

# ARCHITECTURAL & DEVELOPMENT GUIDELINES FOR MESA COMMERCE CENTER

## INTRODUCTION

These Architectural & Development Guidelines have been prepared and issued to assist property owners of Mesa Commerce Center ("Business Park") in preparing site development, building, landscaping and other plans in accordance with the Declaration of Covenants, Conditions, and Restrictions ("CC&R's") for the project. This document is intended to supplement the CC&R's rather than replace them.

## THE ARCHITECTURAL AND DEVELOPMENT REVIEW COMMITTEE

To ensure the continuity of development of the Business Park, no parcel of property shall be subdivided or developed and no structure shall be erected or altered until the proposed subdivision plat, site plan, building plans, and materials have been approved in writing by the Architectural and Development Review Committee ("ADRC").

## THE GUIDELINES

The ADRC has created these Architectural & Development Guidelines ("Guidelines") to assist all owners in the planning, design and construction of projects in the Business Park. Creativity is encouraged, but there are basic standards set to promote a harmonious community aesthetic standard at the Business Park. These Guidelines are intended to protect all property owners and to provide a uniform set of standards and a coherent review process for approval by the ADRC.

The Guidelines and any amendments thereto shall be adopted by the majority vote of the Board of Directors ("the Board"). The Guidelines, and any amendments thereto, shall interpret and implement the provisions hereof by setting forth: (a) the standards and procedures for ADRC review; (b) submittal requirements for Applications which may include, without limitation, specifications, site plans, floor plans, exterior elevations, sections, materials, colors, landscaping plans, irrigation plans, signage, exterior lighting and any other information needed to accurately describe the exterior appearance or functional characteristics of the Improvements; (c) design guidelines which may include, without limitation, architectural design requirements for structures and site improvements, landscape design requirements, and functional requirements for setbacks, parking, canopy structures, screening, loading areas, refuse collection areas, storage areas, equipment, signage, exterior lighting, utilities, and landscaping; (d) construction performance standards, including without limitation, requirements for perimeter fencing, street cleaning, barricades, and screening; and (e) requirements and standards for the maintenance of Improvements.

## I. ADRC RULES & AUTHORITY

### A. DECLARATION

The development of any parcel within the Business Park must be accomplished in accordance with the CC&R's. Pursuant to the terms of the CC&R's, the Board has adopted the following Guidelines to direct the ADRC in the performance on its duties. The purpose of the ADRC is to maintain the compatibility of engineering, architectural, and landscaping standards throughout the Business Park and thereby enhance the aesthetic and economic quality of the Business Park. The ADRC is hereby empowered to draft, propose, and recommend for adoption by the Board certain rules and regulations, the Guidelines, along with the ADRC's procedural rules and regulations, and, from time to time, amend same to the extent and with the frequency it deems necessary; provided, however, that such amendments and modifications are in general conformance with the standards set forth in the CC&R's. Capitalized terms used in these guidelines shall have the same meaning as set forth in the CC&R's.

### B. JURISDICTION AND COMPLIANCE

In addition to the Guidelines and any rules and regulations established by the ADRC or the Declarant, the development of parcels within the Business Park must be accomplished in accordance with all applicable ordinances, codes, land regulations, etc. or any appropriate political subdivision.

The approval of the ADRC contemplated herein and required by the CC&R's shall be in addition to, and not in lieu of, any approvals, consents, or permits required under the ordinances or rules and regulations of any county or municipality having jurisdiction over the Business Park. In all instances, the more restrictive requirements between these Guidelines and said local ordinances or rules and regulations shall control.

### C. CREATION OF ARCHITECTURAL AND DEVELOPMENT REVIEW COMMITTEE

The ADRC shall consist of three (3) regular members and two (2) alternate members, each appointed by the Board. The appointees need not be owners, lessees, or residents and need not possess any special qualifications, except such as the Board may, in its discretion, require. The Board may replace any member of the ADRC at any time with or without cause. If the Board is presented with a petition for the removal of one (1) or more of the ADRC members signed by the Property Owners owning at least twenty-five percent (25%) of the gross acres in the

Business Park, the Board shall call for a vote upon such removal within thirty (30) days of receipt of the aforesaid petition. No member of the ADRC shall be removed prior to the end of his term unless Property Owners having at least two-thirds (2/3) of the gross acres in the Business Park vote in favor of removing such member. In the event of the death or resignation of any member of the ADRC, the Board shall replace said member within ninety (90) days following such death or resignation. Pending the replacement of such deceased or resigned member, the remaining member or members of the ADRC shall have full authority to act under and in accordance with the CC&R's.

The term of all ADRC members appointed shall be one (1) year. Any new member appointed to replace a member who has resigned or been removed shall serve such member's unexpired term. Members whose terms have expired may be reappointed.

Exercise of the right of appointment and removal by the Board as set forth herein, shall be evidenced by the recording among the ADRC regular records of a declaration identifying each new ADRC member appointed and each member replaced or removed from the ADRC.

#### D. DUTIES & POWERS

It shall be the duty of the ADRC to perform the functions required of it by the CC&R's; to consider and act upon each Application submitted to it pursuant to the terms hereof; to draft, propose and recommend Guidelines; and to perform all other duties delegated to and imposed upon it by the CC&R's. The ADRC shall have the power to: (a) retain professional advisors, subject to the expenditure limit of \$1,000.00 set by the Board, (b) to obtain counsel and advice in the exercise of its duties; and (c) perform such incidental acts as may be necessary in the exercise of its duties.

#### E. MEETINGS

The ADRC shall meet as often as it, in its sole discretion, shall deem necessary to properly perform its duties hereunder. The vote or written consent of any two (2) members shall constitute an act by the ADRC unless the unanimous decision of its members is otherwise required by the CC&R's. The ADRC shall keep written records of all actions taken by it.

#### F. FORMS

The ADRC shall adopt forms upon which all requests for actions or approvals from ADRC must be submitted (refer to Exhibit "A"). Such forms may be changed at the discretion of the ADRC.

## G. REVIEW FEES

The Board shall have the right, in its sole discretion, to assess against Applicants a processing fee to defer the costs incurred by the ADRC in considering any requests for review or approval submitted to it. The fee shall be in such amount and payable in accordance with such schedule as reasonably determined by the ADRC. (Refer to Exhibit "B.") The schedule of fees shall take into account the proposed land use, size and complexity of the project to be reviewed. Such schedule of fees may be revised and amended at the discretion of the ADRC. The processing fees shall be payable to the Property Owners of the Mesa Industrial Park Association in cash at the time Applications are submitted to the ADRC. Any Application submitted without the required processing fee shall not be considered by the ADRC.

## H. DECISIONS

The ADRC shall review each Application pursuant to the standards and procedures set forth in the Guidelines and shall approve or disapprove the Application within ten (10) business days after the receipt thereof. The ADRC may base its approval or disapproval on criteria which may include, but are not limited to, the following: (a) the adequacy of the building locations and dimensions on the Parcel; (b) the adequacy of the parking to be provided; (c) conformity and harmony of external design with neighboring structures; (d) effect of location and use of proposed Improvements on neighboring Parcels and the types of operations and uses thereof; (e) relation of topography, grade and finish ground elevation of the Parcel being improved to that of neighboring Parcels; (f) proper facing of main elevation with respect to nearby streets; (g) adequacy of screening of trash facilities and mechanical, air-conditioning or other roof top installations; (h) adequacy of landscaping; and (i) conformity of the Application to the purpose and general plan and intent of the CC&R's. The decision of the ADRC shall be submitted in writing to the Applicant and the Board.

The ADRC shall have the right to disapprove any Application submitted to it in the event any part of it is: (a) not in accordance with the CC&R's and/or the Guidelines; and/or (b) incomplete; and/or (c) not in compliance with relevant approvals or regulations of local, state, federal or other governmental agencies; and/or (d) deemed by the ADRC to be contrary to the best interests of the Business Park or the Property Owners. The ADRC shall not unreasonably withhold its approval of an Application submitted to it.

If the ADRC fails either to approve or disapprove the Application within said ten (10) day period it shall be conclusively presumed that the ADRC has disapproved the Application unless the person submitting said Application shall have delivered to the ADRC within fifteen (15) days after the expiration of the ten (10) day period, a notice in writing setting

forth the date of initial submittal of the Application to the ADRC and the fact that no approval or disapproval has been given by the ADRC as of the date of such notice. If the ADRC fails to either approve or disapprove the Application on or before the fifteenth (15th) day following the receipt by the ADRC of the notification, it shall be conclusively presumed that the ADRC has approved the Application.

Any party aggrieved by a decision of the ADRC shall have the right to make a written appeal to the Board, within thirty (30) days after such a decision, for a review thereof. The Board shall review the decision of the ADRC within thirty (30) days after receipt of such an appeal. The determination of the Board shall be final and enforceable by a court of competent jurisdiction.

Any Application for a Parcel which shares a Common Access Easement with an adjoining Parcel owned by an Owner other than the Applicant/Owner shall contain a true and complete copy of any agreement between the Applicant/Owner and the Owner of such adjoining Parcel regarding the location of the improvements, and the sharing of the cost therefore, for the Common Access Easement. In the event the Applicant/Owner fails to submit such an agreement with its application, the ADRC, at its option, shall notify the Owner of the adjoining Parcel(s) of such Application, and shall permit such Owner to submit pertinent information to the ADRC prior to the date the ADRC shall make its decision on the Application. A Common Access Easement shall be any area so defined on a plat, site plan or other appropriate document which calls for the mutual use of ingress, egress and/or circulation to or within Parcels as agreed by the effected Owners.

## I. VARIANCES

The Board is authorized and empowered to: (a) grant variances for uses within the Business Park prohibited in Section 7.2.4 of the CC&R's; (b) grant permission for uses not specifically authorized or prohibited; (c) grant variances for cumulative parking space requirements with respect to mixed use occupancy; and (d) further grant reasonable requests for relief from the provisions of the CC&R's, the Guidelines, or any portion thereof, in order to overcome practical difficulties and to prevent unnecessary hardship in the application of the provisions contained therein. Notwithstanding the foregoing, the Board shall not grant such a variance to any Owner unless (a) such Owner has obtained all necessary governmental approvals; (b) the construction of Improvements or uses which are called for under the request for the variance shall be consistent in design, character, appearance and quality of construction

with the other Improvements and uses in the Business Park; (c) the variances do not materially injure any of the Parcels or Improvements in the Business Park; and (d) the construction of Improvements or uses called for under the request for variance are otherwise subject to and conform with all applicable laws, ordinances, rules and regulations, including, but not limited to, zoning regulations, of any governmental agency or political entity having jurisdiction over the Business Park. No variance granted pursuant to the authority granted herein shall constitute a waiver of any provision of the CC&R's as applied to any person or real property. In addition to the variance powers of the Board provided herein, the ADRC shall be empowered to issue from time to time reasonable interpretations of the intent of the provisions of the CC&R's or the Guidelines, which interpretations shall not constitute variances from the provisions of the CC&R's but shall be designed to further the implementation of the CC&R's in a manner consistent with its provisions.

#### J. WRITTEN RECORDS

The ADRC shall keep written records of all applications for approval submitted to it (including one set of all preliminary sketches, plats and all record set architectural and engineering documents) in connection with all actions taken by it under the provisions of these Guidelines. All such records shall be maintained for a minimum of three (3) years after approval or disapproval. After three years, the stated documents may be disposed of at the ADRC's discretion.

#### K. ENFORCEMENT

These procedures may be enforced as provided in the CC&R's.

#### L. LIABILITY

None of Declarant, the Board, the ADRC, nor any member thereof, nor any agents of Declarant, the Board or of the ADRC, shall be liable for any damage, loss or prejudice suffered or claimed by any Property Owner, Lessee, Licensee or Occupant who submits an Application, and such person or entity who submits an Application shall forever defend and hold the Declarant, the Board, the ADRC, the members thereof and the agents of each harmless for, from and against all damage, loss or prejudice suffered or claimed by any third party on account of: (a) any defects in any plans, drawings, specifications or other documentation submitted in any Application, revised or approved in accordance with the foregoing provisions, or for any structural or other defects in any work done according to such plans, drawings, specifications or other

documentation; (b) the approval or disapproval of any Application, whether or not defective; (c) the construction or performance of any work, whether or not pursuant to an approved Application; or (d) the development of any Parcel within the Business Park.

#### M. ACCURACY OF INFORMATION

Anyone submitting plans to the ADRC shall be responsible for verification and accuracy of all components of such submission, including but without limitation, all site dimensions, grades, elevations, utility locations, easements and other pertinent features of the site or plans.

#### N. WAIVER

The approval by the ADRC of any plans, drawings, specifications or other documents for any work done or proposed, or for any other matter requiring the approval of the ADRC, shall not be deemed to constitute a waiver of any right to withhold approval of a similar plan, drawing, specification of matter subsequently submitted for approval.

### II. THE PROJECT/BUILDING DESIGN REVIEW PROCESS

Selection of a professional design consultant or consultants to assure the completeness and accuracy of submittals is required of all Owners at the Business Park. Have your consultants read and acquaint themselves with all relevant documents. Such consultants shall be licensed or registered by the State of Arizona.

#### A. PREAPPLICATION CONFERENCE

If requested by either the ADRC or the Applicant, a meeting or meetings may take place at a location selected by the ADRC to discuss the design review process and the intent and interpretation of the Guidelines.

#### B. THE PRELIMINARY REVIEW

Submit three (3) full size sets of the developed design to the ADRC. These plans will reflect the schematic stage in the consultant's design process. All documents shall be provided at a scale appropriate to the project at the discretion of the ADRC. The design is to be presented with the relevant documents required by ADRC, including but not limited to the following:

1. Exhibit "A" - Preliminary Review Submittal

2. Conceptual floor plans and elevations
3. Color chips, material samples, color photographs and product brochures
4. Site Plan - including exterior lighting, sidewalks, parking, driveways, site amenities, site structures, locations of mechanical equipment including transformers, backflow preventors, etc. and preliminary site drainage concept.
5. Landscape Plan
6. Signage Package

The ADRC shall not be bound to issue final approval by any advice, decision or approval provided during the preliminary review process.

### C. CONTRACT DOCUMENT REVIEW

Submit three (3) full size sets of contract documents concurrent with the initial submittal to the appropriate municipalities for review. The design is to be presented with the relevant documents requested by ADRC including but not limited to:

1. Exhibit "A" - Contract Document Review Submittal
2. Color chips, material samples, Color Photographs and Product Brochures (if changed)
3. Survey
4. Site Plan
5. Site Utility Plans
6. Landscape Plan
7. Site Paving and Grading Plans
8. Floor Plans
9. Elevations
10. Specifications
11. Signage Package
12. Complete MP&E plans

Applicant must request approval from ADRC for all changes to the contract documents required by municipalities prior to the commencement of construction and prior to the submittal of the record copy including:

### D. BUILDING PERMITS AND RECORD COPY

Before construction can begin Owner's contractor must obtain permits from the appropriate entities. At this time, submit one complete full size set of the contract documents approved by the municipality to ADRC for Record Copy including:



1. Exhibit "A" - Record Copy Submittal
2. Record copy of complete set of contract documents
3. Copy of building and other permits

#### E. CHANGES AFTER START OF CONSTRUCTION

It is anticipated that Owners may wish to make improvements or modifications to their buildings or property during initial construction or at a future date. No modification to existing construction, nor additional construction may be undertaken without prior review and written approval of the ADRC. A request for review of the proposed modifications by the ADRC must include:

1. Exhibit "A" - Change Application Submittal
2. Site plan of proposed location of improvements
3. Letter of intent with description of purposed changes
4. Plans as necessary to describe the changes
5. Material and color sample (preferably to match existing material)

#### F. AS-BUILT DRAWING SUBMITTAL

As-built drawings are required for all construction within right of ways, common areas, and retention areas (where applicable) and must be submitted to ADRC within 30 days of the completion of construction.

1. Exhibit "A" - As-built Drawing Submittal
2. As-built Drawings

### III. SITE DEVELOPMENT STANDARDS

#### A. SETBACKS

The definition of frontyard, backyard, and sideyard setbacks shall be in accordance with the Zoning Code of the county and/or municipality having jurisdiction over the Business Park ("the Municipality").

The determination of the building setback requirements shall be in accordance with the Zoning Code of the Municipality or the recorded subdivision plat of the Business Park whichever is most restrictive.

The following improvements are allowed within the required setback area stated above:

1. Improvements below ground and covered by landscaping;
2. Sidewalks, steps, driveways and curbing;
3. Landscaping;

4. Signs and site furniture;
5. Roof overhangs;
6. Planters;
7. Walls for parking lot screening 3'-0" in height or lower.

## B. PARKING

No on-street parking of any nature whatsoever will be permitted on public streets bordering or within the Business Park, regardless of whether parking plans have been approved by the ADRC or the Municipality. Paved off-street parking as required herein shall be provided by each Property Owner, Lessee, Licensee, or Occupant on his Parcel to accommodate all parking needs for employee, visitor, business invitee, and company vehicles. The intent of these provisions is to eliminate the need for any on-street parking. Notwithstanding prior approvals of parking layouts by the Board or the Municipality, if parking requirements increase as a result of any change in use or number of employees, additional off-street parking shall be provided to satisfy the intent of this Section and eliminate the need for any on-street parking, which will be absolutely prohibited.

The size of all parking spaces, driveways, islands in parking areas, screening of parking areas, and other improvements in the parking areas in the Business Park must conform to the minimum established requirements of the Zoning Code of the Municipality. All driveways and parking areas must be paved with concrete or asphaltic concrete. Except for edges of paving adjacent to walls, vertical concrete curbs shall be constructed at all edges of any paving. Asphalt curbs are prohibited, and the use of parking bumpers in lieu of curbs is prohibited.

The following are minimum parking requirements for various uses of Lots within the Business Park. Requirements defined with regard to square footage refer to the gross square footage of areas used for such purposes, less areas not occupied or used by personnel (e.g., mechanical rooms, electrical rooms and storage areas).

Day Care Center	1 space/300 sq.ft.
Medical & Dental Offices, Clinics	1 space/200 sq.ft.
General Offices & Non- Retail Commercial	1 space/375 sq.ft.

Restaurants, Cafes, Bars, Cocktail Lounges	1 space/75 sq.ft. (including outdoor area)
Retail Sales	1 space/375 sq.ft.
Bulky Merchandise Sales, Nurseries, Building Materials, Equipment Rental	1 space/375 sq.ft.
Tennis, Handball Courts	1 space per 100 sq.ft., excluding courts, which require 2 spaces per court.
Manufacturing	1 space/600 sq.ft.
General Warehousing	1 space/900 sq.ft.

Without limiting the foregoing, the parking provided for any manufacturing or warehousing use shall in no event be less than the sum of (a) employee parking provided at a rate of two (2) spaces for each three (3) employees, plus (b) one (1) space for each vehicle operated from and stored at the facility. In the case of mixed uses, the total requirement for off-street parking space shall be the sum of the requirements of various uses computed separately as specified in this Section. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirements of the several occupancies occur at different times. Any Owner desiring to provide less spaces than the total number required by the addition of all the uses may request a variance from such requirements under Section I.I hereof. The granting of any such variance shall be conditioned on the approval of the Municipality through the Use Permit procedure of their Zoning Code.

Each property Owner shall incorporate into each lease of space in any building located in the Business Park the following provisions:

Parking will only be permitted in designated parking areas, and no vehicle parking of any nature whatsoever shall be permitted in any street by a tenant, its employees, and business invitees, and a violation of this prohibition shall be deemed to be a default under this lease and shall further constitute a violation under the certain Declaration of Covenants, Conditions, and Restrictions recorded \_\_\_\_\_, 19\_\_, as Document Number \_\_\_\_\_, in the Official Records of the County Recorder of Maricopa County.

Parking areas and maneuvering areas may not be located in the required front yard setback. Such parking areas and maneuvering areas may be

located in the street-side yard subject to a 12 foot landscape setback from the property line. See Section V for landscaping requirements between parking area and street curb.

Parking facilities need not be located in one consolidated area of a particular site but may be separated by landscaping and building elements.

See Section V for landscaping requirements in and around the parking areas.

Canopy or shade-type parking structures may be installed in approved parking areas. Canopy shelters shall be used only for the parking of passenger vehicles. Canopy structures shall be finished with colors which match or complement building colors. The design of canopy structures located between buildings and public roads or parks shall be upgraded through the use of fascia skirts at least ten (10) inches in depth and column finishes that match the buildings. Such structures shall not be nearer a street than the allowed building line.

#### C. LOADING & SERVICE AREAS

All loading and unloading in the Business Park is to be conducted in properly designed loading areas. Loading areas are to be designed as an integral part of the facility and shall be maintained in a neat and clean manner so as to not detract from the appearance of the Business Park. No loading or unloading will be allowed on the street or in parking areas and maneuvering area. Loading areas in the Business Park shall be located in the least visible area of the buildings. Rear building loading is preferred, and side building loading will be allowed if the loading areas are adequately screened. Front loading areas shall be in accordance/conformance with provisions and requirements on the current I-2 Zoning District for I-2 Zoned Parcels.

Proper space shall be provided for all truck vehicles to maneuver within the premises of each parcel located in the Business Park. Space shall be provided for trucks to drive forward both when entering and leaving premises. All loading areas shall be screened from view from adjacent streets utilizing screen walls, as described herein. Said screen walls shall be eight (8) feet high when located adjacent to the loading area and six (6) feet high when located elsewhere on the Parcel.

#### D. EXTERIOR STORAGE AREAS AND SERVICE YARDS

No storage shall be permitted between any public street and the respective building setback line in the Business Park. All outdoor storage areas and service yards in the Business Park shall be visually screened from access streets and adjoining property by a continuous screen wall not less than six (6) feet high nor more than eight (8) feet high. No

work in progress, stored merchandise or racks shall extend above the height of such screen wall in areas Zoned I-1.

All motor vehicles (other than passenger vehicles) and all equipment owned and operated by Owners of Parcels in the Business Park shall be stored in a screened outdoor storage area approved by the ADRC. All manufacturing activities in the Business Park are to be confined within a building, except that minor ancillary activities associated with the business operation may be located outside in a service yard approved by the ADRC.

#### E. SCREEN WALLS

Screen walls permitted behind building setback lines in the Business Park shall be six (6) to eight (8) feet high. Garden walls or parking screen walls permitted within setbacks in the Business Park shall be a maximum of three (3) feet high. Screen walls shall be used to conceal parking areas, loading areas, refuse collection areas, storage areas, service yards, truck docks, ramps, electrical equipment, storage tanks and other exterior equipment. Vehicle wash service bays shall not face onto or be visible from any public street in or adjacent to the Business Park and shall be subject to the screening standards of the Zoning Code of the Municipality.

Screen walls in the Business Park shall be constructed of materials and painted or have an integral finish which matches the building(s) on the Parcel or as otherwise approved by the ADRC. Appropriate landscaping shall be used to reduce the impact of screen walls as specified herein.

#### F. WASTE AND REFUSE COLLECTION AREAS

All refuse from any Parcel shall be accumulated in an approved "dumpster" container for such Parcel provided by the Municipality or a licensed refuse company. All refuse collection areas in the Business Park shall be located where the dumpsters are least visible to the public. No refuse collection area shall be permitted between any street and the respective building setback line. All exterior refuse collection areas in the Business Park shall be screened by building walls or screen walls six (6) feet in height. All dumpster enclosures in the Business Park shall meet the requirements of the Municipality. The location of all such enclosures shall allow for adequate ingress and egress by collection trucks.

#### G. SITE LIGHTING

All outdoor lighting in the Business Park shall be directed down and screened away from adjacent properties and streets.

Security wall pack lighting shall be used at service areas only and shall not be visible from public streets.

Metal halide light sources shall be used for parking areas and driveways.

Light standards shall be 16 feet tall in parking areas and 12 feet tall or less at building areas.

#### H. UTILITY LINES AND ANTENNAS

No utility lines, wires or other devices in the Business Park for the communication or transmission of electric current, power, or signals including telephone and television, microwave or radio signals, sewer, water or gas, shall be constructed, placed or maintained anywhere in or upon any Parcel other than within buildings or structures unless the same shall be contained in conduits or cables constructed, placed or maintained underground or concealed in or under buildings or other structures. No antenna for the transmission or reception of telephone, televisions, microwave, or radio signals shall be placed on any building or other improvement on any Parcel unless the consent of the ADRC shall first have been obtained. All utility appurtenances within a Parcel, including telephone pedestals, utility meters, transformers, pressure reducing valves, backflow preventors, antenna, dishes and the like, shall be screened from view from streets, sidewalks and adjacent sites (subject to limits imposed by utility company regulation). Nothing contained herein shall be deemed to forbid the erection or use of temporary power or telephone facilities incidental to the construction or repair of improvements on any Parcel.

#### I. CONSTRUCTION PHASE

In order to minimize soil erosion, practical combinations of the following procedures shall be used:

1. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters during construction as may be required by the ADRC or governing authorities;
2. Landscaping shall be installed prior to issuance of the Certificate of Occupancy.

The Owner is responsible for knowing the location of underground utilities and for their protection during construction. The Owner shall contact Blue Stake prior to any excavation.

Areas under construction on a site shall be fenced as may be required by the ADRC, and shall be maintained in a neat, safe and orderly manner. All trash shall be kept in enclosed containers and removed frequently.

Construction access shall be as approved by the ADRC. Special care shall be taken to protect existing pavement and landscaping from damage. The Owner is liable for the repair of any damage to paving, sidewalks, landscaping, utilities, irrigation lines, and landscape installation, if caused by the Owner or his/her agents.

All construction, refinishing, alteration or excavation of any improvements (a) shall be undertaken and pursued diligently through to completion, and (b) in any event, shall be completed within one (1) year of the date of such approval, except for so long as such completion is rendered impossible or would result in great hardship due to strikes, fires, national emergencies, natural calamities or other supervening forces beyond the control of the Owner, Lessee, invitee, licensee or his agents. Failure to comply with this Subsection shall constitute a breach of this Declaration and subject the defaulting party or parties to all enforcement procedures set forth herein or any other remedies provided by law or in equity.

All streets shall be kept clean from dirt and construction materials; control noise, dust and other factors to lessen the disruption to neighboring Parcels.

#### J. RETENTION AND DRAINAGE

Each Property Owner shall construct, grade and maintain his Parcel(s) in such a manner that such Parcel(s) shall hold and retain all water coming on to such Parcel as required by the Drainage Policy of the Municipality. Water in excess of the amount to be retained shall be passed to the street in a manner that does not damage landscaping or other improvements. No Property Owner shall permit water to drain from such Property Owner's Parcel(s) onto adjacent Parcels; however, adjoining Parcels may both use a common retention basin located on both lots.

#### IV. ARCHITECTURAL DESIGN

- A. It is the intent of the Guidelines to cause the creation of an attractive, high quality contextual mixture of architectural styles. Buildings should be of high quality contemporary building design reflecting current and emerging building technologies. Buildings should be straightforward, with clean, simple lines and should not include cosmetic treatments that

detract from the clean, contemporary character. Buildings shall be compatible with buildings on adjacent Parcels and in context to their surroundings. Owners are encouraged to utilize creative applications of a limited number of materials, colors and textures. Appropriate consideration shall be given regarding the local climate and topography. Territorial or other period architectural styles will not be permitted in the Business Park.

Building materials should be such that they will provide a consistent overall character throughout the Business Park. Color combinations should be compatible and should not clash.

Approved materials are:

1. Brick;
2. Architectural metal;
3. Poured-in-place, tilt-up or pre-cast concrete provided that surfaces are painted or have an attractive exposed aggregate finish (exposed aggregate must be approved as to color and texture);
4. Stucco or "dryvit" type systems with reveals, reliefs or designs to break up large planes. Finishes shall be as approved by the ADRC;
5. Granite, marble or other natural stone;
6. Ceramic tile;
7. Sloped roofs must be of clay or concrete tile, architectural metal or copper;
8. Glass;
9. Architectural concrete block such as split-face, fluted or scored.

Other materials:

1. Common concrete block may be allowed at the discretion of the ADRC if it is used as an accent material, or it is used in conjunction with other materials. Common block may not be used as a major material in an unarticulated field.
2. Wood shall not be used as a roof or wall finish. Wood may be approved at the discretion of the ADRC for limited use as trim or for specific architectural applications. Exterior architectural plywood, etc. will not be allowed.
3. Corrugated metal or pre-engineered metal buildings or exposed corrugated metal roofs will not be allowed.



Colors should be used to create visual harmony within the Business Park Center. Colors are to be as approved by the ADRC. Appropriate colors should include, but not be limited to:

1. Desert hues and other earth tones including light brown, cream and tan
2. Muted shades of blue, mauve, lavender
3. Off-white, light grey
4. Muted reds and oranges appearing in brick utilized in buildings or roof tiles.
5. Limited use of other colors as accents may be allowed if specifically approved by the ADRC.
6. Colors shall be compatible with the parking screen walls.

All sides of building are to be treated with design features. Transitions between rears of structures and front doors of adjacent parcels must be recognized.

Freestanding buildings and accessory structures shall conform to the main building in color, material, scale, architectural style and theme.

Parking structures should incorporate architectural treatment compatible with the buildings. Ramps should be confined to the interior bays of parking structures to afford more visually-pleasing garage exteriors.

The approval of building exterior materials, including type, color, texture, durability, and the extent of use of any single material or combination of materials, shall be solely at the discretion of the ADRC.

All roof-mounted equipment and ventilators projecting above the roof parapet of any building in the Business Park shall be screened by an enclosure designed and finished to be compatible with the building. No wall-mounted equipment shall be permitted on the front or sides of any such building. Ground-mounted building electrical or mechanical equipment will be allowed in side or rear yards and must be screened from view by walls or dense landscaping. No ground-mounted equipment will be permitted between any street and the respective building setback line. Storage tanks and process equipment will be allowed only in side or rear yards of Parcels in the Business Park. Such tanks and equipment must be located where they will be the least visible to the public and must be screened by screen walls approved by the ADRC. No storage tanks or process equipment shall be located between any street and the respective building set-back line.

The design of parking canopies shall be consistent with the design of the

## E. LANDSCAPE ADJACENT TO STRUCTURES

A combination of trees (15 gallon size minimum) and groupings of large shrubs shall be planted adjacent to structures at front and side elevations to accomplish the following:

1. Accentuate the building design;
2. Minimize the impact of large wall surfaces;
3. Provide a buffer between the building and parking areas;
4. Highlight building entrances; and
5. Provide solar protection of glazed surfaces.

The plant materials required for landscaping within parking lots may also be utilized to meet the requirements for landscaping adjacent to structures contained in this Section.

## F. IRRIGATION SYSTEM

All irrigation systems in the Business Park shall be below ground, fully automated systems in compliance with all building code requirements. Use of water conserving systems such as trickle (drip) irrigation for shrub and tree planting is encouraged. All backflow control devices are to be located or screened so that they are not visible from public streets or parking lots. Irrigation systems are to be kept in proper working condition. Owners shall adjust, repair and clean such systems on a regular basis.

All planting is to be irrigated as often as necessary to maintain healthy growing conditions.

## G. COMPLETION OF LANDSCAPING

Landscaping for each Parcel, including the Landscape Installation Areas, as approved by the ADRC, shall be installed prior to: (a) the date of occupancy by any Lessee or Property Owner, or (b) the date of substantial completion of the building, whichever occurs first, unless the ADRC shall have approved in writing another final date for landscape installation. The term "Substantial Completion" shall mean that date on which a Certification of Occupancy is obtained from the Municipality for the building shell.

## VI. SIGN STANDARDS

The sign standards are intended to achieve a harmonious and high quality visual environment within the Business Park. All signs shall comply with the Zoning Code of the Municipality. In addition to said zoning regulations, certain criteria are hereafter set forth and shall apply to all signs in the Business Park.

### A. APPROVAL

All permanent project signage concepts and designs shall be approved by the ADRC prior to fabrication and installation. Signage in the Business Park shall be located within sign areas indicated on plans for improvement approved by the ADRC.

### B. OUTDOOR ADVERTISING

No outdoor advertising signage of any kind shall be allowed, except that "For Sale", "For Lease", contractor/subcontractor and development signs may be placed on the actual property so advertised subject to the restrictions contained herein.

### C. BUILDING IDENTIFICATION SIGNS

Building identification signs shall be limited to address, building/enterprise identification, and/or company logo/trademark. There shall be no advertising on these signs.

Only one identification sign shall be permitted per street frontage. This sign may be either a free-standing ground sign or mounted on the building.

Free-standing identification signs may be single or double faced. To help unify the center, all free-standing signs shall be placed at approximately the same locations relative to the individual site entrance drives.

All identification ground signs shall not exceed four (4) feet above grade in vertical height. Also, such ground signs shall not be erected in the first ten (10) feet as measured from the property line of any street or side setback area.

Building-mounted identification signs shall be placed on the facade which has the major entry. Said signs shall be fixture signs; signs painted directly on the surface of the building or glued-on foam letters shall not be permitted. No sign shall extend above the roof or parapet wall. Such

signs shall not comprise more than 10% of the area of the elevation upon which the sign is located.

**D. MULTI-TENANT SIGNAGE**

In a multiple tenancy building, each individual tenant may have a wall sign near its entrance to identify the tenant. Said sign area shall be limited to a total of 20 sq.ft. plus 1 sq.ft. per lineal foot of frontage over 20 feet to a maximum of 40 sq.ft.

Signage shall be located within sign areas indicated on the plans and approved by the committee.

Submit a complete sign package for multi-tenant buildings.

One multi-tenancy sign listing only the names of the on-site firms or businesses will be allowed per site. Said sign shall be located even with or in back of the required building setback line and shall be located in the parking area or on any access drive to the parking area. This sign shall be limited to four (4) feet high and eight (8) feet wide set not to exceed six (6) foot maximum height. This sign may be double faced.

**E. FOR SALE SIGNS**

For individual signs for sale or resale, the City of Mesa Zoning Ordinance shall apply. The same applies for signs for building lease or rent. Six square feet of sign per site is recommended.

**F. CONSTRUCTION SIGNS**

A proposed construction sign may identify parcels of land leased or sold to companies or businesses intending to build facilities in the Property, and may identify the facility by name and provide such information as the realtor, architect, builder, financier, etc. One (1) sign may be utilized for each Site and may exist from the time of lease or sale of the Site until construction of the facility is completed.

**G. SIGN LIGHTING**

Lighting of signs shall be in accordance with regulations of the Municipality.

**CONSENT IN LIEU OF SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF  
THE PROPERTY OWNERS OF THE MESA INDUSTRIAL PARK ASSOCIATION,  
an Arizona non-profit corporation**

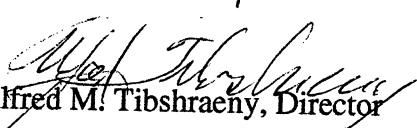
The undersigned, being all of the members of the Board of Directors (the "Board") of **the Property Owners of the Mesa Industrial Park Association**, an Arizona non-profit corporation (the "Association"), acting pursuant to applicable statutes and the Association's Bylaws (the "Bylaws"), do hereby consent to the adoption of the following resolutions, and declare such resolutions to be in full force and effect as if they were adopted at a regularly scheduled meeting of the Board:

RESOLVED, that the Architectural & Development Guidelines for Mesa Commerce Center (the "Guidelines") previously approved by the Board are amended as follows:

1. The maximum allowable building lot coverage shall be 25%.
2. The dimensions of all parking spaces in the parking areas of Lots in the Business Park shall be no smaller than 9 feet six inches in width and 19 feet in length.
3. The size of all main circulatory driveways in the parking areas in Lots in the Business Park shall be no narrower than 30 feet in width.
4. Common concrete block may not be used as a major material in an unarticulated field.
5. Metal buildings or "dryvit" type systems may not be used.
6. If conflicts occur between the foregoing amendments and any local, municipal, state or federal government statutes, codes, ordinances, regulation, rules or rulings, the more rigid requirements shall prevail.
7. The foregoing amendments shall take effect immediately and shall apply to all construction commenced or proposed on or after the date hereof.
8. These design Guidelines specify minimum requirements. They should not be construed as limiting the ability of the Architectural Review Committee to require a project to meet more stringent requirements when, in the Committee's judgement, such requirements are necessary to promote the intent of the CC&R's and the Guidelines; i.e. to enhance, maintain, protect and improve the values and amenities in the Business Center.

RESOLVED FURTHER, the Directors, or any one of them, is hereby authorized and directed to prepare and distribute to all affected parties, an Amendment to the Architectural & Development Guidelines for Mesa Commerce Center that incorporates the foregoing amendments.


Dated as of April 21, 2001.



Alfred M. Tibshraeny, Director



Mary P. Habeeb, Director



Joseph C. Habeeb, Director

EXHIBIT "A"

MESA COMMERCE CENTER

DESIGN REVIEW APPLICATION

Please print or type

Date

Address		Owner/Applicant Contact	
		Name:	
Project Name		Telephone	
Property Owner		APPLICANT	
Address	Telephone	Address	Telephone
Signature	Date	Signature	Date
CONTRACTOR		ARCHITECT	Reg. No.
Address	Telephone	Address	Telephone
C.E./SURVEYOR	Reg. No.	LANDSCAPE ARCHITECT	Reg. No.
Address	Telephone	Address	Telephone

APPLICATION FOR:

Subdivision/Master Plan

Other Projects/Buildings

Preliminary Plat

Preliminary Review

Final Plat/Technical Review

Contract Document Review

Permits and Record Copy

Building Permits & Record Copy

Changes After Start on Initial Construction

Changes After Start of Initial Construction

As-Builts

As-Builts

COMMENTS BY

ACTION BY

DATE

\_\_\_\_\_

DOCUMENT CHECKLIST

I. Subdivision or Master Plan Document

A. Preliminary Plat/Technical Review

- 1. Preliminary Plat or Master Plan
- 2. Drawings Showing Existing Conditions
- 3. Drawings Showing Proposed Conditions
- 4. CC&R's and/or Design Guidelines

B. Final Plat and Construction Document Review

- 1. Final Plat
- 2. Survey
- 3. Construction Plans & Specs
- 4. Signage Package
- 5. CC&R's and/or Design Guidelines

C. Permits and Record copy

- 1. Construction Plans & Specs - Approved by City
- 2. Final Plat - Signed
- 3. Copies of Permits

D. Changes After Start of Construction

- 1. Site Plan Locating Changes
- 2. Letter Describing Changes
- 3. Appropriate Plans

E. As-Built Drawing Submittal

- 1. As-Built Drawings

II. Project/Building Document Review

A. Preliminary Review

- 1. Floor Plans
- 2. Elevations

3. Samples, Photos, Brochures

4. Site Plan

5. Landscape Plan

6. Signage Package

B. Contract Document Review

- 1. Revised Samples, Photos, Brochures
- 2. Survey
- 3. Site Plan
- 4. Site Utility Plans
- 5. Landscape Plans
- 6. Site Pavings & Grading Plans
- 7. Floor Plans
- 8. Elevations

9. Specifications

10. Signage Package

11. Complete MP&E Plans

C. Permits and Record Copy

- 1. Complete Permit Set of Contract Documents
- 2. Copy of Permits

D. Changes After Start of Construction

- 1. Site Plan Locating Changes
- 2. Letter Describing Changes
- 3. Plans Showing Changes
- 4. Material and Color Samples

E. As-Built Submittal

- 1. As-Built Drawings