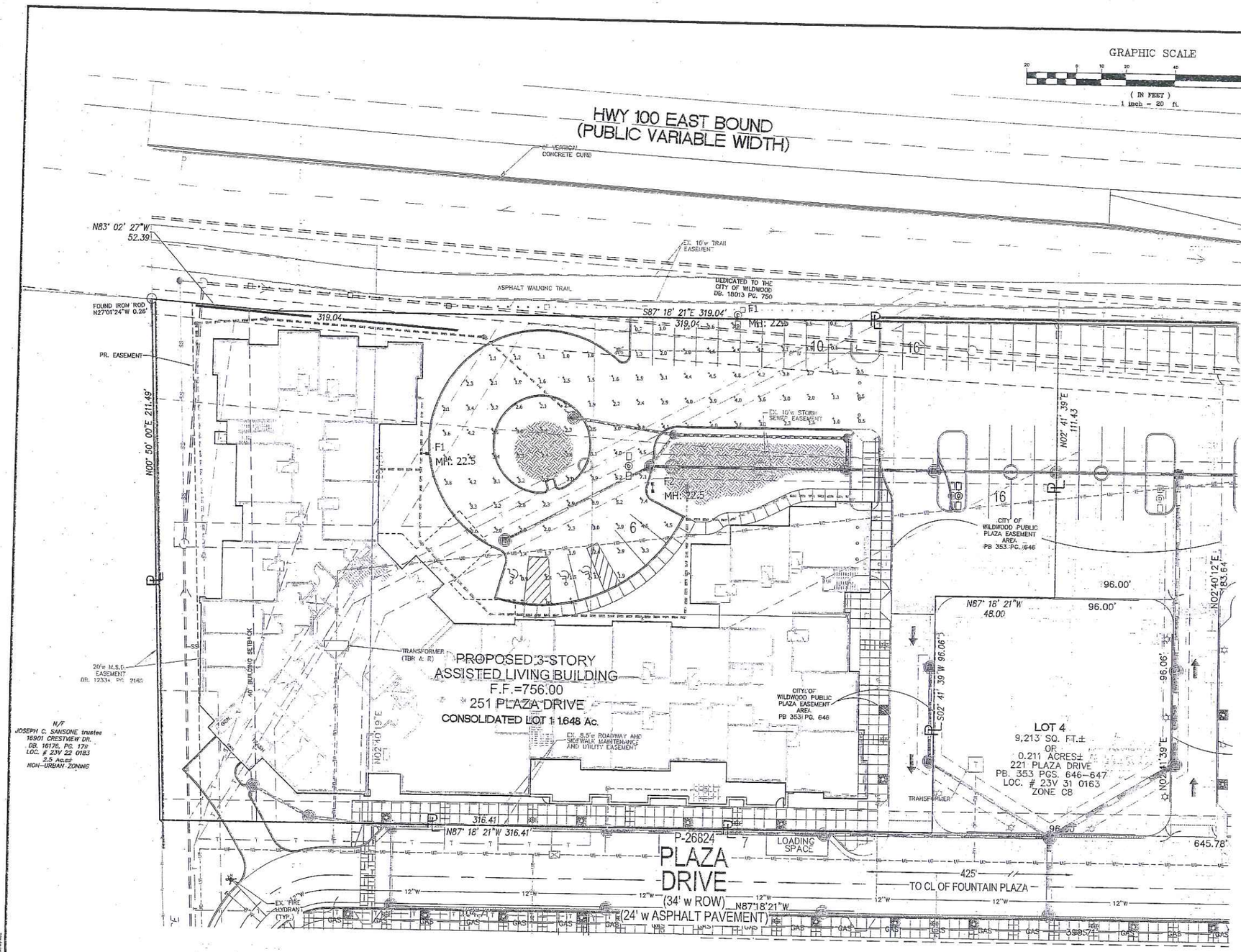
REVISIONS:

1	CITY COMMENTS	04/15/16

DRAWN BY: R.E.S.	CHECKED BY: G.M.S.
DATE: 03.04.16	JOB NO.: 216-5763
M.S.D. P.: —	BASE MAP #: —
S.L.C. MAT #: —	MAT SUF. #: —
M.B.M.R. #: MO-00	

SHEET TITLE:
PRELIMINARY DEVELOPMENT PLAN

SHEET NO.:
C4



LOCATION MAP
(NOT TO SCALE)

FIXTURES MOUNTED ON 20' POLE & 2.5' BASE
LIGHT LEVEL CALCULATED ON THE GROUND

Calculation Summary							
Label	Calc Type	Units	Avg	Max	Min	Avg/Min	Max/Min
SITE	Illuminance	Fc	2.71	7.4	0.3	3.47	14.86

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
	2	F1	SINGLE	30000	0.650	MPTR-SL-320
	1	F2	BACK-BACK	30000	0.650	MPTR-SS-320 TWIN

DESIGN IS BASED ON CURRENT INFORMATION PROVIDED AT THE TIME OF REQUEST. ANY CHANGES IN MOUNTING HEIGHT OR LOCATION, LAMP WATTAGE, LAMP TYPE, AND EXISTING FIELD CONDITIONS, THAT EFFECT ANY OF THE PREVIOUSLY MENTIONED, WILL VOID CURRENT LAYOUT AND REQUIRE A CHANGE REQUEST AND RECALCULATION.

PREPARED BY:

STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

PRELIMINARY DEVELOPMENT PLAN FOR:

STONECREST AT WILDWOOD

251 PLAZA DR.
WILDWOOD
MO

DATE:

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER PE-25116
PROFESSIONAL ENGINEER
04/15/16

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY NUMBER: 000996

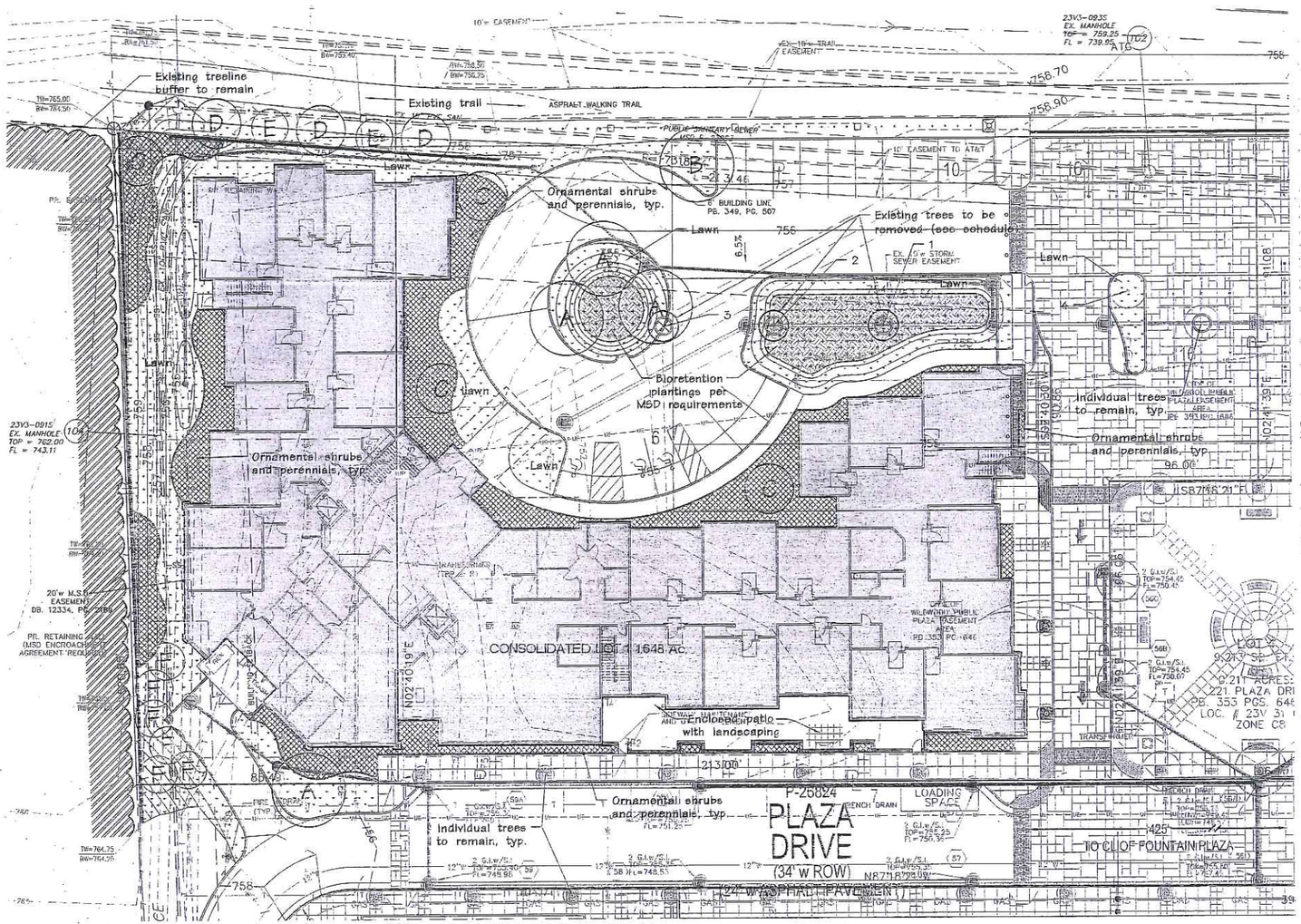
REVISIONS:

1	CITY COMMENTS	04/15/16

DRAWN BY: R.E.S.	CHECKED BY: G.M.S.
DATE: 03.04.16	JOB NO.: 216-5763
M.S.D. #: –	BASE MAP #: –
S.L.C. H&T #: –	H&T SUP. #: –
M.D.N.R. #: MO-00	

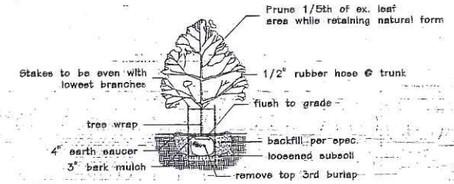
SHEET TITLE:
LIGHTING PLAN

SHEET NO.:
C5

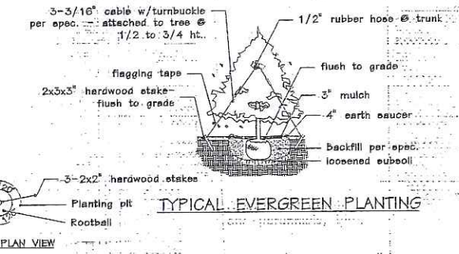


LANDSCAPE PLAN
SCALE 1"=20'

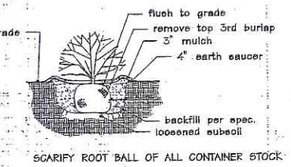
0 20 40 80



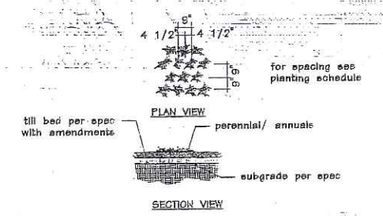
CANOPY TREE PLANTING



TYPICAL EVERGREEN PLANTING



TYPICAL SHRUB PLANTING



TYPICAL PERENNIAL PLANTING

PLANTING SCHEDULE					
TREES					
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
A	4	Acer rubrum 'Frank Jr.'	Redpointe Maple	2.5" cal	B&B
B	1	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	2.5" cal	B&B
C	4	Cercis canadensis	Eastern Redbud	2" cal	B&B
D	3	Cornus kousa (clump)	Kousa Dogwood	7-8'	B&B
E	2	Pinus strobus	Eastern White Pine	8'	B&B
F	6	Picea abies	Norway Spruce	8'	B&B
SHRUBS, ORNAMENTAL GRASSES, AND PERENNIALS					
	4800sf	Mix of deciduous and evergreen shrubs, ornamental grasses, and flowering perennials		varies	
BIORETENTION PLANTINGS					
	1620sf	Water quality plantings per MSD requirements		1gal	

EXISTING TREES TO BE REMOVED		
#	TYPE	COMMENTS
1	Green Ash	
2	Green Ash	
3	Green Ash	Dead
4	Green Ash	

EXISTING TREE KEY

- Existing tree to remain
- Existing tree to be removed
- Existing dead tree to be removed

STATE OF MISSOURI
JERALD L. SAUNDERS
NUMBER LA-7
LANDSCAPE ARCHITECT
4/15/16

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Stonecrest at Wildwood

251 Plaza Drive, Wildwood MO

Revisions:

Date	Description	No.

Drawn: LWH
Checked: JAS

loomisAssociates
landscapeArchitectsplanners
707 Spirit 40 Park Drive, Suite 135
Chesterfield, Missouri 63005-1194
636.519-8668 Fax 636.519-0797
e-mail: lwh@loomis-associates.com
Loomis Associates Inc.
Missouri State Certificate of Authority #: LAC #000019

Sheet Title: Landscape Plan

Sheet No: L-1

Date: 04/15/16
Job #: 813.046

SOUTHEAST CORNER PERSPECTIVE

STONECREST AT WILDWOOD

251 PLAZA DRIVE, WILDWOOD, MO

rosemann

ATTACHMENT D
Background Information

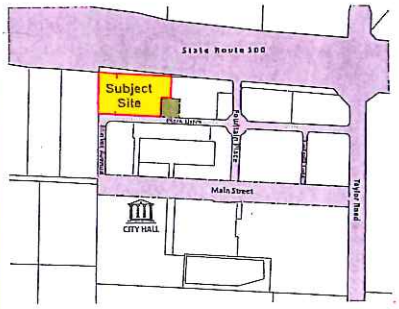
WILDWOOD

16860 Main Street
Wildwood, MO 63040

CITY OF WILDWOOD
NOTICE OF
PUBLIC MEETING
before the Planning and Zoning Commission
Monday, June 6, 2016, at 7:00 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.



Street Addresses of Subject Site:
251 and 261 Plaza Drive

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 May 2, 2016. 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 its 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, June 6, 2016, at 7:00 p.m.,** in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040. The specific request under consideration is as follows:

P.Z. 5 and 5(a)-16, Stonecrest at Wildwood, NorthPoint Development, 5015 Nothwest Canal Street, Suite 200, Riverside, Missouri, Missouri 64150 – A request for the modification of the Town Center Plan's Regulating Plan for two (2) lots that are a 1.6 acre area of the Phase II portion 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 site,all 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 eighty one (81) units. (Ward Eight)**

Please note, as of June 6, 2016, all Planning and Zoning Commission meetings will begin at 7:00 p.m.

***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 Planning and Zoning Commission
Monday, May 2, 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.

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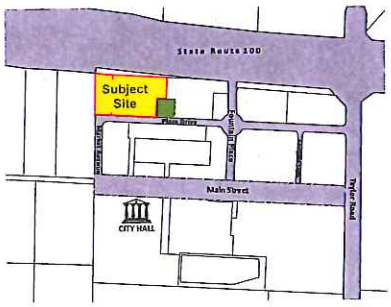

Street Addresses of Subject Site:
251 and 261 Plaza Drive

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

The Planning and Zoning Commission of the City of Wildwood will conduct a public hearing on **Monday, May 2, 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 Planning and Zoning Commission, 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. 5 and 5(a)-16, Stonecrest at Wildwood, NorthPoint Development, 5015 Nothwest Canal Street, Suite 200, Riverside, Missouri, Missouri 64150 – A request for the modification of the Town Center Plan's Regulating Plan for two (2) lots that are a 1.6 acre area of the Phase II portion 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 site,all 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 eighty one (81) units. (Ward Eight)**

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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
May 2, 2016

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, May 2, 2016, 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 Lee	
Commissioner Archeski	
Commissioner Bauer	
Commissioner Gragnani	
Commissioner Liddy	
Commissioner Kohn	
Council Member Manton	
Mayor Bowlin	

Other City officials present: Director of Planning Vujnich, Director of Public Works Brown, Planner Newberry, and City Attorney Golterman.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the March 21, 2016 Meeting

A motion was made by Council Member Manton, seconded by Commissioner Archeski, to approve the minutes from the April 18, 2016 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, and with one (1) abstention by Mayor Bowlin, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

Commission Members and Director Vujnich welcomed Mayor Bowlin as a member of the Planning and Zoning Commission.

V. Public Hearings – Two (2) Items for Consideration

Chair Bopp read the public hearing guidelines into the record and requested the item be read by the Department.

a) **P.Z. 27, 28, and 29-15 Valley Road Subdivision, Pulte Homes of St. Louis, L.L.C., 16305 Swingley Road, Suite 350, Chesterfield, Missouri 63017** – A request for a change to the Master Plan's Conceptual Land Use Categories Map from the Non-Urban Residential Area to the Sub-Urban Residential Area. Accompanying this Master Plan change would also be an amendment to the City's Comprehensive Zoning Plan of the Charter, which is the Master Plan's Conceptual Land Use Categories Map. Additionally, requests for a change in zoning from the NU Non-Urban Residence District to the R-1 one (1) Acre Residence District, with an application of a Planned Residential Development Overlay District (PRD), have been submitted for a 124 acre tract of land that is located west side of Valley Road, north of Peppermill Drive (Locator Numbers: 21U520284, 21U610242, and 20U210014/Street Addresses: 2443 and 2485 Valley Road and 2121 Quaethem Drive). **Proposed Use: A total of one hundred sixteen (116) individual lots, with common ground, and required public space areas. (Ward Two)**

Planner Newberry read the request into the record.

Director Vujnich submitted into the record the Master Plan, City Charter, the City's Zoning Regulations (Chapter 415), and the Department of Planning's file on the request.

Motion by Commissioner Gragnani, seconded by Commissioner Archeski, to accept the documents the Department of Planning submitted into the record. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Director Vujnich shared a slideshow of photographs showing the characteristics of the subject site including: the existing driveway, stub streets in the Brentmoor Place Subdivision, and the overhead utility lines. He outlined the process undertaken by the Master Plan Advisory Committee as it considered, and ultimately denied, a change to the Master Plan's Conceptual Land Use Categories Map regarding the subject site. He provided a summary of the current request.

Chair Bopp invited Mr. George Stock, Stock and Associates Consulting Engineers, Inc., representative of Pulte Homes of St. Louis, L.L.C., to address the Commission.

Mr. Stock gave a presentation outlining the proposal and provided information about the developer, Pulte Homes. Mr. Stock discussed the surrounding zoning district designations, the application of the Planned Residential Development Overlay District (PRD), and provided a comparison of this proposal to a previous submittal on the subject site in 2005/2006 timeframe.

Chair Bopp invited members of the public to comment on the item.

Robert Kipp, 2479 Peppermill Ridge Drive, stated his opposition to connecting the stub streets in the Brentmoor Place Subdivision to the proposed Valley Road Subdivision. He stated his concern with the proposed density of the development and his belief that it is not an accurate representation to compare this proposed subdivision to surrounding developments, particularly in regards to density.

Neil Burns, 2500 Pepperfield Court, stated his concern with the extent of the buffer yards along the southeast boundary of the proposed development. He also expressed his concerns regarding tree removal; the character of the proposed homes; the density of the proposed development; and increased traffic.

Mike Rusert, 2562 Valley Oaks Estates Drive, expressed his concerns with the proposed entrance off Valley Road, specifically regarding sight distance, increased traffic, and school busses. He also expressed his concerns regarding stormwater management.

Ed Hugil, 16354 Peppermill Drive, expressed his concern with increased traffic and the potential impact on the safety of people riding bicycles on Valley Road. He also expressed his concern with the performance of the bio-retention areas over time. He stated it was his belief future homeowners in the proposed Valley Road Subdivision will be confused about which fire protection district services them.

H.W. Schmid, 16228 Bear Valley Road, stated his concern regarding the proposed stormwater management techniques, and their potential impact on the Valley Farms Subdivision. He also discussed existing stormwater management issues in the Valley Farms Subdivision, including his private street.

David Coulter, 20 Peppermill Court, expressed his belief the Valley Road Subdivision is inconsistent with the Master Plan and it should not be changed.

Mike Bolin, 2333 Valley Road, stated his concern with increased traffic on Valley Road and the existing conditions along it.

Frank Gervascio, 16225 Peppermill Drive, stated his concern the traffic study completed, as part of this proposal, may be inaccurate. He also stated his concern with traffic safety along Valley Road.

Erica Sprunger, 1548 Pond View Drive, stated her belief the City should not consider proposals such as this type.

Neal Brunkhorst, 1135 Eagle Creek Road, noted his concern about the proposed Valley Road Subdivision and its impact on his home, particularly in regard to the viewshed, stormwater issues, a negative impact on wildlife, existing private septic tanks, and drinking water wells.

Don Barker, 16338 Peppermill Drive, asked for clarification on the process undertaken by the Master Plan Advisory Committee regarding the subject site.

Colleen Lawler, 2404 Powders Mill Drive, did not wish to speak at tonight's meeting, but would like the following comment to be included in the official record: "Commissioners, just look at the density of this proposed development compared to all surrounding subdivisions – it does not fit with even the surrounding suburban! Much less, why did we just update the Master Plan? What does it stand for if not the people of Wildwood?

Dale Rees, 2172 Wildwood Meadows Court, did not wish to speak at tonight's meeting, but would like the following comment to be included in the official record: "Has an environmental assessment been performed for this? If so, what is the expected impact on the already significant erosion in, and around, Caulk's Creek near Wildwood Meadows and Quaethem Subdivisions off Strecker? If not, this should be required and mitigated."

Discussion was held among Commission Members regarding the traffic study that was completed; the developer's rationale behind this proposal; the connection of the stub streets in Brentmoor Place Subdivision into the proposed Valley Road Subdivision; the existing stormwater issues in the Valley Farms Subdivision; the process undertaken by the Master Plan Advisory Committee; the extent of the proposed buffer areas; the belief this proposal is not transitional in nature; and if there are any plans to improve Valley Road in the future.

Motion by Commissioner Archeski, seconded by Commissioner Liddy, to close the public hearing. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

b) **P.Z. 5 and 5(a)-16 Stonecrest at Wildwood, NorthPoint Development, 5015 Nothwest Canal Street, Suite 200, Riverside, Missouri, 64150** – A request for the modification of the Town Center Plan's Regulating Plan for two (2) lots that are a 1.6 acre area of the Phase II portion 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 site, all 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 eighty-one (81) units. (Ward Eight)**

Planner Newberry read the request into the record.

Director Vujnich submitted into the record the Master Plan, City Charter, the City's Zoning Regulations (Chapter 415), and the Department of Planning's file on the request. Director Vujnich shared a slideshow of photographs showing the characteristics of the subject site. He summarized the proposal, the zoning history of the site, and the current Town Center District designation of the site.

Chair Bopp invited representatives of the petitioners to address the Commission, including: George Stock, Stock and Associates Consulting Engineers, Inc., 257 Chesterfield Business Parkway St. Louis, Missouri; Don Roseman, Roseman and Associates, PC, 160 North Meramec Clayton, Unit #200, Clayton, Missouri; Bill Bierman and Dan Thies, petitioners, 1795 Clarkson Road, Suite 190, Chesterfield, Missouri.

The group provided a presentation that outlined the proposal for this senior living facility; the elevations of the proposed building; the anticipated economic impact the proposed facility will have on the area; the anticipated staffing levels at the proposed facility; and the average number of emergency calls for facilities of this nature, which is eight (8) per month.

Chair Bopp invited members of the public to comment on the item.

Mike Rusert, 2562 Valley Oaks Estate Drive, expressed his concerns with the ambulance and fire service access; the impact on the walkability of the Town Center; the staffing levels at the facility; and the tax revenue a facility such as this generates.

Greg Alexander, Council Member Ward Six (6), 3904 Tamara Trail, stated he does not support this proposal and his concerns about the loss of an important commercial lot.

Erica Sprunger, 1548 Pondview Drive, expressed her concern this proposed facility would have an impact on future City-sponsored events, which are often held near and on the subject site. She also expressed her concerns with parking and the economic impact this proposed facility would have on the City's Town Center.

Discussion was held among Commission Members about what the facility would be converted into, in the instance the proposed use failed; whether or not there would be the inclusion of ground-floor retail; the location of the proposed facility in the City's Town Center; the need for a facility in Wildwood providing services such as this for the elderly; a comparison of this proposal to the recently withdrawn Gardner Capital submittal; and the concern with losing a commercial lot in the City's Town Center.

Motion by Commissioner Gragnani, 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.

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

Letters of Recommendation – One (1) Item for Consideration

a) **P.Z. 25-15 Laurie Taylor, 17715 Manchester Road, Wildwood, Missouri, 63038, c/o Volz, Inc., Mark Kilgore, 10849 Indian Head Industrial Boulevard, St. Louis, Missouri 63132** – A request for a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for a thirty-two point one (32.1) acre tract of land that is located on the west side of Mueller Road, south of State Route 100, and north of Manchester Road (Locator Number 23X340061/Street Address: 17715 Manchester Road). **Proposed Use: A large water feature – lake – (as defined by §415.030 of the City of Wildwood's Zoning Regulations), which exceeds one (1) acre in overall size – one point seven four (1.74) acres. (Ward One)**

Planner Newberry read the request into the record.

Director Vujnich outlined the proposal and the characteristics of the subject site and the proposed large water feature. He explained the Commission had voted favorably on the Department of Planning's Information Report on April 18, 2016. He presented the draft Letter of Recommendation to the City Council, with associated conditions.

Chair Bopp invited the petitioner and her legal counsel, Hal Burroughs, Brian Cave, to address the Commission.

Mr. Burroughs expressed his opposition to the inclusion of a seven (7) year renewal period on the Conditional Use Permit (CUP), along with stating his belief this condition would impact the salability of the property. Ms. Taylor described an option available to her through the Missouri Department of Natural Resources to have the dam periodically inspected, free of charge. She explained she planned to take advantage of this service.

Discussion was held among Commission Members about potentially removing the condition requiring the seven (7) year renewal period and alternative options; the potential precedent such an action would set; possibly requiring inspection reports be provided to the Department of Planning, instead of the seven (7) year renewal period; and the reluctance to rely on an organization outside of the City to provide inspection reports.

A motion by Commissioner Lee, seconded by Commissioner Archeski, to amend the Letter of Recommendation to remove Condition 8. J – the condition requiring a seven (7) year renewal period – and to require inspection reports be provided to the City on a monthly basis.

Chair Bopp called the question.

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

Further discussion was held among Commission Members about other requirements in the draft Letter of Recommendation that may be redundant; whether there are any conditions regarding the quality of the water in the lake; possibly postponing the item to allow for further research; the reluctance to eliminate the use of renewal periods in this Conditional Use Permit (CUP), and the impact of such an action on future proposals.

A motion by Commissioner Bauer, seconded by Mayor Bowlin, to accept the Letter of Recommendation with an amendment to require inspection reports be provided to the City <u>by the property owner</u> on an annual basis.

Chair Bopp called the question.

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

A motion by Commissioner Gragnani, seconded by Commissioner Bauer, to take a short break before moving forward with the next agenda item. A voice vote was taken regarding the motion to take a short break. Hearing no objections, Chair Bopp declared the motion approved.

At the request of the petitioner, Director Vujnich respectfully requested the Planning and Zoning Commission postpone **P.Z. 8-16 James Thurman**, until the May 16, 2016 meeting of the Planning and Zoning Commission.

A motion by Commissioner Gragnani, seconded by Commissioner Archeski. A voice vote was taken regarding the motion to postpone the item. Hearing no objections, Chair Bopp declared the motion approved.

Additionally, given the lateness of the evening, Director Vujnich respectfully requested the Planning and Zoning Commission postpone **P.Z. 5-16 City of Wildwood Planning and Zoning Commission**, until the May 16, 2016 meeting of the Planning and Zoning Commission.

A motion by Commissioner Renner, seconded by Commissioner Archeski. A voice vote was taken regarding the motion to postpone the item. Hearing no objections, Chair Bopp declared the motion approved.

A motion by Council Member Manton, seconded by Commissioner Liddy, to extend the meeting after 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.

Information Reports – Two (2) Items for Consideration

b) **P.Z. 19-15 1971 Pond Road, Payne Family Homes L.L.C., 10407 Baur Boulevard, Suite B, St. Louis, Missouri, 63132** – A request for the application of a Planned Residential Development Overlay District (PRD), within the NU Non-Urban Residence District for a 78.0 acre tract of land that is located on the north side of State Route 100, west of Pond Road (Locator Number: 23W520053/Street Address: 1971 Pond Road). **Proposed Use: A total of twenty-six (26) individual lots, with common ground, and required public space areas. Lots would range in size from one (1) acre to four and one-half (4.5) acres. (Ward One)**

Planner Newberry read the request into the record.

Director Vujnich presented Addendum Two to the Department of Planning's Information Report and outlined the information acquired from the Missouri Department of Natural Resources regarding all wastewater treatment facilities in the City of Wildwood. He described the current condition of wastewater facilities such as proposed here, and outlined the Department's next steps to addressing the issues raised by this inquiry. Director Vujnich explained the timeline of this proposal before the Planning and Zoning Commission and highlighted the several changes that have been made to the original plan, each to address the concerns of the Commission, the Departments of Planning and Public Works, and citizens. Director Vujnich stated the Department of Planning is recommending approval of the application of a Planned Residential Development Overlay District (PRD) for this site in the NU – Non-Urban Residence District.

Chair Bopp invited Tom Cummings, representative of Payne Family Homes, to address the Commission.

Mr. Cummings outlined the changes that have been made to the original proposal, based on feedback from the Planning and Zoning Commission and neighbors. He stated it was his belief this proposal is an appropriate application of the Planned Residential Development Overlay District (PRD). Mr. Cummings requested the Commission consider the following changes to the Department's Information Report:

1. Allow for excess Traffic Generation Assessment fees to be credited to the construction of the multiple use trail.
2. Consider reducing the thirty (30) foot wide easement for the multiple use trail.
3. Consider allowing the inclusion of a twenty-sixth (26th) lot.

Chair Bopp invited members of the public to comment on the item.

Tom Smith, 17221 Portland Crest Court, expressed his concern with the size of the proposed lots and his opposition to the application of the Planned Residential Development Overlay District (PRD). He also asked where the school busses would pick up children that would live in the proposed development.

Stephany Finochio, 1633 Pond Road, expressed her concerns with the size of the proposed lots; increased traffic; and the number of dwellings that will be visible from State Route 100.

Erica Sprunger, 1548 Pond View Drive, expressed her appreciation regarding the change in location of the wastewater treatment facility and the construction of the landscaped berm on Lot 2. She expressed her belief this proposal is not consistent with the Master Plan. Ms. Sprunger expressed her concerns regarding the application of the Planned Residential Development Overlay District (PRD); the size of the proposed lots; the newly proposed wastewater treatment facility; increased traffic; proposed street lights; visibility of proposed dwellings from Pond Road; and the extent to which common ground is taxed.

Greg Alexander, Council Member Ward Six (6), 3904 Tamara Trail, stated it was his belief that a portion of the subject site is in a floodplain and his concern with the architectural diversity of the proposed dwellings.

Arnie Sprunger, 1548 Pond View Drive, was not able to attend tonight's meeting, but a letter he composed was read on his behalf. Mr. Srunger expressed his concern with the landscaped berm provided on Lot 2; the newly proposed wastewater treatment facility; proposed lighting; and the extent to which common ground is taxed.

Josh Sprunger, 1548 Pond View Drive, expressed his appreciation to Payne Family Homes for making changes to the plan, based on feedback from neighbors. Mr. Sprunger expressed his concerns with the visibility of dwellings from Pond Road; the entrance to the proposed development off Pond Road; the proposed density of the lots; and the extent to which common ground is taxed.

Discussion was held among Commission Members about the newly proposed wastewater treatment facility; the number of proposed lots; the visibility of the dwellings from State Route 100 and Pond Road; and the extent to which common ground is taxed; the likelihood of Metropolitan St. Louis Sewer District (MSD) extending its jurisdictional boundaries; and the school bus pick-up point.

A motion by Mayor Bowlin, seconded by Commissioner Liddy, to end the discussion. A voice vote was taken regarding the motion to end the discussion. Hearing no objections, Chair Bopp declared the motion approved.

A motion by Mayor Bowlin, seconded by Council Member Manton, to deny the Department of Planning's Information Report, thereby not recomending the application of the Planned Residential Development Overlay District (PRD).

Chair Bopp called the question.

A roll call vote was taken, with the following results:
Ayes: Commissioner Gragnani, Commissioner Lee, Commissioner Archeski, Commissioner Liddy, Commissioner Bauer, Commissioner Renner, Commissioner Kohn, 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.

c) **P.Z. 5-16 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri** – A request to review and consider the addition of residential land uses as permitted activities within the 'Downtown and Workplace Districts' designation under the 'Regulating Plan' of the City's Town Center Plan. Currently, these two (2) land use designations do not allow residential uses, whether single family or multiple family types. Recently, a number of inquiries have been made about this change. **(Wards One, Four, Five, Seven, and Eight) – POSTPONED**

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

Correspondence Items – One (1) Item for Consideration

a) **P.Z. 8-16 James Thurman, 930 Kingsridge Court, Wildwood, Missouri, 63021, c/o Sport Court St. Louis, 343 Great Oaks Drive, Labadie, Missouri 63055,** is seeking the review and action of the Planning and Zoning Commission on the requested installation of an outdoor game court that is twenty-six (26) feet by thirty-four (34) feet in size, which is to be located at 930 Kingsridge Court, Wildwood, Missouri (Locator Number 24T110296); R-1A 22,000 square foot Residence District, with a Planned Environment Unit (PEU). This request is to be reviewed in accordance with Chapter 415.120 R-1A 22,000 square foot Residence District Regulations of the City of Wildwood Zoning Code, which establishes standards and requirements for outdoor game courts relating to their consideration by the Planning and Zoning Commission. The proposed game court is to be situated to the east of the single family residence located on the subject property. The Department will have a recommendation report prepared for consideration at this meeting for this request. **(Ward Eight) – POSTPONED**

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

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

Director Vujnich asked the Commission if it would like to schedule a Work Session, before a future meeting, to discuss the application of a Planned Residential Development Overlay District (PRD) in the NU – Non-Urban Residence District. Discussion was held and Commission members reached a consensus to schedule such a Work Session for a future date.

Motion by Council Member Manton, seconded by Commissioner Gragnani, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting on Tuesday, May 3, 2016, at 12:15 a.m.

Approved by: R. Jim Boggs

Chair – 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.

P.Z. Number(s): _____
(as assigned by department)

PETITION

CITY OF WILDWOOD
MAR 07 2016
DEPT OF PLANNING & PARKS

before the

CITY OF WILDWOOD'S
PLANNING AND ZONING COMMISSION

FOR THE PURPOSE OF HEARING REQUESTS
FOR ONE OR A COMBINATION OF THE FOLLOWING:
(PLEASE CHECK THOSE ITEMS WHICH ARE APPLICABLE)

_X_ Change in Zoning
____ Conditional Use Permit
____ Approval of a Planned District or other special procedure (C-8/M-3/PRD)

APPLICANT/OWNER INFORMATION

Applicant's Name: NorthPoint Development

Mailing Address: 5015 NW Canal Street, Suite 200
Riverside, MO 64150

Telephone Number, with Area Code: (816) 888-7391

Fax Number, with Area Code: _____

E-Mail Address: mark@northpointkc.com

Interest in Property (Owner or Owner Under Contract):
Owner under Contract

If owner under contract, please attach a copy of the contract.

Owner's Name (if different than applicant):
Wildwood Crossing, Inc.

Address: 8027 Forsyth Blvd.
Saint Louis, MO 63105

Telephone Number, with Area Code: 314-727-8881

SITE INFORMATION

Postal Address of the Petitioned Property(ies):

251 and 261 Plaza Dr.
Wildwood, MO 63040

Locator Number(s) of the petitioned Property(ies):

23V220194 and

Total Acreage of the Site to the Nearest Tenth of an Acre:

Consolidated Lot 1: 1.6 Ac.

Current Zoning District Designation: C-8 Planned Commercial District

Proposed Zoning District Designation: Amended C-8 Planned Commercial

Proposed Planned District or Special Procedure:

USE INFORMATION

Current Use of Petitioned Site: Vacant

Proposed Use of Site: Residence

Proposed Title of Project: Stonecrest at Wildwood Town Center

Proposed Development Schedule (include approximate date of start and completion of the project):

Construction Schedule: 07/01/16 to 07/01/17

CONSULTANT INFORMATION

Engineer's/Architect's Name: Stock & Associates Consulting Engineers, Inc.

Address: 257 Chesterfield Business Parkway
Chesterfield, MO 63005

Telephone Number, with area code: (636) 530-9100

Fax Number, with area code: (636) 530-9130

E-Mail Address: ryan.schriber@stockasoc.com

Soil Scientist/Forester's Name: SCI Engineering, Inc.

Address: 130 Point West Blvd.
St. Charles, MO 63301

Telephone Number, with area code: (636) 949-8200

Fax Number, with area code: (636) 949-8269

E-Mail Address: serter@sciengineer.com

ACKNOWLEDGEMENT INFORMATION

The petitioner(s) state(s) they (he) (she) will comply with all the requirements of the city of wildwood with regard to the procedures relating to its administration of land use and development controls within its boundaries, including the payment of all applicable fees.

The petitioner(s) further represent(s) and agree(s) that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Wildwood with respect to this application.

The petitioner(s) hereby certify(ies) that (indicate one):

( ) I (we) have a legal interest in the hereinabove described property.

(X) I am (we are) the duly appointed agent of the petitioner(s) and that all information given and represented on this application is an accurate and true statement of fact. Any misrepresentation of information on this application or accompanying information shall constitute grounds for the City of Wildwood, Missouri to terminate review of this petition and return all materials, minus any fees, associated with its review up to and through that point.

SIGNATURE: _____

NAME (PRINTED): GEORGE M STOCK

ADDRESS: 257 Chesterfield Business Parkway
Chesterfield, MO 63005

TELEPHONE NUMBER: (636) 530-9100

[PLEASE NOTE: THE ABOVE NAMED PERSON SHALL RECEIVE ALL OFFICIAL NOTICES REGARDING THIS REQUEST, INCLUDING THE PUBLIC HEARING NOTICE.]

SUBSCRIBED AND SWORN BEFORE ME THIS 24 DAY OF March, 20 16.

SEAL:

SIGNED: _____
(NOTARY PUBLIC)

NOTARY PUBLIC Daniel STOCK,
STATE OF MISSOURI.

MY COMMISSION EXPIRES 3/17/17.

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

DANIEL JOSEPH STOCK
My Commission Expires
March 17, 2017
St. Louis County
Commission # 13486125

FOR OFFICE USE ONLY

1ST SUBMITTAL DATE: _____
FEE: _____; RECEIVED BY: _____
PRELIMINARY DEVELOPMENT PLAN: YES NO
PACKET COMPLETE: YES NO

2ND SUBMITTAL DATE: _____
PACKET COMPLETE: YES NO

3RD SUBMITTAL DATE: _____
PACKET COMPLETE: YES NO

4TH SUBMITTAL DATE: _____
PACKET COMPLETE: YES NO

LETTER OF TRANSMITTAL

STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005
(636) 530-9100 FAX (636) 530-9130
E-mail: ryan.schriber@stockassoc.com

CITY OF WILDWOOD
MAR 07 2016
DEPT OF PLANNING & PARKS

DATE: 03/04/16	JOB NO. 215-5763
ATTENTION: Mr. Joe Vujnich – Director of Planning	
RE: Stonecrest at Lot 1 & 2 of Wildwood Town Center	
Wildwood, MO	

TO: City of Wildwood
183 Plaza Dr.
Wildwood, MO 63040

WE ARE SENDING YOU: ☒ **Attached** ☐ **Under Separate cover via** Delivery **the following items:**

☐ **Shop Drawings** ☒ **Prints** ☐ **Plans** ☐ **Samples** ☐ **Specifications**

☐ **Copy of Letter** ☐ **Change Order** ☐ _____

Copies	Date	No.	Description
3	03/04/16	C1-C4	Preliminary Development Plan
1	03/04/16	3 pgs.	Rezoning Application
1	03/04/16		Rezoning Fee - Forthcoming
3	03/04/16	Sheet 1	Consolidation Plat
1	03/04/16	4pgs	Plat Application
1	03/04/16	Ck # 20711	$300.00 Processing Fee - B.A.P.
1		7 pgs.	Title Commitment #1600678

THESE ARE TRANSMITTED as checked below:

☐ **For Approval** ☐ **Approved as Submitted** ☐ **Resubmit** _____ **copies for approval**

☒ **For your use** ☐ **Approved as noted** ☐ **Submit** _____ **copies for distribution**

☒ **As requested** ☐ **Returned for corrections** ☐ **Return** _____ **corrected prints**

☐ **For review and comment** ☐ _____

☐ **FOR BIDS DUE** _____ 20 _____ ☐ **PRINTS RETURNED AFTER LOAN TO US**

REMARKS:
Joe, per our meeting last week enclose is the submission package to commence the process. Should you have any questions or comments, please advise. Sincerely

SIGNED: _____
George M. Stock, P.E. - President

COPY TO:
Mr. Mark Pomerenke– Northpoint Development(mpomerenke@northpointkc.com) via email w/submittal
Mr. Bill Biermann – Wm. Biermann Co. (bill@wmbiermannco.com) via email w/submittal
Mr. Scott Haley – KP Development (shaley@kpstl.com) via email w/submittal
Mr. Don Rosemann – Rosemann & Associates (drosemann@rosemann.com) via email w/submittal
Mr. Ryan Schriber, P.E. - Associate

STOCK & ASSOCIATES
Consulting Engineers, Inc.

CITY OF WILDWOOD
APR 13 2016
DEPT OF PLANNING & PARKS

April 13, 2016

Via E-Mail: (joe@cityofwildwood.com)

City of Wildwood
16860 Main Street
Wildwood, MO 63040

Attention: Mr. Joe Vujnich, Director-Department of Planning & Parks

Re: City Review Letter for 251 and 261 Plaza Drive – (Lots 1 and 2 of Wildwood Town Center-Plat Two) (Stonecrest at Wildwood) – Ordinance #1175 (Stock Project No. 216-5763)

Dear Joe:

Pursuant to your Departmental Letter dated April 5, 2016 and our subsequent meeting on Monday, April 11, 2016, we offer the following:

Comment 1 requests a letter:

On behalf of the Petitioner, we respectfully request that the City of Wildwood Planning and Zoning Commission consider a change to the "Regulating Plan" for Town Center from "Downtown District" to "Neighborhood General District" for 251 and 261 Plaza Drive / Lots 1 and 2 of the Wildwood Town Center Plat Two, recorded in Plat Book 356, Pages 485 and 486. The "Neighborhood General District" allows residential living, and was at one time the District covering the subject property.

Should you have any questions or comments, please feel free to contact me at (636) 530-9100.

Sincerely,

George M. Stock, P.E., President

CC: Mr. Travis Newberry – City Planner – City of Wildwood (travis@cityofwildwood.com)
Mr. Mark Pomerenke – VP-Operations (mpomerenke@northpointkc.com)
Mr. Bill Biermann – Stonecrest Senior Living, LLC (bill@wmbiermannco.com)
Mr. Scott Haley – KP Development Scott Haley (shaley@kpstl.com)
Mr. Donald Rosemann, President/CEO – Rosemann (drosemann@rosemann.com)
Mr. Ryan Schriber, P.E., Associate (ryan.schriber@stockassoc.com)

257 CHESTERFIELD BUSINESS PARKWAY •ST. LOUIS, MO 63005 •(636) 530-9100
Fax (636) 530-9130 • E-MAIL ADDRESS: general@stockassoc.com

WILDWOOD

April 5, 2016

NorthPoint Development
Attn: Mark Pomerenke
5015 Northwest Canal Street
Suite 200
Riverside, Missouri 64150

Re: Initial Review Application Packet for 251 and 261 Plaza Drive, in Wildwood Town Center

Dear Mr. Pomerenke:

The Department of Planning has completed its initial review of the Preliminary Development Plan for the planned development of these two (2) lots in the Town Center Area of Wildwood. These two (2) lots are located on the north side of Plaza Drive, at Market Avenue. The plan was compared to the Zoning Ordinance requirements for a residential project seeking a Planned Residential Development Overlay District (PRD), the Town Center Plan, and the existing site-specific ordinance that governs these two (2) lots, along with the remainder of the development site. The results of this review indicated a number of items that need to be addressed and include the following:

1. Please be advised a letter must be submitted to the Planning and Zoning Commission requesting a Regulating Plan change to the Town Center Plan, since the properties' current designation is "Downtown District", which does not allow residential uses, to the "Neighborhood General District". The "Neighborhood General District" does authorize this type of building and associated units.
2. Please address the following items, highlighted on the attached sheet:

    A. Please consider providing access control here during City events.
    B. Please clarify what occurs in this space between the building and the parking island. In this clarification, consider how a pedestrian might interact with this space.
    C. Please extend the pedestrian improvements to the edge of the building here.
    D. Please describe and identify the use of the space behind the garden wall here.

3. Please be advised these two (2) lots are part of the Crossings Community Improvement District and have different taxing and assessment requirements than other properties located elsewhere in the City's Town Center Area. If you should have any questions in this regard, the Wildwood City Attorney, Rob Golterman, can assist. Mr. Golterman can be reached at 314-444-7600.
4. Please relocate the building, dumpster, and drive aisle, so they are not located in the forty foot (40') side yard setback.
5. Please clarify if any public use areas are planned for the site.
6. Please add corresponding outboundary survey measurements, referenced in the property description, to the plan.
7. Please provide dimensions for all parking spaces, including the accessible parking provided as a component of the circular drive.
8. Please provide dimensions for the radius of the circular drive and landscaped island.
9. Please indicate the extension of the fence and columns, along the norther boundary of the site, are to match the existing fence and columns to the east.
10. Please indicate the height and materials for all proposed retaining walls and garden walls, including the color of the block.

11. Please provide dimensions and typical cross-section, including radius and taper details, for the proposed curb cut and drive aisle accessing the dumpster area.
12. Please clarify if any services, other than the trash service, will be utilizing the drive aisle accessing the dumpster area.
13. Please provide a "Lighting Plan" for the new parking areas and circular drive, and note the plan will meet the City of Wildwood's Outdoor Lighting Requirements.
14. Please provide a "Landscape Plan", prepared by a certified landscape architect.
15. Please provide a gated screen for the dumpster, constructed of materials consistent with the primary structure.
16. Please correct the Parking Data Table to identify on-street on Plaza Drive, and not Main Street.
17. Please provide comments on this Preliminary Development Plan from the Missouri Department of Transportation (MODOT).
18. Please provide comments on this Preliminary Development Plan from the Metro West Fire Protection District.
19. Please provide comments on this Preliminary Development Plan from the Metropolitan St. Louis Sewer District (MSD), including verification of Permit #25457, referenced of Sheet C1, regarding offsite stormwater detention.

Once the comments relating to the Preliminary Development Plan have been addressed with the requested revisions, please resubmit three (3) copies of it, and email a PDF version, to the Department of Planning for further review. Please note additional comments may follow in this regard, once the City again reviews the revised plan sheets. If you should have any questions in this regard, please feel free to contact the Department of Planning at (636) 458-0440. Thank you for your interest in the City of Wildwood.

Sincerely,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning and Parks

Cc: The Honorable Timothy Woerther, Mayor
The Honorable City Council of the City of Wildwood
Ryan S. Thomas, P.E., City Administrator
Rob Golterman, City Attorney
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
George Stock, Stock and Associates

STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005
(636) 530-9100 FAX (636) 530-9130
E-mail: ryan.schriber@stockassoc.com

LETTER OF TRANSMITTAL

DATE: 04/15/16	JOB NO. 215-5763
ATTENTION: Mr. Joe Vujnich – Director of Planning	
RE: Stonecrest at Lot 1 & 2 of Wildwood Town Center	
Wildwood, MO	

TO: City of Wildwood
183 Plaza Dr.
Wildwood, MO 63040

WE ARE SENDING YOU: ☒ **Attached** ☐ **Under Separate cover via** ___Delivery___ **the following items:**

☐ **Shop Drawings** ☒ **Prints** ☐ **Plans** ☐ **Samples** ☐ **Specifications**

☐ **Copy of Letter** ☐ **Change Order** ☐ _____

Copies	Date	No.	Description
3	04/15/16	C1-C5	Preliminary Development Plan
3	04/15/16	L-1	Landscape Plan
3	04/15/16	4 pgs.	Comment Response Letter
1	03/15/16	1 pg.	MoDOT Response Letter
1	03/31/16	3 pgs.	MSD Response Letter
1	04/07/16	1 pg.	Metro West Fire Protection District Response Letter
1	03/10/16	1 pg.	Spirit of St. Louis Airport Response Letter

THESE ARE TRANSMITTED as checked below:

☐ **For Approval** ☐ **Approved as Submitted** ☐ **Resubmit** _____ **copies for approval**

☒ **For your use** ☐ **Approved as noted** ☐ **Submit** _____ **copies for distribution**

☒ **As requested** ☐ **Returned for corrections** ☐ **Return** _____ **corrected prints**

☐ **For review and comment** ☐ _____

☐ **FOR BIDS DUE** _____ 20 _____ ☐ **PRINTS RETURNED AFTER LOAN TO US**

REMARKS:

SIGNED: _____
Ryan Schriber, P.E. - Associate

COPY TO:
Mr. Mark Pomerenke– Northpoint Development(mpomerenke@northpointkc.com) via email w/submittal
Mr. Bill Biermann – Wm. Biermann Co. (bill@wmbiermannco.com) via email w/submittal
Mr. Scott Haley – KP Development (shaley@kpstl.com) via email w/submittal
Mr. Don Rosemann – Rosemann & Associates (drosemann@rosemann.com) via email w/submittal
Mr. George M. Stock, P.E. - President

STOCK & ASSOCIATES
Consulting Engineers, Inc.

April 15, 2016

Via E-Mail: (joe@cityofwildwood.com)

City of Wildwood
16860 Main Street
Wildwood, MO 63040

Attention: Mr. Joe Vujnich, Director-Department of Planning

Re: Initial Review Application Package for 251 & 261 Plaza Drive, Wildwood Town Center (Stock Project No. 216-5763)

Dear Mr. Vujnich:

The following are written responses to your comments regarding your initial review of Preliminary Development Plan for the above-referenced project dated April 5, 2016.

Comment 1. Please be advised a letter must be submitted to the Planning and Zoning Commission requesting a Regulating Plan change to the Town Center Plan, since the properties' current designation is "Downtown District", which does not allow residential uses, to the "Neighborhood General District". The "Neighborhood General District" does authorize this type of building and associated units.

Response: **Letter provided via email on 4/13/16.**

Comment 2. Please address the following items, highlighted on the attached sheet:

A. Please consider providing access control here during City events.

Response: **Sign provided "Reserved for Stonecrest Senior Living". Please consider a request for signage in the parking garage denoting 20 stalls for Stonecrest Senior Living.**

B. Please clarify what occurs in this space between the building and the parking island. In this clarification, consider how a pedestrian might interact with this space.

Response: **The intent is to provide an exterior landscape area to connect and interact with the City Plaza Area for the general public. This area will be planned to include areas which encourage public/private use of sidewalks with benches/seating and landscape the area to provide relief to the hardscape. This**

257 CHESTERFIELD BUSINESS PARKWAY •ST. LOUIS, MO 63005 •(636) 530-9100
Fax (636) 530-9130 • E-MAIL ADDRESS: general@stockassoc.com

portion of the plan will become an architectural design feature at the corner of the building to both anchor and invite the public onto the development.

C. Please extend the pedestrian improvements to the edge of the building here.

Response: **The intent is to extend the pedestrian improvements along the eastern edge of the entire building edge.**

D. Please describe and identify the use of the space behind the garden wall here.

Response: **This area will be a public/private exterior patio/courtyard. The area will be designed to allow for casual seating, lounging, use of exterior fireplace with arbor. It will serve as an amenity area and in general extend the interior space for exterior enjoyment.**

Comment 3. Please be advised these two (2) lots are part of the Crossings Community Improvement District and have different taxing and assessment requirements than other properties located elsewhere in the City's Town Center Area. If you should have any questions in this regard, the Wildwood City Attorney, Rob Golterman, can assist. Mr. Golterman can be reached at (314) 444-7600.

Response: **Noted.**

Comment 4. Please relocate the building, dumpster, and drive aisle, so they are not located in the forty foot (40') side yard setback.

Response: **City to initiate setback modification.**

Comment 5. Please clarify if any public use areas are planned for the site.

Response: **A public/private exterior patio/courtyard is proposed.**

Comment 6. Please add corresponding out boundary survey measurements, referenced in the property description, to the plan.

Response: **Comment addressed and shown on C1.**

Comment 7. Please provide dimensions for all parking spaces, including the accessible parking provided as a component of the circular drive.

Response: **Comment addressed.**

Comment 8. Please provide dimensions for the radius of the circular drive and landscaped island.

Response: **Comment addressed.**

Comment 9. Please indicate the extension of the fence and columns, along the northern boundary of the site, are to match the existing fence and columns to the east.

Response: **Comment addressed.**

Comment 10. Please indicate the height and materials for all proposed retaining walls and garden walls, including the color of the block.

Response: **Comment addressed and details of the retaining wall have been added to C2. Two (2) modular block retaining walls and one (1) garden wall are proposed. The low wall along the southern edge of the project will be constructed of masonry veneer in color to match the brick utilized on the building. The wall height is proposed to be approximately thirty (30") inches above the sidewalk edge.**

Comment 11. Please provide dimensions and typical cross-section, including radius and taper details, for the proposed curb cut and drive aisle accessing the dumpster area.

Response: **Details added to C2**

Comment 12. Please clarify if any services, other than the trash service, will be utilizing the drive aisle accessing the dumpster area.

Response: **Comment addressed. The proposed use for the drive aisle along the southwesterly portion of the site will be exclusively for both trash/recycle pick up and for temporary parking of delivery vehicles providing goods and services to the project. The utilization of this drive will eliminate and reduce both congestion and ensure clearance for all vehicles and emergency personnel as required to serve the entire Wildwood community at the corner of Plaza Drive.**

Comment 13. Please provide a "Lighting Plan" for the new parking areas and circular drive, and note the plan will meet the City of Wildwood's Outdoor Lighting Requirements.

Response: **Provided.**

Comment 14. Please provide a "Landscape Plan", prepared by a certified landscape architect.

Response: **Provided.**

Comment 15. Please provide a gated screen for the dumpster, constructed of materials consistent with the primary structure.

Response: **Provided and shown on C1. The project will have a pair of four (4') foot gate doors constructed of steel support with wood stained panels mounted on the front. The pair of gate doors will have latches both in the bottom of the doors into the concrete pad and at the center styles. The gate doors will be a minimum of six (6') feet in height to screen the dumpsters. Details will be provided by Architect at time of building permit application.**

Comment 16. Please correct the Parking Data Table to identify on-street on Plaza Drive, and not Main Street.

Response: **Comment addressed.**

Comment 17. Please provide comments on this Preliminary Development Plan from the Missouri Department of Transportation (MODOT).

Response: **Provided.**

Comment 18. Please provide comments on this Preliminary Development Plan from the Metro West Fire Protection District.

Response: **Provided**

Comment 19. Please provide comments on this Preliminary Development Plan from the Metropolitan St. Louis Sewer District (MSD), including verification of Permit #25457, referenced Sheet C1, regarding offsite stormwater detention.

Response: **Provided.**

Should you have any further comments and/or questions, please feel free to contact me.

Sincerely,

Ryan Schriber

Ryan E. Schriber, P.E.,
Associate

CC:

Mr. Mark Pomerenke– Northpoint Development(mpomerenke@northpointkc.com) via email w/submittal
Mr. Bill Biermann – Wm. Biermann Co. (bill@wmbiermannco.com) via email w/submittal
Mr. Scott Haley – KP Development (shaley@kpstl.com) via email w/submittal
Mr. Don Rosemann – Rosemann & Associates (drosemann@rosemann.com) via email w/submittal
Mr. George M. Stock, P.E. - President

Zach Stutz

Subject: RE: 03-15-16 - Stonecrest at Wildwood - MoDOT comments

From: JOHN "JAY JAY" BRADEN [mailto:John.Braden@modot.mo.gov]
Sent: Tuesday, March 15, 2016 10:56 AM
To: Ryan Schriber
Cc: Federico Lagos
Subject: 03-15-16 - Stonecrest at Wildwood - MoDOT comments
Importance: High

Ryan,

After review of your proposed preliminary plans for Stonecrest at Wildwood on route 100, located in St. Louis County, we find the proposal to be feasible. Final approval will be in the form of a permit issued from this office subject to the following items:

- Show the property line along MO 100.
- Fill out the attached *request for permit v3.pdf* and return it to me.
- A separate permit will be required for the water & sewer taps and they need to be applied for through the plumber.
- MoDOT will not allow pavement cuts for utility connections.
- If there is going to be a tower crane on site for the completion of this building we will need to enter into an airspace agreement which we will need:
    a. Proof of Insurance for the required coverage amount, naming MHTC as an additional insured
    b. Copy of the request from leassee/licensee – to be over our right of way. Loads are not permitted to be swung over MoDOT right of way but due to the nature of tower cranes needing to be placed in weather vane mode (no brake) during times of nonuse it is possible the crane will end up over MoDOT right of way.

Please revise your plans and send us two hard copies and a pdf copy of your detailed plans for further review. Should you have any questions or comments, you may contact me at via email at john.braden@modot.mo.gov .

Jay-Jay Braden
Missouri Department of Transportation
Sr. Traffic Specialist - SW St. Louis County
601 Salt Mill Road, Chesterfield, MO 63017
Fax: 573.522.6491 **Mobile:** 314.380.0074
www.modot.mo.gov/stlouis/news_and_information/Permits.htm

Metropolitan St. Louis Sewer District

2350 Market Street
St. Louis, MO 63103

March 31, 2016

Stock and Associates
Attn: Mr. Ryan Schriber, P.E.
257 Chesterfield Business Parkway
St. Louis, MO 63005

RE: Stonecrest at Wildwood
261 Plaza Dr. (Loc# 23V220233)
251 Plaza Dr. (Loc# 23V220242)
Preliminary Development Plan

Dear Mr. Schriber,

MSD has reviewed the Preliminary Development Plan dated 3/4/16 for the above referenced site and offers the following preliminary comments:

- Formal MSD review, approval, and permits are required prior to construction.

- Detention for the 2yr 24 hour and 100yr 24 hour storms has been provided for the site in an existing offsite basin approved and permitted by MSD under Ref# P-25457-00 in 2004. However, Channel Protection (extended detention of the 1yr-24 hour storm) adopted into MSD's Rules and Regulations in 2006 was not factored into the design of the existing offsite basin at the time of its design, and will need to be addressed for this project's improvement area, likely in an onsite facility.

- If the project's disturbed area equals or exceeds one acre, post construction Best Management Practices (BMPs) for water quality are required to treat the extents of the disturbed area. BMPs that provide a volume reduction component (such as bioretention, pervious pavements, soil amendments, etc.) should be the emphasis of the post construction water quality strategy, and applied to the maximum extent practicable. Water Quality and Channel Protection volumes may be nested within the same volume reducing BMPs. Non-volume reducing BMPs may be implemented on the site if it would reduce the extents of the project's disturbed area or if unfavorable topography or insurmountable utility conflicts factor in.

- Existing sewers and easements may need to be relocated and/or vacated under this currently proposed site configuration. Current mapping records indicate that

the western wing of the proposed building would encroach upon an existing 8" public sanitary sewer and other easements. Please field-verify the location of the existing sanitary sewer. Encroachments shall be avoided.

- Based on the property line configuration depicted on the plan, the existing storm sewer system upstream from EX56G may revert to a private storm sewer system since it will only serve the assisted living center's property. MSD would vacate its rights and interests in the existing easement upstream of the structure after construction approval of this project.

- Peak and average daily sanitary flow estimates should be provided with formal plan review. MSD will evaluate planning models for capacity during formal plan review. Downstream improvements may be required of the developer if current capacity levels within the existing sanitary sewer system cannot accommodate the additional sanitary loading generated by the development.

This review is subject to the requirements of detailed formal review of final design plans and is subordinate to the review and approval of final design plans. Please call me at (314) 768-2773 if you have any questions.

Sincerely,

Jason Peterein, P.E.
Principal Engineer
Engineering/Planning-Development Review

Zach Stutz

From: Dave Phipps [mailto:daveph@metrowest-fire.org]
Sent: Thursday, April 07, 2016 9:24 AM
To: Zach Stutz
Subject: RE: Stonecrest @ Wildwood Review

The Bureau of Fire Prevention has reviewed Stonecrest and there are no additional fire district requirements.

David E. Phipps
Fire Marshal
Metro West Fire Protection District
(636) 821-5806

216-5763

SPIRIT Of St. Louis Airport
SINCE 1964
Business Aviation Center of the U.S.

Steven V. Stenger
County Executive

John D. Bales, C.M.
Director of Aviation

March 10, 2016

RECEIVED
MAR 14 2016
Stock and Associates Consulting Engineers, Inc

Stock and Associates, Inc
Attn.: Ryan Schriber, P.E.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

RE: Preliminary Development Plan – Stone crest at Wildwood, 251 Plaza Drive

Dear Mr. Schriber,

We have reviewed the above referenced documents dated 03/08/16 and have no objections. No further review is required by the Airport.

Feel free to call should you need further information.

Sincerely,

SPIRIT OF ST. LOUIS AIRPORT

Robert S. Heine, P.E.
Airport Engineer

CC John D. Bales, CM, Director of Aviation
David Schubert, Deputy Director of Aviation
File

WILDWOOD

INFORMATION REPORT

Prepared by the Department of Planning
for

CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

June 6, 2016 Executive Meeting
City of Wildwood, Missouri
"Planning Tomorrow Today"

Petition Number:	**P.Z. 7-16**
Petitioner:	**City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040**
Request:	A request to evaluate possible amendments to Chapter 415.590, "Sexually-Explicit Business Regulations," of the City of Wildwood Municipal Code, which would thereby consider the addition of new language to expand the types of businesses that would be regulated as sexually-explicit businesses and expand regulations in regard to particular activities conducted within sexually-explicit businesses.
Location:	Citywide
Zoning:	All "C" and "M" Districts of the City's Zoning Ordinance
Ward(s):	All
Report:	Attachment A
Background Information:	Attachment B
Police:	St. Louis County Police Department - Wildwood Precinct
School:	Rockwood
Fire Districts:	Eureka, Metro West, and Monarch
Recommendation:	Approval of changes to the current regulations governing sexually explicit businesses, so as to address current concerns about their respective shortcomings. In this report, the Department of Planning has determined the changes to the current regulations governing sexually explicit business are necessary and needed to address the past nine (9) years of changes in this regard and avoid a Social House II setting in Wildwood.

Background: The City of Wildwood created an extensive set of regulations in 2007 to address sexually explicit businesses that might be interested in opening within this community. Although at that time, no businesses of that type had expressed an interest in opening in Wildwood, City officials believed the time to address this potential issue was before a request was submitted, not during or after the fact. The City Attorney was integral in the development of these regulations that

were intended to control sexually-explicit businesses, given another community that was represented by his firm had just undertaken the same. Therefore, that research was utilized in the development of the City's regulations that are in place now.

Chronology: In 2007, the City Council added Section 415.590 to the Wildwood Zoning Code. Section 415.590 regulates sexually-explicit businesses in the City of Wildwood and provides an extensive licensing process (for both the business and individual managers and entertainers), certain operational restrictions, design requirements, requires a conditional use permit, and limits the location to the City's Industrial-Zoned Districts.

In 2010, the Missouri General Assembly passed its own legislation regulating sexually explicit businesses, codified in Missouri Revised Statute Sections 573.525 to 573.537. Among the new state restrictions were a ban on full nudity (though "semi-nudity" is allowed), a ban on the sale or consumption of alcohol, a ban on touching between semi-nude employees and customers, and a requirement that sexually explicit businesses close by midnight. The Missouri law immediately faced a legal challenge but was upheld by the Missouri Supreme Court in *Ocello v. Koster*, 354 S.W.3d 187 (Mo. banc 2011).

In 2016, Social House sought to open a location in University City, Missouri. According to the *Riverfront Times*, female servers at Social House are clad in "pasties" and body paint. In Wildwood, a Social House-type business could likely be interpreted as an "adult cabaret," and, therefore, be subject to the sexually-explicit business regulations, but those existing regulations may not prohibit servers from working, while wearing pasties and body paint.

Suggested Approaches: One way to address this situation is to amend the City's sexually explicit business regulations to more closely conform to the Missouri Statute upheld by the Missouri Supreme Court. University City took this approach, amending the "adult business" regulations found within its Zoning Code and adding specific language to address body paint. An alternative approach was adopted by the cities of Clayton and Des Peres, both of which amended their liquor codes such that establishments selling liquor must require female employees to "cover the entire areola and front of the breast with opaque clothing."[1] See Clayton Bill no. 6548; Des Peres Bill 16-2766.

The City Attorney and the Department of Planning recommend the City of Wildwood amend its sexually explicit business regulations to conform with the Missouri Revised Statute Sections 573.525 to 573.537, which have been upheld as constitutional by the Missouri Supreme Court. In particular, the recommended approach would be for several of the definitions within the current Code to be amended in accordance with the State law, including the terms "adult cabaret," "nudity or state of nudity" and "semi-nudity or state of semi-nudity." Additionally, the definitions of "nudity or state of nudity" and "semi-nudity or state of semi-nudity" would also be slightly modified to clarify the City's stance with respect to body paint and similar substances. Other and additional changes to the Code are recommended to conform to the State law.

While the proposed amendments do not outright ban a person from appearing in a sexually-explicit business wearing only "pasties" and body paint, they would effectively prevent a business, such as Social House, from operating in Wildwood because businesses where individuals appear in a state of semi-nudity are not permitted to sell alcohol and persons who are in a semi-nude state must remain on a fixed stage at least six (6) feet from all patrons.

Proposed Changes to Current Regulations:

Chapter 415. Zoning Regulations

Section 415.200. "M-1" Industrial District Regulations.

[Ord. No. 1324 App. A §1003.151, 8-14-2006; Ord. No. 1457 §1, 12-10-2007; Ord. No. 1553 §1, 9-8-2008]

A. Scope Of Provisions. This Section contains the district regulations of the "M-1" Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, which are incorporated as part of this Section by reference. The "M-1" Industrial District encompasses areas wherein may be achieved a satisfactory correlation of factors such as adequate transportation facilities, accessibility to dwelling areas, efficient land assembly, adequate topographic conditions and adequate provision of public utility facilities required by industry.

B. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

1. Agriculturally-based businesses, including the retail sales of vegetables, fruits and closely related goods, as part of a produce stand, along with corn mazes and other recreational facilities complementing the growing and raising of crops.

2. Athletic fields, not including lighting.

3. Business, professional and technical training schools.

4. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private) and indoor and unlighted outdoor tennis courts (public or private).

5. Laundries and dry cleaning plants, not including personal and individual drop-off and pickup service.

6. Manufacturing, fabrication, assembly, processing or packaging of any commodity from semi-finished materials, except explosives or flammable gases or liquids.

7. Offices or office buildings.

8. Parking areas, including garages.

9. Police, fire and postal stations.

10. Printing and duplicating services.

11. Public utility facilities.

12. Radio, television and communication studios, transmitting or relay towers, antennae and other such facilities no greater in height than two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.

13. Railroad switching yards.

14. Research laboratories and facilities.

15. Sales and renting of equipment and vehicles used by business, industry and agriculture, excluding retail automobile sales.

16. (Reserved)

17. Terminals for trucks, buses, railroads and watercraft.

18. Union halls and hiring halls.

19. Wholesaling or warehousing of manufactured commodities except live animals, explosives or flammable gases.

20. Yards for storage of contractors' equipment, materials and supplies, excluding junk yards and salvage yards.

C. 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":

1. Airports, landing strips and heliports.

2. Athletic fields, including lighting.

3. Business service establishments.

4. Filling stations, including emergency towing and repair services.

5. (Reserved)

6. Manufacturing of explosives and flammable gases and liquids.

7. Radio, television and communication studios, transmitting or relay towers, antennae and other such facilities greater in height than two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.

8. Restaurants.

9. Sales yards operated for a charitable purpose by a church, school or other not-for-profit organization.

10. Satellite dishes (see provisions of Section 415.380(R)).

11. Towed vehicle storage yards, wherein no individual vehicle may be stored for a period exceeding ninety (90) days and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sight-proof fence shall be provided along all limits of the property.

12. Sewage treatment facilities.

13. Vehicle repair facilities.

14. Vehicle service centers.

15. Warehousing, storage or wholesaling of live animals, explosives or flammable gases and liquids.

16. Churches shall be allowed on tracts of land of at least one (1) acre in area.

17. Sexually oriented businesses.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.

2. Dwelling or lodging units, only for watchmen, caretakers or other personnel whose residence is essential to the operation of a permitted or conditional use or uses.

3. Individual sewage treatment facilities serving an individual building or use as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed five thousand (5,000) gallons per day flow.

4. Signs (business, directional and information).

E. Performance Standards. All uses in the "M-1" Industrial District shall operate in conformity with the appropriate performance standards contained in Section 415.250 "Zoning Performance Standard Regulations".

F. Height Limitations For Structures. Radio, television, public utility and communication towers authorized by conditional use permit may be erected to any height not in conflict with the application of the limits in Section 415.240 "Air Navigation Space Regulations". Unless otherwise restricted by application of regulations in Section 415.240 "Air Navigation Space Regulations" of this Chapter, the total height of any other structure, not including roof top mechanical equipment attached to such structures, shall not exceed two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.

G. Lot Area And Yard Requirements. The lot area and yard requirements in the "M-1" Industrial District shall be as follows:

1. Minimum lot area requirements. Towed vehicle storage yards shall be situated on tracts of land at least one (1) acre in area. No minimum lot area is established for other uses in this district, but lot dimensions shall be sufficient to meet other requirements set forth in this Section.

2. Front yard—general. No structure is allowed within thirty (30) feet of any roadway right-of-way line.

3. Front yard—specific regulations and exceptions.

a. Notwithstanding any other provision of this Chapter, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.

b. Boundary walls or fences, six (6) feet in height or less, are allowed within the minimum front yard setback.

c. Permitted information signs, six (6) feet in height or less, are allowed within the minimum front yard setback.

d. Permitted directional signs, three (3) feet in height or less, are allowed within the minimum front yard setback.

e. Light standards for parking lot lighting and freestanding business signs are allowed no closer than twenty-five (25) feet from any roadway right-of-way line.

f. Light standards for street lighting or at points of ingress and egress are allowed within the minimum front yard setback when approved by the Department of Planning.

g. Required fencing for towed vehicle storage yards is allowed no closer than twenty-five (25) feet from any roadway right-of-way line. The setback shall be adequately landscaped as approved on a plan by the Department of Planning.

h. Any area used for the outdoor storage or display of merchandise, equipment or vehicles which is located opposite and visible from property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District shall be effectively screened by a six (6) foot high sight-proof fence if determined necessary and required by the Department of Planning on review of a site plan for such use. The Department of Planning may approve the use of topographic features, landscaping or walls in lieu of fencing where such alternates are determined to be appropriate.

4. Side yards and rear yards—general. No structure or any storage or display of materials, equipment or vehicles is allowed within ten (10) feet of any side or rear property line.

5. Side yards and rear yards—specific regulations and exceptions.

a. No structure or any storage or display of merchandise, equipment or vehicles is allowed within twenty-five (25) feet of a property line adjoining property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

b. Any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District, other than a radio, television, public utility and communication tower authorized by a conditional use permit, must be set back from such property line an additional one (1) foot for every two (2) feet in height above thirty (30) feet.

c. Any area used for the outdoor storage or display of merchandise, equipment or vehicles which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District shall be effectively screened by a six (6) foot high sight-proof fence located no closer than ten (10) feet from said adjoining property line. The setback shall be adequately landscaped as approved on a plan by the Department of Planning. When requested by the property owner, the Department of Planning may approve the use of topographic features, landscaping or walls in lieu of fencing where such alternates will achieve comparable effect.

d. Required fencing for towed vehicle storage yards shall be located no closer than twenty-five (25) feet from any adjoining property line. This setback shall be adequately landscaped as approved on a plan by the Department of Planning.

e. All other boundary walls or fences six (6) feet in height or less are permitted within the minimum side and rear yard setbacks required from property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

f. Light standards for parking lot lighting are allowed no closer than twenty-five (25) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

H. Off-Street Parking And Loading Requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 415.280 "Off-Street Parking and Loading Requirements".

I. Sign Regulations. Sign regulations are set forth in Section 415.400 "Sign Regulations".

Section 415.210 "M-3" Planned Industrial District.
[Ord. No. 1324 App. A §1003.155, 8-14-2006]

A. Scope Of Provisions. This Section contains the district regulations of the "M-3" Planned Industrial District. The regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, in the Subdivision Code of the City and other applicable City ordinances, which are incorporated as part of this Section by this reference. The Planned Industrial District may be described in the manner outlined below.

B. Purpose. The "M-3" Planned Industrial District of the City of Wildwood encompasses areas wherein may be located developments and uses permitted in any of the other "M" Industrial Districts and such development and use designated in the "C" Commercial Districts as may be specifically related to a particular industrial activity or complex. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses not provided for in other "M" Industrial Districts or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare, while promoting an environmentally sensitive design or improvements reflecting the natural characteristics of the site.

C. Establishment.

1. A Planned Industrial District may be established on a tract of land in single ownership or management control provided that:

a. The preliminary development plan and the application for change of zoning are approved by the City Council;

b. A site development plan is approved by the Planning Commission and recorded in compliance with requirements of this Section; and

c. The schedule of construction is complied with in accordance with the requirements of this Section.

2. A Planned Industrial District may be established by ordinance of the City Council in the same manner that other mapped districts are established where the City Council determines that any particular tracts or areas should be developed for industrial use, but because of possible conflicts with adjoining uses, more development control is necessary to protect the general welfare than is possible under the regulations of the other "M" Industrial Districts.

D. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

1. Subject only to approval of a site development plan by the Planning Commission:

a. Police, fire and postal stations.

b. Local public utility facilities.

c. Correctional institutions.

d. Accessory uses incident to the above uses.

2. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Industrial District; specific uses may include uses designated as permitted, accessory or conditional uses in any of the "M" Industrial Districts and those uses in the "C" Commercial Districts which are specifically related to a particular industrial activity or complex.

E. 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":

1. Satellite dishes (provisions of Section 415.380(R)).

2. Sexually oriented businesses.

F. Performance Standards. All uses established in a Planned Industrial District shall operate in accord with performance standards contained in Section 415.250 "Zoning Performance Standard

Regulations". These performance standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular Planned Industrial District.

G. Height Limitations For Structures. Unless otherwise restricted by application of regulations in Section 415.240 "Air Navigation Space Regulations" of this Chapter, the total height of any structure shall be limited by the conditions in the ordinance governing the particular Planned Industrial District or in the case of a telecommunications tower as authorized by Chapter 430 of the City Code.

H. Lot Area And Yard Requirements. The lot area and minimum yard requirements for land uses in this district shall be as follows:

1. Minimum lot area. The minimum lot area requirements for any use or building in a Planned Industrial District shall be as established in the conditions contained in the ordinance authorizing the establishment of the particular Planned Industrial District.

2. Minimum yard requirements—general. Setbacks for parking areas, internal drives, loading spaces and structures shall be established in the conditions of the ordinance governing the particular Planned Industrial District.

3. Minimum yard area—specific regulations.

a. No parking area, internal drive, loading space or structure shall be permitted within twenty (20) feet of a property line adjoining property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District. In addition to the minimum twenty (20) feet, any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District shall be set back an additional one (1) foot for every two (2) feet in height above thirty (30) feet. Greater setbacks may be required by condition if necessary to ensure compatibility with adjoining developments or uses.

b. Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum yard requirements, unless otherwise restricted in the conditions of the ordinance governing the particular Planned Industrial District.

I. Off-Street Parking And Loading Requirements. The minimum off-street parking and loading requirements for any use or building in a Planned Industrial District shall not be reduced below that required for the same use in any other "M" Industrial or "C" Commercial District as set forth in Section 415.280 "Off-Street Parking and Loading Requirements". These requirements may exceed minimum standards as required by condition where determined necessary. However, where the Planned Industrial District includes two (2) or more uses, the Planning Commission may recommend, and the City Council may approve, a total reduction of not more than twenty percent (20%) or thirty percent (30%) for developments greater than two hundred thousand (200,000) square feet of gross floor area under single ownership or management control of the required off-

street parking and loading spaces where it has been demonstrated by study of the combined uses and customary operation of the uses that adequate parking would be provided. The Planning Commission may recommend a further parking reduction beyond thirty percent (30%) for developments greater than three hundred thousand (300,000) square feet of gross floor area under single ownership or management control based on a similar approved study as above.

J. Sign Regulations. Specific sign regulations shall be established in the conditions of the ordinance governing the Planned Industrial District in accord with the provisions of Section 415.400 "Sign Regulations". However, in no instance shall they be less restrictive than sign regulations for any of the other "M" Industrial Districts.

K. **Procedure For Establishment Of District Or Approval Of Site Plan In Existing "M-3".** In order to establish a Planned Industrial District through a change of zoning or to obtain approval of a site development plan for a Planned Industrial District in order to utilize land in an established Planned Industrial District, the procedure shall be as follows:

1. Application. The owner or owners under contract of a lot or tract of land or his authorized representative shall petition the City of Wildwood on forms prescribed for this purpose by the Planning Commission. These forms shall be submitted to the Department of Planning accompanied by the following:

a. Filing fee per requirements of Section 415.550 "Fees".

b. Legal description of the property.

c. Outboundary plat of the property.

d. Preliminary development plan depicting, but not limited to, the following:

(1) Proposed uses. In single-lot developments approximate location of buildings and other structures, as well as parking areas, shall be indicated. In multiple-lot developments, conceptual location and configuration of buildings, approximate location of common ground areas, major utility easements and stormwater retention areas shall be indicated.

(2) Existing and proposed contours at intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated.

(3) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more one (1) foot above grade, all tree masses and proposed landscaping.

(4) Two (2) section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.

(5) Proposed ingress and egress to the site, including adjacent streets and approximate alignments of internal roadway systems.

(6) Preliminary plan for sanitation and drainage facilities.

2. Public hearing. A public hearing on the petition shall be held in accordance with the provisions of Section 415.560 "Procedures for Amending the Zoning Ordinance", provided however, that a public hearing shall be set within forty-five (45) days of acceptance of the petition, fee and related plans and documents by the Department of Planning.

3. Planning Commission recommendation. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Planning Commission. Said recommendation shall address general planning considerations, including consistency with good planning practice and compatibility with adjoining permitted developments and uses. A recommendation of approval shall include recommended conditions to be included in the ordinance authorizing the establishment of the Planned Industrial District or approval of the site development plan in a Planned Industrial District. Such conditions shall include, but not be limited to, the following:

a. Permitted uses, including maximum floor area.

b. Performance standards.

c. Height limitations.

d. Minimum yard requirements.

e. Off-street parking and loading requirements.

f. Sign regulations.

g. Minimum requirements for site development plans.

h. Time limitations for commencement of construction.

i. Impact fees or dedications reasonably attributable and proportional to the impact or costs resulting from the proposed development.

4. Site development plans.

a. After passage by the City Council of an ordinance authorizing the establishment of a Planned Industrial District and requiring submission of a site development plan or site development concept plan, said plans shall be submitted in accord with the following provisions. No building permits or authorization for improvement or

development for any use requested under provisions of this Chapter shall be issued prior to approval of such plans.

b. Plans shall be submitted to the Planning Commission for review and approval. Said plans shall contain the minimum requirements established in the conditions of the specific ordinance governing the Planned Industrial District and, further, shall comply with provisions of the subdivision ordinance, Chapter 420, and other applicable City ordinances.

c. Within sixty (60) days of approval, the site development plan or site development concept plan shall be recorded with the St. Louis County Recorder of Deeds and thereby authorize development as depicted thereon with a copy to be filed with the City of Wildwood.

d. In the case of single-lot/multiple building development or multiple-lot developments where a site development concept plan is required, site development section plans shall be submitted to the Department of Planning for review and approval per individual building, lot, phase or plat representing a portion of the site development concept plan. The approved section plans shall be retained on file by the Department of Planning.

L. Procedure For Amendment Of Conditions Or Plans.

1. To amend the "M-3" District ordinance.

a. The property owner or authorized representative shall submit a written request to amend ordinance conditions to the Department of Planning for review. The Department shall then evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

b. If the Department of Planning determines that the requested amendment is consistent in purpose and content with the nature of the original proposal as advertised, the Department shall so report to the Planning Commission. The Planning Commission shall review the request and the report of the Department, then forward a recommendation to the City Council. A recommendation of approval shall include conditions to be included in the amended ordinance.

c. If the Department of Planning determines that the requested amendment is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall then review the proposed ordinance amendment and forward a recommendation to the City Council. The Planning Commission may, if deemed necessary, forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with the

proceedings specified in Section 415.560 "Procedure for Amending the Zoning Ordinance".

2. To amend the recorded site development plan or site development concept plan approved for the Planned Industrial District.

a. The property owner or authorized representative shall submit an amended site development (concept) plan to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing and the preliminary development plan approved by the City Council.

b. If the Department of Planning determines that the proposed amendment to the site development plan is major in nature and is not in conflict with the original proposal as advertised and the approved preliminary development plan and meets all conditions of the Planned Industrial District ordinance, said plan shall be reviewed and approved by the Planning Commission. Said amended plan shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

c. If the Department of Planning determines that the proposed amendment to the site development plan is minor in nature and is not in conflict with the original proposal as advertised and the preliminary development plan and meets all conditions of the Planned Industrial District ordinance, the Department may approve said amended plan. Said plan shall be retained on file by the Department of Planning.

However, when conditions of a particular Planned Industrial District ordinance are amended which necessitate an amended site development plan, the Commission shall review and approve said amended plans and they shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

d. If the Department of Planning determines that the amendment to the site development plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing or with the preliminary development plan approved by the City Council, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall review the proposed site plan amendment and make a final determination. The Planning Commission may, if deemed necessary, forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with proceedings specified in Section 415.560 "Procedure for Amending the Zoning Ordinance".

e. All amendments to site development concept plans shall be reviewed and approved by the Planning Commission and shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

f. The Planning Commission may approve partial amended site development plans, site development concept plans and site development section plans for developments approved prior to enactment of this Chapter when the conditions of the ordinance governing such particular "M-3" Planned Industrial Districts do not permit review of development plans in accord with the provisions of this Section. Such partial amended plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

3. To amend a site development section plan approved for a Planned Industrial District. If the Department of Planning determines that the proposed amendment to the site development section plan is not in conflict with the approved site development concept plan and meets all conditions of the Planned Industrial District ordinance, the Department may approve said amended plan. Said plan shall be retained on file by the Department of Planning.

4. Appeal to Commission of a decision by the Department in reviewing development plans. The petitioner/developer may appeal a decision of the Department of Planning, in cases where the Department of Planning is authorized to review development plans, to the Planning Commission. The petitioner shall have a fifteen (15) day period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission will make the final determination of the matter. No exceptions will be granted that are in violation of the particular ordinance governing the development plan.

M. Guarantee Of Improvements. Unless otherwise provided for in the conditions of a particular Planned Industrial District, no building permits or permits authorizing the occupancy or use of a building, facility, industrial or commercial establishment or service concern may be issued until required related off-site improvements are constructed or cash or a surety bond is posted covering their estimated cost as determined by the Department of Planning. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements. Required related off-site improvements shall include, but not be limited to, streets, sidewalks, sanitary and storm sewers, street lights and street trees. If a Planned Industrial District is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.

N. Failure To Commence Construction. Substantial construction shall commence within the time period specified in the conditions of the ordinance governing the Planned Industrial District, unless such time period is extended by the Planning Commission. If substantial construction or

development does not begin within the time period specified in the conditions of the ordinance governing the district or extensions authorized therein, the Planning Commission shall within forty-five (45) days initiate a resolution of intent for the purpose of a new public hearing to revert the property to its prior zoning classification in accord with the proceedings specified in Section 415.560 "Procedure for Amending the Zoning Ordinance". No building or occupancy permit shall be issued for the development or use of the property until completion of action by the City Council on the proceedings to rezone the property in accord with the provisions of the above noted Section.

SECTION 415.590: SEXUALLY-ORIENTED BUSINESSES.

[Ord. No. 1411 §§1—2, 6-11-2007]

A. Purpose And Findings. It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety and general welfare of the residents of the City and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution or Article I, Section 8 of the Missouri Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

B. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

ADULT ARCADE: Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE: Means a commercial establishment, which, as one of its principal business activities, offers sexually oriented materials for sale or rental for any form of consideration. A principal business activity exists where the commercial establishment:

(1) Has a substantial portion of its displayed merchandise which consists of such items; or

(2) Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

(3) Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

(4) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

(5) Maintains a substantial section of its interior business space for the sale or rental of such items; or

(6) Maintains an adult arcade.

ADULT CABARET: A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.

ADULT ENTERTAINMENT: Any live exhibition, performance or dance characterized by the exposure of any specified anatomical areas even if covered by translucent clothing or by specified sexual activities or by appearance of persons in attire, costume or clothing so as to emphasize or expose, even through opaque covering, the view to specified anatomical areas.

ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration

CHARACTERIZED BY: Describing the essential character or dominant theme of an item.

CHILD: see "Minor."

EMPLOY, EMPLOYEE OR EMPLOYMENT: Any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, manager, entertainer or otherwise,. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

ENTERTAINER: Any person who provides adult entertainment at a sexually oriented business described herein, whether or not a fee is accepted for the entertainment.

ESTABLISH OR ESTABLISHMENT: Includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(3) The addition of any sexually oriented business to any other existing sexually oriented business.

MAINSTREAM MEDIA OUTLETS: Any video store, bookstore or a newsstand that carries more than ten percent (10%) sexually oriented material but less than thirty percent (30%).

MANAGER: Any person who manages, directs, administers or is in charge of the affairs and for conduct of any portion of any activity involving adult entertainment occurring at any sexually oriented business.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects.

MEDIA OUTLETS: Any video store, bookstore or a newsstand that carries ten percent (10%) sexually oriented material or less.

MINOR: Any person less than eighteen (18) years of age.

NUDITY OR STATE OF NUDITY: The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OBSCENITY OR OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

OPAQUE COVERING: Non-transparent clothing or other similar object or substance. This term does not include body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances.

OPERATOR: Any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more.

PREMISES: The real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both.

REGULARLY: The consistent and repeated doing of the act so described.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEMI-NUDE OR STATE OF SEMI-NUDITY: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

SEMI-NUDE MODEL STUDIO: Means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

(1) By a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL ENCOUNTER CENTER: Means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female genitalia by the penis. Sexual intercourse also includes any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUALLY ORIENTED BUSINESS:

(1) An adult bookstore or adult video store.

(2) An adult cabaret.

(3) An adult motion picture theater.

(4) A semi-nude model studio.

(5) A sexual encounter center.

SEXUALLY ORIENTED MATERIALS: Magazines, books, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, other visual representations, or other devices used to record computer images or other media which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

SPECIFIED ANATOMICAL AREA:

1. Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY: Includes any of the following:

(1) Intercourse, oral copulation, masturbation, or sodomy; or

(2) Excretory functions as a part of or in connection with any of the activities described in subparagraph (1) above.

SUBSTANTIAL: At least thirty percent (30%) of the item or items so modified.

VIEWING ROOM: The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching sexually oriented materials.

C. Massage Businesses. Only massage businesses that are defined in and regulated by Chapter 324, RSMo., will be allowed in the City.

D. Location Of Sexually Oriented Businesses. No sexually oriented business shall be located or situated at a distance of less than one thousand (1,000) feet of any preexisting primary or secondary school, state-licensed day care facility , church or house of worship, public library, hospital, public park, any property used for residential purposes, or other sexually oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, state-licensed day care facility , church or house of worship, public library, hospital, public park, any property used for residential purposes, or other sexually oriented business .

E. Standards For Physical Design Of The Premises.

1. The premises of all sexually oriented businesses will be so constructed as to include a foyer, partition or other physical barrier on all customer entrances that will ensure the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.

2. There must be continuous physical, video or window surveillance of the premises.

3. Lighting required. The premises of all sexually oriented business shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or upon the premises. All exterior lighting shall comply with Section 415.450 of the Municipal Code.

4. The business must provide restrooms for customer use.

F. Signage And Parking Requirements. Sign regulations are set forth in Section 415.420 Sign Regulation of the zoning ordinance and off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 415.280 of the Municipal Code.

CHAPTER 645: SEXUALLY ORIENTED BUSINESSES

SECTION 645.010: LICENSE REQUIRED

A. The terms used in this Chapter shall have the meaning set forth in Section 415.590 of the Municipal Code, except as otherwise defined in this Section:

INFLUENTIAL INTEREST: Includes any of the following:

(1) The actual power to operate a sexually oriented business or control the operation, management, or policies of a sexually oriented business or legal entity, which operates a sexually oriented business;

(2) Ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business; or

(3) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity, which operates a sexually oriented business.

B. License Required And Posting Of Licenses.

1. It shall be unlawful for any person to operate or maintain a sexually oriented business within the City without a license or to operate such establishment after such license has been revoked, suspended or expired.

2. It shall be unlawful for any employee to knowingly perform any work, service or entertainment directly related to the operation of a sexually oriented business that does not have a sexually oriented business license or which had such license revoked or suspended.

3. Every sexually oriented business, manager, or entertainer required to be licensed by this Chapter shall post such license in a conspicuous place on the licensed premises so it is readily available for inspection by City authorities responsible for enforcement of this Chapter.

C. License, Classification And Fees.

1. The license year for all fees required under this Chapter shall be from July first (1st) through June thirtieth (30th). The application for a license shall be accompanied by payment in full of the fee stated in this Section by certified check, cashier's check or money order; and no application shall be considered until such fee is paid.

2. The classification of licenses and fees for each shall be as follows:

a. Sexually oriented business license fee, one thousand dollars ($1,000.00) for initial application; five hundred dollars ($500.00) for renewal;

b. Sexually oriented business manager's license fee, two hundred fifty dollars ($250.00) for initial application; one hundred twenty-five dollars ($125.00) for renewal;

c. Sexually oriented business entertainer's license fee, two hundred fifty dollars ($250.00) for initial application, one hundred twenty-five dollars ($125.00) for renewal.

SECTION 645.020: APPLICATION FOR LICENSE

A. Sexually oriented business license. An application for a sexually oriented business license shall be submitted on a form obtained from the City Clerk. A notarized application shall be submitted in the name of the person proposing to operate the sexually oriented business. All applications shall contain the following information:

1. The business name, address and telephone number of the establishment, a description of the sexually oriented business and the name or names of the owner(s) of the premises where the sexually oriented business will be located.

2. The name, address, home telephone number, occupation, social security number, date and place of birth and social security number of all persons with an influential interest in the sexually oriented business.

3. The addresses of all persons with an influential interest in the sexually oriented business for the five (5) years immediately prior to the date of the application.

4. A description of the sexually oriented business and similar business history of all persons with an influential interest in the sexually oriented business in in the City, or any other City, County or State, and whether any such person has had a business license revoked or suspended, the reason therefore and the activity or occupation subjected to such suspension or revocation.

5. A statement of each and every business, occupation or employment of all persons with an influential interest in the sexually oriented business for the three (3) years immediately preceding the date of the application.

6. A statement from all persons with an influential interest in the sexually oriented business that each such person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:

a. Any of the following specified offenses for which less than eight (8) years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(i) Rape and sexual assault offenses;

(ii) Sexual offenses involving minors;

(iii) Offenses involving prostitution;

(iv) Obscenity offenses;

(v) Offenses involving money laundering;

(vi) Offenses involving tax evasion;

(vii) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (i) to (vi) of this Subsection; or

(viii) Any offense committed in another jurisdiction, which if committed in this state would have constituted an offense listed in Subdivisions (i) to (vii) of this Subsection.

b. The statement shall also indicate that the persons with an influential interest in the sexually oriented business have not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or the sale of controlled substances or illegal drugs or narcotics.

7. A full set of fingerprints and a photograph, to be taken by the Police Department, of all persons with an influential interest in the sexually oriented business.

8. If applicable, proof that the applicant is in good standing with the Missouri Secretary of State.

9. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provision of this Chapter.

Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application, which shall not be processed.

B. Sexually oriented business manager or entertainer's license. An application for a sexually oriented business manager or entertainer license for work at a sexually oriented business in the City shall be submitted on a form obtained from the City Clerk. A notarized application shall be submitted in the name of the person proposing to be a sexually oriented business manager or entertainer. All applications shall contain the following information:

1. The home telephone number, occupation, date and place of birth and social security number of the applicant.

2. The business name, address and telephone number of the business where the applicant intends to work and intent to hire statement from the sexually oriented business that is licensed or that has applied for a license under the provisions of this Chapter.

3. A statement from the applicant that the applicant has not been convicted of, released from confinement of, or diverted from prosecution on:

a. Any of the following specified offenses for which less than eight (8) years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(i) Rape and sexual assault offenses;

(ii) Sexual offenses involving minors;

(iii) Offenses involving prostitution;

(iv) Obscenity offenses;

(v) Offenses involving money laundering;

(vi) Offenses involving tax evasion;

(vii) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (i) to (vi) of this Subsection; or

(viii) Any offense committed in another jurisdiction, which if committed in this state would have constituted an offense, listed in Subdivisions (i) to (vii) of this Subsection.

4. Documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted.

5. A full set of fingerprints and a photograph of the applicant to be taken by the Police Department.

6. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter.

Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application, which shall not be processed.

SECTION 645.030: APPLICATION PROCESSING.

Upon submission of a complete application for a sexually oriented business license or a sexually oriented business manager or entertainer license, the City Clerk will transmit one (1) copy of the application to the Police Chief and one (1) copy to the Director of Planning. The Police Department

shall review the information contained therein, perform a background check and verify the qualification of the applicant. Additionally, the Director of Planning will determine whether the structure of the sexually oriented business complies with the requirements and meets the standards of the applicable health, zoning, building, fire and property maintenance ordinances of the City. The Police Department and the Director of Planning shall report results to the City Clerk no later than fifteen (15) working days from the date the completed application is received by the City Clerk.

SECTION 645.040: ISSUANCE OF DENIAL OF LICENSE

A. Examination Of Application—Issuance Of License.

1. If the application for a license of a sexually oriented business or for a manager or entertainer of a sexually oriented business is in proper form, accompanied by the appropriate license fee, the City Clerk shall examine the application. If after such examination the City Clerk determines that the applicant has met the requirements of the Police Department and the Director of Planning and has met all requirements set forth in this Chapter, the City Clerk will approve the license. The City Clerk must provide the applicant with a response within sixty (60) days of the submission of the completed application for the sexually oriented business or a license for a manager or entertainer of a sexually oriented business. No incomplete application will be processed.

2. If an application for a license is not approved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the bases for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business.

4. A single license will authorize the operation of only one (1) sexually oriented business; more than one (1) business use within a licensed sexually oriented business premises is prohibited.

5. No person is eligible nor shall licenses be issued to a sexually oriented business or manager or entertainer if the applicant does not meet the requirements set forth in this Chapter or if one (1) of the following requirements is not met:

a. The applicant failed to supply all of the information requested on the application;

b. The applicant gave false, fraudulent or untruthful information on the application;

c. The applicant's proposed sexually oriented business does not comply with or meet the ordinances of the City, provided, that upon a showing that the premises meet

said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the City.

d. The applicant has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth in this Chapter during the time period set forth in this Section.

e. The applicant or applicant's spouse has had any license relating to a sexually oriented business revoked or suspended in this or any other City during the past five (5) years.

B. Renewal Of A Sexually Oriented Business License Or A License For A Manager Or Entertainer Of A Sexually Oriented Business.

1. A sexually oriented business license or a license for a manager or entertainer of a sexually oriented business may be renewed by making application to the City Clerk on the application forms provided. Such licenses shall expire on June thirtieth (30th) of each year and renewal application for such licenses shall be submitted by June first (1st) of each year.

2. Upon payment of the license fee and review of the application by the City Clerk, the City Clerk shall renew the license for an additional license year if conditions under which the original license was issued have not changed. If the application for renewal of a license is not made during the time provided in Subdivision (1) of this Subsection, a new application shall be required.

3. A license will not be renewed if the applicant is overdue in the payment to the City of taxes, fees, fines or penalties assessed against the business or imposed upon the business in relation to the sexually oriented business.

SECTION 645.050: REVOCATION/SUSPENSION OF LICENSE

A. Transferability—Revocation And/Or Suspension Of License.

1. Licenses issued under this Chapter shall not be transferable, either to any person, persons or other entities.

2. The City Clerk may suspend a license for a period not to exceed thirty (30) days upon a determination that a licensee or employee has violated any part of this Chapter or Section 415.590. Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment. If a suspension is issued for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made which shall

be determined no later than forty-eight (48) hours after receipt of written notice of correction by the City Clerk.

3. The City Clerk shall revoke any license where any of the following occur:

a. The sexually oriented business license or the sexually oriented business manager or entertainer license was obtained through false statements in the application for such license or renewal thereof; or

b. The sexually oriented business license or sexually oriented business manager or entertainer licensee failed to make a complete disclosure of all information required in the application for such license or renewal thereof; or

c. All persons with an influential interest in the licensed sexually oriented business or any licensed manager or entertainer has become disqualified from having a license under this Chapter; or

d. All persons with an influential interest in the licensed sexually oriented business or any licensed manager or entertainer has been convicted of two (2) or more violations of this Chapter within a license year.

B. Appeal From Denial, Suspension Or Revocation Of License. An applicant who has been denied either an initial license or a renewal license or whose license has been suspended or revoked may appeal the City Clerk's decision by filing a written notice of appeal to the City Council within ten (10) days of the City Clerk's decision. The City Council shall schedule a public hearing of such appeal within twenty-one (21) days of filing of the written notice of appeal. The City Council shall affirm the decision of the City Clerk if it finds that the conditions pertinent to issuance or maintenance of a license have not been met. An applicant aggrieved by any decision shall have the right to seek judicial review as is permitted by applicable State law.

SECTION 645.060: REGULATIONS ON LICENSEE

A. Manager Responsibility.

1. At least one (1) licensed sexually oriented business manager shall be on duty during all hours of operation of a sexually oriented business. The name and license number of the manager on duty shall be prominently posted on the premises at all times.

2. It shall be the responsibility of the manager on duty to verify that any employee who provides adult entertainment within the premises possesses a current and valid entertainer's license issued by the City.

3. It shall be the responsibility of the manager to ensure all standards and obligations of the license are maintained.

4. The licensed sexually oriented business must notify the City within seventy-two (72) hours of the termination or resignation of any licensed manager.

B. Unlawful Activities.

1. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

2. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed stage at least six (6) feet from all patrons and at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.

3. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

4. No employee shall perform any specified sexual activities, engage in sexual conduct, wear or use any device or covering exposed to view which simulates any specified anatomical area, or participate in any act of prostitution.

5. No employee shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Section.

6. It is unlawful for an employee to be visible from the exterior of the sexually oriented business while such person is in a state of nudity or semi-nudity.

7. It is unlawful to operate a sexually oriented business in a manner that permits the observation of employees in a state of nudity or semi-nudity from the exterior of the sexually oriented business by display, decoration, sign, show window or other opening.

C. Regulation Of Mainstream Media Outlets.

1. In all mainstream media outlets, all sexually oriented materials shall be kept in a separate room or section of the outlet that:

a. Is not open to any child;

b. Is physically and visually separated from the rest of the outlet by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;

c. Is located so that the entrance to it is as far as reasonably practical from media or other inventory in the store advertised for sale to children;

d. Has access controlled by electronic or other means to provide assurance that children will not gain admission;

e. Has continuous video or window surveillance by store personnel; and

f. Has signage at the entrance stipulating that children are not permitted inside the room or section.

2. Media outlets that contain less than ten percent (10%) of the stock-in-trade, which involves sexually oriented materials are not regulated by this Subsection. However, no obscene material may be publicly displayed in such media outlets.

D. Operational Criteria.

1. No sexually oriented business may be open or in use between the hours of 12:00 midnight and 10:00 A.M. on any day.

2. No operator, manager or employee shall knowingly allow a person under of eighteen (18) years on the premises of a sexually oriented business.

3. A sexually oriented business, which exhibits sexually oriented materials on the premises through any mechanical or electronic image-producing device, shall comply with the following requirements:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;

b. An operator's station shall not exceed thirty-two (32) square feet of floor area;

c. If the premises has two (2) or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

d. The view required under this Subsection shall be by direct line of sight from the operator's station;

e. It is the duty of the operator to ensure that at least one (1) employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and

f. It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this Subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

4. Ventilation and sanitation requirements. The premises of all sexually oriented businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

5. No operator, manager or employee of a sexually oriented business shall:

a. Knowingly permit alcoholic beverages to be brought upon, sold, used or consumed on the premises;

b. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

c. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or

d. Knowingly allow or permit a violation of this Section or any other City ordinance or provision of State law.

6. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

7. There must be continuous physical, video or window surveillance of the premises upon which a sexually oriented business is located.

8. The sexually oriented business must provide restrooms for customer use.

E. Compliance With Code Requirements. Any sexually oriented business licensed under this Chapter shall comply with all other requirements of the codes of the City as now or in the future may be adopted.

F. Inspections. An applicant or licensee shall permit representatives of the Police Department, Fire Department or Planning Department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

SECTION 645.070: PENALTIES.

Any violation of any part of this Chapter is subject to the penalty provided in Section 100.140 of the Municipal Code. This Chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of this Chapter. Notwithstanding any other provision of law to the contrary, for purposes of this Section, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this Chapter only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Summary and Recommendation:

The Department of Planning, with substantial assistance of the City Attorney, has determined the current regulations relating to sexually explicit businesses (now sexually oriented businesses) require changes to update their content, based upon nine (9) years of application and new case law generated by both State and federal court systems, along with changing trends in that industry, which appear to negate some of the protections of the existing regulations as well. The proposed changes will strengthen the City's Zoning Ordinance in this regard and provide a protection to the Social House II type of activity, which led University City, Missouri to change its code to limit such activities in its community. Other cities in St. Louis County have followed suit, all with the intent to protect the public's health, safety, and general welfare. Accordingly, the Department of Planning is recommending the above-referenced changes to the sexually explicit regulations of the City of Wildwood be approved, as shown and noted herein.

ATTACHMENT B
Background Information

Chapter 415. Zoning Regulations

Section 415.200. "M-1" Industrial District Regulations.
[Ord. No. 1324 App. A §1003.151, 8-14-2006; Ord. No. 1457 §1, 12-10-2007; Ord. No. 1553 §1, 9-8-2008]

A. Scope Of Provisions. This Section contains the district regulations of the "M-1" Industrial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference. The "M-1" Industrial District encompasses areas wherein may be achieved a satisfactory correlation of factors such as adequate transportation facilities, accessibility to dwelling areas, efficient land assembly, adequate topographic conditions and adequate provision of public utility facilities required by industry.

B. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

1. Agriculturally-based businesses, including the retail sales of vegetables, fruits and closely related goods, as part of a produce stand, along with corn mazes and other recreational facilities complementing the growing and raising of crops.

2. Athletic fields, not including lighting.

3. Business, professional and technical training schools.

4. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private) and indoor and unlighted outdoor tennis courts (public or private).

5. Laundries and dry cleaning plants, not including personal and individual drop-off and pickup service.

6. Manufacturing, fabrication, assembly, processing or packaging of any commodity from semi-finished materials, except explosives or flammable gases or liquids.

7. Offices or office buildings.

8. Parking areas, including garages.

9. Police, fire and postal stations.

10. Printing and duplicating services.

11. Public utility facilities.

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12. Radio, television and communication studios, transmitting or relay towers, antennae and other such facilities no greater in height than two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.

13. Railroad switching yards.

14. Research laboratories and facilities.

15. Sales and renting of equipment and vehicles used by business, industry and agriculture, excluding retail automobile sales.

16. (Reserved)

17. Terminals for trucks, buses, railroads and watercraft.

18. Union halls and hiring halls.

19. Wholesaling or warehousing of manufactured commodities except live animals, explosives or flammable gases.

20. Yards for storage of contractors' equipment, materials and supplies, excluding junk yards and salvage yards.

C. 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":

1. Airports, landing strips and heliports.

2. Athletic fields, including lighting.

3. Business service establishments.

4. Filling stations, including emergency towing and repair services.

5. (Reserved)

6. Manufacturing of explosives and flammable gases and liquids.

7. Radio, television and communication studios, transmitting or relay towers, antennae and other such facilities greater in height than two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.

8. Restaurants.

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9. Sales yards operated for a charitable purpose by a church, school or other not-for-profit organization.

10. Satellite dishes (see provisions of Section 415.380(R)).

11. Towed vehicle storage yards, wherein no individual vehicle may be stored for a period exceeding ninety (90) days and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sightproof fence shall be provided along all limits of the property.

12. Sewage treatment facilities.

13. Vehicle repair facilities.

14. Vehicle service centers.

15. Warehousing, storage or wholesaling of live animals, explosives or flammable gases and liquids.

16. Churches shall be allowed on tracts of land of at least one (1) acre in area.

17. Sexually oriented businesses.

D. Accessory Land Uses And Developments. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.

2. Dwelling or lodging units, only for watchmen, caretakers or other personnel whose residence is essential to the operation of a permitted or conditional use or uses.

3. Individual sewage treatment facilities serving an individual building or use as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed five thousand (5,000) gallons per day flow.

4. Signs (business, directional and information).

E. Performance Standards. All uses in the "M-1" Industrial District shall operate in conformity with the appropriate performance standards contained in Section 415.250 "Zoning Performance Standard Regulations".

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F. Height Limitations For Structures. Radio, television, public utility and communication towers authorized by conditional use permit may be erected to any height not in conflict with the application of the limits in Section 415.240 "Air Navigation Space Regulations". Unless otherwise restricted by application of regulations in Section 415.240 "Air Navigation Space Regulations" of this Chapter, the total height of any other structure, not including roof top mechanical equipment attached to such structures, shall not exceed two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.

G. Lot Area And Yard Requirements. The lot area and yard requirements in the "M-1" Industrial District shall be as follows:

1. Minimum lot area requirements. Towed vehicle storage yards shall be situated on tracts of land at least one (1) acre in area. No minimum lot area is established for other uses in this district, but lot dimensions shall be sufficient to meet other requirements set forth in this Section.

2. Front yard—general. No structure is allowed within thirty (30) feet of any roadway right-of-way line.

3. Front yard—specific regulations and exceptions.

a. Notwithstanding any other provision of this Chapter, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.

b. Boundary walls or fences, six (6) feet in height or less, are allowed within the minimum front yard setback.

c. Permitted information signs, six (6) feet in height or less, are allowed within the minimum front yard setback.

d. Permitted directional signs, three (3) feet in height or less, are allowed within the minimum front yard setback.

e. Light standards for parking lot lighting and freestanding business signs are allowed no closer than twenty-five (25) feet from any roadway right-of-way line.

f. Light standards for street lighting or at points of ingress and egress are allowed within the minimum front yard setback when approved by the Department of Planning.

g. Required fencing for towed vehicle storage yards is allowed no closer than twenty-five (25) feet from any roadway right-of-way line. The setback shall be adequately landscaped as approved on a plan by the Department of Planning.

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h. Any area used for the outdoor storage or display of merchandise, equipment or vehicles which is located opposite and visible from property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District shall be effectively screened by a six (6) foot high sightproof fence if determined necessary and required by the Department of Planning on review of a site plan for such use. The Department of Planning may approve the use of topographic features, landscaping or walls in lieu of fencing where such alternates are determined to be appropriate.

4. Side yards and rear yards—general. No structure or any storage or display of materials, equipment or vehicles is allowed within ten (10) feet of any side or rear property line.

5. Side yards and rear yards—specific regulations and exceptions.

a. No structure or any storage or display of merchandise, equipment or vehicles is allowed within twenty-five (25) feet of a property line adjoining property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

b. Any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District, other than a radio, television, public utility and communication tower authorized by a conditional use permit, must be set back from such property line an additional one (1) foot for every two (2) feet in height above thirty (30) feet.

c. Any area used for the outdoor storage or display of merchandise, equipment or vehicles which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District shall be effectively screened by a six (6) foot high sightproof fence located no closer than ten (10) feet from said adjoining property line. The setback shall be adequately landscaped as approved on a plan by the Department of Planning. When requested by the property owner, the Department of Planning may approve the use of topographic features, landscaping or walls in lieu of fencing where such alternates will achieve comparable effect.

d. Required fencing for towed vehicle storage yards shall be located no closer than twenty-five (25) feet from any adjoining property line. This setback shall be adequately landscaped as approved on a plan by the Department of Planning.

e. All other boundary walls or fences six (6) feet in height or less are permitted within the minimum side and rear yard setbacks required from property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

f. Light standards for parking lot lighting are allowed no closer than twenty-five (25) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.

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H. Off-Street Parking And Loading Requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 415.280 "Off-Street Parking and Loading Requirements".

I. Sign Regulations. Sign regulations are set forth in Section 415.400 "Sign Regulations".

Section 415.210 "M-3" Planned Industrial District.
[Ord. No. 1324 App. A §1003.155, 8-14-2006]

A. Scope Of Provisions. This Section contains the district regulations of the "M-3" Planned Industrial District. The regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, in the Subdivision Code of the City and other applicable City ordinances which are incorporated as part of this Section by this reference. The Planned Industrial District may be described in the manner outlined below.

B. Purpose. The "M-3" Planned Industrial District of the City of Wildwood encompasses areas wherein may be located developments and uses permitted in any of the other "M" Industrial Districts and such development and use designated in the "C" Commercial Districts as may be specifically related to a particular industrial activity or complex. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses not provided for in other "M" Industrial Districts or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare, while promoting an environmentally sensitive design or improvements reflecting the natural characteristics of the site.

C. Establishment.

1. A Planned Industrial District may be established on a tract of land in single ownership or management control provided that:

a. The preliminary development plan and the application for change of zoning are approved by the City Council;

b. A site development plan is approved by the Planning Commission and recorded in compliance with requirements of this Section; and

c. The schedule of construction is complied with in accordance with the requirements of this Section.

2. A Planned Industrial District may be established by ordinance of the City Council in the same manner that other mapped districts are established where the City Council determines that any particular tracts or areas should be developed for industrial use, but because of possible conflicts with adjoining uses, more development control is necessary

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to protect the general welfare than is possible under the regulations of the other "M" Industrial Districts.

D. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

1. Subject only to approval of a site development plan by the Planning Commission:

a. Police, fire and postal stations.

b. Local public utility facilities.

c. Correctional institutions.

d. Accessory uses incident to the above uses.

2. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Industrial District; specific uses may include uses designated as permitted, accessory or conditional uses in any of the "M" Industrial Districts and those uses in the "C" Commercial Districts which are specifically related to a particular industrial activity or complex.

E. 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":

1. Satellite dishes (provisions of Section 415.380(R)).

2. Sexually oriented businesses.

F. Performance Standards. All uses established in a Planned Industrial District shall operate in accord with performance standards contained in Section 415.250 "Zoning Performance Standard Regulations". These performance standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular Planned Industrial District.

G. Height Limitations For Structures. Unless otherwise restricted by application of regulations in Section 415.240 "Air Navigation Space Regulations" of this Chapter, the total height of any structure shall be limited by the conditions in the ordinance governing the particular Planned Industrial District or in the case of a telecommunications tower as authorized by Chapter 430 of the City Code.

H. Lot Area And Yard Requirements. The lot area and minimum yard requirements for land uses in this district shall be as follows:

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1. Minimum lot area. The minimum lot area requirements for any use or building in a Planned Industrial District shall be as established in the conditions contained in the ordinance authorizing the establishment of the particular Planned Industrial District.

2. Minimum yard requirements—general. Setbacks for parking areas, internal drives, loading spaces and structures shall be established in the conditions of the ordinance governing the particular Planned Industrial District.

3. Minimum yard area—specific regulations.

a. No parking area, internal drive, loading space or structure shall be permitted within twenty (20) feet of a property line adjoining property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District. In addition to the minimum twenty (20) feet, any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District shall be set back an additional one (1) foot for every two (2) feet in height above thirty (30) feet. Greater setbacks may be required by condition if necessary to ensure compatibility with adjoining developments or uses.

b. Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum yard requirements, unless otherwise restricted in the conditions of the ordinance governing the particular Planned Industrial District.

I. Off-Street Parking And Loading Requirements. The minimum off-street parking and loading requirements for any use or building in a Planned Industrial District shall not be reduced below that required for the same use in any other "M" Industrial or "C" Commercial District as set forth in Section 415.280 "Off-Street Parking and Loading Requirements". These requirements may exceed minimum standards as required by condition where determined necessary. However, where the Planned Industrial District includes two (2) or more uses, the Planning Commission may recommend, and the City Council may approve, a total reduction of not more than twenty percent (20%) or thirty percent (30%) for developments greater than two hundred thousand (200,000) square feet of gross floor area under single ownership or management control of the required off-street parking and loading spaces where it has been demonstrated by study of the combined uses and customary operation of the uses that adequate parking would be provided. The Planning Commission may recommend a further parking reduction beyond thirty percent (30%) for developments greater than three hundred thousand (300,000) square feet of gross floor area under single ownership or management control based on a similar approved study as above.

J. Sign Regulations. Specific sign regulations shall be established in the conditions of the ordinance governing the Planned Industrial District in accord with the provisions of Section 415.400 "Sign Regulations". However, in no instance shall they be less restrictive than sign regulations for any of the other "M" Industrial Districts.

K. Procedure For Establishment Of District Or Approval Of Site Plan In Existing "M-3". In order to establish a Planned Industrial District through a change of zoning or to obtain approval

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of a site development plan for a Planned Industrial District in order to utilize land in an established Planned Industrial District, the procedure shall be as follows:

1. Application. The owner or owners under contract of a lot or tract of land or his authorized representative shall petition the City of Wildwood on forms prescribed for this purpose by the Planning Commission. These forms shall be submitted to the Department of Planning accompanied by the following:

a. Filing fee per requirements of Section 415.550 "Fees".

b. Legal description of the property.

c. Outboundary plat of the property.

d. Preliminary development plan depicting, but not limited to, the following:

(1) Proposed uses. In single-lot developments approximate location of buildings and other structures, as well as parking areas, shall be indicated. In multiple-lot developments, conceptual location and configuration of buildings, approximate location of common ground areas, major utility easements and stormwater retention areas shall be indicated.

(2) Existing and proposed contours at intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated.

(3) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more one (1) foot above grade, all tree masses and proposed landscaping.

(4) Two (2) section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.

(5) Proposed ingress and egress to the site, including adjacent streets and approximate alignments of internal roadway systems.

(6) Preliminary plan for sanitation and drainage facilities.

2. Public hearing. A public hearing on the petition shall be held in accordance with the provisions of Section 415.560 "Procedures for Amending the Zoning Ordinance", provided however, that a public hearing shall be set within forty-five (45) days of acceptance of the petition, fee and related plans and documents by the Department of Planning.

3. Planning Commission recommendation. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Planning Commission. Said recommendation shall address general planning considerations,

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including consistency with good planning practice and compatibility with adjoining permitted developments and uses. A recommendation of approval shall include recommended conditions to be included in the ordinance authorizing the establishment of the Planned Industrial District or approval of the site development plan in a Planned Industrial District. Such conditions shall include, but not be limited to, the following:

a. Permitted uses, including maximum floor area.

b. Performance standards.

c. Height limitations.

d. Minimum yard requirements.

e. Off-street parking and loading requirements.

f. Sign regulations.

g. Minimum requirements for site development plans.

h. Time limitations for commencement of construction.

i. Impact fees or dedications reasonably attributable and proportional to the impact or costs resulting from the proposed development.

4. Site development plans.

a. After passage by the City Council of an ordinance authorizing the establishment of a Planned Industrial District and requiring submission of a site development plan or site development concept plan, said plans shall be submitted in accord with the following provisions. No building permits or authorization for improvement or development for any use requested under provisions of this Chapter shall be issued prior to approval of such plans.

b. Plans shall be submitted to the Planning Commission for review and approval. Said plans shall contain the minimum requirements established in the conditions of the specific ordinance governing the Planned Industrial District and, further, shall comply with provisions of the subdivision ordinance, Chapter 420, and other applicable City ordinances.

c. Within sixty (60) days of approval, the site development plan or site development concept plan shall be recorded with the St. Louis County Recorder of Deeds and thereby authorize development as depicted thereon with a copy to be filed with the City of Wildwood.

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d. In the case of single-lot/multiple building development or multiple-lot developments where a site development concept plan is required, site development section plans shall be submitted to the Department of Planning for review and approval per individual building, lot, phase or plat representing a portion of the site development concept plan. The approved section plans shall be retained on file by the Department of Planning.

L. Procedure For Amendment Of Conditions Or Plans.

1. To amend the "M-3" District ordinance.

a. The property owner or authorized representative shall submit a written request to amend ordinance conditions to the Department of Planning for review. The Department shall then evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

b. If the Department of Planning determines that the requested amendment is consistent in purpose and content with the nature of the original proposal as advertised, the Department shall so report to the Planning Commission. The Planning Commission shall review the request and the report of the Department, then forward a recommendation to the City Council. A recommendation of approval shall include conditions to be included in the amended ordinance.

c. If the Department of Planning determines that the requested amendment is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall then review the proposed ordinance amendment and forward a recommendation to the City Council. The Planning Commission may, if deemed necessary, forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with the proceedings specified in Section 415.560 "Procedure for Amending the Zoning Ordinance".

2. To amend the recorded site development plan or site development concept plan approved for the Planned Industrial District.

a. The property owner or authorized representative shall submit an amended site development (concept) plan to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing and the preliminary development plan approved by the City Council.

b. If the Department of Planning determines that the proposed amendment to the site development plan is major in nature and is not in conflict with the original proposal as advertised and the approved preliminary development plan and meets all conditions of the Planned Industrial District ordinance, said plan shall be

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reviewed and approved by the Planning Commission. Said amended plan shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

c. If the Department of Planning determines that the proposed amendment to the site development plan is minor in nature and is not in conflict with the original proposal as advertised and the preliminary development plan and meets all conditions of the Planned Industrial District ordinance, the Department may approve said amended plan. Said plan shall be retained on file by the Department of Planning.

However, when conditions of a particular Planned Industrial District ordinance are amended which necessitate an amended site development plan, the Commission shall review and approve said amended plans and they shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

d. If the Department of Planning determines that the amendment to the site development plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing or with the preliminary development plan approved by the City Council, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall review the proposed site plan amendment and make a final determination. The Planning Commission may, if deemed necessary, forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with proceedings specified in Section 415.560 "Procedure for Amending the Zoning Ordinance".

e. All amendments to site development concept plans shall be reviewed and approved by the Planning Commission and shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

f. The Planning Commission may approve partial amended site development plans, site development concept plans and site development section plans for developments approved prior to enactment of this Chapter when the conditions of the ordinance governing such particular "M-3" Planned Industrial Districts do not permit review of development plans in accord with the provisions of this Section. Such partial amended plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval with a copy to be filed with the City of Wildwood.

3. To amend a site development section plan approved for a Planned Industrial District. If the Department of Planning determines that the proposed amendment to the site development section plan is not in conflict with the approved site development concept plan and meets all conditions of the Planned Industrial District ordinance, the Department

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may approve said amended plan. Said plan shall be retained on file by the Department of Planning.

4. Appeal to Commission of a decision by the Department in reviewing development plans. The petitioner/developer may appeal a decision of the Department of Planning, in cases where the Department of Planning is authorized to review development plans, to the Planning Commission. The petitioner shall have a fifteen (15) day period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission will make the final determination of the matter. No exceptions will be granted that are in violation of the particular ordinance governing the development plan.

M. Guarantee Of Improvements. Unless otherwise provided for in the conditions of a particular Planned Industrial District, no building permits or permits authorizing the occupancy or use of a building, facility, industrial or commercial establishment or service concern may be issued until required related off-site improvements are constructed or cash or a surety bond is posted covering their estimated cost as determined by the Department of Planning. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements. Required related off-site improvements shall include, but not be limited to, streets, sidewalks, sanitary and storm sewers, street lights and street trees. If a Planned Industrial District is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.

N. Failure To Commence Construction. Substantial construction shall commence within the time period specified in the conditions of the ordinance governing the Planned Industrial District, unless such time period is extended by the Planning Commission. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the district or extensions authorized therein, the Planning Commission shall within forty-five (45) days initiate a resolution of intent for the purpose of a new public hearing to revert the property to its prior zoning classification in accord with the proceedings specified in Section 415.560 "Procedure for Amending the Zoning Ordinance". No building or occupancy permit shall be issued for the development or use of the property until completion of action by the City Council on the proceedings to rezone the property in accord with the provisions of the above noted Section.

SECTION 415.590: SEXUALLY-ORIENTED BUSINESSES.

[Ord. No. 1411, §§1—2, 6-11-2007]

A. Purpose And Findings. It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety and general welfare of the residents of the City and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials

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protected by the First Amendment of the United States Constitution or Article I, Section 8 of the Missouri Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

B. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

ADULT ARCADE: Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE: Means a commercial establishment which, as one of its principal business activities, offers sexually oriented materials for sale or rental for any form of consideration. A principal business activity exists where the commercial establishment:

(1) Has a substantial portion of its displayed merchandise which consists of such items; or

(2) Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

(3) Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

(4) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

(5) Maintains a substantial section of its interior business space for the sale or rental of such items; or

(6) Maintains an adult arcade.

ADULT CABARET: A nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.

ADULT ENTERTAINMENT: Any live exhibition, performance or dance characterized by the exposure of any specified anatomical areas even if covered by translucent clothing or by specified sexual activities or by appearance of persons in attire, costume or clothing so as to emphasize or expose, even through opaque covering, the view to specified anatomical areas.

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ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration

CHARACTERIZED BY: Describing the essential character or dominant theme of an item.

CHILD: see "Minor."

EMPLOY, EMPLOYEE OR EMPLOYMENT: Any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, manager, entertainer or otherwise,. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

ENTERTAINER: Any person who provides adult entertainment at a sexually oriented business described herein, whether or not a fee is accepted for the entertainment.

ESTABLISH OR ESTABLISHMENT: Includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(3) The addition of any sexually oriented business to any other existing sexually oriented business.

MAINSTREAM MEDIA OUTLETS: Any video store, bookstore or a newsstand that carries more than ten percent (10%) sexually oriented material but less than thirty percent (30%).

MANAGER: Any person who manages, directs, administers or is in charge of the affairs and for conduct of any portion of any activity involving adult entertainment occurring at any sexually oriented business.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects.

MEDIA OUTLETS: Any video store, bookstore or a newsstand that carries ten percent (10%) sexually oriented material or less.

MINOR: Any person less than eighteen (18) years of age.

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NUDITY OR STATE OF NUDITY: The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OBSCENITY OR OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

OPAQUE COVERING: Non-transparent clothing or other similar object or substance. This term does not include body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances.

OPERATOR: Any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more.

PREMISES: The real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both.

REGULARLY: The consistent and repeated doing of the act so described.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEMI-NUDE OR STATE OF SEMI-NUDITY: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

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SEMI-NUDE MODEL STUDIO: Means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

(1) By a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL ENCOUNTER CENTER: Means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female genitalia by the penis. Sexual intercourse also includes any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUALLY ORIENTED BUSINESS:

(1) An adult bookstore or adult video store.

(2) An adult cabaret.

(3) An adult motion picture theater.

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(4) A semi-nude model studio.

(5) A sexual encounter center.

SEXUALLY ORIENTED MATERIALS: Magazines, books, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, other visual representations, or other devices used to record computer images or other media which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

SPECIFIED ANATOMICAL AREA:

1. Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY: Includes any of the following:

(1) Intercourse, oral copulation, masturbation, or sodomy; or

(2) Excretory functions as a part of or in connection with any of the activities described in subparagraph (1) above.

SUBSTANTIAL: At least thirty percent (30%) of the item or items so modified.

VIEWING ROOM: The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching sexually oriented materials.

C. Massage Businesses. Only massage businesses that are defined in and regulated by Chapter 324, RSMo., will be allowed in the City.

D. Location Of Sexually Oriented Businesses. No sexually oriented business shall be located or situated at a distance of less than one thousand (1,000) feet of any preexisting primary or secondary school, state-licensed day care facility , church or house of worship, public library, hospital, public park, any property used for residential purposes, or other sexually oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, state-licensed day care facility , church or house of worship, public library, hospital, public park, any property used for residential purposes, or other sexually oriented business .

E. Standards For Physical Design Of The Premises.

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1. The premises of all sexually oriented businesses will be so constructed as to include a foyer, partition or other physical barrier on all customer entrances that will ensure the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.

2. There must be continuous physical, video or window surveillance of the premises.

3. Lighting required. The premises of all sexually oriented business shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or upon the premises. All exterior lighting shall comply with Section 415.450 of the Municipal Code.

4. The business must provide restrooms for customer use.

F. Signage And Parking Requirements. Sign regulations are set forth in Section 415.420 Sign Regulation of the zoning ordinance and off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 415.280 of the Municipal Code.

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CHAPTER 645: SEXUALLY ORIENTED BUSINESSES

SECTION 645.010: LICENSE REQUIRED

A. The terms used in this Chapter shall have the meaning set forth in Section 415.590 of the Municipal Code, except as otherwise defined in this Section:

INFLUENTIAL INTEREST: Includes any of the following:

(1) The actual power to operate a sexually oriented business or control the operation, management, or policies of a sexually oriented business or legal entity which operates a sexually oriented business;

(2) Ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business; or

(3) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates a sexually oriented business.

B. License Required And Posting Of Licenses.

1. It shall be unlawful for any person to operate or maintain a sexually oriented business within the City without a license or to operate such establishment after such license has been revoked, suspended or expired.

2. It shall be unlawful for any employee to knowingly perform any work, service or entertainment directly related to the operation of a sexually oriented business that does not have a sexually oriented business license or which had such license revoked or suspended.

3. Every sexually oriented business, manager, or entertainer required to be licensed by this Chapter shall post such license in a conspicuous place on the licensed premises so it is readily available for inspection by City authorities responsible for enforcement of this Chapter.

C. License, Classification And Fees.

1. The license year for all fees required under this Chapter shall be from July first (1st) through June thirtieth (30th). The application for a license shall be accompanied by payment in full of the fee stated in this Section by certified check, cashier's check or money order; and no application shall be considered until such fee is paid.

2. The classification of licenses and fees for each shall be as follows:

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a. Sexually oriented business license fee, one thousand dollars ($1,000.00) for initial application; five hundred dollars ($500.00) for renewal;

b. Sexually oriented business manager's license fee, two hundred fifty dollars ($250.00) for initial application; one hundred twenty-five dollars ($125.00) for renewal;

c. Sexually oriented business entertainer's license fee, two hundred fifty dollars ($250.00) for initial application, one hundred twenty-five dollars ($125.00) for renewal.

SECTION 645.020: APPLICATION FOR LICENSE

A. Sexually oriented business license. An application for a sexually oriented business license shall be submitted on a form obtained from the City Clerk. A notarized application shall be submitted in the name of the person proposing to operate the sexually oriented business. All applications shall contain the following information:

1. The business name, address and telephone number of the establishment, a description of the sexually oriented business and the name or names of the owner(s) of the premises where the sexually oriented business will be located.

2. The name, address, home telephone number, occupation, social security number, date and place of birth and social security number of all persons with an influential interest in the sexually oriented business.

3. The addresses of all persons with an influential interest in the sexually oriented business for the five (5) years immediately prior to the date of the application.

4. A description of the sexually oriented business and similar business history of all persons with an influential interest in the sexually oriented business in in the City, or any other City, County or State, and whether any such person has had a business license revoked or suspended, the reason therefore and the activity or occupation subjected to such suspension or revocation.

5. A statement of each and every business, occupation or employment of all persons with an influential interest in the sexually oriented business for the three (3) years immediately preceding the date of the application.

6. A statement from all persons with an influential interest in the sexually oriented business that each such person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:

a. Any of the following specified offenses for which less than eight (8) years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

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(i) Rape and sexual assault offenses;

(ii) Sexual offenses involving minors;

(iii) Offenses involving prostitution;

(iv) Obscenity offenses;

(v) Offenses involving money laundering;

(vi) Offenses involving tax evasion;

(vii) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (i) to (vi) of this Subsection; or

(viii) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in Subdivisions (i) to (vii) of this Subsection.

b. The statement shall also indicate that the persons with an influential interest in the sexually oriented business have not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or the sale of controlled substances or illegal drugs or narcotics.

7. A full set of fingerprints and a photograph, to be taken by the Police Department, of all persons with an influential interest in the sexually oriented business.

8. If applicable, proof that the applicant is in good standing with the Missouri Secretary of State.

9. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provision of this Chapter.

Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application which shall not be processed.

B. Sexually oriented business manager or entertainer's license. An application for a sexually oriented business manager or entertainer license for work at a sexually oriented business in the City shall be submitted on a form obtained from the City Clerk. A notarized application shall be submitted in the name of the person proposing to be a sexually oriented business manager or entertainer. All applications shall contain the following information:

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1. The home telephone number, occupation, date and place of birth and social security number of the applicant.

2. The business name, address and telephone number of the business where the applicant intends to work and intent to hire statement from the sexually oriented business that is licensed or that has applied for a license under the provisions of this Chapter.

3. A statement from the applicant that the applicant has not been convicted of, released from confinement of, or diverted from prosecution on:

a. Any of the following specified offenses for which less than eight (8) years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(i) Rape and sexual assault offenses;

(ii) Sexual offenses involving minors;

(iii) Offenses involving prostitution;

(iv) Obscenity offenses;

(v) Offenses involving money laundering;

(vi) Offenses involving tax evasion;

(vii) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (i) to (vi) of this Subsection; or

(viii) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in Subdivisions (i) to (vii) of this Subsection.

4. Documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted.

5. A full set of fingerprints and a photograph of the applicant to be taken by the Police Department.

6. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter.

Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application which shall not be processed.

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SECTION 645.030: APPLICATION PROCESSING.

Upon submission of a complete application for a sexually oriented business license or a sexually oriented business manager or entertainer license, the City Clerk will transmit one (1) copy of the application to the Police Chief and one (1) copy to the Director of Planning. The Police Department shall review the information contained therein, perform a background check and verify the qualification of the applicant. Additionally, the Director of Planning will determine whether the structure of the sexually oriented business complies with the requirements and meets the standards of the applicable health, zoning, building, fire and property maintenance ordinances of the City. The Police Department and the Director of Planning shall report results to the City Clerk no later than fifteen (15) working days from the date the completed application is received by the City Clerk.

SECTION 645.040: ISSUANCE OF DENIAL OF LICENSE

A. Examination Of Application—Issuance Of License.

1. If the application for a license of a sexually oriented business or for a manager or entertainer of a sexually oriented business is in proper form, accompanied by the appropriate license fee, the City Clerk shall examine the application. If after such examination the City Clerk determines that the applicant has met the requirements of the Police Department and the Director of Planning and has met all requirements set forth in this Chapter, the City Clerk will approve the license. The City Clerk must provide the applicant with a response within sixty (60) days of the submission of the completed application for the sexually oriented business or a license for a manager or entertainer of a sexually oriented business. No incomplete application will be processed.

2. If an application for a license is not approved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the bases for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

3. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business.

4. A single license will authorize the operation of only one (1) sexually oriented business; more than one (1) business use within a licensed sexually oriented business premises is prohibited.

5. No person is eligible nor shall licenses be issued to a sexually oriented business or manager or entertainer if the applicant does not meet the requirements set forth in this Chapter or if one (1) of the following requirements is not met:

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a. The applicant failed to supply all of the information requested on the application;

b. The applicant gave false, fraudulent or untruthful information on the application;

c. The applicant's proposed sexually oriented business does not comply with or meet the ordinances of the City, provided, that upon a showing that the premises meet said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the City.

d. The applicant has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth in this Chapter during the time period set forth in this Section.

e. The applicant or applicant's spouse has had any license relating to a sexually oriented business revoked or suspended in this or any other City during the past five (5) years.

B. Renewal Of A Sexually Oriented Business License Or A License For A Manager Or Entertainer Of A Sexually Oriented Business.

1. A sexually oriented business license or a license for a manager or entertainer of a sexually oriented business may be renewed by making application to the City Clerk on the application forms provided. Such licenses shall expire on June thirtieth (30th) of each year and renewal application for such licenses shall be submitted by June first (1st) of each year.

2. Upon payment of the license fee and review of the application by the City Clerk, the City Clerk shall renew the license for an additional license year if conditions under which the original license was issued have not changed. If the application for renewal of a license is not made during the time provided in Subdivision (1) of this Subsection, a new application shall be required.

3. A license will not be renewed if the applicant is overdue in the payment to the City of taxes, fees, fines or penalties assessed against the business or imposed upon the business in relation to the sexually oriented business.

SECTION 645.050: REVOCATION/SUSPENSION OF LICENSE

A. Transferability—Revocation And/Or Suspension Of License.

1. Licenses issued under this Chapter shall not be transferable, either to any person, persons or other entities.

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2. The City Clerk may suspend a license for a period not to exceed thirty (30) days upon a determination that a licensee or employee has violated any part of this Chapter or Section 415.590. Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment. If a suspension is issued for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made which shall be determined no later than forty-eight (48) hours after receipt of written notice of correction by the City Clerk.

3. The City Clerk shall revoke any license where any of the following occur:

a. The sexually oriented business license or the sexually oriented business manager or entertainer license was obtained through false statements in the application for such license or renewal thereof; or

b. The sexually oriented business license or sexually oriented business manager or entertainer licensee failed to make a complete disclosure of all information required in the application for such license or renewal thereof; or

c. All persons with an influential interest in the licensed sexually oriented business or any licensed manager or entertainer has become disqualified from having a license under this Chapter; or

d. All persons with an influential interest in the licensed sexually oriented business or any licensed manager or entertainer has been convicted of two (2) or more violations of this Chapter within a license year.

B. Appeal From Denial, Suspension Or Revocation Of License. An applicant who has been denied either an initial license or a renewal license or whose license has been suspended or revoked may appeal the City Clerk's decision by filing a written notice of appeal to the City Council within ten (10) days of the City Clerk's decision. The City Council shall schedule a public hearing of such appeal within twenty-one (21) days of filing of the written notice of appeal. The City Council shall affirm the decision of the City Clerk if it finds that the conditions pertinent to issuance or maintenance of a license have not been met. An applicant aggrieved by any decision shall have the right to seek judicial review as is permitted by applicable State law.

SECTION 645.060: REGULATIONS ON LICENSEE

A. Manager Responsibility.

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1. At least one (1) licensed sexually oriented business manager shall be on duty during all hours of operation of a sexually oriented business. The name and license number of the manager on duty shall be prominently posted on the premises at all times.

2. It shall be the responsibility of the manager on duty to verify that any employee who provides adult entertainment within the premises possesses a current and valid entertainer's license issued by the City.

3. It shall be the responsibility of the manager to ensure all standards and obligations of the license are maintained.

4. The licensed sexually oriented business must notify the City within seventy-two (72) hours of the termination or resignation of any licensed manager.

B. Unlawful Activities.

1. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

2. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed stage at least six (6) feet from all patrons and at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.

3. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

4. No employee shall perform any specified sexual activities, engage in sexual conduct, wear or use any device or covering exposed to view which simulates any specified anatomical area, or participate in any act of prostitution.

5. No employee shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Section.

6. It is unlawful for an employee to be visible from the exterior of the sexually oriented business while such person is in a state of nudity or semi-nudity.

7. It is unlawful to operate a sexually oriented business in a manner that permits the observation of employees in a state of nudity or semi-nudity from the exterior of the sexually oriented business by display, decoration, sign, show window or other opening.

C. Regulation Of Mainstream Media Outlets.

1. In all mainstream media outlets, all sexually oriented materials shall be kept in a separate room or section of the outlet that:

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a. Is not open to any child;

b. Is physically and visually separated from the rest of the outlet by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;

c. Is located so that the entrance to it is as far as reasonably practical from media or other inventory in the store advertised for sale to children;

d. Has access controlled by electronic or other means to provide assurance that children will not gain admission;

e. Has continuous video or window surveillance by store personnel; and

f. Has signage at the entrance stipulating that children are not permitted inside the room or section.

2. Media outlets that contain less than ten percent (10%) of the stock-in-trade which involves sexually oriented materials are not regulated by this Subsection. However, no obscene material may be publicly displayed in such media outlets.

D. Operational Criteria.

1. No sexually oriented business may be open or in use between the hours of 12:00 midnight and 10:00 A.M. on any day.

2. No operator, manager or employee shall knowingly allow a person under of eighteen (18) years on the premises of a sexually oriented business.

3. A sexually oriented business, which exhibits sexually oriented materials on the premises through any mechanical or electronic image-producing device, shall comply with the following requirements:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;

b. An operator's station shall not exceed thirty-two (32) square feet of floor area;

c. If the premises has two (2) or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

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d. The view required under this subsection shall be by direct line of sight from the operator's station;

e. It is the duty of the operator to ensure that at least one (1) employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and

f. It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

4.

Ventilation and sanitation requirements. The premises of all sexually oriented businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

5. No operator, manager or employee of a sexually oriented business shall:

a. Knowingly permit alcoholic beverages to be brought upon, sold, used or consumed on the premises;

b. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

c. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or

d. Knowingly allow or permit a violation of this Section or any other City ordinance or provision of State law.

6. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

7. There must be continuous physical, video or window surveillance of the premises upon which a sexually oriented business is located.

8. The sexually oriented business must provide restrooms for customer use.

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E. Compliance With Code Requirements. Any sexually oriented business licensed under this Chapter shall comply with all other requirements of the codes of the City as now or in the future may be adopted.

F. Inspections. An applicant or licensee shall permit representatives of the Police Department, Fire Department or Planning Department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

SECTION 645.070: PENALTIES.

Any violation of any part of this Chapter is subject to the penalty provided in Section 100.140 of the Municipal Code. This Chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of this Chapter. Notwithstanding any other provision of law to the contrary, for purposes of this Section, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this Chapter only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

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MEDIA

Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images or other media that are distinguished or

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specified anatomical areas.

ADULT MEDIA STORE

An establishment that rents and/or sells adult media and that meets any of the following three (3) tests:

Twenty-five percent (25%) or more

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the gross public floor area is devoted to adult media;

Twenty-five percent (25%) or more of the stock-in-trade consists of adult media;

It advertises or holds itself out in any forum as "XXX", "adult", "sex" or otherwise as a sexually oriented business which sells adult media.

ADULT MOTION PICTURE THEATER

An establishment containing a room with seats facing a screen or projection areas, where the business is the exhibition to customers of films, videotapes, slides or motion pictures which are intended to provide sexual stimulation or sexual gratification to the customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating

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EMPLOYEE

Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

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GROSS PUBLIC FLOOR AREA

The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways and entry ways serving such areas.

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MASSAGE

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or applied with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparation commonly used in this practice.

MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in the preceding paragraph defining "Massage".

MASSEUR OR MASSEUSE

Any person who, for any consideration whatsoever, engages in the practice of massage.

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SEX SHOP

Any business which meets any one (1) of the following criteria:

1. More than ten percent (10%) of the stock-in-trade of the business consists of sexually oriented toys, novelties, leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or
2. More than ten percent (10%) of the gross public floor area of the business is devoted to the display of sexually oriented toys or novelties; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or

3. It advertises or holds itself out in any forum as "XXX", "adult", "sex" or otherwise as a sex business other than an adult media outlet, adult motion picture theater or adult cabaret.

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ACTIVITIES

Human genitals in a state of sexual stimulation

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Any retail business whose major business is the offering of wearing apparel for sale to customers.

Any play, drama, ballet or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education or other similar establishment as a form of expression or opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of the commercial or business enterprise.

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Conditions Of Mainstream Media Outlets.

Mainstream media outlets shall have the same zoning and licensing requirements as any other media outlets, as long as the following conditions are implemented: Adult media shall

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kept in a separate room or section of the shop, which room or section shall:

Not be open to any person under the age of eighteen (18);

Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;

Be located so that the entrance to it is as far as reasonably practical from media or other inventory in the store likely to be of particular interest to children;

Have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will not gain admission and that the general public will not accidentally enter such room or section. Continuous

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until the owner of such business has applied to the office of the City Clerk for

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until the owner of such business has applied to the office of the City Clerk for

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manager,

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manager,

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or other employee

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or other employee

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entertainment to be performed on the premises

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names, residence,

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the applicant, all partners, all corporate officers and directors, and all limited liability company managers and members including whether any such person or entity, in previously operating

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the applicant, all partners, all corporate officers and directors, and all limited liability company managers and members including whether any such person or entity, in previously operating

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the applicant, all partners, all corporate officers and directors, and all limited liability company managers and members including whether any such person or entity, in previously operating

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the applicant or of

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applicant or from each partner or from each corporate officer and director or from each limited liability company manager and member

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A felony criminal act within five (5) years immediately preceding the application; or

A misdemeanor criminal act within five (5) years immediately preceding the application, where such misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or the criminal code of the jurisdiction in which the offense was charged or involved controlled substances or illegal drugs or narcotic offenses as defined in the Missouri Controlled Substances Act or the jurisdiction in which the offense occurred or other Statutes or ordinances.

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a partnership or of all corporate officers and directors if the applicant is a corporation or, in the case of a limited liability company, the managing member.

If the applicant is a corporation, a current certificate of registration issued by

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A felony criminal act within five (5) years immediately preceding the application; or

A misdemeanor criminal act within five (5) years immediately preceding the application, where such misdemeanor criminal act involved sexual offenses,

prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or the criminal code of the jurisdiction in which the offense was charged or involved controlled substances or illegal drugs or narcotic offenses as defined in the Missouri Controlled Substances Act or the jurisdiction in which the offense occurred or other Statutes or ordinances. The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

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Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application which shall not be processed.

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If the application for a license of a sexually oriented business or for a manager or entertainer of a sexually oriented business is in proper form, accompanied by the appropriate license fee, the City Clerk shall examine the application.

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If the application for a license of a sexually oriented business or for a manager or entertainer of a sexually oriented business is in proper form, accompanied by the appropriate license fee, the City Clerk shall examine the application.

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Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

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The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business.

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Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

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The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business.

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Upon payment of the license fee and review of the application by the City Clerk, the City Clerk shall renew the license for an additional license year if conditions under which the original license was issued have not changed.

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Upon payment of the license fee and review of the application by the City Clerk, the City Clerk shall renew the license for an additional license year if conditions under which the original license was issued have not changed.

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the expiration of such license shall not be affected and

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Licenses issued under this Chapter shall not be transferable, either to any person, persons or other entities.

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Licenses issued under this Chapter shall not be transferable, either to any person, persons or other entities.

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Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment.

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Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment.

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Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment.

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If a suspension is issued for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made which shall be determined no later than forty-eight (48) hours after receipt of written notice of correction by the City Clerk.

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The sexually oriented business license or the sexually oriented business manager or entertainer license was obtained through false statements in the application for such license or renewal thereof; or

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The sexually oriented business license or sexually oriented business manager or entertainer licensee failed to make a complete disclosure of all information required in the application for such license or renewal thereof; or

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The sexually oriented business license or the sexually oriented business manager or entertainer license was obtained through false statements in the application for such license or renewal thereof; or

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The sexually oriented business license or sexually oriented business manager or entertainer licensee failed to make a complete disclosure of all information required in the application for such license or renewal thereof; or

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The owner/operator, any partner,

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The City Council shall schedule a public hearing of such appeal within twenty-one (21) days of filing of the written notice of appeal.

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The City Council shall schedule a public hearing of such appeal within twenty-one (21) days of filing of the written notice of appeal.

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The City Council shall schedule a public hearing of such appeal within twenty-one (21) days of filing of the written notice of appeal.

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The City Council shall schedule a public hearing of such appeal within twenty-one (21) days of filing of the written notice of appeal.

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The City Council shall affirm the decision of the City Clerk if it finds that the conditions pertinent to issuance or maintenance of a license have not been met.

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An applicant aggrieved by any decision shall have the right to seek judicial review as is permitted by applicable State law.

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Manager Responsibility.

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M. *Location Of Sexually Oriented Business.*

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Sexually oriented businesses shall only be authorized to operate as conditional uses within the City's industrial zoning district designations, i.e., "M-

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Sexually oriented businesses shall only be authorized to operate as conditional uses within the City's industrial zoning district designations, i.e., "M-

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Sexually oriented businesses shall only be authorized to operate as conditional uses within the City's industrial zoning district designations, i.e., "M-

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Sexually oriented businesses shall only be authorized to operate as conditional uses within the City's industrial zoning district designations, i.e., "M-

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5. No employee or entertainer in a sexually oriented business shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein or participate in any act of prostitution.
6. No entertainer or employee in a sexually oriented business shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Chapter and no entertainer or employee in a sexually oriented business shall receive any payment or gratuity from any customer for any entertainment regulated hereunder.
7. A sexually oriented business shall not be operated in any manner that permits an entertainer or employee to be visible from the exterior of the sexually oriented business while such person is in a state of semi-nudity.
8. A sexually oriented business shall not be operated in any manner that permits the observation of any material or persons depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein from any exterior source by display, decoration, sign, show window or other opening.

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1. At least one (1) licensed sexually oriented business manager shall be on duty during all hours of operation. The name and license number of the manager on duty shall be prominently posted during business hours.
2. It shall be the responsibility of the manager on duty to verify that any person who appears in a state of semi-nudity within the premises possesses a current and valid entertainer's license issued by the City.
3. It shall be the responsibility of the manager to post and enforce a "no loitering" policy.

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It shall be the responsibility of the manager to ensure all standards and obligations of the license are maintained.

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The licensed sexually oriented business must notify the City within seventy-two (72) hours of the termination or resignation of any licensed manager.

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1. No sexually oriented business may be open or in use between the hours of 12:00 midnight and 10:00 A.M.
2. Only persons eighteen (18) years of age or older shall be permitted on the premises of any sexually oriented business.
3. The premises of all sexually oriented businesses shall be physically arranged in such a manner that there is an unobstructed view of the entire premises, excluding restrooms, dressing rooms and storage space. Visibility of common areas shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
4.

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Standards For Physical Design Of The Premises.

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1. *General Standards.*

a.

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The premises of all sexually oriented businesses will be so constructed as to include a foyer, partition or other physical barrier on all customer entrances that will ensure the interior of the premises is not observable from the exterior of the building.

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In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.

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ensure that the manager has visual control

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ensure that the manager has visual control

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The premises of all sexually oriented business shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or upon the premises.

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All exterior lighting shall comply with Section 415.450 Outdoor Lighting Requirements of the City of Wildwood zoning ordinance.

d. Design must ensure access control in order to prevent any attempted or accidental entry by

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All exterior lighting shall comply with Section 415.450 Outdoor Lighting Requirements of the City of Wildwood zoning ordinance.

d. Design must ensure access control in order to prevent any attempted or accidental entry by

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2. *Design standards for businesses with live or film entertainment.*
   a. Stage must be elevated eighteen (18) inches above floor level and the stage must have a railing in place on the floor that keeps customers at least thirty-six (36) inches away from the stage.
   b. Performers must remain on stage during the performance.
   c. Live entertainment must occur in a space of at least six hundred (600) square feet.

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U. *Severability.* If any Section, Subsection or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections and clauses shall not be affected thereby.

V. *Penalties.* Any violation of any part of this Chapter shall be deemed a misdemeanor and shall be subject to all penalties as provided in the City of Wildwood.

Section 600.070 Miscellaneous Offenses.
[Ord. No. 52 §7, 9-1-1995]

A. Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler. It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.

B. Mixing Liquor With Drugs Prohibited. No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.

C. Window Display Of Liquor Unlawful. It shall be unlawful to display in any street window or show window any intoxicating liquor, or any package, bottle or container bearing the label or brand of any intoxicating liquor.

D. Unlawful To Sell Unlabeled Liquor—Penalty. It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

E. Place Of Sales To Be Within View Of Street, Etc. It shall be unlawful for any licensee to sell intoxicating liquors in a place, building or room where there are blinds, screens, swinging doors, curtains or any other thing in such building or room that will obstruct or obscure the interior of such room from public view from the street, or in any room not located on the ground floor or level immediately abutting on a public street.

F. Only Those Liquors Authorized By License To Be Kept On Premises. It shall be unlawful for any licensee to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.

G. Off-Premises Consumption.

1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than eight (8) ounces.

2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor or non-intoxicating beer in any unsealed glass, bottle, can or other open container of any type.

3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".

H. Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer. It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

I. Drinking In Public Places Prohibited.

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.

2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.

3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon or parked or standing in or upon any public place.

J. No retail licensee or his/her employee shall permit in or upon his/her licensed premises:

1. The performance of acts, or simulated acts of sexual conduct as defined in Section 415.590;

2. The displaying of any portion of the areola of the female breast even if covered by body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances;

3. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;

4. The actual or simulated displaying of nudity, as defined in Section 415.590;

5. Any nude person as defined in Section 415.590, to remain in or upon the licensed premises who is to public view; or

6. The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by State law or City ordinance.

Section 600.070 Miscellaneous Offenses.
[Ord. No. 52 §7, 9-1-1995]

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6. The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by State law or City ordinance.

Public Notice posted in accordance with
610 RSMO 1994, as amended,
by Laura Rechtin
Deputy City Clerk

NOTICE OF PUBLIC HEARING
before the
CITY OF WILDWOOD
PLANNING AND ZONING COMMISSION
May 16, 2016 - 7:30 p.m. (Monday)

The Planning and Zoning Commission of the City of Wildwood will conduct a public hearing on **Monday, May 16, 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 the 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 the hearing and addressed to the Planning and Zoning Commission, 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. 7-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 – A request to evaluate possible amendments to Chapter 415.590. "Sexually-Explicit Business Regulations," of the City of Wildwood Municipal Code, which would thereby consider the addition of new language to expand the types of businesses that would be regulated as sexually-oriented businesses and expand regulations in regard to particular activities conducted within sexually-oriented businesses.

By Order of the Planning and Zoning Commission
On April 28, 2016
by Laura Rechtin
Deputy City Clerk

The City of Wildwood is working to comply with the American with Disabilities Act mandates. Individuals who require accommodation to attend a meeting should contact City Hall, (636) 458-0440, at least 48 hours in advance.

Travis Newberry

From: noreply@cityofwildwood.com
Sent: Saturday, May 14, 2016 5:13 PM
To: Lynne Greene-Beldner; Ryan Thomas; Elizabeth Weiss; Kathy Arnett; Travis Newberry; Steve Vogel; 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	P.Z. 7-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning (Sexually Explicit Businesses)
Item Description	*Field not completed.*
Position on Request	Support
General Comments	I support the amendment to protect Wildwood from the problems University City has to stop sexually oriented businesses. Thank you for planning to prevent any possibilities of this happening here.
Suggestions	*Field not completed.*
(Section Break)	
Name	Judy Sahm
Address	18423 Wild Horse Creek Road
City	Wildwood
State	MO
Zip	63005
Phone Number	636-532-1888
Email	jsahm63005@yahoo.com

Email not displaying correctly? View it in your browser.

WILDWOOD®

Recommendation Report

<<< Amended Site Development Section Plan >>>

City of Wildwood Planning and Zoning Commission – Site Plan Subcommittee

June 6, 2016 Executive Meeting

Petition No.:	P.Z. 14-98 Capital-Dierbergs Wildwood, LLC
Petitioner:	Dierbergs Markets, Inc., c/o Drew Bextermueller, Director of Real Estate
Zoning District:	Amended C-8 Planned Commercial District
Town Center Plan Designation:	Downtown District
Location:	Southeast corner of State Route 100 and Taylor Road
Street Addresses:	2400 Taylor Road
Locator Number:	23V320195
Ward:	Eight
Site Plan Subcommittee Meeting Date:	May 16, 2016
Approval Date of the Plan Package:	June 6, 2016
Petitioner's Request:	Approval of the Amended Site Development Section Plan (SDP), Landscape Plan, and Lighting Plan for the proposed drive-through facility at this building location.
Subcommittee Recommendation:	Approval of the Amended Site Development Section Plan (SDP), Landscape Plan, Lighting Plan, and other related items, per the conditions of the Amended C-8 Planned Commercial District governing ordinance, to allow for a drive-through facility at this location, under certain conditions.
Background on Proposal/Project:	The Site Plan Subcommittee of the Planning and Zoning Commission held its meeting on this submittal package at its May 16, 2016 Executive Session, where the petitioner and Department of Planning staff were in attendance. The Department of Planning began the discussion of the Amended Site Development Section Plan (SDP), Landscape Plan, Lighting Plan, and other related items by providing a summary of the zoning history of this site, including the most recent approved amendment to the governing ordinance, which allows for a drive-through facility for Building G. The Department then described the plan and packet of related information that had been provided for tonight's meeting to assist in its discussion. Highlights of this review included the plan sheets, review/comment letters from the City and its

consultants, service provider letters, with comments, and the approved site-specific ordinance, which governs the property and its future use.

After this review, the Department then identified key points on the Site Development Section Plan (SDP) relating to its major characteristics and components. These points included the following:

1. The space in the existing building has been vacant for several years and this proposal is to reconfigure the parking lot area on the east side of the existing building to accommodate a drive-through facility, in conjunction with the planned new tenant for this space.
2. The proposed drive-through facility is designed with a main drive lane and an escape lane, thereby accommodating cars that may need to exit the main drive lane. The drive-through lane is located at the rear of the building, which shields it from view of Taylor Road. A garden wall, associated fencing, and landscaping will provide a limited view of the drive-through lane from State Route 100.
3. The drive-through area includes a large landscaped center median and loading zone.
4. The petitioner will remove the existing trash enclosure and reconstruct it to the east of its current location, using materials that match the building's type located on Outlot G. The design of the trash enclosure has been approved by the City's Architectural Review Board, with the condition the gate be constructed with a composite material. The trash enclosure area will also be landscaped to provide additional screening.
5. The petitioner is providing a pedestrian connection to Building G from the City's multiple-use trail that is located along State Route 100. The proposed connection is near the site's northwest corner and landscaped in a manner to prevent pedestrians from cutting the corner through the grass.
6. The proposed parking area has been designed in a way to minimize pedestrian traffic through the drive-through lanes, in an effort to lessen conflicts with vehicular traffic.
7. The accessible routes for any special needs population have been provided to the building at two (2) locations. One from the parking lot to the south and east, and another from the northwest, via the City's multiple-use trail and proposed pedestrian connection.
8. The petitioner is providing outdoor patio seating near the northwest entrance. Some outdoor seating will also be provided at the southeast entrance.
9. The petitioner has submitted a Landscape Plan. The plan has been reviewed by the City's consultant and recommendations were made to provide a more varied selection of plant species than currently indicated.
10. The petitioner has submitted a Lighting Plan. The plan was reviewed by the City's consultant and some issues were identified; however, an updated plan has since been provided and the petitioner is working with the City's

consultant to obtain compliance with the City's Outdoor Lighting Requirements.

11. The elevations and materials of the proposed exterior changes to the building and the trash enclosure have been reviewed and approved by the City's Architectural Review Board.
12. The petitioner is providing bicycle racks, near both the southeast and northwest entrances to the building.
13. The petitioner has provided correspondence indicating approvals from the Metropolitan St. Louis Sewer District (MSD), the Metro West Fire Protection District, and the Missouri Department of Transportation (MODOT).

The Site Plan Subcommittee Members discussed the impact the drive-through facility has on parking requirements; the non-compliance issues with the Landscape Plan; the Lighting Plan; the allowed signage; and the location, capacity, and design of the bicycle racks.

The petitioner and Department of Planning staff responded to these comments and questions by addressing them as follows:

- The original development was slightly over-parked. With the proposed modification and resulting reductions in parking spaces, the minimum number of required parking spaces is still met. The provided parking (650 spaces) exceeds the amount of required parking (648 spaces).
- The petitioner stated the plant species were chosen based on their hardiness and past issues with certain plant species in a parking lot environment.
- The Lighting Plan will be reviewed by the City's consultant to ensure it is in compliance with the City's Outdoor Lighting Requirements.
- Director Vujnich explained two (2) externally or backlit signs are authorized per tenant, as allowed by the governing ordinance.
- The petitioner explained the bicycle racks have a capacity for six (6) bicycles and will be located near each entrance. Catalog cut sheets of the bicycle racks will be provided on the final Amended Site Development Section Plan (SDP)

Site Plan Subcommittee's Recommendation and Conditions of Action:

The Site Plan Subcommittee of the Planning and Zoning Commission has considered the submitted plans, which includes the Amended Site Development Section Plan (SDP), Landscape Plan, Lighting Plan, and other related items and believes them to be in compliance with the amended governing ordinance for this property, the City's Zoning Ordinance, and the Town Center Plan's "Downtown" District designation requirements. This compliance leads the members of the Site Plan

Subcommittee to support approval of this complement of plans. This determination is based upon review of these plans by the Departments of Planning and Public Works and the comments that were generated by such. 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 as well.

This recommendation is contingent upon all other required codes, regulations, and standards of the City relating to this property and the Amended C-8 Planned Commercial District being met during the construction of the drive-through and associated features mentioned above. Certain conditions must be met by the petitioner, before the Department can release the plan package for permits. These conditions are summarized as follows:

1. The Lighting Plan shall be reviewed by the City's consultant and be in compliance with the City's Outdoor Lighting Requirements
2. The dimensions and construction specifications of the approach to the trash enclosure shall be included on the final Amended Site Development Section Plan (SDP) and reviewed by the Department of Public Works.

The Site Plan Subcommittee is again recommending approval of the Amended Site Development Section Plan, Landscape Plan, Lighting Plan, and other related items by the Planning and Zoning Commission at this time, with certain conditions that have been identified and noted above.

Attachments And Enclosures:

Attachment A – Site Development Section Plan (SDP) and Related Items
Attachment B – Site-Specific Ordinance
Attachment C – Background Information

ATTACHMENT A

Site Development Plan (SDP) and Related Items

SITE IMPROVEMENT PLANS
FOR
PANERA DRIVEUP WINDOW
DIERBERGS WILDWOOD TOWNE CENTER
WILDWOOD, MISSOURI

JUNE 3, 2016

SITE AND PAVING NOTES

1. The site address is #2400 Taylor Road, Wildwood, MO 63040
2. Contractor shall notify the Engineer as soon as possible if actual ground conditions differ from those shown on the Plans.
3. Paint used for pavement striping shall be Sherwin Williams "Pro-Mar" traffic marking paint, Series B29.Y.2 or Glidden traffic paint #63228. Lane striping and direction arrows shall be yellow in color; parking stall striping shall be white. Contractor shall apply two coats within twenty-four hours of each application. Painting shall be performed prior to allowing any traffic on the new pavement.
4. All dimensions are to the back of curb unless otherwise noted. Curb radii is three feet unless otherwise noted.
5. Asphalt pavement, portland cement concrete pavement, curbs, and sidewalks shall be constructed in accordance with St. Louis County Department of Highways and Traffic " *Standard Specifications for Road and Bridge Construction*" , latest edition. Aggregate base course shall be compacted to 95 percent of optimum dry density as determined by the Standard Proctor test (ASTM D 1557)
6. All curb shall be vertical concrete with 6" reveal unless noted otherwise on the plans. Deviations are noted by the curb height shown in parentis following spot elevations
7. Finish grades across designated handicap parking spaces and minimum grade across pavement shall be two percent, or 1' in 48'.
8. Contractor to furnish and install two bikes racks in locations shown on the site plan. Bike racks shall be Model EC2-05-SM as manufactured by Sitescapes, P.O. Box 22326, Lincoln, Nebraska 888-331-9464

UTILITY CONSTRUCTION NOTES

1. No changes to existing utilities are anticipated.

SEWER NOTES

1. There are no stnorm and sanitary sewers to be constructed on this project
2. Contractor shall conduct and phase his work such that storm water drainage is maintained at all times.
3. Prior to starting his work, the Contractor shall expose and verify the actual elevations and locations of all utilities or sewers which could impact the proposed sewer construction.
4. Limits of Disturbance:The contractor shall stay within the limits of disturbance as shown on the plans and minimize disturbance within the work area wherever possible.
5. External grease traps will be used. See catalog "cut" sheets on Sheet C-7 of these plans for grease traps to be used.MSD sampling manhole to be located on a private lateral in an accessible location for MSD sampling. Sampling manhole shall be located downstream of grease trap and all other commercial sanitary laterals to facilitate MSD sampling. Grease trap and sampling manholes shall be shown on the plans and not be located in drive-thru lanes or within parking spaces.
6. The **decrease** in impervious surfaces as result of this project is 380 square feet (0.009 acres). The **decrease** in stormwater runoff due to this change in impervious surface area is 0.009 ac. x 1.84 cfs per ac.=0.02 cfs.

MSD STORMWATER MANAGEMENT NOTE :

Land Area Disturbed=13,025 square feet (0.299 acres)
Any future land disturbance and/or increase in impervious area on this site may require additional stormwater management per MSD regulations in place at that time (including total land disturbance and/or imperviousness added on this plan P# 21628-05).

GRADING NOTES

1. Underground facilities, structures and utilities have been plotted from available surveys, records and information, and, therefore, do not necessarily reflect the actual existence, non-existence, size, type, depth, number or location of these facilities, structures and utilities. The Contractor shall be responsible for verifying the actual location of all underground facilities, structures and utilities, either shown or not shown on these plans. The underground facilities, structures and 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.
2. Prior to the submittal of his bid, the Contractor shall visit the project site and become familiar with existing conditions, project limits, points of access, existing utilities, construction obstacles, and the scope of the work. No allowance will be given to the Contractor as a result of his unfamiliarity with site conditions.
3. No grading is anticipated for the proposed improvements
4. Benchmark: STL Co. 11-109 Elev. = 461.36' "Standard Aluminum Disk" Stamped SL-41 1990; disk is set along the east side of Eatherton Road just north of the Shell pipeline marker; 19' east of the centerline of Eatherton and 60' north of the east pipeline marker. Approximately 1.1 mile south of the intersection of Olive Street Road and Eatherton Road.
5. See landscape plan by Waldbart Nursery for ground cover on those areas not covered by buildings or pavement.Prior to leaving the site, all vehicles shall have the mud washed off of there ties to prevent tracking mud on public roads.
6. The site requires no clearing or grubbing.

Storm Water Pollution Prevention Notes

1. Notify the City of Wildwood Department of Public Works 48 hours prior to the commencement of construction.
2. Parking on non-surfaced areas is 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.
3. The streets surrounding this development and any street used for construction access thereto shall be kept free from mud and construction debris and shall be cleaned throughout the day.
4. All trash and debris on-site, either existing or from construction, must be removed and properly disposed of off-site.
5. All excavations, grading, or filling shall have a finished grade not to exceed a 3:1 slope (33%), unless specifically approved otherwise.
6. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until adequate vegetative growth insures no further erosion of the soil and work is acceptable to the owner and/controlling regulatory agency.
7. At least once every week and after every rainfall event of 0.25 inches or more, erosion and siltation control devices shall be inspected for damage and amount of sedimentation accumulated and corrective actions taken. Reports of these inspections and corrective actions shall be prepared on the forms provided by the City and submitted to the Department of Public Works within 5 days of the date of inspection.
8. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at sufficient density to provide erosion control of the site.
9. Where natural vegetation is removed during grading, vegetation shall be reestablished as soon as possible in such density to prevent erosion.
10. When ground disturbance are completed or will be suspended for more than 5 days in any area, the disturbed area shall be seeded or otherwise stablilized to significantly reduce the erodibility of the soil. Protective measures may include a combination of seeding, sodding, mulching, aor other suitable means to protect the ground surface from erosion.
11. If construction activities which create bare earth occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stromwater detention and erosion control devices have not be established.
12. Stormwater pipes, outlets and channels shall be protected by silt buriers and kept free of waste and silt at all times prior to final surface stabilization and/or paving.

SHEET INDEX

C-1	COVER SHEET
C-2	DEMOLITION PLAN
C-3	SITE /PAVING PLAN
C-4	GRADING & SWPP PLAN
C-5	MISCELLANEOUS DETAILS
C-6	TRASH ENCLOSURE DETAILS
DA	DRAINAGE AREA MAP

REVISIONS

PROJECT CONTACTS

Property Owner: Dierbergs Wildwood, LLC
c/o Mark Martin
1690 Swinglet Ridge Road
Chesterfield, Missouri 63006-1070
636-532-8884

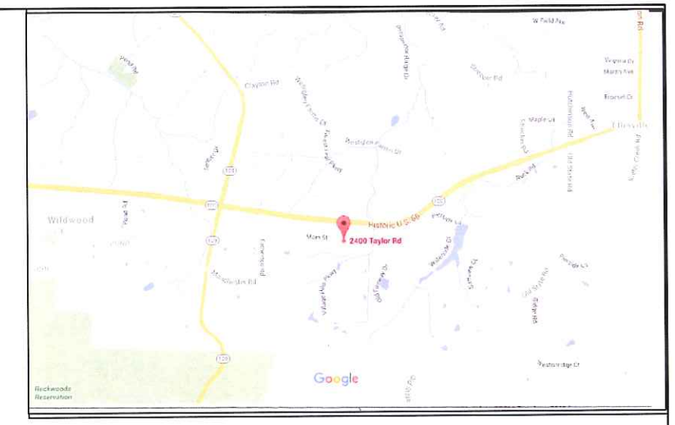
Fire District:
Metro West Fire Protection District
Hwy 109 and Manchester Rd
Wildwood, MO 63040
626-458-2100

Metropolitan St.Louis Sewer District
2350 Market Street
St. Louis, MO 63103-2555
314-768-6338

Architect: Answers, Inc.
450 Weldman Road
St. Louis, Missouri 63011
636-386-6707
Attn: Danielle Tritt

Landscape Architect:
Waldbardt Nursery
1420 Teson Road
Hazelwood, MO 63042
314-895-4589

MSD P# 21628-05 BASE MAP 23V & 24V



LOCATION MAP

LOT 1A OF DIERBERGS WILDWOOD, SUBDIVISON OF LOT 1
PLAT BOOK 351, PAGE 799
SECTION 1, TOWNSHIP 44 NORTH, RANGE 3 EAST
CITY OF WILDWOOD, COUNTY OF ST. LOUIS, MISSOURI

ABBREVIATIONS

AI	Area Inlet	N/F	Now or Formerly
Asph	Asphalt	OHE	Overhead Electric
ATG	Adjust to Grade	PB	Plat Book
B Cor	Building Corner	PG	Page
CB	Catch Basin	PVC	Polyvinyl Chloride
ChB	Chord Bearing	Pvmt	Pavement
CL	Centerline	R	Radius
CMP	Corrugated Metal Pipe	RCP	Reinforced Conc. Pipe
CO	Cleanout	R/W	Right of Way
Conc	Concrete	ST	Sampling Tee
DB	Deed Book	Tb	Top of Bank
DCB	Double Catch Basin	TBA	To be Adjusted
DFL	Downstream Flowline	TBR	To be Removed
DS	Downspout	TC	Top of Curb
EP	Edge of Pavement	TP	Top of Pavement
Fen	Fence	TW	Top of Wall
FES	Flared End Section	Trans	Transformer
FH	Fire Hydrant	TS	Toe of Slope
FF	Finish Floor	Typ	Typical
FL	Flowline	UE	Underground Electric
GI	Grasto Inlet	UFO	Underground Communications
Gr MH	Grated manhole	UFL	Upstream Flowline
GM	Gas Meter	UIP	Use In Place
GV	Gate Valve	UP	Utility Pole
GW	Guy Wire	WM	Water Meter
L	Length	W MH	Water Manhole
Lt	Light	WV	Water Valve
MH	Manhole	YI	Yard Inlet

LEGEND

- Wall Mounted Light
- Proposed Light Standard
- Connection (Proposed)
- Existing Contour (Screened)
- (455) Proposed Contour
- + 500.00 Existing Elevation
- 500 Proposed Elevation
- FH Fire Hydrant
- Concrete
- Doorway Entrance
- Drainage Flow
- Swale
- Direction Of Traffic
- W.M. W.V. Water Meter Or Valve
- G.M. G.V. Gas Meter Or Valve
- Electric Service
- Gas Service
- Exist. Combination Sewer
- Telephone Service
- Water Service
- Exist. Sanitary Sewer
- Exist. Storm Sewer
- (San) Proposed Sanitary Sewer
- Proposed Storm Sewer
- Utility Pole w/ Guy Wires
- Right Angle
- GV Proposed Gate Valve
- MSD Grate Inlet
- MSD Manhole
- MSD Curb Inlet
- CO,St Cleanout and Sampling Tee
- Double Curb Inlet
- Trench Drain
- T Electric Transformer

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
TOLL FREE
1-800-344-7483
MISSOURI ONE-CALL SYSTEM INC.

REVISIONS

COVER SHEET
PANERA BREAD DRIVEUP WINDOW
#2400 Taylor Road Wildwood, Missouri 63040
Prepared for:
Dierbergs Wildwood, LLC
16690 Swingley Rodge Road
Chesterfield, Missouri 63006-1070
636-532-8884

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STATE OF MISSOURI
MARTY C. HENSON
NUMBER E-19451
REGISTERED PROFESSIONAL ENGINEER
Marty C. Henson, Professional Engineer, E-19451

HENSON CONSULTING, LLC
CIVIL ENGINEERING-LAND PLANNING-PROJECT MANAGEMENT
2317 OSSENFORT ROAD
GLENCOE, MO 63038
Office-636-458-4402
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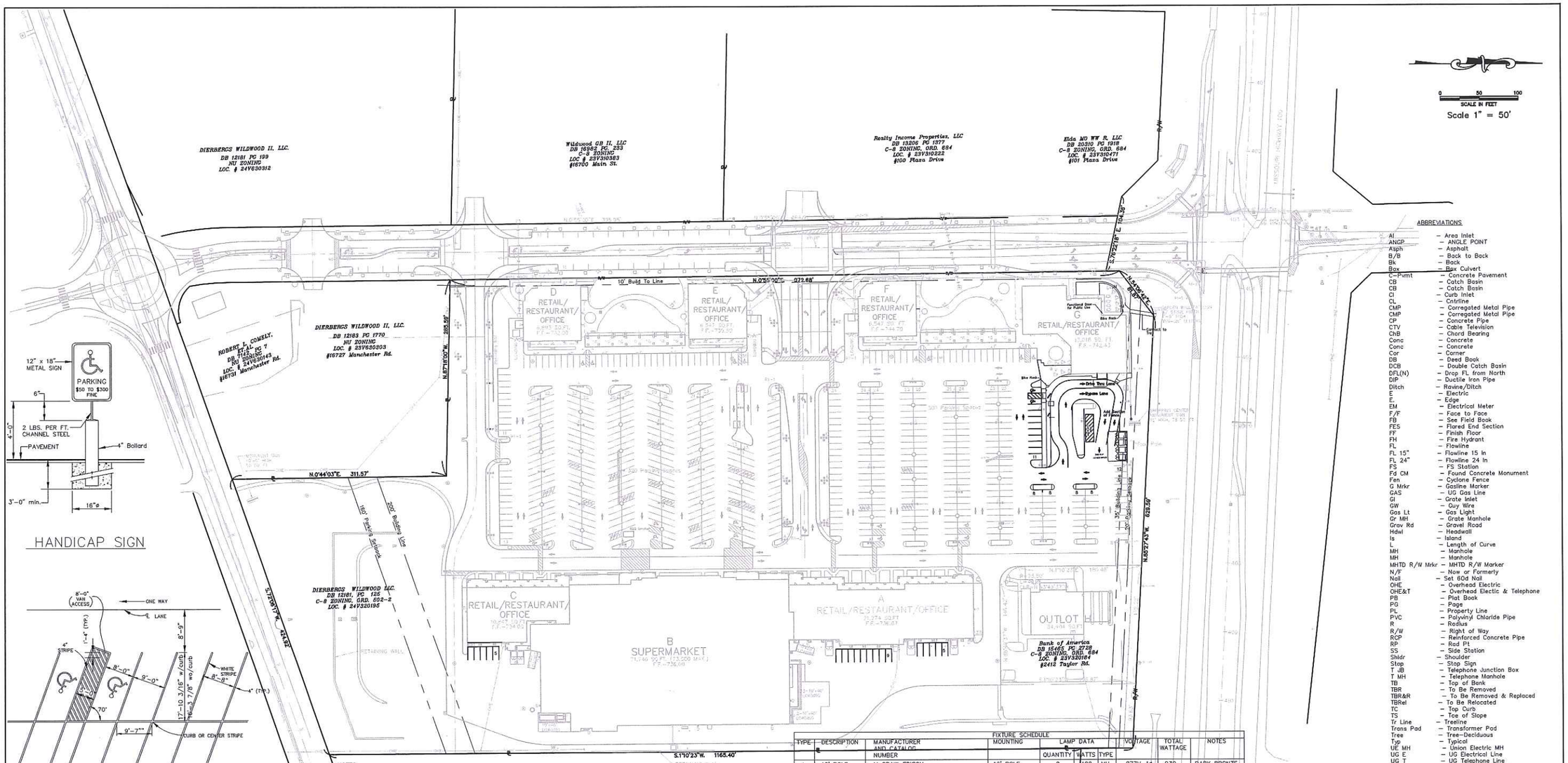
EMAIL: mh8@abcglobal.net
Professional Engineering Corporation Certificate # 2005001274

Designed	MCH
Drawn	MCH
Checked	MCH
Date	June 3, 2016
Project Number	05024
Sheet Number	C-1 of 6



0 50 100
SCALE IN FEET
Scale 1" = 50'

12" x 18" METAL SIGN
PARKING $50 TO $300 FINE
6"
2 LBS. PER FT. CHANNEL STEEL
4'-0"
PAVEMENT
4" Bollard
3'-0" min.
16"ø

HANDICAP SIGN

8'-0" VAN ACCESS
ONE WAY
℄ LANE
8'-9"
1'-4" (TYP.)
4" STRIPE
8'-0"
9'-0"
WHITE STRIPE
8'-8"
4" (TYP.)
70°
17'-10 3/16" w/curb
3 7/8" w/o curb
9'-7"
CURB OR CENTER STRIPE

STRIPING – 70° PARKING

Back Edge of Walk
3'-0" (Min.)
Expansion Joint (Typ.)
Face of Curb
Continue Curb Through Ramp
A
PLAN

SECTION A-A

Top of Ramp
Face of Curb
Bottom of Ramp
ELEVATION

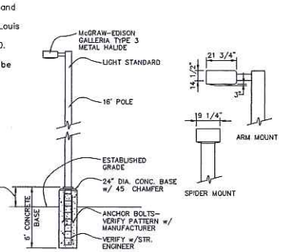
HANDICAP RAMP
(Contained Within Sidewalk)

NOTES:
1. Site address is #2400 to #2500 Taylor Road, Wildwood, MO. 63040
2. Locator number is 23V320173
3. Subdivision name is Dierbergs Wildwood. Lot 1 area = 18.26 acres.
4. Utility Companies
   - Sewer – Metropolitan St. Louis Sewer District
   - Water – Missouri American Water Company
   - Gas – Laclede Gas Company
   - Electric – Ameren UE
   - Telephone – Southwestern Bell Telephone
5. School District is Rockwood RIV
6. Fire District is Metro West
7. Existing Zoning – Amended C-8 Planned Commercial District
8. There will be no steps at designated accessible entrance doors. the City of Wildwood requirements.
9. Adequate parking for the disabled will be provided in accordance with ADA and County and City of Wildwood requirements.
10. Access to proposed buildings will be provided in accordance in ADA, St. Louis
11. Site light poles will be 16' high.
12. Sidewalks along the accessible route shall not have a slope exceeding 1:20. Slopes greater than 1:20 will contain a ramp.
13. A level area of 60" x 60" front approach or 48" x 60" side approach will be provided outside of the entrance doors for wheelchair maneuverability.
14. Bike racks to be Model EC2-05-SM as manufactured by SiteScapes P.O. Box 22326, Lincoln, Nebraska, 888-331-9464

PARKING TABLE

BUILDING	USE	AREA	PARKING RATIO	REQUIRED PARKING
A	RETAIL/RESTAURANT/OFFICE	21,274 Sq. Ft.	4.0 / 1000	85
B	SUPERMARKET	71,740 Sq.Ft.	4.0 / 1000	287
C	RETAIL/OFFICE	6,645 Sq.Ft.	4.0 / 1000	27
D	RESTAURANT (4,202 sf)	100 SEATS	½ SEATS	50
		10 EMPLOYEES	⅔ EMPLOYEES	7
	RESTAURANT	6,893 Sq.Ft.		
		160 SEATS	½ SEATS	80
		12 EMPLOYEES	⅔ EMPLOYEES	8
E	RETAIL/RESTAURANT/OFFICE	6,547 Sq. Ft.	4.0 / 1000	26
F	RETAIL/RESTAURANT/OFFICE	6,547 Sq. Ft.	4.0 / 1000	26
G	RESTAURANT	13,018 Sq.Ft.		
		300 SEATS	½ SEATS	150
		24 EMPLOYEES	⅔ EMPLOYEES	16
H	OUTLOT	7,500 Sq.Ft.	3/1000	SELF-PARKED

10'x40' LOADING SPACE	7	TOTAL REQUIRED PARKING	762 less 15%= 648
10'x25' LOADING SPACE	5	PARKING PROVIDED	650
		REGULAR	630
TOTAL LOADING	12	HANDICAP	20



PARKING LOT LIGHT FIXTURE

FIXTURE SCHEDULE

TYPE	DESCRIPTION	MANUFACTURER AND CATALOG NUMBER	MOUNTING	LAMP DATA QUANTITY	WATTS	TYPE	VOLTAGE	TOTAL WATTAGE	NOTES
A	16' POLE MOUNTED TWO HEAD LUMINAIRE	McGRAW-EDISON (2) GMA40129AR/FG(SMH) (2) MA1004 ARM POLE: (1) SSS-5M13SFM2	16' POLE SEE DETAIL (THIS SHEET) FOR BASE DETAIL	2	400	MH	277V, 1ø	930	DARK BRONZE
B	16' POLE MOUNTED SINGLE HEAD LUMINAIRE	McGRAW-EDISON (2) GMA40129AR/FG(SMH) (2) MA1004 ARM POLE: (1) SSS-5M13SFM2	16' POLE SEE DETAIL (THIS SHEET) FOR BASE DETAIL	1	400	MH	277V, 1ø	1100	DARK BRONZE
C	BUILDING FACADE FLOODLIGHT	McGRAW-EDISON (1) AMF4012923/LL/IL/AM (1) TENON TO MATCH FIXTURE	16' POLE SEE DETAIL (THIS SHEET) FOR BASE DETAIL	1	400	MH	277V, 1ø	465	DARK BRONZE MOUNT FIXTURE 1'-0" ABOVE TOP OF POLE
D	WALL MOUNTED SINGLE HEAD LUMINAIRE	McGRAW-EDISON (1) GMA-401-2-5-3V (1) MA1039 WALL BRACKET	WALL MOUNT 12" BELOW ROOF LINE	1	400	MH	277V, 1ø	465	DARK BRONZE
E	POLE MOUNTED FOUR HEAD LUMINAIRE	SUN VALLEY (4) LG18/YC/WP/4/90/CWA (4) XBA-4-90 ARM (1) 3000 BASE (1) 1075C SHAFT	13' POLE	4	175	MH	277V, 1ø	840	DARK BRONZE LUMINAIRE MAX. HEIGHT 16'-0"
F	POLE MOUNTED SINGLE HEAD LUMINAIRE	SUN VALLEY (2) LAE1/YE/WP/IL (4) XBA-2-180 ARM (1) 3000 BASE (1) 1075C SHAFT	14' POLE	2	250	MH	277V, 1ø	590	DARK BRONZE FIXTURE TO MATCH CITY STREET LIGHT
G	CYLINDER DOWNLIGHT MOUNTED IN TRELLIS	LITHONIA (1) CFL10-2-28DTT-7-RW-173-277-GEB10-WL	SURFACE	2	28TT	FL	277V, 1ø	32	
H	UNDER CANOPY LUMINAIRE	PRESCOLITE (1) 1238M10-250MHFE-B850L	CEILING RECESSED	1	250	MH	277V, 1ø	295	
J	WALL MOUNTED SINGLE HEAD LUMINAIRE	McGRAW-EDISON VWS-100-MH-277-3S-VWS/EM-BZ	WALL MOUNT 12" BELOW ROOF LINE	1	100	MH	277V, 1ø	125	
K	POLE MOUNTED SINGLE HEAD LUMINAIRE	SUN VALLEY (4) LAE1/YE/WP/IL (1) 3000 BASE (1) 1075C SHAFT	14' POLE	1	250	MH	277V, 1ø	295	DARK BRONZE FIXTURE TO MATCH CITY STREET LIGHT
L	WALL MOUNTED	HYDREL TENERIFE-G6/F-MH50-277-AO-BRZ-RBIII	10'-0"	1	50	MH	277V, 1ø	75	DARK BRONZE
M	POLE MOUNTED	KICHLER RIPLEY COLLECTION 490630Z	8'-0"	1	60	IN	120V, 1ø	60	DARK BRONZE

ABBREVIATIONS

AI	– Area Inlet
ANGP	– ANGLE POINT
Asph	– Asphalt
B/B	– Back to Back
Bk	– Back
Box	– Box Culvert
C-Pvmt	– Concrete Pavement
CB	– Catch Basin
CB	– Catch Basin
CI	– Curb Inlet
CL	– Cntrline
CMP	– Corregated Metal Pipe
CMP	– Corregated Metal Pipe
CP	– Concrete Pipe
CTV	– Cable Television
ChB	– Chord Bearing
Conc	– Concrete
Conc	– Concrete
Cor	– Corner
DB	– Deed Book
DCB	– Double Catch Basin
DFL(N)	– Drop FL from North
DIP	– Ductile Iron Pipe
Ditch	– Ravine/Ditch
E	– Electric
E.	– Edge
EM	– Electrical Meter
F/F	– Face to Face
FB	– See Field Book
FES	– Flared End Section
FF	– Finish Floor
FH	– Fire Hydrant
FL	– Flowline
FL 15"	– Flowline 15 In
FL 24"	– Flowline 24 In
FS	– FS Station
Fd CM	– Found Concrete Monument
Fen	– Cyclone Fence
G Mrkr	– Gasline Marker
GAS	– UG Gas Line
GI	– Grate Inlet
GW	– Guy Wire
Gas Lt	– Gas Light
Gr MH	– Grate Manhole
Grav Rd	– Gravel Road
Hdwl	– Headwall
Is	– Island
L	– Length of Curve
MH	– Manhole
MH	– Manhole
MHTD R/W Mrkr	– MHTD R/W Marker
N/F	– Now or Formerly
Nail	– Set 60d Nail
OHE	– Overhead Electric
OHE&T	– Overhead Electic & Telephone
PB	– Plat Book
PG	– Page
PL	– Property Line
PVC	– Polyvinyl Chloride Pipe
R	– Radius
R/W	– Right of Way
RCP	– Reinforced Concrete Pipe
RP	– Rod Pt
SS	– Side Station
Shldr	– Shoulder
Stop	– Stop Sign
T JB	– Telephone Junction Box
T MH	– Telephone Manhole
TB	– Top of Bank
TBR	– To Be Removed
TBR&R	– To Be Removed & Replaced
TBRel	– To Be Relocated
TC	– Top Curb
TS	– Toe of Slope
Tr Line	– Treeline
Trans Pad	– Transformer Pad
Tree	– Tree–Deciduous
Typ	– Typical
UE MH	– Union Electric MH
UG E	– UG Electrical Line
UG T	– UG Telephone Line
UGE	– Underground Electric
UGFO	– Underground Fiber Optic
UGT	– Underground Telephone
UIP	– Use In Place / Use in Place
UP	– Utility Pole
UP/Trans	– Utility Pole/Transformer
VCP	– Vitrified Clay Pipe
W	– Water Service
WL	– Water Line
WV	– Water Valve
Walk	– Sidewalk
Wall	– Concrete Wall

REVISIONS

AMENDED SITE DEVELOPMENT PLAN
DIERBERGS WILDWOOD

TAYLOR ROAD — WILDWOOD, MISSOURI

Prepared for:

DIERBERGS MARKET
16690 SWINGLEY RIDGE ROAD
CHESTERFIELD, MISSOURI 63005
(636) 532-8884

STATE OF MISSOURI — MARTY C. HENSON — NUMBER E-19451 — REGISTERED PROFESSIONAL ENGINEER

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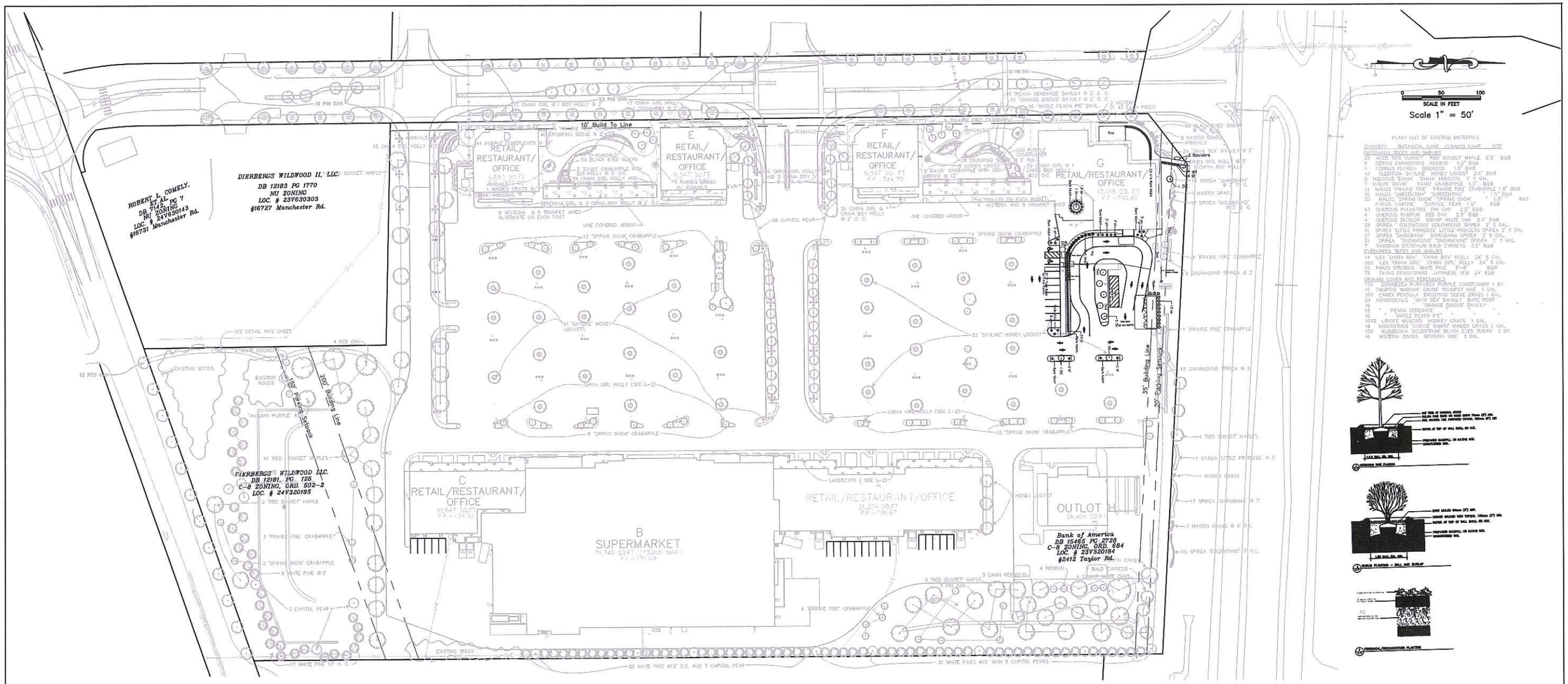
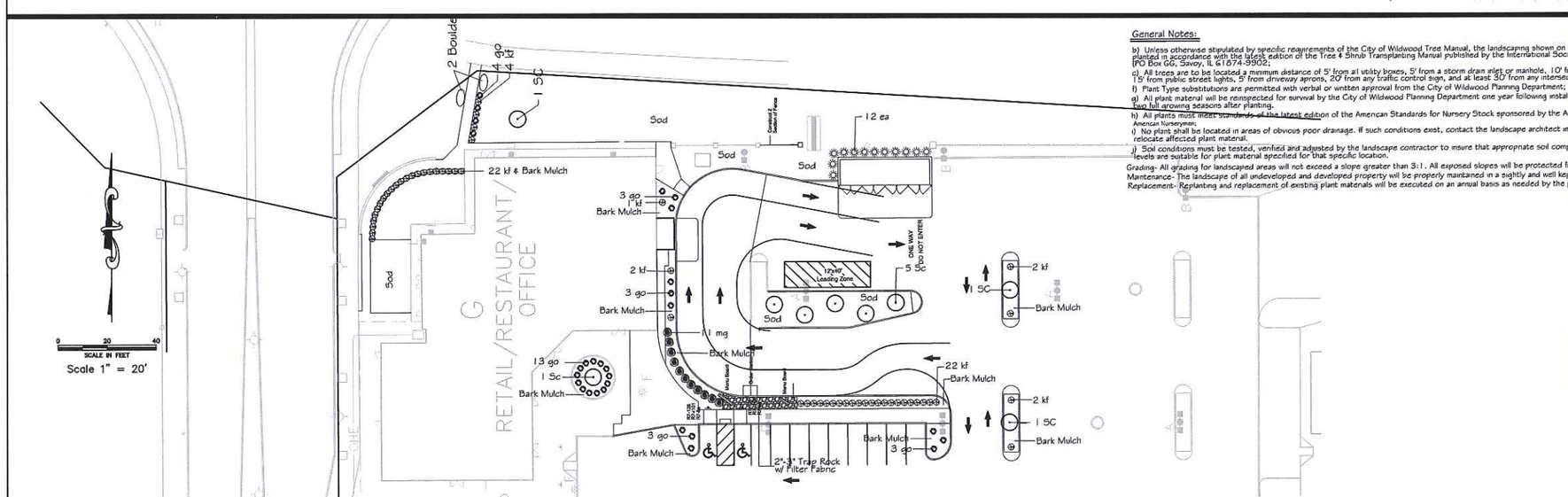
Designed	MCH
Drawn	MCH
Checked	MCH
Date	May 17, 2016
Project Number	05024
Sheet Number	1 of 2





ENLARGEMENT OF AREA RECEIVING UPDATED LANDSCAPE PLANTING

General Notes:

b) 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 & Shrub Transplanting Manual published by the International Society of Arboriculture (PO Box 68, Savoy, IL 61874-9902;

c) 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, 5' from driveway aprons, 20' from any traffic control sign, and at least 30' from any intersection;

f) Plant Type substitutions are permitted with verbal or written approval from the City of Wildwood Planning Department;

g) 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.

h) All plants must meet standards of the latest edition of the American Standards for Nursery Stock sponsored by the Association of American Nurserymen;

i) No plant shall be located in areas of obvious poor drainage. If such conditions exist, contact the landscape architect immediately to relocate affected plant material.

j) 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.

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.

PLANT MATERIAL LIST OF NEW MATERIALS

QTY.	SYM.	COMMON NAME	SIZE
9	Sc	Dwarf Sargentina Crab	2" Cal.
12	ea	Emerald Green Arborvitae	6' Ht.
29	go	Grey Owl Juniper	5 Gal.
55	kf	Karl Foerster Feather Reed Grass	5 Gal.
11	mg	Maiden Grass	5 Gal.
2		2"- 3" Trap Rock	Ton
200		Filter Fabric	Sq. Ft.
22		Bark Mulch	Cu. Yd.
350		Sod Disturbed Areas	Sq. Yd.
2		Boulders	Each

2	6-1-18	MCH	Added 12 arborvitae north of trash enclosure
1	5-11-18	MCH	Replace 6 GO with 3 SC

REVISIONS

SITE DEVELOPMENT LANDSCAPE PLAN
DIERBERGS WILDWOOD

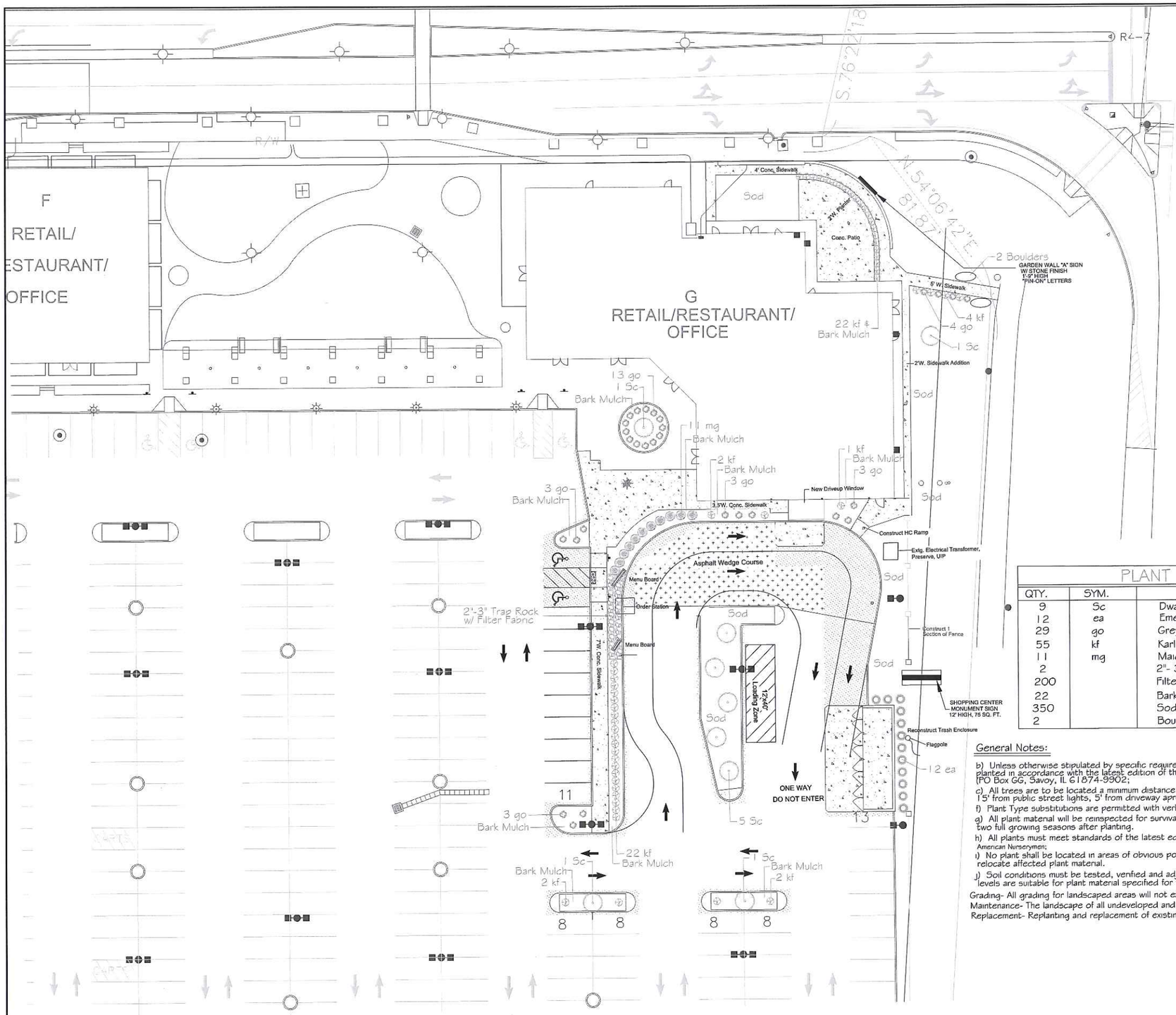
TAYLOR ROAD — WILDWOOD, MISSOURI

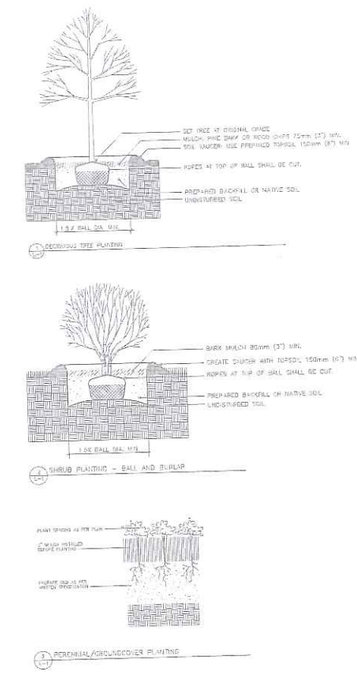
Prepared for:

DIERBERGS MARKETS
16690 SWINGLEY RIDGE ROAD
CHESTERFIELD, MISSOURI
636-532-8884

A. Waldbart & Sons Nursery
1420 Teson Road
Hazelwood, Missouri 63042
314-892-4589

Designed	JP
Drawn	JP
Checked	JP
Date	April 15, 2018
Project Number	14052-3
Sheet Number	2 of 2





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General Notes:

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LANDSCAPE PLAN

20' 0' 20' 40' 60'

SCALE: 1"=20'

NOTICE
This drawing is the property of A. Waldbart and Sons Nursery. Each plan formulated by our firm involves original thought and ideas; therefore, we reserve the copyright to any design prepared by our staff. Use of this plan and/or any portion thereof for competitive bids, pricing, or related purposes is illegal without our written permission.

PROJECT # 12422

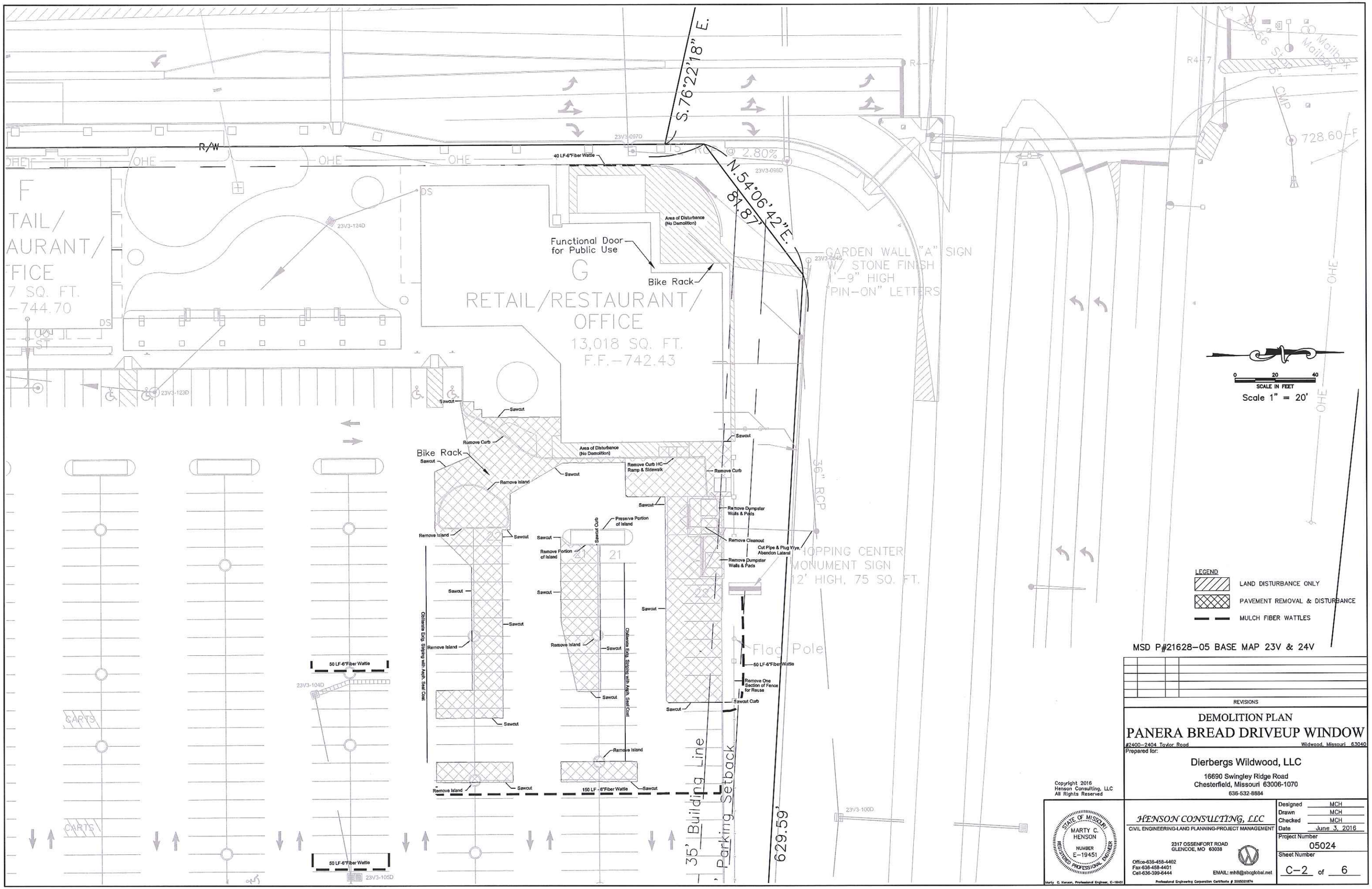
Panera Bread Driveup Window

Dierbergs Wildwood, LLC

895-4589

Date	03-03-16	Revised	03-28-16 04-15-16, 05-04-16, 05-24-16
Scale	1" = 20'	Approved	
Sheet	L-1	Drawn By	JPP

A. WALDBART AND SONS Nursery
Established 1872
Landscape Designers, Landscape Contractors & Nurserymen
1420 Teson Rd., Hazelwood, MO 63042



MSD P#21628-05 BASE MAP 23V & 24V

REVISIONS

DEMOLITION PLAN
PANERA BREAD DRIVEUP WINDOW

#2400-2404 Taylor Road — Wildwood, Missouri 63040

Prepared for:

Dierbergs Wildwood, LLC
16690 Swingley Ridge Road
Chesterfield, Missouri 63006-1070
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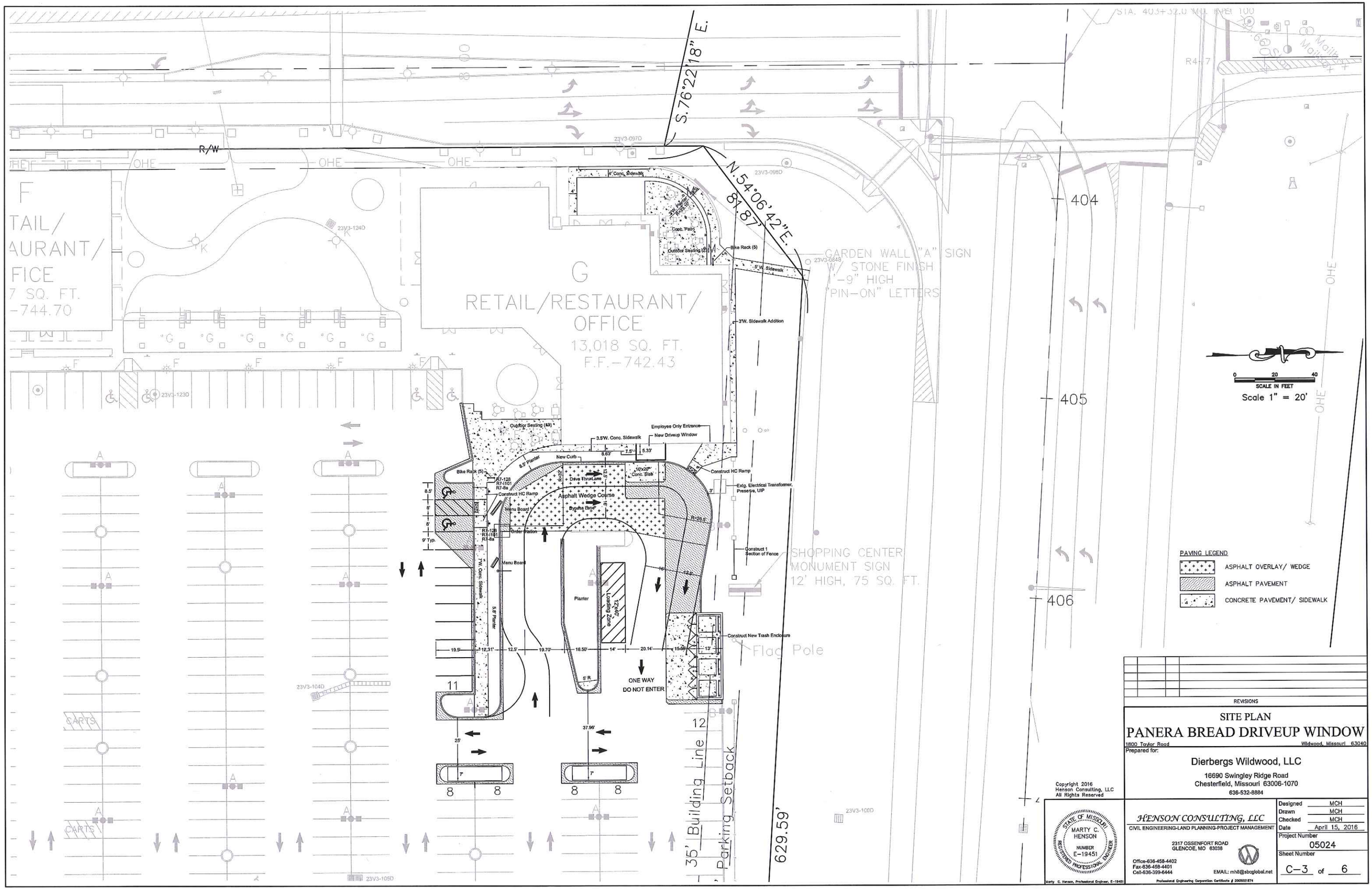

REVISIONS

SITE PLAN

PANERA BREAD DRIVEUP WINDOW

1800 Taylor Road — Wildwood, Missouri 63040

Prepared for:

Dierbergs Wildwood, LLC

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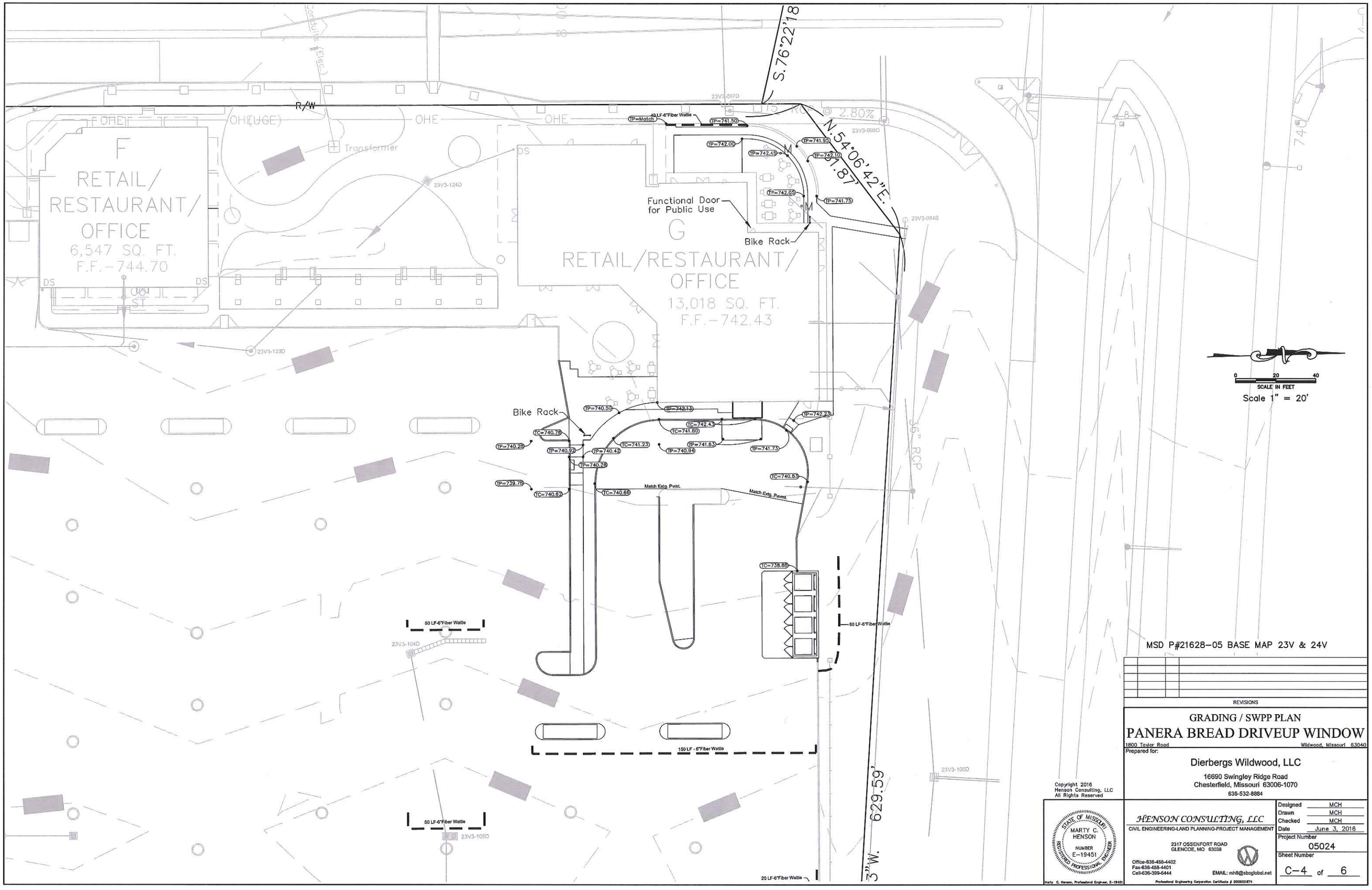

MSD P#21628-05 BASE MAP 23V & 24V

REVISIONS

GRADING / SWPP PLAN

PANERA BREAD DRIVEUP WINDOW

1800 Taylor Road — Wildwood, Missouri 63040

Prepared for:

Dierbergs Wildwood, LLC
16690 Swingley Ridge Road
Chesterfield, Missouri 63006-1070
636-532-8884

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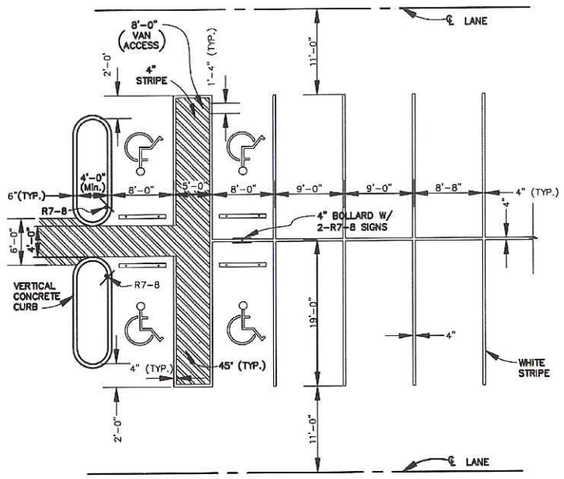
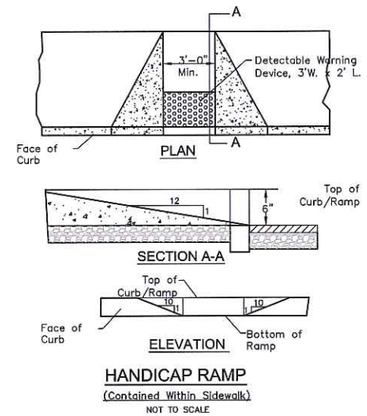


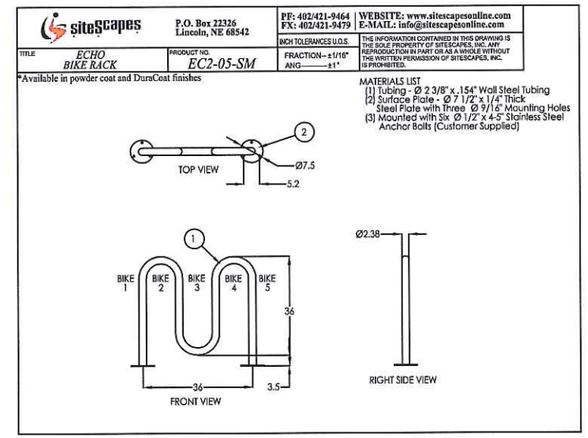
STRIPING-90° PARKING

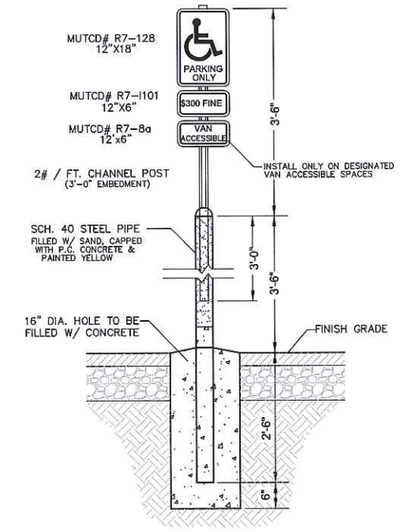


HANDICAP RAMP

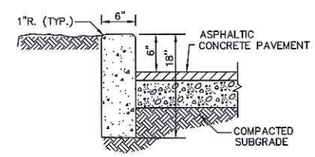
(Contained Within Sidewalk)

NOT TO SCALE



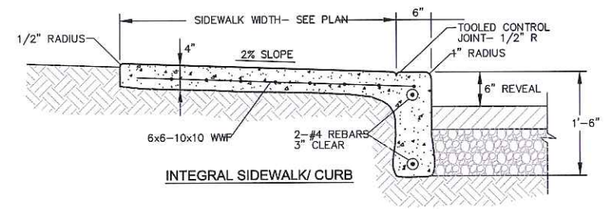


HANDICAP SIGN DETAIL

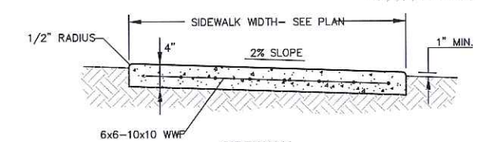


VERTICAL CONCRETE CURB

NOT TO SCALE



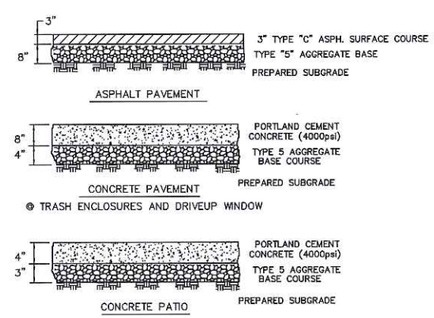
INTEGRAL SIDEWALK/ CURB



SIDEWALK

CONCRETE SIDEWALK

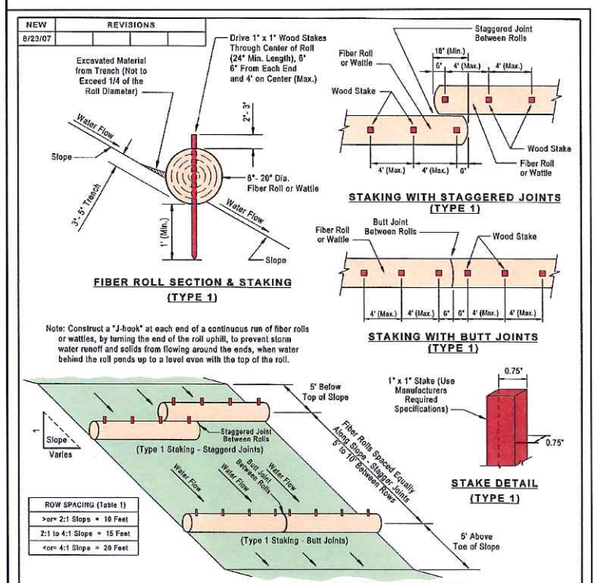
NOT TO SCALE



PAVEMENT DETAILS

NOT TO SCALE

NEW	REVISIONS
8/23/07	



ROW SPACING (Table 1)
>or= 2:1 Slope = 10 Feet
2:1 to 4:1 Slope = 15 Feet
<or= 4:1 Slope = 20 Feet

INSTALLATION AND SPACING (TYPE 1 STAKING)

GENERAL NOTES

1) Do not scale drawing, follow dimensions.
2) Row spacing for slope installations should be determined by site conditions such as slope gradient and soil type (see Table 1 for row spacing).
3) Installations as shown above are designed for slopes of 1:10 and steeper.
4) Netting, filler sock or outer cover of rolls must be constructed of photodegradable or biodegradable material.
5) Fiber Rolls and Wattles shall contain straw, flax, coconut fiber (coir), rice straw or aspen excelsior, in a tight tubular roll, specifically designed for removal of solids from storm water runoff. Fill material must be biodegradable and contain no chemical additives.
6) Fiber Rolls or Wattles may be weighted for use around street inlets (internal roll weight or by placing a weight, such as a concrete block, on the down stream side of the roll). Weight must not be placed on top of the roll, smashing or flattening the roll.
7) Follow the roll manufacturers instructions and recommendations for the sizing, installation and maintenance of all Fiber Rolls or Wattles.

SAINT LOUIS COUNTY
DEPARTMENT OF HIGHWAYS AND TRAFFIC
CLAYTON, MISSOURI

TYPICAL BMP DETAIL

FIBER ROLLS AND WATTLES

(TYPE 1 STAKING)

REVISION DATE: August 23, 2007

DRAWING SC-9a

MSD P#21628-05 BASE MAP 23V & 24V

REVISIONS

MISCELLANEOUS DETAILS

PANERA BREAD DRIVEUP WINDOW

1800 Taylor Road — Wildwood, Missouri 63040

Prepared for:

Dierbergs Wildwood, LLC

16690 Swingley Ridge Road
Chesterfield, Missouri 63006-1070
636-532-8884

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STATE OF MISSOURI
MARTY C. HENSON
NUMBER E-19451
REGISTERED PROFESSIONAL ENGINEER

Marty C. Henson, Professional Engineer, E-19451

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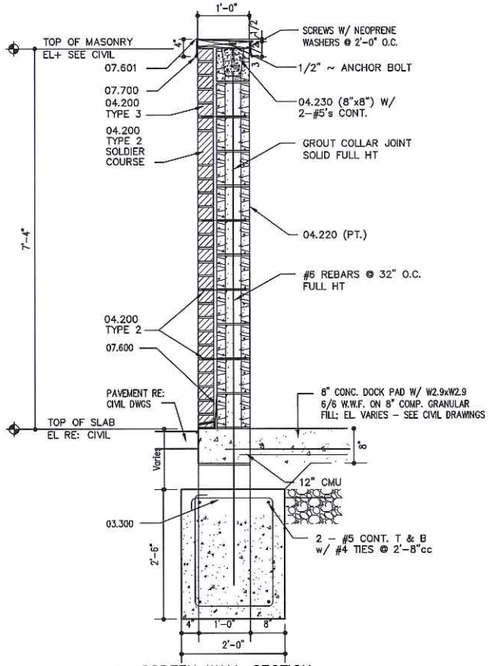
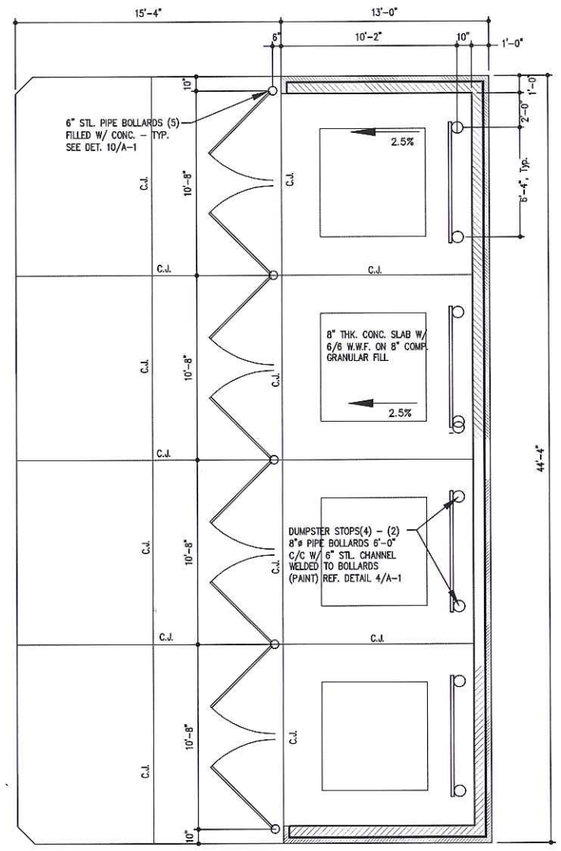
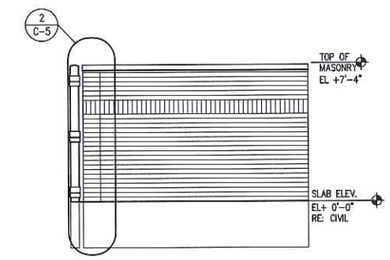
Professional Engineering Corporation Certificate # 2005021874

Designed	MCH
Drawn	MCH
Checked	MCH
Date	June 3, 2016
Project Number	05024
Sheet Number	C-5 of 6

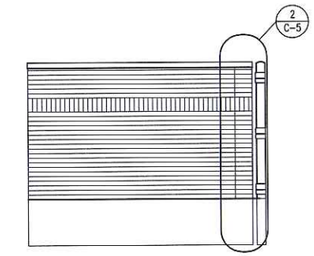


2 C-2 SCREEN WALL SECTION
SCALE: 3/4" = 1'-0"

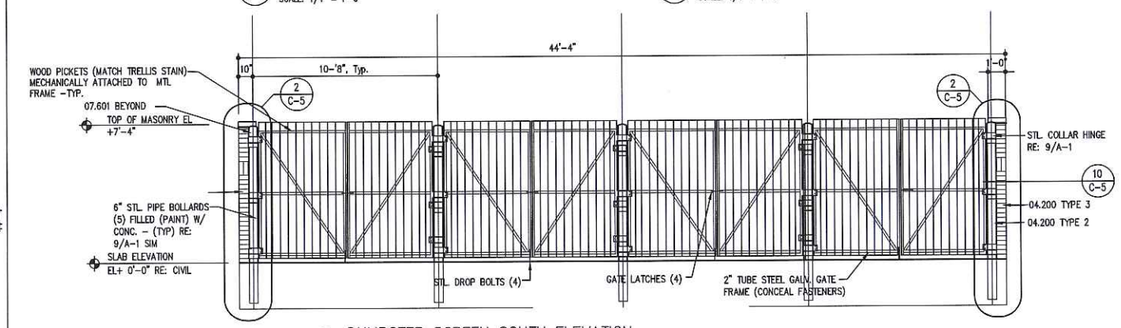




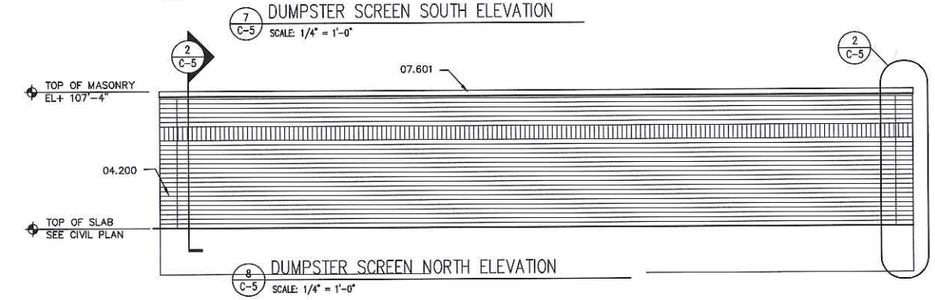
5 C-5 DUMPSTER SCREEN EAST ELEVATION
SCALE: 1/4" = 1'-0"



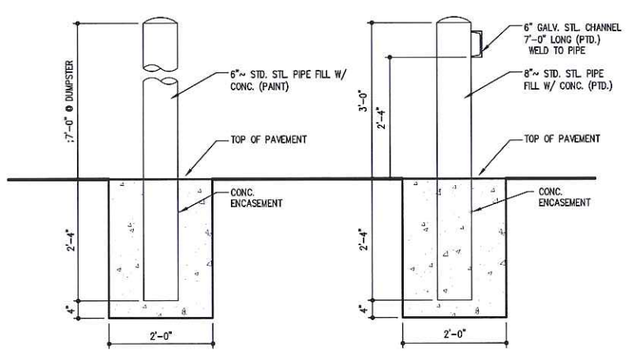
6 C-5 DUMPSTER SCREEN WEST ELEVATION
SCALE: 1/4" = 1'-0"



7 C-5 DUMPSTER SCREEN SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

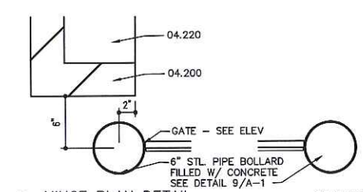


8 C-5 DUMPSTER SCREEN NORTH ELEVATION
SCALE: 1/4" = 1'-0"



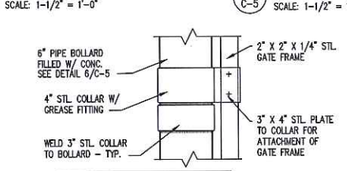
3 C-5 BOLLARD/GATE POST DETAIL
SCALE: 3/4"=1'-0"

4 C-5 BOLLARD DETAIL
SCALE: 3/4"=1'-0"



10 C-5 HINGE PLAN DETAIL
SCALE: 1-1/2" = 1'-0"

11 C-5 CENTER HINGE PLAN DET.
SCALE: 1-1/2" = 1'-0"



NOTE: PAINT ENTIRE ASSEMBLY

9 C-5 HINGE ELEVATION DETAIL
SCALE: 1-1/2" = 1'-0"

MSD P#21628-05 BASE MAP 23V & 24V

REVISIONS

TRASH ENCLOSURE DETAILS

PANERA BREAD DRIVEUP WINDOW

1800 Taylor Road — Wildwood, Missouri 63040

Prepared for:

Dierbergs Wildwood, LLC
16690 Swingley Ridge Road
Chesterfield, Missouri 63006-1070
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Professional Engineering Corporation Certificate # 2005031874

Designed	MCH
Drawn	MCH
Checked	MCH
Date	June 3, 2016
Project Number	05024
Sheet Number	C-6 of 6

ATTACHMENT B

Site-Specific Ordinance

BILL NO.: 2157 ORDINANCE NO.: 2157

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING AMENDMENTS TO EXISTING AMENDED C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #1001 THAT WOULD AUTHORIZE THE ADDITION OF A SECOND DRIVE-THROUGH FACILITY IN THE DIERBERGS TOWN CENTER PROJECT, IN CONJUNCTION WITH A LINER BUILDING LOCATED ON OUTLET G, WHICH FRONTS ONTO THE INTERSECTION OF TAYLOR ROAD AND STATE ROUTE 100, BEING CONSISTENT WITH THE RECOMMENDATION REPORT PREPARED BY THE PLANING AND ZONING COMMISSION DATED FEBRUARY 1, 2016. (Ward Eight)

WHEREAS, one (1) of the first major projects in the newly-defined Town Center Area of Wildwood was Dierbergs Town Center, a development of over 150,000 square feet, anchored by a supermarket, four (4) liner buildings, and two (2) sections of in-line, multi-tenant spaces; and

WHEREAS, as part of this development, many new design components were employed to create the character sought by the tenants of New Urbanism, such as buildings fronting the street with little or no setback from it, engaging architecture, consistent and attractive streetscapes, and enjoyable public spaces, which all exist in this development; and

WHEREAS, the governing ordinance approved by the City Council contained a number of conditions to ensure that patrons of the businesses could park once and walk to multiple locations in a pedestrian friendly environment, leading to an allowance for only one (1) drive through facility, i.e. financial institution being authorized within the development's boundaries; and

WHEREAS, with the development of this site, after the ordinance's approval, a financial institution purchased an the outlot and installed the drive-through facility, which was authorized as part of the initial overall development; and

WHEREAS, the building located on Outlot G was also constructed about the same time as the development of the supermarket and its first tenant was an Applebee's Restaurant, which anchored this location at the major intersection of State Route 100 and the newly-constructed Taylor Road; and

WHEREAS, this tenant, one (1) of three (3) located in the building, was in place for less than three (3) years and closed the restaurant and, for the most part, the majority of this building has remained vacant for the last ten (10) plus years, which was a disappointment to all parties working to make the Town Center Area a viable location for all types of businesses; and

WHEREAS, a new party is interested in this space and has requested a drive-through facility in conjunction with its casual dining business, which requires a change to the governing ordinance for this purpose; and

WHEREAS, the Planning and Zoning Commission held a hearing on this matter at its February 1, 2016 meeting and heard the details relating to the relocation of the St. Louis Bread Company from Schnucks Wildwood Crossing to this location and the need for the drive-through facility, which its current location lacks, and has led the company to seek another site for this very popular Wildwood restaurant; and

WHEREAS, with supporting the design of the new drive-through facility and the current ordinance governing the overall development recommended for the needed changes, the Planning and Zoning Commission did add a number of modifications to the exiting legislation to ensure this new addition to the center functioned safely and addressed the tenants of the Town Center's walkability, as much as practically possible, leading to a list of conditions in this regard; and

WHEREAS, the vote on this matter was unanimous by the Planning and Zoning Commission and the recommendation was then forwarded to the City Council for its public hearing upon the changes to the governing ordinance, which was held on February 8, 2016, where a vote was taken in support of the preparation of legislation for these modifications, with the members noting the need to retain this use in the City and provide it the necessary components for it to be competitive and meet customers needs in today's world; and

WHEREAS, the City Council, through its Charter and under its vested authority in State Statute is empowered to consider such land use decisions and act accordingly to preserve and protect the public's health, safety, and general welfare.

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 #1001 (Town Center Downtown District) regulations, which are set forth therein for the following described tract of land:

A tract of land being part of Section 1, Township 44 North, Range 3 East, St. Louis County, Missouri, and being described as follows:

Beginning at a point in the Northern right-of-way line of Manchester Road, 60 feet wide, at its intersection with the East line of Taylor Road, 15 feet wide; thence leaving said Northern line of Manchester Road and running along the Eastern line of Taylor Road and the Eastern line of property conveyed to A.R. Harrell by deed recorded in Book 5168, Page 604 of St. Louis County records, North 1 degree 09 minutes 26 seconds East, 311.57 feet to the Northeast property and the Northern line of Taylor Road, North 86 degrees 52 minutes 37 seconds West, 325.61 feet to the Southeast corner of property conveyed to Roosevelt Motan by deed recorded in Book 2883, Page 367 of St. Louis County records; thence along the Eastern line of said Motan property and the Eastern line of property conveyed to Marshall Hinkle by deed recorded in Book 2909, Page 235 the Eastern line of property conveyed to Booker Holly by deed recorded in Book 3216, Page 355 and the Eastern line of property conveyed to K.R. and M.I. Berry by deed recorded in Book 6786, Page 1504, all of St. Louis County records, North 1 degree 20 minutes 23 seconds East 960.97 feet to a point in the Southern right-of-way line of Missouri State Route 100; thence along said right-of-way line, South 75 degrees 5 minutes 55 seconds East, 56.62 feet and South 85 degrees 02 minutes 20 seconds East, 679.67 feet to a point in the western line of Parcel #7of property conveyed to S. Lambeth by deed recorded in Book 6770, Page 218 of the St. Louis County records; thence along the Western line of said Lambeth property, South 1 degree 35 minutes 46 seconds West, 1090.28 feet to a point in the Northern right-of-way line of Manchester Road, as aforementioned; thence along right-of-way line South 72 degrees 31 minutes 40 seconds West, 424.92 feet to the point of beginning and containing 17.986 acres, and including the additional right-of-way area purchased from the State of Missouri along Route 100.

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 February 1, 2016, which is incorporated herein by reference as is fully set forth in this ordinance. The zoning authority granted herein is further subject to the following conditions:

1. PERMITTED USES

The uses allowed in this Amended C-8 (Town Center Downtown) Planned Commercial District shall be limited to all permitted "Downtown" 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 these 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~~

1. No parking spaces shall be located in the center of the drive-through lane and that area must be used solely for a planter island and other landscaping treatments.

II. **The reconstructed trash enclosure area's materials shall match the colors, characteristics, and design of the building that is 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, similar to that already in place to the east of this location on the same lot. 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, materials, 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

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 14 day of March, 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
DEPUTY

City Clerk
DEPUTY

ATTACHMENT C

Background Information

WILDWOOD

March 14, 2016

Dierbergs Markets, Inc.
ATTN: Drew Bextermueller, Director of Real Estate
16690 Swingley Ridge Road, 4th Floor
Chesterfield, Missouri 63017

Re: Preliminary Site Development Section Plan for the Addition of a Drive-Through Facility on Outlot G – Dierbergs Wildwood Town Center

Dear Mr. Bextermueller,

The Department of Planning has completed its initial review of the Preliminary Site Development Plan that has been submitted for the addition of a drive-through on Outlot G of the Dierbergs Wildwood Town Center development, which is located at the southeast corner of Taylor Road and State Route 100. This review compared the compliance of this plan and related application materials to the Zoning Ordinance and Town Center Plan requirements for commercial developments of this type, as well as the site-specific ordinance governing this development. In this comparison, a number of items were found that need to be addressed, before the Department can schedule the Amended Site Development Section Plan before the Planning and Zoning Commission for its review and action on this request. These items can be summarized as follows:

1. Please indicate on the plans the amount of outdoor seating, in addition to any fencing and landscaping, in association with the new patio area located to the west of the building along Taylor Road.
2. Please identify the escape lane in the drive-through as such.
3. Please show the curbed section in the middle of the drive-through lanes as a planter area.
4. Please increase the size of the pads in front of the trash dumpsters to match the length of the trucks that will service them.
5. Please provide information on the pedestrian circulation patterns to and from the trail area, Taylor Road, the parking area, and the new patio area.
6. Please relocate the sidewalk connection to the trail from its current proposed area on the north side of the building. At its current location, pedestrians coming to the restaurant from the trail system will be funneled into the drive-through lane.
7. Please relocate the required pedestrian access to the trail further to the south, where the new islands are proposed. This change will require revisions to the curb at the entrance of the drive-through lane, as well as the islands in the parking lot to be ADA accessible.
8. Please provide updated parking calculations for this development, taking into account the new use, as well as the additional patio seating.
9. Please identify if the area on the northeast corner of the building is an employee-only entrance. The Department, again, has concerns with the proposed handicapped access and pedestrian connection directly accessing into the drive-through lane.
10. Please provide a minimum of two (2) bicycle racks in the vicinity of the use for parking purposes.
11. Please provide a Landscaping Plan.
12. Please provide a Lighting Plan, in compliance with the City's Outdoor Lighting Requirements.

13. Please provide comments from Metropolitan St. Louis Sewer District.
14. Please provide comments from Missouri Department of Transportation.
15. Please provide final comments from Metro West Fire Protection District.

Once the revisions are completed, please resubmit three (3) sets of the Amended Site Development Section Plan, and other requested items, to the Department of Planning for further review.

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

Sincerely,
CITY OF WILDWOOD

Joe Vujnich, Director
Department of Planning

Cc: The Honorable Timothy Woerther, Mayor
Council Members Garritano and Goodson, Ward Eight
Ryan S. Thomas, P.E., City Administrator
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner

terraspec

April 19, 2016

Mr. Joe Vujnich
Director of Planning
City of Wildwood
16860 Main Street
Wildwood, Mo 63040

Re: Landscape Plan Review #1
Dierbergs Outlot G - Panera Bread
terraspec Job Number 02038-105

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 by Waldbart and Sons Nursery, dated 3/28/16 and find that the landscape development proposed for this project does not meet the minimum requirements set forth in the City's Ordinances and Tree Manual/Sustainable Plantings Guide.

To meet the minimum drawing requirements, the plan should include the following information:

- Planting Details
- General Notes b,c,f,g,h,i, and j from the Landscape Plans section of the Tree Manual
- The following notes from the Landscape Applications section of the Tree Manual
  - 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.

Since this project is the redevelopment of a small portion of a larger, existing commercial center, much of the required landscape is in place. It appears that a section of existing parking and some associated landscape islands are being removed and replaced with new drive thru lanes and landscape areas.

While the proposed plants are hardy in the St. Louis area, the landscape design leaves a lot to be desired. Two thirds of the new material consists of two types of ornamental grasses, which only look great for 50% of the time. Used in conjunction with other plant types, ornamental grasses add interest and diversity to the landscape. It is our recommendation that a more varied plant pallet be employed. Tall evergreen shrubs might be considered in lieu of the maiden grass to help screen the drive thru area from the main entrance, and the long strings of feather reed grass might be reconfigured to include other plants that exhibit different colors, sizes and textures. In addition, it is our recommendation that the 9 to 10 existing shade trees that are to be removed to accommodate the new improvements be replaced with similar species in the newly created islands and planting areas to match the existing pattern within the larger parking area.

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

Kathy Arnett

From: Bextermueller, Drew (x41360) <BextermuellerD@dierbergs.com>
Sent: Tuesday, May 03, 2016 2:20 PM
To: Kathy Arnett
Cc: Joe Vujnich
Subject: RE: Landscape Review - Panera

Kathy,

Thanks for the note. We are making the required modifications to meet the drawing requirements as indicated on the comment letter.

The section in question are the comments recommending different planting materials. In our experience the Karl Foerster and Maiden Grass look good for more than 50% of the time as we do not cut them until late February or early March. We prefer the manner in which they provide screening, as they are not as full as a tall evergreen shrub and allow some line of sight opportunity for pedestrians and vehicles in the drive lane (we believe this gives a better sense of security to the public than completely screening them with a material such as a tall evergreen). Furthermore, we have great experience with the longevity and hardiness of this type of material in a commercial setting. The other primary planting (Grey Owl Juniper) will add good color to the new area and is also a hardy material. All of the plantings we are adding are very close to drive lanes and sidewalks and will have a high concentration of salt content in the soil. Unfortunately, this high salt content cannot be avoided in these areas and hardy planting materials need to be installed accordingly to prevent constant turnover of materials. With respect to the trees, we are removing approximately 9 trees and will be adding 6 trees (primarily in the island by the new loading zone). We specifically omitted adding trees to the new landscape islands immediately east of the drive-thru lane to keep a good line of sight distance for vehicular traffic exiting the drive-thru.

We respectfully request to keep the proposed plantings as indicated on our landscape plan based on the above information. Although we are only modifying a small portion of the overall development, we believe the proposed plantings will complement the existing center landscaping. Please review with Terraspec and let me know if you have additional questions or would like to discuss in greater detail.

Thank you,

Drew

Drew Bextermueller
Director of Real Estate
Dierbergs Markets, Inc.
16690 Swingley Ridge Road, 4th Floor
Chesterfield, MO 63017
(636) 812-1360 direct
(314) 267-9018 cell
(636) 812-1607 fax
bextermuellerd@dierbergs.com

RANDY
BURKETT
LIGHTING
DESIGN

To: Kathy Arnett

From: Ron Kurtz

Subject: City of Wildwood Lighting Ordinance Review – Dierbergs Outlot 'G'

Date: May 4, 2016

Copies: Joe Vujnich
File/

We have reviewed the plans submitted for Dierbergs Outlot 'G' (Panera) and offer herein a critique based upon the following:

1. Review of the ambient light at the proposed drive-up lanes and transaction window against established industry guidelines and, if applicable, the City's Lighting Ordinance.

2. General recommendations/approaches for the lighting of the patio.

3. General comments on the Dierbergs lot (unsolicited).

Drive-up Area

The photometric plan provided by the Dierbergs representative is incomplete from several perspectives; therefore, it is difficult to determine if the lighting is satisfactory.

Specifically,

1. The illuminance plan shows, at least, partial horizontal illumination values in the proposed location of the drive-up location. However, it does not include lighting impact from any proposed building mounted lighting or other lighting specific to the drive-thru. What is reviewable has some issues. Average illuminance is greater than recommended and uniformity ratios are sub-standard. (See "Dierbergs Lot Comments")

   Additionally, vertical illuminance is of more importance at transaction locations (voices and/or monetary). There is insufficient information to judge this component.

609 E. Lockwood Ave. Suite 201 St. Louis, Missouri 63119 (314)961-6650 Fax (314)961-7640 www.rbldi.com

RANDY
BURKETT
LIGHTING
DESIGN

Patio Lighting Recommendations

Without fully understanding the patio architecture it is difficult to offer specific suggestion.

Generally, we recommend lighting that has a warm, almost amber, character, some sparkle (but not glare), and non-uniform accent lighting of perimeter features (walls, trees, landscape, sculpture, etc.).

Currently popular is the use of string lights with decorative "bulbs". This offers a warm character with sparkle and creates a soft festive atmosphere where everyone look approachable.

Dierbergs Lot

The illuminance plot shared, showing updated values based upon a change to LED fixtures, indicates sub-standard lighting (light levels are too high and poor uniformity). If this is proposed it should not be accepted and should be reworked. Additionally, the illuminance plot does not indicate vertical illuminance at the property line.

Upon your review please let us know of any comments you may have.

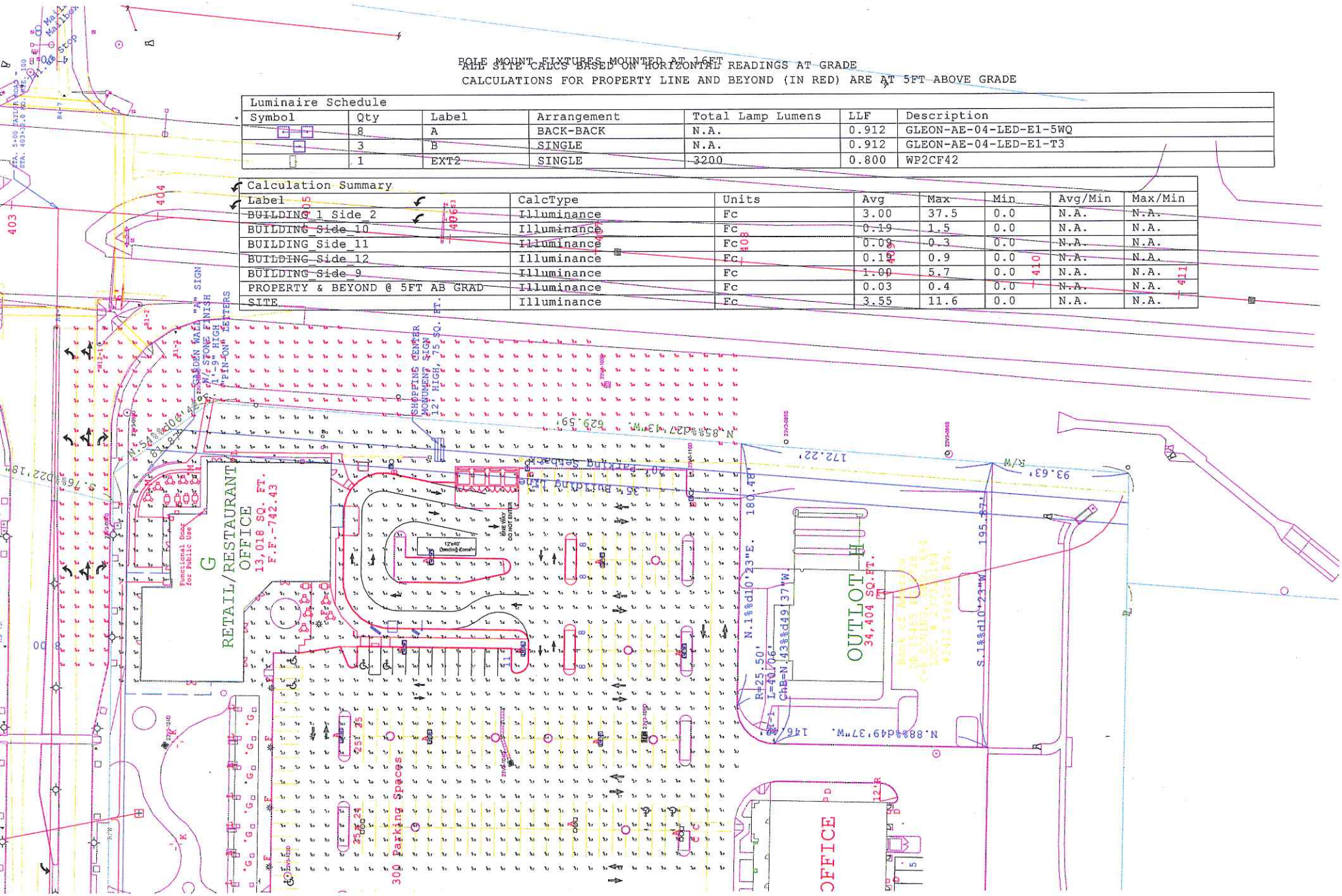
RK:vh

609 E. Lockwood Ave. Suite 201 St. Louis, Missouri 63119 (314)961-6650 Fax (314)961-7640 www.rbldi.com

POLE MOUNT FIXTURES MOUNTED AT 16FT
ALL SITE CALCS BASED ON HORIZONTAL READINGS AT GRADE
CALCULATIONS FOR PROPERTY LINE AND BEYOND (IN RED) ARE AT 5FT ABOVE GRADE

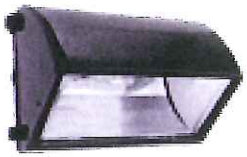
Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
	8	A	BACK-BACK	N.A.	0.912	GLEON-AE-04-LED-E1-5WQ
	3	B	SINGLE	N.A.	0.912	GLEON-AE-04-LED-E1-T3
	1	EXT2	SINGLE	3200	0.800	WP2CF42

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
BUILDING_1_Side_2	Illuminance	Fc	3.00	37.5	0.0	N.A.	N.A.
BUILDING_Side_10	Illuminance	Fc	0.19	1.5	0.0	N.A.	N.A.
BUILDING_Side_11	Illuminance	Fc	0.09	0.3	0.0	N.A.	N.A.
BUILDING_Side_12	Illuminance	Fc	0.16	0.9	0.0	N.A.	N.A.
BUILDING_Side_9	Illuminance	Fc	1.00	5.7	0.0	N.A.	N.A.
PROPERTY & BEYOND @ 5FT AB GRAD	Illuminance	Fc	0.03	0.4	0.0	N.A.	N.A.
SITE	Illuminance	Fc	3.55	11.6	0.0	N.A.	N.A.



RAB LIGHTING

WP2CF42



JOB NAME: _____

DATE: _____

TYPE: _____

DESCRIPTION

Wallpack with cutoff glare shield. All aluminum precision die cast construction with tempered glass lens. 30° cutoff strip included. Lamp supplied.

SPECIFICATIONS

Cutoff Lens:
Tempered glass.

Finish:
Chip and fade resistant polyester powder coating.

Housing:
Die cast aluminum, 1/2" NPS tapped holes top, both sides and back for conduit or photocontrol. Hinged refractor frame. Continuous silicone rubber gasket.

Reflector:
Specular anodized aluminum, removable for installation. Symmetrical light pattern maximizes distance between fixtures.

Ballast Minimum Starting Temperature:
-22

Refractor:
Prismatic optics designed to minimize glare and throw light down and out. Heat resistant borosilicate glass.

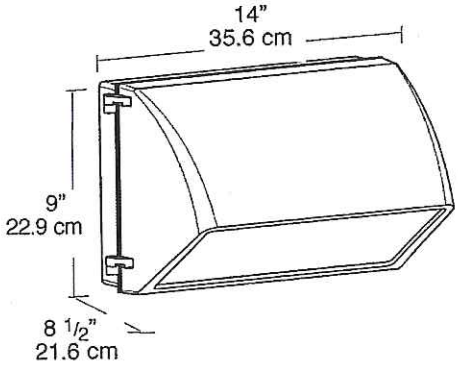
UL Listing:
Suitable for wet locations. HID fixtures can be wired with 90° C supply wiring if supply wires are routed 3" away from ballast.

Patents:
RAB sensor and fixture designs are protected under U.S. and International Intellectual Property laws

Color:
Bronze

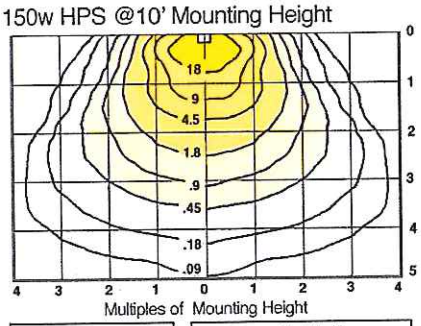
Weight:
9.62

DIMENSIONS



PHOTOMETRIC

150w HPS @10' Mounting Height



Mounting Height	Multiplier
8'	1.6
10'	1.0
12'	.7
16'	.4
20'	.25

Watts	Multiplier HPS	MH	CFL
175		1.0	
150	1.1	.9	
100	.6	.6	
70	.4	.4	
42			.2

ORDERING INFORMATION

Compact Fluorescent
Lamp supplied with fixture

Total Watts	Lamp Type	Lamp Base	Ballast	Starting Amps/ Operating Amps 120V	208V	240V	277V	Input Watts	LAMP ANSI	Initial Lumens	Lamp Hours
42	42W Triple	GX24q-4	Elec HPF QT	0.38	0.3	0.2	0.17	46	0	3200	10000

Factory Installed Options
Add suffix to Catalog Number

Tamperproof screws (/TP)
Swivel Photocontrol (/PCS)
Single fusing for 120 and 277 volt (/F)
Double fusing for 208 and 240 volt (/FF)
Button Photocontrol for 208 - 277 volt (/PC2)
Button Photocontrol (/PC)

Note: Specifications may change without notice

RAB Lighting, Inc. • 170 Ludlow Ave• Northvale, NJ 07647 • Tel: 888 RAB-1000 • Fax: 888 RAB-1232 • www.rabweb.com

© 2009

2" SSL WALL-MOUNT ACCENT

WMA2
LED

The 2" SSL Wall-mount Accent luminaire employs solid state technology to provide small scale LED solutions for canopy and sign lighting. All components are encapsulated inside a single small and attractive enclosure designed for superior thermal performance in weather resistant applications. Offered in a choice of light output levels, finishes, and color temperatures with a range of mounting and light control accessories, 2" SSL Accent will perform as specified. It's aluminum construction and solid-state light source will provide years of efficient service.

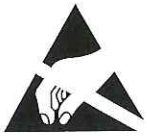
PROJECT:

TYPE:

Construction:
- Separately sealed optical chamber and integral driver chamber IP67
- Easy "two-screw" integral driver access, does not disturb optical chamber seal
- Epoxy encapsulated electrical wire pass-through anti-wicking barrier
- Flush lens prevents puddles/water deposits in upward facing applications
- Yoke mount provides 360° horizontal, 200° vertical adjustment
- Locking horizontal pivot system to yoke features all stainless steel construction for exceptional strength
- Knurled knob tool-less vertical aiming lock, with tamper-resistant tooled locking after final aiming
- Black satin polyester powder paint is standard, Type 3 marine-grade anodized finish optional
- Finned heat-sink housing provides exceptional thermal management

10 year limited warranty
AMERLUX LED

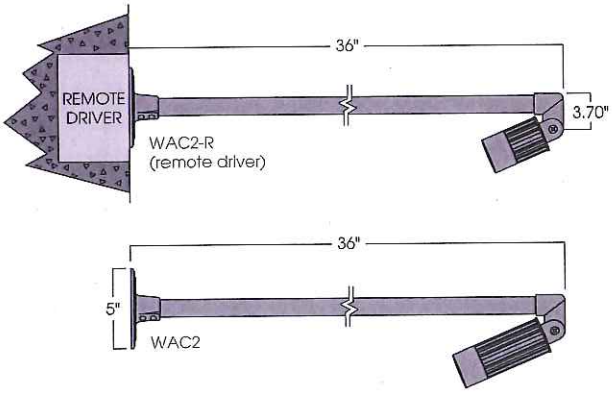
Optics:
Lumen maintenance: 70% @ 50,000 hours
Available in a variety of axial beams in combination with light shaping filters
HGS - Half external glare-shield field installable, 360° adjustable/lockable

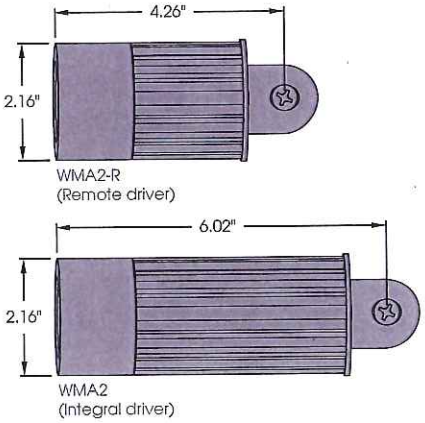


Electrostatic sensitive device. observe precautions for handling

Electrical:
Input voltage 120v-277v auto-sensing
Dimmable at 120v only
Reverse phase ELV
Power consumption 10w

Labeling:





Ordering Information

Model #	CCT	Beam Spread		Finish	Accessories
		Symmetric Filter	Asymmetric Filter		
WMA2 WMA2-R	**27** (2700) **30** (3000) **35** (3500)	**15°, 20°** **30°, 40°** **60°**	**60x10** **60x30** **90x60**	**BK** - Black **BA** - Black Anodized	**HGS2** Half Glare Sheild

Part String

Example: **WMA2 / 32 / 15 / BK**

www.amerluxexterior.com • 5220 Shank Rd. Pearland, Texas 77581 • (T) 281.997.5400 • (F)281-997-5441

amerlux exterior

2" SSL WALL-MOUNT ACCENT

WMA2
LED

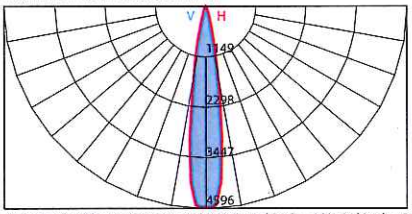
amerlux exterior
GLOBAL LIGHTING SOLUTIONS

TYPE:

Data represents the use of light shaping filters
Complete photometric data (ies format) available upon request

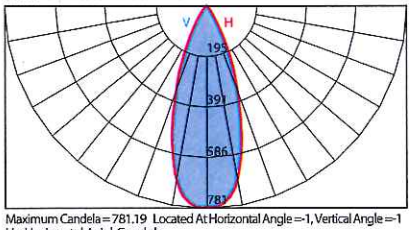
LUMINAIRE	LUMENS
WMA2-30-15	498
WMA2-30-30	378
WMA2-30-40	337
WMA2-30-60	328
WMA2-30-60X10	385
WMA2-30-60X30	345
WMA2-30-90X60	375

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-15.IES
AXIAL CANDELA DISPLAY



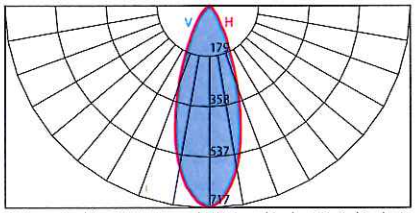
Maximum Candela = 4596.332 Located At Horizontal Angle = -1, Vertical Angle = 0
H - Horizontal Axial Candela
V - Vertical Axial Candela

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-30 FIXED.IES
AXIAL CANDELA DISPLAY



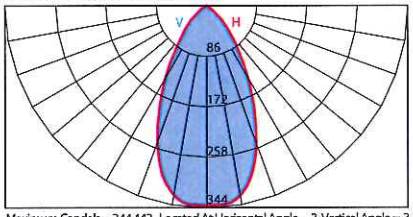
Maximum Candela = 781.19 Located At Horizontal Angle = -1, Vertical Angle = -1
H - Horizontal Axial Candela
V - Vertical Axial Candela

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-40 FIXED.IES
AXIAL CANDELA DISPLAY



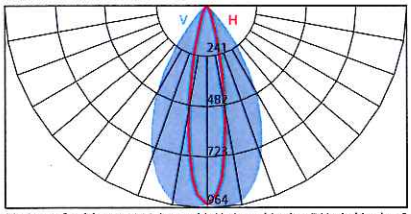
Maximum Candela = 716.649 Located At Horizontal Angle = 0, Vertical Angle = 0
H - Horizontal Axial Candela
V - Vertical Axial Candela

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-60 FIXED.IES
AXIAL CANDELA DISPLAY



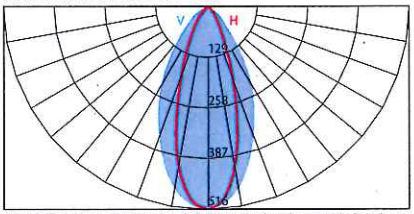
Maximum Candela = 344.443 Located At Horizontal Angle = -3, Vertical Angle = -3
H - Horizontal Axial Candela
V - Vertical Axial Candela

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-60X10 FIXED.IES
AXIAL CANDELA DISPLAY



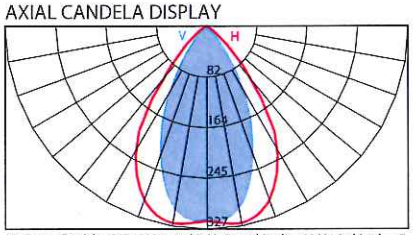
Maximum Candela = 964.386 Located At Horizontal Angle = -7, Vertical Angle = 0
H - Horizontal Axial Candela
V - Vertical Axial Candela

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-60X30.IES
AXIAL CANDELA DISPLAY



Maximum Candela = 515.806 Located At Horizontal Angle = 0, Vertical Angle = 0
H - Horizontal Axial Candela
V - Vertical Axial Candela

IES FLOOD REPORT
PHOTOMETRIC FILENAME : AC2-30-90X60.IES
AXIAL CANDELA DISPLAY



Maximum Candela = 327.191 Located At Horizontal Angle = -11, Vertical Angle = -5
H - Horizontal Axial Candela
V - Vertical Axial Candela

Notes:

www.amerluxexterior.com • 5220 Shank Rd. Pearland, Texas 77581 • (T) 281.997.5400 • (F)281-997-5441

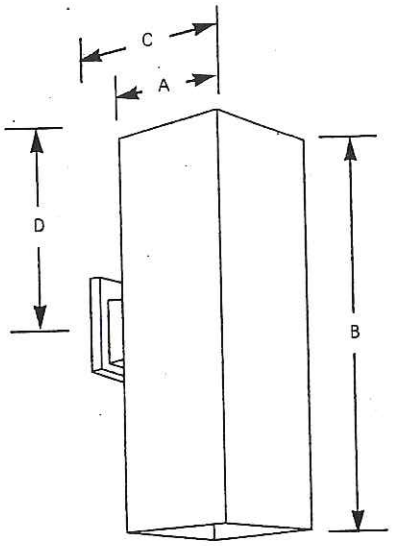
Incandescent

6" Square
Wall

Outdoor

	-20	-30	-31
P5644	☐	☐	☐

Catalog No.	Finish: Bronze	Finish: White	Finish: Black	Lamping	Dimensions (Inches): A	B	C	D
P5644	-20	-30	-31	2-250w QPAR38, 150w BR40	6	18	8-7/8	8



Specifications:

General

- Extruded aluminum .125" wall thickness one piece square cylinder
- Top open for up down lighting. P8797-31 top cover lens recommended when unit is used outdoors

Mounting

- Wall mounted
- Covers any standard outlet box
- Cast mounting bracket supplied attachment of unit to wall with one almost invisible set screw

Electrical

- Medium base porcelain nickel plated brass screw shell socket

Labeling

- UL-CUL Wet location listed only when P8797-31 top cover is used
- UL-CUL listed for indoor use without cover

Type: EXT1
Cat.No.: P5644-31
Lamp(s): (2)75PAR30/CAP/NFL-130V

Progress Lighting
Post Office Box 5704
Spartanburg, South Carolina
29304-5704

www.progresslighting.com

Rev. 8/99

Ripley Collection
Outdoor Post Mt 1Lt
49063OZ (Olde Bronze)

Project Name: _____
Location: _____
Type: _____
Qty: _____
Comments: _____

Dimensions

Height	16.00"
Width	12.00"

Ordering Information

Product ID	49063OZ
Finish	Olde Bronze
Collection	Ripley Collection

Dimensions

Weight	1.50 LBS

Specifications

Material	Aluminum

Electrical

Voltage	120V

Qualifications

Safety Rated	Wet
Dark Sky	Yes
Warranty	www.kichler.com/warranty

Primary Lamping

Light Source	Incandescent
Lamp Included	Not Included
Number of Lights/LEDs	1
Max or Nominal Watt	40W
Socket Wire	150
Socket Type	Medium
Lamp Type	R14FL

Alternate Lamps

Lamp Included	Bulb Listing	Light Source	Max Wattage/Range	Bulb Product ID	Dimming
No	Alternate	INCA	60W		

Kichler
7711 East Pleasant Valley Road
Cleveland, Ohio 44131-8010
Toll free: 866.558.5706 or kichler.com

Notes:
1) Information provided is subject to change without notice. All values are design or typical values when measured under laboratory conditions.
2) Incandescent Equivalent: The incandescent equivalent as presented is an approximate number and is for reference only.

KICHLER.

Form No. M-460 (Rev. 09-13)

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
PERMIT TO WORK ON RIGHT OF WAY
NON-LOCAL GOVERNMENT PROJECTS

Job Site Copy

ST. LOUIS DISTRICT
1590 WOODLAKE DRIVE
CHESTERFIELD, MO 630175712

26- SIDEWALKS
(Type of Work)

Permit No. SL-16-034784
Route MO 100
County ST. LOUIS
City WILDWOOD

Inspector JOHN BRADEN
Phone 314 380-0074
RMS VINCENT REEL
Speed Limit 55 mph

Issued 4-11-16
Expires 10-1-16
Released

Log Points 96.6510 96.6510
GPS Begins N 38.582461 W -90.627099
GPS Ends N 38.582461 W -90.627099

Intersection/Stopping Sight Distance

Northbound/Eastbound	NB ☐	EB ☐	NA	ISD ft.	NA	SSD ft.
Southbound/Westbound	SB ☐	WB ☐	NA	ISD ft.	NA	SSD ft.

Location of work on State Highway right of way along the SOUTH side. 105.60 Feet
EAST **from** Taylor Rd.
(State highway, County road, City street or County Line)

By signing this form the applicant agrees to all provisions of this form, including the General Provisions attached hereto and incorporated by reference.

Mark Martin April 11, 2016
(Signature) (Date)

(Signature) (Date)

Mark MArtin
(Print or Type Name)

(Print or Type Name)

Dierbergs Wildwood, LLC
(Applicant)

(Applicant's Contractor)

16690 Swingley Ridge Road
(Address)

(Address)

Chesterfield MO 63006
(City State Zip-code)

(City State Zip-code)

(Telephone Number) 636 532-8884

(Telephone Number)

(Email Address) martinm@dierbergs.com

(Email Address)

Surety deposit required. None ☑ , bond # _____, check # _____ amount _____

Transmittal Number _____ Make check payable to: **Director of Revenue Credit Road Fund**

For Office use only Date: 4-11-16 By: GS

CITY OF WILDWOOD
APR 13 2016
DEPT OF PLANNING & PARKS

Metropolitan
St. Louis Sewer
District

2350 Market Street
St. Louis, MO 63103-2555
(314) 768-6200

APPROVAL DATE: April 25, 2016
MSD Reference No.: P-0021628-05
County **PAC** No.:

****NO MSD PERMIT REQUIRED****

PROJECT TITLE: MANCHESTER S.E. OF TAYLOR (DIERBERGS WILDWOOD - PANERA - 2400 TAYLOR)

Site Address: 2400 Taylor Rd., 63040

Plan Status: New

On this date the above referenced plans have been approved for construction work relating to these items:

( ) Storm Sewers ( ) Combined Sewers ( ) Sanitary Sewers ( ) Miscellaneous MSD Inspection
( ) Detention Basin ( ) Pump Station and Force Main ( ) House Connection Only ( ) BMP

The following Permit will be required from MSD for this work:
( ) Construction ( ) House Connection ( ) Misc. MSD Inspection (X) No MSD Permit

****
( ) **NO OCCUPANCY PERMITS** ARE TO BE ISSUED UNTIL MSD CONSTRUCTION APPROVAL OF THIS WORK
****

Prior to the issuance of the required Permit the following fees must be paid and documents executed by the Project Owner:

( ) As-Built Deposit in the amount of N/A.
(Deposit may be paid by cash or personal check made payable to the Metropolitan St. Louis Sewer District).

( ) Construction Escrow Deposit in the amount of N/A.
(Deposit must be in a form of cash or a **cashier's check** payable to the Metropolitan St. Louis Sewer District).

( ) Pump Station Construction Escrow Deposit in the amount of N/A.
(Deposit must be in a form of cash or a **cashier's check** payable to the Metropolitan St. Louis Sewer District).

( ) Cash Deposit Agreement (two copies enclosed, execute and return both).

( ) BMP Escrow Deposit in the amount of N/A.
(Deposit must be in a form of cash or a **cashier's check** payable to the Metropolitan St. Louis Sewer District).

( ) BMP Escrow Cash Deposit Agreement (two copies enclosed, execute and return both).

Please refer to Chapter 8 of the District's "Rules and Regulation and Engineering Design Requirements for Sanitary Sewage and Stormwater Drainage Facilities" for and explanation of these requirements. Questions regarding the deposits or agreement should be directed to Keith Milson, Escrow Group (314–768–6206).

Construction Permitting Information

1. Permits will only be issued to licensed and bonded drainlayers for all work related to sewer construction.
2. The Construction Permit fee is $195.00 and must be paid at the time of the issuance of permits. The Construction Inspection fee is $3.39 per lineal foot of sanitary sewer and $2.50 per lineal foot of storm/combined sewer.
3. The House Connection Permit and Misc. MSD Inspection fees are $50.00 for each connection or point of inspection. Where a Machine Tap is required, an additional fee of $300.00 will be required.
4. All fees must be paid by the drainlayer, prior to issuance of the permits. Please refer to Chapter 10 of the District's "Rules and Regulations and Engineering Design Requirements for Sanitary Sewage and Stormwater Drainage Facilities" for additional information regarding the Construction Permits.
5. Questions regarding Permits should be directed to the Permit Section at 314–768–6286.
6. The approved plans will remain active for one year. If permits have not been applied for within the year a new set of plans will have to be submitted for approval.

NOTE: THIS APPROVAL IS SUBJECT TO STATE HIGHWAY REGULATIONS AND U.S. ARMY CORPS OF ENGINEERS REQUIREMENTS WHERE APPLICABLE.

John C. Grimm, P.E.
Manager of Plan Review

Consulting Engineer
Owner
St. Louis County Department of Highways and Traffic
Municipality (Wildwood)

Jim Sieberg/St. Louis County Public Works
Jim Showmaker/Office of Plumbing and Inspection
Environmental Compliance
MSD Engineering Dept
Permit

Chris Thiemann
Fire Inspector/ Investigator
Metro West Fire Protection District
P.O. Box 310
Wildwood MO. 63040

Metro West
Fire Protection District
St. Louis County, MO.

April 21, 2016

Marty Henson
Henson Consulting, LLC
2317 Ossenfort Road
Glencoe, Missouri 63038

Dear Mr. Henson

I have completed the review of the Amended Site Development Plan for Dierbergs Towne Center, which includes a proposed drive through lane for a restaurant Tennent for building G. After careful consideration it has been determined that the proposed amended Site Development Plan including the drive through would not restrict fire department access to the building or the Fire Department Connection to the building, therefore I am approving the Proposed Plan as submitted.

Please feel free to contact me if you have any questions or need further information

Sincerely,

Chris Thiemann
Fire Inspector/Investigator
Metro West Fire Protection District
636-262-3385

CITY OF WILDWOOD
APR 22 2016
DEPT OF PLANNING & PARKS