

## **ORDINANCE NUMBER 2023-02**

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING AN INTERMEDIATE AMENDMENT TO THE SPECIAL USE PERMIT FOR ANDAZ RESORT, 6061 N SCOTTSDALE ROAD, TO INCORPORATE AND DEVELOP A VACANT 5-ACRE RESIDENTIAL PROPERTY (LOCATED AT 6041 N. QUAIL RUN ROAD/MARICOPA COUNTY ASSESSOR PARCEL NUMBER 174-65-004C) INTO THE RESORT. PROPOSED DEVELOPMENT ON THE 5-ACRE SITE CONSISTS OF 10 ONE-STORY GUEST UNITS WITH PRIVATE POOLS AND CARPORTS, A NEW ONE-STORY SERVICE BUILDING, NEW PERIMETER AND INTERNAL WALLS, LIGHTING, SIGNAGE, AND LANDSCAPING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Paradise Valley Council held a public hearing on \_\_\_\_\_, 2023, in the manner prescribed by law, to hear and to take action on the amendment to the Special Use Permit for the Andaz Resort, as recommended by the Planning Commission; and

**WHEREAS**, the Town of Paradise Valley Planning Commission held a public hearing on January 3, 2023, in the manner prescribed by law, for the purpose of considering an amendment to the Special Use Permit for the Andaz Resort, and recommended approval to the Town Council; and

**WHEREAS**, the Town Council finds that the Applicant met the requirements of Section 2-5-2.F, Citizen Review Process, including holding a Citizen Review Session on December 1, 2022 to provide a reasonable opportunity for the Applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the Application; and

**WHEREAS**, the amendment to the Special Use Permit for the Andaz Resort is consistent with the property's designation of "Resort/Country Club" on the Town's General Plan Land Use Map and its zoning district of "Special Use Permit – Resort" on the Town's Zoning Map; and

**WHEREAS**, in accordance with Article II, Section 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

**WHEREAS**, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:**

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the “Town”), the Town hereby grants to PV Scottsdale Hotel Owner SPE, LLC., a Delaware limited liability company (the “Andaz Resort”), and PV Hotel Venture SPE, LLC., a Delaware limited liability company (Owner of 6041 N Quail Run Rd), (collectively, the “Owner”), its successors and assigns SUP-22-01 by its approval of this Ordinance governing the use of the Property. All capitalized terms contained herein shall have the meanings ascribed to them parenthetically or otherwise in this Ordinance, subject to the following conditions:

1. The Special Use Permit for the Andaz Resort allows for Resort uses on the land located at 6160 N. Scottsdale Road and 6041 N. Quail Run Road in the Town of Paradise Valley, Arizona, more particularly described in the legal description on Exhibit A attached hereto (the “Property”).
2. The Special Use Permit for the Andaz Resort is hereby amended by application SUP 2023-02 to incorporate and develop a vacant 5-acre residential property (located at 6041 N. Quail Run Road/Maricopa County Assessor Parcel Number 174-65-004C) into the Andaz Resort (located at 6160 N. Scottsdale Road/Maricopa County Assessor Parcel Number 174-65-071). Proposed development on the 5-acre site consists of 10 one-story guest units with private pools and carports, a new one-story service building, new perimeter and internal walls, lighting, signage, and landscaping, subject to any definitions, stipulations, plans, and documents set forth in Exhibit B and Exhibit C, attached hereto.
3. SUP-22-01 includes the following sections: Legal Description in Exhibit A, attached hereto, Description of Proposed and Prior SUP Amendments in Exhibit B, attached hereto, and the Project Description, Stipulations, and Approved Plans in Exhibit C, attached hereto. This Special Use Permit has been amended to include all applicable prior approvals that shall remain in full force and effect, together with the amendments of Exhibit B as set forth in Exhibit C, attached hereto.
4. This Intermediate Amendment to the Special Use Permit for this Property is in accordance with Section 1102.7 of the Zoning Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Duncan Miller, Town Clerk

\_\_\_\_\_  
Andrew McGuire, Town Attorney

DRAFT

**EXHIBIT A  
TO  
ORDINANCE NUMBER 2023-02**

**Legal Description**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR ANDAZ RESORT & 6041 N. QUAIL RUN ROAD**

**Andaz Resort.** 6160 N. Scottsdale Road. Assessor's Parcel Number 174-65-071.

*LEGAL DESCRIPTION PER SPECIAL WARRANTY DEED DOC. 2015-0763490 M.C.R.*  
THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2  
NORTH, RANGE 4 EAST OF THE GILA AND SALT  
RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10, BEING  
MARKED BY A BRASS CAP IN HAND HOLE, FROM  
WHICH THE EAST QUARTER CORNER OF SAID SECTION 10, BEING MARKED BY A  
BRASS CAP IN HAND HOLE, BEARS NORTH  
01 DEGREE JJ MINUTES JS SECONDS EAST, 2657.93 FEET,·  
THENCE SOUTH 88 DEGREES 39 MINUTES 52 SECONDS WEST, ALONG THE SOUTH  
LINE OF THE SOUTHEAST QUARTER OF  
SAID SECTION 10, 656. 63 FEET TO THE EAST LINE OF THE WEST HALF OF THE  
EAST HALF OF THE SOUTHEAST QUARTER  
OF SAID SECTION 10;  
THENCE DEPARTING SAID SOUTH LINE, NORTH 01 DEGREE 14 MINUTES 57  
SECONDS EAST, 332.11 FEET TO THE POINT OF  
BEGINNING.  
THENCE SOUTH 88 DEGREES 39 MINUTES 37 SECONDS WEST, 329.22 FEET,·  
THENCE NORTH 01 DEGREE 05 MINUTES 36 SECONDS EAST, 664.09 FEET TO A  
POINT ON THE NORTH LINE OF THE  
SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF  
THE SOUTHEAST QUARTER OF SAID SECTION  
10;  
THENCE SOUTH 88 DEGREES 39 MINUTES 07 SECONDS WEST ALONG SAID NORTH  
LINE, 311.01 FEET TO A LINE 20 FEET  
EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE  
SOUTHEAST QUARTER OF SAID SECTION 10;  
THENCE ALONG SAID PARALLEL LINE NORTH 00 DEGREES 56 MINUTES 15  
SECONDS EAST, 771.18 FEET,·  
THENCE DEPARTING SAID PARALLEL LINE, SOUTH 89 DEGREES 03 MINUTES 45  
SECONDS EAST, 5. 00 FEET TO A LINE  
2500 FEET EAST OF AND PARALLEL WITH SAID WEST LINE.-  
THENCE ALONG SAID PARALLEL LINE NORTH 00 DEGREES 56 MINUTES 15  
SECONDS EAST, 830. 96 FEET;  
THENCE NORTH 88 DEGREES 38 MINUTES 16 SECONDS EAST, 643.38 FEET TO SAID  
EAST LINE,·

THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 14 MINUTES 57 SECONDS WEST, 1162.01 FEET, ·  
 THENCE DEPARTING SAID EAST LINE, NORTH 88 DEGREES 39 MINUTES 14 SECONDS EAST, 151.49 FEET, ·  
 THENCE SOUTH 01 DEGREE 21 MINUTES 52 SECONDS EAST, 79.44 FEET TO THE BEGINNING OF A TANGENT CURVE,  
 CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 76500 FEET, ·  
 THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 30 DEGREES DJ MINUTES 03 SECONDS, AN  
 ARC LENGTH OF 86.54 FEET, ·  
 THENCE SOUTH 88 DEGREES 41 MINUTES 57 SECONDS WEST, 181.03 FEET TO SAID EAST LINE;  
 THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 14 MINUTES 57 SECONDS WEST, 502.49 FEET TO THE POINT OF BEGINNING.  
 TOGETHER WITH:  
 THE RIGHTS IN AND TO AREAS ".4" AND "[ AS DESCRIBED IN THAT CERTAIN EASEMENT AND MAINTENANCE AGREEMENT AS SET FORTH IN INSTRUMENT RECORDED AUGUST 18, 1978 IN DOCKET 13098, PAGE 1464.  
 FURTHER TOGETHER WITH:  
 NON-EXCLUSIVE EASEMENTS FOR EMERGENCY VEHICULAR AND PEDESTRIAN ACCESS, LANDSCAPE AND MAINTENANCE AS SET FORTH IN RECIPROCAL EASEMENT AGREEMENT RECORDED NOVEMBER 13, 1989 IN 89- -522082, OF OFFICIAL RECORDS.

*SURVEYOR'S LEGAL DESCRIPTION FROM ANDAZ SCOTTSDALE LOT COMBINATION  
 PLAT MAP MCR BK 1500 PG 26*

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 70, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 10, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH  
 01 DEGREE JJ MINUTES 38 SECONDS EAST, 2657.93 FEET, ·  
 THENCE SOUTH 88 DEGREES 39 MINUTES 52 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, 656.63 FEET TO TH[ EAST LINE OF THE WEST HALF OF TH[ EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 10;  
 THENCE DEPARTING SAID SOUTH LINE, NORTH 01 DEGREE 14 MINUTES 57 SECONDS EAST, 332. 11 FEET TO THE POINT OF BEGINNING:  
 THENCE SOUTH 88 DEGREES 39 MINUTES 37 SECONDS WEST, 329.22 FEET;  
 THENCE NORTH 01 DEGREE 05 MINUTES 36 SECONDS EAST, 664.09 FEET TO A POINT ON THE NORTH LINE OF THE

SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF  
THE SOUTHEAST QUARTER OF SAID SECTION  
10;  
THENCE SOUTH 88 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG SAID  
NORTH LINE, 311.01 FEET TO A LINE 20 FEET  
EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE  
SOUTHEAST QUARTER OF SAID SECTION 10;  
THENCE ALONG SAID PARALLEL LINE, NORTH 00 DEGREES 56 MINUTES 15  
SECONDS EAST, 331.18 FEET,  
THENCE DEPARTING SAID PARALLEL LINE, SOUTH 89 DEGREES 03 MINUTES 45  
SECONDS EAST, 5.00 FEET TO A LINE  
25.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE,  
THENCE ALONG SAID PARALLEL LINE, NORTH 00 DEGREES 56 MINUTES 15  
SECONDS EAST, 830.96 FEET,  
THENCE NORTH 88 DEGREES 15 MINUTES 16 SECONDS EAST, 643.38 FEET TO SAID  
EAST LINE,  
THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 14 MINUTES 57 SECONDS  
WEST, 1826.59 FEET TO THE POINT OF  
BEGINNING.

**6041 N. Quail Run Road.** Assessor's Parcel Number 174-65-004C.

From Sheet 1 of 1, ALTA/ACSM Land Title Survey, prepared by Hubbard Engineering and  
dated May 18, 2022:

**LEGAL DESCRIPTION PER TITLE COMMITMENT NO. 22000864-040-DO**

**PARCEL NO. 1:**

THE WEST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER  
OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND  
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

**PARCEL NO. 2:**

THE WEST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER  
OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND  
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

**EXHIBIT B  
TO  
ORDINANCE NUMBER 2023-02**

**DESCRIPTION OF PROPOSED AND PRIOR SUP AMENDMENTS  
TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR PARADISE VALLEY MEDICAL PLAZA**

The Town annexed the Property in 1964. The Town approved the original Special Use Permit (“SUP”) on July 10, 1975. The list below summarizes the known amendments to the SUP.

|                                       |                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>May 25, 2023<br/>(SUP-22-01)</b>   | An Intermediate Special Use Permit Amendment to incorporate and develop a 5-acre residential property into the resort. The development consists of 10 one-story guest units with private pools and carports, a one-story service building, and new perimeter walls                                                            |
| April 3, 2017<br>(Managerial SUPA)    | Managerial Special Use Permit Amendment for a modified tree plan                                                                                                                                                                                                                                                              |
| December 1, 2015<br>(Managerial SUPA) | Managerial Special Use Permit Amendment for the addition of a restricted use area indicating a “No Tent/Event Area,” modified parking configuration from a circular turnaround to a hammer head turnaround, removal of event pavilion, planting plan, and changing the Meeting Room Building height from 14’ tall to 17’ tall |
| December 1, 2015<br>(SUP-15-3)        | A Minor Special Use Permit Amendment for exterior lighting, resort signage, and modifications to the presidential suite building                                                                                                                                                                                              |
| January 8, 2015                       | A Managerial Special Use Permit Amendment for site modifications and improvements                                                                                                                                                                                                                                             |
| May 29, 2014<br>(SUP-12-8)            | A Major Special Use Permit Amendment to renovate the entire resort                                                                                                                                                                                                                                                            |
| March 29, 1996<br>(SUP-96-5)          | A Special Use Permit Amendment to change name, logo, signage, and ownership                                                                                                                                                                                                                                                   |
| December 28, 1995<br>(SUP-95-8)       | A Special Use Permit Amendment to change sign, logo, name, and ownership; convert three suites to offices                                                                                                                                                                                                                     |
| January 28, 1988<br>(SUP-87-2)        | A Special Use Permit Amendment to install outdoor tennis court lights and change name of owner                                                                                                                                                                                                                                |
| February 14, 1985<br>(SUP-85-3)       | A Special Use Permit Amendment for temporary parking for an event                                                                                                                                                                                                                                                             |

|                                  |                                                                                                                      |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------|
| May 10, 1984<br>(SUP-83-3)       | A Special Use Permit Amendment to move main lodge building into PV, add rooms, and expand property                   |
| December 2, 1982<br>(SUP-82-4)   | A Special Use Permit Amendment for spa equipment enclosures                                                          |
| November 18, 1982<br>(SUP-82-3)  | A Special Use Permit Amendment to add 72 private spas and exterior renovation of units                               |
| May 22, 1980<br>(SUP-80-5)       | A Special Use Permit Amendment to relocate air conditioning units from ground to roof tops and add 64 parking spaces |
| September 27, 1979<br>(SUP-79-6) | A Special Use Permit Amendment to extend the completion date to 6/30/81                                              |
| March 23, 1978<br>(SUP-78-6)     | A Special Use Permit Amendment to revise site plan                                                                   |
| June 22, 21978<br>(SUP-78-5)     | A Special Use Permit Amendment to extend building permits                                                            |
| December 1, 1977<br>(SUP-77-2)   | A Special Use Permit Amendment for 6-month extension to get building permits                                         |
| January 13, 1977<br>(SUP-76-6)   | A Special Use Permit Amendment to Extend the Time for Obtaining Building Permits                                     |
| July 22, 1976<br>(SUP-76-5)      | A Special Use Permit Amendment to Extend the Time for Obtaining Building Permits                                     |
| July 10, 1975<br>(SUP-75-8)      | A Special Use Permit to construct and operate the Alamos Resort                                                      |

**EXHIBIT C  
TO  
ORDINANCE NUMBER 2023-02**

**SPECIAL USE PERMIT**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR ANDAZ RESORT**

**I. PROJECT DESCRIPTION**

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the “Town”), the Town hereby grants to PV Scottsdale Hotel Owner SPE, LLC., a Delaware limited liability company (the “Andaz Resort”), and PV Hotel Venture SPE, LLC., a Delaware limited liability company (Owner of 6041 N Quail Run Rd), (collectively, the “Owner”), its successors and assigns an Intermediate Special Use Permit Amendment (SUP-22-01) by its approval of this Ordinance (the “SUP”) governing the use of the Property.

This Intermediate Amendment is one of many amendments to the first Special Use Permit on the Property approved by the Town in 1975. This Intermediate Special Use Permit Amendment is being granted by the Town to permit the continued use and operation of the Property as a Resort subject to and in accordance with the stipulations and other provisions set forth herein.

Subject to the new stipulations, the existing stipulations, and other provisions set forth herein, the facilities and uses authorized to be developed, redeveloped, and used on the Property include Resort uses as depicted on the Approved Plans and documents.

**II. DEFINITIONS**

“**Approved Plans**” means the plans and documents associated with SUP-22-01 and described in Subsection IV in Exhibit “C” of this Ordinance.

“**Owner**” means PV Scottsdale Hotel Owners SPE LLC., an Arizona Corporation and PV Hotel Ventures SPE LLC, a Delaware limited liability company, their successors and assigns. An Owner may be an individual, corporation, partnership, limited liability company, trust, land trust, business trust or other organization, or similar entity, which in turn may be owned by individuals, shareholders, partners, members or benefitted parties under trust agreements, all of which may take any legal form, and may allocate interests in profits, loss, control or use.

“**Ordinance**” means Ordinance 2023-02.

“**Property**” means the real property described in Exhibit A to Ordinance 2023-02.

**“Resort”** means the entire Property and all facilities and other improvements existing, developed or redeveloped and used or useful on the Property in general conformance with the Approved Plans and/or these Stipulations.

**“Special Use Permit”** or “SUP-22-01” or “SUP” shall mean this special use permit as approved by Town Ordinance 2023-02.

**“Stipulations”** refer to the conditions of approval as shown in Exhibit C of Ordinance 2023-02.

**“Town”** means the Town of Paradise Valley.

### **III. STIPULATIONS**

#### **A. GENERAL**

##### **SUP-22-021 (NEW/PROPOSED S.U.P. STIPULATIONS)**

1. All improvements to the Property shall be in substantial compliance with the Narrative, Plans, and Documents:
  - a. Andaz Scottsdale Resort & Bungalows – Proposed Villa Expansion Landscape and Hardscape Design and Materials Response Letter, prepared by Gary Stougaard and dated May 15, 2023.
  - b. Andaz Scottsdale Resort & Bungalows – Proposed Villa Expansion Response Letter prepared by Gary Stougaard and dated May 3, 2023.
  - c. The Narrative, pages 1 -4, prepared by Gary Stougaard and dated October 24 2022.
  - d. Andaz Scottsdale Resort & Bungalows Proposed Villa Addition / Total Combined Resort Structure and Other Covered Areas – Summary, prepared by Gary Stougaard and dated April 13, 2023.
  - e. Andaz Scottsdale Resort & Bungalows Development Square Footage Summary, prepared by Gary Stougaard and dated September 7, 2015.
  - f. Andaz Scottsdale Resort & Bungalows Proposed Villa Expansion Parking Summary, prepared by Gary Stougaard and dated August 4, 2022.
  - g. Title Sheet, prepared by Howard Anderson Architecture and dated July 27, 2022. Overall Site Plan, prepared by Burton Landscape Architecture Studio and dated May 15, 2023.
  - h. Conceptual Site Plan, prepared by Burton Landscape Architecture Studio and dated May 15, 2023.
  - i. Two Bedroom Villa Plan, prepared by Howard Anderson Architecture (no date listed).
  - j. Three Bedroom Villa Plan, prepared by Howard Anderson Architecture (no date listed).
  - k. Four Bedroom Villa Plan, prepared by Howard Anderson Architecture (no date listed).
  - l. Service Building Plan, prepared by Howard Anderson Architecture (no revised date listed).

- m. Site Walls & Fences Plan, prepared by Howard Anderson Architecture and dated May 15, 2023.
- n. Site Lighting Plan dated December 13, 2022.
- o. Andaz Resort Expansion Lighting Calculation Sheet, dated August 16, 2022, Pages 1 – 3.
- p. Conceptual Landscape Plan, prepared by Burton Landscape Architecture Studio and dated May 15, 2023.
- q. Conceptual Landscape Legend, prepared by Burton Landscape Architecture Studio and dated May 15, 2023.
- r. Conceptual Planting Plan, prepared by Burton Landscape Architecture Studio and dated May 15, 2023.
- s. Conceptual Planting Legend – Quail Run Rd, prepared by Burton Landscape Architecture Studio and dated May 15, 2023.
- t. Landscape Planting Plan, Sheet LP-1.01, prepared by Burton Landscape Architecture Studio and dated November 29, 2022.
- u. Landscape Planting Plan, Sheet LP-1.02, prepared by Burton Landscape Architecture Studio and dated November 29, 2022.
- v. Landscape Planting Plan, Sheet LP-1.03, prepared by Burton Landscape Architecture Studio and dated November 29, 2022.
- w. Existing Site Photos Representing Proposed Landscaping, prepared by Burton Landscape Architecture Studio and dated October 25 2022.
- x. Conceptual DRD/DRN Plan, Sheet C301, prepared by Hubbard Engineering and dated May 15, 2023.
- y. Conceptual Site Cross Section, Sheet C302, prepared by Hubbard Engineering and dated May 15, 2023.
- z. Conceptual Site Cross Section, Sheet C302A, prepared by Hubbard Engineering and dated May 15, 2023.
- aa. Conceptual Utility Plan, Sheet C401, prepared by Hubbard Engineering and dated May 15, 2023.
- bb. Typical Street Cross Section, Andaz Resort Expansion, dated October 25, 2022.
- cc. ALTA/ACSM Land Title Survey, Sheet 1 of 1, prepared by Hubbard Engineering and dated May 18, 2022.
- dd. Andaz Sign Package, prepared by Airpark Signs & Graphics:
  - 1. Exterior Room ID 060116, dated June 1, 2016
  - 2. Restroom and Stair ID 052616, dated May 26, 2016.
  - 3. Suite Signage 050416, updated June 7, 2016
  - 4. Suite Signage 050416, dated May 4, 2016.
  - 5. Suite Signage 050416, dated June 6, 2016.
  - 6. Address Numbers 071416, dated September 1, 2016.
  - 7. Pedestrian Monument, updated September 1, 2016.
  - 8. Pool Rules 060116, dated June 1, 2016.
  - 9. Pool Depth Markers 120616, dated December 6, 2016.
  - 10. Regulatory Fire Signs 120316, dated December 30, 2016.
- ee. Andaz Scottsdale Resort and Bungalows Expansion– Noise Impact Study, pages 1 – 17, prepared by MD Acoustics and dated August 3, 2022.
- ff. Andaz Scottsdale Resort and Bungalows Expansion– Noise Impact Study Addendum – Town of Paradise Valley, AZ, page 1, prepared by MD

Acoustics and dated December 5, 2022.

- gg. Andaz Scottsdale Resort and Bungalows Expansion– Noise Impact Study Addendum – Town of Paradise Valley, AZ, pages 1 - 25, prepared by MD Acoustics, and dated March 17, 2023.
- hh. Andaz Scottsdale Resort and Bungalows Trip Generation Comparison – FIRST REVISION, pages 1-14, prepared by EPS Group and dated July 15, 2022.
- ii. Andaz Resort Expansion Water System Analysis Report, pages 1 – 3, prepared by Hubbard Engineering and dated May 18, 2022. Andaz Resort Expansion Sewer System Analysis Report, pages 1 – 4, prepared by Hubbard Engineering and dated May 17, 2022.
- jj. Andaz Resort Expansion Conceptual Drainage Memo, pages 1 – 7, prepared by Hubbard Engineering and dated May 18, 2022.

2. In the event of a conflict between these Stipulations and the Approved Plans, these Stipulations shall govern.
3. The ten guest units shall be owned and managed by the resort. Each of these guest units shall only be used and designed as one resort key, shall not have lock-offs, and cannot be sold as private residences.
4. The ten guest units and service building shall have no amplified outdoor music and no public announcement (PA) system. Noise must at all times adhere to the Town Code.
5. The new pools/hot tubs cannot be used between 10:00 pm – 7:00 am. A small sign shall be placed near the pool/hot tub identifying these hours of non-use.
6. All mechanical equipment (including pool/spa equipment) must be ground mounted and screened with a wall. The wall shall be the minimum height and length needed to screen the equipment and shall not exceed a height of 6 feet tall. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels as defined in the Town's noise ordinance as it exists as of the approval date. Noise measurement shall include any installed screening or other attenuation devices.
7. The landscaping placed between the perimeter fence wall and asphalt on Quail Run Road shall be maintained. Overgrown vegetation and trees shall be cut back so they do not obstruct Quail Run Road and any dead trees or dead vegetation shall be replaced with a same type of tree/plant (or similar type if the equivalent is not available).
8. The landscaping shall be in substantial compliance with the approved landscape plans prepared by Burton Landscape Architecture Studio.
9. All landscaped areas shall be supported by an automatic irrigation system and shall be designed and maintained in a manner that promotes water conservation and prevents water overflow or seepage into the street, sidewalk, or parking areas.

10. No construction permit shall be issued for the Property until appropriate engineering or architectural plans and documents are submitted to the Town and the issuance of such construction permit(s) for that particular activity is approved by the Town. Submitted plans shall be required to meet the building code most recently adopted by the Town.
11. These improvements shall be constructed in the following phases:
  - a. Phase 1 – infrastructure.
  - b. Phase 2 – perimeter fence walls.
  - c. Phase 3 – guest units, service building, landscaping, hardscape, etc.
12. The Owner shall submit a construction schedule prior to the issuance of the first building permit related to SUP-22-02 to ensure compliance with all Town ordinances and in order to minimize construction nuisances. This schedule may be modified or amended from time to time. This construction schedule shall at a minimum provide the following:
  - a. Dust and noise control measures.
  - b. Vehicle/equipment storage/parking.
  - c. Construction days/hours.
  - d. Location of staging area for construction supplies/equipment.
  - e. Location of any construction trailer and sanitary facility.
  - f. Location of on-site construction-materials/debris storage.
  - g. Location of fire lanes during the construction period.
  - h. The approximate beginning and ending for construction.
13. Prior to the issuance of a certificate of completion/occupancy for any individual structure, adequate and appropriate fire service, including but not limited to, a fire sprinkler system, building risers, fire alarms, exit signage, room and building identification signage have been installed and inspected by the Town and the necessary fire, emergency, and other vehicle access for each such structure, has been constructed and approved by the Town.
14. During the period of demolition or construction of new improvements, signs shall be posted on the Property in conformance with the Town construction sign regulations that identify a person(s) with phone and email to contact regarding construction-related matters.
15. Chain link fencing with screening is required to completely surround any exterior construction areas, any construction refuse areas, any construction material storage areas and any exterior sanitation facilities used during a construction project. The screening material may not be used for advertising or other signage. Once installed and approved for SUP and code compliance, the exterior perimeter fencing may take the place of the chain link fencing with screening.
16. During demolition, site grading, and the construction of onsite or offsite improvements, the Owner shall coordinate the sweeping of Quail Run Road

adjacent to the Property to remove construction-related dirt and debris, as reasonably required by the Town.

17. Temporary construction driveway locations are subject to approval by the Town Community Development Director or designee.
18. This amendment identifies the common/existing fence wall along the southern border of the resort will be raised or rebuilt in height from 6 feet tall to 8 feet tall (which includes the properties located at 7012 E. McDonald Drive, 7026 E. McDonald Drive, 7038 E. McDonald Drive and 7050 E. McDonald Drive). Documentation from these property owners authorizing the increase in the fence wall height or rebuilding of the fence wall must be provided during the building permit application process.
19. Parcel 174-65-004C (6041 N Quail Run Road) must be combined with Parcel 174-65-071 (the Resort property) prior to the issuance of the first building permit associated with these improvements.
20. Except as may be allowable during construction, all parking on Quail Run Road north of McDonald Drive and south of Lincoln Drive by any guest, invitee, parking service provider and employees of the Resort is prohibited.
21. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Town Council approval of this Application, with said form recorded prior to or on the effective date of this ordinance.
22. The Owner shall widen Quail Run Road adjoining the 5-acre parcel with an additional three (3) feet to four (4) feet of asphalt and two (2) feet of ribbon curb in the dedicated portion of right-of-way for a total of eighteen (18) feet of asphalt and two (2) feet of ribbon curb on the east side of the road.
23. There shall be no walking paths developed in the southern retention area.
24. The existing north-south wall between the resort and the five (5)-acre parcel shall connect with the southern portion of the restroom of the proposed service building and the bar of the service building shall only be used for activities and functions associated with the event lawn and shall not be used past 10:00 p.m.
25. An exterior noise monitoring system must be placed at the perimeter fence walls adjoining the 10 new guest units and the existing event lawn. The type and distribution of the noise monitoring system must be approved by the Community Development Director or designee prior to the issuance of the first building permit. The noise monitoring system shall be installed and operational prior to the issuance of the Certificate of Occupancy for the first guest unit.

26. The proposed on-site retention improvements (e.g. retention basins) located at the south end of the property cannot be placed in the existing water line, roadway, and electric easements. The applicant must provide the Town with documentation demonstrating these easements have been abandoned or modified to ensure the on-site retention improvements will not be located in these easements prior to release of the first building permit.
27. The development agreement, prohibiting the sale of the ten (10) new guest units and adding a one-foot Vehicular Non-Access Easement, must be presented in a manner acceptable to the Town Attorney's Office. The development agreement must also be executed prior to issuance of the first building permit.
28. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Intermediate Amendment SUP-22-01.

**EXISTING S.U.P. STIPULATIONS to Remain in Full Force and Effect Unless Changed or Modified by Intermediate Amendment SUP-22-01. The following is a list of the existing/current S.U.P Stipulations:**

**Managerial SUP Amendment for a modified tree plan (April 3, 2017)**

1. All improvements to the property shall be in substantial compliance with the following:
  - a. The Tree Plan, prepared by Burton Landscape Architecture Studio and dated January 23, 2017.

**Managerial SUP Amendment for the addition of a restricted use area indicating a "No Tent/Event Area," modified parking configuration from a circular turnaround to a hammer head turnaround, removal of event pavilion, planting plan, and changing the Meeting Room Building height from 14' tall to 17' tall (December 1, 2015)**

1. All improvements to the property shall be in substantial compliance with the following:
  - b. The project narrative, dated November 18, 2015;
  - c. Exhibit A, Restricted Use Area and Wall Exhibit, prepared by Hubbard Engineering and dated October 6, 2015;
  - d. Exhibit B, Planting Plan, prepared by Burton Landscape Architects;
  - e. Exhibit D, Enlarged Site Plan, prepared by Delawie Architecture; and
  - f. Exhibit E, Meeting Room B Height Proposal, prepared by Delawie Architecture.

**Minor SUP Amendment (SUP-15-3) for exterior lighting, resort signage, and modifications to the presidential suite building (December 1, 2015)**

1. All improvements to the property shall be in substantial compliance with the following:
  1. Cover letter/Narrative, dated November 10, 2015, from M. Andrew Rodrigues, AIA.
  2. Lighting Narrative, dated November 25, 2015 and prepared by Ruzika Company.
  3. Lighting Cut Sheets prepared by The Ruzika Company.
  4. Lighting Plans, dated November 11, 2014 and prepared by The Ruzika Company and Delawie Architecture.
  5. Sign Plans, dated November 2, 2015, November 10, 2015, November 20, 2015 and November 24, 2015, and prepared by Airpark Signs and Graphics.
  6. Restricted land Use Area and Wall Exhibit, Exhibit A, dated October 6, 2015, and prepared by Hubbard Engineering
  7. Planting Plan, Exhibit B, dated October 7, 2015, and prepared by Burton Landscape Architecture Studio.
  8. Presidential F Plan, Exhibit C, dated October 5, 2015, and prepared by Delawie Architecture.
2. No lighting of trees shall be allowed in the “no tent/no event” area.
3. If tree lights are added around the Presidential Suite, these tree lights must be turned off at 10 p.m.
4. All building wall mounted lights located on the south side of the resort shall not be mounted above a height of 7 feet.
5. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-15-3.

**Managerial SUP Amendment for Site Modifications and Improvements (relocation of the spa/fitness building, replacement of a permanent tent with an enclosed structure, and relocation of existing parking area, etc. - January 8, 2015)**

1. All existing Special Use Permit stipulations shall remain in full force and effect.
2. All improvements to the property shall be in substantial compliance with the following:
  - a. Narrative, dated December 30, 2014 and prepared by Delawie;
  - b. Exhibit A, Overall Landscape Concept Plan, dated December 23, 2014 and prepared by Delawie;
  - c. Exhibit B, Proposed Development Square Footage Summary, dated December 12, 2014 and prepared by Delawie;
  - d. Exhibit C, Setback, Building Height and Parking Summary, dated December 19, 2014 and prepared by Delawie;
  - e. Exhibit D, ALTA/ACSM Land Title Survey, dated April 11, 2014 and prepared by Hubbard Engineering;

- f. Exhibit E, Conceptual Site Plan, dated May 22, 2014 and prepared by SCS Advisors, Inc.;
  - g. Exhibit F, Current Aerial, dated November 24, 2014 and prepared by Burton Landscape Architecture Studio; and
  - h. Exhibit G, Site Plan - Proposed Demolition Shade Structures, dated December 12, 2014 and prepared by Delawie;
  - i. The developer shall place a deed restriction in favor of the Town of Paradise Valley on the adjacent residential property (6041 N. Quail Run Road - Assessor's Parcel Number 174-65-04C), requiring an additional 20 foot minimum setback requirement to the existing R-43 Zoning requirements for any structure to be constructed thereon. A copy of the recorded deed restriction must be submitted to the Town.
3. All stipulations in Ordinance No. 673 shall be followed, including, but not limited to:
  - a. Hotel Quality Standards in Exhibit D;
  - b. Roadway dedication as described in Stipulation No. 13;
  - c. Perimeter wall improvements shown on the Conceptual Site Plan, dated May 22, 2014 and addressed in Stipulations No. 19, 44 and 50; and
  - d. Landscaping per the Quail Run Road Landscape Plan, dated May 22, 2014 and addressed in Stipulations No. 19, 44 and 50.
4. All buildings and structures must comply with the Town's Open Space Criteria (in accordance with Section 3 of the Special Use Permit Guidelines). The Open Space Criteria along the southwest side of the resort shall be measured from the 20 foot additional setback line outlined in the deed restriction noted in Stipulation 2i above.
5. Landscaping shall be planted along the southeastern and southwestern property lines in order to help mitigate any visual effects of the resort development. All trees shall be 36 inch boxed (or greater sized). The quantity and location of the landscaping shall be determined by the Town Manager or his designee.
6. All necessary permits shall be obtained.

**Ordinance 673. Major SUP Amendment (SUP-12-8) to Renovate the Resort (May 29, 2014). This Ordinance replaced the prior SUP (with SUP-12-8 governing the use of the Property).**

## **I. PROJECT DESCRIPTION**

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the "Town"), the Town hereby grants to WSRH SCOTTSDALE COTTONWOODS, LLC, a Delaware limited liability company, LLC, its successors and assigns (the "Owner"), Special Use Permit #12-8 (with these Stipulations, the "SUP") governing the use of the

Property. All capitalized terms contained herein shall have the meanings ascribed to them parenthetically or otherwise in Ordinance No. 673 or otherwise in these Stipulations.

The Special Use Permit application includes the redevelopment of the existing twenty-two and a half acre resort property. Among other things, the application specifically requests:

- Maintaining the existing key count at 171 units and allowing an increase to a maximum of 201 units. The 30 additional keys are made possible through the renovation/reconfiguration of the 30 existing “Phoenix” suites and creating an additional guest casita.
- New 10,000 square foot maximum structure to house restaurant, lounge, lobby, check-in, spa/fitness facility, and various back of house activities.
- ROW dedication for Quail Run Road, to be done by a deed.
- New interior loop driveway with additional parking.

### III. STIPULATIONS

#### A. GENERAL

1. In the event of a conflict between the stipulations and the Approved Plans (as defined below), these stipulations shall govern.
2. This Special Use Permit shall run with the land and any person having or subsequently acquiring title to any portion of the pProperty shall be subject to this Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time. Once an owner no longer owns the Property, such prior owner shall not be subject to this Special Use Permit.
3. If any portion of the Property is used in violation of the terms of this Special Use Permit, the Town may, after fair notice, a hearing and a reasonable opportunity to correct, impose a monetary sanction on the then Owner of such portion, in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws. No such remedy shall be applied to any other Owner or portion of the Resort that is not in violation of this Special Use Permit.
4. The use of the Property shall at all times conform to all applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other requirement, this Special Use Permit shall prevail.

5. The redevelopment of, and construction on, the Property shall, subject to the Stipulations, substantially conform to the intent of the approved plans. The approved plans, as listed in Exhibit C hereto, are hereby incorporated into this Special Use Permit and made an integral part hereof, and shall hereinafter be referred to as the "Approved Plans."
6. A Mylar and electronic version of the Approved Plans shall be submitted to the Town within sixty (60) days after the approval date.
7. Nothing in this Special Use Permit or otherwise shall require the operation of the Resort under the name "Cottonwoods Resort" or any similar or other name. No further consent shall be required to enable the owner of the Property to transfer all or any portion of the Property, name or rename the Resort, or select or reselect brands or management companies of the Resort.
8. No part of the resort shall be operated as a Time-Share project as such term is defined by the Town Zoning Ordinance. No part of the resort may be subdivided for purposes of sale or resale.
9. The Resort Owner and successor owners of the Property shall have a right to undertake and complete the development and use of the Property in accordance with this Special Use Permit.
10. The Town and the Owner believe and intend that the provisions of this Special Use Permit are valid and enforceable. In the unlikely event that this Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Resort (as then constructed) may continue to be used and operated as a legal non-conforming use in accordance with these Stipulations until such time as a special use permit or other applicable zoning for the Resort is issued or reissued by the Town for the property.

**B. DEVELOPMENT**

11. All utilities within the Resort shall be underground and located within appropriate easements. All water and sewage facilities shall be constructed in accordance with plans approved by the Town Manager or designee.
12. The precise location and/or required screening of any backflow preventer, transformer, or other similar equipment visible from off the property shall be approved by the Town Manager.
13. Prior to the issuance of building permits for new improvements on the Property, the Owner shall deed to the Town a section of the east half of the Quail Run right-of-way, said section to vary between

twenty and twenty-five foot (25') in width, said cross-section being shown on the "Quail Run Road Landscape Plan" in the Approved Plans (see Exhibit C, plan h). The public landscaping improvements on Quail Run Road and the improvements to the perimeter walls shall be installed in accordance with the Approved Plans for the Special Use Permit. The precise final location and design of the public landscaping improvements shall be approved by the Town Manager or his designee. In lieu of bonding for these improvements, no final building inspection and/or no final certificate of completion/occupancy for any of the Resort structures will be issued until such public landscaping improvements are complete and accepted by the Town.

14. No construction permit shall be issued for any phase of construction on the Property until appropriate engineering or architectural plans are submitted to the Town and the issuance of such construction permit for that particular activity is approved by the Town Manager. Submitted plans shall be required to meet the building code most recently adopted by the Town.
15. All new construction shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work.
16. Prior to the issuance of a certificate of completion/occupancy for any individual structure, adequate fire, emergency and other vehicle access and adequate fire service shall be provided for such structure and the particular phase of development in which such structure is located, as determined by the Town Manager.
17. Temporary construction driveway locations are subject to approval by the Town Manager. No temporary construction driveway locations are allowed on Quail Run.
18. The Owner shall submit a construction schedule prior to the issuance of any building permit to ensure compliance with all Town ordinances and in order to minimize construction nuisances. This construction schedule shall include the following:
  - Dust and noise control measures.
  - Vehicle/equipment storage/parking.
  - Construction days/hours.
  - Location of staging area for construction supplies/equipment.
  - Location of any construction trailer and sanitary facility.
  - Location of on-site construction-materials/debris storage.
  - Location of fire lanes during the construction period.

- The approximate beginning and ending for construction of structures within a phase.
19. The Owner shall arrange for construction phasing on the property in the following sequence:
- Commence native plant salvage, dust and erosion control measures, job-site mobilization and set-up, and the like.
  - Upon completion of the salvage, erosion and dust control, job-site mobilization, and set-up, commence horizontal or civil improvements and site work.
  - New driveways, parking areas, and the construction of vertical buildings and other structural improvements on the Property may commence at the same time as the completion of the perimeter walls and the Quail Run Road public landscaping (as specified in Stipulation 13).

Other off-site and right-of-way improvements, if any, may be scheduled independently of the foregoing.

20. During the period of demolition or construction of new improvements, signs shall be posted on the Property (or at the entrance to a particular phase) indicating the name and phone number of a person the public may contact with construction-related concerns.
21. During demolition, site grading, and the initial construction of other on or offsite improvements, and new construction Owner(s) shall coordinate the sweeping of streets adjacent to the Property to remove construction-related dirt and debris, as reasonably required by the Town Manager.
22. Subject to requirements for construction of the horizontal or vertical improvements, construction access, emergency vehicle access, erosion control, storm water pollution prevention control, dust control and other measures, portions of the perimeter wall and landscaping may be omitted, or re-opened for construction or access subject to approval by the Town Manager.
23. No above ground structures shall be placed in a right-of-way easement except approved monument signs and any other approved structures allowed by this Special Use Permit.
24. All mechanical equipment on new buildings, including pool and fountain equipment, shall be screened so that it is not visible from properties not a part of this Special Use Permit and from public rights-of-way. All pool heaters are to be low-profile in

configuration. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure they are attached to. If applicable, mechanical screening may provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels as defined in the Town's noise ordinance as it exists as of the Approval Date. Noise measurement shall include any installed screening or other attenuation devices.

25. Antenna and Satellite Dishes:
  - a. Satellite dishes are permitted, provided that they are not located above the roof line. Satellite dishes and antennas greater than 36" in diameter are permitted, provided that they are not mounted on the roof and meet all Town Code requirements including full screening of equipment from view.
  - b. All wiring shall be contained within a structure or underground conduit.
26. Interiors of any Resort structure may be remodeled at any time without an amendment to the Special Use Permit so long as such remodeling does not increase the number of keys specified within this Special Use Permit.
27. The building elevations, materials and colors shall be compatible with the proposed design theme of the resort and design guidelines.
28. Additional accessory and service structures, as defined in the Town's Resort SUP Guidelines, each limited to eight-hundred (800) square feet, may be added to the Approved Plans, provided that the total square footage of all the accessory and service structures added together does not exceed four thousand (4,000) square feet, such additions to be provided to the Town Manager as a revised conceptual site plan. The additional accessory and service structures cannot exceed fourteen (14) feet in height and must be set back a minimum of 60 feet for any accessory structure and 100 feet for any service structure from any Rights-of-Way or residential property lines and 10 feet from any non-residentially zoned property.

## C. USES

### RESORT HOTEL AND ASSOCIATED AMENITIES

#### Resort Hotel Specifics

32. New resort buildings and structures shall meet minimum setbacks as shown on the conceptual site plan or as outlined in the Special Use Permit Guidelines for resort.
33. Heights shall be in accordance with the Approved Plans and measured from lowest natural grade or lowest unrestored excavated grade under each structure, which ever point of measurement is lower.
34. Permanent tents and temporary tents or pavilions may be erected at the Resort in the locations shown on the Approved Plans, provided that such temporary tents or pavilions shall not remain erected for more than sixteen (16) consecutive days per event. No tent shall be higher than twenty-four feet (24') above finished grade and must meet a minimum setback of 40'. Any other temporary tent or pavilion shall have adequate parking and be approved by the Town Manager.
35. Commercial resort site specific laundry facilities shall only be allowed in buildings containing resort keys or amenities and shall be positioned so as to minimize noise at the perimeter of the property.
36. Minimum Resort Quality Standards: The Resort shall be constructed, remodeled or refurbished and outfitted with:
  - a. One hundred seventy-one (171) hotel keys at a minimum and up to two hundred one (201) hotel keys as a maximum, built to the Hotel Quality Standards (as defined below), with each hotel key to be a minimum of three hundred twenty-five (325) square feet in size;
  - b. one (1) full service restaurant capable of serving three (3) daily meals;
  - c. at least one (1) swimming pool along with facilities (which may be remote from the pool);
  - d. at least one (1) heated whirlpool (such as a "Jacuzzi");
  - e. at least one (1) fitness area to accommodate professional-grade exercise machines and related equipment;
  - f. an area or areas for providing spa services such as massage services;
  - g. a dedicated reception area to accommodate guest check-in, concierge and cashier;
  - h. a dedicated area to accommodate vehicle or passenger drop off (such as valet parking services) for Resort guests;

- i. a conference center serving the Resort, which shall specifically include refurbishing, remodeling, constructing or reconstructing the existing conference center serving the existing Resort, said conference center located adjacent to the Property and within the City of Scottsdale; and
- j. an improved sign placed on Scottsdale Road on a parcel located adjacent to the Property and within the City of Scottsdale.

If the Resort is constructed so as to include the improvements specified on the Approved Plans, said improvements shall satisfy the requirements in subsection a through h above.

The Resort shall also be either constructed, remodeled or refurbished and outfitted with standards of development consistent with the criteria set forth in Exhibit D attached hereto and incorporated herein, or any other resort hotel design supported by a Brand Letter (as defined in Exhibit D, the “Hotel Quality Standards”). The final construction documents upon which building permits shall be issued for the Resort may come in multiple phases, including but not limited to grading and other site work, buildings, plumbing, electrical, mechanical, and finish schedules. As such, permits will be issued for each phase after having been reviewed for compliance with the Approved Plans and the requirements of this stipulation to the extent such a component thereof is partially or fully reflected therein. Any changes in the Hotel Quality Standards that is accompanied by a Brand Letter shall be deemed approved. Minor changes which do not materially alter the scope of a required component set forth in Exhibit D shall not require approval.

- 37. The maximum hours of operation of the specific uses/facilities shall be as follows:
  - a. Pools, spas and Jacuzzis (except pools, spas, and Jacuzzis located in enclosed private yards, which may be used 24 hours/day): 7 am – midnight;
  - b. Restaurants and other food service facilities; 6 am – close per State Statute;
  - c. Bars/lounges: 6 am – close per State Statute; and
  - d. Spa & Fitness facilities: 24 hours/day (outside members limited to 5 am – midnight).

#### **D. PARKING AND CIRCULATION**

- 38. All contracts between the Resort Owner and any valet company or other parking company shall include an acknowledgment and

agreement that such company shall not park any vehicles on public streets in the Town. Buses and other vehicles may be used to shuttle guests or employees to or from parking areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses, attractions, etc.). Any catering agreement between Resort Owner and any owner or guest booking events at the Resort shall include an acknowledgement and agreement that catering vehicles may not park on public streets in the Town.

39. Unlicensed support vehicles (i.e., golf carts, utility vehicles, etc.) may be used to transport guests and provide services to the Resort, but shall not be used or parked on any public street.
40. All designated fire lanes shall maintain a vertical clearance of fourteen feet (14') above finished grade and a horizontal clearance of twenty feet (20') to allow passage of emergency vehicles and must meet all current Arizona Department of Transportation standards.
41. All streets and drives within the property are and shall remain private streets. All streets, sidewalks and paved areas constructed shall remain private; provided, that all new streets constructed shall be of adequate width and design to permit the provision of fire and police protection to the Property. That part of this Special Use Permit granted for private streets and drives herein shall be binding on the Owner.
42. The streets and drives on the Property shall be constructed and maintained by the Owner. The rights and obligations, including but not limited to the right and obligation to maintain the streets and drives on the Property, shall run with the land and shall be binding thereon. In the event a condition that threatens the health or safety of the residents of the Town is created or results from the Owner's failure to maintain the streets or drives within the Property, the Town may give the Owner a written notice to undertake appropriate maintenance to cure such condition. If the condition remains uncured for thirty (30) days after notice thereof in writing to the Owner by the Town, or if the condition is such that it cannot be reasonably corrected within thirty (30) days, the correction thereof not having been commenced and thereafter diligently prosecuted within thirty (30) days from receipt of such written notice, the Town may enter the Property and perform such work necessary to cure the condition. The Town may assess the actual costs and expenses related to such work against the Owner as owner of the private streets and drives, and the Owner shall remit payment to the Town within thirty (30) days of receipt of an invoice together with the usual and customary supporting documents and materials from such work. If the Owner fails to remit such payment within the 30-day

period, the Town may file a lien against the Property for any such unpaid amount due to the Town.

43. Emergency access points are only to be utilized for emergency vehicles. No deliveries or other use is allowed.
44. The Owner shall either construct the emergency access points and the wall and landscape improvements adjacent to Quail Run Road (as shown on the Approved Plans) during development of the resort or shall provide money or cash bond or cash assurance to the Town to make such improvements at a later date. The exact location of the emergency access gates to be built into the wall along the Quail Run border of the Property shall be determined by the Town Manager prior to the approval of the construction plans for the wall.

#### **E. MANAGEMENT**

45. There shall be at least one person at the Resort at all times who has been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve all problems related to compliance with this Special Use Permit. All calls from Town residents to the Town or Resort regarding noise or disturbances shall be referred to and addressed by such person(s). Maintenance of the Resort, in general, and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Resort Owner or its designee.

#### **F. CELLULAR ANTENNAS**

46. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit, all applicable Town ordinances and obtain a Conditional Use Permit. Any cellular antennas shall be designed as integrated architectural features within the structures on the Property and any screening shall be in the same finish and color as the structure on which it is located. There shall be no unscreened projections of cellular antennas on any building above the roofline. Any lease agreement with a wireless operator will specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances and will require compliance with Article XII of the Town Zoning Ordinance or any successor ordinance regarding the conditions and limitations of special use permits.

#### **G. LIGHTING**

47. All exterior lighting, including the exposed surface of any parking structure or parking lot or area, shall be submitted under a separate plan and processed as a Minor Special Use Permit amendment.

48. If the Town receives a complaint from an offsite owner that the lamp or lighting or illumination device (as defined by the Town Zoning Ordinance Section 1023) within an exterior light fixture is visible from off the Property, the Town Manager may inspect the Property and require the Owner of such lighting fixture to shield such light source if the light emitting element is visible from outside the Property.

#### **H. LANDSCAPING**

49. Perimeter landscaping must be maintained and shall be substantially compliant with the Town's Landscape Guidelines.
50. Perimeter walls and landscaping as shown on conceptual site plan in the Approved Plans and described in the narrative must be completed in the initial phase of construction of new resort structures.
51. A large tree inventory must be completed and submitted prior to issuance of a demolition and/or building permit.

#### **I. SIGNAGE**

52. Resort signage shall be submitted under a separate plan and is subject to the Minor Special Use amendment process.

#### **J. NOISE**

53. There shall be no outdoor amplified music or use of public address system after 10 pm. Noise must at all times adhere to the Town Code

#### **K. COMMUNITY OUTREACH**

54. Subsequent to the approval of this Ordinance, the Owner shall implement the community outreach plan specified in Exhibit E

### **IV. APPROVED PLANS**

The following are known approved plans and documents that still apply to the Property. In the case of discrepancies between Approved Plans, those with a later date shall take precedence. In the circumstance an approved plan or document is not listed, this does not nullify its validity.

|                                        |                                                              |
|----------------------------------------|--------------------------------------------------------------|
| <b>Month Day, 2023<br/>(SUP-22-01)</b> | 1. The Narrative, pages 1 -4, prepared by Gary Stougaard and |
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|  | <p>dated October 24 2022.</p> <ol style="list-style-type: none"> <li>2. Andaz Scottsdale Resort &amp; Bungalows Proposed Villa Addition / Total Combined Resort Structure and Other Covered Areas – Summary, prepared by Gary Stougaard and dated August 15, 2022.</li> <li>3. Andaz Scottsdale Resort &amp; Bungalows Development Square Footage Summary, prepared by Gary Stougaard and dated August 15, 2022.</li> <li>4. Andaz Scottsdale Resort &amp; Bungalows Proposed Villa Expansion Parking Summary, prepared by Gary Stougaard and dated August 4, 2022.</li> <li>5. Title Sheet, prepared by Howard Anderson Architecture and dated July 27, 2022.</li> <li>6. Conceptual Context Plan, prepare by Burton Landscape Architecture Studio and dated September 19, 2022.</li> <li>7. Conceptual Site Plan, prepare by Burton Landscape Architecture Studio and dated September 19, 2022.</li> <li>8. Two Bedroom Villa Plan, prepared by Howard Anderson Architecture and dated August 16, 2022.</li> <li>9. Three Bedroom Villa Plan, prepared by Howard Anderson Architecture and dated August 16, 2022.</li> <li>10. Four Bedroom Villa Plan, prepared by Howard Anderson Architecture and dated August 16, 2022.</li> <li>11. Service Building Plan, prepared by Howard Anderson Architecture and dated August 16, 2022.</li> <li>12. Wall and Fence Plan, prepare by Burton Landscape Architecture Studio and dated August 16, 2022.</li> <li>13. Balance Fill and Unbalance Fill Fence Wall Detail.</li> <li>14. Andaz Resort Expansion Lighting Calculation Sheets, pages 1 - 3, and dated August 16, 2022.</li> <li>15. Plant Palette Plan, prepare by Burton Landscape Architecture Studio and dated August 16, 2022.</li> <li>16. Conceptual Illustrative Plan, prepare by Burton Landscape Architecture Studio and dated October 25, 2022.</li> <li>17. Photo Key Plan, prepare by Burton Landscape Architecture Studio and dated October 25, 2022.</li> <li>18. Existing Site Photos Representing Proposed Landscape Plan, prepare by Burton Landscape Architecture Studio and dated October 25, 2022.</li> <li>19. Sheet C301, Conceptual GRD/DRN Plan, prepare by Hubbard Engineering and dated July 27, 2022.</li> <li>20. Sheet C401, Conceptual Utility Plan, prepare by Hubbard Engineering and dated July 27, 2022.</li> <li>21. Typical Street Cross Section dated October 25, 2022.</li> <li>22. Sheet 1 of 1, ALTA/ACSM Land Title Survey, prepare by Hubbard Engineering and dated May 18, 2022.</li> <li>23. Andaz Sign Package, prepared by Airpark Signs &amp; Graphics:</li> </ol> |
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|                                       | <ol style="list-style-type: none"> <li>1. Exterior Room ID 060116, dated June 1, 2016</li> <li>2. Restroom and Stair ID 052616, dated May 26, 2016.</li> <li>3. Suite Signage 050416, dated June 7, 2016</li> <li>4. Suite Signage 050416, dated May 4, 2016.</li> <li>5. Suite Signage 050416, dated June 6, 2016.</li> <li>6. Address Numbers 071416, dated September 1, 2016.</li> <li>7. Pedestrian Monument, dated June 21, 2016.</li> <li>8. Pool Rules 060116, dated June 1, 2016.</li> <li>9. Pool Depth Markers 120616, dated December 6, 2016.</li> <li>10. Regulatory Fire Signs 120316, dated December 30, 2016.</li> <li>24. Andaz Scottsdale Resort and Bungalows Expansion– Noise Impact Study, pages 1 – 17, prepared by MD Acoustics, and dated August 3, 2022.</li> <li>25. Andaz Scottsdale Resort and Bungalows Trip Generation Comparison – FIRST REVISION, pages 1-14, prepared by EPS Group and dated July 15, 2022.</li> <li>26. Andaz Resort Expansion Water System Analysis Report, pages 1 – 3, prepared by Hubbard Engineering and dated May 18, 2022. Andaz Resort Expansion Sewer System Analysis Report, pages 1 – 4, prepared by Hubbard Engineering and dated May 17, 2022.</li> <li>27. Andaz Resort Expansion Conceptual Drainage Memo, pages 1 – 7, prepared by Hubbard Engineering and dated May 18, 2022.</li> </ol> |
| April 3, 2017<br>(Managerial SUPA)    | <ol style="list-style-type: none"> <li>1. The Tree Plan, prepared by Burton Landscape Architecture Studio and dated January 23, 2017</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| December 1, 2015<br>(Managerial SUPA) | <ol style="list-style-type: none"> <li>1. The project narrative, dated November 18, 2015;</li> <li>2. Exhibit A, Restricted Use Area and Wall Exhibit, prepared by Hubbard Engineering and dated October 6, 2015;</li> <li>3. Exhibit B, Planting Plan, prepared by Burton Landscape Architects;</li> <li>4. Exhibit D, Enlarged Site Plan, prepared by Delawie Architecture; and</li> <li>5. Exhibit E, Meeting Room B Height Proposal, prepared by Delawie Architecture.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| December 1, 2015<br>(SUP-15-3)        | <ol style="list-style-type: none"> <li>1. Cover letter/Narrative, dated November 10, 2015, from M. Andrew Rodrigues, AIA.</li> <li>2. Lighting Narrative, dated November 25, 2015 and prepared by Ruzika Company.</li> <li>3. Lighting Cut Sheets prepared by The Ruzika Company.</li> <li>4. Lighting Plans, dated November 11, 2014 and prepared by The Ruzika Company and Delawie Architecture.</li> <li>5. Sign Plans, dated November 2, 2015, November 10, 2015, November 20, 2015 and November 24, 2015, and prepared by Airpark Signs and Graphics.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                      | <ol style="list-style-type: none"> <li>6. Restricted land Use Area and Wall Exhibit, Exhibit A, dated October 6, 2015, and prepared by Hubbard Engineering</li> <li>7. Planting Plan, Exhibit B, dated October 7, 2015, and prepared by Burton Landscape Architecture Studio.</li> <li>8. Presidential F Plan, Exhibit C, dated October 5, 2015, and prepared by Delawie Architecture.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| January 8, 2015<br>(Managerial SUPA) | <ol style="list-style-type: none"> <li>1. Narrative, dated December 30, 2014 and prepared by Delawie;</li> <li>2. Exhibit A, Overall Landscape Concept Plan, dated December 23, 2014 and prepared by Delawie;</li> <li>3. Exhibit B, Proposed Development Square Footage Summary, dated December 12, 2014 and prepared by Delawie;</li> <li>4. Exhibit C, Setback, Building Height and Parking Summary, dated December 19, 2014 and prepared by Delawie;</li> <li>5. Exhibit D, ALTA/ACSM Land Title Survey, dated April 11, 2014 and prepared by Hubbard Engineering;</li> <li>6. Exhibit E, Conceptual Site Plan, dated May 22, 2014 and prepared by SCS Advisors, Inc.;</li> <li>7. Exhibit F, Current Aerial, dated November 24, 2014 and prepared by Burton Landscape Architecture Studio; and</li> <li>8. Exhibit G, Site Plan - Proposed Demolition Shade Structures, dated December 12, 2014 and prepared by Delawie;</li> </ol>                                                             |
| May 29, 2014<br>(SUP-12-8)           | <ol style="list-style-type: none"> <li>1. Existing Aerial, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>2. Conceptual Site Plan, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>3. Conceptual Site Plan Main Pool area, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>4. Conceptual Site Plan (illustrating setback of lobby/restaurant/bar/fitness/spa building), Prepared by Nelsen Partners and dated May 22, 2014</li> <li>5. Tent Plan, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>6. Tree Preservation Plan, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>7. Conceptual Parking Plan, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>8. Coverage Table,</li> <li>9. Quail Run Road Landscape Plan, Prepared by Nelsen Partners and dated May 22, 2014</li> <li>10. Architectural Character Lobby/Restaurant/Bar/Fitness Sheets 1 &amp; 2, Prepared by Nelsen Partners and dated May 22, 2014</li> </ol> |

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