

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION Adam Stranieri, Planner III, Hearing Officer Daniel Jordan, Planner I, Assisting

May 19, 2021

ITEM NO: 1

DISTRICT 1

SUBJECT:

Application #: PHO-4-21--Z-14-05-1
Location: Southeast corner of 7th Avenue and Happy Valley Road
Existing Zoning: A-1 DVAO
Acreage: 16.14
Request: 1) Modification to Stipulation 1 regarding general conformance to site plans date stamped August 31, 2007 (PHO-1-07 and PHO-2-14) and October 3, 2014 (PHO-2-14).
2) Deletion of Stipulation 2 regarding a master architectural theme (PHO-1-07 and PHO-2-14).
3) Deletion of Stipulation 4 regarding two pedestrian access points to the regional trail system (PHO-1-07 and PHO-2-14).
4) Modification of Stipulation 7 regarding recording documents that disclose the existence and characteristics of Goodrich-Universal Propulsion Company (PHO-1-07 and PHO-2-14).
5) Technical corrections to Stipulations 3 and 5 (PHO-1-07).
Applicant: Strata Solar
Owner: Happy Valley II LLC
Representative: Chris Webb, Rose Law Group

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this case on May 13, 2021 and recommended approval by a vote of 10-1.

DISCUSSION

Nick Labadie, the representative, gave an overview of the proposal. He stated that the original rezoning request was for approximately 67-acres located at the southeast corner of 7th Avenue and Happy Valley Road and was intended to be

developed into multiple projects. He stated that the subject site in the current request consists of approximately 16.14 gross acres which includes an approximately 0.7 gross acre site developed with a medical marijuana facility and other vacant property. He stated that there is an APS electric substation to the east as well as a canal that runs diagonally between the APS substation and the subject site. He stated that the conceptual site plan may be modified along the east property line to accommodate required setbacks for an outdoor use. He stated that the proposed battery energy storage system is a series of high-tech battery storage cabinets and that the site is monitored remotely. He stated there are several measures in place both for safety of the site and of the connections it has to the electrical grid. He stated that there were questions at the Deer Valley Village Planning Committee meeting relating to the batteries' technical specifications and safety. He stated that he had addressed many of those concerns at the meeting, including separation between cabinets and other containment methods. He stated the applicant is working with the Fire Department to ensure they understand how the batteries work and what to do if an issue arises. He stated there would be no safety issues related to the canal due to the direction of drainage. He stated that pedestrian access to the canal would not be hindered because Happy Valley Road runs perpendicular to the canal. He stated that there would be no public pedestrian access within the site, and that it would not make sense to provide access to a public utility plant. He stated the site would be continuously monitored and lighted as needed to ensure unauthorized individuals would not be on site. He stated that the use is permitted by right in the A-1 zoning district as addressed in a recent Informal Interpretation letter. He stated that they are requesting a modification to Stipulation 1 regarding general conformance to the site plans. He stated they are requesting deletion of Stipulation 2 regarding the master architectural theme of the original project, which no longer is being developed. He stated that they are requesting deletion of Stipulation 4 regarding two pedestrian access points due to the use not being accessible by the public. He proposed that Stipulation 7 regarding recording disclosure documents be replaced by two new stipulations that are the same as those approved in PHO-3-20. He stated that Stipulations 3 and 5 require technical corrections.

Adam Stranieri asked Mr. Labadie for clarification of how the battery energy storage system works and where the energy stored in the cabinets comes from. Mr. Labadie stated that the system is connected to the grid in two ways, and it will both collect and return energy to the grid on an as needed basis. It collects energy during peak production and returns energy when demand is high. He stated the energy stored at the site would be enough to power around 300,000 homes. He stated that systems like these are great for balancing energy within the grid and that it also helps decarbonize the grid.

Mr. Stranieri stated that the request references two prior PHO actions. He stated those PHO letters would receive technical edits in order to produce one letter. He stated that the Informal Interpretation letter classified the facility as an outdoor land use rather than outdoor storage, and then asked Mr. Labadie if they would be applying for any zoning adjustments that would address potential setback issues he saw on the current site plan. Mr. Labadie stated that a zoning adjustment may be requested if a 150-foot setback was required from the canal. He stated that the required setbacks along the remaining perimeters would be met and would not require zoning adjustments.

Mr. Stranieri stated that he recommends deleting Stipulation 1 regarding general conformance to the site plans due to the possible need for zoning adjustments. He stated that several other stipulations address perimeter standards that would remain in place for the site, which help address some concerns regarding mitigation that are common for similar requests. He stated that this was preferable than conditioning conformance on the outcome of an additional public hearing for which both the need and the outcome are unknown at this time.

Mr. Stranieri stated that Stipulation 2 regarding conformance to an architectural master theme was relevant to the vision in the original rezoning case in which the property would be subdivided and developed by multiple users and that the site had not developed in this way. He stated that he is comfortable recommending deletion of Stipulation 2 as requested. He stated that Stipulation 4 regarding two pedestrian access points was relevant to the original stipulated plan which depicted public streets providing direct pedestrian access from 7th Avenue to the canal bank. He stated that this kind of access is not something that would be desirable or possible through a public utility plant. He stated that there are still access points to the canal at Happy Valley Road and he is comfortable recommending deletion of the stipulation. He reviewed the request regarding Stipulation 7 regarding recording documents that disclose the existence and characteristics of Goodrich-Universal Propulsion and stated that the language requested here is consistent with the prior PHO and appropriately decoupled language regarding the airport from language regarding the Goodrich facility.

Mr. Stranieri stated there are additional stipulations recommended by staff. He stated the Public Transit Department recommended dedication of right-of-way and construction of a bus stop pad along eastbound Happy Valley Road east of 7th Avenue as well as tree and shading requirements on pedestrian paths. He stated the Street Transportation Department recommended four additional stipulations which includes perfection of existing right-of-way on the east half of 7th Avenue, a dedication of a 10-foot sidewalk easement for the east side of 7th Avenue, providing a minimum 5-foot-wide detached sidewalk along property frontages, and providing conduit and junction boxes at the southeast corner of

7th Avenue and Happy Valley Road as well as 25% of the cost of a future traffic signal in an escrow account with the Street Transportation Department.

FINDINGS

- 1) The subject property of this PHO request comprises approximately 16.14 gross acres at the north end of the approximately 67.54 gross acre subject property of the original rezoning case. Further, the subject property of this PHO request includes property that is subject to the stipulations of PHO-1-07--Z-14-05 (approximately 15.44 gross acres) and PHO-2-14--Z-14-05 (approximately 0.70 gross acres, located approximately 550 feet south of the southeast corner of 7th Avenue and Happy Valley Road). PHO-3-20--Z-14-05 impacts property to the southeast and is not relevant to this request. Therefore, the applicant's request includes modification requests to the approval letters for both PHO-1-07 and PHO-2-14. The following PHO recommendation is intended to coordinate recommended modifications, deletions, and additional stipulations in both letters so that the result is the same in both cases and can be represented by a single approval letter under the Case No. PHO-4-21--Z-14-05.
- 2) Stipulation 1 addresses general conformance to site plans. PHO-1-07 and PHO-2-14 reference the site plan date stamped August 13, 2007 which took the form of a preliminary plat and depicted 22 separate parcels ranging from 0.85 acres to 2.08 acres in area. No specific development proposal was included for buildings on individual parcels. The subject property of PHO-1-07, exclusive of the area in PHO-2-14, did not develop and remains vacant. PHO-2-14 references a site plan date stamped October 3, 2014 which depicts an approximately 1,800 square foot medical marijuana dispensary located on approximately 0.70 gross acres. The dispensary use was developed and would be removed from the site in the current proposal.

The proposed conceptual site plan depicts a battery energy storage system on the entirety of the subject property. The system is intended to provide electrical energy to the public utility grid by storing energy on-site in batteries and transmitting that energy to the APS Scatterwash Substation. Subsequently, APS would deliver this energy to customers. The system is composed of battery cabinets permanently installed on concrete pads which are connected underground to an on-site electrical substation. An approximately 101-foot tall power pole will provide a connection to the APS Scatterwash substation located east of the site. The applicant noted that the site will be enclosed with a 6-foot high wall with two access gates and provide an internal drive and fire lane. There will be no employees on-site beyond general maintenance and no public access.

- The applicant submitted the conceptual site plan for pre-application with the Development Section (KIVA 21-552, PAPP 2100900). In the Site Planning Review Comments, staff noted requirements for PHO action as well as conditions applying to outside storage and use. The applicant then submitted an Informal Interpretation (IL2021-012) request for clarification regarding how outside storage and use standards would apply. In the Informal Interpretation response, it was determined that the proposal did not constitute outdoor storage but did constitute an outdoor use. The configuration of the battery cabinets as shown on the conceptual site plan would require a variance which the applicant indicated they may apply for. Due to this fact, general conformance to the site plan is not recommended as the final layout is dependent on the outcome of the variance. Additionally, note that there are multiple stipulations addressing perimeter standards and mitigating features that will be retained in this request, including enhanced landscaping along 7th Avenue, enhanced parking lot landscaping, and right-of-way improvements. The applicant's request is recommended to be approved with a modification to delete Stipulation 1 in its entirety.
- 3) Stipulation 2 regarding a master architectural theme for landscaping and building materials throughout the entire original rezoning area was established when it was envisioned that the 67.54 gross acres would develop concurrently in a unified fashion. This is no longer the case and the larger, original property is now subdivided and owned by multiple entities. It is appropriate to delete this stipulation as requested by the applicant as the original development plan is no longer viable.
 - 4) Stipulation 4 regarding pedestrian access points to the regional trail system located adjacent to the CAP canal was established in the original rezoning case where the stipulated site plan depicted public streets within the rezoning area that were adjacent to this canal. The stipulation was intended to require that there be accessible connection points to this regional amenity from the adjacent public streets. The current site plan depicts a public utility plant on the entire subject property and there are no public streets adjacent to the CAP canal right-of-way. There would be no access through the site to the canal or vice versa. The applicant's request for deletion is recommended for approval.
 - 5) The applicant's request for modification of Stipulation 7 is recommended for approval with an additional stipulation. The modification would revise the reference to the existence and characteristics of the Goodrich Universal Propulsion Company at the northeast corner of Central Avenue and Happy Valley Road (which is no longer present at this location). This property is encumbered by a Declaration of Environmental Use Restriction (DEUR) for Properties with Institutional Controls, which is recorded in the

official records of Maricopa County, Arizona as instrument no. 20180899893, and a separate DEUR for Property with Engineering and Institutional Controls, which is recorded in the official records of Maricopa County, Arizona as instrument no. 20200066622. Additional, related information regarding the proposed redevelopment of this property is also available in the Development Narrative for the Central Foothills PUD in Rezoning Case No. Z-37-19-2.

The modification of the stipulation is recommended to address issues regarding the ongoing environmental remediation concerns at this site. However, this notification should also be separated from the Deer Valley Airport notification requirement. Therefore, the additional stipulation will establish language solely regarding the former Goodrich site. This modification is consistent with the previously approved modification to this stipulation in PHO-3-20--Z-14-05.

- 6) The Public Transit Department recommends an additional stipulation requiring the developer to dedicate right-of-way and construct one bus stop pad along eastbound Happy Valley Road, east of 7th Avenue. The stipulation includes the relevant City of Phoenix Standard Detail, spacing, and planting standard. The stipulation is recommended for inclusion.

- 7) The Street Transportation Department recommends four additional stipulations addressing perfection of the right-of-way easement on 7th Avenue, dedication of a sidewalk easement on 7th Avenue, detached sidewalks along frontages, and conduit and junction boxes and fees for future signalization at the intersection of 7th Avenue and Happy Valley Road. These stipulations are recommended for inclusion.

DECISION: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

STIPULATIONS

Stipulations: PHO-1-07—Z-14-05-1

PHO recommended legislative edit of stipulations applicable to that portion of the site subject to PHO-1-07—Z-14-05-1.

GENERAL CONFORMANCE	
1.	That development shall be in general conformance with the site plan date stamped August 31, 2007, as approved or modified by the Development Services Department.

2.	That a master architectural theme, that unifies the landscaping and building materials for all development, shall be approved concurrent with preliminary site plan approval for the first phase of development as approved by the Development Services Department.
1. 3.	That An average 20-foot (minimum 10-foot) landscape setback shall be provided along 7th Avenue and Misty Willow Lane and an average 10-foot (minimum 5-foot) landscape setback shall be provided along all internal streets, as approved by the PLANNING AND Development Services Department.
TRAILS	
4.	That the applicant shall provide two pedestrian access points to the regional trail system located adjacent to the CAP Canal via the two public streets adjacent to the canal, as approved by the Development Services Department.
LANDSCAPING	
2. 5.	That Landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the PLANNING AND Development Services Department.
ARCHAEOLOGICAL	
3. 6.	That The subject site has the potential to contain archaeological resources. That The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
NOTIFICATION	
4. 7.	That, At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics of Deer Valley Airport and Goodrich Universal Propulsion Company. The form and content of such documents shall be reviewed by the City Attorney.
5.	THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENTS THE NATURE OF ENVIRONMENTAL REMEDIATION ACTIVITIES AT THE FORMER SITE OF THE GOODRICH UNIVERSAL PROPULSION COMPANY. THE FORM AND

	CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.
STREETS AND TRANSPORTATION	
6. 8.	That Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
7. 9.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
8.	THE DEVELOPER SHALL PERFECT THE EXISTING 55-FOOT RIGHT-OF-WAY EASEMENT FOR THE EAST HALF OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
9.	THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE EAST SIDE OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
10.	THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG PROPERTY FRONTAGES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
11.	THE DEVELOPER SHALL PROVIDE CONDUIT AND JUNCTION BOXES AT THE SOUTHEAST CORNER OF 7TH AVENUE AND HAPPY VALLEY ROAD. THE DEVELOPER SHALL PROVIDE 25% OF THE COST OF THE FUTURE TRAFFIC SIGNAL IN AN ESCROW ACCOUNT WITH THE STREET TRANSPORTATION DEPARTMENT.
12. 10.	That Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
13.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG EASTBOUND HAPPY VALLEY ROAD EAST OF 7TH AVENUE. BUS STOP PAD SHALL BE CONSTRUCTED ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 10 FEET. BUS STOP PAD SHALL BE SPACED FROM THE INTERSECTION OF HAPPY VALLEY ROAD AND 7TH AVENUE ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1258. TREES SHALL BE PLACED TO PROVIDE 50% SHADE COVERAGE TO BUS STOP PAD AT FULL MATURITY.

14. 14.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
15. 12.	That The applicant shall submit paving plans for all arterial streets within and adjacent to the development, to the Street Transportation Department for review and approval.
16. 13.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
17.	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. A 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.

Stipulations: PHO-2-14--Z-14-05-1

PHO recommended legislative edit of stipulations applicable to that portion of the site subject to PHO-2-14--Z-14-05-1.

1. 3.	That development shall be in general conformance to the site plan date stamped August 13, 2007 and the site plan date stamped October 3, 2014, as approved or modified by the Planning and Development Department.
2.	That a master architectural theme, that unifies the landscaping and building materials for future development, shall be approved concurrent with preliminary site plan approval for the subsequent phases of development as approved by the Planning and Development Department.
1.	That An average 20-foot (minimum 10-foot) landscape setback shall be provided along 7th Avenue and Misty Willow Lane and an average 10-

	foot (minimum 5-foot) landscape setback shall be provided along all internal streets, as approved by the PLANNING AND Development Services Department.
Trails	
4.	That the applicant shall provide two pedestrian access points to the regional trail system located adjacent to the CAP Canal via the two public streets adjacent to the canal, as approved by the Development Services Department.
Landscaping	
2. 5.	That Landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the Planning and Development Department.
Archaeological	
3. 6.	The subject site has the potential to contain archaeological resources. That The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
Notification	
4. 7.	That, At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics of Deer Valley Airport and Goodrich Universal Propulsion Company. The form and content of such documents shall be reviewed by the City Attorney.
5.	THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENTS THE NATURE OF ENVIRONMENTAL REMEDIATION ACTIVITIES AT THE FORMER SITE OF THE GOODRICH UNIVERSAL PROPULSION COMPANY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.
Street Transportation	

6. 8.	That Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
7. 9.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
8.	THE DEVELOPER SHALL PERFECT THE EXISTING 55-FOOT RIGHT-OF-WAY EASEMENT FOR THE EAST HALF OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
9.	THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE EAST SIDE OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
10.	THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG PROPERTY FRONTAGES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
11.	THE DEVELOPER SHALL PROVIDE CONDUIT AND JUNCTION BOXES AT THE SOUTHEAST CORNER OF 7TH AVENUE AND HAPPY VALLEY ROAD. THE DEVELOPER SHALL PROVIDE 25% OF THE COST OF THE FUTURE TRAFFIC SIGNAL IN AN ESCROW ACCOUNT WITH THE STREET TRANSPORTATION DEPARTMENT.
12. 10.	That Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
13.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG EASTBOUND HAPPY VALLEY ROAD EAST OF 7TH AVENUE. BUS STOP PAD SHALL BE CONSTRUCTED ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 10 FEET. BUS STOP PAD SHALL BE SPACED FROM THE INTERSECTION OF HAPPY VALLEY ROAD AND 7TH AVENUE ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1258. TREES SHALL BE PLACED TO PROVIDE 50% SHADE COVERAGE TO BUS STOP PAD AT FULL MATURITY.
14. 11.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

15. 42.	That The applicant shall submit paving plans for all arterial streets within and adjacent to the development to the Street Transportation Department for review and approval.
16. 43.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
17. 44.	That 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. A 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.

Final Stipulations: PHO-4-21--Z-14-05-1

Final stipulations reflecting the PHO recommended legislative edit of both PHO-1-07 and PHO-2-14, resulting in a single approval letter for PHO-4-21--Z-14-05-1. See Finding #1 for detailed information.

1.	An average 20-foot (minimum 10-foot) landscape setback shall be provided along 7th Avenue and Misty Willow Lane and an average 10-foot (minimum 5-foot) landscape setback shall be provided along all internal streets, as approved by the Planning and Development Department.
2.	Landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the Planning and Development Department.
3.	The subject site has the potential to contain archaeological resources. The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
4.	At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics of Deer Valley Airport. The form and content of such documents shall be reviewed by the City Attorney.

5.	The property owner shall record documents that disclose to prospective purchasers of property within the developments the nature of environmental remediation activities at the former site of the Goodrich Universal Propulsion Company. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
6.	Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
7.	A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
8.	The developer shall perfect the existing 55-foot right-of-way easement for the east half of 7th Avenue, as approved by the Planning and Development Department.
9.	The developer shall dedicate a 10-foot sidewalk easement for the east side of 7th Avenue, as approved by the Planning and Development Department.
10.	The developer shall provide a minimum 5-foot-wide detached sidewalk along property frontages, as approved by the Planning and Development Department.
11.	The developer shall provide conduit and junction boxes at the southeast corner of 7th avenue and happy valley road. The developer shall provide 25% of the cost of the future traffic signal in an escrow account with the street transportation department.
12.	Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
13.	The developer shall dedicate right-of-way and construct one bus stop pad along eastbound Happy Valley Road east of 7th Avenue. Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be spaced from the intersection of Happy Valley Road and 7th Avenue according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to bus stop pad at full maturity.
14.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per

	plans approved by the City. All improvements shall comply with all ADA accessibility standards.
15.	The applicant shall submit paving plans for all arterial streets within and adjacent to the development, to the Street Transportation Department for review and approval.
16.	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
17.	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. A 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.

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