

## **Attachment A- Stipulations- PHO-4-18\_Z-289-F-84-8(6)**

**Location:** 14602 South Presario Trail

### **Stipulations:**

1. That the total project development shall not exceed that permitted by the CAP water allocation except as such development may be supported by alternative water source.
2. The master developer provide, through each site plan or subdivision submission to the Planning and Development Department a status update of water commitments and water available to support future developments.
3. The Intensity Schedule be amended to limit C-2 and Industrial Park development units to one story in height and C-0 development units to two stories in height with discretion given to the Planning and Development Department to permit additional height. The Phasing Schedule shall also reflect the square footage allowed on each commercial development unit so as not to exceed a FAR of 0.2.
4. Any major development within the commercial zoning (office, hotel, etc.) which may be permitted in a more restrictive zoning district will seek such rezoning prior to site plan approval by the Planning and Development Department.
5. That acceptable areas devoted to public use such as park and school sites be designated in locations approved by the responsible department. Other areas such as police and fire station sites shall be dedicated in locations approved by the responsible department. In the event that such sites are not dedicated, they shall be reserved for one year from the date of approval of adjacent site plan or subdivision development.
6. An overall landscaping plan, reflecting the developer's theme for Pecos Road, Williams Field Road, the loop roadway, major entries to the PCD and public areas be submitted and approved by the Planning and Development Department. Plant materials used in these landscaped areas should be drought resistant and promote water conservation.
7. Prior to issuance of any building permit for individual buildings within the project, a master pedestrian/bike circulation plan shall be submitted and approved by the City's Parks and Recreation Department and the Planning and Development Department. All individual projects within the development shall be required to make accommodations necessary to implement this plan.
8. The recycling plants, water retention areas, and water tanks be designed and treated in a fashion that will blend with the surrounding environment and be architecturally sensitive to adjacent land use, as approved by the Planning and Development Department.
9. A lighting plan for the area be submitted for review and approval by the Planning and Development Department and establish lighting standards which minimize atmospheric light pollution. Such standards are to include street lighting for roads in hillside areas and outdoor lighting for the entire project.

10. Street right-of-way be dedicated in accordance with the Master Street Plan to be approved by the Traffic Engineering and Planning and Development Departments. A 110-foot right-of-way for Pecos Road is to be dedicated for its entire length within one year of final City Council rezoning approval of the PCD.
11. The two entry points to the PCD from the South Mountain Park Scenic Drive be dedicated and improved as approved by the Parks and Recreation, Traffic Engineering, and Planning and Development Departments.
12. That improvements of all roadways within the PCD will be the responsibility of the developer or his successors in accordance with the phasing schedule agreed to by the City and contained in the PCD's Legal Agreement.
13. That any drainage ways to be dedicated to the City are to be improved and maintained by the developer for a three-year period prior to acceptance by the City.

**HILLSIDE STIPULATIONS:**

1. That a slope analysis be submitted on each development unit or portion thereof, prior to subdivision or site plan approval to determine the allowed hillside density. All areas that have been previously scarred, both restored and un-restored, are to be defined on the slope analysis.
2. That waivers to exceed the hillside density limitations shall be considered only within areas below the 25 percent slope line and/or have been previously scarred, and meet the conditions of the Hillside Ordinance under which the City Council may grant waivers.
3. The hillside portion utilized in each development, excluding those designated open space areas will be restored to the extent practicable by the application of such processes as chemical color treating (e.g. eoniting) re-vegetation (e.g. desert mulch) or, re-grading or combination thereof, especially in the upper slope areas. Any other process proposed must be approved by the Planning and Development Department.
4. No development occur within the PCD above the 1,600-foot elevation or the 25 percent slope line, except for lots 1 to 18 and lots 20-55, and Pads 1 to 23, 25, 26, 34, 36, 37 with Development Unit 8 (as designated on Exhibit A), and Lots 17 and 18 of Foothills Club West Parcel 15D, and Lot 56 of Foothills Club West Parcel 15E which shall be limited to a maximum of 1,000 square feet of grading above the 25% slope line or areas below the 1,600-foot contour elevation where extensive scarring has occurred and as approved by the Planning and Development Department. Provided, however, if developer demonstrates that additional lots (not to exceed 9) can be developed which will generally not be visible from adjacent properties, developer is not precluded by this stipulation from developing these additional lots. Appropriate agreements shall be executed to preserve open space as determined by the City's Law Department. Development of Lots 17 and 18, Foothills Club West Parcel 15D shall be in general conformance to the site plan dated April 12, 2002, including any grading which exceeds the 25 percent slope line. Specifically, no roofline on these two lots shall exceed an elevation of 1,625 feet.

Development of Lot 19, Foothills Club West Parcel 15D shall be subject to Hillside Stipulation 7

5. That approval of hillside development within Development Unit 8 be conditioned upon the provisions of a roadway that assures accessibility for emergency and service vehicles and is designed in a manner that emphasizes aesthetics and safety.
6. That roadways within the Hillside areas are to be designed to minimize cut/fill slopes and shall include retained slopes with native rock facing, where feasible, or fill slopes or existing roads which will be used are to be chemically color treated and/or landscaped. New cuts shall be included in the 10 percent allowable grading of each development unit. The intent of this stipulation is to minimize the visual impact of roadways, particularly the access from west within Development Unit 8.
7. All developments providing single-family detached units shall submit individual grading and drainage plans prior to the issuance of building permits, and shall be accompanied with a set of building plans. Except for Lots 12, 63, 64, 17, 18, 19 and 21 of Foothills Club West Parcel 15D, no lot shall grade more than 20 percent of the net lot area, or 6,000 square feet, whichever is less, exclusive of those areas under structural roof, regardless of the overall 10 percent grading allowed on the development unit or portion thereof. In addition, no tennis/game courts are to be provided on said hillside lots except for Lot 19 of Foothills Club West Parcel 15D. Lot 63 shall be developed 100 percent within the limits of the building envelope, as per site plan dated August 3, 1999. Lot 64 shall be developed within the limits of the site plan dated March 29, 2000. The gradable area for Lot 3 may be increased to 8,000 square feet. The gradable area for Lots 17 and 16 of Foothills Club West Parcel 15D shall be as shown on the site plan dated April 12, 2002 (including those areas on the site plan to be disturbed, but re vegetated and restored to a natural state, such as the entire area within the "island" created by the curved driveway), and the maximum amount of disturbed area under roof shall not exceed 9,000 square feet. The gradable area for Lot 21 of the Foothills Club West Parcel 15D shall be as shown on the site plan dated January 15, 2003 PHO. The maximum amount of graded area not included under roof shall not exceed 6,523 square feet. Building envelopes may be developed with non-hillside standard landscaping and hardscape. THE GRADABLE AREA FOR LOT 12 OF THE FOOTHILLS CLUB WEST PARCEL 15D SHALL NOT EXCEED 7,995 SQUARE FEET.

The development for Lot 19 of Foothills Club West Parcel 15D shall be in substantial conformance with the site plan date stamped May 29, 2015 and elevations date stamped August 17, 2005 as approved or modified by the Planning and Development Department.

8. That residences within Development Unit 8 shall contain no exterior lighting on either the individual lots or roadways leading to the lots that exceed 3 feet in height.
9. That commercial and multi-family residential developments within hillside areas be designed in a manner sensitive to the native Arizona environment and shall include compatible architectural treatment design and landscaping. Skylining of

structures is to be avoided except where hilltops have been leveled and the development will help restore a "natural" character to the slopes.

10. All undeveloped portions of this project area undergo an archaeological survey. Archaeological monitoring and/or testing may be necessary based upon the results of the survey. A qualified archaeologist must make this determination in consultation with the City Archaeologist.
11. A desert landscape plan which minimizes the impacts of cut slopes and disturbed areas from view of Desert Foothills Parkway shall be administratively approved by the Planning Hearing Officer.
12. Exposed cuts shall be color treated to blend with existing rock.
13. FOR LOT 12 OF THE FOOTHILLS CLUB WEST PARCEL 15D, A FAST-GROWING SHRUB SPECIES THAT WILL REACH A MINIMUM OF 6 FEET IN HEIGHT AT MATURITY SHALL BE INSTALLED AND MAINTAINED IN THE AREA GENERALLY SHOWN ON THE CONCEPTUAL LANDSCAPE PLAN DATE STAMPED AUGUST 15, 2018. SAID SHRUBS SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLETION FOR THE BACKYARD IMPROVEMENTS. THESE SHRUBS SHALL BE A MINIMUM OF 5 GALLONS IN SIZE AT INSTALLATION AND PLANTED AT A MINIMUM SPACING OF 4 FEET ON CENTER, FOR A TOTAL OF NO LESS THAN 16 SHRUBS.
14. FOR LOT 12 OF THE FOOTHILLS CLUB WEST PARCEL 15D, AFTER 1 YEAR FROM ISSUANCE OF CERTIFICATE OF COMPLETION FOR THE BACKYARD IMPROVEMENTS, PLANTED SHRUBS SHALL HAVE REACHED AT LEAST 6 FEET IN SIZE (FOR A MAJORITY OF THE PLANT). IF ANY SHRUB IS NOT COMPLIANT WITH THIS MINIMUM HEIGHT REQUIREMENT, THE ZONING ADMINISTRATOR, UPON WRITTEN REQUEST BY THE ADJOINING PROPERTY OWNER AT 14606 SOUTH PRESARIO TRAIL, SHALL REQUIRE THAT THE PROPERTY OWNER HAVE THE NON-COMPLIANT SHRUB EVALUATED BY AN ARIZONA REGISTERED LANDSCAPE ARCHITECT WITHIN 30 DAYS TO DETERMINE (A) IF SAID SHRUB WILL ACHIEVE THE MINIMUM HEIGHT WITHIN THE NEXT 12 MONTHS OR (B) IF SAID SHRUB SHOULD BE REPLACED. IF REPLACED, THE REQUIREMENT OF STIPULATION 14 APPLY. IF ADDITIONAL TIME IS DEEMED APPROPRIATE, THEN SAID SHRUB SHALL BE COMPLIANT WITH THE MINIMUM HEIGHT WITHIN 12 MONTHS, IF NOT, IT SHOULD BE REPLACED PURSUANT TO STIPULATION 13.