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

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*"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**.