

Text that is **bold, italic, and underlined** is to be added. Text that is ~~crossed-out~~ is to be removed.

Exhibit C

TRACT 3 OF PHILIPS TRACT

[PUD 4]

Re: Requested zoning, Requested Permitted Uses, and Development Criteria for tract 3 of Philips tract

Size of Tract: 129.94 acres

Requested Zoning of Tract: PUD 4

Requested Allowable Uses of Tract: City park and **associated non-habitable structures and buildings**, if the City chooses to acquire this parcel, and, alternatively: 1) schools and churches; 2) Detached, detached cluster, or detached zero lot line single family residences; 3) Attached zero lot line single family residences (town homes); and 4) Apartments/apartment buildings.

Legal Description of Tract: See **Exhibit 5** to the Zoning Application

Standards and Criteria/Design Characteristics and Statement of Intention for the Tract:

Intended Density: Tract 3 will contain up 519 dwelling units and/or schools and churches.

Standards and Criteria:

A. **Design Criteria.**

a. (1) Single family residences [which are detached, detached clustered, or detached zero lot line single family residences and/or attached zero lot line single family residences (town homes)], (2) apartments, or (3) schools and/or churches.

b. A full, post-construction, Stormwater Plan (Water Quality Protection Plan) for this Tract must be submitted and approved **on an individual phase or entire plan basis**, as part of the PUD Site Plan **approval process** for this Tract, as per Section 29-10(d)(4), and **Exhibits 24 and 25. Compliance with the Water Quality Protection Plan's intended outcomes, as stated in Exhibits 24 and 25, shall be verified prior to the issuance of building permits. Compliance shall be determined by either meeting those improvement and design requirements stated in the Water Quality Protection Plan, as shown in Exhibits 24 and 25, or through provision of improvements and designs consistent with the most current City of Columbia Stormwater Regulations, whichever is most restrictive. A combination of the two standards may be utilized to meet the intended water quality protection measures.**

c. All common stormwater detention facilities/water quality management protection facilities, which will serve this Tract, must be completed prior to the issuance of any certificates of occupancy for any dwellings on this Tract. Individual water quality management protection requirements, that are applicable to each Lot, must be completed and complied with before the issuance of a certificate of occupancy for any dwelling on such Lot.

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d. Upto 350 Units to be placed within Tracts 1, 2, and 3 (in combination) may be planned and platted without offsite road improvements. Planning or platting for more than such total of 350 Units on Tracts 1, 2, and 3, shall require the submission of Traffic Impact Study, to be presented with the PUD Plan, or PUD Plan Amendment, or the Development Plan or Development Plan Amendment, which provides for the planning or platting of a greater number of Units, and such Traffic Impact Study must demonstrate that internal and external streets and traffic infrastructure will support the greater number of dwelling units.

e. A Declaration of Restrictive Covenants, applicable to this Tract, must be prepared and recorded prior to the conveyance of the first lot or dwelling within this Tract to a lot owner other than the initial developer of this Tract. Such Declaration of Restrictive Covenants shall, among other things, impose restrictions on the use of fertilizers and pesticides, as described in **Exhibit 25** hereto, and make provisions for maintenance of all Common Elements, included Water Quality Protection Systems.

B. **Open Space or Common Land.**

a. Stormwater retention/detention facilities, and Best Management Practices, and Water Quality Protection devices and facilities, as per **Exhibits 24 and 25**, must be placed either on common land or within publicly dedicated or private easements, and to the extent not publicly owned or publicly maintained, shall be maintained by a homeowners association established by way of the Declaration of Restrictive Covenants.

b. Each subdevelopment within this Tract may include additional common land and open space, as needed to meet the stormwater requirements/Water Quality Protection requirements of the area.

C. **Water Quality Management Plan/Water Quality Protection Plan.** A full, post-construction, Water Quality Management Plan and Water Quality Protection Plan/stormwater plan for this Tract must be completed and approved as part of the PUD Site Plan(s) for this Tract, as required by Section 29-10(d)(4) of the City's Ordinances, and must be fully implemented prior to the issuance of occupancy permits for this Tract, which such Plan to conform with **Exhibits 24 and 25.**

D. **Density of Development.** 519 Units maximum – PUD-4

E. **Vision Clearance.** Per City Code.

F. **Access.** Per City Code

G. **Parking.** Per City Code.

H. **Homeowners Association.** A homeowners association shall be formed to maintain common areas.

Statement of Intent:

A. **Types of Buildings: *Non-habitable park-related structures or buildings***
~~None~~, if the City acquires this land for a park, and otherwise: schools and churches; detached,

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detached clustered or detached zero lot line single-family residences; attached zero lot line single family residences (town homes – 2 -12 units located in one to three story buildings); apartment buildings (containing between 4 and 50 apartments, with a height of two to six stories).

B. Maximum Number of Dwelling Units: None, if the City acquires this Tract as a park. Otherwise, the total maximum shall be 519 Units. The exact mix of Unit types remains to be determined.

C. Maximum Building Height Proposed:

- Buildings containing single family dwellings units, of all types – 52'
- Schools and churches, except for spires – 75'
- Apartment buildings – 75' on the westerly 200' of the Philips Tract,

but apartments may be 90' in height elsewhere on Tract 3

D. Total Parking Spaces Proposed and Parking Ratio:

a. Detached, Detached Clustered and Detached Zero Lot Line Single Family Residences and Attached Zero Lot Line Single Family Residences (Town Homes) - Minimum of two spaces per dwelling unit.

b. Apartments. Per City Code

c. Other Parking. Per City Code

E. Minimum Percentage of Entire Site Maintained in Open Space/Impervious Surface Areas.*

a. Open Space – 84%, without the park, and 93% with the park

b. Impervious Surface Areas. Impervious surface areas will be limited to 16%, without the Park, and 7% with the Park. **Such impervious limitations, however, shall not apply to this Tract if acquired by the City and developed for park purposes. If park development is begun and the City decides to develop any portion of the Tract with uses other than a park or subsequently sells any portion of the Tract for private development, the maximum impervious surface areas within such development areas shall not exceed 7%.** Use of pervious materials for the construction of some driveways, walkways, patios and parking areas will be encouraged, in order to reduce runoff, yet remain within impervious surface limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

F. Amenities/Lake. If a public entity (the City, or any other public entity) acquires the Lake, or the Lake and surrounding ground, for a park/nature area, or regional stormwater detention facility, then the Lake will be a public amenity and regional stormwater detention facility. It will otherwise be privately owned and will be a private amenity of the development and a private stormwater detention facility to be maintained by an association of property owners. No other amenities are planned for common use except for stormwater retention/detention facilities, Water Quality Protection facilities, and Best Management Practices

* "Open space" and "pervious space" are, for the purposes of this Application, considered to be equivalent.

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("BMPs"), as per Exhibits 24 and 25, which will be located in Common Areas or on public or private easements, as required for maintenance. Maintenance will be by the homeowners association for any of these facilities which is not publicly owned.

G. General Description of the PUD Plan.

a. Minimum Lot Sizes. Lot sizes for residential buildings may vary, but will not be less than 5,000 square feet for buildings containing detached dwelling units and 4,000 square feet per dwelling unit for buildings containing attached dwelling units; provided, however, that common areas immediately surrounding or adjacent to a building containing (a) dwelling unit(s) may be included in the minimum lot sizes. Lot sizes for schools, churches and apartment buildings shall not be less than 20,000 square feet; provided that common areas immediately adjacent to or surrounding an apartment building may be included in the lot size for such building.

b. Minimum Building Setbacks.

- Minimum of 25' from perimeter property lines
- Minimum of 25' from perimeter roads
- Minimum of 20' from interior streets
- Minimum of 20' fir rear yards
- Minimum of 6' for side yards of single family dwellings,

except that there shall be no setback for units attached to each other; minimum of 10' for other buildings

In addition to the above minimums, all buildings shall be setback an additional 1' from all property lines for each additional 1' in height above 45'; provided, however, there shall be no minimum setback required from common areas as long as the applicable common area is at least as wide as the above minimum front, rear and side yard setbacks.

c. Minimum Setback Between Buildings. No closer than 12' between residential buildings and 10' between other types of buildings.

d. Minimum Setback from Creeks and Lake. Buildings shall be setback not less than 100' from Clear Creek or the lake; **provided, however, that park-related uses and non-habitable structures or buildings which are directly dependent upon the creek or lake for their functionality shall be permitted within such buffer and further provided that the area of such encroachment into this buffer is off-set by an increase in buffer elsewhere along the creek or lake as is permitted by the City Stormwater Regulations.**

H. Description of Street Plan. Roadways will service the Development off of Gans Road and Ponderosa. Such roads will cross the property and be stubbed to the north and/or the west. A minimum of those internal streets, as required to meet safety and traffic circulation needs, will be provided.

I. Reservation of Land for Possible Acquisition by City. This Tract and Tract 9 will, for a period of six months, be reserved for acquisition by the City for a park.