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June 17, 2008

City of Columbia – Planning and Development
Attn: Tim Teddy
701 E. Broadway
Columbia, Mo 65201

Re: Statement of Intent for the Proposed Crosscreek Center
C-P Development Located on the North and South Sides of
Stadium Boulevard (State Route 740) on the East Side of State
Highway 63.

Statement of Intent:

The above referenced property, being Lot 101 through Lot 112 of Crosscreek Center Plat 1 (including all of the adjacent vacated MoDOT right-of-way) and an unplatted tract of land adjacent to the southern portion of the plat being described as follows:

BEGINNING AT A ½" IRON PIPE BEING THE SE CORNER OF THE SW ¼ OF THE NE ¼ OF SECTION 20 T 48 N, R 12 W; THENCE N88°48'05"W, 1187.40 FEET, THENCE N18°13'30"E, 452.79 FEET; THENCE N64°46'35"E, 293.35 FEET; THENCE S87°24'40"E, 481.69 FEET; THENCE N51°52'55"E, 57.18 FEET; THENCE N10°16'05"E, 172.65 FEET; THENCE N53°52'40"E, 67.33 FEET; THENCE S76°29'50"E, 123.45 FEET; THENCE S31°15'25"E, 128.45 FEET; THENCE S01°32'30"W, 664.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 15.07 ACRES,

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which 12 Lots and unplatted land shall hereafter be referenced as the Crosscreek Center Development. The unplatted tract of land described above is shown on the Crosscreek Center C-P plan as "future development." This Statement of Intent is intended to and shall supersede all prior Statements of Intent for Crosscreek Center Development.

Portions of said Crosscreek Center Development have previously been rezoned by Ordinance No. 18310 on November 15, 2004, and by Ordinance No. 19170 on September 5, 2006.

The intended uses permitted for Crosscreek Center Development shall be:

All permitted uses in District C-3 with the exception of the following uses which will not be permitted:

1. Halfway Houses
2. Gun Ranges
3. Drive-in Theaters
4. Live Adult Entertainment
5. Pornography Shops, Head Shops, or Other Shops Selling drug paraphernalia
6. Massage Parlors (Not Including Licensed Massage Therapists)
7. Tattoo Parlors
8. Labor Camps
9. Manufacturing of Explosives or Flammable Liquids
10. Freight Terminals
11. Kennels
12. Travel Trailer or Mobile Home Parks
13. Junk Yards
14. Lumber Yards
15. Stock Yards

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16. Landfills, Garbage Dumps, or Trash Incinerators
17. Packing Houses or Slaughter Houses
18. Any Use Producing Dust or Fly Ash in Excessive Quantities
19. Manufacture, Compounding, or Processing of Hazardous Materials Except the Storage of Such Materials in Conjunction with Motor Vehicle Sales and Services Shall Not be Excluded
20. Outside Repair of Vehicles or Equipment Except that Temporary Storage of Such Vehicles or Equipment in Conjunction operation of a new motor vehicle dealership on Lot 110 shall be permitted.
21. Cement, Asphalt, or Concrete Plants
22. Commercial Uncovered Parking
23. Sanitariums
24. Mortuary
25. Tree Trimming and Removal Services
26. Armories
27. Bus Station
28. Newspaper Publishing Plant
29. Temporary Shelters
30. Cemeteries
31. Boarding Houses or Lodging Houses
32. Fraternity or Sorority Houses and Dormitories
33. Free Standing Bars, Cocktail Lounges or Nightclubs not Included in a Hotel or Motel Building
34. Billiard Halls and Game Arcades
35. Freestanding Bowling Alleys not Included in a Hotel or Motel Building
36. Private Stables
37. Commercial Laundries
38. Coin-Operated Laundries
39. Reservoirs, Wells, Water Towers, Filter Beds, Water Supply Plants, or Water Pumping Stations
40. Machine Shops

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41. Research and Development Laboratories
42. Testing Laboratories
43. Service Stations, Except That a Fuel Station in Conjunction With Convenience Stores or a New Motor Vehicle Dealership on Lot 110 Shall Be Permitted, Provided that All Fuel Storage Tanks are Located Underground
44. Automobile Repair Facilities, Except That Automobile Repair Facilities in Conjunction With a New Motor Vehicle Dealership on Lot 110 and Automobile Quick-Lube and Muffler/Brake Service Facilities Shall be permitted, Provided that All Repairs Are Within An Enclosed Building
45. Car Washes, Coin-Operated or Attendant-Operated, Except That a Car Wash in Conjunction With Convenience Stores or a New Motor Vehicle Dealership on Lot 110 Shall be permitted.

In addition to the permitted uses described above, new motor vehicle dealership(s) will be permitted on, and only on, Lot 110. No dealerships selling only used motor vehicles and no automobile repossession lots will be allowed.

Operation of a new motor vehicle dealership on Lot 110 may include the following described activities incident to operation of a new motor dealership, and only incident to the operation of a new motor vehicle dealership, to wit:

- Sale of used motor vehicles
- All repairs and servicing of new and used motor vehicles, including mechanical repairs, general maintenance and servicing, and body and frame repairs
- Indoor and outdoor storage and display for sale of new and used motor vehicles
- Motor vehicle collision repair facilities (body shop), including a body and frame shop and paint shop, and all associated facilities

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- Sale of motor vehicle parts and accessories
- Leasing/renting of motor vehicles
- Storage and dispensing of fuels, lubricants, fluids used in motor vehicles, and similar substances and items
- Facilities for the washing and detailing of motor vehicles that are being offered for sale, or which are being serviced, including one or more car wash bays and related facilities
- All reasonable ancillary uses and functions associated now or in the future with a full service new motor vehicle dealership.

Maximum Gross Square Footage of Building Floor Area on the entire Crosscreek Center Development: 580,000 sf. in aggregate and the maximum building height is 96 feet. If a new motor vehicle dealership is actually placed on Lot 110 the Maximum Gross Building Area on the entire proposed Crosscreek Center Development will be reduced from 580,000 square feet to 450,000 square feet in aggregate, and the Maximum Building height will be reduced from 96 feet to 70 feet.

Minimum Percentage of Crosscreek Center Development to be maintained in Open Space: 15% Per Individual Lot, 28% in Aggregate.

We also wish to confirm with the City that the following requirements shall apply:

- Residential Units, offices, restaurants, and all buildings with footprints smaller than 10,000 square feet (unless such building is being built as a franchise with its own building prototype, such as a Taco Bell franchise type building) will have pitched roofs. Any convenience store place on Lot 109 will also have a pitched roof.

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- The developer will include in its C-P plan light poles that are a maximum height of twenty (20) feet. All such lights will be shielded to direct illumination away from residences, public streets, and other public areas, and wall packs will not be used.
- Buildings on Lots 106 and 109 shall have 4-sided architecture with brick or a combination of brick and stone on all four sides of said buildings.
- Outdoor lighting on any motor vehicle dealership on Lot 110 shall be reduced during non-working hours and shall conform to the City of Columbia lighting ordinances and the previously agreed to maximum height of 20 feet.
- No transport truck deliveries shall be made to Lots 109 or Lot 110 during the peak traffic hours. The morning peak hour is between 7:30 a.m. and 8:30 a.m. and the evening peak hour is between 4:30 p.m. and 5:30 p.m.
- All public address systems shall be designed and installed in a manner to make them inaudible from existing single family residential neighborhoods.
- An 8 foot wide pedway shall be installed within the Crosscreek Center Development on the south side of Stadium Boulevard in lieu of a standard sidewalk.
- If permitted by MoDOT, bicycle lanes shall be painted (striped) along Stadium Boulevard within the Crosscreek Center Development.
- If the installation of a left (north-bound) turn signal at the intersection of Audubon Drive from east-bound Stadium Boulevard is permitted by MoDOT, the developer will contribute \$5,000.00 towards a new light head for the signal at that intersection.
- The large west part of the median island in Stadium Boulevard within the Crosscreek Center Development shall be landscaped per the C-P plan and shall be maintained by the developer as a City of Columbia

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adopt-a-spot. The developer shall install irrigation facilities for the median island and hook up such facilities to a City-paid-for and installed water meter, and water for such facilities shall be provided by City.

- All Lots within the Crosscreek Center Development shall be required to install the perimeter landscaping substantially as shown on the C-P plan and as further defined by the plans prepared by Rost Landscaping dated May 20, 2008, submitted with this Statement of Intent. This landscaping is being provided to bring a uniform and consistent aesthetic to the development. This landscaping may meet some of the lot owners' requirements for parking lot screening, but will be required regardless of whether the City Landscaping ordinances require it. The proposed perimeter landscaping is in conjunction with or in addition to the landscaping required by the zoning ordinances.
- Any motor vehicle dealership on Lot 110 shall be required to install landscaping substantially as shown on the C-P plan and as further defined by the plans prepared by Rost Landscaping dated May 20, 2008, submitted with this Statement of Intent.
- All landscaping, including landscaping required by this statement of intent, shall be maintained in good condition at all times.
- All rooftop HVAC units shall be designed with sound baffling devices built into the units or added to the units.
- Lots 101 through 109 shall each be entitled to only one freestanding monument sign and, regardless of setback, the maximum height of the sign shall be 8 feet tall and the maximum sign area shall be 64 square feet. Lot 110 new motor vehicle dealership freestanding signs shall be limited to two freestanding pylon-type signs, which are signs of uniform width from the bottom of the sign to the top of the sign with no exposed vertical support beams or poles, with one such sign for each intended building and with the sign for each building being

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installed only concurrently with the construction of the building. The maximum height of these freestanding new motor vehicle dealership signs on Lot 110 shall be 30 feet tall and 128 square feet of area when placed with a 10 foot setback from the property line. For each additional 2 feet of setback from the 10 foot setback an additional 10.65 square feet of area and 1 foot of height may be added up to a maximum area of 288 square feet and a maximum height of 40 feet.

Architectural Design Theme.

- The development will follow a unifying architectural theme on Lots 101 through 109 by use of exterior finishes which will be within a compatible color range, and detailing characteristic and module size would be maintained to provide consistency from building to building, though flexibility will be permitted
- diversity in the buildings on Lots 101 through 109 will be allowed for interest, but the use of compatible materials and building design characteristics shall be such that a progressive theme is created in the development and all of the buildings are complementary. Pitched roofs, false gables, towers and such other details shall be incorporated as possible to contribute to the unity of the buildings and the unique look of the development.
- common public elements throughout the development will include the same bicycle racks, light poles and lighting standards, same paving detailing, and consistent landscaping characteristics will be employed on all lots within the development. Except on Lot 110, all monument signs throughout the development will have the same structural style housing for the actual sign and that housing will use materials compatible with the color of the building on the lot where the sign is placed.

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- although national franchises have requirements for building look and character that may need to be accommodated, the franchise buildings on Lots 101 through 109 also generally should be consistent with the unifying features above.
- All buildings on all Lots, including Lot 110, shall exhibit four-sided architecture and shall be constructed with exterior walls that are made of the following materials, or combination thereof:
 - LEED metal panels or other LEED materials or products
 - Stone
 - Cast stone
 - Colored block
 - Split faced block
 - Brick
 - Exposed architectural structural steel
 - Glass
 - Aluminum Storefront
 - Architectural shingles
 - Architectural metal roofing or sheeting
 - Hardi-Plank siding and accent trims and accents
 - EIFS (provided that EIFS shall constitute not more than 50% of the façade, all of which EIFS shall be no lower than 5 feet above ground).

The following materials shall not be used on the exterior walls of any buildings in the project.

- Tilt-up Concrete
- Vinyl Lap Siding
- Long Span "Metal Building Siding"
- T-111 Plywood Siding or other composite panelized siding
- Corrugated Metal Panels
- Wood Shake Shingles

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Declaration of Covenants. A Declaration of Covenants and Restrictions substantially in the form submitted with this Statement of Intent will be recorded, which, in part, and among other things, provides for the following:

Maintenance and repair obligations of each lot owner which will include:

- Drive and Parking Areas. Maintaining, cleaning, and replacing all paved surfaces and curbs in a smooth and evenly covered condition, such work to include, without limitation, sweeping, restriping, resealing and resurfacing.
- Debris and Refuse. Periodic removal of all papers, debris, filth, and refuse, including sweeping to the extent necessary to keep the Parcel in a first-class, clean, and orderly condition. All sweeping shall be at appropriate intervals during such times as shall not interfere with the conduct of business or use of the Project by persons intending to conduct business with occupants of the Project.
- Storm Water Drainage. Developing, maintaining, and repairing storm water drainage and detention facilities so that the same are in good working order and in compliance with all applicable storm water regulations of City. Owners shall maintain records of required inspections and maintenance.
- Landscaping. All lawns, trees, shrubs and other landscaped areas shall be irrigated, mowed and trimmed, and maintained in good first-class condition at all times; provided that maintenance of areas required to be planted in native grasses or in native vegetation under applicable laws, ordinances or governmental agreements shall be maintained as

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required under any such laws, ordinances or agreements. All site landscaping shall be maintained to good quality standards that ensure the quality and character of the development.

- Compliance with Laws. Maintaining, or causing to be maintained, at such Owner's sole cost and expense, the exterior of Buildings from time to time located on such Owner's Parcel, as well as the Parcel itself, in compliance with all applicable governmental laws, rules, regulations, orders, and ordinances (collectively, "Laws") and the other provisions of the declaration.
- Building Exteriors. Exterior applications on the building shell shall be kept and maintained in good quality appearance and condition with the expressed purpose of achieving longevity for the buildings in the development.

Neighborhood Consultation required under the Declaration of Covenants shall include, but not be limited to:

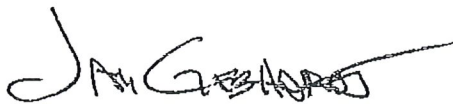
- Developer will consult with the representatives of the _____ neighborhood association(s) as long as these associations continue to exist, or with any successor organizations, when faced with significant changes in circumstances that affect the development or with proposals for the development that are not consistent with the unifying theme above. The heads of the neighborhood associations to be contacted shall be those identified on the official list of such

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associations as maintained by the City of Columbia.

- Developer/or Lot owners also will consult with neighborhood associations as provided above, if any change in the CP Plan for such owner's Lot requires a return to the City Council for approval. This does not include administrative changes that require only City staff level approval.
- Those neighborhood associations identified in the Declaration of Covenants shall also have a right to appoint a representative to participate in the quality review consultation process provided for in the Declaration of Covenants.
- If for any reason Lot 110 is not to be used by the presently intended new motor vehicle dealerships, Developer will discuss alternative options for developing Lot 110 with said neighborhood associations before proceeding with another proposal for developing Lot 110.

Thank You,

A handwritten signature in black ink, appearing to read "Jay Gebhardt".

Jay Gebhardt, PE, PLS