

Our Vision - The City of Weldon Spring fosters a premier Community that is a safe place to live and enjoy life.



**CITY OF WELDON SPRING
BOARD OF ALDERMEN REGULAR MEETING
ON THURSDAY, AUGUST 8, 2024, AT 7:30 P.M.
WELDON SPRING CITY HALL
5401 INDEPENDENCE ROAD
WELDON SPRING, MISSOURI 63304**

******BOARD OF ALDERMEN REGULAR TENTATIVE AGENDA – 8/8/24 at 7:30 PM******

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL and DETERMINATION OF A QUORUM**
- 4. CITIZENS COMMENTS**

The public must be in person to speak during Citizens Comments or send comments in writing to the City Clerk (at bhanks@weldonspring.org) prior to the Board meeting. Anyone wishing to speak shall state their name, their address, and limit their remarks to 3 minutes.
- 5. PRESENTATION**
 - A.** Persimmon Trace Rezoning & Preliminary Plat – Chris DeGuentz (Fischer & Frichtel Custom Homes, LLC)
 - B.** 450 Technology Drive Conditional Use Permit & Site Plan – Keith Fryer (The Clayton Engineering Company)
- 6. PUBLIC HEARING**
 - A.** Consideration of a Zoning Change Application (RZ-2024-01) filed by Chris DeGuentz, from Fischer & Frichtel Custom Homes, LLC, (applicant) for BPD CO. I, LLC, (owner) to change the present zoning from “AG” Agricultural District to “RS-1/2” Single-Family Residential District at 6101 Ozark Way
 - B.** Conditional Use Permit (CUP-2024-01) filed by Steve Quigley of “The Clayton Engineering Company,” (applicant) for Forty Nine Fifty, LLC, (owner) for the purpose of allowing a “light industrial use” (warehouse – Distribution Center) at 450 Technology Drive.
- 7. APPROVAL OF MINUTES**
 - A.** July 11, 2024 – Work Session Minutes
 - B.** July 11, 2024 – Board Regular Session Minutes
- 8. CITY TREASURER’S PACKET**
 - A.** Paid Bills (July 19, 2024 – August 1, 2024)
 - B.** Credit Card Bill (June 2024)
- 9. UNFINISHED BUSINESS**
 - A.** An Ordinance Amending Section 405.080 (J) of the City of Weldon Spring, Missouri, Municipal Code and Matters Relating Thereto (Election Signs) – **Alderman Clutter**
- 10. NEW BUSINESS**
 - A.** An Ordinance Approving the Rezoning Request of a Parcel of Land from Fisher & Frichtel Custom Homes, LLC, at 6101 Ozark Way from “AG” Agricultural Zoning District to “RS1/2” Single Residential Zoning District and Amending the Zoning District Map of the City of Weldon Spring, Missouri, Municipal Code and Matters Relating Thereto – **Alderman Conley**
 - B.** The Preliminary Plat for Persimmon Trace (Informational)

Our Vision - The City of Weldon Spring fosters a premier Community that is a safe place to live and enjoy life.

- C. An Ordinance Granting a Conditional Use Permit for Forty Nine Fifty, LLC, to Allow A Warehouse (Distribution Center) in the "HTO" High-Technology Office Zoning District on A Certain Tract of Land Located at 450 Technology Drive in the City of Weldon Spring, Missouri – **Alderman Baker**
- D. An Ordinance Approving the Recommended Major Site Plan for a Warehouse (Distribution Center) at 450 Technology Drive in the City of Weldon Spring, Missouri, and Matters Relating Thereto – **Alderman Martiszus**
- E. An Ordinance Authorizing the Mayor of the City of Weldon Spring, Missouri, to execute an Amended Agreement for Road Maintenance & Repair with St. Charles County, Missouri, and Matters Relating Thereto – **Alderman Kolb**

11. REPORTS & COMMITTEES

- A. Public Safety Report – **SCCPD Representative**
- B. City Attorney Report
- C. City Administrator Report (Informational) – **City Administrator**

12. RECEIPTS & COMMUNICATIONS

13. ADJOURNMENT



NOTICE OF PUBLIC HEARING

City of Weldon Spring

NOTICE IS HEREBY GIVEN THAT the City of Weldon Spring will conduct Public Hearings before the Planning & Zoning Commission at its regular meeting on Monday, August 5, 2024, at 7:30 P.M. in the Weldon Spring City Hall located at 5401 Independence Road, Weldon Spring, Missouri, and before the Board of Aldermen at its regular meeting on Thursday, August 8, 2024, at 7:30 P.M. in the Weldon Spring City Hall located at 5401 Independence Road, Weldon Spring, Missouri, to consider a request for a Zoning Change Application (RZ-2024-01) filed by Chris DeGuentz, from Fischer & Frichtel Custom Homes, LLC, (applicant) for BPD CO. I, LLC, (owner) to change the present zoning from "AG" Agricultural District to "RS-1/2" Single-Family Residential District.

Also, there will be a Public Hearing on the said dates above for the Major Subdivision Preliminary Plat Application, which was filed by Fischer & Frichtel Custom Homes, LLC. The name of the Preliminary Plat is Persimmon Trace. The property that has been named in both applications consists of approximately 9.548 acres and is located at 6101 Ozark Way, which is located on the north side of Ozark Way approximately 1,000 feet west of O'Fallon Road.

All interested parties are invited to appear and be heard at the time and date of said Public Hearing or submit written comments to the City Clerk, Bill Hanks, at City Hall or at bhanks@weldonspring.org. Anyone with a disability requiring reasonable accommodation should contact City Hall at 636-441-2110 before the Hearing to make accommodations to attend.

For additional information please contact Bill Hanks, City Clerk, at 636-441-2110 – ext. 103.

NOTICE OF PUBLIC HEARING

City of Weldon Spring

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All interested parties are invited to appear and be heard at the time and date of said Public Hearing or to submit written comments to the City Clerk, Bill Hanks, at City Hall or bhanks@weldonspring.org. Anyone with a disability requiring reasonable accommodation should contact City Hall at 636-441-2110 before the Hearing to make accommodations to attend.

For additional information please contact Bill Hanks, City Clerk, City of Weldon Spring, at (636) 441-2110 (ext. 103) or bhanks@weldonspring.org.

NOTICE OF PUBLIC HEARING
CITY OF WELDON SPRING

CITY OF WELDON SPRING
BOARD OF ALDERMEN WORK SESSION
JULY 25, 2024

CALL TO ORDER: A Work Session of the Board of Aldermen for the City of Weldon Spring was held on Thursday, July 25, 2024, at approximately 6:30 PM, at the Weldon Spring City Hall, which is located at 5401 Independence Road. The Work Session was called to order at 6:30 PM by Mayor Licklider.

Alderman Baker, Alderman Clutter, Alderman Conley, Alderman Kolb, and Alderman Yeager were present. Aldermen Martiszus was absent.

Also, present were Mayor Licklider, Don Stolberg (City Administrator), and Bill Hanks (City Clerk).

BUSINESS FOR DISCUSSION:

City Hall Facilities Condition Needs Assessment (FCNA) Discussion: The Board discussed the priority list of maintenance needs for City Hall, which was presented by FGM Architects. Some Aldermen expressed that the City needs to decide on a direction on City Hall: however, they are against asking for a bond from the voters and are very cautious on taking on any debt.

Alderman Baker asked about getting pricing for the identified priority items listed for City Hall. Mr. Stolberg (City Administration) asked if this is what the Board wanted and there was no response from the Board.

Alderman Yeager expresses his desire to initiate community engagement on this issue through a communitywide survey and open houses. A brief discussion took place.

The Work Session was adjourned at 7:24 PM.

Respectfully submitted,

William C. Hanks, City Clerk

CITY OF WELDON SPRING
REGULAR MEETING OF THE BOARD OF ALDERMEN
JULY 25, 2024

CALL TO ORDER: The Weldon Spring Board of Aldermen met for their regular meeting at Weldon Spring City Hall, 5401 Independence Road on Thursday, July 25, 2024, at 7:30 PM with Mayor Donald Licklider presiding.

PLEDGE OF ALLEGIANCE: Mayor Licklider asked everyone in attendance to stand and join in reciting the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM: On a roll call, the following Aldermen were present:

Ward 1:	Alderman Clutter	Alderman Yeager
Ward 2:	Alderman Conley	Alderman Kolb
Ward 3:		Alderman Baker

Alderman Martiszus was absent. A quorum was declared.

Also, present were Mayor Licklider, Don Stolberg (City Administrator), and Bill Hanks (City Clerk).

PUBLIC COMMENTS:

There were no public comments at this time

MINUTES:

July 11, 2024 – Work Session Minutes: Alderman Clutter moved to approve the minutes from the July 11, 2024, regular meeting, as submitted. The motion was seconded by Alderman Baker. **Motion carried** with 5 ayes.

July 11, 2024 – Regular Board Meeting Minutes: Alderman Clutter moved to approve the minutes from the July 11, 2024, regular meeting, as submitted. The motion was seconded by Alderman Baker. **Motion carried** with 5 ayes.

TREASURER'S REPORT:

Alderman Clutter made a motion to accept the Treasurer's packet of paid bills from July 5, 2024, to July 18, 2024. The motion was seconded by Alderman Baker. **Motion carried** with 5 ayes.

Alderman Clutter questioned the reasoning for the different prices on the right-of-way invoice from Surecut Lawncare and the increase in the O'Fallon Municipal Court's invoice this quarter.

UNFINISHED BUSINESS:

Bill #1223 – An Ordinance Amending Section 405.395 of the City of Weldon Spring, Missouri, Municipal Code and Matters Relating Thereto (ARC Chairman Appointment): Alderman Clutter made a motion to approve Bill #1223 for its second and final reading by title only. Alderman Baker seconded the motion.

On a roll call vote, the Bill #1223 was placed as Ordinance 24-10 as followed:

AYES: 5 – Baker, Clutter, Conley, Kolb, and Yeager
NOES: 0
ABSENT: 1 – Martiszus

Bill #1224 – An Ordinance Amending Section 405.430 (B) (7) of the City of Weldon Spring, Missouri, Municipal Code and Matters Relating Thereto (Front Entry Garages): Alderman Clutter made a motion to approve Bill #1224 for its second and final reading by title only. Alderman Baker seconded the motion.

On a roll call vote, the Bill #1224 was placed as Ordinance 24-11 as followed:

AYES: 5 – Baker, Clutter, Conley, Kolb, and Yeager
NOES: 0
ABSENT: 1 – Martiszus

Bill #1225 – An Ordinance Repealing Section 405.215 Known as Performance Standards for Accessory Uses & Enacting in its Place A New Section 405.215 in the City of Weldon Spring, Missouri, Municipal Code Regarding Home Occupations and Matters Relating Thereto: Alderman Kolb made a motion to approve Bill #1225 for its second and final reading by title only. Alderman Clutter seconded the motion.

On a roll call vote, the Bill #1225 was placed as Ordinance 24-12 as followed:

AYES: 5 – Baker, Clutter, Conley, Kolb, and Yeager
NOES: 0
ABSENT: 1 – Martiszus

Bill #1126 – An Ordinance Amending Section 402.020 and Exhibit of Chapter 405 - Land Use Table – of the City of Weldon Spring, Missouri, Municipal Code and Matters Relating Thereto: Alderman Conley made a motion to approve Bill #1226 for its second and final reading by title only. Alderman Clutter seconded the motion.

On a roll call vote, the Bill #1226 was placed as Ordinance 24-13 as followed:

AYES: 5 – Baker, Clutter, Conley, Kolb, and Yeager
NOES: 0

ABSENT: 1 – Martiszus

Bill #1227 – An Ordinance Amending Section 405.080 (J) of the City of Weldon Spring, Missouri, Municipal Code and Matters Relating Thereto (Election Signs): After a brief discussion, Bill #1227 was tabled until the next Board meeting.

NEW BUSINESS:

There was no new business at this time

REPORTS AND COMMITTEES:

Architectural Review Commission (ARC): Alderman Clutter stated that the Architectural Review Commission (ARC) is still in the process of reviewing the City's design standards.

Finance Committee Report: Alderman Clutter reminded the Board that the next Finance Committee meeting is scheduled for August 14, 2024, at 2:30 PM.

Planning & Zoning Commission: Mayor Licklider provided an update on the progress for Persimmon Trace.

City Administrator Report: The City Administrator Report was submitted to the Board prior to the meeting.

ADJOURNMENT:

Alderman Kolb moved to adjourn the meeting at 8:04 PM, seconded by Alderman Clutter. **Motion carried** with 5 ayes.

Respectfully submitted,

William C. Hanks, City Clerk

**PAID BILLS TO BE APPROVED
JULY 19, 2024 -- AUG 1, 2024**

EXCEPT FOR THE ITEMS NOTED, THE ATTACHED LIST IS APPROVED BY THE BOARD OF ALDERMAN FOR PAYMENT. APPROVED THIS
8TH DAY OF AUG 2024 _____ MAYOR

CLAIMS REPORT 08/01/2024				
VENDOR	REFERENCE	AMOUNT	CHECK #	CHECK DATE
BANKCARD SVCS - CENTRAL BANK	SUPPLIES & VENDORS FOR 4TH	\$3,096.03	10240303	7/29/2024
BOMBSHELL CONSTRUCTION SVCS	WS PARK/SIEDENTOP PARK	\$36,952.15	10240297	7/19/2024
CDS OFFICE TECHNOLOGIES	CONT 4853-08 6/22-6/21/24	\$1,150.22	9892	7/31/2024
CDS OFFICE TECHNOLOGIES	CONT 4853-09 06/22-06/21/25	\$974.37	9893	7/31/2024
CUIVRE RIVER ELECTRIC	MONTHLY ELECTRIC 06/23-07/22	\$214.02	10240304	7/31/2024
CUIVRE RIVER ELECTRIC	MONTHLY ELECTRIC SHD 6/23-7/22	\$172.50	10240305	7/31/2024
CUIVRE RIVER ELECTRIC	MONTHLY ELECTRIC CABIN 6/23-7/22	\$35.80	10240306	7/31/2024
CUIVRE RIVER ELECTRIC	MONTHLY ELECTRIC BARN 6/23-7/22	\$47.00	10240307	7/31/2024
DELTA DENTAL OF MISSOURI	EMPLOYEES DENTAL INSURANCE	\$257.95	10240301	7/29/2024
DELTA VISION	VISION INSURANCE	\$38.54	10240302	7/29/2024
DRAIN MASTERS PLUMBING	CABLED DRAIN REMOVE DEBRIS	\$514.00	16873	7/24/2024
DUCKETT CREEK SANITARY DISTRICT	5/31-6/30/24	\$26.75	10240299	7/24/2024
ELLIOTT DATA SYSTEMS INC	SOFTWARE SUBSCRIPTIONS 2024	\$383.00	9895	7/31/2024
GAME WORLD EVENT SERVICES LLC	4TH MAKE UP EVENT	\$330.00	16878	8/1/2024
IN THE PIT PRODUCTIONS	SOUND EQUIPMENT 4TH MAKEUP EVT	\$1,500.00	16879	8/1/2024
INCREDIBLE ENGRAVINGS	NAME PLATES FINANCE COMMITTEE	\$108.08	9889	7/24/2024
MISSOURI AMERICAN WATER COMPAN	WELDON SPRINGS PARK 6/19-7/19	\$91.55	9888	7/24/2024
MISSOURI AMERICAN WATER COMPAN	SIEDENTOP RD 06/05-07/02/24	\$37.72	9890	7/26/2024
PURITAN SPRING WATER	BOTTLE WATER JUL 24	\$29.81	10240308	7/31/2024
QUADIENT LEASING USA, INC	POSTAGE MACHINE LEASE Q4	\$149.91	10240300	7/24/2024
REPUBLIC SERVICES	TRASH SERVICE JULY 24	\$153.33	10240298	7/24/2024
ST CHARLES COUNTY GOVERNMENT	Q2 2024ROAD PROGRAM	\$5,000.00	16872	7/22/2024
SOMETIMES A FANTASY	4TH JULY MAKE UP EVENT	\$2,400.00	16880	8/1/2024
ST CHARLES BUS RECORD	P&Z 450 TECH DR. HEARING NOTICE	\$89.96	9894	7/31/2024
ST CHARLES BUS RECORD	P&Z PERSIMMON TRACE NOTICE	\$93.42	9894	7/31/2024
ST CHARLES BUS RECORD	BIDS PEDESTRAIN CROSSING	\$176.80	9894	7/31/2024
ST CHARLES BUS RECORD	BIDS WESTWOOD DR. SIDEWALK	\$183.60	9894	7/31/2024
ST CHARLES COUNTY EDC	AWARDS LUNCHEON	\$100.00	9886	7/24/2024
ST CHARLES ENGINEERING	BOUNDARY SURVEY SIEDENTOP	\$1,500.00	9891	7/26/2024
VERIZON WIRELESS	MONTHLY CELL CITY PHONES	\$326.09	10240309	7/31/2024
Accounts Payable Total		\$56,132.60		

**PAID CREDIT CARD BILLS TO BE APPROVED
JUNE CHARGES**

EXCEPT FOR THE ITEMS NOTED, THE ATTACHED LIST IS APPROVED BY THE BOARD OF ALDERMAN FOR PAYMENT. APPROVED THIS
8TH DAY OF AUG 2024 _____ MAYOR

Mastercard
24-Jul
JUNE CHARGES

Account #	Account Description	ALBERT	BOB	BILL	DON	MITCHELL	HOWIE	LAURA	TOTAL
10.10.5201	Meals, Travel, Lodging					\$ 25.25			\$ 25.25
10.10.5203	Training and Education			\$ 135.00					\$ 135.00
10.10.5213	Postage			\$ 17.46					\$ 17.46
20.20.5216	Events in the Park					\$ 403.37			\$ 403.37
20.20.5217	4th of July					\$ 1,023.57			\$ 1,023.57
20.20.5236	Park - Repairs / Maintenance	\$200.60		\$ 20.00			\$227.73		\$ 448.33
20.20.5237	Park Equipment-Repairs/Maint	\$213.24	\$ 4.40						\$ 217.64
20.20.5240	Park Equipment- rental	\$9.00	\$ 100.00						\$ 109.00
20.20.5243	Parks General Supplies	\$132.60				\$ 198.13	\$26.72		\$ 357.45
20.20.5563	Non-Capital Equip Park					\$ 358.96			\$ 358.96
20.20.5952	Misc - Parks Fund								\$ -
TOTAL		\$ 555.44	\$ 104.40	\$ 172.46	\$ -	\$ 2,009.28	\$ 254.45	\$ -	\$ 3,096.03

**AN ORDINANCE AMENDING SECTION 415.080 (J) OF THE CITY OF WELDON
SPRING, MISSOURI, MUNICIPAL CODE AND MATTERS RELATING THERETO**

WHEREAS, That Missouri cities of the fourth class, Weldon Spring being such, have the authority from time to time to amend, supplement, change, modify or repeal its regulations and restrictions pursuant to the provisions of Chapters 71, 79, and 89 of the Missouri Revised Statutes; and

WHEREAS, notice of public hearings in regard to the changed regulations proposed in this ordinance were published at least fifteen (15) days in advance of the Public Hearing held by the Planning & Zoning Commission on July 1, 2024, and the Public Hearing held by the Board of Aldermen on July 11, 2024; and

WHEREAS, the Planning & Zoning Commission has recommended the following changes to Section 415.080 (J) to the Board of Aldermen for consideration; and

WHEREAS, the Board of Aldermen has taken up this matter based upon the recommendations made by the Planning & Zoning Commission of the City of Weldon Spring, Missouri.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:

SECTION 1: That Section 415.080 (J) of the Weldon Spring Municipal Code is hereby amended as follows (added text is shown in boldface type, deleted text shown in [bracket and stricken] type):

Section 415.080 (J) Allowed Sign Uses

J. Election Signs.

1. Zoning. Residential and non-residential.
2. Permit/Fee. No permit required, except the permission of the property owner; no fee required.
3. Sign Area. Election signs shall have a maximum sign area of six (6) square feet, except those fronting on State or Federal highways may be thirty-two (32) square feet.
4. ~~[Duration. Election signs may be displayed forty (40) days prior to and five (5) days after any election held within St. Charles County.~~

BILL NO. 1227

ORDINANCE NO. _____

~~5. Number. Not more than one (1) election sign per individual candidate and/or proposition shall be permitted per twenty-five (25) feet width of any lot.]~~

SECTION 2: That this ordinance shall be in full force and effect from and after its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS 25th DAY OF July 2024.

Donald D. Licklider, Mayor

Attest:

William C. H4anks, City Clerk

BILL NO. 1227

ORDINANCE NO. _____

To approve Bill

Motioned: _____

Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____



CITY OF WELDON SPRING

5401 Independence Road
Weldon Spring, MO 63304
phone: (636) 441-2110
fax: (636) 441-8495
www.weldonspring.org

STAFF REPORT

To: Planning & Zoning Commission **Date:** 07/30/24
From: Steve Lauer, City Planner
Subject: 6101 Ozark Way Rezoning Request
Cc: Mayor Don Licklider, City Administrator Don Stolberg, City Clerk Bill Hanks, City Engineer Bill Schnell & City Attorney Bob Wohler

BACKGROUND:

Application Number: RZ-2024-01
Property Address: 6101 Ozark Way
Property Owner: BPD Co. I, LLC
Applicant: Fischer & Frichtel Custom Homes, LLC
Current Zoning: AG, Agricultural District
Current Use: Kennel (Bark Central Kennel & Pet Resort)
Proposed Zoning: RS-1/2, Single-Family Residential District,
twenty thousand (20,000) square foot minimum lot size
Proposed Use: Single-Family Residential Subdivision containing thirteen (13) lots
2015 Comprehensive Plan: Low Density Residential (Single Family)
Rezoning Area: 9.548 acres

Location: 6101 Ozark Way; located on the north side of Ozark Way approximately 1,000 feet west of O'Fallon Road.

**Adjacent Land Uses
& Zoning:**

Direction	Zoning	Current Land Use
North	R-1 O'Fallon	Single-Family Residences
South	RS-1 /2	Single-Family Residences
East	RS-1 /2	Single-Family Residences
West	RS-1	Persimmon Woods Golf Club

Public Service: School District – Francis Howell School District
Fire District – Cottleville Fire Protection District

Utilities: Water – Missouri American Water Company
Sewer – Duckett Creek Sanitary District
Electric – Ameren Missouri
Gas – Spire

CONTENT:

The applicant requests that the City of Weldon Spring amend its Zoning Map at 6101 Ozark Way from AG, Agricultural District to RS-1 /2, Single-Family Residential District. This request is in conjunction with the Major Subdivision Preliminary Plat Persimmon Trace, a thirteen (13) lot, 9.548-acre subdivision. Both the rezoning application and the preliminary plat will be heard at the Public Hearing of the Planning & Zoning Commission meeting on August 5, 2024.

The Conceptual/Sketch Plan submittal for Persimmon Trace contained nineteen (19) villa lots under the PR, Planned Residential District and was reviewed on April 16, 2024. At that meeting much of the concern that was expressed was about the smaller lots and overall higher density of the project. The developer is now requesting a different zoning district (RS-1 /2, Single Family Residential) with larger lots and a reduced density of thirteen (13) single family residential lots.

The following is a review of this application for compliance with the conditions, policies and standards applicable to the future land use category in which the proposed development is located. All rezoning applications are reviewed for consistency with the City's 2015 Comprehensive Plan and Zoning Ordinance. The Future Land Use Map, Future Land Use Matrix and supporting text of the 2015 Comprehensive Plan must be considered when making decisions regarding zoning changes.

The subject parcel is zoned AG, Agricultural as the kennel was first permitted by the County and existed at the time the property was annexed into the City in 1991. Under the AG district in the City, a kennel is a permitted use. Under the current zoning district with a five (5) acre minimum lot size only one single-family residence could be constructed on the parcel. The proposed rezoning to RS-1/2 would reduce the minimum lot size from five (5) acres to twenty thousand (20,000) square feet in size. Any development of the site of more than two (2) lots would require a Major Subdivision plat be submitted to the City.

The Persimmon Trace Major Subdivision Preliminary Plat has been submitted for consideration by the Planning & Zoning Commission contingent upon the rezoning to RS-1/2 being approved by the City. This development would necessitate the closing and removal of the kennel to be replaced with thirteen lots being at least twenty thousand (20,000) square feet in size on a loop street that meets City codes. The site is served by both public water and sewer from the Missouri American Water Company and the Duckett Creek Sanitary District.

AERIAL VIEW:



SURROUNDING ZONING MAP:

The proposed development is primarily surrounded by single-family residential developments. To the east and south of the parcel are the Ozark Meadows and Osage Park subdivisions in the City of Weldon Spring. Both subdivisions are zoned RS-1/2 however they both have lot sizes which are larger than twenty thousand (20,000) square feet in size. The minimum lot size in the Ozark Meadows subdivision is one (1) acre and in Osage Park, it is one and sixty one hundredths (1.61) acre in size. To the north is the Hidden Creek subdivision in the City of O'Fallon. This development is zoned R-1, Single-Family Residential and the adjacent lot sizes are at a minimum of ten thousand (10,000) square feet. The adjacent lots in Hidden Creek subdivision range in size from fourteen thousand three hundred and seventy-five (14,375) square feet to twenty-six thousand five hundred and seventy-two (26,572) square feet. The parcel to the west is currently zoned RS-1 in the City. The site is currently under a long-term lease for the existing golf club, Persimmon Woods. Under the current City zoning this property could also be developed into a residential subdivision with one (1) acre minimum lot size in the event the golf club ceases operation on the site.

COMPREHENSIVE PLAN - FUTURE LAND USE MAP and MATRIX:

The Existing Land Use Map in the 2015 Comprehensive Plan Update for the City of Weldon Spring depicts the current use of the parcel at 6101 Ozark Way as being commercial. The Future Land Use Map depicts the future use as low density residential (single family). Under the Future Land Use Matrix, the following zoning districts would be recommended, PR, Planned Residential and the single-family residential districts of RS-3, RS-2, RS-1 and RS-1/2. These minimum lot sizes would range from three (3) acres down to twenty thousand (20,000) square feet depending on zoning with one acre being desired.

Areas designated Single Family should have access to infrastructure such as paved roads and connections to public utilities. Single Family residential areas are intended for subdivisions containing a minimum lot size of twenty thousand (20,000) square feet up to three acres depending on the official zoning district. Measures should be taken to preserve the natural character of the land and accommodate pedestrian and bike infrastructure. The cost to extend and improve utilities and roads should be paid by the developer and installed prior to the occupancy of the new homes. Homeownership is encouraged. A traditional subdivision is permitted in the RS-1/2, Single-family Residential zoning district.

Future single family development is recommended adjacent to existing single-family neighborhoods whenever possible to minimize costs associated with providing services to new residential areas, avoid incompatible mixes of land use and preserve the City's natural woodlands and open space. The following restorative development option is recommended to help stabilize, diversify, and expand the City's housing stock: The development of vacant parcels (there are no residences on the site) within existing neighborhoods with new residential infill.

The Future Land Use Map in the 2015 City of Weldon Spring Comprehensive Plan Update provides a land use framework for future development within the City. The Future Land Use Map recommends Single-Family Residential of which the RS-1/2 District is a listed use. The RS-1/2 district is consistent with most of the surrounding zoning districts. The twenty thousand (20,000) square foot lot sizes should present no adverse land use impacts to the larger neighboring lot sizes. The proposed zoning map amendment is consistent with the 2015 City Comprehensive Plan.

STAFF RECOMMENDATION:

City staff recommends approval of this application as it is consistent with the 2015 Weldon Spring, Missouri, Comprehensive Plan Update.

AN ORDINANCE APPROVING THE REZONING REQUEST ON A PARCEL OF LAND FROM FISCHER & FRICHTEL CUSTOM HOMES, LLC, AT 6101 OZARK WAY FROM “AG” AGRICULTURAL ZONING DISTRICT TO “RS ½” SINGLE RESIDENTIAL ZONING DISTRICT AND AMENDING THE ZONING DISTRICT MAP OF THE CITY OF WELDON SPRING, MISSOURI, AND MATTERS RELATING THERETO

WHEREAS, BPD Co. I, LLC, are the owners of a tract of land (9.548 acres) located on 6101 Ozark Way as described in the attached “Exhibit A”; and

WHEREAS, Fisher & Frichtel Custom Homes, LLC, has pending real estate contract on 6101 Ozark Way; and

WHEREAS, Fisher & Frichtel Custom Homes, LLC, has formally submitted an application to the City of Weldon Spring, Missouri, on July 8, 2024; and

WHEREAS, the land proposed for rezoning is currently zoned “AG” Agricultural under the City of Weldon Spring Municipal Code; and

WHEREAS, the applicant has requested said parcel be rezoned to “RS1/2” Single Family Residential; and

WHEREAS, following proper notice, the Planning and Zoning Commission held a public hearing on August 5, 2024, and the Board of Aldermen held a public hearing on August 8, 2024, on the Rezoning Application.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:

SECTION 1: That the Board of Aldermen has received and reviewed the Planning & Zoning Commission’s Report and Recommendation on said application. The report recommends that the application be approved. The land proposed for rezoning is described in the attached **Exhibit “A”**, which is incorporated into the body of the Ordinance as it fully printed herein.

SECTION 2: Pursuant to the provisions of Section 405.470 of the Code of the City of Weldon Spring, Missouri, as amended, the real estate described in the attached **Exhibit “A”** is hereby rezoned to RS1/2” Single Family Residential.

SECTION 3: That this Ordinance shall be in full force and effect upon its enactment and approval.

BILL NO. _____

ORDINANCE NO. _____

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF
WELDON SPRING, MISSOURI, THIS _____ DAY OF _____ 2024.*

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

BILL NO. _____

ORDINANCE NO. _____

To approve Bill #

Motioned: _____

Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____

THE **STERLING** CO
ENGINEERS & SURVEYORS

5055 New Baumgartner Road St. Louis, Missouri 63129
(314) 487-0440 fax (314) 487-8944

PROPERTY DESCRIPTION

Project: 6101 Ozark Way
Order Number: 23-08-218

Date: December 18, 2023
By: G.S.M.

A TRACT OF LAND BEING PART OF LOT 9 OF THE SUBDIVISION OF JOHN D. COALTER'S HOWELL PRAIRIE TRACT (CAB. H2, PAGE 141), IN U.S. SURVEY 1669, TOWNSHIP 46 NORTH, RANGE 3 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WELDON SPRING, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE AT THE COMMON CORNER OF LOTS 9, 10, 11, AND 12 OF THE ABOVEMENTIONED COALTER'S HOWELL PRAIRIE TRACT, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF HIDDEN CREEK PLAT 1, AS RECORDED IN PLAT BOOK 40, PAGE 298 OF THE ST. CHARLES COUNTY RECORDER'S OFFICE; THENCE LEAVING SAID CORNER ALONG THE SOUTH LINE OF SAID HIDDEN CREEK PLAT 1, NORTH 63°22'40" EAST, 715.32 FEET TO A FOUND IRON PIPE AT THE NORTHWEST CORNER OF OZARK MEADOWS, AS RECORDED IN PLAT BOOK 80, PAGE 146 OF SAID RECORDS OFFICE; THENCE LEAVING SAID CORNER ALONG THE WEST LINE OF SAID OZARK MEADOWS, SOUTH 26°43'18" EAST, 582.03 FEET TO THE SOUTHWEST CORNER OF SAID OZARK MEADOWS, SAID CORNER BEING ON THE NORTH RIGHT-OF-WAY LINE OF OZARK (50' WIDE) WAY, WHERE A FOUND IRON PIPE BEARS SOUTH 01°32'58" WEST, 0.46 FEET; THENCE LEAVING SAID CORNER ALONG THE NORTH RIGHT-OF-WAY LINE OF OZARK WAY, SOUTH 63°21'33" WEST, 713.58 FEET TO THE EAST LINE OF PROPERTY NOW OR FORMERLY TO ELBERT HAENSSLER, TRUSTEE OF THE ELBERT HAENSSLER REVOCABLE LIVING TRUST U/A MAY 22, 1992, AS RECORDED IN DEED BOOK 1453, PAGE 693 OF SAID RECORDS, WHERE A IRON ROD WAS FOUND; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE EAST LINE OF SAID HAENSSLER PROPERTY, NORTH 26°53'34" WEST, 582.27 FEET TO THE POINT OF BEGINNING AND CONTAINS 415,915 SQUARE FEET OR 9.548 ACRES MORE OR LESS ACCORDING TO A PROPERTY BOUNDARY SURVEY PERFORMED BY THE STERLING COMPANY DURING THE MONTH OF DECEMBER 2023, UNDER PROJECT NUMBER 23-08-218.



CITY OF WELDON SPRING

5401 Independence Road
Weldon Spring, MO 63304
phone: (636) 441-2110
fax: (636) 441-8495
www.weldonspring.org

STAFF REPORT

To: Planning & Zoning Commission **Date:** 07/30/24

From: Steve Lauer, City Planner

Subject: Persimmon Trace, Major Preliminary Plat

Cc: Mayor Don Licklider, City Administrator Don Stolberg, City Clerk Bill Hanks, City Engineer Bill Schnell & City Attorney Bob Wohler

Staff has reviewed the Persimmon Trace Preliminary Plat submitted by The Sterling Company for a proposed subdivision at 6101 Ozark Way and presents the following report for your review and consideration.

BACKGROUND:

The applicant Fischer & Frichtel Custom Homes requests the approval of the major preliminary plat for Persimmon Trace subdivision which consists of thirteen (13) lots on 9.548 acres of land. Under the RS-1/2 Single-Family Residential District the minimum lot size is twenty thousand (20,000) square feet. The lot sizes in persimmon trace range in size from 20,040 square feet to 20,804 square feet. The average lot size is 20,200 square feet. The preliminary plat is being submitted along with rezoning application RZ-2024-01.

PROJECT SUMMARY:

Area: 9.548 acres

Existing Zoning: RS-1/2, Single-Family Residential District (contingent upon approval of rezoning application # RZ-2024-01)

Adjacent Zoning:

North: R-1, City of O'Fallon
South: RS-1/2, Single-Family Residential
East: RS-1/2, Single-Family Residential
West: RS-1, Single-Family Residential

Public Service:

School District – Francis Howell School District
Fire District – Cottleville Fire Protection District

Utilities:

Water – Missouri American Water Company
Sewer – Duckett Creek Sanitary District
Electric – Ameren
Gas – Spire

ANALYSIS:

This preliminary plat has been analyzed in terms of technical compliance with Chapter 410 Subdivision Regulations of the Code of Ordinances of the City of Weldon Spring.

Persimmon Trace Subdivision includes thirteen (13) lots with an average lot area of 20,200 square feet. The subdivision also includes a 2.10-acre common ground area on the northwest portion of the parcel which includes the Special Flood Hazard Area Zone AE and some 0.2% Annual Chance Flood Hazard Area Zone X. This floodplain area is along an unnamed tributary that flows into Crooked Creek. The proposed stormwater detention and water quality area is also located in the common ground area.

Access to the subdivision will be from Ozark Way, a City of Weldon Spring public street. The interior loop street will need to be constructed in accordance with the City of Weldon Spring public standards with access being provided to all thirteen (13) lots.

Persimmon Trace will be served by the American Water Company and Duckett Creek Sanitary District.

A twenty-five (25) foot natural watercourse vegetated buffer will need to be designated and maintained along the unnamed tributary on the property. All requirements for the protection and preservation of the natural watercourse vegetated buffer must be adhered to.

Tree plan – Two (2) monarch trees will be removed due to location of future utilities (sanitary sewer lines). The mitigation number for the monarch trees needs to be increased from fifty-three to fifty-four trees. Within each grid fifty percent (50%) of the protected trees should be retained. For every protected tree removed over this fifty percent (50%) figure, two (2) replacement trees shall be installed.

Sidewalk – A four (4) foot wide sidewalk has been added to the interior of the loop street.

AERIAL VIEW:



STAFF COMMENTS & RECOMMENDATIONS

The lot data on Sheet 1.1 of the preliminary plat needs to be updated to reflect the current maximum lot size, minimum lot size and average lot size.

On the location map Siedentop Road needs to be added.

On Sheet 2.1 in the subdivision name block Area Plan needs to be change to Preliminary Plat.

Approval needs to be provided for the subdivision name Persimmon Trace.

Staff finds that the Persimmon Trace Major Preliminary Plat meets the technical requirements of Chapter 410 Subdivision Regulations. Staff is still reviewing the revisions to the Predevelopment Tree Plan to ensure compliance with the applicable regulations.

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 Website: www.loomisassociates.com

Date: 07/24
 Description: City of St. Louis
 Project: Persimmon Trace
 Location: Weldon Spring, Missouri

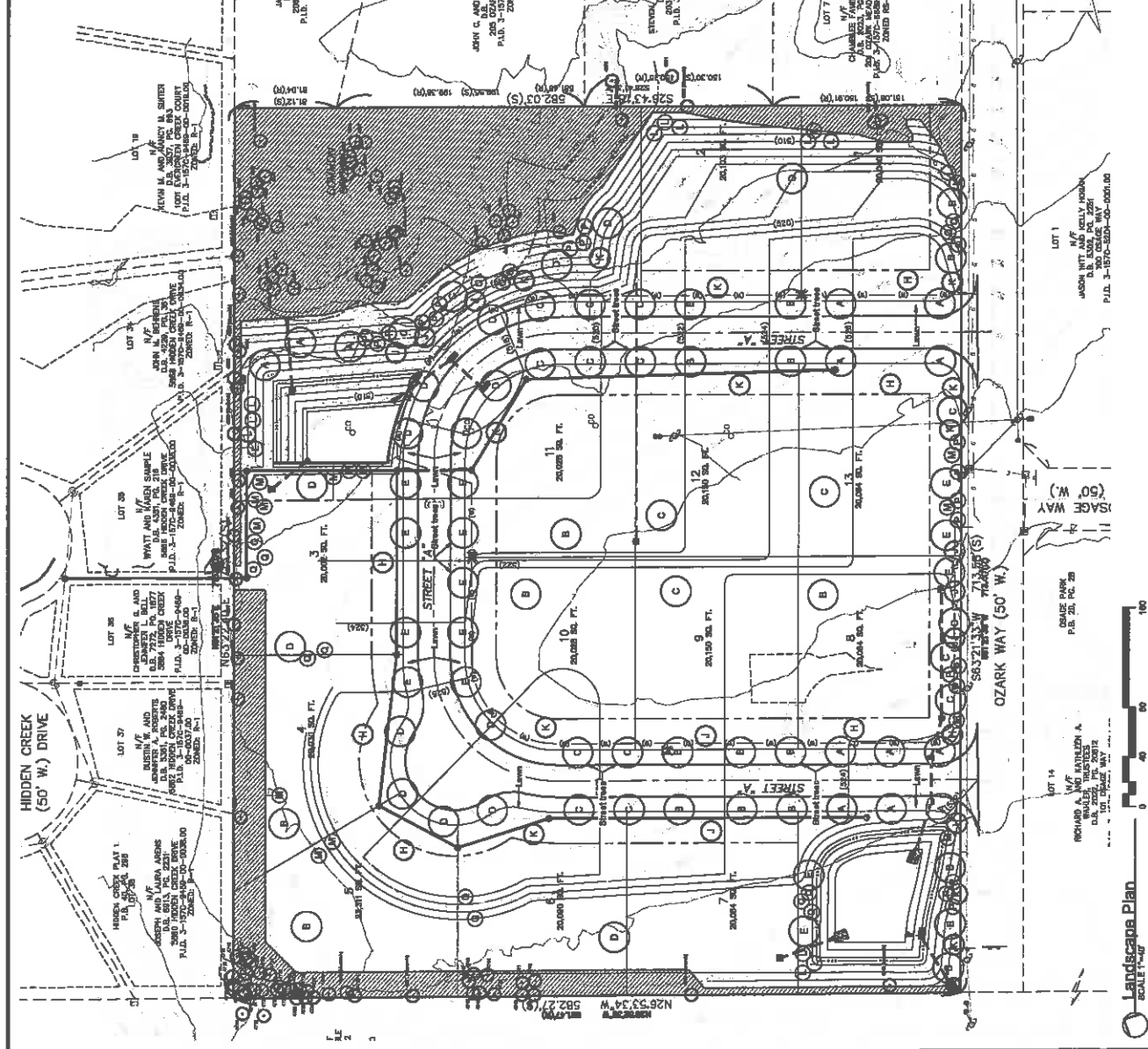
Revision	Date	Description	No.
1	07/24	City of St. Louis	1
2	08/24	City of St. Louis	2

Drawn: KP
 Checked: RB

Sheet: L1.01
 Title: Landscape Plan
 Date: 7/1/2024
 Job #: 160118

ID	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
A	15	Quercus rubra	Red Oak	2" caliper	0.8.8
B	20	Acer rubrum	Red Maple	2" caliper	0.8.8
C	10	Aster multiflorus	Star Flower	2" caliper	0.8.8
D	10	Gladiolus 'Doronicum'	Gladiolus (Doronicum)	2" caliper	0.8.8
E	14	786 cordata	Little Leaf Linden	2" caliper	0.8.8
F	10	Malus 'Spring Snow'	Spring Snow Crabapple	2" caliper	0.8.8
G	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
H	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
I	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
J	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
K	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
L	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
M	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
N	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
O	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
P	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
Q	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
R	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
S	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
T	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
U	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
V	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
W	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
X	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
Y	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8
Z	10	Crataegus baccata	Stawberry Dogwood	2" caliper	0.8.8

- Landscaping Notes:
 1) Lawn areas shall be turf-type Tall Fescue Grass or approved equivalent.
 2) Topsoil in all disturbed lawn areas at 6" depth.
 3) Soil mix to all shrub beds at 6" depth.
 4) All roads to be double ground bark mulch.
 5) Bed edges to be spread out.
 6) Refer to Tree Shrub Detail on sheet TSD for additional conditions.



Landscape Plan
 SCALE 1"=40'



CITY OF WELDON SPRING

5401 Independence Road
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STAFF REPORT

To: Planning & Zoning Commission

Date: 07/30/24

From: Steve Lauer, City Planner

Subject: 450 Technology Drive Conditional Use Permit (CUP) Request

Cc: Mayor Don Licklider, City Administrator Don Stolberg, City Clerk Bill Hanks, City Planner Steve Lauer, City Engineer Bill Schnell & City Attorney Bob Wohler

BACKGROUND:

Application Number:	CUP-2024-01
Property Address:	450 Technology Drive
Property Owner:	Forty Nine Fifty, LLC
Applicant:	The Clayton Engineering Company
Current Zoning:	HTO, High-Technology Office District
Current Use:	Vacant
Proposed Use:	Light Industrial Use (Warehouse/Distribution)
2015 Comprehensive Plan:	High Tech
Area:	8.330 acres
Location:	450 Technology Drive, which is located at the northwest corner of the intersection of Technology Drive & Meadows Parkway

**Adjacent Land Uses
& Zoning:**

Direction	Zoning	Current Land Use
North	HTO	Verizon
South	HTO	Vacant (Meadows Parkway)
East	HTO	Verizon
West	N/A	Technology Drive/Interstate 64

Public Service:

School District – Francis Howell School District
Fire District – Cottleville Fire Protection District

Utilities:

Water – Public Water Supply District No. 2
Sewer – Duckett Creek Sanitary District
Electric – Cuivre River Electric
Gas – Spire

ANALYSIS:

The applicant is seeking approval for a conditional use permit in order to construct a warehouse (distribution center) which is a light industrial use in the HTO, high-technology office district. In addition to the warehouse (distribution center) unit(s) there will be office(s) for each unit. The major site plan (Weldon Spring Pointe) for this development has been submitted for review by the Planning & Zoning Commission contingent upon the approval of the conditional use permit.

The site has been previously subdivided as part of the Weldon Spring Crossing subdivision. The proposed site is Lot B of the Weldon Spring Crossing subdivision with Lot A being the Verizon campus which is owned by WorldCom Technologies Inc. The site has access off Meadows Parkway and Technology Drive through cross access ingress/egress easements along the common boundary of Lots A and B of Weldon Spring Crossing.

A traffic impact study was performed by Lochmueller group for this site. The conclusions of the study are as follows:

- Analysis of the 2024 baseline operating conditions determined that the study area intersections operate acceptably during the morning and afternoon peak hours of the day demonstrating a surplus of capacity in the roadway network. Operations

for the three study intersections showed Level of Service A for all approaches during the morning and afternoon peak hours.

- A total of nine crashes occurred within the study area during a 5-year period. None of these crashes resulted in fatalities, however one resulted in suspected serious injury and three resulted in minor injuries. The most common crash type was out-of-control, with five crashes being this type.
- The proposed development will add a 100,800 SF building on Lot B of Weldon Spring Crossing. Of the total SF of this building, 15,120 SF is planned as office space, and the remaining 85,680 SF as warehouse space. Consequently, the proposed development would generate a total of approximately 67 and 72 trips during the weekday morning and evening peak hours, respectively upon completion.
 - Access is to be provided to the development via three full access drives: one onto Meadows Parkway and two others from the internal access drives serving Weldon Spring Crossing. Direct access to Technology Drive West is not proposed. The access drives are located as follows:
 - Access onto Meadows Parkway – 485 feet north of the roundabout with Technology Drive, 310 feet south of the existing drive to the adjacent parking area
 - Access onto the Internal Loop Road – 290 feet east of the internal intersection with the Access Drive
 - Access onto the Internal Access Drive – 67 feet south of the internal intersection with the loop road, 230 feet north of Technology Drive
- The analysis of the 2024 forecasted operating conditions determined the adequacy of the surrounding road network to accommodate the additional traffic generated by the proposed development and concluded that no mitigation will be necessary to accommodate the development.

Stormwater detention for the subdivision is located on lot A, a maintenance agreement is needed. Water would be provided to the site by Public Water Supply District No. 2 and sanitary sewer service would be provided by Duckett Creek Sanitary District.

AERIAL VIEW:



CONDITIONAL USE PERMIT (CUP) CRITERIA:

- 1) According to the "HTO" High-Technology Office District regulations, in the Land Use Table a Light Industrial Use is permitted as a Conditional Use. In accordance with Article IX: Conditional Use Regulations, notice of the public hearing was made in the local newspaper with general circulation on July 19, 2024, and mailed to all owners within 500' of the subject site on July 18, 2024, and public hearings were scheduled for the August 5, 2024, Planning & Zoning Commission Meeting and the August 8, 2024 Board of Aldermen Meeting. After the public hearing, the Planning and Zoning Commission shall review the application based on evidence presented during the public hearing. Consideration should be given to the effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the City generally.

In considering the conditional use, the Planning and Zoning Commission shall also consider

the following standards and ensure the Commission's response to each is in the affirmative.

1. Whether the proposed conditional use is consistent with the City's Comprehensive Plan and will not impede normal orderly development of the neighborhood.

Office and Light manufacturing are recommended uses for the High-Tech Land Use category.

2. The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including any substantial impact on property values.

The proposed site is surrounded by properties with the same HTO, High-Technology Office Zoning District. There should be no negative impact on surrounding property values.

3. The comparative size, floor area, mass and general appearance of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.

The proposed building is 100,800 square feet in size. The total area of the adjacent Verizon buildings is 361,166 square feet in size. The proposed building would need to meet the design standards of the Architectural Review Commission.

4. The amount of traffic movements generated by the proposed use and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels.

A Traffic Impact Study was prepared by Lochmueller Group for this site. Overall, it was concluded that the study intersections can easily accommodate the proposed development and that additional infrastructure improvements are not necessary to offset the traffic generated by the proposed development.

5. The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.

As the businesses are located inside the building the added noise would be the truck traffic and the loading and unloading of the trucks. Any sound levels and impulse type noises shall comply with the City's noise standards.

6. The impact of night lighting in terms of intensity, duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.

The lighting of the building and parking areas will have to meet the standards of the City's Lighting Regulations.

7. The impact of the landscaping of the proposed use in terms of landscaped areas, buffers and screens.

The site must provide a landscape plan that meets the design standards for the City. In the HTO District there are additional landscape standards that must be met.

8. The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.

The building will be set up for one or multiple tenants. With the flexibility of rental space, the building should not become vacant or unused.

9. Whether there are any facilities near the proposed use (such as schools or hospitals) that require special protection.

The Independence Elementary School, the Bryan Middle School and the Early Childhood Development Center are all located to the east of the proposed development off Meadows Parkway and Independence Road. Meadows Parkway is gated between 9:30 AM and 3:30 PM Monday through Friday. The analysis of the Traffic Impact Study assumed none of the site's traffic would use Meadows Parkway to travel to the north past the school. In order to ensure that the site's truck traffic does not utilize Meadow Parkway to access Independence Road, the entrance on Meadows Parkway will be designed to limit trucks turning left, a condition could be added to restrict truck traffic from this development using

Meadows Parkway to the east of the site and Francis Howell could consider closing the road permanently or during off hours to discourage truck traffic.

RECOMMENDATION:

Due to the limited amount of property designated high-technology office district and the potential impact of such development, the Planning & Zoning Commission needs to review, and the Board of Aldermen approve all future high tech development on a case by case basis.

City staff recommends approval of this conditional use application with the following Conditions:

1. All operations shall take place within a fully enclosed building.
2. All storage of materials and equipment shall be within a fully enclosed building or a screened rear yard not visible to any adjacent property.
3. No use shall store or discharge beyond its lot or site boundaries any toxic matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.
4. Any operation producing noise, glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard beyond the boundaries of the lot on which such building is located.
5. No activity involving radiation hazards shall be permitted which causes exposure to persons at or beyond the lot lines in excess of the maximum permitted by the general population in applicable Federal, State and local laws and regulations.
6. Tractor Trailer Trucks from this facility are restricted from using Meadows Parkway east of the site.
7. The uses within the warehouse must be limited to uses permitted within the HTO, High-Technology Office District unless a separate Conditional Use Permit (CUP) is approved by the City for other light industrial uses.

MAY 15, 2024

Weldon Spring Crossing: Development on Lot B Traffic Impact Study

Prepared for:

**49Fifty Real Estate
139 W. Monroe Avenue, Suite 200
Kirkwood, Missouri 63122
314-802-1187**

Prepared by:

**Lochmueller Group
411 N. 10th Street, Suite 200
St. Louis, MO 63101
314.621.3395**



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Introduction

Lochmueller Group has completed a traffic study pertaining to a proposed development in Weldon Spring, Missouri. This traffic study is intended to analyze the impact of the proposed development, which consists of a 100,800 SF building on Lot B of Weldon Spring Crossing, which would be comprised of both office and warehouse uses.

Figure 1 depicts the location of the proposed development. Access is to be provided, as shown in the concept plan illustrated in **Figure 2**, via three full access drives: one onto Meadows Parkway and two others from the internal access drives serving Weldon Spring Crossing. Direct access to Technology Drive West is not proposed.

The intent of this traffic study is to identify the traffic generation associated with the proposed development, analyze the traffic impacts associated with the development, and determine modifications to the supporting road system, if necessary.



Figure 1. Proposed Development Site Area

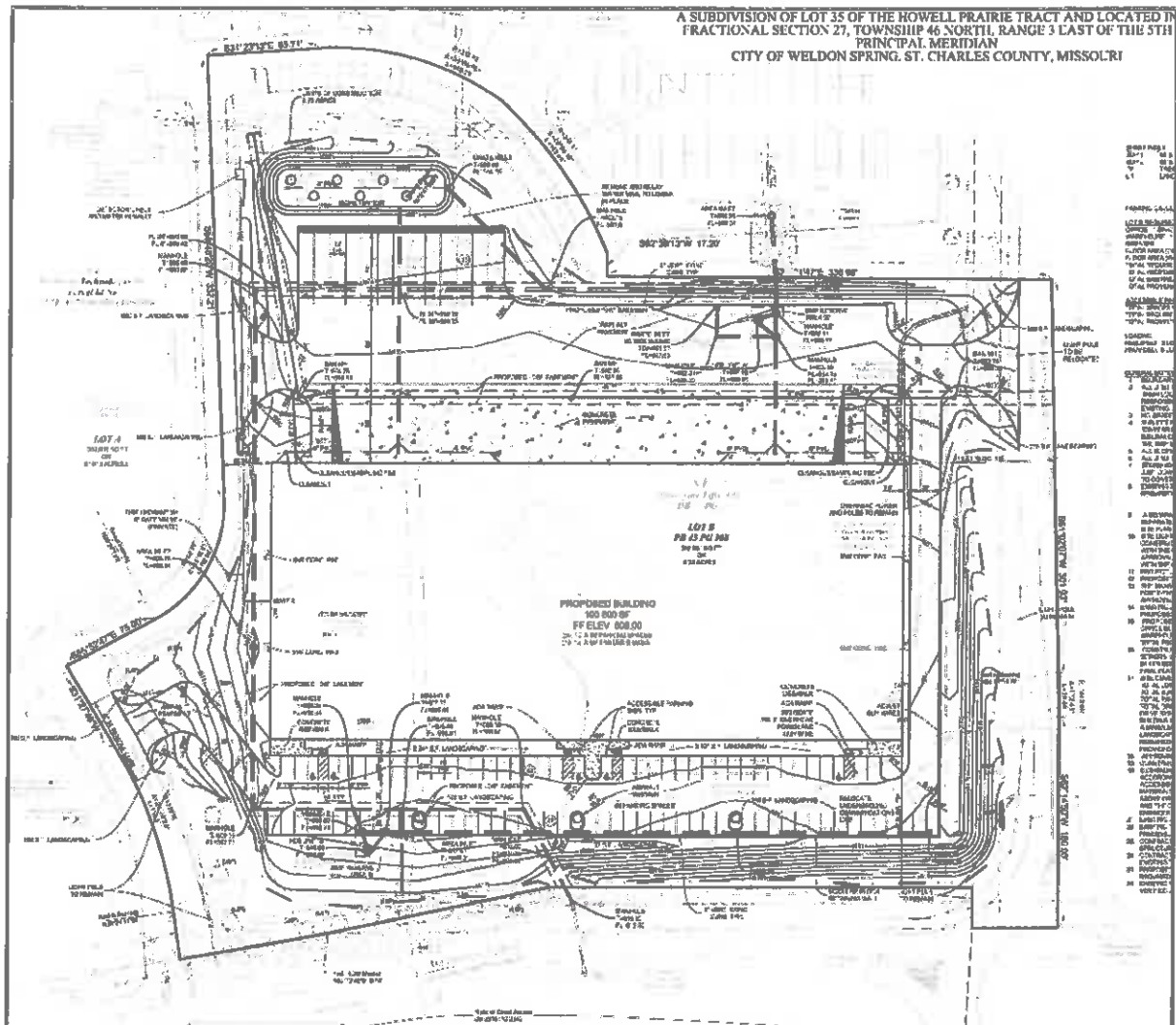


Figure 2: Proposed Concept Plan (Provided by Others)

Existing Conditions

To identify the traffic impacts associated with the proposed development, it was first necessary to quantify roadway, traffic, and operating conditions as they currently exist.

Baseline 2024 Roadway Network

Given the intended uses and the surrounding area, traffic data was collected during the weekday morning (7:00 AM to 9:00 AM) and weekday evening (4:00 PM to 6:00 PM) peak periods. The following intersections are to be included in the study:

- Internal Intersection of Weldon Spring Crossing access drives adjacent to Lot B (unsignalized)
- Technology Drive W & the access Drive to Weldon Spring Crossing (unsignalized)
- Technology Drive W & Meadows Parkway (roundabout)

Technology Drive is functionally classified as a major collector with a posted speed limit of 35 miles per hour (mph) and one lane in each direction. For the purposes of this study, Technology Drive runs east-west within the study area since it is essentially the outer road to adjacent I-64. The road intersects Meadows Parkway in a single lane roundabout intersection, where Technology Drive is the west leg, Meadows Parkway is the north leg, Technology Drive/Wolfrum Road is the east leg, and the I-64 Westbound Off-Ramp is the southeast leg.

Within the study area, Technology Drive is intersected by the access drive serving the Weldon Spring Crossing development in a T-intersection, where the access road is stop-controlled and Technology Drive flows freely. Southeast of the study area, Technology Drive provides access to I-64 Eastbound On and Off-Ramps at Research Park Circle. Northwest of the study area, Technology Drive connects to Highway 94 via Siedentop Road, which then provides access to both Eastbound and Westbound I-64.

Meadows Parkway is functionally classified as a major collector with a posted speed limit of 20 mph. The road has one lane in each direction. It provides access Weldon Spring Crossing development as well as to Independence Elementary School and Meadows Parkway Early Childhood Center. The road is privately owned, with the adjacent property owners each owning half of the roadway for the first 950 feet back from Technology Drive. Beyond that, the roadway is owned and maintained by the Francis Howell School District until its termini at Patriotic Trail. The School District closes the roadway to through traffic via gates between 9:30 AM and 3:30 PM Monday through Friday. Note, this closure is outside of the peak traffic hours of the day, and therefore, does not impact the analysis within this report.

The access drive to Weldon Spring Crossing is a private driveway along Technology Drive that serves the Weldon Spring Crossing development. As mentioned previously, it intersects Technology Drive in a T-intersection, with stop control for those exiting via the access drive. At this intersection the access drive, serving as the southbound approach, has dedicated left-turn and right-turn lanes. Technology Drive has an eastbound left-turn lane with 415' of storage, and no other dedicated turn lanes.

The access drive intersects a loop road within the Weldon Spring Crossing complex at an internal intersection with side-street stop-control. The side street in this intersection is the loop road.

Figure 3 illustrates the existing lane configurations and traffic control at the intersections included in the study. For purposes of this analysis, Technology Drive was considered to run east-west and Meadows Parkway runs north-south.

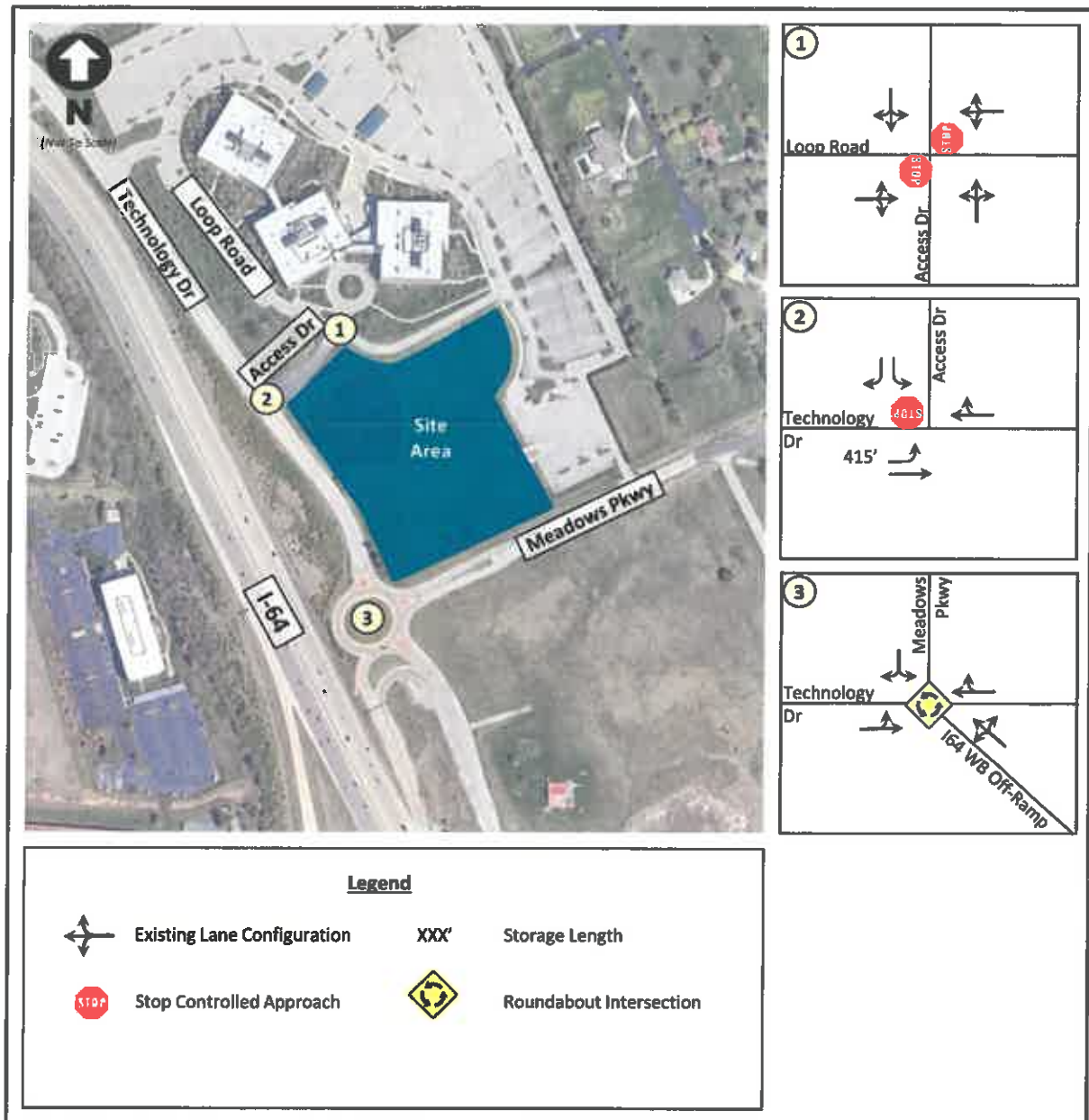
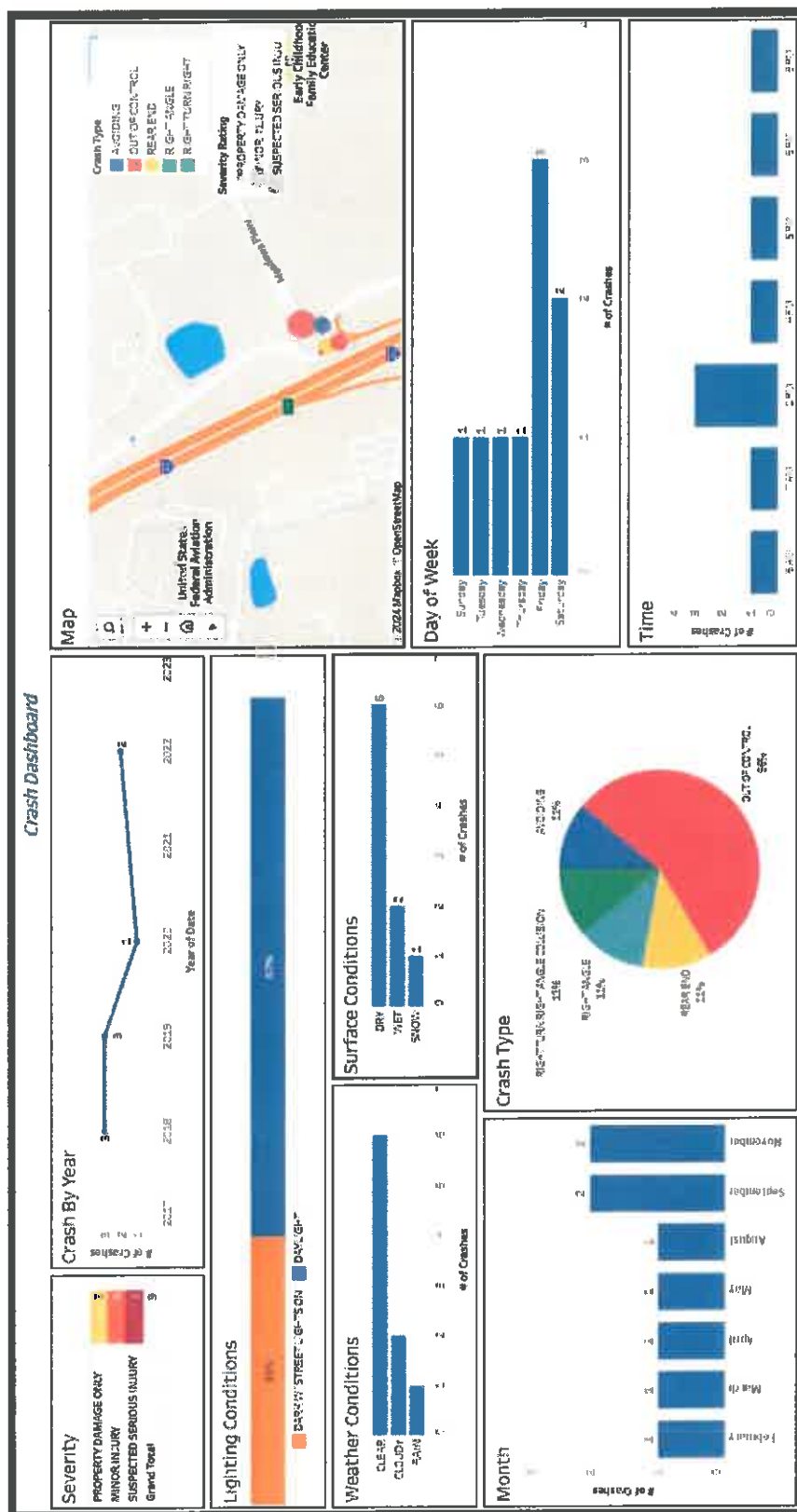


Figure 3. Existing Lane Configuration and Traffic Control

Crash History

A safety analysis of the study area was performed using the most recent five years of available crash data from MoDOT, which corresponded to 2018 through the end of 2022. A total of nine crashes occurred in the study area over that period. Five crashes, or 55% of crashes, resulted in property damage only. Three crashes, or 33%, resulted in minor injury. One crash resulted in suspected serious injury. No fatalities occurred within the study area during the years analyzed. A crash dashboard depicting all crashes within the study area and analyzed years is shown in Figure 4. The dashboard includes a map showing the locations of crashes by type (color) and severity (size).



Eight out of the nine crashes occurred at the roundabout intersection, including all crashes resulting in injury. The most common crash type was classified as out-of-control, with five crashes of this type. One crash of each of the following also occurred: right turn right angle, right angle, avoiding, and rear end. The crash resulting in suspected serious injury was an out-of-control crash occurring in the roundabout.

Baseline 2024 Traffic Volumes

Traffic counts were collected on March 13, 2024, while school was in session and weather conditions were favorable. Based upon review of the data, it was determined that the peak hours of traffic flow along the area roadways were from 7:45 AM to 8:45 AM for the weekday AM peak hour and from 4:00 PM to 5:00 PM for the weekday PM peak hour. It should be noted that the gates on Meadows Parkway should have been open to traffic at this time. The 2024 Baseline Traffic Volumes are shown below in Figure 5.

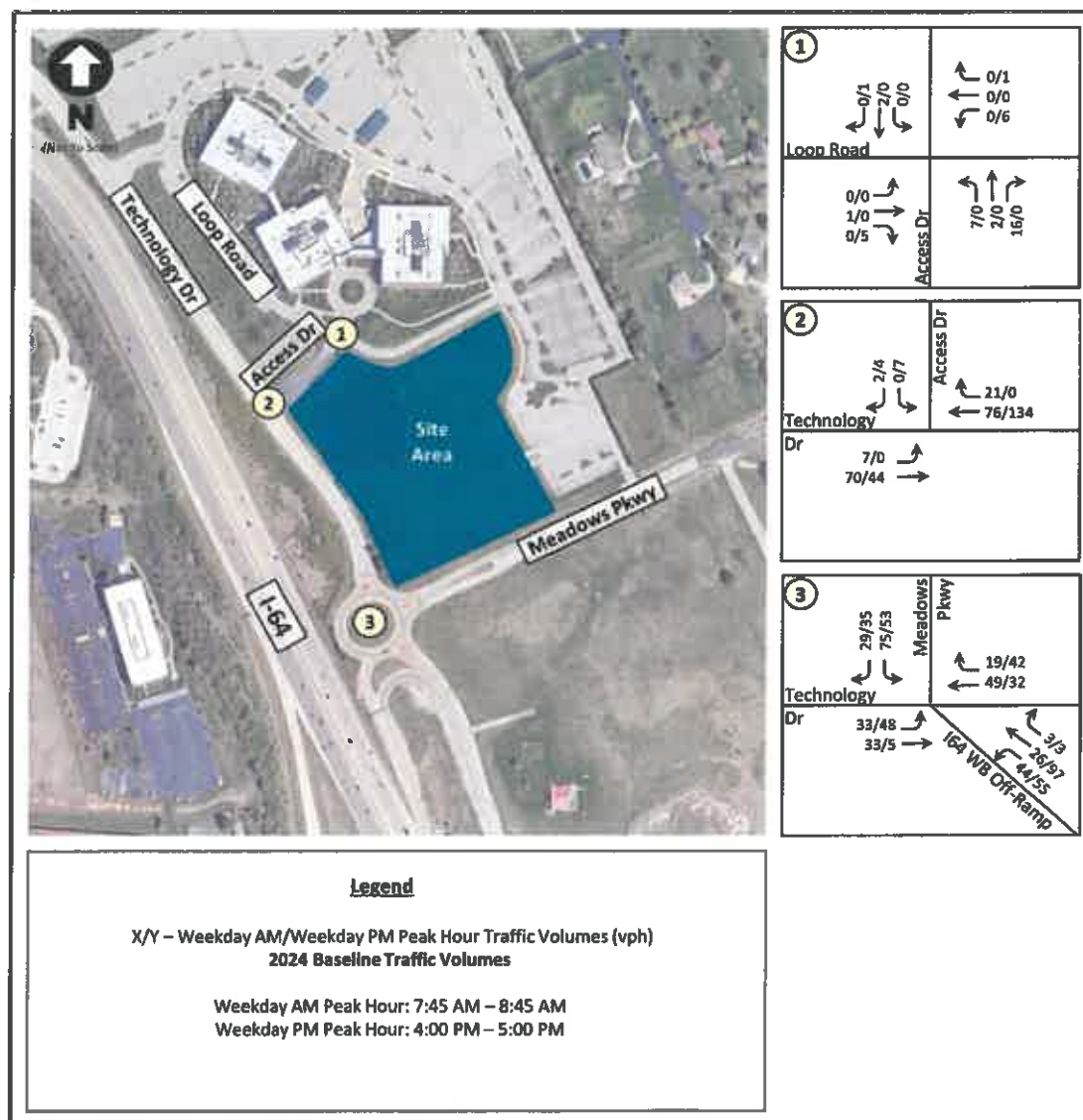


Figure 5. 2024 Baseline Traffic Volume

Baseline 2024 Operating Conditions

The baseline traffic operating conditions at the critical study intersections were evaluated based upon the traffic volumes presented in Figure 5. The analysis was completed using Synchro 11 traffic modeling software, which is based upon the methodologies outlined in the “Highway Capacity Manual” (HCM) published by the Transportation Research Board as well as SIDRA 9.1, calibrated using MoDOT’s Engineering Policy Guide.

Intersection performance or traffic operations are quantified by six Levels of Service (LOS), which range from LOS A (“Free Flow”) to LOS F (“Fully Saturated”). LOS C is normally used for design purposes and represents a roadway with volumes ranging from 70% to 80% of its capacity. LOS E is considered acceptable for peak period conditions in urban areas and would be an appropriate benchmark of acceptable traffic for the study area road system.

Levels of service for intersections are determined based on the average delay experienced by motorists. Signalized intersections reflect higher delay tolerances as compared to unsignalized and roundabout locations because motorists are accustomed to and accepting of longer delays at signals. For signalized and all-way stop intersections, the average control delay per vehicle is estimated for each movement and then aggregated for each approach and the intersection as a whole. For intersections with partial (side-street) stop control, the delay is calculated for the minor movements only (side-street approaches and major road left-turns) since thru traffic on the major road is not required to stop.

Table 1 summarizes the criterion for both signalized and unsignalized intersections, as defined by the Highway Capacity Manual (HCM) 6th Edition, last updated in 2016 by the Transportation Research Board.

Table 1. Intersection Level of Service Thresholds		
Level of Service	Control Delay per Vehicle (sec/veh)	
	Signalized	Unsignalized
A	≤ 10	0-10
B	> 10-20	> 10-15
C	> 20-35	> 15-25
D	> 35-55	> 25-35
E	> 55-80	> 35-50
F	> 80	> 50

Operating conditions at the study intersections are summarized in Table 2. The measures of effectiveness reported include LOS, delay, queue, and volume-to-capacity ratio (v/c). The delay is reported in seconds per vehicle. The queue is reported in ft (ft) as the 95th percentile queue. The v/c ratio compares vehicle demand to the capacity of an associated lane group. A v/c ratio of 1.0 represents a road segment that is at full capacity.

Table 2. Year 2024 Baseline Traffic Operating Conditions

Intersection & Movements	LOS (Delay, sec) [Queue Length, feet] <v/c ratio>	
	AM Peak Hour	PM Peak Hour
1) Loop Rd & Access Dr (unsignalized)		
Eastbound	A (9.4) [<25] <0.01>	A (0) [<25] <0.00>
Westbound	A (0) [<25] <0.00>	A (0) [<25] <0.00>
Northbound	A (7.2) [<25] <0.01>	A (0) [<25] <0.00>
Southbound	A (0) [<25] <0.00>	A (0) [<25] <0.00>
2) Technology Dr & Access Dr (unsignalized)		
Eastbound Left-Turn	A (7.5) [<25] <0.01>	A (0) [<25] <0.00>
Southbound Left-Turn	A (0) [<25] <0.00>	A (9.7) [<25] <0.02>
Southbound Right-Turn	A (8.9) [<25] <0.00>	A (9.1) [<25] <0.01>
3) Technology Dr & Meadows Pkwy / I-64 WB Off-Ramp (roundabout)		
Overall Intersection	A (5.6)	A (4.7)
Eastbound	A (3.0) [<25] <0.06>	A (3.2) [<25] <0.07>
Westbound	A (5.9) [<25] <0.05>	A (3.1) [<25] <0.04>
Northbound	A (5.9) [<25] <0.09>	A (5.4) [<25] <0.08>
Southbound	A (7.3) [<25] <0.06>	A (5.7) [<25] <0.13>

Delay presented in vehicles per second

*Roundabout intersection results from SIDRA software

As shown, the baseline traffic conditions operate with level of service A for all approaches in both peak hours. The study area intersections carry very low traffic volumes during the peak hours and the study area has a surplus of capacity. Intersection approach results are shown in the table even if they did not carry any traffic volumes, and thus have no associated delay or queue. It can be concluded that the study intersections operate acceptably.

Proposed Development

The trip generation methodology and calculations, as well as the proposed directional distributions, associated with the proposed development were provided to the City of Weldon Spring and MoDOT for review prior to completion of the forecasted analysis in a Technical Memorandum dated April 9, 2024. Upon review of the provided Technical Memorandum, MoDOT determined that due to the low traffic generation projections, they would no longer be requiring a Traffic Impact Study for their review. The existing access points are, in their opinion, sufficient for the development to move forward. However, approvals from the City of Weldon Spring are independent of MoDOT's review and approval. Therefore, the Traffic Impact Study was prepared for the City's review.

This section summarizes the approved assumptions presented in the Technical Memorandum.

Trip Generation

In forecasting the proposed use's impacts upon traffic conditions, it is necessary to identify the site's trip generation potential, as any impacts to the surrounding road system would be tied to the net increase in trip generation.

As previously stated, the Weldon Spring Crossing development consists of a 100,800 SF building. Of which 15,120 SF is planned as office space, and the remaining 85,680 SF as warehouse space. The site-generated traffic volumes for the development were estimated using data provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition utilizing square footage as the determining variable. Land Use 710: General Office Building Land Use was used for the office space while Land Use 150: Warehousing was utilized for the remaining square footage dedicated to warehouse space. While the land use code for warehousing includes office and maintenance areas in addition to warehouse space in a development, it was determined that the office and warehouse space would be calculated separately for a more conservative estimate.

The forecasted trips that would be generated by the proposed development are summarized in Table 3. As shown, the proposed development would generate a total of approximately 67 and 72 trips during the weekday morning and evening peak hours, respectively upon completion.

Table 3. Proposed Trip Generation

Land Use Land Use	Unit	Size	Weekday AM Peak Hour			Weekday PM Peak Hour		
			In	Out	Total	In	Out	Total
General Office Building	SF	15.1	29	4	33	6	29	35
Warehousing	SF	85.6	26	8	34	10	27	37
Total:			55	12	67	16	56	72

Due to the proposed development's use as a warehouse, the number of trucks generated by the development were also calculated. The estimates were based on the Truck Trip Generation Data Plots provided in the TGM Appendices to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. In this case, Land Use 150: Warehousing, was again utilized. Throughout the day, per ITE's data, a warehouse would generate about 0.60 truck trips per 1,000 SF of GFA. However, during the peak hours considered in this study, which coincide with the commuter peak hours, truck trip generation is about 0.05 trucks per 1,000 GFA. The forecasted truck percentages that would be generated by the proposed development are summarized in Table 4.

Table 4. Proposed Truck Generation

Land Use Land Use	Unit	Size	Weekday AM Peak Hour			Weekday PM Peak Hour		
			In	Out	Total	In	Out	Total
Warehousing	SF	85.6	1	1	2	1	2	3

As shown, the proposed warehouse development would generate a total of approximately 2 and 3 truck trips during each the weekday morning and evening peak hours, respectively. The reader is reminded that these trucks are included in the total traffic generation estimates provided in Table 3. Table 4 simply identifies the truck only trip generation numbers.

Access is to be provided to the development via three full access drives: one onto Meadows Parkway and two others from the internal access drives serving Weldon Spring Crossing. Direct access to Technology Drive West is not proposed. The access drives are located as follows:

- Access onto Meadows Parkway – 485 feet north of the roundabout with Technology Drive, 310 feet south of the existing drive to the adjacent parking area
- Access onto the Internal Loop Road – 290 feet east of the internal intersection with the Access Drive
- Access onto the Internal Access Drive – 67 feet south of the internal intersection with the loop road, 230 feet north of Technology Drive

Directional Distribution

The development's trip generation would be assigned to the study area roadways in accordance with an anticipated directional distribution that reflects prevailing traffic patterns of the area based on the proposed development's uses. Table 5 presents the directional distribution proposed for the development. The directional distribution is presented graphically in Figure 6. Given the proposed development's uses, it was assumed that vehicles to and from the development would primarily utilize the major highways in the area to access the site rather than local roads.

Table 5. Directional Distribution Percentages

To/From	Percentage
To/From the West on I-64	40%
To/From the East on I-64	35%
To/From the Northeast on Highway 94	20%
To/From the Southwest on Highway 94	5%



Figure 6. Directional Distribution



Year 2024 Forecasted Conditions

Forecasted operating conditions were evaluated using the same methodology applied to the baseline conditions. The site generated traffic, shown in Figure 7, was aggregated with the baseline traffic volumes (Figure 5) to produce a forecasted conditions scenario that reflects the addition of the proposed development. The resulting 2024 traffic forecast is illustrated in Figure 8.

Forecasted Operating Conditions

The 2024 forecasted operating conditions at the study intersections were analyzed based upon the 2024 forecasted traffic volumes illustrated in Figure 8. The 2024 forecasted conditions determined the adequacy of the road network to accommodate the additional traffic generated by the proposed development and identify any further mitigation measures that may be necessary. The 2024 forecasted operating conditions are summarized in Table 6. As shown, traffic conditions at the study intersections are anticipated to remain favorable, with LOS A for each approach at intersections during both peak hours of the day.

Table 6. Year 2024 Forecasted Traffic Operating Conditions

Intersection & Movements	LOS (Delay, sec) [Queue Length, feet] <v/c ratio>	
	AM Peak Hour	PM Peak Hour
1) Loop Rd & Access Rd (unsignalized)		
Eastbound	A (9.6) [<25] <0.01>	A (8.3) [<25] <0.01>
Westbound	A (9) [<25] <0.01>	A (8.8) [<25] <0.05>
Northbound	A (7.2) [<25] <0.01>	A (0) [<25] <0.00>
Southbound	A (0) [<25] <0.00>	A (0) [<25] <0.00>
2) Technology Dr & Access Road (unsignalized)		
Eastbound Left-Turn	A (7.5) [<25] <0.02>	A (7.5) [<25] <0.00>
Southbound Left-Turn	A (0) [<25] <0.00>	A (9.8) [<25] <0.02>
Southbound Right-Turn	A (9) [<25] <0.02>	A (9.4) [<25] <0.08>
3) Technology Dr & Meadows Pkwy / I-64 WB Off-Ramp (roundabout)		
Overall Intersection	A (5.8)	A (5.0)
Eastbound	A (3.2) [<25] <0.06>	A (3.3) [<25] <0.07>
Westbound	A (5.9) [<25] <0.05>	A (3.2) [<25] <0.04>
Northbound	A (6.1) [<25] <0.09>	A (5.9) [<25] <0.09>
Southbound	A (7.2) [<25] <0.10>	A (5.9) [<25] <0.15>
4) Site Access A & Access Dr (unsignalized)		
Westbound Left-Turn	A (8.9) [<25] <0.01>	A (8.8) [<25] <0.02>
5) Loop Rd & Site Access B (unsignalized)		
Northbound Left-Turn	A (8.7) [<25] <0.00>	A (8.6) [<25] <0.02>
6) Site Access C & Meadows Pkwy (unsignalized)		
Eastbound Approach	A (8.8) [<25] <0.01>	A (8.8) [<25] <0.02>
Northbound Left-Turn	A (7.5) [<25] <0.01>	A (7.4) [<25] <0.01>

Delay presented in vehicles per second

*Roundabout intersection results from SIDRA software



Figure 8. 2024 Forecasted Traffic Volumes

Therefore, it is evident that all study area intersections and approaches would be expected to operate at an overall level of service A during both peak hours of the day. The additional traffic generated by the proposed development is anticipated to be easily accommodated by the existing roadway network. Even with the additional traffic generated by the development roadways would have ample capacity to accommodate future growth.

Conclusions

Lochmueller Group has completed the preceding traffic study pertaining to the proposed office-warehouse building in Weldon Spring, Missouri. Based on the preceding study, the following can be concluded:

- Analysis of the 2024 baseline operating conditions determined that the study area intersections operate acceptably during the morning and afternoon peak hours of the day demonstrating a surplus of capacity in the roadway network. Operations for the three study intersections showed Level of Service A for all approaches during the morning and afternoon peak hours.
- A total of nine crashes occurred within the study area during a 5-year period. None of these crashes resulted in fatalities, however one resulted in suspected serious injury and three resulted in minor injuries. The most common crash type was out-of-control, with five crashes being this type.
- The proposed development will add a 100,800 SF building on Lot B of Weldon Spring Crossing. Of the total SF of this building, 15,120 SF is planned as office space, and the remaining 85,680 SF as warehouse space. Consequently, the proposed development would generate a total of approximately 67 and 72 trips during the weekday morning and evening peak hours, respectively upon completion.
- Access is to be provided to the development via three full access drives: one onto Meadows Parkway and two others from the internal access drives serving Weldon Spring Crossing. Direct access to Technology Drive West is not proposed. The access drives are located as follows:
 - Access onto Meadows Parkway – 485 feet north of the roundabout with Technology Drive, 310 feet south of the existing drive to the adjacent parking area
 - Access onto the Internal Loop Road – 290 feet east of the internal intersection with the Access Drive
 - Access onto the Internal Access Drive – 67 feet south of the Internal intersection with the loop road, 230 feet north of Technology Drive
- The analysis of the 2024 forecasted operating conditions determined the adequacy of the surrounding road network to accommodate the additional traffic generated by the proposed development and concluded that no mitigation will be necessary to accommodate the development.

Overall, it was concluded that the study intersections can easily accommodate the proposed development and that additional infrastructure improvements are not necessary to offset the traffic generated by the proposed development.

Please contact our office at (314) 446-3791 with any questions or comments concerning this report.

Completed by Lochmueller Group, Inc

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR FORTY
NINE FIFTY, LLC, TO ALLOW A WAREHOUSE (DISTRIBUTION
CENTER) IN THE "HTO" HIGH-TECHNOLOGY OFFICE ZONING DISTRICT ON A
CERTAIN TRACT OF LAND LOCATED AT 450
TECHNOLOGY DRIVE IN THE CITY OF WELDON SPRING, MISSOURI

WHEREAS, Forty Nine Fifty, LLC, are the owners of a tract of land (8.330 acres) located on 450 Technology Drive as described in the attached "Exhibit A"; and

WHEREAS, Keith Fryer, with the Clayton Engineering Company, has filed a request for a Conditional Use Permit (CUP) on July 9, 2024, to allow a Warehouse (Distribution Center) in the "HTO" High-Technology Office Zoning District at 450 Technology Drive within the City of Weldon Spring, Missouri; and

WHEREAS, in accordance with the Land Use Table, shown as Attachment 1 in Chapter 405 of the Municipal Code, Warehouse (Distribution Center) is a use permitted as a conditional use within the "HTO" High-Technology Office Zoning District, pursuant to the conditions of the approved Conditional Use Permit; and

WHEREAS, following proper notice, the Planning and Zoning Commission held a public hearing on August 5, 2024, and the Board of Aldermen held a public hearing on August 8, 2024, on the Conditional Use Permit Application; and

WHEREAS, on August 5, 2024, the Planning and Zoning Commission reviewed the application for a Conditional Use Permit and made a negative recommendation to the Board of Aldermen for the Conditional Use Permit for Forty Nine Fifty, LLC.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:

SECTION 1: That the Conditional Use Permit for the Forty Nine Fifty, LLX, development previously submitted and reviewed after proper notice and public hearing, is hereby approved with the following conditions:

1. All operations shall take place within a fully enclosed building.
2. All storage of materials and equipment shall be within a fully enclosed building or a screened rear yard so that they are not visible to any adjacent property.
3. No user shall store or discharge beyond its lot or site boundaries any toxic matter in such concentrations so as to be detrimental to, or endanger the

BILL NO. _____

ORDINANCE NO. _____

public health, safety, comfort or welfare, or cause injury or damage to property or business.

4. Any operation producing noise, glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard beyond the boundaries of the lot on which such building is located.
5. No activity involving radiation hazards shall be permitted which causes exposure to persons at or beyond the lot lines in excess of the maximum permitted in applicable Federal, State and local laws and regulations.
6. Tractor trailer trucks from this facility are restricted from using Meadows Parkway east of the site.
7. The uses within the warehouse must be limited to uses permitted within the HTO, High-Technology Office District unless a separate Conditional Use Permit (CUP) is approved by the City for other light industrial uses

SECTION 2: That this Ordinance shall be in full force and effect upon its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS _____ DAY OF _____ 2024.

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

BILL NO. _____

ORDINANCE NO. _____

To approve Bill #

Motioned: _____

Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____



CITY OF WELDON SPRING

5401 Independence Road
Weldon Spring, MO 63304
phone: (636) 441-2110
fax: (636) 441-8495
www.weldonspring.org

STAFF REPORT

To: Planning & Zoning Commission

Date: 07/29/24

From: Steve Lauer, City Planner

Subject: 450 Technology Drive – Weldon Spring Pointe Site Plan

Cc: Mayor Don Licklider, City Administrator Don Stolberg, City Clerk Bill Hanks, City Planner Steve Lauer, City Engineer Bill Schnell & City Attorney Bob Wohler

Staff has reviewed a Site Plan application for Weldon Spring Pointe submitted by The Clayton Engineering Company for an office/warehouse (distribution) at 450 Technology Drive and presents the following report for your review and consideration.

BACKGROUND:

The site is located at the northwest corner of technology drive and meadows parkway. The proposed building would be located on lot b of the Weldon Spring Crossing subdivision. The only other lot in this subdivision is Lot A which contains the adjacent Verizon campus. The subject site is currently vacant. There is an existing pond on the site. The Corps of engineers has issued a letter stating that the pond is located in an upland area with no apparent flow into a water of the United States and is determined to be isolated. Therefore, it does not fall under the jurisdiction of section 404 and no permit is required from the corps of engineers for the project of draining the pond.

The proposed office/warehouse building will be constructed in order to lease the building or partial units to a distribution type facility. Access to the site will utilize the existing access points OFF Technology Drive and Meadows parkway. The light industrial use of the warehouse is contingent upon the approval of conditional use permit CUP-2024-01.

PROJECT SUMMARY:

Area: 8.330 acres

Proposed Use: Office/Warehouse fully contained in the proposed 100,800 square foot, 40.5-foot-high building.

Existing Zoning: HTO, High-Technology Office District

Adjacent Zoning:

North: HTO, High-Technology Office - Verizon

South: HTO, High-Technology Office – Meadows Parkway/Vacant

East: HTO, High-Technology Office - Verizon

West: Technology Drive/I-64

STAFF COMMENTS & RECOMMENDATIONS:

1. The revised concept landscape plan which is included in your packet is being reviewed by staff.
2. A shared use path as delineated on the City of Weldon Spring Parks and Greenway Master Plan is depicted along the frontage on technology drive.
3. The radius for the entrance on Meadows Parkway has been reduced to limit the use of the western portion of Meadows Parkway for large truck traffic.
4. Upon approval of the site plan, the proposed building will need to be reviewed and approved by the Architectural Review Commission.
5. The developer's engineer certification must be completed and sent to the city engineer.

Staff recommend approval of the major site plan for Weldon Spring Pointe subject to the revised concept landscape plan meeting the required standards for landscaping in the HTO, High-Technology Office district.

July 2024 - Crime Statistics for Weldon Spring

Number	Offense	Report Description	Report Date	Address
PD-24-03478	565.074-003Y20201399.0 DOMESTIC ASSAULT - 3RD DEGREE	Domestic Incident	Jul 1, 2024, 12:27:34 PM	Cedar Glen Drive
PD-24-03532	999920179999.0 FUGITIVE-FELONY	Fugitive Felony	Jul 5, 2024, 6:34:25 PM	HWY 94
PD-24-03620	579.086-001Y20203599.0 UNLAWFUL DELIVERY OF CONTROLLED SUBSTANCE BY MANUFACTURE OR DISTRIBUTOR	Delivery of Controlled Substance		
PD-24-03644	9999 Non Reportable	Assist Other Agency	Jul 11, 2024, 3:44:00 PM	Weldon Spring Parkway
PD-24-03796	565.056-006Y20201399.0 ASSAULT- 4TH DEGREE - PURSUANT TO SUBDIVISION (3) SPECIAL VICTIMS	Assault 4th degree (Special victim).	Jul 13, 2024, 12:11:36 AM	Breeze Park Drive
PD-24-03821	9999 Non Reportable	Informational Report	Jul 21, 2024, 9:27:53 PM	Weldon Spring Parkway
PD-24-03832	999919849999.0 FUGITIVE-MISDEMEANOR		Jul 23, 2024, 1:39:53 PM	Weldon Spring Parkway
PD-24-03837	999919849999.0 FUGITIVE-MISDEMEANOR	Fugitive Misdemeanor		Pitman Hill Road & Chadwick Lane
PD-24-03873	9999 Non Reportable	Fugitive Misdemeanor	Jul 24, 2024, 10:14:45 AM	HWY 94 & Wolfrum Road
PD-24-03888	ORD300.0-014N20215499.0 WS-FL TO STOP AT STOP SIGN AT STOP LINE/BEFORE CROSSWALK/POINT NEAREST INTERSECTION	Domestic Incident	Jul 25, 2024, 9:13:58 PM	Bourbeuse Common
PD-24-03888	ORD302.0-042Y20215499.0 WS-DRIVING WHILE REVOKED OR DRIVING WHILE SUSPENDED	Driving While Suspended		Wolfrum Road & Greensburg Court
PD-24-03909	999919849999.0 FUGITIVE-MISDEMEANOR	Driving While Suspended	Jul 26, 2024, 8:38:22 PM	Wolfrum Road & Greensburg Court
PD-24-03918	570.030-029Y20202303.0 STEALING	Fugitive Misdemeanor	Jul 28, 2024, 8:44:48 AM	HWY 94
PD-24-03933	9999 Non Reportable	STEALING	Jul 28, 2024, 5:58:12 PM	Wolfrum Road
PD-24-03962	9999 Non Reportable	VIN Verification	Jul 29, 2024, 2:07:57 PM	Westwood Drive
PD-24-03962	9999 Non Reportable	Escaped patients	Jul 30, 2024, 6:40:10 PM	Weldon Spring Parkway

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECOMMENDED WELDON SPRING PONITE
MAJOR SITE PLAN FOR A WAREHOUSE (DISTRIBUTION CENTER)
AT 450 TECHNOLOGY DRIVE AND MATTERS RELATING THERETO

WHEREAS, Forty Nine Fifty, LLC, is the owner of property at 450 Technology Drive;
and

WHEREAS, Keith Fryer, with the Clayton Engineering Company, has submitted an application for a major site plan on behalf of the owner, which is in the HTO” High-Technology Office Zoning District, to erect an office/warehouse (distribution center) building; and

WHEREAS, the Weldon Spring Pointe Major Site Plan has been reviewed by the City Engineer, City Planner, and Planning and by the Zoning Commission at a duly called public meeting on August 5th, 2024 and took no action on the major site plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI AS FOLLOWS:

SECTION 1: That the Clayton Engineering Company has provided the City of Weldon Spring, Missouri, with the proper plans and documentation, which have been received by the City Staff, Mayor, and Board of Aldermen.

SECTION 2: That the City Planning and Zoning Commission has reviewed and took no action on the major site plan submitted by the Clayton Engineering Company.

SECTION 3: The Board of Alderman after its review hereby approves the Weldon Spring Pointe major site plan, which in the attached **Exhibit “A”**, for the Clayton Engineering Company and hereby authorizes the Zoning Commissioner to sign and approve the Weldon Spring Pointe Major Site Plan for 450 Technology Drive.

SECTION 4: That this ordinance shall be in full force and effect upon its enactment and approval.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

BILL NO. _____

ORDINANCE NO. _____

*READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF
WELDON SPRING, MISSOURI, THIS _____ DAY OF _____ 2024.*

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

BILL NO. _____

ORDINANCE NO. _____

To approve Bill #

Motioned: _____

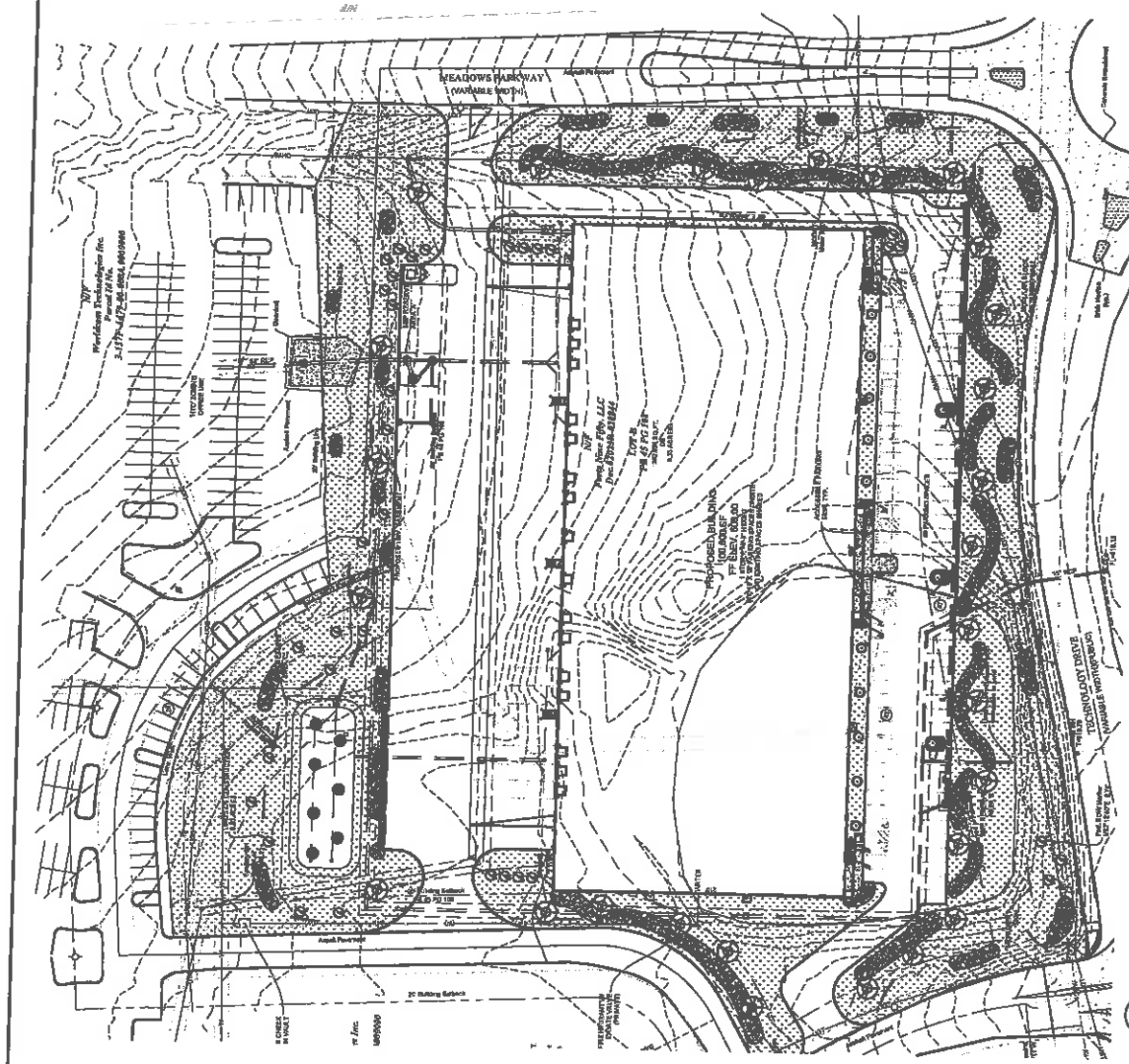
Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____

WELDON SPRING ESTATE
 45FIFTY REAL ESTATE
 139 W. Monroe Avenue, Ste. 200
 St. Louis, MO 63122

SITE PLAN
 1/4" = 1' - 0"
 1/8" = 1' - 0"
 1/16" = 1' - 0"
 1/32" = 1' - 0"
 1/64" = 1' - 0"
 1/128" = 1' - 0"
 1/256" = 1' - 0"
 1/512" = 1' - 0"
 1/1024" = 1' - 0"
 1/2048" = 1' - 0"
 1/4096" = 1' - 0"
 1/8192" = 1' - 0"
 1/16384" = 1' - 0"
 1/32768" = 1' - 0"
 1/65536" = 1' - 0"
 1/131072" = 1' - 0"
 1/262144" = 1' - 0"
 1/524288" = 1' - 0"
 1/1048576" = 1' - 0"
 1/2097152" = 1' - 0"
 1/4194304" = 1' - 0"
 1/8388608" = 1' - 0"
 1/16777216" = 1' - 0"
 1/33554432" = 1' - 0"
 1/67108864" = 1' - 0"
 1/134217728" = 1' - 0"
 1/268435456" = 1' - 0"
 1/536870912" = 1' - 0"
 1/1073741824" = 1' - 0"
 1/2147483648" = 1' - 0"
 1/4294967296" = 1' - 0"
 1/8589934592" = 1' - 0"
 1/17179869184" = 1' - 0"
 1/34359738368" = 1' - 0"
 1/68719476736" = 1' - 0"
 1/137438953472" = 1' - 0"
 1/274877906944" = 1' - 0"
 1/549755813888" = 1' - 0"
 1/1099511627776" = 1' - 0"
 1/2199023255552" = 1' - 0"
 1/4398046511104" = 1' - 0"
 1/8796093022208" = 1' - 0"
 1/17592186044416" = 1' - 0"
 1/35184372088832" = 1' - 0"
 1/70368744177664" = 1' - 0"
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LEGEND	
SYMBOL	DESCRIPTION
	EXISTING BUILDING
	PROPOSED BUILDING
	PARKING SPACE
	TREE
	PATH
	FENCE
	UTILITY LINE
	STREAM
	ROAD
	WALL
	GATE
	SIGN
	LIGHT FIXTURE
	BENCH
	TRASH CAN
	FIRE HYDRANT
	FIRE ALARM BOX
	FIRE EXTINGUISHER
	FIRE HOSE REEL
	FIRE ALARM PULL STATION
	FIRE ALARM CONTROL UNIT
	FIRE ALARM BELL
	FIRE ALARM HORN
	FIRE ALARM SIREN
	FIRE ALARM STROBE
	FIRE ALARM SPEAKER
	FIRE ALARM BELL AND HORN
	FIRE ALARM BELL AND SIREN
	FIRE ALARM BELL AND STROBE
	FIRE ALARM BELL AND SPEAKER
	FIRE ALARM BELL AND SIREN AND STROBE
	FIRE ALARM BELL AND SIREN AND SPEAKER
	FIRE ALARM BELL AND SIREN AND STROBE AND SPEAKER

REQUIREMENTS

1. All buildings shall be provided with a minimum of 1 tree and 10 shrubs per 1,000 sq. ft. of building area. The minimum number of trees shall be 1,000 / 40 = 25. The minimum number of shrubs shall be 1,000 / 40 = 25. The minimum number of trees and shrubs shall be 25 trees and 25 shrubs.
2. Continuous berms composed of a double-rowed row of evergreen shrubs with a minimum planting height of 40 inches and a minimum spacing of 10 feet.
3. Two deciduous trees and four shrubs provided for every 10 parking spaces, or better than that, each tree shall be planted within the parking space / 10 = 25. The minimum number of trees shall be 25 trees and 100 shrubs.
4. All trees shall be 10 feet in diameter at breast height (DBH) and 10 feet in height.
5. All shrubs shall be 4 feet in height.

PROVIDED

1. 10 Trees Provided
2. 40 Shrubs Provided



NOTICE
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1 SHEET KEY
 SCALE 1" = 40'

BILL NO. _____

ORDINANCE NO _____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY
OF WELDON SPRING, MISSOURI, TO EXECUTE AN AMENDED
AGREEMENT FOR ROAD MAINTENANCE & REPAIR WITH
ST. CHARLES COUNTY, MISSOURI, & MATTERS RELATING THERETO

WHEREAS, the City of Weldon Spring has a duty to maintain its public roads, streets, and right-of-ways; and

WHEREAS, the City of Weldon Spring desires to contract with St. Charles County to perform certain maintenance work as specified herein; and

WHEREAS, Section 70.220 R.S. MO. authorizes intergovernmental agreements;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING MISSOURI, AS FOLLOWS:

SECTION 1: That Section 70.220 of the Revised Statutes of Missouri allows for municipal corporations to enter into agreements for the provision of services with other political subdivisions.

SECTION 1: That the Board of Aldermen of the City of Weldon Spring, Missouri, hereby agrees that the 2022 Agreement with St. Charles County is superseded with the execution of the amended agreement with St. Charles County for road maintenance and repair, which is attached hereto as "Exhibit A."

SECTION 3: That this Ordinance shall be in full force and effect upon its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS _____ DAY OF _____ 2024.

Donald D. Licklider, Mayor

Attest:

William C. Hanks, City Clerk

BILL NO. _____

ORDINANCE NO _____

To approve Bill #

Motioned: _____

Seconded: _____

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	_____	_____	_____
Clutter	_____	_____	_____
Conley	_____	_____	_____
Kolb	_____	_____	_____
Martiszus	_____	_____	_____
Yeager	_____	_____	_____
Licklider	_____	_____	_____

Absent: _____

AGREEMENT FOR ROAD MAINTENANCE AND REPAIR

This Agreement is entered into as of the _____ day of _____, 20____, between ST. CHARLES COUNTY, MISSOURI (hereinafter referred to as "County"), and the CITY OF _____, MISSOURI (hereinafter referred to as "Municipality").

WHEREAS, the County, on behalf of the Municipality, collects Special Road and Bridge Fund taxes pursuant to Article X, Section 12 (a) of the Constitution of Missouri and Section 137.555, RSMo., as amended; and

WHEREAS, the County and Municipality agree that fifty percent (50%) of the revenue received from the Special Road and Bridge Tax levied upon certain property situated within the boundaries of the Municipality shall be utilized for the repair and improvement of existing roads, streets and bridges within the boundaries of the Municipality; and

WHEREAS, the Municipality has a duty to maintain its public roads, streets and rights-of-way; and

WHEREAS, the County offers to perform certain maintenance services for the Municipality so long as the Municipality's population remains below 6,000 residents based on data from the United States Census Bureau, the Missouri Census Data Center, or similar government demographer; and

WHEREAS, the Municipality, having met the population restriction above, desires to contract with the County to perform these maintenance services as specified herein; and

WHEREAS, Section 70.220, RSMo., authorizes intergovernmental agreements; and

WHEREAS, the Parties entered into an Agreement for Road Maintenance and Repair on December 20, 2024; and

WHEREAS, the Parties now desire to amend the 2022 Agreement;

NOW, THEREFORE, the parties do hereby agree as follows:

Services and Cost Assessment

1. Budget for Services.

(a) In General.

By January 1 of each year, the County and the Municipality shall agree upon an estimate of the annual amount of the proceeds Municipality would otherwise have been entitled to receive from taxes levied during the term of this Agreement and any extensions thereof upon property within the Municipality for the County's Road and Bridge Fund, which is funded by tax revenues collected pursuant to

Article X, Section 12 (a) of the Constitution of Missouri and Section 137.555 RSMo., as amended. This amount shall be referred to herein as the “Estimated Services Budget.” If the County and the Municipality are unable to agree upon an Estimated Services Budget by August 1, then the Estimated Services Budget shall be the amount for the preceding year of the actual proceeds Municipality would otherwise have been entitled to receive from taxes levied upon property within the Municipality for the County’s Road and Bridge Fund, along with any adjustment resulting from the annual reconciliation described in Section 6 below.

(b) Option for using additional funds.

The Municipality shall have the option each year of designating additional funds to apply to the determination of the amount of the Estimated Services Budget. These additional funds may be used for Contract Work only (as defined in Section 5(b)(5)). If the Municipality utilizes that option, then the Municipality shall pay the County the amount of the additional funds over four equal installments payable on January 1, April 1, July 1 and October 1 for the year in which the additional funds are to apply. This designation of additional funds must be completed by July 1 of the previous year as part of the establishment of the Estimated Services Budget.

2. **Cost of Services.** Attachment A provides an itemized list of unit costs and/or fixed costs for services the County typically provides for the repair, maintenance, construction or reconstruction of public roads, streets and rights-of-way. The costs shall be based upon the most recent available actual average bid prices for similar work for concrete slab replacement, asphalt overlay work, and crack sealing. The costs for other common work, including general maintenance, will be determined each year by the County based on its determination of its actual costs incurred in performing such work. The County shall provide the Municipality with an update of Attachment A by May 1 of each year and such updated costs shall apply immediately and remain in effect until April 30 of the following year. Work that does not fall into one of the categories above will be performed on a time and material basis. Costs for time and material work will be calculated as the sum of the following: Equipment- using reimbursement rates for the use of the same or substantially similar equipment as established by the Federal Emergency Management Agency and in effect at the time work was performed; Personnel – using the hourly pay rate for any employee who participated in the work (including overtime if emergency repairs are required after hours); Material- using actual material costs; Specialty Equipment (equipment not included within the FEMA reimbursement rates) – will be charged an hourly rate of \$25 for every \$50,000 of original purchase price (Example: \$200,000 purchase price = \$100/hr); Administrative Services – 1.5% of subtotal repair cost to account for material bidding services and tracking of time and material invoices. Time will be charged in 0.5-hour increments.
3. **Authorized Location of Services.** The County shall provide the City with a current list of County maintained Municipal streets effective the date of this agreement as Attachment B. The Municipality shall review Attachment B, selecting what type of services the County is to perform and return it with the signed agreement. The Municipality is responsible for

providing the County an updated Attachment B, with selected services, at least once per year on May 1. The Municipality may update Attachment B as needed; however, any addition or deletion of a street must be accompanied by the pertinent City ordinance and no street shall be added or removed from this service agreement without an updated Attachment B from the Municipality.

4. **Request for Services.** The Municipality shall provide the County each year with a list of requested repairs, maintenance, construction or reconstruction of public roads, streets, and/or rights-of-way within the Municipality that reflects a total cost amount not in excess of the Estimated Services Budget. This list must be provided by August 1 for Scheduled Maintenance work for the next calendar year. The Municipality may request the assistance of the County in compiling such requests, and the County agrees to provide such assistance as is reasonably available, however the ultimate decision on which services to request lies with the Municipality.

5. **Provision of Services.**

- (a) In General.

The County shall provide the services requested by the Municipality and track its costs in accordance with the categories of services identified below and the corresponding costs set forth in Attachment A or based on time and material as specified above, and assess the costs incurred against the Estimated Services Budget or, if an adjustment has occurred pursuant to Section 6 of this Agreement, the Adjusted Services Budget. Notwithstanding any other provision of this Agreement, the County shall have no obligation to provide services that will result in the County's incurring costs in excess of the Estimated Services Budget or, if an adjustment has occurred pursuant to Section 6 of this Agreement, the Adjusted Services Budget. The County may, however, incur excess costs at its own discretion in which event such excess costs shall be recouped in accordance with the provisions of Section 6 below; however, the County shall not incur costs in excess of twenty percent (20%) of the current year's Estimated Services Budget or, if an adjustment has occurred, the Adjusted Services Budget, without the written consent of the Municipality.

- (b) Categories of Services.

(1) General maintenance: The County shall provide general maintenance for all streets specified in Attachment B, at a flat rate per mile established each year, as shown in Attachment A. General maintenance will include pothole patching (limited to an area no larger than two feet (2') by two feet (2') in size), trash pickup once per year on rural roads to be mowed, mowing of rural roads twice per year, washing and sealing bridges not more than once per year, and emergency response for debris removal or flooding. The County shall not be obligated to mow along any subdivision streets. All roadways that will receive these general services shall be identified in Attachment B by the Municipality.

(2) **Scheduled Maintenance:** The Municipality shall request Scheduled Maintenance services, as defined herein, in accordance with Section 4 above, and the County shall make all reasonable efforts to provide such services subject to the limitations set forth herein. This work will consist of the following types of scheduled maintenance: concrete slab replacement, asphalt overlays, curb replacement, sidewalk replacement, curb ramp replacement or construction, replacement of culvert pipes or storm sewers, mowing along urban arterial roads twice per month, striping, sign installation, or the total reconstruction of a roadway. Such work must be requested by August 1 for scheduling work the next calendar year. The County shall have the discretion to deny work if sufficient staff is not available and determine when during the calendar year the Scheduled Maintenance will be performed, but agrees to confer with the Municipality regarding any specific timing needs.

(3) **Unscheduled repairs (work orders and emergencies):** The Municipality may request work during the year that was not scheduled but is required due to changing conditions. This work will consist of the following types of unscheduled work: concrete slab, curb or sidewalk replacement, repair of holes or soft spots in asphalt roadways that are larger than two feet (2') by two feet (2') in size, replacement of a failed culvert, flushing culverts, street creep repairs, street sweeping, new sign installation, sign replacement, or other unscheduled maintenance work. Work will be requested by the Municipality by submitting a work order request to the County Highway Department office. The County will investigate the work order within 10 business days and either make the repair or provide the Municipality with a plan for performing the corrective work along with a timeframe. The total value of Unscheduled Repairs must not exceed \$15,000.00 per year without prior approval from the County.

(4) **Winter Response:** The County shall provide winter response services for all streets specified in Attachment B as of October 31 of each year. Winter response shall be assessed at a flat rate per centerline mile established each year, as shown in Attachment A. Winter response shall include pre-treatment, de-icing, and snow plowing services. All winter response services for the Municipality shall be performed in conjunction with winter response for County owned roads. No work shall be performed solely for the benefit of the County or Municipality. Timing of services, material application rates, and response routes shall be at the discretion of the County in order to maximize efficiency and minimize costs to both parties.

(5) **Contract Work:** The Municipality may request additional scheduled maintenance work, whose costs exceed the annual Estimated Services Budget, if the type of work consists of Contract Work, as defined herein. The term "Contract Work" shall mean: concrete slab replacement, asphalt overlays, curb replacement, sidewalk replacement, curb ramp replacement or construction, or the total reconstruction of a roadway. Such work must be requested by August 1 for scheduling work the next calendar year. Payment for the Contract Work shall be made in accordance with Section 1. If the Contract Work is to be paid for, or the costs therefore reimbursed, in whole or in part by a state or federal grant, then the

Municipality shall be responsible for any required matching funds. At the County's discretion, should the Contract Work exceed the County's ability to provide adequate construction inspection services, the Municipality will be responsible for providing inspection services for those portions of a contract involving municipal streets. Contract Work shall be subject to an additional payment to the County equivalent to 1.5% of the Municipality's Contract Work amount. This additional payment will help offset the administrative costs borne by the County during performance of bidding services. Furthermore, the County shall have the discretion to deny any request for Contract Work if the County determines it does not have sufficient staff or other resources available to administer the requested work. The combined total value of Contract Work and Scheduled Maintenance (as described in Section 5(b)(2)) shall not exceed \$400,000.00.

(c) Cost Reporting.

The County shall provide the Municipality with a quarterly accounting of the services provided and the costs incurred no later than one (1) month following the conclusion of each quarter. The parties may then confer to determine whether to make any adjustments to the requested work for the remainder of the year. The accounting for the general maintenance and winter response services shall be based on the streets selected and annual flat rates applicable thereto, assessed quarterly on January 1, April 1, July 1, and October 1. For all work that is not performed on a time and materials basis, the costs reflected in Attachment A shall be used; any costs incurred by the County in excess of the costs for such work reflected in Attachment A shall be borne by County, and any savings realized shall be retained by the County. For all work that is performed on a time and materials basis, the costs shall be calculated as stipulated in Section 2.

6. **Annual Reconciliation.** After the conclusion of each year this Agreement is in effect, the County shall reconcile the actual costs of the services provided as reflected in the quarterly accountings to the Municipality with the actual revenue that the Municipality would otherwise have received from taxes levied upon property within the Municipality for the County's Road and Bridge Fund. Any difference between such actual revenue and such actual costs shall be applied to the Estimated Services Budget for the next year as an adjustment, yielding an amount that shall be referred to herein as the "Adjusted Services Budget" for said year; unless the remaining costs exceed the Estimated Services Budget by 10% or more, at which time the County may request a final yearly payment due in December. The parties acknowledge that the information necessary to complete such reconciliation may not be available until several months into the new calendar year. When the Adjusted Services Budget is determined, the parties shall confer to determine whether to make any adjustments to the requested work for the remainder of the year to account for the adjustment in budget amount.
7. **Final Reconciliation Upon Termination.** At the time of termination of this Agreement, any outstanding difference between such actual costs and such actual revenue shall be accounted for and paid. This final reconciliation shall be performed by the County and submitted to the Municipality. If such actual costs have exceeded such actual revenues, then the Municipality shall pay the amount of the difference to the County within ninety

(90) days of such submission. If such actual revenues have exceeded such actual costs, then the County shall pay the amount of the difference to the Municipality within ninety (90) days of such submission.

8. **Cost and Revenue Calculations.** The County shall be responsible for calculating all amounts of revenue and costs contemplated in this Agreement. The Municipality shall be entitled to review all data and calculations utilized by the County in determining such amounts. If the County has actual cost data to rely upon for the use of its vehicles and other equipment (normally these costs are only available for rented equipment) those costs will be used, but if not, then the County shall be entitled to use reimbursement rates for the use of the same or substantially similar equipment as established by the Federal Emergency Management Agency and in effect at the time. If substantially similar equipment as established by the Federal Emergency Management Agency is not available, costs shall be calculated as "Specialty Equipment" as outlined in Section 2 above. In the event of any dispute over calculations of revenue or costs pursuant to this Agreement, the parties agree to meet and confer to attempt to resolve such dispute, however the County's determination made after such meeting shall be controlling.

Compensation

9. In consideration of the County meeting the obligations of this Agreement, and subject to the right of the Municipality to a refund pursuant to Section 7 of this Agreement, the Municipality waives its rights to refunds of taxes levied during the term of this Agreement and any extensions thereof upon property within the Municipality for the County's Road and Bridge Fund pursuant to Article X, Section 12 (a) of the Constitution of Missouri and Section 137.555, RSMo., as amended. The Municipality may further opt to contribute additional compensation as set forth in Section 1 (b) for the purpose of receiving additional services.

General Terms

10. The County shall perform these services as an independent contractor of the City. The County shall have the discretion to determine the appropriate methods to accomplish necessary repairs and maintenance, but shall utilize the same standards as it uses for the repair and maintenance of the County's public roads, streets, and rights-of-way.
11. The Municipality recognizes that its duty to inspect its roads, streets and/or rights-of-way is nondelegable, and the County shall not assume any such duty by operation of this Agreement. Upon the County's receipt of written notice from the Municipality of any specific defect or unsafe condition in a road, street, or right-of-way subject to this agreement that requires repair or maintenance, the County shall perform repair or maintenance work to remedy such condition within a period of time that is reasonable under the circumstances and in consideration of the staff available, with the cost of such work to be tracked and assessed against the Estimated or Adjusted Services Budget. If the County receives notice of a defect or unsafe condition in a road, street, or right-of-way belonging to the Municipality from another source, the County shall direct such source to report the defect or unsafe condition to the Municipality or otherwise notify the Municipality.

12. Notwithstanding any other terms of this Agreement, nothing herein shall limit the Municipality's right to apply for road improvement project funding from the proceeds of the St. Charles County transportation sales tax or any other source.
13. All improvements that are constructed after the date of this Agreement and that are to be maintained by the Municipality (or by the County pursuant to this Agreement) must be constructed to standards satisfactory to the St. Charles County Highway Department. Any improvement constructed to meet or exceed the standards listed in the "St. Charles County Highway Department Design Criteria for the Preparation of Improvement Plans" (kept on file in the Highway Department), or other standards incorporated by reference therein, shall be considered satisfactory. The Municipality shall provide the County with construction plans, inspection reports, and other documentation or information requested by the County that is reasonably necessary to evaluate the design and construction of any improvement submitted for maintenance by the County pursuant to this Agreement.

Other Services

14. Upon written request from the Municipality, the County shall issue special use permits on behalf of the Municipality for work in the Municipality's rights-of-way in the same manner as the County issues special use permits for work in the County's rights-of-way pursuant to Section 229.300, *et seq.*, RSMo., as amended. Any fees collected from applicants for permits issued by the County on behalf of the Municipality shall be retained by the County, and no costs for the issuance of such permits shall be assessed against the Municipality.
15. This Agreement shall not affect any contracts for services between the County and the Municipality not related to road maintenance and repair. Nothing in this Agreement shall obligate the County to perform review of development or improvement plans, inspection of improvements under construction or existing improvements, or other development review services for the Municipality. The County may provide such services to the Municipality pursuant to a separate written agreement.

Limitations

16. This Agreement is not assignable by either party hereto.
17. The Municipality shall comply with all applicable laws, ordinances, rules, regulations and requirements now in force or which may hereinafter be put into force.

Duration and Renewal

18. The initial term of this Agreement shall begin on January 1, 2024 and expire on December 31, 2024, however, upon expiration of the initial term or any renewal term, this Agreement shall automatically renew for an additional one-year term unless a party gives written notice of termination to the other party at least sixty (60) days before expiration of the then-current term.
19. This Agreement may also be terminated by either party hereto at any time by giving at least sixty (60) days advance written notice to the other at the address shown below. If this contract is terminated such that the termination is effective before December 31 of any

year, the amount of tax subject to the Municipality's waiver of refund rights as set forth herein shall be prorated, and a final reconciliation and payment shall be made as specified in Section 7 above. 20. At such time the Municipality reaches a population of 6,000 residents or more based on data from the United States Census Bureau, the Missouri Census Data Center, or similar government demographer; automatic renewal of this agreement will cease, and the current agreement will expire on December 31st of the current year. Should automatic renewal of this agreement cease pursuant to this Section 20, the County will notify the Municipality as provided in Section 25 of the Agreement. The Municipality may request up to a one-year extension to this agreement which may be accepted or rejected by the County at its own discretion. However no more than one extension may be requested by a Municipality whose population meets or exceeds 6,000 residents.

Miscellaneous

21. The headings in this Agreement are for convenience only and neither limit nor amplify the provisions of this Agreement.
22. If any provision of this Agreement shall be found by a court of competent jurisdiction to be invalid or unenforceable, the same shall be reduced in scope and coverage to the extent necessary to render the same valid, and, if that is not possible, the remainder of this Agreement shall not be affected and shall continue in full force and effect. 23. No provision of this Agreement shall be construed against or interpreted to the disadvantage of a party by any court or other governmental authority by reason of such party having or being deemed to have structured or dictated such provision.
24. This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof and supersedes all previous agreements relating to repair and maintenance of the Municipality's roads by the County. There are no contemporaneous agreements, written or oral, between the parties with respect to the subject matter hereof. This Agreement may be modified only by a written instrument signed by each of the parties hereto.
25. Notices: All notices and other communications hereunder shall be in writing and shall be deemed to be duly given if (a) delivered in person or by commercial delivery service, or (b) if mailed by certified mail, with postage prepaid and return receipt requested, to the party at its address as set forth below:

To the Municipality:
Mayor
City of Weldon Spring
5401 Independence Road
Weldon Spring, MO 63304

To the County:
County Executive
St. Charles County
100 North Third Street
St. Charles, Missouri 63301

Signature Page to Follow

IN WITNESS WHEREOF, each of the undersigned has executed this Agreement after duly obtaining authorization to enter into same from the governing body thereof in accordance with applicable law.

THE CITY OF WELDON SPRING

ST. CHARLES COUNTY, MISSOURI

By: _____
Mayor

By: _____
County Executive

ATTEST:

ATTEST:

By: _____
City Clerk

By: _____
County Registrar