

Attachment A- Stipulations- PHO-5-22--Z-137-86-7-4

Location: Approximately 500 feet south of the southeast corner of 51st Avenue and McDowell Road

Stipulations:

1.	<p>The northern portion of the development shall be in general conformance with the site plan and elevations date stamped JUNE 27, 2022 May 17, 2021, as modified by the following stipulations and approved by the Planning and Development Department.</p> <p>The southern portion of the development shall be in general conformance with the site plan dated October 9, 1996, and the site plan dated May 7, 1997, and elevation dated June 4, 1997, for the four story hotel, as modified by the following stipulations and approved by the Planning and Development Department.</p>
2.	All landscape areas and building setbacks shall be measured from any new property lines resulting from additional right-of-way dedication.
3.	Mature landscaping, to include 24-inch box size shade trees placed 20 feet on center or equivalent groupings, shall be provided along 51st Avenue and McDowell Road.
4.	All parking areas fronting on 51st Avenue and McDowell Road shall be appropriately screened by walls and/or berms approved by the Planning and Development Department.
5.	Sufficient right-of-way shall be dedicated by the property owner within one year of final City Council action to provide:
a.	All right-of-way easements to be dedicated in fee title.
b.	A 21' x 21' triangle at the intersection of 51st Avenue and McDowell Road.
c.	A 10' x 175' bus bay along McDowell Road.
d.	Additional right-of-way, including right turn lanes as may be required by the Planning and Development Department.
6.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
7.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED

	ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
8.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
9. 6.	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.