

## Attachment A- Stipulations- PHO-3-20\_Z-122-03-7

**Location:** Approximately 430 feet west of the northwest corner of 51st Avenue and Southern Avenue

### Stipulations:

1.	<del>SITE PLAN 1. That</del> The development shall be in general conformance with the site plan DATE STAMPED SEPTEMBER 15, 2020 <del>dated March 40, 2006, as approved or modified by the FOLLOWING STIPULATIONS, WITH SPECIFIC REGARD TO THE FOLLOWING, AND AS APPROVED OR MODIFIED BY THE PLANNING AND Development Services Department, with specific regard to TH size, location and number of pad buildings.</del>
A.	MAXIMUM OF 80 UNITS
B.	MINIMUM OF 14 PERCENT OF THE GROSS PROJECT SHALL BE RETAINED AS OPEN SPACE
C.	INDIVIDUAL UNIT DRIVEWAY LENGTHS SHALL BE AN AVERAGE OF 22 FEET WITH A MINIMUM LENGTH OF 20 FEET
D.	THE DEVELOPER SHALL PROVIDE A PEDESTRIAN PATHWAY AND ACCESS-CONTROLLED GATE AT THE NORTHEAST CORNER OF THE SITE PROVIDING CONNECTIVITY TO THE ADJACENT COMMERCIAL PROPERTY TO THE EAST.
2.	<del>That</del> All accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.
3.	<del>That</del> The developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the PLANNING AND Development Services Department.
4.	<del>That</del> The developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st AVENUE and Southern Avenues as approved or modified by the PLANNING AND Development Services Department.
5.	<del>That</del> The developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings as approved or modified by the PLANNING AND Development Services Department.
6.	<del>That</del> The developer shall provide a total of four (4) landscaped fingers; one on each side of the two (2) driveway entrances from the shopping center to the Pad1/Pad 2 gasoline canopy area, that are seven (7) feet

	<del>wide, as approved by the PLANNING AND Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.</del>
6. 7.	<del>That t</del> The developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
7. 8.	<del>That t</del> The developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
8. 9.	<del>That a</del> All items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.
10.	<del>That the developer shall provide the following equestrian amenities on site, as approved by the Development Services Department: two (2) hitching rails, and two (2) horse troughs.</del>
9. 11.	<del>That t</del> The landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the PLANNING AND Development Services Department.
10. 12.	<del>That a</del> Approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the PLANNING AND Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose, or similar vines.
<b>BUILDING DESIGN</b>	
11. 13.	<p>Building Design 13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated March 10, 2006, including the following elements, all as approved or modified by the Development Services Department:</p> <p>Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site-made textured concrete, split-face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.</p> <ul style="list-style-type: none"> <li>• Natural and subdued color tones;</li> </ul>

	<ul style="list-style-type: none"> <li>• <del>Exposed scuppers;</del></li> <li>• <del>Pitched roof elements.</del></li> </ul> <p><del>A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.</del></p> <p>RESIDENTIAL BUILDINGS AND PERIMETER FENCES ALONG SOUTHERN AVENUE SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED OCTOBER 21, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
12. 44.	<del>That</del> The developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.
13. 45.	<del>That</del> The gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.
<b>Street Improvements</b>	
14. 46.	<del>That</del> The developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
15. 47.	<del>That</del> The developer shall provide right-of-way for, and shall construct, a transit pad (P-1262) and a bus shelter (P-1261) along Southern Avenue west of 51st Avenue.
16. 48.	<del>That</del> The developer shall apply for the abandonment of Huntington Drive on the west side of the site.
17. 49.	<del>That</del> The developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.
<b>ARCHAEOLOGY</b>	
18.	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.

19.	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.
20.	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.
<b>General</b>	
21. 20.	<del>That the developer present a final landscape plan to the Laveen Village for review.</del>  THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED OCTOBER 21, 2020 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
22. 21.	<del>That</del> Light poles shall not exceed eighteen (18) feet in height.
23. 22.	<del>That</del> Light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.
24. 23.	<del>That signage on the property shall be in general conformance to the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the PLANNING AND Development Services Department:</del>  Ground/monument signs shall COMPLEMENT <del>incorporate the materials and colors used for the major buildings on site, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</del>  <del>Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.</del>  <del>In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.</del>  <del>Wall signs shall use individual, halo-illuminated letters and numbers.</del>

25.	That the developer shall notify prospective owners/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:	
24.		
	A.	The Airport is considered a busy hub airport.
	B.	Forecasts predict that Airport operations will increase.
	C.	Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.
	The notice shall be reviewed and approved by the City Attorney.	
26.	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.	