

Attachment A- Stipulations- PHO-3-20_Z-12-87-1(3)

Location: Approximately 410 feet northwest of the intersection of Moon Mountain Trail and Moon Spur Trail

Stipulations:

1.	That Development SHALL be under the Planned Residential Development option.
2.	That a grading and drainage plan SHALL be submitted to the City Engineer.
3.	That THE maximum number of dwelling units in the entire subdivision shall not exceed 69. Development shall be in general conformance with the site plan dated October, 1986.
4.	The number of lots on Moon Mountain adjacent to Moon Mountain Estates shall not exceed five. Each of said lots shall be a minimum size of one acre.
5.	These five Moon Mountain lots shall have their primary access from Moon Mountain Trail to 15th Drive via the road connecting Moon Mountain Trail to 15th Drive and through Coral Gables Estates Subdivision. There shall only be emergency access from said lots westward along Moon Mountain Trail to 19th Avenue. There shall be a padlocked gate erected and maintained across Moon Mountain Trail on the west boundary of the northernmost of these five lots. No lots or property in the Moon Mountain Shadows development, other than these five lots, shall have access along Moon Mountain Trail from 19th Avenue beyond the padlocked gate. This is conditioned upon the applicant obtaining the necessary approvals to gain access to these five lots through the Coral Gables Estates Subdivision.
6.	That The northernmost of the five Moon Mountain lots shall access the road connecting Moon Mountain Trail to 15th Drive at that road's intersection with Mountain Trail. The remaining four lots shall access Moon Mountain Trail at the existing easement through said lots. There shall be a limit of two driveways from these four lots onto Moon Mountain Trail. Those driveways shall be for the purpose of providing access for said four lots. The driveways shall be designed, built, and maintained to provide safe ingress to and egress from said four lots to Moon Mountain Trail. The existing roadway adjacent to these four lots shall be widened by approximately 11 feet to provide additional turning lane capacity for vehicles and a pedestrian walkway.
7.	Commencing at the southeast corner of the southernmost of the five Moon Mountain lots, there shall be a setback/open area 20 feet in width for a distance of 150 feet northward along the east boundary of said lot to a point. From said point and continuing northward along said east boundary, the setback/open space area shall commence reducing proportionately to a width of 15 feet at a point of termination of the setback/open space area which is 30 feet south of the northeast corner of said lot. No building, structures or other improvements shall be built or placed upon said area and the vegetation, rocks and land surface in this area shall remain undisturbed and in a natural state. This shall not limit the right of the owner

	of said lot to prune and trim live vegetation or to remove dead vegetation or to plant and cultivate additional indigenous vegetation within the setback/open space area.
8.	That there shall be no two-story structures built or maintained on the five Moon Mountain lots. This shall not limit a split-level residence.
8. 9.	As to the five Moon Mountain lots, there shall be no masonry block, stucco, wooden or other opaque fences, except as approved pursuant to paragraph 8 (relating to architectural review and approval). This shall not limit walls which are an integral architectural feature of a residence. This shall also not limit the use of retaining walls made of rock indigenous to the area or other rock similar in color and appearance.
9. 10.	That Buildings and improvements on the five Moon Mountain lots shall be subject to the reasonable architectural review and approval of the Moon Mountain Estates Improvement Association subject to standards of review acceptable to the applicant and the Association.
10. 11.	That The five Moon Mountain lots shall be made subject to the current deed restrictions of Moon Mountain estates and shall become a part of the Moon Mountain Estates Improvement Association.
11. 12.	The unplatted hillside area depicted on the subject site plan shall be restricted from future building and shall remain undeveloped open space area except for roadways and utility lines required to serve the Moon Mountain Shadows development and common open space improvements required by the City of Phoenix for Planned Residential Developments.
12. 13.	That There shall be a maximum of seven lots having ingress to and egress from Mandalay Lane east of 17th Avenue. No other lots or property in Moon Mountain Estates shall have access along or upon Mandalay Lane east of 17th Avenue or any extension of Mandalay Lane. Applicant agrees to cooperate with other property owners in area who enjoy access rights along Mandalay Lane east of 17th Avenue to build and maintain an entry gate on Mandalay Lane.
13. 14.	That These stipulations shall become part of the zoning approval on the subject real property and may not be amended or waived without a public hearing of which prior written notice shall be given to the Moon Mountain Estates Improvement and the Coral Gables Estates Homeowners Associations.
14. 15.	A one-foot, non-vehicular access easement shall be placed at the east end of Mandalay Lane, to keep traffic from subdivisions to the east from using Mandalay Lane, except for three lots lying to the east, represented by the applicant as currently having legal access rights on Mandalay Lane.
15. 16.	The maximum density permitted shall be 69 dwelling units, with a maximum number of lots in the valley or the flat area being reduced from 59 to 57 lots, in order that no lot abutting the existing Eaton Subdivision shall be less than 8,000 square feet.

16.	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.
17.	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.
18.	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.
19.	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.