

Introduced by HindmanFirst Reading 4-5-04Second Reading 4-19-04Ordinance No. 018043Council Bill No. B 90-04

018043

Permanent Record
Filed in Clerk's Office

AN ORDINANCE

extending the corporate limits of the City of Columbia, Missouri, by annexing property located on the southwest side of U.S. Highway 63 and on the north side of Gans Road; directing the City Clerk to give notice of the annexation; placing the property annexed in Districts PUD-1, PUD-3, PUD-4, O-P, C-P and C-3; designating the allowed uses for those portions of the annexed property in Zoning District PUD-1, PUD-3, PUD-4, O-P and C-P and attaching numerous conditions to the allowance of such uses; attaching numerous conditions to the zoning of the annexed property; imposing numerous restrictions on the development of the annexed property; setting forth numerous terms to be included in development agreements for the annexed property; setting forth the terms and conditions under which the City will support formation of a transportation development district encompassing a portion of the annexed property; providing for the acceptance by the City of a dedication or gift of a portion of the property, including a large lake, imposing requirements for the improvement of such portion of the property and the sharing of costs of such improvements; authorizing the city manager to enter into an agreement to acquire a portion of the annexed property and describing terms under which such property may be acquired by the City and describing certain restrictions which must run in favor of property acquired by the City, and which will bind additional portions of the annexed property and restrict its use; and fixing the time when this ordinance shall become effective.

WHEREAS, the City received a petition for the annexation of approximately 528 acres of land on the southwest side of U.S. 63 and on the north side of Gans

Road including a comprehensive application for zoning of the property to be annexed; and

WHEREAS, as set forth in Section 1 of this ordinance, an advertised public hearing was held on the annexation on January 20, 2004; and

WHEREAS, on January 20, 2004, Council Bill Number 20-04 was introduced which would annex the property and place the property in various zoning districts; and

WHEREAS, the City Council held public hearings on the requested zoning on February 2, 2004, February 16, 2004, March 1, 2004 and March 15, 2004; and

WHEREAS, Bill 20-04 was substantially amended on March 1, 2004 to attach conditions to the zoning, to specify provisions to be included in development agreements, to set forth terms and conditions for city support of the formation of a transportation development district encompassing a portion of the property to be annexed and authorizing city acquisition of a portion of the property to be annexed; and

WHEREAS, many of these amendments were added to the bill to satisfy concerns of the applicant, opponents of the annexation and members of the City Council as to the manner in which the property would be allowed to be developed following annexation; and

WHEREAS, the bill was further amended on March 15, 2004 to address these same concerns; and

WHEREAS, the bill was passed by the City Council on March 15, 2004 and became Ordinance Number 018019; and

WHEREAS, it has been pointed out that the title to the bill was not amended to reflect the additions to the bill made on March 1, 2004 and March 15, 2004; and

WHEREAS, the Council believes that the additions are desirable and to the mutual benefit of the city, the applicant and the residents and property owners of Boone County; and

WHEREAS, the Council wishes to reenact the provisions of Ordinance Number 018019 with a title that clearly expresses the provisions added to Bill 20-04 to avoid the possibility that a court might invalidate the additions made to Bill 20-04; and

WHEREAS, the Council believes that all provisions of this bill fairly relate to the same subject and that it is in the mutual interest of the city, the applicant and residents and property owners of Boone County that all matters in this bill be considered together.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby finds that a verified petition was filed with the City on November 13, 2003, requesting the annexation of land which is contiguous and compact to the existing corporate limits of the City and which is described in Section 4 of this ordinance. This petition was signed by B. Daniel Simon, attorney representing The Ella M. Philips Family Partnership, L.L.L.P. et al., the owners of the fee interest of record in the land proposed to be annexed. A public hearing was held concerning this matter on January 20, 2004. Notice of this hearing was published more than seven days prior to the hearing in two newspapers of general circulation qualified to publish legal matters. At the public hearing all interested persons, corporations and political subdivisions were permitted to present evidence regarding the proposed annexation.

SECTION 2. The Council determines that the annexation is reasonable and necessary to the proper development of the City and that the City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

SECTION 3. The Council determines that no written objection to the proposed annexation has been filed within fourteen days after the public hearing.

SECTION 4. The City Council hereby extends the city limits by annexing the land described in Section 1-11.125 of the Code of Ordinances of the City of Columbia, Missouri, which is hereby added to Chapter 1 of the City Code and which reads as follows:

Section 1-11.125. March, 2004 Extension of Corporate Limits.

The corporate limits of the City of Columbia shall include the following land:

A TRACT OF LAND LOCATED IN SECTION 32 AND THE WEST HALF OF SECTION 33, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING THE LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE

WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 32-48-12, AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-45061; THENCE WITH THE WEST LINE OF SAID SECTION 32, N1°43'15"E, 42.29 FEET TO THE NORTH RIGHT-OF-WAY LINE GANS ROAD, THENCE CONTINUING WITH SAID SECTION LINE, N1°43'15"E, 132 0.30 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1260, PAGE 579; THENCE LEAVING SAID SECTION LINE, AND WITH THE LINES OF SAID TRACT, S89°54'40"E, 1322.77 FEET; THENCE N1°23'20"E, 396.00 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY THE SURVEY RECORDED IN BOOK 224, PAGE 516; THENCE WITH THE NORTH LINE THEREOF S89°54'40"E, 1330.68 FEET TO THE QUARTER SECTION LINE OF SECTION 32-48-12; THENCE WITH SAID QUARTER SECTION LINE, N1°36'10"E, 2436.09 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 253, PAGE 193; THENCE LEAVING SAID QUARTER SECTION LINE AND WITH THE LINES OF SAID SURVEY S88°05'25"E, 383.04 FEET; THENCE N39°12'15"E, 1032.82 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; THENCE CONTINUING N39°12'15"E, 175.0 FEET TO THE CENTERLINE OF THE OLD COLUMBIA AND JEFFERSON CITY GRAVEL ROAD; THENCE WITH THE CENTERLINE OF SAID GRAVEL ROAD, S49°54'10"E, 1403.3 FEET; THENCE CONTINUING WITH THE CENTERLINE OF SAID GRAVEL ROAD, S49°58'E, 2500.5 FEET; THENCE S45E, 429.0 FEET; THENCE S35E, 620.4 FEET; THENCE S35°16'E, 665.1 TO THE NORTHEAST CORNER OF GANS CREEK SUBDIVISION BLOCK 1, RECORDED IN PLAT BOOK 12, PAGE 90; THENCE LEAVING THE CENTERLINE OF AFORESAID COLUMBIA AND JEFFERSON CITY GRAVEL ROAD AND WITH THE LINES OF SAID SUBDIVISION AND THE CENTERLINE OF GANS CREEK ROAD, S25°02'00"W, 438.12 FEET; THENCE S47°03'00"W, 776.63 FEET; THENCE S58°48'00"W, 233.24 FEET; THENCE S41°53'00"W, 202.38 FEET; THENCE S53°47'00"W, 31.19 FEET; THENCE CONTINUING WITH THE CENTERLINE OF GANS CREEK ROAD S53°46'30"W, 316.72 FEET TO THE SOUTH LINE OF SECTION 33; THENCE LEAVING SAID CENTERLINE AND WITH THE SOUTH LINE OF SAID SECTION, N88°45'20"W, 1306.92 FEET TO THE SOUTHWEST CORNER THEREOF AND THE SOUTHEAST CORNER OF SECTION 32; THENCE WITH THE SOUTH LINE OF SECTION 32, N88°53'05"W, 5309.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 528 ACRES MORE OR LESS.

SECTION 5. The City Clerk is hereby authorized and directed to cause three certified copies of this ordinance to be filed with the Clerk of Boone County, Missouri. The City Clerk is further authorized and directed to forward to the Missouri Department of Revenue, by registered or certified mail, a certified copy

of this ordinance and a map of the City clearly showing the area annexed to the City.

SECTION 6. The property described in Section 4 is in the Sixth Ward.

SECTION 7. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 1

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32-48-12, AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-45061; THENCE WITH THE WEST LINE OF SAID SECTION 32, N1°43'15"E, 42.29 FEET TO THE NORTH RIGHT-OF-WAY GANS ROAD, THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, CONTINUING WITH SAID SECTION LINE, N1°43'15"E, 1320.30 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1260, PAGE 579; THENCE LEAVING SAID SECTION LINE AND WITH THE LINES OF SAID TRACT, S89°54'40"E, 341.30 FEET; THENCE LEAVING THE LINES OF SAID TRACT, S34°01'35"E, 677.11 FEET; THENCE S74°26'15"E, 481.61 FEET; THENCE S6°06'10"E, 371.09 FEET; THENCE S53°05'25"E, 458.66 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GANS ROAD; THENCE WITH SAID RIGHT-OF-WAY, N88°48'55"W, 777.85 FEET; THENCE 420.97 FEET ALONG A 5025.35-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD S88°47'05"W, 420.85 FEET; THENCE S86°23'05"W, 340.04 FEET; THENCE 44.51 FEET ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N51°06'50"W, 40.54 FEET; THENCE N8°36'50"W, 13.50 FEET; THENCE S81°23'10"W, 59.27 FEET TO THE POINT OF BEGINNING AND CONTAINING 29.10 ACRES.

will be zoned and become a part of District PUD-1 (Planned Unit Development) with a development density not exceeding one dwelling unit per acre. The property, designated as Tract 1, may be used for all permitted uses in District R-1; detached conventional, clustered or zero lot line homes; and schools and

churches. Except as modified by this ordinance, the zoning of this tract is subject to all conditions, requirements and restrictions set forth under "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit A which is attached to and made a part of this ordinance.

SECTION 8. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 2

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32-48-12, AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-45061; THENCE WITH THE WEST LINE OF SAID SECTION 32, N1°43'15"E, 1362.59 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1260, PAGE 579; THENCE LEAVING SAID SECTION LINE AND WITH THE LINES OF SAID TRACT, S89°54'40"E, 341.30 FEET, BEING THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, CONTINUING S89°54'40"E, 981.47; THENCE N1°23'20"E, 396.00 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY THE SURVEY RECORDED IN BOOK 224, PAGE 516; THENCE WITH THE NORTH LINE THEREOF, S89°54'40"E, 1330.68 FEET TO THE QUARTER SECTION LINE OF SAID SECTION 32-48-12; THENCE WITH SAID QUARTER SECTION LINE, S1°36'10"W, 219.31 FEET; THENCE LEAVING SAID QUARTER SECTION, 490.40 FEET ALONG A 967.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S12°55'20"E, 485.17 FEET; THENCE S27°27'05"E, 642.64 FEET; THENCE 516.28 FEET ALONG A 1033.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S13°08'00"E, 510.93 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GANS ROAD AS DESCRIBED IN THE CONDEMNATION CASE NUMBER 00CV164394; THENCE WITH SAID RIGHT-OF-WAY, N88°48'55"W, 1587.72 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, N53°05'25"W, 458.66 FEET; THENCE N6°06'10"W, 371.09 FEET; THENCE N74°26'15"W, 481.61 FEET; THENCE N34°01'35"W, 677.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 74.12 ACRES.

will be zoned and become a part of District PUD-3 (Planned Unit Development) with a development density not exceeding three dwelling units per acre. The property, designated as Tract 2, may be used for all permitted uses in District R-1; detached conventional, clustered or zero lot line homes; attached zero lot line townhouses; and schools and churches. Except as modified by this ordinance, the zoning of this tract is subject to all conditions, requirements and restrictions set forth under "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit B which is attached to and made a part of this ordinance.

SECTION 9. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 3

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32-48-12 AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-45061; THENCE WITH THE WEST LINE OF SAID SECTION 32, N1°43'15"E, 1362.59 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1260, PAGE 579; THENCE LEAVING SAID SECTION LINE AND WITH THE LINES OF SAID TRACT, S89°54'40"E, 1322.77 FEET; THENCE N1°23'20"E, 396.00 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY THE SURVEY RECORDED IN BOOK 224, PAGE 516; THENCE WITH THE NORTH LINE THEREOF S89°54'40"E, 1330.68 FEET TO THE QUARTER SECTION LINE OF SECTION 32-48-12, THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND WITH SAID QUARTER SECTION LINE, N1°36'10"E, 2436.09 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 253, PAGE 193; THENCE LEAVING SAID QUARTER SECTION LINE AND WITH THE LINES OF SAID SURVEY, S88°05'25"E, 383.04 FEET; THENCE N39°12'15"E, 501.00 FEET; THENCE LEAVING THE LINES OF SAID SURVEY, S41°26'40"E, 1751.65; THENCE S8°54'00"E, 790.07 FEET; THENCE S60°29'00"W, 680.53 FEET; THENCE S9°34'20"E, 249.75 FEET; THENCE S43°50'15"W, 379.79 FEET; THENCE S40°54'45"E, 719.35 FEET; THENCE S44°32'30"W, 723.21 FEET; THENCE N88°48'55"W, 330.31 FEET; THENCE

N63°53'45"W, 758.47 FEET; THENCE N27°27'05"W, 185.84 FEET; THENCE 490.40 FEET ALONG A 967.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N12°55'20"W, 485.17 FEET; THENCE N1°36'20"E, 219.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 129.94 ACRES.

will be zoned and become a part of District PUD-4 (Planned Unit Development) with a development density not exceeding four dwelling units per acre. The property, designated as Tract 3, may be used for all permitted uses in District R-1; detached conventional, clustered or zero lot line homes; attached zero lot line townhouses; apartments; and schools and churches. Except as modified by this ordinance, the zoning of this tract is subject to all conditions, requirements and restrictions set forth under "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit C which is attached to and made a part of this ordinance.

SECTION 10. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 4

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32 AND 33, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32-48-12, AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-68014; THENCE WITH THE QUARTER SECTION LINE OF SAID SECTION 32, N1°36'10"E, 57.37 FEET TO THE NORTH RIGHT-OF-WAY GANS ROAD, AS DESCRIBED BY THE CONDEMNATION CASE NUMBER 00CV164394; THENCE WITH SAID RIGHT-OF-WAY S88°48'55"E, 563.73 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID RIGHT-OF-WAY, 516.28 FEET ALONG A 1033.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N13°08'00"W, 510.93 FEET; THENCE N27°27'05"W, 456.80 FEET; THENCE S63°53'45"E, 758.47 FEET; THENCE S88°48'55"E, 330.31 FEET; THENCE N44°32'30"E, 723.21 FEET; THENCE N40°54'45"W, 719.35 FEET; THENCE N43°50'15"E, 379.79 FEET; THENCE N9°34'20"W, 249.75 FEET; THENCE N60°29'00"E, 680.53 FEET; THENCE N8°54'00"W, 790.07 FEET; THENCE S41°26'40"E, 912.66 FEET; THENCE

S42°22'00"W, 632.72 FEET; THENCE S17°20'50"E, 701.91 FEET; THENCE S36°49'45"W, 709.68 FEET; THENCE S40°53'40"E, 1155.91 FEET; THENCE 105.84 FEET ALONG A 1000.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S69°58'10"W, 105.41 FEET TO THE NORTH RIGHT-OF-WAY GANS ROAD; THENCE WITH SAID RIGHT-OF-WAY, N88°48'55"W, 2032.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 61.81 ACRES.

will be zoned and become a part of District O-P (Planned Office District). The property, designated as Tract 4, may be used for all permitted uses in District O-1. Except as modified by this ordinance, the zoning of this tract is subject to the condition that the O-P development plan shall conform to all items set forth in the "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit D which is attached to and made a part of this ordinance.

SECTION 11. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 5

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 32 AND THE WEST HALF OF SECTION 33, BOTH IN TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 32-48-12, AS SHOWN IN THE SURVEY RECORDED IN BOOK 491, PAGE 140; THENCE WITH THE EAST LINE OF SAID SECTION 32, N1°05'25"E, 53.88 FEET TO THE NORTH RIGHT-OF-WAY GANS ROAD, AS DESCRIBED IN THE CONDEMNATION CASE NUMBER 00CV164394; THENCE WITH SAID RIGHT-OF-WAY N88°48'55"W, 59.50 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, 105.84 FEET ALONG A 1000.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N69°58'10"E, 105.41 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, N40°53'40"W, 1155.91 FEET; THENCE N36°49'45"E, 709.68 FEET; THENCE N17°20'50"W, 701.91 FEET; THENCE N42°22'00"E, 632.72 FEET; THENCE N41°26'40"W, 912.66 FEET; THENCE N41°00'25"E, 688.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; THENCE WITH SAID RIGHT-OF-WAY, S48°59'35"E, 213.23

FEET; THENCE S49°56'55" E, 78.68 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, S3°26'40"E, 392.76 FEET; THENCE 385.54 FEET ALONG A 475.00-FOOT RADIUS CURVE TO THE LEFT SAID CURVE HAVING A CHORD, S26°41'45"E, 375.04 FEET; THENCE S49°56'55"E, 391.54 FEET; THENCE 364.00 FEET ALONG A 475.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S27°59'40"E, 355.16 FEET; THENCE S6°02'30"E, 300.13 FEET; THENCE 506.29 FEET ALONG A 475.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S36°34'35"E, 482.66 FEET; THENCE S67°06'45"E, 50.00 FEET; THENCE S22°53'15"W, 1154.22 FEET; THENCE 768.99 FEET ALONG A 1000.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S44°55'05"W, 750.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 76.09 ACRES.

will be zoned and become a part of District C-P (Planned Business District). The property, designated as Tract 5, may be used for all permitted uses in District C-3 excluding the following: self storage facilities; publishing and newspaper publishing; commercial parking for automobiles and light trucks; farm machinery sales and services; kennels for boarding of animals of any kind; miniature golf courses or driving ranges; automobile repair shops, provided, however, that automobile dealerships and all uses attendant thereto shall be a permitted use; and lumber yards, unless part of a home improvement center. Except as modified by this ordinance, the zoning of this tract is subject to the condition that the C-P development plan shall conform to all items set forth in the "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit E which is attached to and made a part of this ordinance.

SECTION 12. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 6

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32 AND SOUTH HALF OF SECTION 33, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 33-48-12, AS SHOWN IN SURVEY RECORDED IN BOOK 491, PAGE 140; THENCE WITH THE WEST LINE OF SAID SECTION 33, N1°05'25"E, 53.88 FEET TO THE NORTH RIGHT-OF-WAY

GANS ROAD, AS DESCRIBED IN THE CONDEMNATION CASE NUMBER 00CV164394, THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, WITH SAID RIGHT-OF-WAY, N88°48'55"W, 59.50 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, 874.45 FEET ALONG A 1000.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N47°56'20"E, 846.85 FEET; THENCE N22°53'15"E, 637.53 FEET; THENCE S67°06'45"E, 672.52 FEET; THENCE N39°45'35"E, 393.58 FEET; THENCE N68°22'40"E, 398.52 FEET; THENCE N53°56'30"E, 121.84 FEET; THENCE N42°54'50"E, 300.00 FEET TO THE WEST RIGHT-OF-WAY OF U.S. HIGHWAY 63; THENCE WITH THE LINES OF SAID RIGHT-OF-WAY, S47°05'10"E, 225.80 FEET; THENCE S42°36'40"E, 218.00 FEET TO THE NORTHWEST LINE OF GANS CREEK SUBDIVISION BLOCK 1, RECORDED IN PLAT BOOK 12, PAGE 90; THENCE WITH THE LINES OF SAID SUBDIVISION AND THE CENTERLINE OF GANS CREEK ROAD, S25°02'00"W, 438.12 FEET; THENCE S47°03'00"W, 776.63 FEET; THENCE S58°48'00"W, 233.24 FEET; THENCE S41°53'00"W, 202.38 FEET; THENCE S53°47'00"W, 31.19 FEET; THENCE LEAVING THE LINES OF SAID SUBDIVISION AND SAID CENTERLINE N36°41'00"W, 24.95 FEET TO THE NORTH RIGHT-OF-WAY OF GANS ROAD AS DESCRIBED IN THE CONDEMNATION CASE NUMBER 00CV164394; THENCE WITH THE LINES OF SAID RIGHT-OF-WAY, 492.38 FEET ALONG A 745.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S72°15'05"W, 483.47 FEET; THENCE N88°48'55"W, 1085.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 44.54 ACRES.

will be zoned and become a part of District O-P (Planned Office District). The property, designated as Tract 6, may be used for all permitted uses in District O-1. Except as modified by this ordinance, the zoning of this tract is subject to the condition that the O-P development plan shall conform to all items set forth in the "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit F which is attached to and made a part of this ordinance.

SECTION 13. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 7

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE

WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 33-48-12, AS SHOWN IN SURVEY RECORDED IN BOOK 491, PAGE 140; THENCE WITH THE WEST LINE OF SAID SECTION 33, N1°05'25"E, 53.88 FEET TO THE NORTH RIGHT-OF-WAY, GANS ROAD, AS DESCRIBED IN THE CONDEMNATION CASE NUMBER 00CV164394; THENCE WITH SAID RIGHT-OF-WAY, N88°48'55"W, 59.50 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, 874.45 FEET ALONG A 1000.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N47°56'20"E, 846.85 FEET; THENCE N22°53'15"E, 637.53 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING N22°53'15"E, 1428.06 FEET TO THE WEST RIGHT-OF-WAY OF U.S. HIGHWAY 63; THENCE WITH THE LINES OF SAID RIGHT-OF-WAY, S49°56'55"E, 670.82 FEET; THENCE S50°35'05"E, 450.03; THENCE S47°05'10"E, 174.70 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, S42°54'50"W, 300.00 FEET; THENCE S53°56'30"W, 121.84 FEET; THENCE S68°22'40"W, 398.52; THENCE S39°45'35"W, 393.58 FEET; THENCE N67°06'45"W, 672.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 28.14 ACRES.

will be zoned and become a part of District C-P (Planned Business District). The property, designated as Tract 7, may be used for all permitted uses in District C-3 excluding the following: self storage facilities; publishing and newspaper publishing; commercial parking for automobiles and light trucks; farm machinery sales and services; kennels for boarding of animals of any kind; miniature golf courses or driving ranges; automobile repair shops, provided, however, that automobile dealerships and all uses attendant thereto shall be a permitted use; and lumber yards, unless part of a home improvement center. Except as modified by this ordinance, the zoning of this tract is subject to the condition that the C-P development plan shall conform to all items set forth in the "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit G which is attached to and made a part of this ordinance.

SECTION 14. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 8

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32 AND IN THE WEST HALF OF SECTION 33, BOTH IN TOWNSHIP 48 NORTH, RANGE 12

WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 33-48-12, AS SHOWN IN SURVEY RECORDED IN BOOK 491, PAGE 140; THENCE WITH THE WEST LINE OF SAID SECTION 33, N1°05'25"E, 53.88 FEET TO THE NORTH RIGHT-OF-WAY OF GANS ROAD, AS DESCRIBED IN THE CONDEMNATION CASE NUMBER 00CV164394; THENCE WITH SAID RIGHT-OF-WAY, N88°48'55"W, 59.50 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, 874.45 FEET ALONG A 1000.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N47°56'20"E, 846.85 FEET; THENCE N22°53'15"E, 1154.22 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, N67°06'45"W, 50.00 FEET; THENCE 506.29 FEET ALONG A 475.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N36°34'35"W, 482.66 FEET; THENCE N6°02'30"W, 300.13 FEET; THENCE 364.00 FEET ALONG A 475.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N27°59'40"W, 355.16 FEET; THENCE N49°56'55"W, 391.54 FEET; THENCE 385.54 FEET ALONG A 475.00-FOOT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N26°41'45"W, 375.04 FEET; THENCE N3°26'40"W, 392.76 FEET TO THE WESTERLY RIGHT-OF-WAY U.S. HIGHWAY 63; THENCE WITH SAID RIGHT-OF-WAY, S49°56'55"E, 1800.50 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, S22°53'15"W, 911.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 22.46 ACRES.

will be zoned and become a part of District C-3 (General Business District). Except as modified by this ordinance, the zoning of this tract, designated as Tract 8, is subject to all of the conditions, requirements and restrictions set forth in the "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit H which is attached to and made a part of this ordinance. The zoning of this tract is subject to the condition that the restrictive covenants described in Section 20 shall be imposed on this tract.

SECTION 15. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended so that the following described property:

TRACT 9

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32-48-12, AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-68014; THENCE WITH THE QUARTER SECTION LINE OF SAID SECTION 32, N1°36'10"E, 4242.43 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 253, PAGE 193; THENCE LEAVING SAID QUARTER SECTION LINE AND WITH THE LINES OF SAID SURVEY, S88°05'25"E, 383.04 FEET; THENCE N39°12'15"E, 501.00 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH THE LINES OF SAID SURVEY, N39°12'15"E, 531.82 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; THENCE LEAVING THE LINES OF SAID SURVEY AND WITH THE LINES OF SAID RIGHT-OF-WAY, 1043.56 FEET ALONG A 5140.53-FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S44°08'00"E, 1041.77 FEET; THENCE S50°49'15"E, 328.57 FEET; THENCE S49°56'55"E, 300.00 FEET; THENCE S48°59'35"E, 86.81 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, S41°00'25"W, 688.90 FEET; THENCE N41°26'40"W, 1751.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.08 ACRES.

will be zoned and become a part of District C-P (Planned Business District) The property, designated as Tract 9, may be used for all permitted uses in District C-3 excluding the following: publishing and newspaper publishing; commercial parking for automobiles and light trucks; farm machinery sales and services; kennels for boarding of animals of any kind; miniature golf courses or driving ranges; automobile repair shops, provided, however, that automobile dealerships and all uses attendant thereto shall be a permitted use; and lumber yards, unless part of a home improvement center. Except as modified by this ordinance, the zoning of this tract is subject to the condition that the C-P development plan shall conform to all items set forth in the "Standards and Criteria/Design Characteristics and Statement of Intention for Tract" contained in Exhibit I which is attached to and made a part of this ordinance.

SECTION 16. Exhibits 21, 24 and 25, which are referred in Exhibits A through I, are attached to and made a part of this ordinance.

SECTION 17. The zoning of the property described in this ordinance is subject to the following conditions:

1. The developer shall provide a storm water management plan in conjunction with the development plan submitted for each tract. Development plans shall incorporate Best Management Practices (BMP) that address the following design criteria and substantially conform to the conceptual plan contained in the Philips Farm Water Resources Impact Assessment Report dated July 2003. Compliance shall be determined by BMP based performance expectations.

Philips Farm Water Protection Design Criteria

- a. The hydrological behavior of the property annexed by Section 4 of this ordinance ("the Philips Farm" or "the Philips Tract") shall be considered in site planning and design with the following project goals:
 - i. Maintaining peak flows for storm events up to a two year frequency to levels less than predevelopment peak flows.
 - ii. Assuring that peak flows for storm events greater than a two year frequency do not exceed predevelopment flows.
 - iii. Reducing the post development total volumes to the maximum extent practicable.
- b. Volume based hydrological modeling shall be used for site analysis and design. Each plan shall address the potential for post construction volume reduction and an assessment of impact on the receiving stream.
- c. Sensitive areas shall be identified and preserved to the maximum extent possible. The plans shall address opportunities for enhancing the sensitive areas.
- d. The plans shall include an analysis of other assets that should be preserved because of their value to the quality of the development.
- e. Bristol Lake shall be considered an amenity and aesthetic asset as well as a storm water BMP. Upland controls and programs shall be implemented to reduce pollutant inputs to the lake.
- f. Low Impact Development (LID) techniques shall be utilized to the maximum extent deemed practical and feasible by the design engineer following consultation with the Public Works Department and the Planning and Development Department.
- g. Construction phasing shall be planned to minimize disturbed areas.
- h. Plans shall address the potential for re-establishing the predevelopment hydrology of areas in the restoration of disturbed sites.

- i. Construction phase BMP's shall meet all applicable local, state and federal standards for construction site run-off.
- j. Prior to the issuance of a building permit for any commercial portion of the tract, applicant shall be required to provide a basic pollutant loading analysis, based on nationally recognized data sources to model predevelopment and post development scenarios, with and without BMP's. The model shall also include lake water quality.
- k. Post construction BMPs will include non-structural measures such as control and minimization of use of chemicals and fertilizers and will be incorporated in binding covenants that will transfer with property title for any tract of land.
- l. Prior to issuance of any building permits, developer shall execute binding declarations and covenants with homeowners' associations and commercial properties that specify expected maintenance responsibilities and water quality protection practices. Documents shall assure City access and authority to take corrective action in the event of failure of associations or owners to perform. City shall also be given authority to assess and collect the costs of such actions in a proportional manner from all responsible parties.
- m. The water quality and biological resources in the lake and streams shall be protected. The developer shall provide construction and post construction monitoring in accordance with the "Philips Tract Monitoring" plan attached as Exhibit 27 to this ordinance.

No site disturbance permit for grading or building permit for the construction of any structure on the property described in this ordinance shall be issued until storm water management plans have been approved by the Public Works Department. All storm water protection facilities shall be installed and arrangements made to ensure their ongoing maintenance prior to issuance of any occupancy permit. Developer shall design and construct improvements that will provide storm water detention for that portion of the Philips Farm that drains to the lake and the approximate 120 acres upstream of the lake on the east side of U.S. 63. Developer shall design, construct and provide for the maintenance of those BMP's required to maintain the current beneficial use designation by the Missouri Department of Natural Resources for Gans Creek and Clear Creek.

②

The developer shall provide a traffic impact study prior to the approval of any development plan for the construction of more than 350 dwelling units within the overall development or for any development on Tracts 4, 5, 6, 7, 8 or 9. No traffic impact study or offsite traffic improvements shall be required in connection with the use of Tracts 1, 2, 3, or 4 for a school or church. Use of Tracts 1, 2, 3 or 4 for a school or church

shall not reduce the number of dwelling units (350) allowed before a traffic impact study must be provided. The traffic impact study for Tract 9 shall be limited to a determination of improvements needed to Ponderosa Street as a result of development of Tract 9, use of Tract 3 for a park, and construction of a street across Tract 9 to Tract 3. Approval of the development plans for each of Tracts 4 (other than for a school or church), 5, 6 and 7, and approval of any plat for or site disturbance permit for or building permit for construction of any structure on Tract 8 is subject to the following conditions:

a. The property owner shall provide a traffic impact study acceptable to the City and the Missouri Department of Transportation (MoDOT) showing that the planned street improvements are sufficient to handle the traffic to be generated by the development;

b. A break-in-access agreement shall be entered into between the property owner and MoDOT allowing construction of the interchange at Highway 63 and Gans Road; and

c. A development agreement acceptable to the City and MoDOT that provides for the necessary highway and street improvements shall be submitted to the City prior to approval of the development plan for any of Tracts 4, 5, 6 and 7, or approval of any plat for, building permit for any structure on, or site disturbance permit for Tract 8. The development agreement shall include the items set forth in Section 18. No development of Tracts 4, 5, 6, 7 or 8 shall begin before the development agreement is executed by developer and all other parties. Prior to execution of the development agreement, property owner shall provide verification that financing is available and other arrangements have been made to build such improvements.

3. Development plans for all non-residential tracts shall incorporate the use of parking space efficiency techniques to the maximum extent deemed practical and feasible by the design engineer following consultation with the Public Works Department and the Planning and Development Department.

4. ~~Developer shall pay one-third of the cost of a two-inch overlay for Bearfield Road~~ if and when City's director of public works determines that such overlay is required. Developer shall not be required to pay more than \$30,000 for the overlay. The overlay shall be for the length of Bearfield Road between Gans Road and Nifong Boulevard.

SECTION 18. The development agreement required in Section 17 shall include the following provisions:

- a. Gans Road/U.S. 63 interchange. Subject to developer's right to recover such cost from a Transportation Development District (TDD). Developer shall pay 50% of all costs associated with design and construction of the Gans Road/U.S. 63 interchange, including the overpass and all exit and entryway ramps.
- b. Relocated Gans Road. Subject to developer's right to recover such costs from a TDD, developer shall pay a portion of the costs of relocated Gans Road. Developer shall pay the greater of 50% of the cost or developer's share of the cost under City policy at the time the development agreement is executed. Cost of relocated Gans Road include costs of right-of-way acquisition, engineering, design, planning, construction and traffic signalization. Relocated Gans Road will run north and east from the existing Gans Road to a point 100 feet north and east of the Gans Road/U.S. 63 interchange to be constructed.
- c. Ponderosa Street. Subject to developer's right to recover the costs from a TDD, developer shall pay a portion of the cost of Ponderosa Street relocation and improvement. Developer shall pay the greater of 50% of the cost or developer's share of the cost under City policy at the time the development is executed. Cost of Ponderosa Street relocation and improvement include cost of right-of-way acquisition, engineering, design, planning, construction and traffic signalization. Improvements to Ponderosa Street shall include all road improvements north and west of the relocated portion of Ponderosa Street needed to provide adequate sight distances for street entrances to the Philips Farm.
- d. This ordinance does not commit the City to provide any funds for traffic infrastructure improvements.
- e. Developer shall not be required to construct or contribute to the costs of any off-site improvements other than those specified in this ordinance.

SECTION 19. City shall support the formation of a Transportation Development District under the following terms and conditions:

- a. Developer shall pay all attorney's fees and costs required to establish the TDD.
- b. The boundaries of the TDD shall include Tracts 5, 7, 8 and 9 and may include additional commercial property outside the boundaries of the Philips Farm.
- c. City and TDD shall determine by agreement the amount of sales tax to be imposed by the TDD. Sales tax proceeds shall be used to reimburse City, developer and others who have advanced payments for the Eligible Cost of Intended TDD Improvements. Eligible Costs include cost of right-of-way acquisition, engineering, design, planning, construction and traffic signalization of Intended TDD Improvements. Intended TDD Improvements include Gans Road/U.S. 63 interchange, relocated Gans Road, relocated Ponderosa Street, improvements to Ponderosa Street required to achieve adequate sight distances (but not the cost of any turn lanes required to serve the City's property or development on Tract 9) and any other traffic infrastructure improvements that the City and developer agree to include as Intended TDD Improvements. Reimbursements shall be on a pro rata basis, with each party's share determined by multiplying the sum of the disbursements by a fraction, the numerator of which is the total of the sum advanced by the party and the denominator of which is the total sum advanced by all parties.
- d. The TDD may issue bonds to pay Eligible Costs for Intended TDD Improvements. The bonds shall be paid and retired with funds generated by the TDD's sales tax.
- e. Funds generated by the TDD shall be used only to pay for Intended TDD Improvements unless otherwise agreed to by developer and City.

SECTION 20. The City Manager is authorized to enter into an agreement to acquire Tract 3 and a portion of Tract 4 that substantially meets the following terms and conditions:

- a. The City would acquire approximately 140 acres as depicted on Exhibit 26 which is attached to and made a part of this ordinance. The property to be acquired consists of the Lake Tract and the Non-Lake Tract. The Lake Tract is approximately 62.95 acres and includes a 40 acre lake. The Non-Lake Tract is approximately 77.07 acres.

- b. The Lake Tract would be donated to the City for use as a public park with the lake to be used as a public recreational facility and regional storm water facility. The City would be able to assign its right to own and operate the lake to the Missouri Department of Conservation or any other public entity; provided that the lake would remain a public recreational facility and regional storm water facility.
- c. The City would purchase the Non-Lake Tract for the purchase price of \$16,000 per acre. The exact acreage shall be determined by survey. The City intends to use this property for park purposes but the City would take title to this property without any restrictions on its use; provided, however, that the land may be conveyed subject to a restriction that any non-park use made of the land by the City must be, at the time the use is initiated, compatible with residential uses on neighboring Philips Farm property. This property is intended to be used for a regional park. In planning and operating the park, City will consider the impact of park activities on neighboring Philips Farm property.
- d. Closing on the Non-Lake property would be within 90 days of the passage of this ordinance.
- e. The Lake and the Non-Lake Tract would be conveyed subject to the following:
 - 1. At or before the conveyance to the City of the Lake and Non-Lake Tracts, the owner of Tract 8 would enter into a declaration of restrictive covenants which run in favor of the owner of the Lake and Non-Lake Tracts. The restrictive covenants shall impose the following restrictions and obligations on Tract 8:
 - A. Restrict the use of Tract 8 to those uses permitted in Tract 5 under Section 11 of this ordinance.
 - B. Require that any parking lot lighting have full cut-off fixtures on poles no higher than 25 feet.
 - C. Prohibit goods or merchandise from being stored outside any building or in trailers or temporary storage facilities; provided that outdoor display and storage of motor vehicles would not be prohibited.

- D. Prohibit billboards.
 - E. Limit freestanding, pylon signs or pole signs on U.S. 63 frontage to 30 feet in height and on Gans Road frontage to 25 feet in height. Limit the number of freestanding pole signs on Tract 8 to five: two facing U.S. 63, two facing Ponderosa Street and one facing Gans Road.
 - F. Require the owner of Tract 8 to maintain all components of the water quality protection system located on Tract 8.
- 2. The park on the Lake Tract would be named in memory of A. Perry Philips.
 - 3. The developer of the Philips Farm (excluding the Lake and Non-Lake Tracts) would improve the lake and the dam and spillway, as required to make the lake suitable for a regional storm water facility and a public recreational facility. The developer would not be required to make the lake suitable for swimming. Improvements would include raising the dam for the lake and dredging portions of the lake to increase the depth and remove siltation. The lake improvements would be subject to the approval of City's director of public works. The lake improvements would be designed to make the lake function as a regional storm water facility serving a portion of the Philips Farm and approximately 120 acres upstream from the Philips Farm. Cost estimates and contracts for the lake improvements would be subject to approval of the City. Once the lake improvements have been completed to the satisfaction of the City, City would accept title to the property and reimburse the developer for 30% of the cost of the lake improvements.
 - 4. The developer shall design and construct a Water Quality Protection System ("the System") at Developer's expense. The System shall consist of swales, other drainage structures, wetlands, dry basins and other Best Management Practices ("BMP's"), including source controls and nonstructural measures, to be placed by the Developer on the Philips Farm Property, including those portions retained by the Developer and those portions conveyed to the City as a part of the Park Land Conveyance. The System installed on the Philips Farm Property, including those parts conveyed to the City and those parts retained by the Developer, shall include such BMP's, including source controls and nonstructural measures, as are necessary to protect the Lake from storm water runoff from the

Philips Farm Development itself. In addition, the Developer shall, as a part of the design and construction of the System, also cause to be designed, and constructed on the Philips Farm Development Property (including those parts retained by the Developer and those parts conveyed to the City), such Water Quality Protection System components (including swales, other drainage structures, wetlands, dry basins, and other BMP's) as can reasonably and practicably be placed on the Philips Farm Development Property, and as will minimize any adverse impacts on the Lake from the upstream runoff from the approximately 120 acres upstream of the Philips Farm Tract, in its currently existing land use. The Developer shall be responsible for maintaining the System, either for one year after the City determines that the System has been constructed as designed or until the System is no longer impacted by construction activities on the Philips Farm Property, whichever occurs last.

5. City would develop, in consultation with developer and developer's engineers, a lake management plan designed to preserve the water quality of the lake.

6. The owner of that portion of Tract 4 that is not owned by the City would be allowed to use the entire allotment of impervious surface set forth on Exhibit 21.

7. Developer would construct, at developer's expense, a public street running from Ponderosa Street through Tract 9 to the City's property. City would pay 50% of the cost for engineering and construction of improvements of the intersection of Ponderosa Street and the street running through Tract 9 to the City's property.

8. Developer and City would be fair and reasonable in agreeing to the location of collector streets abutting or running through the City's property.

9. Monitoring of water quality in the Lake shall occur in accordance with the "Philips Tract Monitoring Plan" attached as Exhibit 27 to this ordinance. In addition, water quality monitoring of the Lake shall be conducted as follows:

Total phosphorus in Philips Lake shall not be significantly adversely impacted by the proposed development. The geometric means of epilimnetic (surface) total phosphorus concentrations collected from April through September (minimum once per month, six times per year) will not significantly (one-sided

t-test, 95% confidence) exceed 50 micrograms per liter (ug/L) for three consecutive years due to impacts from the development, not including off-site impacts or on-site impacts due to issues beyond the control of the developer, such as resident or migratory waterfowl. The significance of impacts beyond the control of the developer of the Philips Tract will be determined using a phosphorus mass balance approach. These surface samples will be collected at the location of the reservoir where the water column is deepest, near the dam spillway. Reservoir monitoring of the lake, as described in this paragraph, will begin upon completion of lake modifications, implementation of BMP's and after vegetative cover is at least 70% of the fully established plant density over 100% of the disturbed area within the onsite portions of the Philips Lake watershed. If the observed phosphorus statistics exceed the phosphorus threshold, then the potential sources of such exceedance will be investigated, characterized and determined. If it is determined that the exceedance is a result of a failure of a component of the System to perform in accordance with the expectations or design criteria established therefor, and such component is located within the Philips Tract Development Site (as opposed to being a component of the System located within property owned by the City), or if it is determined that the exceedance is the result of a failure of components of the System to perform in accordance with the established expectations or design criteria therefor, which such components are located on property owned by the City and on portions of the property within the Philips Tract Development that are not owned by the City, then the party or parties, then owning and obligated to maintain that component or those components of the System which is (are) the cause of, or which is (are) contributing to the exceedance, shall be required to take appropriate onsite measures (i.e., on the site of the Philips Farm), and/or lake management measures, as required to reduce the in lake phosphorus concentrations to a level below the established threshold limitations. Monitoring data collection will be performed by the Developer of the Philips Tract for a period of two years after the monitoring is initiated, as hereinabove described in this paragraph. Thereafter, monitoring data collection will be performed by the City. If an exceedance, as described above, is a result of a change in land use of, or other activities upon, the 120 acres located upstream of the Philips Farm, which drain to the lake, then the Developer


shall have no responsibility for same, and the City shall use only such reasonable efforts as are available to it to seek to cause to be made those changes which are required to be made, on the upstream 120 acres, in order to provide reasonable protection of the lake water quality.

SECTION 21. The impervious surface limitations in Exhibits C, D and 21 shall not apply to property acquired by the City of Columbia.

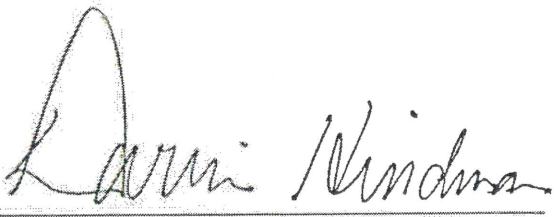
SECTION 22. This ordinance shall be in full force and effect from and after its passage.

PASSED this 19th day of April, 2004.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

Exhibit A

TRACT 1 OF PHILIPS TRACT
[PUD-1]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 1 of Philips Tract

Size of Tract: 29.09 Acres

Requested Zoning of Tract: PUD-1

Requested Allowable Uses of Tract: (1) Schools and/or churches; and/or (2) detached, detached clustered, and detached zero lot line single family residences.

Legal Description of Tract: See Exhibit 3 to Zoning Application.

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

Intended Density: Tract 1 will contain up to 20 Residential Units and/or schools and churches.

Standards and Criteria:

A. Design Characteristics.

- a. Detached, detached clustered, or detached zero lot line single family residences and/or schools and churches.
- b. A full, post-construction, Stormwater Plan (Water Quality Protection Plan) for this Tract must be submitted and approved as a part of the PUD Site Plan for this Tract, as per Section 29-10(d)(4) and Exhibits 24 and 25 to this Application.
- 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.
- d. Up to 350 Units to be placed within Tracts 1 (20 Units), 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, and make provisions for maintenance of all Common Elements; including Water Quality Protection Systems.

B. Open Space or Common Land.

a. Stormwater retention/detention facilities, and Best Management Practices protection devices, as per Exhibits 24 and 25, will be placed either on common ground, or within easements, and will be maintained by the homeowners association to the extent not publicly owned or maintained.

b. Each subdevelopment within this Tract may add to the common-land and open space, as needed or desired.

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 a 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, with such Plan to conform with Exhibits 24 and 25.

D. Density of Development. 20 Units maximum - PUD-1 and/or schools and churches.

E. Vision Clearance. Per City Code.

F. Access. Per City Code.

G. Parking. Per City Code.

H. Homeowners Association. A homeowners association will be formed to maintain Common Areas and Common Elements.

Statement of Intent:

A. Types of Buildings: Single family residential - detached, detached clustered and detached zero lot line single family residences and/or schools and churches.

B. Maximum Number of Dwelling Units: 20 Units.

C. Maximum Building Height Proposed: 52'

D. Total Parking Spaces Proposed and Parking Ratio:

- a. Minimum of two garage spaces per dwelling unit. Ratio shall be two spaces per dwelling unit minimum.
- b. Other parking as per City Code.

E. Minimum Percentage of Open Space/Pervious Area.

- a. Open Space - Minimum percentage of area devoted to open space - 85%.
- b. Impervious Surface Area. Impervious surface area will be limited to 15%, as per the chart attached as Exhibit 21. 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 area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

F. Amenities. There are no amenities except for stormwater retention/detention facilities and Best Management Practice facilities for Water Quality Protection, which will be Common Elements or on public or private easements, and to the extent not publicly maintained, will be maintained by the homeowners association.

G. General Description of Plan.

a. Minimum Lot Sizes. Lot sizes for residential buildings may vary, but will not contain less than 5,000 square feet for single family residences. Lot sizes for schools and churches will not be less than 20,000 square feet. Common areas which immediately surround or are adjacent to a residential building may be included in the lot space for such building.

b. Minimum Building Setbacks:

- Minimum of 50' from perimeter property lines
- Minimum of 25' from perimeter roads
- Minimum of 20' from interior streets
- Minimum of 20' for rear yards
- Minimum of 6' for side yards of single family dwellings and a minimum of 10' for other types of buildings.

In addition to the above minimums, all buildings shall be set back an additional 1' from all property lines for each additional 1' in height above 45'; provided, however, that 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.

“Open space” and “pervious space” are, for purposes of this Application, considered to be equivalent.

c. Minimum Separation/Setbacks Between Buildings. No closer than 12' between residential buildings and no less than 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 and 300' from Gans Creek.

e. Homes Association. Due to the use of some Common Areas, there will be a homeowners association type of ownership of some property.

H. Streets. Single entrance off Gans Road with a minimum of internal streets.

Exhibit B

TRACT 2 OF PHILIPS TRACT
[PUD-3]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 2 of Philips Tract

Size of Tract: 74.12 Acres

Requested Zoning of Tract: PUD-3

Requested Allowable Uses of Tract: 1) Schools and churches; 2) Detached, detached clustered, and detached zero lot line single family residences; and 3) Attached zero lot line single family residences (town homes)

Legal Description of Tract: See Exhibit 4 to Zoning Application.

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

Intended Density: Tract 2 will contain up to 220 residential dwelling units and/or schools and churches.

Standards and Criteria and Design Characteristics:

A. Design Characteristics.

a. 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). Tract 2 may be used for such residences, or for schools and churches.

b. A full, post-construction, Stormwater Plan (Water Quality Protection Plan) for this Tract must be submitted and approved as a part of the PUD Site Plan for this Tract, as per Section 29-10(d)(4), and Exhibits 24 and 25.

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.

d. Up to 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 the "Water Quality Protection Criteria" of Exhibit 25 hereto, and make provisions for maintenance of all Common Elements; including Water Quality Protection Systems.

B. Open Space or Common Land.

a. Stormwater retention/detention facilities, and Best Management Practices protection devices, as per Exhibits 24 and 25, will be placed either on common ground, or within easements, and will be maintained by the homeowners association to the extent not publicly owned or maintained.

b. Each subdevelopment within this Tract may add to the common land and open space, as needed or desired.

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 a 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, with such Plan to conform with Exhibits 24 and 25.

D. Density of Development. A maximum of 220 dwelling units - PUD-3.

E. Vision Clearance. Per code.

F. Access. Per code.

G. Parking. Per City Code.

H. Homeowners Association. A homeowners association will be formed to maintain Common Areas and Common Elements.

Statement of Intent:

A. Types of Buildings. Schools and churches; detached, detached clustered or detached zero lot line single family residential and/or attached zero lot line single family residences (town homes).

B. Maximum Number of Dwelling Units. 220. The exact mix of Units will be determined by market forces.

C. Maximum Building Height Proposed.

- Schools and churches - 75', excluding spires
- Detached single family residences - 52'
- Attached single family residences - 52'

D. Total Parking Spaces and Proposed Parking Ratio:

a. Detached and Attached Single Family Residences - Minimum of two spaces per dwelling unit.

b. Other Parking. As per City Code.

E. Minimum Percentage of Entire Site Maintained Open Space/Pervious Areas.*

a. Open Space - 70%.

b. Impervious Surface Areas. Impervious surface areas will be limited to 30% in accordance with that chart, a copy of which is attached as **Exhibit 21**. 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 area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

F. Amenities. There are no amenities except for stormwater retention/detention facilities and Best Management Practice facilities for Water Quality Protection, which will be Common Elements or on public or private easements, and to the extent not publicly maintained, will be maintained by the homeowners association.

G. General Description of 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 therefor. Lot sizes for schools and churches shall not be less than 20,000 square feet.

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' for rear yards

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

— Minimum of 6' for side yards of single family dwellings, except 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' of building 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 Separation/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 and 300' from Gans Creek.

e. Homes Association. Due to the use of some Common Areas, there will be a homeowners association type of ownership of some property.

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

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, if the City chooses to acquire this parcel, and, alternatively: 1) schools and churches; 2) Detached, detached clustered, 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 Tract:

Intended Density: Tract 3 will contain up to 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 as a part of the PUD Site Plan for this Tract, as per Section 29-10(d)(4), and Exhibits 24 and 25.

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.

d. Up to 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; including 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 a 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, with 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: None, if the City acquires this land for a park, and otherwise: schools and churches; detached, detached clustered or detached zero lot line single family residences; attached zero lot line single family residences (town homes - 2 to 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 dwelling 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. 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 area 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 ("BMPs"), as per Exhibits 24 and 25, which will be located in Common Areas or on public or private easements, as required for

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

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' for rear yards
- Minimum of 6' for side yards of single family dwellings,

except 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 set back 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.

H. Description of Street Plan. Roadways will serve the Development off of Gans Road and off of Ponderosa. Such roads will cross the property and be stubbed to the north and/or 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 as a park.

Exhibit D

TRACT 4 OF PHILIPS TRACT
[O-P]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 4 of Philips Tract

Size of Tract: 61.81 Acres

Requested Zoning of Tract: Zoning District O-P

Requested Allowable Uses of Tract: All permitted uses permitted in Zoning District O-1.

Legal Description of Tract: See Exhibit 6 to the Zoning Application.

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

1. Acreage. 61.81 acres (less roadways), to be developed with offices and apartments, and churches and schools.

2. Total Square Footage. The Development on this Tract will contain a total of 425,000 total square feet of offices and apartments; provided, however, that the aggregate total of the square footage of the footprints of the buildings (i.e., the areas covered by the ground floors of the buildings) shall not exceed 200,000 square feet. Of the total allowable square footage of 425,000 square feet, 1,000 square feet shall be deemed to be allocated and shall be allocated to each apartment unit placed within Tract 4; meaning that 1,000 square feet shall be deducted from the total allowable 425,000 square feet for each apartment unit/dwelling unit planned for Tract 4, and meaning that the total square footage allowable for offices shall be reduced from 425,000 square feet by 1,000 square feet for each planned apartment unit or dwelling unit.

3. Heights and Setbacks: Height and setback requirements shall be as follows:

A. Building Setbacks:

- Minimum of 25' from perimeter property lines
- Minimum of 25' from perimeter roads
- Minimum of 20' from interior roads
- Minimum of 20' for rear yards adjacent to residential areas or structures
- Minimum of 10' for side yards, except there shall be not setback for single

family units attached to each other.

In addition to the above minimums, all buildings shall be set back an additional 1' from all property lines for each additional 1' in height above 45'; provided, however, there shall be not be a 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.

B. Minimum Setback Between Residential Buildings. No closer than 10' from each other.

C. Building Setbacks from Creeks and Lake. Building setbacks shall not be less than 100' from Clear Creek or the lake.

D. Maximum Building Heights.

- Schools and churches - 75', except for spires
- Apartments - 75'
- Offices - 90' east of the lake, 75' south of the lake

4. Parking - Per City Code.

5. Open Space/Total Impervious Surface Area*

a. Open Space - 60%.

b. Total Impervious Surface Area. Total impervious surface within this Tract shall be limited to 40%, as described on Exhibit 21 hereto. Use of pervious paving materials for overflow parking areas, or emergency parking areas, emergency driveways and some walkways and similar improvements will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

6. Comprehensive Traffic Impact Study/Development Agreements. Each O-P Development Plan for this Tract must be accompanied by:

a. A Comprehensive Traffic Impact Study for the Development, if not previously provided, completed in accordance with the requirements of the City and MoDOT, for the development proposed for this Tract and any development proposed for other Tracts; and

b. A proposed Development Agreement with the City and MoDOT.

Said Traffic Impact Study and Development Agreement shall provide for:

i. Identification of all streets, roads and other traffic infrastructure (collectively, "Traffic Infrastructure"), which are required to serve the Bristol Lake Development, at all stages of its build out/construction, and upon its build out, and which are required to maintain at each phase of Development build out and on full Development build out and in year 2026, required minimum Levels of Service ("LOS") as follows:

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

- LOS C following completion of each phase and upon build out/completion of the entire Bristol Lake Development;
- LOS D in the year 2026; and

ii. The estimated costs and timing/phasing of the construction of all such Traffic Infrastructure (including the Highway 63 Overpass/Interchange, Gans Road and any other offsite traffic improvement required to serve the Development); and

iii. The identification of funding sources and the providing of funding for the construction of all such traffic infrastructure.

Such Comprehensive Traffic Impact Study and such Development Agreement with the City and MoDOT shall be provided with each O-P Plan for this Tract. Such Comprehensive Traffic Survey and each such Development Agreement must satisfy all requirements of the City and MoDOT for adequate traffic circulation for the Development, at each stage of completion, and for the maintaining and providing of the required Levels of Service as described above.

7. Stormwater/Water Quality Protection Plan. An overall "Water Quality Protection Plan," which comports with the conceptual Water Quality Protection Plan attached as Exhibit 24 and the Water Quality Protection Criteria attached as Exhibit 25 must be presented with each O-P Development Plan and all of its components must be in place before occupancy permits are issued for any structure on this Tract. Impervious surface area shall be limited as per the chart attached hereto as Exhibit 21.

Exhibit E

TRACT 5 OF PHILIPS TRACT
[C-P]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 5 of Philips Tract

Size of Tract: 76.09 acres

Requested Zoning of Tract: Zoning District C-P

Requested Allowable Uses of Tract: All uses allowed in Zoning Districts C-1, C-2 and C-3 (including pyramiding of such zoning ordinances), excluding, however:

- Drive in theaters;
- Gun clubs;
- Machine shops;
- Travel trailer parks;
- Temporary shelters;
- Self storage facilities;
- Halfway houses;
- Publishing and newspaper publishing;
- Commercial parking for automobiles and light trucks;
- Farm machinery sales and services;
- Kennels for boarding of animals of any kind;
- Miniature golf courses or driving ranges;
- Automobile repair shops; provided, however, that automobile dealerships and all uses attendant thereto shall be a permitted use;
- Lumber yards, unless part of a home improvement center.

Legal Description of Tract: See Exhibit 7 to the Zoning Application

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

1. Acreage. 76.09 acres, less roads
2. Total Square Footage. Tract 5 will contain no more than 700,000 total square feet of retail space, offices and hotel space. The footprints (i.e., areas covered by the ground floors) of the buildings containing such uses shall be of a total, aggregate area not to exceed 400,000 square feet.
3. Heights and Setbacks.
 - A. Setbacks. All buildings will be setback not less than:
 - 25' from exterior streets and exterior property lines of the Development;
 - 20' from interior streets;

- A minimum side yard and rear yard setback of 20' from interior property lines adjacent to residential areas or residential structures.

In addition to the above minimums, all buildings shall be set back 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.

B. Building Height. Building heights shall be limited to a maximum building height of 45', with one foot of additional height above 45' being allowed for each one foot of additional setback from exterior boundary lines and streets of the Development, with maximum building heights as follows:

- Commercial/retail - 65'
- Offices - 90'
- Hotel - 100'
- Residential - 75'

C. Minimum Setback Between Residential Buildings. Residential buildings shall be no closer than 10' from each other.

D. Minimum Setback from Creeks and Lake. All buildings and parking areas shall be setback a minimum of 100' from Clear Creek and the lake.

4. Parking. Parking will be as per City Code.

5. Open Space/Total Impervious Surface Area*

a. Open Space - 40%.

b. Total Impervious Surface Area. Total impervious surface within this Tract shall be limited to 60%, as described on Exhibit 21 hereto. Use of pervious paving materials for overflow parking areas, or emergency parking areas, emergency driveways and some walkways and similar improvements will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

6. Comprehensive Traffic Survey/Development Agreements. Each C-P Development Plan for this Tract must be accompanied by:

a. A Comprehensive Traffic Impact Study for the Development, if not previously provided, completed in accordance with the requirements of the City and MoDOT, of the development proposed for this Tract and any development proposed for other Tracts; and

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

- b. A proposed Development Agreement with the City and MoDOT.

Said Traffic Impact Study and Development Agreement shall provide for:

- i. Identification of all streets, roads and other traffic infrastructure (collectively, "Traffic Infrastructure"), which are required to serve the Bristol Lake Development, at all stages of its build out/construction, and upon its build out, and which are required to maintain at each phase of Development build out and on full Development build out and in year 2026, required minimum Levels of Service ("LOS") as follows:
 - LOS C following completion of each phase and upon build out/completion of the entire Bristol Lake Development;
 - LOS D in the year 2026; and
- ii. The estimated costs and timing/phasing of the construction of all such Traffic Infrastructure (including the Highway 63 Overpass/Interchange, Gans Road and any other offsite traffic improvement required to serve the Development); and
- iii. The identification of funding sources and the providing of funding for the construction of all such traffic infrastructure.

Such Comprehensive Traffic Impact Study and such Development Agreement with the City and MoDOT shall be provided with each C-P Plan for this Tract. Such Comprehensive Traffic Survey and each such Development Agreement must satisfy all requirements of the City and MoDOT for adequate traffic circulation for the Development, at each stage of completion, and for the maintaining and providing of the required Levels of Service as described above.

7. Stormwater/Water Quality Protection Plan. An overall "Water Quality Protection Plan," which comports with the conceptual Water Quality Protection Plan (Exhibit 24) and the Water Quality Protection Criteria (Exhibit 25), must be presented with each C-P Development Plan and all of its components must be in place before occupancy permits are issued. Impervious surface area shall be limited as per the chart attached hereto as Exhibit 21.

Exhibit F

TRACT 6 OF PHILIPS TRACT

[O-P]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 6 of Philips Tract

Size of Tract: 44.54 acres

Requested Zoning of Tract: Zoning District O-P

Requested Allowable Uses of Tract: All permitted uses permitted in Zoning District O-1.

Legal Description of Tract: See Exhibit 8 of the Zoning Application

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

1. Acreage. 44.55 acres (less roadways)
2. Total Square Footage. The buildings within this Tract will have therein no more than 250,000 total square feet of floor area, and the footprints (ground floor areas) of such buildings shall cover, in the aggregate, no more than 150,000 square feet. Of the total allowable square footage of 250,000 square feet, 1,000 square feet shall be deemed to be allocated and shall be allocated to each apartment unit placed within Tract 6; meaning that 1,000 square feet shall be deducted from the total allowable 250,000 square feet for each apartment unit/dwelling unit planned for Tract 6, and meaning that the total square footage allowable for offices shall be reduced from 250,000 square feet by 1,000 square feet for each planned apartment unit or dwelling unit.

3. Heights and Setbacks: Height and setback requirements shall be as follows:
 - A. Setbacks. All buildings will be setback not less than:
 - 25' from exterior streets and exterior property lines of the Development;
 - 20' from interior streets;
 - A minimum side yard and rear yard setback of 20' from interior property lines adjacent to residential areas or residential structures.

In addition to the above minimums, all buildings shall be set back 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.

- B. Building Heights. The maximum allowable building height shall be as follows:
 - Schools and churches - 75', except for spires
 - Apartment buildings - 75'

- Office buildings - 90'

C. Minimum Setback Between Residential Buildings. Residential buildings shall be no closer than 10' from each other.

D. Minimum Setback from Creeks and Lake. All buildings and parking areas shall be setback a minimum of 300' from Gans Creek.

4. Parking. Per City Code.

5. Open Space/Total Impervious Surface Area.*

a. Open Space - 70%.

b. Total Impervious Surface Area. Total impervious surface within this Tract shall be limited to 30%, as described on Exhibit 21 hereto. Use of pervious paving materials for overflow parking areas, or emergency parking areas, emergency driveways and some walkways and similar improvements will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

6. Comprehensive Traffic Survey/Development Agreements. Each C-P Development Plan for this Tract must be accompanied by:

a. A Comprehensive Traffic Impact Study for the Development, if not previously provided, completed in accordance with the requirements of the City and MoDOT, of the development proposed for this Tract and any development proposed for other Tracts; and

b. A proposed Development Agreement with the City and MoDOT.

Said Traffic Impact Study and Development Agreement shall provide for:

i. Identification of all streets, roads and other traffic infrastructure (collectively, "Traffic Infrastructure"), which are required to serve the Bristol Lake Development, at all stages of its build out/construction, and upon its build out, and which are required to maintain at each phase of Development build out and on full Development build out and in year 2026, required minimum Levels of Service ("LOS") as follows:

- LOS C following completion of each phase and upon build out/completion of the entire Bristol Lake Development;
- ... LOS D in the year 2026; and

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

ii. The estimated costs and timing/phasing of the construction of all such Traffic Infrastructure (including the Highway 63 Overpass/Interchange, Gans Road and any other offsite traffic improvement required to serve the Development); and

iii. The identification of funding sources and the providing of funding for the construction of all such traffic infrastructure.

Such Comprehensive Traffic Impact Study and such Development Agreement with the City and MoDOT shall be provided with each C-P Plan for this Tract. Such Comprehensive Traffic Survey and each such Development Agreement must satisfy all requirements of the City and MoDOT for adequate traffic circulation for the Development, at each stage of completion, and for the maintaining and providing of the required Levels of Service as described above.

7. Stormwater/Water Quality Protection Plan. An overall "Water Quality Protection Plan," which comports with the conceptual Water Quality Protection Plan attached as Exhibit 24 and the Water Quality Protection Criteria attached as Exhibit 25 must be presented with each O-P Development Plan and all of its components must be in place before occupancy permits are issued for any structure on this Tract. Impervious surface area shall be limited as per the chart attached hereto as Exhibit 21. A buffer (no buildings or parking areas, but open space) of no less than an average width of 300' for Gans Creek shall be provided.

8. Research/Laboratory. 20 acres shall be reserved for research/laboratory purposes for a period of five years after the annexation of this Tract to the City.

EXHIBIT G

TRACT 7 OF PHILIPS TRACT
[C-P]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 7 of Philips Tract

Size of Tract: 28.14 acres

Requested Zoning of Tract: Zoning District C-P

Requested Allowable Uses of Tract: All uses allowed in Zoning Districts C-1, C-2 and C-3, including pyramiding, excepting, however:

- Drive in theaters;
- Gun clubs;
- Machine shops;
- Travel trailer parks;
- Temporary shelters;
- Self storage facilities;
- Halfway houses;
- Publishing and newspaper publishing;
- Commercial parking for automobiles and light trucks;
- Farm machinery sales and services;
- Kennels for boarding of animals of any kind;
- Miniature golf courses or driving ranges;
- Automobile repair shops; provided, however, that automobile dealerships and all uses attendant thereto shall be a permitted use;
- Lumber yards, unless part of a home improvement center.

Legal Description of Tract: See Exhibit 9 to Zoning Application

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

1. Acreage. 28.14 acres, less roadways
2. Total Square Footage. The buildings in this area will contain no more than 100,000 total square feet of floor space, including retail space, offices and hotels. Footprints for these buildings (i.e., the aggregate area covered by the ground floors of these buildings) shall not exceed 55,000 square feet.

3. Heights and Setbacks.

A. Setbacks. All buildings will be setback as follows:

- 25' from exterior streets and exterior property lines of the Development;
- 20' from interior streets;
- A minimum side yard and rear yard setback of 20' from interior property lines adjacent to residential areas or residential structures.

In addition to the above minimums, all buildings shall set back 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.

B. Building Height. Maximum building heights shall be limited to a maximum building height of 45', with one foot of additional height above 45' being allowed for each one foot of additional setback from exterior boundary lines and streets of the Development, with maximum building heights as follows:

- Commercial/retail - 65'
- Offices - 90'
- Hotels - 100'
- Schools and churches, excluding spires - 75'
- Residential - 75'

C. Minimum Setback Between Residential Buildings. Residential buildings shall be no closer than 10' from each other.

D. Minimum Setback from Creeks and Lake. All buildings and parking areas shall be setback a minimum of 100' from Clear Creek, 100' from the lake and 300' from Gans Creek.

4. Parking. Parking will be as per City Code.

5. Open Space/Total Impervious Surface Area*

a. Open Space - 70%.

b. Total Impervious Surface Area. Total impervious surface within this Tract shall be limited to up to 30%, as described on Exhibit 21 hereto. Use of pervious paving materials for overflow parking areas, or emergency parking areas, emergency driveways and some walkways and similar improvements will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

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

6. Comprehensive Traffic Survey/Development Agreements. Each C-P Development Plan for this Tract must be accompanied by:

- a. A Comprehensive Traffic Survey, if not previously provided; and
- b. A Development Agreement with the City of Columbia and with MoDOT.

Said Traffic Impact Study and Development Agreement shall provide for:

i. Identification of all streets, roads and other traffic infrastructure (collectively, "Traffic Infrastructure"), which are required to serve the Bristol Lake Development, at all stages of its build out/construction, and upon its build out, and which are required to maintain at each phase of Development build out and on full Development build out and in year 2026, required minimum Levels of Service ("LOS") as follows:

- LOS C following completion of each phase and upon build out/completion of the entire Bristol Lake Development;
- LOS D in the year 2026; and

ii. The estimated costs and timing/phasing of the construction of all such Traffic Infrastructure (including the Highway 63 Overpass/Interchange, Gans Road and any other offsite traffic improvement required to serve the Development); and

iii. The identification of funding sources and the providing of funding for the construction of all such traffic infrastructure.

Such Comprehensive Traffic Impact Study and such Development Agreement with the City and MoDOT shall be provided with each C-P Plan for this Tract. Such Comprehensive Traffic Survey and each such Development Agreement must satisfy all requirements of the City and MoDOT for adequate traffic circulation for the Development, at each stage of completion, and for the maintaining and providing of the required Levels of Service as described above.

7. Stormwater/Water Quality Protection Plan. An overall "Water Quality Protection Plan," which comports with the conceptual Water Quality Protection Plan attached as Exhibit 24 and the Water Quality Protection Criteria attached as Exhibit 25 must be presented with each O-P Development Plan and all of its components must be in place before occupancy permits are issued for any structure on this Tract. Impervious surface area shall be limited as per the chart attached hereto as Exhibit 21. A buffer (no buildings or parking areas, meaning open space) of no less than an average width of 300' for Gans Creek shall be provided.

Exhibit H

TRACT 8 OF PHILIPS TRACT

[C-3]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 8 of Philips Tract

Size of Tract: 22.46 acres

Requested Zoning of Tract: Zoning District C-3

Legal Description of Tract: See Exhibit 10 to Zoning Application

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

Although this Tract is to be placed in Zoning District C-3, it shall be imposed with a requirement that no plat shall be approved, and no building and/or occupancy permit shall be issued for any improvements on this Tract, until the following criteria have been satisfied:

A. Water Quality Protection Plan. Before any plat is approved or building permit is issued a separate Water Quality Protection Plan for this Tract must be provided and must be approved by the Public Works Department of the City, and must be found to be in conformity with and to satisfy the requirements of Exhibits 24 and 25. Water Quality Protection devices and systems, Best Management Practices Facilities, and other facilities and requirements as required to satisfy such Water Quality Protection Criteria and such approved Plan, must be provided for and constructed, and fully in place before occupancy permits shall be issued. All subdivision plats, performance agreements and Development Agreements (as per Sections 25-27(a)(6) and 25-36), and all building permit approvals, shall require this plan and its implementation as a part of the required subdivision infrastructure.

B. Restrictive Covenants. Tract 8 must be subjected to a Declaration of Restrictive Covenants, which run with the land and which must be in place before building permits or occupancy permits are issued, and which provides, among other things:

a. For the ownership of any non-publicly owned Water Quality Protection devices and systems and Best Management Practice Facilities by an Association of owners; and

b. For the maintenance, repair, replacement, servicing and operation and replacement of such facilities and systems by the Association; and

c. For the ability in the Association to obtain funding for the cost of same through the imposition of binding assessment on the land of the owners within Tract 8; and

d. For the right of the City, as a third party beneficiary, to maintain, repair, replace, service and operate such facilities and to impose assessments in the same fashion in

which the association through its board may do so, upon the property owners, to pay the costs of same; and

e. For the limitation of sources of pollution, including fertilizer use, pesticide use and other pollution sources; and

f. For the enforcement of all restrictions; and

g. For a limitation of allowable uses to those uses allowed on Tract 7.

C. Comprehensive Traffic Impact Study and Implementation of Improvements.
Requests for plat approval for this Tract and for building permit issuance must be accompanied by:

a. A Comprehensive Traffic Impact Study for the Development, if not previously provided, completed in accordance with the requirements of the City and MoDOT, of the development proposed for this Tract and any development proposed for other Tracts; and

b. A proposed Development Agreement with the City and MoDOT.

Said Traffic Impact Study and Development Agreement shall provide for:

i. Identification of all streets, roads and other traffic infrastructure (collectively, "Traffic Infrastructure"), which are required to serve the Bristol Lake Development, at all stages of its build out/construction, and upon its build out, and which are required to maintain at each phase of Development build out and on full Development build out and in year 2026, required minimum Levels of Service ("LOS") as follows:

- LOS C following completion of each phase and upon build out/completion of the entire Bristol Lake Development;
- LOS D in the year 2026; and

ii. The estimated costs and timing/phasing of the construction of all such Traffic Infrastructure (including the Highway 63 Overpass/Interchange, Gans Road and any other offsite traffic improvement required to serve the Development); and

iii. The identification of funding sources and the providing of funding for the construction of all such traffic infrastructure.

Such Comprehensive Traffic Impact Study and such Development Agreement with the City and MoDOT shall be provided with each plat and request for building permit for this Tract. Such Comprehensive Traffic Survey and each such Development Agreement must satisfy all requirements of the City and MoDOT for adequate traffic circulation for the Development, at each stage of completion, and for the maintaining and providing of the required Levels of Service as described above.

D. Total Impervious Surface Area Limitations. No building permit shall be issued for any improvement on this Tract which violates the total impervious surface area limitations of 85% appearing on that chart attached hereto as Exhibit 21. Occupancy permits shall be withheld if the impervious surface area limitations of 85%, as shown on Exhibit 21 hereto, is exceeded.

E. Platting/Self Imposed Restrictions. In accordance with Section 25-36 of the Revised Ordinances of the City of Columbia [which provides that any restrictions on the land greater than those required by the Subdivision Regulations of the City, as contained in Chapter 25 of the City Ordinances, and other City Ordinances, which, in the opinion of the Director of Planning and Development for the City "may affect the division and use of the land as contemplated by the subdivider," must be indicated on the subdivision plat by a statement of such restrictions or by reference to the recordation of such restrictions in the office of the County Recorder of Deeds], and in accordance with Section 25-27(a)(6) of such Ordinances, any plat submitted for this Tract must be accompanied by performance agreements and guarantee and Development Agreements, and Declarations of Self Imposed Restrictions acceptable to the Director of Planning and Development and the City Counselor and City Director of Public Works, all of which are enforceable by the City, and which provide for satisfaction with and compliance with each of the criteria, restrictions and requirements imposed by paragraphs A through D above, and all subparts and portions thereof, and which restrict the use of Tract 8 to the allowable uses in Tract 7, and exclude all otherwise allowable uses.

C-3 ↑
F. ¹⁰⁴ Development Agreements. In accordance with Sections 25-36 and 25-27(a)(6), each plat shall be accompanied by such performance agreements, guarantees of performance, Development Agreements and other documents as the City determines to be necessary to enforce the requirements of paragraphs A through E above and the implementation of the requirements of such paragraphs. Subdivision Development Agreements and performance agreements and guarantees shall contain all terms required to insure compliance with paragraphs A through E above.

Exhibit I

TRACT 9 OF PHILIPS TRACT

[C-P]

Re: Requested Zoning, Requested Permitted Uses, and Development Criteria for Tract 9 of Philips Tract

Size of Tract: 23.08 acres

Requested Zoning of Tract: Zoning District C-P

Requested Allowable Uses of Tract: To be used as a City park, if the City chooses to acquire this Tract, and otherwise, all uses allowed in Zoning District C-1, C-2 and C-3, including pyramiding, excepting, however:

- Drive in theaters;
- Gun clubs;
- Machine shops;
- Travel trailer parks;
- Temporary shelters;
- Halfway houses;
- Publishing and newspaper publishing;
- Commercial parking for automobiles and light trucks;
- Farm machinery sales and services;
- Kennels for boarding of animals of any kind;
- Miniature golf courses or driving ranges;
- Automobile repair shops; provided, however, that automobile dealerships and all uses attendant thereto shall be a permitted use;
- Lumber yards, unless part of a home improvement center.

Legal Description of Tract: See Exhibit 11 to Zoning Application

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

1. Acreage. 23.08 acres, less roadways.
2. Total Square Footage. The buildings within this Tract will contain no more than 250,000 total square feet of floor space, and the ground floors (footprints) of these buildings will cover, in the aggregate, no more than 75,000 total square feet. Such buildings will be utilized for retail space, offices, self storage centers and hotels.

3. Heights and Setbacks.

A. Setbacks. All buildings will have minimum setbacks as follows:

- 25' from exterior streets and exterior property lines of the Development;
- 20' from interior streets;
- A minimum side yard and rear yard setback of 20' from interior property lines adjacent to residential areas or residential structures,

In addition to the above minimums, all buildings shall set back 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.

B. Building Height. Maximum building heights shall be limited to a maximum building height of 45', with one foot of additional height above 45' being allowed for each one foot of additional setback from exterior boundary lines and streets of the Development, with maximum building heights as follows:

- Commercial/retail - 65'
- Offices - 90'
- Hotels - 100'
- Schools and churches, excluding spires - 75'
- Residential - 75'

C. Minimum Setback Between Residential Buildings. Residential buildings shall be no closer than 10' from each other.

D. Minimum Setback from Creeks and Lake. All buildings and parking areas shall be setback a minimum of 100' from Clear Creek, 100' from the lake and 300' from Gans Creek.

4. Parking. Parking will be as per City Code.

5. Open Space/Total Impervious Surface Area*.

a. Open Space - 35%, without the Park, and 88% with the Park.

b. Total Impervious Surface Area. Total impervious surface within this Tract shall be limited to 65% without the Park, and 12% with the Park, as described on Exhibit 21 hereto. Use of pervious paving materials for overflow parking areas, or emergency parking areas, emergency driveways and some walkways and similar improvements will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, if alternative surface paving materials are approved by the Department of Public Works of the City.

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

6. Comprehensive Traffic Survey/Development Agreements. Each C-P Development Plan for this Tract must be accompanied by:

- a. A Comprehensive Traffic Survey, if not previously provided; and.
- b. A Development Agreement with the City of Columbia and with MoDOT.

Said Traffic Impact Study and Development Agreement shall provide for:

i. Identification of all streets, roads and other traffic infrastructure (collectively, "Traffic Infrastructure"), which are required to serve the Bristol Lake Development, at all stages of its build out/construction, and upon its build out, and which are required to maintain at each phase of Development build out and on full Development build out and in year 2026, required minimum Levels of Service ("LOS") as follows:

- LOS C following completion of each phase and upon build out/completion of the entire Bristol Lake Development;
- LOS D in the year 2026; and

ii. The estimated costs and timing/phasing of the construction of all such Traffic Infrastructure (including the Highway 63 Overpass/Interchange, Gans Road and any other offsite traffic improvement required to serve the Development); and

iii. The identification of funding sources and the providing of funding for the construction of all such traffic infrastructure.

Such Comprehensive Traffic Impact Study and such Development Agreement with the City and MoDOT shall be provided with each C-P Plan for this Tract. Such Comprehensive Traffic Survey and each such Development Agreement must satisfy all requirements of the City and MoDOT for adequate traffic circulation for the Development, at each stage of completion, and for the maintaining and providing of the required Levels of Service as described above.

7. Stormwater/Water Quality Protection Plan. An overall "Water Quality Protection Plan," which comports with the conceptual Water Quality Protection Plan (Exhibit 24) and the Water Quality Protection Criteria (Exhibit 25), must be presented with each C-P Development Plan and all of its components must be in place before occupancy permits are issued. Impervious surface area shall be limited as per the chart attached hereto as Exhibit 21.

8. Park. This Tract and Tract 3 are reserved for a period of six months for possible acquisition by the City for use as a park.

EXHIBIT 21

IMPERVIOUS SURFACE AREA

A. Footprint: Total building space and impervious surface area for the following C-P and O-P zoned areas are to be as follows:

	Footprint	Total building space	Impervious surface
Tract 4	200,000	425,000	40%
Tract 5	400,000	700,000	60%
Tract 6	150,000	250,000	30%
Tract 7	55,000	100,000	30%
Tract 9	75,000	250,000	65%

Apartments to be counted as 1,000 sq. ft. each for each of Tracts 4 and 6, in mixed use calculations.

B. Philips Tract Impervious Areas: Without Park (Park to be Tracts 3 and 9):

Group A [area draining to lake]

Tract	Zoning	Total Area (acres)	Impervious percentage	Impervious acreage
3	PUD-4	129.94	16	20.70
4	O-P	61.81	40	24.72
5	C-P	76.09	60	45.65
8	C-3	22.46	85	19.09
9	C-P	23.09	65	15.01
Subtotal for Group A:		313.39	39.97	125.27

(tracts draining to lake)

Group B [area draining directly to Clear Creek or Gans Creek and not draining to lake]

Tract	Zoning	Total Area (acres)	Impervious percentage	Impervious acreage
1	PUD-1	29.10	15	4.37
2	PUD-3	74.12	30	22.24
6	O-P	44.55	30	13.37
7	C-P	28.14	30	8.41
Subtotal for Group B:		175.91	27.52	48.41

(tracts not draining to lake)

Overall Total for Project: 489.30 35.49 173.68

*See Note 1 below

*Note 1: Any building footprint or impervious surface areas permitted within any Tract within Group A, which is not used within such Tract, Group A, may be shifted to and used within any other Tract within Group A. Any building footprint or impervious surface area permitted within any Tract within Group B, which is not used within that Tract, may be shifted to and used within any other Tract within Group B. If Developer purchases additional land, within the watershed, which either adjoins the 489.29 acres of the Philips Tract, or is approved by the City of Columbia Storm Water Utility as satisfactory for these purposes, then the area of such land which is not devoted to impervious surface area may be included within the impervious surface area limitation computations. Such additional land may be used to increase the impervious acreage but shall not be used to exceed the impervious surface percentage limitations set for Group A or Group B or set for the Overall Total for the project.

Note 2: If the City chooses not to acquire the 153.02 acres of Tracts 3 and 9 for the Park, then, in such event, the use of up to 35 acres of pervious paving materials, for driveways, patios, walkways, overflow parking areas, emergency parking areas, emergency driveways and some similar improvements, will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, as described in this Exhibit, if alternative paving materials are approved by the Public Works Department of the City.

C.

Philips Tract Impervious Areas: With Park (Park on Tracts 3 and 9):

Group A [area draining to lake]

Tract	Zoning	Total Area (acres)	Impervious percentage	Impervious acreage
3	PUD-4	129.94	7%	9.10
4	O-P	61.81	40	24.72
5	C-P	76.09	60	45.65
8	C-3	22.46	85	19.09
9	C-P	23.09	12	2.44
Subtotal for Group A:		313.39	32.2	101.00

(tracts draining to lake)

Group B [area draining directly to Clear Creek or Gans Creek and not draining to lake]

Tract	Zoning	Total Area (acres)	Impervious percentage	Impervious acreage
1	PUD-1	29.10	15	4.37
2	PUD-3	74.12	30	22.24
6	O-P	44.55	30	13.37
7	C-P	28.14	30	8.44
Subtotal for Group B:		175.91	27.51	48.40

(tracts not draining to lake)

Overall Total for Project: 489.30 30.5 149.40

*See Note 1 below

*Note 1: Any building footprint or impervious surface areas permitted within any Tract within Group A, which is not used within such Tract, Group A, may be shifted to and used within any other Tract within Group A. Any building footprint or impervious surface area permitted within any Tract within Group B, which is not used within that Tract, may be shifted to and used within any other Tract within Group B. If Developer purchases additional land, within the watershed, which either adjoins the 489.29 acres of the Philips Tract, or is approved by the City of Columbia Storm Water Utility as satisfactory for these purposes, then the area of such land which is not devoted to impervious surface area may be included within the impervious surface area limitation computations. Such additional land may be used to increase the impervious acreage but shall not be used to exceed the impervious surface percentage limitations set for Group A or Group B or set for the Overall Total for the project.

Note 2: If the City chooses not to acquire the 153.02 acres of Tracts 3 and 9 for the Park, then, in such event, the use of up to 15 acres of pervious paving materials, for driveways, patios, walkways, overflow parking areas, emergency parking areas, emergency driveways and some similar improvements, will be encouraged, in order to reduce runoff, yet remain within impervious surface area limitations, as described in this Exhibit, if alternative paving materials are approved by the Public Works Department of the City.

