

AN ORDINANCE ADOPTING THE COMMONS PRECISE PLAN CONSISTING OF TWENTY-ONE (21) LOTS LOCATED AT THE SOUTHWEST CORNER OF INTERSTATE 29 AND U.S. HIGHWAY 169 SOUTH, REQUESTED BY JARRETT ARCHDEKIN FOR EARTHWORKS EXCAVATION COMPANY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council of the City of St. Joseph does hereby adopt The Commons Precise Plan attached hereto as Exhibit "A", and incorporated herein by reference; said plan to apply to the P-10 The Commons Precise Plan zoning district as adopted by General Ordinance Number 2279, dated April 7, 2008.

SECTION 2. That the City Council of the City of St. Joseph does hereby attach the following condition to said approval of the Precise Plan and does hereby require that said condition be made a part of the plan upon its adoption:

Minor modifications to plan language, if necessary in the future, may be approved by the Director of Planning and Community or his/her designee.

SECTION 3. The Council finds and declares that before taking any action on the proposed precise plan, all public notices and hearings required by law have been given and had including making protests or lack of protests a part of the record.

SECTION 4. That this ordinance will be in full force and effect from the date of its passage.

Authenticated Copy
of Reso., G.O., S.O. 7313
By Paula K. Heyde City Clerk
Debra K. Kaminski Deputy
Date 4-9-08

Approved as to form:

Theodore S. Elz
City Attorney

Passed April 7, 2008

Attest: /s/Paula Heyde, CMC
(Seal) City Clerk

/s/Ken Shearin
Mayor

X 2-22-08

AN ORDINANCE REDISTRICTING THE PROPERTY LOCATED WEST OF INTERSTATE 29 AND SOUTH OF US HIGHWAY 169 SOUTH, KNOWN AS THE COMMONS SUBDIVISION, EXCEPT LOTS 14 AND 3B OF THE COMMONS PLAT 2 FROM C-3 COMMERCIAL DISTRICT TO P-10 THE COMMONS PRECISE PLAN ZONING DISTRICT AS REQUESTED BY JARRETT ARCHDEKIN FOR EARTHWORKS EXCAVATION COMPANY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter XXXI, Section 31-003, of the Code of Ordinances of the City of St. Joseph, pertaining to zoning districts be, and hereby is amended by enacting a new section to be added thereto, to be known as Section 31-003.174 which shall read as follows:

Section 31-003.174

The Commons Precise Plan:

The property generally located at the southwest corner of the intersection of Interstate 29 and U.S. Highway 169 South, known as The Commons, more specifically to include Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, to include any minor subdivision or subsequent splitting or joining of lots except 3B of the Commons Plat 2.

Shall be redistricted from C-3 Commercial District to P-10 The Commons Precise Plan District, all as shown on the plat marked "Exhibit A," attached hereto and which is hereby adopted as an amendment to the district map constituting part of said section.

SECTION 2. The Council finds and declares that before taking any action on the proposed zoning redistricting herein, all public notices and hearings required by law have been given and had including making protests or lack of protests a part of the record.

SECTION 3. That all Ordinances or parts of Ordinances in conflict with this Ordinance shall be, and hereby are, repealed.

SECTION 4. That this ordinance will be in full force and effect from the date of its passage.

Authenticated Copy
of Reso., G.O., S.O. 2279
By PAULA HEYDE, City Clerk
Deputy
Date 4-8-08

Approved as to form:

[Handwritten Signature]

City Attorney

Passed April 7, 2008

Attest: /s/Paula Heyde, CMC
(Seal) City Clerk

/s/Ken Shearin
Mayor

**A
PRECISE PLAN
FOR
THE COMMONS**

PREPARED FOR:
Earthworks Excavation Company
Agency, Missouri

PREPARED BY: Jarrett Archdekin

Precise Plan
For
THE COMMONS
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ARTICLE I – Property Description

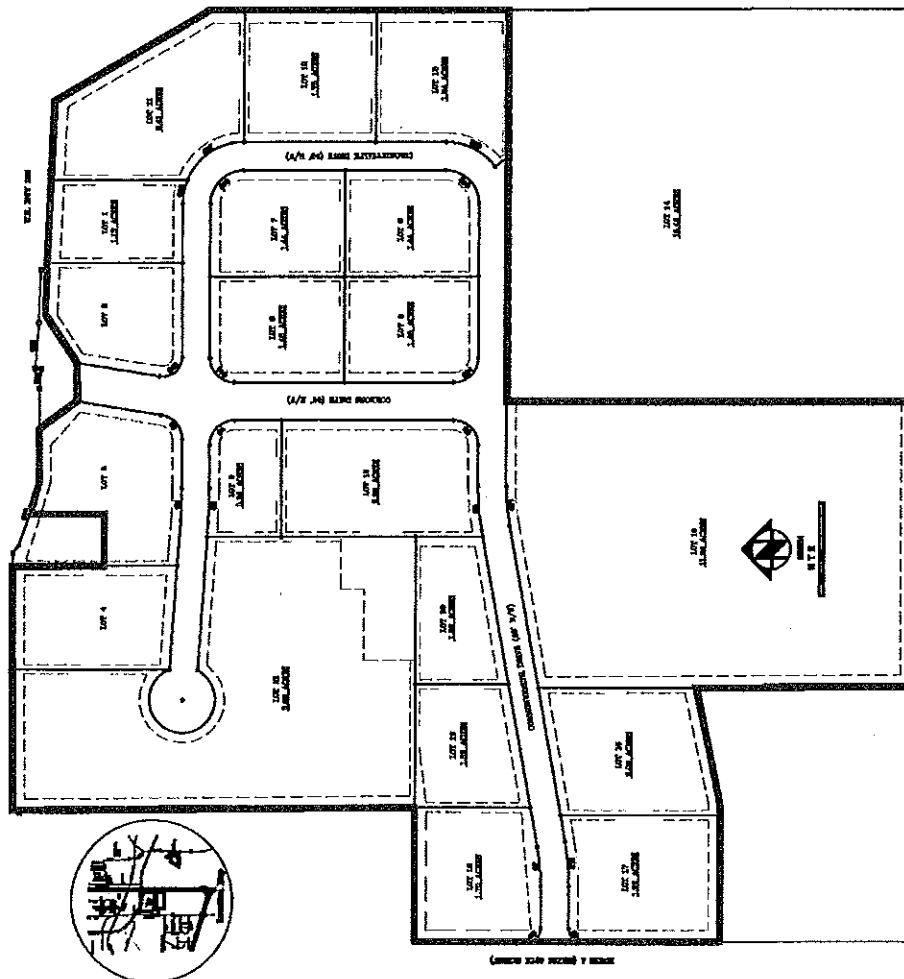
This Precise Plan shall provide the development standards for the property generally located at the south west corner of the intersection of Interstate 29 & US Highway 169 S. Known as The Commons, more specifically to include lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, to include any minor subdivision, major subdivision or subsequent splitting or joining of lots except lot 3B of The Commons Plat 2

The Area

Area #1 shall include lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, to include any minor subdivision, major subdivision or subsequent splitting or joining of lots except lot 3B of The Commons Plat 2

AREA 1

PRECISE PLAN FOR THE COMMONS



ARTICLE II – Intent of the Precise Plan

The intent of The Precise Plan for the The Commons is to allow for the development of 55.96 acres of redeveloped land in St. Joseph, Missouri in a comprehensive and coordinated manner, creating a high quality environment and increasing land values, while maintaining the flexibility to adapt the plan as market demand changes.

It is the ability of the Precise Plan zoning classification to provide regulations for development criteria, design guidelines and quality, and still remain flexible in land use patterns and locations that make it a good fit for its use on the The Commons

The Precise Plan will:

- Allow for the integration of all the impacted surrounding uses and neighborhoods into the development;
- Look at development and planning issues surrounding the plan area and allow a comprehensive strategy to be developed in dealing with them;
- Allow for a wider vision for the plan area and its place in the greater community;
- Allow for flexibility to respond to changing market demands over time;
- Allow for the creation of a high quality environment for shopping, dining, providing goods and services and conducting business;
- Allow for the development of higher quality standards for design and construction within the plan area;

Goals for the Plan

Through the use of thoughtful design, regulated design guidelines and development criteria, infrastructure planning and upgrades and flexibility to meet changing demands, The Commons Development Plan will strive to meet the following goals:

- Encourage a high quality development that is unique to the St. Joseph Area and positioned in the marketplace for success;
- Create a development integrated in the fabric of the surrounding community, through the use of modified and improved vehicular circulation and access, pedestrian dedicated walks, significant landscape enhancements, thoughtful site planning, and people scale amenities and details;
- Provide development criteria and design guidelines for a cohesive and unified development;
- Provide an attractive, uniform, well-designed development that combines appropriate scale retail development with restaurant, professional office and entertainment facilities;
- Allow flexibility within the plan area to allow the plan to react to changing market conditions, and stay cohesive and unified;
- Increase the value of the plan property;

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ARTICLE III – Development Principles

Development Principles

The following section outlines the basic use and development principles for the The Commons Development Plan. These principles shall provide a general guide for the land development within the area.

- The development has immediate access to Interstate 29, US Highway 169 S. and State Rt. A all of which are major transportation routes. Coordinated connections to these routes are important to the development of this commercial subdivision.
- The Land Use Plan shall be as set forth in this document.
- The plan shall have the flexibility to respond to changes in the market demand, over time.
- The development is planned as Mixed Retail with some Office, Professional Office and Financial Institutions. The design guidelines in the plan shall guide the development of plan areas over time, ensuring consistent and quality design and construction.
- Within the plan area, businesses that provide high quality goods and services to the community, quality jobs for the community and that elevate the character and level of quality of the development shall be encouraged.
- The plan shall provide pedestrian connections from the adjacent commercial area to the development.
- The plan shall promote increased vehicular accessibility around and throughout the development site.
- The plan shall provide safe, convenient, and accessible pedestrian circulation through the development on dedicated pedestrian routes and walkways.
- The plan includes a new connection from U.S. 169 Hwy. to A Hwy. through the property.

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ARTICLE IV – Land Use

The precise plan establishes the following land use area as indicated in Exhibit 2.

Description	Land Use Classification	Area
Area 1	Retail/ Office/ Professional Office/ Financial	55.96 Acres

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ARTICLE V – Development Standards

The following Development Standards outline the specific uses permitted within the Land Use Area define the development standards appropriate for the Land Use Area. The intent of these standards is to provide a guide for appropriate planning of the development and circulation patterns of the development. Application of these standards will promote the highest and best use of the land, encourage use compatibility and minimize conflicts between differing adjacent uses.

Purpose

The purpose of the Development Standards is as follows:

- To establish use regulations, performance standards, height and area regulations and design guidelines.
- To consolidate compatible uses within appropriate land use area to ensure expansion opportunities for existing uses as well as to provide protection for new uses; and
- To regulate uses at the boundaries of such land use areas to control incompatibilities and adverse impacts on uses in adjacent land use areas and adjacent zoning.

General Standards

A. Architectural Compatibility

1. To the maximum extent practicable, the design of adjacent developments, including developments located across a street from each other, shall be compatible with each other in order to promote a common character and sense of arrival.
 - a) “Compatibility” may be achieved through a combination of the following:
 - i. Incorporation of similar architectural materials, colors and architectural styles that are easily read and understood by motorists on adjacent streets;
AND
 - ii. Common site design elements such as site and area features, building lighting, common landscape treatments (especially at lot corners) and consistent and attractive signage.
 - b) “Compatibility” with existing adjacent non-conforming land uses and structures shall not represent just cause for any new development or re-development to be planned in a manner which is not in full compliance with the requirements of the The Commons Precise Plan.

B. Outside Storage

1. No outside storage of any type, including but not limited to materials, supplies, equipment, vehicles, finished or semi-finished products, raw materials or articles of any nature shall be stored or permitted to remain on any building sites outside of the Building or Buildings constructed thereon, without the written approval of the Developer. Any permitted storage shall be screened and/or fenced in a manner so as to not be objectionable to any occupant of other Building Sites in the Precise Plan area or to the general public, and shall be continued only in accordance with the terms of the original notice of approval.

2. Facilities for storage of waste, trash, debris and rubbish shall be maintained within a screened area in closed metal containers of type approved by the Developer in writing.
 - a) All screening enclosures shall be constructed of materials compatible with the primary structure which occupies the property being served by said enclosure.
 - b) Architectural plans for screening enclosures shall be submitted along with the development master plan documents for approval by the Developer.
3. The bulk storage of any liquids or materials on the outside of Buildings shall be permitted only in locations and in a manner as may be approved in writing by the Developer.

C. Circulation

1. Circulation patterns should be thoughtfully planned and designed to provide safe and intuitive movement throughout the Precise Plan Area.
 - a) Connections between various lots should be easily understood and located to minimize confusion and to limit unnecessary vehicular traffic congestion.
 - b) Connections to adjacent roadways should provide adequate and safe access to and from the development.
 - c) All vehicular routes shall be designed and built according to the standards of the City of St. Joseph Public Works Department.
2. Pedestrian circulation alternatives should be provided on all lots.
3. The internal pedestrian circulation system should provide connection to public pedestrian ways and provide interconnection between lots.

Area Standards

AREA 1

A. Permitted Uses

1. All buildings, structures, lands or premises shall be used for one or more of the purposes provided in this section.
 - a) **Large-Scale Retail Business:** These establishments sell multiple categories of goods, such as department stores, discount stores, supermarkets, warehouse stores, drug stores or apparel stores. This category also includes retail establishments that carry single category goods such as home furnishings, office equipment, hobby stores, home improvement or appliances. These establishments typically occupy 10,000 square feet or more.
 - b) **Small-Scale Retail Business:** Medium and small-scale retail establishments are those that occupy less than 10,000 square feet. These usually sell specialty items or provide personal services of a personal convenience nature.
 - c) **Restaurants:** This is to include those establishments with outdoor seating, facilities serving alcoholic beverages and drive-up food service facilities.
 - d) **Retail uses for the site are as follows.** This list is not intended to prohibit other similar type uses.

- Apparel stores
- Variety stores
- Jewelry stores
- Delis and take-out food
- Shoe stores
- Barbershops
- Junior department stores
- Candy stores
- House wares
- Bakeries
- Cleaners
- Photography Studios
- Art Galleries
- Financial Institutions
- Multi-category large-scale retail
- Single category large-scale retail
- Health and fitness centers
- Florists
- Gift stores
- Art shops
- Hobby Shops
- Beauty salons
- Yardage stores
- Music shops
- Restaurants and cafes
- Fast Food
- Package and shipping stores
- Entertainment
- Soda fountains
- Consumer electronics
- Camera shops
- Hardware stores
- Auto service
- Storage facilities
- Establishments serving alcoholic beverages which are ancillary to food service
- Establishments selling package alcoholic beverages which are ancillary to other services
- Furniture stores

e) Professional Office: This shall include those business offices of professionals including but not limited to: doctors, physicians, dentists, attorneys, architects, engineers, accountants, real estate offices.

B. Outdoor Uses

1. Outdoor and seasonal product sales will be allowed with developer approval, provided they do not result in parking congestion or disturb on-site circulation or safety, they are kept clean of debris and trash, and the display of merchandise is in an attractive manner so it will not interfere with the overall appearance of the retail development of the Precise Plan Area.

C. Height and Area Standards:

1. The minimum parcel area, minimum parcel dimensions (width and depth), minimum yard dimensions (front, side and rear), maximum building height, and maximum building coverage applicable to buildings or structures hereafter erected, constructed or moved and applicable to nonconforming uses and/or nonconforming buildings considered as a business entity and hereafter enlarged, extended or reconstructed shall be as shown in Table A – Height and Area Regulations (Page 13) unless otherwise specifically indicated herein.
2. Building setbacks for all pad site buildings shall maintain a 25-foot landscaped setback at a minimum along the Highway 169 S/Belt Highway frontage.
3. No buildings shall encroach upon the 25-foot landscaping buffer as described in the Landscaping section as applicable.
4. Setbacks from the exterior property lines to the parking areas shall be 10 feet minimum, except the property with frontage along Belt Highway, which shall be 25 feet.
5. Interior property lines do not require any setbacks for buildings or parking.

D. Outlot Restrictions:

1. The following provisions shall apply to the Commons Parcels as follow.
 - a) No building located on Lot 1, 2, 11, 12, or 13 shall exceed fifty percent (50%) of the median lot width;
 - b) No building constructed or located on Lot 1, 2, 11, 12, or 13 shall have a Floor Area Ratio (“FAR”) in excess of fifteen percent (15%) of the total size of the lot;
 - c) No building constructed on Lot 1, 2, 3, 6, 7, 8, 9, 11, 12, or 13 shall have more than one story or have a height in excess of twenty four (24) feet from average finished grade;
 - d) No portion of the Commons Precise Plan Parcels shall be used for the operation of any business whose customers use parking reserved for Menards customers.
 - e) Any variance to 1.a – 1.d require written approval by the developer.

E. Site Design Standards:

1. Site Coordination – All property owners within the precise plan area must coordinate all site design issues with developer as they relate to adjacent property within the precise plan. Shared access, parking, grading, and landscaping as well as traffic issues and utility design shall be coordinated upon by the adjacent property owners. Mutual access agreements, if required, shall be coordinated by the affected property owners and the developer.

2. Vehicular Circulation – All lots shall accommodate cross access and give clear direction to primary public roadways within the Commons Precise Plan area.

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TABLE A

Height and Area Regulations

	Land Uses
	Office, Retail, Finance, Insurance & Service Retail
Minimum Parcel Area (SF)	5,000
Minimum Parcel Dimensions	
Width (FT)	50
Depth (FT)	100
Minimum Yard Dimensions	
Front (FT)	10 ¹
Side (FT)	10 ¹
Rear (FT)	10 ¹
Landscape Street Yard	
Front (SF per linear feet)	10
Minimum Landscape Buffer	
Side (FT)	10
Rear (FT)	10
Maximum Building Height (FT) ²	60 ^{3 & 1}
Maximum Building Coverage (%) ^{4 & 1}	90

Notes:

¹ Unless otherwise indicated herein.

² Measured from the average finish grade elevation of the building line to the top of the fascia or coping of the primary building roof or parapet wall; mechanical penthouses are not included in this dimension, but should be enclosed or screened in a manner that blends with the exterior material and color of the primary structure.

³ Maximum building height for All Uses shall be greater of 60 feet or 4 stories.

⁴ Percentage of the total Parcel Area covered by the cumulative "footprint" floor areas of all primary and accessory buildings located on a parcel.

Accessory Uses

Accessory uses pursuant to Section 31-050 of the Zoning ordinance of St. Joseph, Missouri are permitted in the Precise Plan Area subject to compliance with the height and area regulations and the design standards of the Precise Plan and other applicable requirements of the zoning code. These uses shall be described as.

1. Assembly, modification, reshaping or construction of any wood, metal, plastics, leather or computer items to be sold as a retail product within the occupied space.
2. Exhibit of domestic animals and livestock to be used in conjunction with indoor show events, rodeos to allow loading, unloading and temporary storage of the animals while on display at a retail sales establishment.

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ARTICLE VI – Design Guidelines

The purpose of the Design Guidelines is to more specifically guide future development of the Precise Plan Area in a cohesive and architecturally consistent manner. Incorporation of the following standards will reinforce a commonality and high quality architectural type throughout the Plan Area.

A. Architectural Standards:

Through this Precise Plan, a certain set of quality and design standards are issued, which will help create within the portions of the Precise Plan Area, structures that are compatible with the overall design quality of the The Commons Development Plan. All buildings erected within the Precise Plan Area shall be constructed according to the following standards.

1. Individual building designs that add richness to the built environment are encouraged to be implemented upon approval. The use of imaginative forms original and innovative modification to standard building façade designs compatible with the overall design of the development will be allowed.
2. Initial review of building design compatibility to the precise plan design guidelines for retail applications shall be reviewed by the developer or developer's agent and shall require a letter of approval from the developer prior to submittal to city for plan approval. Review shall include all aspects of design including but not limited to signage, building materials, architectural design compatibility, landscape design and use.
3. Show windows must have concealed lighting without pulsating, strobe, or otherwise animated illumination. All interior and exterior surfaces shall be a high quality finish materials. Show windows should minimize the use of back walls that tend to close off the store area visually from the public view.
4. Exterior finishes
 - a) The exterior of the building will be primarily a mixture of brick or architectural concrete masonry unit (CMU), with accents/banding of differing colors or brick, stucco, cast stone, architectural panels or masonry veneer.
 - b) Typical exterior wall construction will be tilt-up concrete, exterior sheathing and a brick, CMU, architectural panels or stucco veneer where appropriate and for maintenance reasons stucco will be avoided in areas below three feet to four feet above grade, nor will it be employed over large expanses of wall area without a break in the articulation of the façade.

B. Building signage standards:

1. All signs must be made up of individual illuminated letters; conventional box signs will not be approved. Box signs with raised letters will be considered but are subject to developer approval.
2. Lettering on all store signs shall be limited to business or trade name of the premises as it is known. No manufacturer's name, union labels, or other lettering shall be visible.

Logo signs or registered trademarks will be reviewed on an individual basis, and will be allowed only as approved by the developer as a part of the sign program.

3. No exterior sign or sign panel will be permitted to extend above any roof line without prior written consent of the developer.

4. Any sign, notice or other graphic or video display, particularly self-illuminated signs, located within the store and which is easily visible from the development will not be permitted without developer approval.

5. No exposed lamps or tubing will be permitted without developer approval.

6. No exposed raceways, crossovers or conduits will be permitted.

7. All signage returns shall be semi-glass black enamel finish or blend with adjacent building color.

8. All cabinets, conductors, transformers and other equipment shall be concealed from public areas; visible fasteners will not be permitted.

9. All metal letters shall be fabricated using full-welded construction, with all welds ground smooth so as not to be visible.

10. Acrycap or trimcap retainers used at the perimeter of sign letter faces shall match in color and finish the face or the sides of the sign.

11. Threaded rods or anchor bolts shall be used to mount sign letters, which are spaced out from the building face. Angle clips attached to letter sides will not be permitted. All mounting attachments shall be sleeved and painted, and concealed.

12. All main signs are to be centered in the signage band.

13. All electric signs and installation methods must meet UL standards and contain a UL label.

14. All illuminated signs must be turned on during the Center's normal operating hours. The use of time clocks for sign and show window lighting is required.

15. Lighting of signs shall be at hours as required by Developer.

16. Minimum height of all signage shall not be less than 60% of the maximum allowable letter height.

17. All signage is subject to the approval of the Developer and the local authorities.

18. Tenants are required to provide a concealed access panel from within the Tenant's leasable area, if applicable, to service and install exterior building signage.

C. Additional Signage:

1. Service doors to Tenant spaces throughout the project shall have standard four inch letters, identification only (name and address number). The Tenant shall not apply any signage or other wording to service doors.
2. All signage must be shown to scale on the approval storefront elevation.
3. All additional signage shall be submitted to the developer.
4. Any minor deviations to these criteria will be reviewed on an individual basis and subject to developer approval.

D. Parking Regulations

1. The parking lot standards for uses in the Precise Plan Area shall be as required for the various uses in Section 31-053 of the Zoning Ordinance of St. Joseph, and as provided in this plan. If there is a direct conflict between the plan and the Zoning Ordinance, the plan shall take precedence.
2. The number of parking stalls required for the Precise Plan Area shall be a minimum of 3.5 stalls per 1000 square feet of building area. Restaurants shall provide a minimum of 1 parking stall per 4 seats. Restaurants must submit a parking plan to the Developer for written approval prior to plan submittal to the City of St. Joseph. Professional Office and Retail shall comport with the minimum for the Plan Area and submit a parking plan to the Developer for written approval prior to plan submittal to the City of St. Joseph.
3. The number of handicap stalls and their dimension and locations shall be provided for the development as required by Section 31-053 of the St. Joseph Zoning Ordinance.
4. If any tenant requires a deferral of parking spaces it may be granted by the City of St. Joseph as long as the tenant or tenant's representative is able to demonstrate that the proposed usage does not require the number of parking stalls. Parking may also be deferred for the implementation of other aesthetic amenities not required by this Precise Plan, on condition of approval by the City of St. Joseph.

E. Parking lot paving and design requirements.

1. All parking lots shall be hard-surfaced concrete or asphalt.
2. All parking lots shall be striped for definitive automobile spaces in the number, size and design as required by Section 31-053 of the St. Joseph Zoning Ordinance.
3. All off-street parking facilities shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the principal use. No motor vehicle repair work, except emergency service, shall be permitted in association with any required off-street parking.

4. All off-street parking areas shall comply with commonly accepted geometric design standards which may include, but which shall not be limited to: angle of parking; direction of parking; width of parking space; depth of parking space; and width of aisles. In general, design should meet the minimum standards provided in the Zoning Ordinance.
5. All parking lots shall be illuminated in accordance with the standards of the City of St. Joseph for minimum public parking area illumination.
6. All lighting fixtures used to illuminate off-street parking areas shall be designed to minimize glare and will be equipped with cut off shields to minimize spill-over light onto adjacent properties. All lighting shall take into consideration night sky quality.

F. Landscaping, Street Trees, Landscape Setback/Buffer Area, and Screening Standards

1. Purpose and applicability:
 - a) The general intent of the overall landscaping standards is to break down the visual impact of large parking areas and building facades by intensifying landscaping near building facades and entrances, along the internal roads, and along pedestrian walkways.
 - b) Landscape Street Yard and Side/Rear Yard Landscape Setback/Buffer Area: The purpose of the landscape street yard and side/rear yard landscape setback/buffer area is to separate potentially conflicting land uses and to provide a visual buffer between such uses. The landscape street yard and side/rear yard landscape setback/buffer area is required for all new permitted and conditionally permitted uses in the developments zoning district.
 - c) Screening Standards: The purpose of the screening requirements is to shield certain accessory structures and uses associated with new permitted and conditionally permitted uses through the use of planting and/or structural screen walls. The screening requirements shall be applicable to the following (and any similar) accessory uses and structures:
 - i. outdoor storage areas;
 - ii. outdoor service and loading areas;
 - iii. refuse collection areas;
 - iv. exterior mechanical and utility equipment;
 - v. exterior maintenance equipment; and
 - vi. exterior communications apparatus.

G. Requirements:

1. Landscape Street Yard and Side/Rear Yard Landscape Setback/Buffer
 - a) Area Requirements:
 - i. A landscape street yard area is required for the area of a lot which lies between the property line abutting a street and the street wall line of the building pursuant to Table A – Height and Area Regulations (page 13) unless otherwise indicated herein.
 - ii. A side/rear yard landscape setback/buffer area is required along the common property line associated with the side and rear yard areas of new permitted and conditionally permitted uses pursuant to Table A – Height and Area Regulations (page 13) unless otherwise indicated herein.

2. Landscape Street Yard and Side/Rear Yard Landscape Setback/Buffer Area design standards:

- a) The minimum quantity of trees and shrubs within the landscape street yard area shall be as follows:
 - i. The landscape street yard area shall require one shade tree and two ornamental trees per 500 square feet of the street yard unless granted a variance in writing by the Developer.
 - ii. Shrubs may be substituted for up to one-third of the required trees at the rate of ten shrubs, at least two feet tall at planting time, for one required shade tree. Shrubs should not be strung out along the length of the buffer area. Shrubs shall only be planted as an uninterrupted, continuous hedge or shrub mass. Only specimen shrubs may be planted singularly or in turf. All others must be planted in uninterrupted edged and mulched beds.
 - iii. Plazas, walkways, bike paths and similar paved areas within the landscape street yard may be credited to a maximum of 50% of the required landscape street yard.
 - iv. Trees shall be planted in beds as much as is possible for ease of maintenance. Those not planted in beds shall have a minimum 3' mulch ring at the base of the tree.
 - v. Landscape and ground cover area beds shall have cover at the time of planting a minimum of 60% ground coverage of plant material; the remaining 40% may be nonliving, consisting of bark, wood chips, decorative rock or stone or other similar material. The plant material will be of quantity and spaced so that in 2-4 years, 100% ground coverage shall be achieved.
 - vi. Turf areas may be seeded or sodded. Coverage after 3 mowings shall be 100%.
 - vii. Depending on the size and spacing of the selected palette of trees, trees may be located outside of, but adjacent to the buffer area.
 - viii. Plant sizes shall be as follows:
 - ix. Shade trees shall be a minimum of two and a half-inch caliper
 - x. Ornamental trees shall be a minimum of two-inch caliper
 - xi. Evergreen trees shall be a minimum of six foot height measured from the surface of the ground at the base of the tree to top of the tree
 - xii. Shrubs shall be a minimum of three gallon with a minimum mature height of three feet
 - xiii. The minimum quantity of trees and shrubs within the side/rear yard landscape setback/buffer area shall be as follows:
- b) The side/rear yard landscape setback/buffer shall require one shade tree, two ornamentals trees or two conifer trees for every 40 feet of lot line abutting a property line of conflicting uses. The trees may be irregularly spaced but shall be within 15 feet of the property line common to the conflicting use.
- c) The side/rear yard landscape setback/buffer shall require five shrubs per 40 feet of lot line abutting a property line of conflicting uses. Shrubs should not be strung out along the length of the buffer area. Shrubs shall only be planted as an uninterrupted, continuous hedge or shrub mass. Only specimen shrubs may be

planted singularly or in turf. All others must be planted in uninterrupted edged and mulched beds.

d) At least one third of the trees and shrubs shall be evergreen

e) If a utility and/or drainage easement occupy this setback/buffer, the trees may be located outside of the easements

f) Trees shall be planted in beds as much as is possible for ease of maintenance. Those not planted in beds shall have a minimum 3' mulch ring at the base of the tree

g) Landscape and ground cover area beds shall have cover at the time of planting a minimum of 60% ground coverage of plant material; the remaining 40% may be nonliving, consisting of bark, wood chips, decorative rock or stone or other similar material. The plant material will be of quantity and spaced so that in 2-4 years, 100% ground coverage shall be achieved.

h) Turf areas may be seeded or sodded. Coverage after 3 mowings shall be 100%

i) Depending on the size and spacing of the selected palette of trees, trees may be located outside of, but adjacent to the buffer area.

j) Plant sizes shall be as follows:

k) Shade trees shall be a minimum of two and a half-inch caliper

ii.) Ornamental trees shall be a minimum of two-inch caliper

iii.) Evergreen trees shall be a minimum of six foot height measured from the surface of the ground at the base of the tree to top of the tree

iv.) Shrubs shall be a minimum of three gallons with a minimum mature height of three to four feet

l) The required Landscape Street Yard and Side/Rear Yard Landscape Setback/Buffer Area is a minimum width. Additional area adjacent to the required buffer area may be utilized for the location/sitting of required trees and/or to achieve specific design intent.

m) Landscape maintenance standards:

i. Plant materials that have died or are no longer functional shall be replaced within one year.

ii. Plant materials shall be maintained in such a manner as to preserve their functional and aesthetic integrity.

iii. All trees adjacent to pedestrian and vehicular spaces shall be maintained so that mature branching occurs a minimum of seven feet from the ground.

iv. All shrubs and trees shall be planted so as to avoid obstructing visibility from a vehicle. A clear sight triangle of 25 feet from an intersection shall be established to ensure such visibility and safety.

n) Screening requirements: A minimum Screening is required along 169 Hwy/Belt Highway; this shall be reviewed and approved by the Developer.

o) Landscape Irrigation: Automatic irrigation sprinkler systems shall be required for all new landscape planting and turf areas. Exception: Interior parking lot islands shall not be required to be irrigated, but shall be encouraged.

i. Current standard, high quality, automatic irrigation controller, sprinkler and system components shall be used.

H. Parking Lot Landscaping Design Standards

1. Purpose and applicability:

- a) The purpose of the parking lot screening and landscaping requirements is to provide relief from large, hard paved surfaces associated with parking lots necessary to meet the needs of nonresidential developments and to improve the visual appearance of the Precise Plan Area.
- b) The parking lot landscaping requirements shall be applicable to all new permitted and special permit uses with open parking lots. These requirements are only applicable to parking lots and surfaces. The general landscaping requirements apply to all other areas.
- c) Two types of parking lot landscaping are required:
 - i. Screening or buffering between the parking lot and adjoining land uses and adjacent streets; and
 - ii. Trees for shading within parking lots.
- d) Parking lot screening.
 - i. The perimeter area of all on-site, open parking areas shall be screened from the view of adjacent properties and streets to an eventual minimum height of three feet by the use of berms and/or segmented plantings.
 - ii. Parking lot screening shall be designed so as to avoid obstructing visibility from vehicles in the parking lot or on adjacent streets. A clear sight triangle of 25 feet from an intersection shall be established to ensure visibility and safety.
 - iii. The parking lot screening requirement does not apply to internal parking lots which do not directly front adjacent properties or streets.
 - iv. One hundred percent of the affected street frontage or property boundary, excluding intersecting driveways, must have the required screening.
- e) Structures such as decorative walls or fences may be approved if:
 - i. The structure avoids a blank and monotonous appearance by such means as architectural articulation and/or the planting of vines, shrubs or trees; or
 - ii. The total use of berms and/or plantings is not physically feasible; or
 - iii. The structures complement the use of berms and/or plantings.
- f) The reference elevation for the base of the required screen shall be the surface of the parking area that is to be screened.
- g) The following maximum grades shall be conformed to in the parking lot screen area:
 - i. Grass sod or seeded berms: 3:1 (three feet horizontal: one foot vertical); and
 - ii. Planting beds: 2:1
 - iii. Where a parking lot is located adjacent to or comes in direct contact with a side or rear yard setback, the side and rear yard landscape setback/buffer area requirements shall apply and the above parking lot screening requirements shall be waived.

I. Parking lot landscaping.

1. Generally, there shall be landscaping along all pedestrian walks and there shall be landscaping along all vehicular entries from the surrounding city streets and the interior circulation roads.
2. For every twenty parking spaces in the parking lot area, one tree will be required to be planted within the parking lot area. This does not mean one landscape island is required for every twenty spaces. More than one required tree may be placed in a landscape island as long as the island is large enough to support its healthy growth.
3. The required trees shall be located within the parking lot so as to divide and break up expanses of paving and long rows of parking stalls and to create a canopy effect. In general, a minimum of one tree should be located within 120 feet of any parking stall when measured from the trunk.
4. The required parking lot trees should be located within the "parking lot area" where vehicles park and maneuver and not in designated landscape areas. "Within the parking lot area" means the trees must be located in planting areas bounded on at least two sides by parking lot paving. Only trees in landscape "islands," "dividers" or "fingers" shall count toward meeting the parking lot tree requirement.
5. There shall, at a minimum, be a landscape island with a minimum of one tree (2 ^{1/2}" min. caliper at installation) at the end of each row of parking.
6. In cases where the size, location nor design of parking lots may not significantly benefit from trees within the parking lot area, the required parking lot trees may be provided adjacent to the parking area, or at the end of aisles.
7. The design and size of the landscape planter (islands, dividers and fingers) shall be sufficient to accommodate the growth of the tree and prevent damage to the tree by vehicles.

J. Signage

1. Because of the unique nature of this development, the plan encourages that an overall sign program should generally follow the sign provisions of the City's Zoning Ordinance.
 - a) The program should attempt to unify the signs throughout the Precise Plan area such that there is sign consistency displayed throughout the Precise Plan area.
 - b) Allowable sign area shall be based on the prominence of the user, size of the building façade upon which the sign is located (for wall mount signs), and nature of the use
 - c) Freestanding signs shall be restricted to monument type sign structures with a full, solid base at ground level for lots 6,7,8,9 and any subdivision of said lots.
 - i. Free standing sign bases shall be designed and constructed of materials and character compatible with the primary structure occupying the property upon which said sign is situated while maintaining consistency with the overall sign program for the Precise Plan area.

- d) Freestanding pole signs shall not exceed 45 feet in height and shall comport to all sign provisions of the City's Zoning Ordinance. Freestanding pole signs shall only be permitted on lots 1,2,3,4,5,10,11,12,13,15,16,17,18,19,20,21 and any subdivision of said lots with written developer approval.
- e) Any requested variance to the pole sign provisions must have developer approval in writing prior to a submittal to the Board of Adjustment for approval.
- f) Monument signs shall be incorporated into landscape areas; said areas can be counted toward total landscape areas required.

K. Detention Basins

- 1. Storm water detention is provided as a regional basin. If a hazardous spill, contaminant, or any other noxious event occurs on any lot each lot owner shall be solely responsible for remediation of the detention area if said hazard reaches the basin.
- 2. During the construction phase of individual lots BMP's shall be used to insure no runoff or sediment enters into the detention basins. If sediment is identified in the basin the individual lot owner responsible for contamination shall be solely responsible for remediation.

L. Retaining Walls

- 1. Due to the terrain of the site retaining walls may be required to step the site to develop pad sites. Retaining walls shall be terraced to reduce large vertical walls.

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ARTICLE VII – Implementation and Administration

- All buildings within the plan area shall be required to comply with all the requirements of the construction and occupancy.
- For those areas within The Commons Precise Plan Area, after initial development of the project, all buildings proposed to have exterior renovations and/or change from retail trade uses to other permitted uses as described in Table B, shall be approved by the Developer if there are remaining lots in The Commons Precise Plan Area or by the City Council of the City of St. Joseph if the Developer has no lots remaining.
- A separate development/plan review by the City of St. Joseph Development Review Committee, or the City Planner, is required prior to City approval of proposals or issuance of permits. This review will occur as mandated by City policy.
- Conditional use permits: Uses not defined in this Precise Plan may be allowed via a Conditional Use Permit (CUP). The proposed use must be somewhat consistent with, and compatible to, principally permitted uses in the Precise Plan. The CUP process shall be as defined in Section 31-070 of the City of St. Joseph Zoning Ordinance.
- Variances and exceptions: Variances and exceptions shall be processed in compliance with, and as defined in Section 31-090-31-109 of the City of St. Joseph Zoning Ordinance.
- Appeals: Appeals to any decisions made as a result of the interpretation of the plan, decision of the City Planner, or Planning Commission by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the chief building official or city planner may be appealed to the Board of Zoning Adjustment. Appeals to any decisions of the Board of Zoning Adjustment are final. Appeals shall be taken within fourteen (14) days from the date of the decision by filing an appeal with the Planning and Community Development Department, City of St. Joseph, Missouri. In order to file an appeal, the requisite application and fee shall be paid to the Planning and Community Development Department unless waived by the Director. The process for appeal, extent of the Boards appeal powers, stay of proceedings and decisions on appeals shall be as defined in Section 31-091 of the City of St. Joseph Zoning Ordinance. Decisions of the Board of Zoning Adjustments are final.
- Nonconforming structures and uses: If, by virtue of this Precise Plan, any structure or use should become non-conforming, the provisions of Section 31-056 of the St. Joseph Zoning Ordinance shall apply except as follows:
 1. Nonconforming parking lots shall be upgraded and landscaped as part of proposed building upgrades, however discretion can be made by the Planning and Community Development Department director or his/her designee at the time of the proposed upgrades to defer parking lot improvements based on financial considerations. The plan in no way is intended to deter necessary building upgrades or construction due to lack of parking lot improvements, but rather to encourage parking lot improvements for the benefit of the entire plan area. Normal parking lot maintenance as required by the City's Zoning Ordinance, however, is required within the plan area.
 2. A non-conforming use of property that does not have a building associated with said use on the same property shall be considered final and not allowed to return to the property if discontinued for a period of one year. Said use shall be considered abandoned if said use has not been active for one year. The mere existence of a use on a property, for instance, does not allow for continuance of the use. The use must be active. It is incumbent upon the property owner to show that the use is active. Agriculture uses shall

be exempt from the standards of the plan. Use is defined as an active business with a City business license paying local, state and federal taxes.

3. Nonconforming uses in structures shall be allowed to continue for the life of the building, unless such use is discontinued for a period of two years. The mere existence of said use does not constitute continuation of the use. It is incumbent upon the property owner to show current receipts if the structure is used for rental purposes, or to show that an active use has continued if not for rental purposes. An active use is one in which the products, goods, or services have continued to be viable in so much as a market exists, or the stock contained therein is rotated on a basis that is consistent with other similar businesses. It shall be incumbent upon the property owner to show an analysis that proves that the stock is rotated in a manner that is consistent with similar businesses.

- Modification of Development Standards:

1. Should a specific major change to the plan in regards to use, development standards, design guidelines, or implementation be proposed, the proponent of the change shall notify the Director of the Planning and Community Development Department, City of St. Joseph, Missouri. Minor modifications to plan language, if necessary in the future, may be approved by the Director of Planning and Community Development or his/her designee. Major changes must be approved by the City Council of St. Joseph, Missouri after receipt of a recommendation by the Planning Commission.

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