

## **Mountain View Medical Center (SUP-18-12)**

### **Background**

#### History and Conditions

The property was annexed in 1961. The Town granted medical use on the property in 1980. Essentially, the structures and landscaping on the site are the same as in the 1980 approval. The property has been regularly maintained, with some minor improvements over the years. The last approval was the replacement of the two entry monument signs in 2010 and remodeling of these signs in 2012. Attachment F is a Special Use Permit History of the property.

#### General Plan/Zoning

The subject property has a General Plan designation of “Medical Office” pursuant to the Town’s General Plan Land Use Map. The zoning on the subject property is “Special Use Permit – Medical Office”. The proposed medical office use is in conformance with this designation and zoning.

Several General Plan policies apply related to the request for redevelopment of the Mountain View Medical Center property. Primary policies that apply include the policies of Goal LU 2.1.2, Special Use Permit Property Revitalization. Attachment E is a more exhaustive list of pertinent General Plan policies for consideration in review of this application request.

#### Enforcement

As of the date of this report, there is one known active code violation on the subject site. The Town received a complaint on December 19, 2018 about trash pickup prior to 6:30 a.m. Collection follows the large truck regulations in the Town Code, which in the non-summer months is 7:00 a.m. The property owner contacted the trash provider.

## Description of Prior SUP Amendments

### TOWN OF PARADISE VALLEY SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER

The Town annexed the property in 1961. The Town approved the original Special Use Permit on June 24, 1974. The list below summarizes the known amendments to the original Special Use Permit, all of which are rescinded upon the Effective Date or Ordinance.

<b>March 21, 2012</b>	Managerial amendment that allowed an increase of the tenant area of the two monument signs. This increased the total sign area per sign from 40.8 sf to 58.6 sf.
<b>August 9, 2011 (SUP 11-01)</b>	Consideration of an Intermediate Special Use Permit amendment to allow the operation of a medical marijuana dispensary. The application received Planning Commission recommendation, but did not have final Council action as the applicant withdrew their request on August 9, 2011.
<b>September 21, 2010 (SUP 10-06)</b>	Planning Commission approval of a Minor SUP to replace the two existing monument signs substantially compliant with the elevation plan prepared by Ken's Sign Service Inc, the visibility triangle plans dated May 25, 2010, and the narrative dated August 16, 2010. There is also a letter on behalf of the owner that allowed the Town to replace the Town monument sign located on the medical center property.
<b>June 20, 2000 (SUP 00-09)</b>	Planning Commission approval of a minor amendment allowing for the installation of a window on the west elevation on Building E, Suite E-141.
<b>April 1996 (SUP 96-11)</b>	Approval by the Special Use Permit Review Committee (SUPREC) to allow the repositioning of two windows and a door/window entry feature of Suite B-111. The Town eliminated the SUPREC process to review minor Special Use Permit amendments in 1998.
<b>April 18, 1995 (SUP 95-14)</b>	Increase the square footage of the pharmacy from 1,500 sf to 2,500 sf. The Council approved this by consent, noting that the 1,000 sf is in the adjoining suite for pharmacy storage.
<b>May 25, 1995 (SUP 95-13)</b>	Change in ownership and to increase the square footage of the pharmacy from 1,500 sf to 2,500 sf. Increase to 2,500 sf was denied. The amended SUP was recorded on August 17, 1995 at the Maricopa County Recorder, Arizona, under 95-049309.
<b>September 22, 1989 (SUP 89-04)</b>	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.
<b>January 29, 1987 (SUP 87-08)</b>	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.

<b>June 17, 1985</b> <b>(SUP 85-12)</b>	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.
<b>March 6, 1985</b> <b>(SUP 85-11)</b>	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership. The SUPREC was made up of a Town Council and Planning Commission representative, Town Engineer, and Planning Director.
<b>February 11, 1982</b> <b>(SUP 81-07)</b>	Approval of a pharmacy on the property, which was originally an apothecary. Concerns noted related to not wanting a full-scale drug store and retail sales. The following stipulation was added "Violation of any provision of this paragraph shall result in a fine of \$300 a day for each day the violation continues. This penalty shall be paid by the Grantee to the Town of Paradise Valley."
<b>October 30, 1980</b> <b>(SUP 80-10)</b>	Phase II approval of the medical plaza. This was the Phase II approval and recorded at the Maricopa County Recorder, Arizona, in Docket 14836, Pages 1320-1322.
<b>March 13, 1980</b> <b>(SUP 79-09)</b>	Establishment of the property for medical use by Special Use Permit. At this time, the Town had an option for an applicant to get a Phase I and then a Phase II approval. This was the Phase I approval and recorded at the Maricopa County Recorder, Arizona, in Docket 14302, Pages 10-12.

Commissioner Baker moved that the Planning Commission deem the requested amendment to the Mountain View Medical Center Special Use Permit a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance. Seconded by Commissioner Werner.

The motion passed by a vote of four (4) to one (1) with Commissioner Strom dissenting.

Commissioner Baker moved that the Planning Commission approve a Minor Amendment to the Mountain View Medical Center Special Use Permit to replace the existing monument signs, subject to the stipulations contained in the action report. Seconded by Commissioner Werner.

The motion passed by a vote of four (4) to one (1) with Commissioner Strom dissenting.

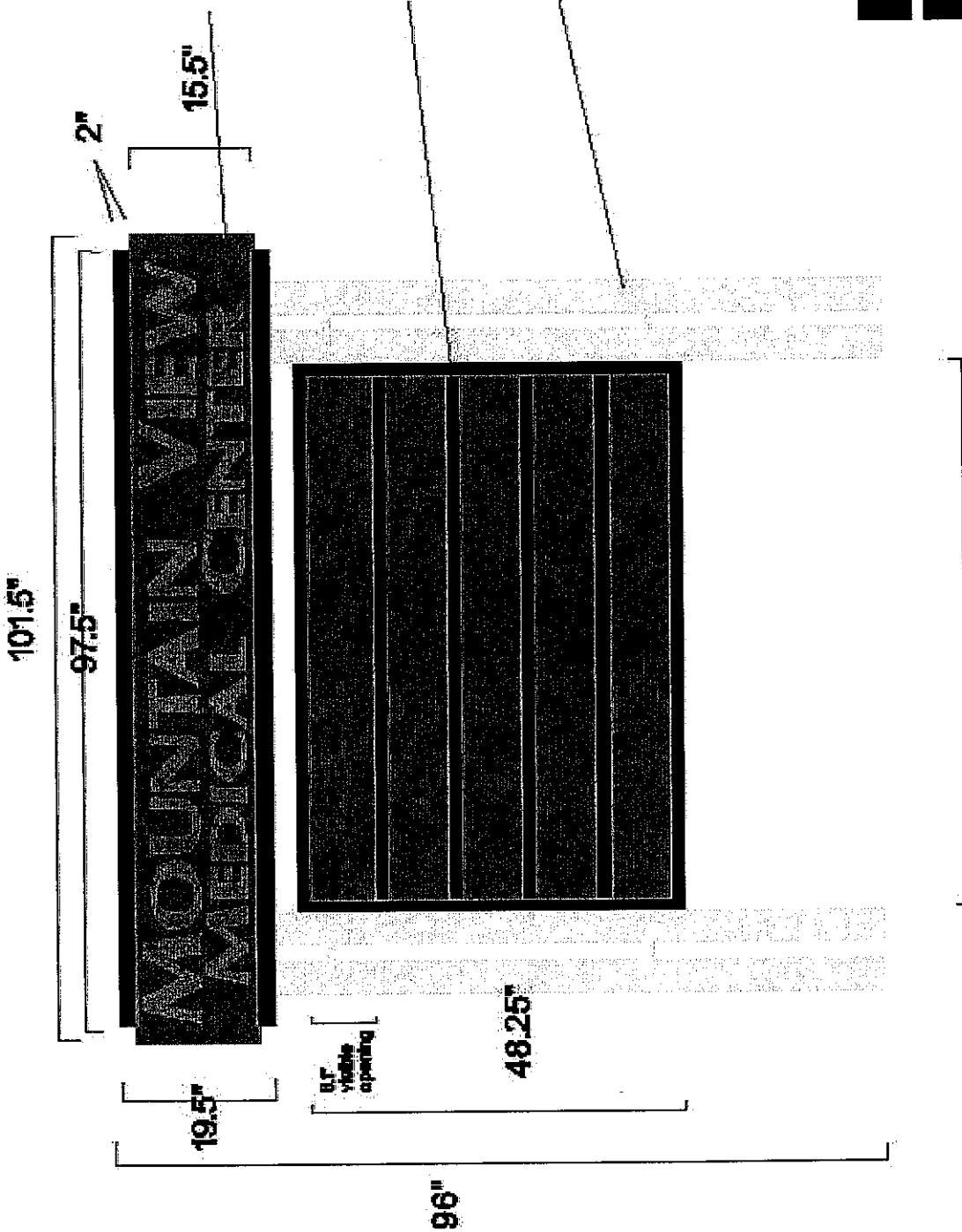
#### **COMMISSION/ STAFF REPORTS**

A brief discussion was held and it was determined that the joint gathering with the Town Council and Planning Commission would be held on October 5<sup>th</sup>, 2010.

#### **ADJOURNMENT**

Chairman Campbell adjourned the meeting at 7:00 PM.

  
\_\_\_\_\_  
Eva Cutro, Secretary



Top sign:

Routed alum facia

push thru plex letters brushed facias

Area:  $15.5 \times 101.5 / 144 = 10.9$

$2 \times 97.5 \times 2 / 144 = 2.7$

Tenant signs, 5 ea

Cabinets with internal lighting

alum routed facias Ivory plex letters

Sign Area:  $48.25 \times 69.2 / 144 = 23.2$  sq ft

Poles:  $4 \times 76 \times 4 / 144 = 8.4$

Total Sign area: 58.6 sq ft.

MAJOR TENANT NAME	
TENANT NAME	TENANT NAME



March 21, 2012

James C. Bacon, Jr.  
Town Manager  
Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

John Bozzo  
Mountain View Medical Center  
10555-10599 N Tatum Blvd  
Paradise Valley, AZ 85253

Subject: Managerial SUP Amendment Request for Entry/Monument Sign Modification  
10555 – 10599 N Tatum Blvd

Dear John:

I reviewed Mountain View Medical Center's request to modify the two entry/monument signs. The proposed improvements are substantially compliant with the Mountain View Medical Center SUP and the SUP Guidelines. Since the location, color, shape and illumination of the signs will remain the same, I approve the Managerial SUP Amendment to replace the tenant cabinets.

The request is **APPROVED** subject to the following conditions:

1. All improvements to the property shall be in substantial compliance with the following:
  - a. The "Proposed Sign Change" elevation plan prepared by Ken's Sign Service & Lighting Specialists;
  - b. The narrative prepared by Ken's Sign Service & Lighting Specialists.
2. All necessary permits shall be obtained.

Please contact the Planning Department if you have any questions regarding the Special Use Permit.

Best Regards,

James C. Bacon, Jr.  
Town Manager

Cc: Ken Tregbuoff  
Mary Alice Commeau  
SUP File

101.5"

97.5"

19.5"

2"

15.5"

6.5"

16"

694"

Top sign:

Routed alum fascia

push thru plex letters brushed facias

Area: 1.55"x101.5"/144=10.9

2x97.5x2/144=2.7

Tenant signs, 6 ea

Cabinets with internal lighting

alum routed facias ivory plex letters

Sign Area: 6.5x694x6/144=18.8

Poles: 4x76x4/144=8.4

Total Sign area: 40.8 sq ft

96"

# MOUNTAIN VIEW MEDICAL CENTER, LLC

2944 North 44<sup>th</sup> Street  
Suite 250  
Phoenix, Arizona 85018  
(602) 852-3870

March 15, 2012

Mr. George Burton  
Planner  
Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253-4399

Re: Mountain View Medical Center, 10555-10599 N. Tatum Boulevard, Paradise Valley  
New Town Monument Sign

Dear Mr. Burton:

Please be advised that Mountain View Medical Center, LLC grants an easement to the Town of Paradise Valley for the purposes of removing the existing Town monument sign and placement of a new Town monument sign at the northwest corner of the above referenced property (see Attachment for approved location). We understand that the Town will repair/replace any grass or vegetation that is disturbed during the removal of the existing sign and installation of the new Town monument sign.

Should you need further assistance or have any questions, please contact Mary Alice Commeau at 602-852-3404.

Sincerely,

Mountain View Medical Center, LLC



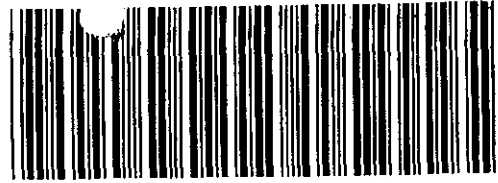
John W. Bozzo, Manager

Attachment



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RETURN TO HAWKINS AND COMPANY  
VIA 24 HOUR TURN ARROUND 3



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

95-0493908 08/17/95 04:49

FRANK 1 OF 1

304-95-13

When recorded, return to:

Paradise Valley Town Attorney  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253

PARADISE VALLEY TOWN COUNCIL  
AMENDED SPECIAL USE PERMIT

GRANTOR: TOWN OF PARADISE VALLEY, ARIZONA, A MUNICIPAL CORPORATION.

GRANTEE: INVEST AMERICAN, INC., A DELAWARE CORPORATION

USE: MEDICAL CLINIC

SUBJECT PROPERTY: The real property ("Property") which is subject to this Amended Special Use Permit is located in Paradise Valley, Maricopa County, Arizona, and is described as follows:

A part of the Northwest quarter Northwest quarter Section 29, Township 3 North, Range 4 East, Gila Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northwest corner of said Section 29, thence South (assumed bearing) along the West line of said Section 29, 72.80 feet, thence East 55.00 feet to the True Point of Beginning; thence North 45° 21' 05" East, 16.87 feet; thence South 89° 17' 50" East, 951.94 feet; thence South 0° 08' 19" West, 100.00 feet; thence South 60° 56' 38" West 675.80 feet to a point of curvature a circular curve to the left having a radius of 375.00 feet and a central angle of 60° 56' 38"; thence along said curve 398.88 feet to a point of tangency; thence South 150.48 feet; thence South 59° 44' 37" West, 208.39 feet; thence North 1011.33 feet to the True point of Beginning

This Amended Special Use Permit is further amended by recognizing the change in ownership from Consolidated Water Utilities, Ltd. To the Grantee shown above.

SUP-95-13

1                   1. RESOLVED that this Special Use Permit is hereby issued to Invest  
2 American, Inc., a Delaware corporation, pursuant to Article XI, Section 1101 of the  
3 Zoning Ordinance of the Town of Paradise Valley, upon the following terms,  
4 stipulations, and conditions:

5                   2. The development, construction, and usage of the Property shall be in  
6 strict compliance with those certain documents marked and certified by the Paradise  
7 Valley Town Clerk as:

- 8                   A. Exhibit "A" - Site Plan, dated October 3, 1980 by Vernon  
9                   Swaback & Associates.
- 10                  B. Exhibit "B" - Overall Landscaping Plan, dated October 3, 1980,  
11                   prepared by Vernon Swaback & Associates.
- 12                  C. Exhibit "C" - Landscaping Plan Building A, dated October 3,  
13                   1980, prepared by Vernon Swaback & Associates.
- 14                  D. Exhibit "D" - Detailed Landscaping Plan for Buildings B, C, D,  
15                   and E dated October 3, 1980, prepared by Vernon Swaback &  
16                   Associates.
- 17                  E. Exhibit "E" - Landscaping Plan Building F, dated October 3,  
18                   1980, prepared by Vernon Swaback & Associates.
- 19                  F. Exhibit "F" - Typical Elevations, dated October 3, 1980,  
20                   prepared by Vernon Swaback & Associates.
- 21                  G. Exhibit "G" - Wall Sections, dated October 3, 1980, prepared  
22                   by Vernon Swaback & Associates.

23                   These exhibits are incorporated into this Special Use Permit and made an  
24 integral part hereof.

25                   3. The Property may be used for a medical clinic only, and no changes,  
26 additions, expansions or alterations to the Property or improvements thereon shall be  
27 allowed without an express written amendment to this Special Use Permit.

SUP-95-13

1                   4. The use of the Property shall at all times conform to all applicable State  
2 laws and Town ordinances.

3                   5. Should the Property be used or developed in a manner inconsistent with  
4 the terms stated herein, this Special Use Permit may be terminated in its entirety by the  
5 Paradise Valley Town Council.

6                   6. This Special Use Permit is non-transferable until the completion of all  
7 construction in accordance with Exhibits A through G; and until Certificates of  
8 Occupancy have been issued by the Town of Paradise Valley.

9                   7. This Special Use Permit shall be binding on the Grantee, their assigns,  
10 or successors in interest.

11                  8. Outdoor lighting shall be prohibited except as depicted on Exhibit "A".

12                  9. A pharmacy shall be allowed. The total square footage for the  
13 pharmacy shall not exceed 1,500 square feet and the pharmacy shall be located only in  
14 the easternmost portion of Building "B". The primary function of the pharmacy shall be  
15 the retail dispensation of prescription drugs.

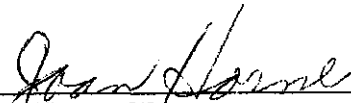
16                  The pharmacy shall not sell, dispense, lease or market any non-medically  
17 related items, which include, but are not limited to, the following; cigarettes, cigars,  
18 tobacco, liquor, beverages, candy, food, ice, ice cream, cameras, film, toys, sporting  
19 goods, dry goods, home or garden supplies, clothes, lottery tickets, colognes, cosmetics,  
20 beauty aids, furniture, greeting cards or stationery, books or magazines, and non-  
21 medically-related sundries. The sign for the pharmacy shall be no larger than the signs  
22 for other tenants of the building; no sign which identifies the existence of a pharmacy  
23 shall be visible from Tatum Boulevard or Shea Boulevard.

24                  Violation of any provision of this paragraph shall result in a fine of  
25 \$300.00 a day for each day the violation continues. This penalty shall be paid by  
26 Grantee to the Town of Paradise Valley.

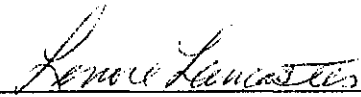
SUP. 95-13

1 10. If any section, subsection, sentence, clause, or phrase of this Special Use  
2 Permit is for any reason held illegal, invalid, or unconstitutional by the final decision of  
3 any court of competent jurisdiction, such decision shall not affect the validity of the  
4 remaining portions hereof.

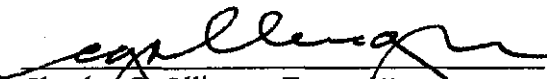
5 This Amended Special Use Permit issued this 25th day of May, 1995,  
6 pursuant to Section 1102(C)(2) of the Zoning Ordinance of Paradise Valley.  
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12 Joan Horne, Mayor

13 ATTEST:

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18 Lenore P. Lancaster, Town Clerk  
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20 APPROVED AS TO FORM:

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25 Charles G. Ollinger, Town Attorney  
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28 ACCEPTED and AGREED TO BY:  
29 INVEST AMERICAN, INC.

30  
31 By:   
32 \_\_\_\_\_

33 Its: Ex Josie Agut -  
34 \_\_\_\_\_

When recorded, return to: **DK1483**

Paradise Valley Town Attorney  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253

*Permit*  
**379824**

PARADISE VALLEY TOWN COUNCIL

1 SPECIAL USE PERMIT ISSUED TO E. RUSSELL RIGGS CONSTRUCTION COMPANY, INC.  
2 GRANTOR: TOWN OF PARADISE VALLEY, a municipal corporation  
3 GRANTEE: E. RUSSELL RIGGS CONSTRUCTION COMPANY, INC.  
4 FOR: MEDICAL CLINIC

5 RESOLVED, that this Special Use Permit is hereby issued to E.  
6 Russell Riggs Construction Company, Inc. pursuant to Article XI, Section  
7 1101 of the Zoning Ordinance of the Town of Paradise Valley, upon the  
8 following terms, stipulations, and conditions:

9 1. The real property ("Property") subject to this Special Use  
10 Permit is located in the Town of Paradise Valley, Maricopa County, Ari-  
11 zona, at the southeast corner of Tatum Boulevard and Shea Boulevard, and  
12 is more particularly described as follows:

13 A part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 29, T3N, R4E,  
14 G&SRB&M, Maricopa County, Arizona, described as  
follows:

15 Beginning at the NW corner of said Section  
16 29, thence South (assumed bearing) along the West  
17 line of said Section 29, 72.80 feet, thence East  
18 55.00 feet to the True Point of Beginning; thence  
19 North 45° 21' 05" East, 16.87 feet; thence South 89°  
20 17' 50" East, 951.94 feet; thence South 0° 08' 10"  
21 West, 100.00 feet; thence South 60° 56' 38" West  
22 675.80 feet to a point of curvature a circular curve  
23 to the left having a radius of 375.00 feet and a  
24 central angle of 60° 56' 38"; thence along said curve  
25 398.88 feet to a point of tangency; thence South  
26 150.48 feet; thence South 59° 44' 37" West, 208.39  
27 feet; thence North 1011.33 feet to the True Point of  
28 Beginning.

29 2. The development, construction, and usage of the Property  
30 shall be in strict compliance with those certain documents marked and  
31 certified by the Paradise Valley Town Clerk as:

- 32 A. Exhibit "A" - Site Plan, dated October 3, 1980, prepared  
by Vernon Swaback & Associates.
- B. Exhibit "B" - Overall Landscaping Plan, dated October 3,  
1980, prepared by Vernon Swaback & Associates.
- C. Exhibit "C" - Landscaping Plan Building A, dated October  
3, 1980, prepared by Vernon Swaback & Associates.

DKT1483601321

1 D. Exhibit "D" - Detailed Landscaping Plan for Buildings B,  
2 C, D, and E dated October 3, 1980, prepared by Vernon  
3 Swaback & Associates.

4 E. Exhibit "E" - Landscaping Plan Building F, dated October  
5 3, 1980, prepared by Vernon Swaback & Associates.

6 F. Exhibit "F" - Typical Elevations, dated October 3, 1980,  
7 prepared by Vernon Swaback & Associates.

8 G. Exhibit "G" - Wall Sections, dated October 3, 1980, pre-  
9 pared by Vernon Swaback & Associates.

10 These exhibits are incorporated into this Special Use Permit  
11 and made an integral part hereof.

12 3. The Property may be used for a medical clinic only, and no  
13 changes, expansions, additions, or alterations to the Property or im-  
14 provements thereon shall be allowed without an express written amendment  
15 to this Special Use Permit. Unofficial Document

16 4. The use of the Property shall at all times conform to all  
17 applicable State laws and Town ordinances.

18 5. Should the Property be used or developed in a manner in-  
19 consistent with the terms stated herein, this Special Use Permit may be  
20 terminated in its entirety by the Paradise Valley Town Council.

21 6. This Special Use Permit is non-transferable until the  
22 completion of all construction in accordance with Exhibits A through G;  
23 and until Certificates of Occupancy have been issued by the Town of  
24 Paradise Valley.

25 7. This Special Use Permit shall be binding on the Grantee,  
26 his heirs, assigns, personal representative, or successors in interest.

27 8. Outdoor lighting shall be prohibited except as depicted on  
28 Exhibit "A."

29 9. If any section, subsection, sentence, clause, or phrase of  
30 this Special Use Permit is for any reason held illegal, invalid, or  
31 unconstitutional by the final decision of any court of competent juris-  
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DKT 14836-1322

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diction, such decision shall not affect the validity of the remaining portions hereof.

10. This Special Use Permit shall automatically terminate one (1) year from the date of the granting of this Special Use Permit if the Grantee has not commenced construction on the project.

GRANTED AND APPROVED by the Mayor and Common Council of the Town of Paradise Valley, Arizona, this 30th day of October, 1980.

*J. Duncan Brock*  
J. Duncan Brock, Mayor

ATTEST:

*Mary Ann Brines*  
Mary Ann Brines, Town Clerk Unofficial Document

APPROVED AS TO FORM:

*Douglas A. Jordan*  
Douglas A. Jordan, Town Attorney

ACCEPTED AND AGREED TO:

E. Russell Riggs Construction Company, Inc.

By *E. Russell Riggs*  
Its *President*

NOV 18 1980-12 25

STATE OF ARIZONA }  
County of Maricopa } ss

I hereby certify that the within instrument was filed and recorded at request of

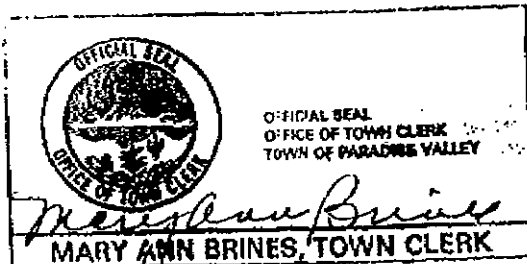
*Town of Paradise Valley*

in Docket 14836  
on Page 1320-1322

Witness my hand and official seal the day and year aforesaid,  
*Bill Elony*

County Recorder  
By *Bill Elony*  
Deputy Recorder

200



When received, return to:

Paradise Valley Town Attorney  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253

57433

Permit

PARADISE VALLEY TOWN COUNCIL

1 PHASE I APPROVAL FOR SPECIAL USE PERMIT TO BE ISSUED TO E. RUSSELL RIGGS  
2 CONSTRUCTION COMPANY, INC.

3 GRANTOR: TOWN OF PARADISE VALLEY, a municipal corporation

4 GRANTEE: E. RUSSELL RIGGS CONSTRUCTION COMPANY, INC.

5 FOR: MEDICAL CLINIC

6 RESOLVED, that this Phase I Approval for a Special Use Permit  
7 is hereby issued to E. Russell Riggs Construction Company, Inc. pursuant  
8 to Article XI, Section 1101 of the Zoning Ordinance of the Town of  
9 Paradise Valley, upon the following terms, stipulations, and conditions:

10 1. The real property ("Property") subject to this Phase I  
11 Approval for a Special Use Permit is located in the Town of Paradise  
12 Valley, Maricopa County, Arizona, at the Southeast corner of Tatum  
13 Boulevard and Shea Boulevard, and is more particularly described as  
14 follows:

15 A part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 29, T3N, R4E,  
16 G&SRB&M, Maricopa County, Arizona, described as  
17 follows:

18 Beginning at the NW corner of said Section  
19 29, thence South (assumed bearing) along the West  
20 line of said Section 29, 72.80 feet, thence East  
21 55.00 feet to the True Point of Beginning; thence  
22 North 45° 21' 05" East, 16.87 feet; thence South 89°  
23 17' 50" East, 951.94 feet; thence South 0° 08' 10"  
24 West, 100.00 feet; thence South 60° 56' 38" West  
25 675.80 feet to a point of curvature a circular curve  
26 to the left having a radius of 375.00 feet and a  
27 central angle of 60° 56' 38"; thence along said curve  
28 398.88 feet to a point of tangency; thence South  
29 150.48 feet; thence South 59° 44' 37" West, 208.39  
30 feet; thence North 1011.33 feet to the True Point of  
31 Beginning.

32 2. The development, construction, and usage of the Property  
shall be in strict compliance with those certain documents marked and  
certified by the Paradise Valley Town Clerk as:

- A. Site Plan which includes landscaping;
- B. Two entrance signs of 8 square feet each;

PARADISE VALLEY TOWN ATTORNEY  
PARADISE VALLEY TOWN HALL  
LINCOLN AT INVERGORDON  
Paradise Valley, Arizona 85253



1 C. Elevation with building height not to exceed 16 feet  
2 These exhibits are incorporated into this Phase I Approval for a Special  
3 Use Permit and made an integral part hereof.

4 3. The Property shall be used for a medical clinic only, and  
5 no changes, expansions, additions, or alterations to the Property or  
6 improvement thereon shall be allowed without an express written amendment  
7 to this Phase I Approval for a Special Use Permit.

8 4. The use of the Property shall at all times conform to all  
9 applicable State laws and Town ordinances.

10 5. Should the Property be used or developed in a manner in-  
11 consistent with the terms stated herein, this Phase I Approval for a  
12 Special Use Permit may be terminated in its entirety by the Paradise  
13 Valley Town Council.

14 6. This Phase I Approval for a Special Use Permit is  
15 non-transferable until the Unofficial Document of all construction in accordance  
16 with Exhibit A through C; and until Certificates of Occupancy have been  
17 issued by the Town of Paradise Valley.

18 7. This Phase I Approval for a Special Use Permit shall be  
19 binding on the Grantee, his heirs, assigns, personal representative, or  
20 successors in interest.

21 8. Outdoor lighting shall be prohibited except as shown on  
22 the exhibits referred to in Paragraph 2.

23 9. If any section, subsection, sentence, clause, or phrase of  
24 this Phase I Approval for a Special Use Permit is for any reason held  
25 illegal, invalid, or unconstitutional by the final decision of any court  
26 of competent jurisdiction, such decision shall not affect the validity of  
27 the remaining portions hereof.

28 10. This Phase I Approval for a Special Use Permit shall auto-  
29 matically terminate one (1) year from the date of the granting of this  
30 Phase I Approval for a Special Use Permit if the Grantee has not com-  
31 menced construction on the project.

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11. Nothing contained herein shall give or be construed to give the Grantee any vested or other rights in improving the Property in the manner set forth herein. Grantee expressly understands and agrees that this Phase I Approval for a Special Use Permit is not final and further understands and agrees that no improvement as set forth herein shall be allowed on the Property until such time as the Town of Paradise Valley has granted a Special Use Permit. This Phase I Approval for a Special Use Permit shall not be considered the Special Use Permit.

GRANTED AND APPROVED by the Mayor and Common Council of the Town of Paradise Valley, Arizona, this 13<sup>th</sup> day of March, 1980.

Barbara vonAmmon  
Barbara vonAmmon, Mayor

ATTEST:

Unofficial Document

Mary Ann Brines  
Mary Ann Brines, Town Clerk

APPROVED AS TO FORM:

Douglas A. Jordan  
Douglas A. Jordan, Town Attorney

ACCEPTED AND AGREED TO:

E. Russell Riggs Construction Company, Inc.

By E. Russell Riggs  
Its President

MAR 21 1980 - 2 15

STATE OF ARIZONA } ss  
County of Maricopa }

I hereby certify that the within instrument was filed and recorded at request of

Town of Paradise Valley

In Book 14302  
on page 10-12

Witness my hand and official seal the day and year aforesaid.

Bill Henry County Recorder  
By M. L. [Signature] Deputy Recorder

2.00