

ORDINANCE NUMBER 2017-02

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING AN INTERMEDIATE AMENDMENT TO THE SPECIAL USE PERMIT FOR SANCTUARY ON CAMELBACK MOUNTAIN, 5700 E MCDONALD DRIVE, PROVIDING FOR ADDITIONS TO THE EXISTING CASITAS, TWO NEW CASITA BUILDINGS, A NEW POOL, A NEW SNACK BAR, RESTROOMS, MODIFIED PARKING, ADDITIONS TO THE EXISTING BALLROOM BUILDING, AND THE ADDITION OF A STORAGE CONTAINERS BUILDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Paradise Valley Council held a public hearing on June 8, 2017, in the manner prescribed by law, to hear and to take action on the amendment to the Special Use Permit for Sanctuary on Camelback Mountain, as recommended by the Planning Commission; and

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on May 2, 2017, in the manner prescribed by law, for the purpose of considering an amendment to the Special Use Permit for Sanctuary on Camelback Mountain, 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 April 14, 2017 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.

WHEREAS, the amendment to the Special Use Permit for Sanctuary on Camelback Mountain 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.

WHEREAS, In accordance with Article II, section 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liabilities of the residents of the Town before adopting this ordinance.

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

SECTION I. In General

1. The Special Use Permit for Sanctuary on Camelback Mountain allows for resort uses on the approximate 37.425 acres of land located at 5700 E McDonald Drive in the Town of Paradise Valley, Arizona, more particularly described on Exhibit “A” attached hereto.
2. The Special Use Permit for Sanctuary on Camelback Mountain is hereby amended by application SUP 16-08 to allow for additions to the existing casitas, two new casita buildings, a new pool, a new snack bar, modified parking, additions to the existing ballroom building, and the addition of storage containers., subject to any definitions, stipulations and plans set forth in Exhibit “B” and Exhibit “C”, attached hereto.
3. A description of prior amendments to the Special Use Permit for Sanctuary on Camelback Mountain is summarized in Exhibit “C”, attached hereto.
4. The Special Use Permit for Sanctuary on Camelback Mountain includes the following sections: Project Description, Definitions, Stipulations, and Approved Plans. 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.

5. This Intermediate Amendment to the Special Use Permit for Sanctuary on Camelback Mountain is in accordance with Section 1102.7 of the Zoning Ordinance.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this 8th day of June, 2017.

Michael Collins, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF _____ 2017.

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney

EXHIBIT "A"
TO
ORDINANCE NUMBER 2017-02

Legal Description

TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR SANCTUARY ON CAMELBACK MOUNTAIN

See attached legal description prepared by Keogh Engineering, Inc., dated August 20, 2014, and map exhibit date sealed September 24, 2014.

KEOGH Keogh Engineering, Inc.

ENGINEERING, INC 14150 W. McDowell Rd. • Goodyear Arizona 85395
(623) 535-7260 • Fax (623) 535-7262 • E-mail: keogh@keoghengineering.com

Civil Engineers | Land Surveyors

LEGAL DESCRIPTION

SANCTUARY RESORT ON CAMELBACK

MOD A+P

OUR JOB NO. 20717

20 AUGUST 2014

ZONING PARCEL

A PORTION OF THE NORTHWEST QUARTER OF SECTION 16 AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 16;

THENCE SOUTH $0^{\circ}00'16''$ EAST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

THENCE NORTH $89^{\circ}59'44''$ EAST, A DISTANCE OF 679.81 FEET TO A POINT OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 16.20 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $102^{\circ}02'50''$, AN ARC LENGTH OF 28.85 FEET TO A POINT OF TANGENCY;

THENCE SOUTH $12^{\circ}02'34''$ WEST, A DISTANCE OF 55.90 FEET TO A POINT OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 172.24 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $23^{\circ}52'26''$, AN ARC LENGTH OF 71.77 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 223.22 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $21^{\circ}58'54''$, AN ARC LENGTH OF 85.64 FEET TO A POINT OF TANGENCY;

THENCE SOUTH $13^{\circ}56'06''$ WEST, A DISTANCE OF 418.44 FEET TO A POINT OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 749.63 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $9^{\circ}10'16''$, AN ARC LENGTH OF 119.99 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 47.71 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A
CENTRAL ANGLE OF $108^{\circ}01'38''$, AN ARC LENGTH OF 89.95 FEET TO A POINT OF
TANGENCY;

THENCE SOUTH $84^{\circ}55'16''$ EAST, A DISTANCE OF 12.86 FEET;

THENCE SOUTH $0^{\circ}08'30''$ EAST, A DISTANCE OF 68.60 FEET;

THENCE SOUTH $64^{\circ}12'36''$ WEST, A DISTANCE OF 51.56 FEET;

THENCE SOUTH $32^{\circ}03'36''$ WEST, A DISTANCE OF 38.51 FEET;

THENCE SOUTH $35^{\circ}22'10''$ EAST, A DISTANCE OF 102.43 FEET;

THENCE NORTH $89^{\circ}51'30''$ EAST, A DISTANCE OF 7.92 FEET;

THENCE SOUTH $0^{\circ}08'30''$ EAST, A DISTANCE OF 1012.00 FEET;

THENCE NORTH $89^{\circ}51'30''$ WEST, A DISTANCE OF 202.05 FEET;

THENCE NORTH $20^{\circ}37'45''$ WEST, A DISTANCE OF 64.29 FEET;

THENCE NORTH $81^{\circ}33'44''$ WEST, A DISTANCE OF 648.67 FEET;

THENCE NORTH $0^{\circ}02'15''$ WEST, A DISTANCE OF 528.94 FEET;

THENCE SOUTH $89^{\circ}11'51''$ EAST, A DISTANCE OF 100.00 FEET;

THENCE NORTH $0^{\circ}02'15''$ WEST, A DISTANCE OF 180.00 FEET;

THENCE NORTH $89^{\circ}31'15''$ WEST, A DISTANCE OF 100.00 FEET;

THENCE NORTH $0^{\circ}02'15''$ WEST, A DISTANCE OF 204.63 FEET;

THENCE SOUTH $88^{\circ}50'28''$ EAST, A DISTANCE OF 19.00 FEET;

THENCE NORTH $0^{\circ}02'15''$ WEST, A DISTANCE OF 750.65 FEET;

THENCE SOUTH $89^{\circ}34'33''$ EAST, A DISTANCE OF 215.09 FEET;

THENCE NORTH $0^{\circ}41'00''$ WEST, A DISTANCE OF 206.04 FEET;

THENCE SOUTH 89°34'33" EAST, A DISTANCE OF 100.02 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,630,245 SQUARE FEET OR 37.425 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION DOES NOT REPRESENT DATA TAKE FROM A FIELD SURVEY. ALL DATA WAS TAKEN FROM RECORDED PLATS AND DEEDS.

DESCRIPTION
Dictated RS
Typed RS
Proof-1 RS
Proof-2 DEK
KEOGH ENGINEERING, INC.



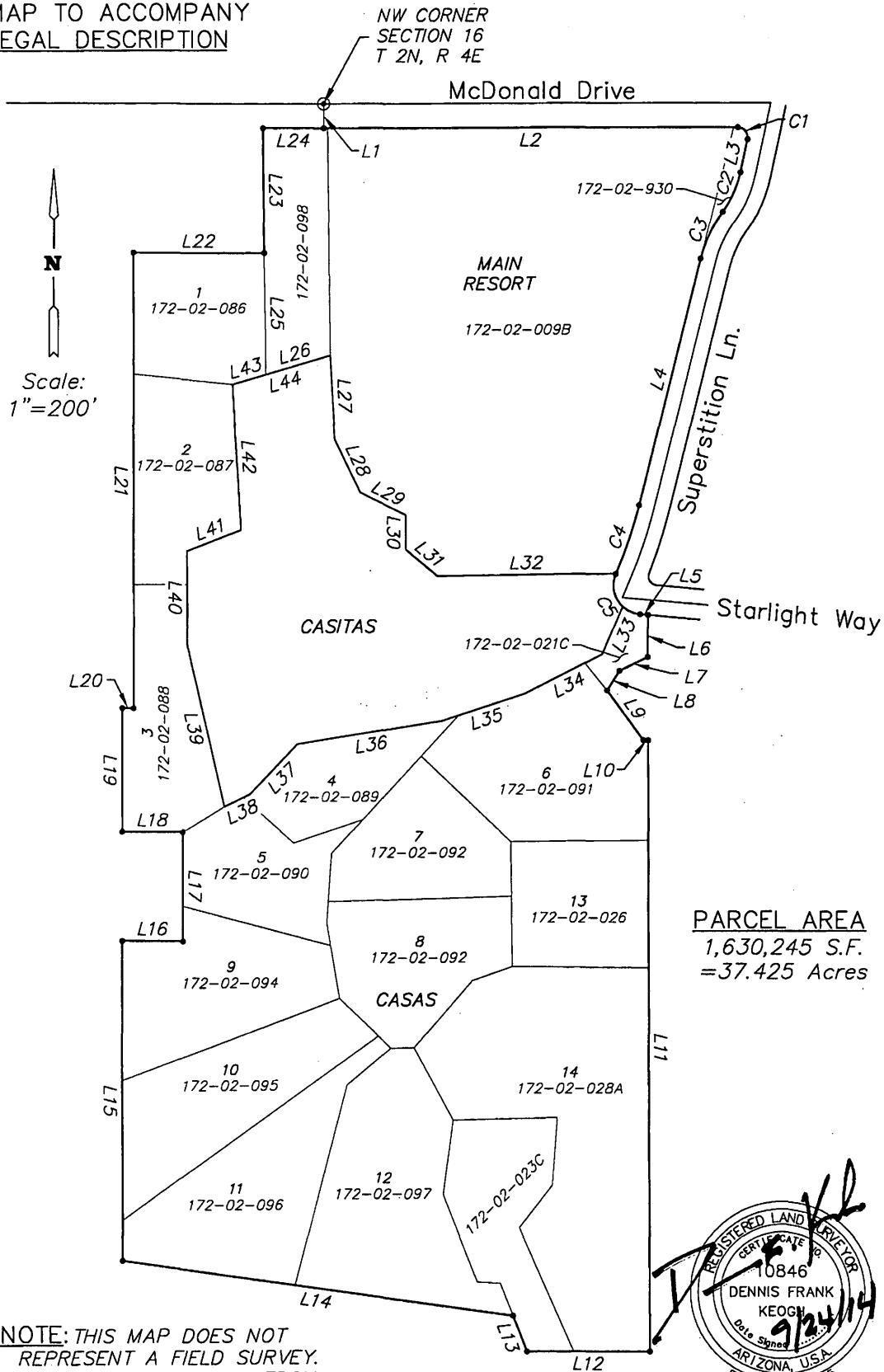
PREPARED FOR:
SANCTUARY RESORT ON CAMELBACK
MOD A+P

BY: SPK

DATE: AUGUST, 2014

JOB NO. 20717

MAP TO ACCOMPANY
LEGAL DESCRIPTION



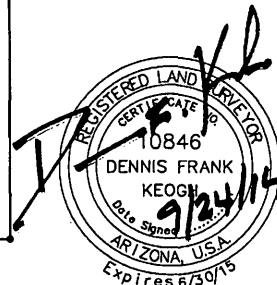
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Plot Date / Time: 09/24/14 12:19pm
Layout Name: Sheet 1
Full File Path: L:\20717\Overall\Exhibit.dwg

Keogh Engineering, Inc.
14150 W. MCDOWELL ROAD • GOODYEAR, ARIZONA 85395
PHONE: (623) 535-7260 FAX: (623) 535-7262
EMAIL: keogh@keoghengineering.com

CHECKED BY: DFK
DATE: AUGUST, 2014

SHEET NO 1
OF 2



PREPARED FOR:
SANCTUARY RESORT ON CAMELBACK
MOD A+P

BY: SPK

DATE: AUGUST, 2014

JOB NO. 20717

MAP TO ACCOMPANY
LEGAL DESCRIPTION

LINE TABLE

LINE	BEARING	DELTA
L1	S00°00'16"E	40.00'
L2	N89°59'44"E	679.81'
L3	S12°02'34"W	55.90'
L4	S13°56'06"W	418.44'
L5	S84°55'16"E	12.86'
L6	S00°08'30"E	68.60'
L7	S64°12'36"W	51.56'
L8	S32°03'36"W	38.51'
L9	S35°22'10"E	102.43'
L10	N89°51'30"E	7.92'
L11	S00°08'30"E	1012.00'
L12	N89°51'30"W	202.05'
L13	N20°37'45"W	64.29'
L14	N81°33'44"W	648.67'
L15	N00°02'15"W	528.94'
L16	S89°11'51"E	100.00'
L17	N00°02'15"W	180.00'
L18	N89°31'15"W	100.00'
L19	N00°02'15"W	204.63'
L20	S88°50'28"E	19.00'
L21	N00°02'15"W	750.65'
L22	S89°34'33"E	215.09'
L23	N00°41'00"W	206.04'
L24	S89°34'33"E	100.02'
L25	S00°41'00"E	200.98'
L26	N73°45'27"E	110.49'
L27	S03°08'26"E	136.65'
L28	S25°18'14"E	98.46'
L29	S63°28'47"E	83.42'
L30	S00°22'16"E	57.38'
L31	S49°50'40"E	67.70'
L32	N89°19'04"E	293.38'
L33	N23°12'47"E	84.19'
L34	N62°53'22"E	144.39'
L35	N71°52'02"E	143.26'
L36	N80°59'52"E	239.72'
L37	N43°36'17"E	113.94'
L38	N64°12'27"E	46.00'
L39	S12°46'19"E	274.72'
L40	S00°22'16"E	153.48'
L41	S68°54'48"W	95.86'
L42	S03°31'35"E	240.00'
L43	N73°45'27"E	57.11'
L44	N73°45'27"E	167.60'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	16.20'	28.85'	102°02'50"
C2	172.24'	71.77'	23°52'26"
C3	223.22'	85.64'	21°58'54"
C4	749.63'	119.99'	9°10'16"
C5	47.71'	89.95'	108°01'38"

AutoCad Version: 16.0
Login Name: SHAUN

Layout Name: Sheet 1

Plot Date / Time: 08/24/14 12:15pm
Full File Path: L:\20717\Overall\Exhibit.dwg



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CHECKED BY: DFK

DATE: AUGUST, 2014

SHEET NO 2

OF 2

**EXHIBIT “B”
TO
ORDINANCE NUMBER 2017-02**

Description of Prior SUP Amendments

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR SANCTUARY ON CAMELBACK MOUNTAIN**

The Town annexed the Property in 1961. The Town approved the original Special Use Permit (“SUP”) on September 14, 1967. The list below summarizes the known amendments to the SUP.

June 8, 2017 (SUP 16-08)	An Intermediate Amendment to allow for additions to the existing casitas, two new casita <u>buldingss</u>, a new pool, a new snack bar, <u>restrooms</u>, modified parking near the central part of the property, additions to the existing ballroom building, and the addition of <u>a storage containersbuilding</u>.
November 13, 2014 (SUP 14-05)	An Intermediate Amendment for modifications to existing SUP stipulations for the inclusion of spa-related uses, the addition of four guest units, and related site modifications at Casa 2.
October 7, 2014 (SUP 14-06)	A Minor Amendment approved by the Planning Commission for modifications of several stipulations, applying similar stipulations as other resort SUPs, updating stipulations to better reflect the management structure at the resort, replacing some of the specific noise stipulations with a standard noise stipulation, extending the time for serving food and beverages and use of certain outdoor areas from 10:30 p.m. to 11:00 p.m., extending the use of the ballroom hours from 1:00 a.m. until 2:00 a.m., allowing alcohol to be served in spa, providing a temporary tent plan, and deleting the 160 employee cap.
March 5, 2013 (SUP 13-01)	A Minor Amendment approved by the Planning Commission to allow for the expansion and remodel of the Jade Bar including basement storage, the expansion and relocation of an outdoor patio area, the construction of a new business center, the addition of a new water feature and the addition of new hardscape and landscape.
April 26, 2012 (SUP 12-02)	An Intermediate Amendment to allow for the addition of 20 new guest rooms, new swimming pools, whirlpools and water features, a multi-purpose pavilion, an addition to the women’s spa, screen walls, a housekeeping/storage area and additional parking spaces. All existing stipulations were combined with this case in Ordinance 645, and recorded in the Maricopa County Recorder’s Office on April 27, 2012 in document 2012-0355203.
August 18, 2009 (SUP 09-02)	A Minor Amendment to allow for the enclosure of a dining patio at Elements restaurant, add a 140 square foot addition to employee break room, reposition an existing stairway, and expand and add patio areas north and west of the restaurant.

October 14, 2004 (SUP 04-02)	A Major Amendment to allow for the construction of a 462 square-foot addition to the existing salon for hair and nail services and a 628 square-foot locker/changing building at the tennis courts.
June 15, 2004 (SUP 04-01)	A Minor Amendment to remove the long-term lease on the existing twelve Casas so these can be held in fee simple interest.
August 10, 2000 (SUP 00-07)	A Major Amendment to allow for the relocation and revisions to the 24 previously approved guest units; construction of a new spa facility, maintenance building, pool, outdoor terrace, and porte cochere; re-organization and expansion of parking; and renovations to the lodge and landscaping. Resort name changed to Sanctuary on Camelback Mountain. All existing stipulations were combined with this case, and recorded in the Maricopa County Recorder's Office on February 5, 2001 in document 2001-0087133.
March 26, 1998 (SUP 97-05)	A Major Amendment for 24 guest units generally northwest of the clubhouse, additional parking in the general location of existing spa, wireless antenna behind the roof parapet on the north and west elevation of the Views Ballroom (previously called the Grand Slam Lodge), and overflow parking on tennis courts near McDonald Drive. This SUP included many new stipulations on noise, deliveries, parking controls, and restrictions at the Views Ballroom. The quintas were not built and the parking has been revised with SUP 00-07 approved in 2000 replacing this approval. All existing stipulations were combined with this case, and recorded in the Maricopa County Recorder's Office on October 26, 1999 in document 99-0983255.
March 24, 1994 (SUP 94-03)	A Major Amendment for construction of the 7,200 square-foot Views Ballroom (previously called the Grand Slam Lodge and Member's Club Room), the connection of a ribbon curb along Superstition Lane to the existing curb, and paving and landscaping of the north parking lot (no longer applicable since this parking area was redesigned with SUP 00-07). All existing stipulations were combined with this case, and recorded in the Maricopa County Recorder's Office on May 5, 1994 in document 94-0365465.
January 1986	Grantee of resort changed to John Gardiner's Development Corporation
August 12, 1976	An amendment to allow for an 8-foot by 18-foot expansion of the tennis pro shop onto the clubhouse, paving of an existing parking area, and construction of a maintenance building (near McDonald Drive and Superstition Lane). The parking area and maintenance building no longer exist as was approved. This SUP was recorded in the Maricopa County Recorder's Office on September 14, 1976 in Docket 11852, Pages 20-21.

July 8, 1976	An amendment to allow for a receiving/storage building (now where the spa suites are located south of ballroom). The receiving/storage building no longer exists as was approved. This SUP was recorded in the Maricopa County Recorder's Office on July 22, 1976 in Docket 11776, Page 445.
February 27, 1975	An amendment changing the Grantee of resort to Tennis Ranch on Camelback Mountain, Inc. and allowing for a five-year extension to construct the twelve Casas since only five were built. This SUP was approved in 1975, but recorded in the Maricopa County Recorder's Office on April 9, 1976 in Docket 11624, Pages 912-913.
June 27, 1974	An amendment to allow for the enclosure of an existing terrace on the north side of the clubhouse to expand dining facilities and the additional of two tennis courts. This SUP was approved in 1973, but recorded in the Maricopa County Recorder's Office on April 9, 1976 in Docket 11624, Pages 909.
July 26, 1973	An amendment to allow for the enclosure of a side patio on the west end of the clubhouse, enclosing lower patio, remodeling the guardhouse, adding a stipulation that there be no commercial activities on the Casas, and relocating a tennis court. This SUP was approved in 1973, but recorded in the Maricopa County Recorder's Office on April 9, 1976 in Docket 11624, Pages 910-911.
September 14, 1967	The original SUP granted by the Town for a resort hotel including tennis pro shop, gift shop, barber/beautician and massage facility. This approval included 65 units, increasing the SUP area to 53 acres, a limit of 150-200 club members, bringing sewer to the property, requiring no construction above 1700-foot elevation, and restricting public use of the bar/dining. This SUP was approved in 1967, but recorded in the Maricopa County Recorder's Office on April 9, 1976 in Docket 11624, Pages 905-908.
May 24, 1961	Property annexed into the Town of Paradise Valley
1953-1954	A racquet club was established on the site. It included a clubhouse with bar and restaurant, pool, tennis courts, a residential unit, and 30 approved residential units. The bar and restaurant were open to the public.

EXHIBIT C
TO
ORDINANCE NUMBER 2017-02

Special Use Permit

TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR SANCTUARY ON CAMELBACK MOUNTAIN

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 Sanctuary on Camelback Inc., an Ohio corporation, its successors and assigns (the “Resort Owner”), Special Use Permit 16-08 by its approval of this Ordinance (the “SUP”) governing the use of the Property. All capitalized terms contained herein shall have the meanings ascribed to them parenthetically or otherwise in this Ordinance.

This amendment is one of many amendments to the first Special Use Permit on the Property approved by the Town in 1967. This Special Use Permit is intended to supersede and replace all prior Special Use Permits for this Property. This Special Use Permit 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 stipulations and other provisions set forth herein, the facilities and uses authorized to be developed, redeveloped and used on the Property include 105 Hotel Keys at a minimum and up to a maximum of **170** Hotel Keys, notwithstanding the ability of the Resort Owner to request additional Hotel Keys in the future. Casa 2 is allowed spa-related uses and four guest units as depicted on the Approved Plans. **45 keys will be added via the Casita improvements as depicted on the Approved Plans for SUP 16-08.**

II. DEFINITIONS

“Casa or Casas” as shown on Exhibit “A” means a separate legal piece of land having of at least one acre in size, (with the exception of Casa 3 and Casa 5 being under one acre) with a living unit at a minimum floor area of not less than 2,000 square feet that may be served by one or more bathrooms, has a kitchen, and provides its own parking area. Structures and uses customary to a single-family dwelling may exist (e.g., private pool, tennis court).

“Casa Guest House” means a living unit(s) designed for transient occupancy located on any Casa with Commercial Activities that is not a separate legal piece of land and is under the same ownership as the Casa site it is located upon. Such unit(s), in addition to the main home, may be put in the Resort’s rental program for use by two or more different families other than the Casa Owner and their guests; or, such unit(s) may be used by the Owner of the Casa as a Guest House as defined in Section 201, Definitions, of the Town Zoning Ordinance.

“Casas Section” means the approximate 20.25 acres generally north of the Casitas being the location of the Casas.

“Casita or Casitas” as shown on Exhibit “A” means a separate legal piece of land with a living unit designed for transient occupancy that have one or more bathrooms and may have cooking facilities. There are 40 two-bedroom Casitas designed to function as one or two Hotel Keys and one one-bedroom Casita. These units specifically refer to the 41 Casitas shown on the plat “Tennis Ranch on Camelback” recorded in Book 124 of Maps, Page 35, Maricopa County Recorder, Maricopa County, Arizona recorded on July 11, 1969. **Per SUP 16-08, the number of Casitas increased to a total of 86 Casitas as shown on the Approved Plans.**

“Casitas Section” means the approximate 5.75 acres in the middle of the Property being the location of the Casitas.

“Commercial Activities” means activities and uses permissible under the Special Use Permit for this Property which would not otherwise be permitted by Section 502, Use Regulations, of Article V, (R-43) Single-Family Residential District, of the Town Zoning Ordinance, but would be an allowed use on a typical resort property. However, the Town Hillside Development Regulations shall take precedence for prohibited activities and uses that may be allowable in said R-43 regulations. Placing a Casa into the Resort’s rental program for transient occupancy is an allowed use and not a commercial activity for this Property.

“Guest” means a paying patron of the Resort.

“Hotel Key” means a living unit served by a single key, which is part of a resort property, designed and constructed with all furnishings, fixtures and equipment necessary to operate as a single unit for transient occupancy use as part of such resort. Hotel Keys may be in all resort sections as shown on Exhibit “A.”

“Main Resort Section” as shown on Exhibit “A” means the approximate 10.5 acres along McDonald Drive that house Hotel Keys and the main resort amenities that includes the dining areas, banquet area, and administrative offices of the resort, tennis courts, pool, spa, and main parking lots.

“Owner” means collectively or separately the Sanctuary on Camelback Inc., an Ohio corporation, and their respective successors and assigns, as well as any subsequent owner of any portion or portions of the Property, including but not limited to, an owner of any Casita, Casa, or one or more combinations thereof. 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.

“Property” means the real property described in Exhibit “A.”

“Resort” means the portions of the Property, facilities and improvements in general conformance with the Approved Plans and/or stipulations of this Special Use Permit that are managed by the Resort Owner for visitor and vacation services such as those elements as described in Stipulation III.L.1 of this Special Use Permit.

“Resort Owner” means the Owner of the Main Resort Section. The Resort Owner may own one or more Casas or Casitas.

“Spa Casita or Spa Casitas” means a living unit designed for transient occupancy located in the Main Resort Section that is not a separate legal piece of land, is owned by the Resort Owner and managed under the Resort.

“Town” means the Town of Paradise Valley.

“Views Ballroom” means the conference center located on the Property adjacent to Superstition Lane. This building was previously called the Grand Slam Lodge and Member’s Club Room.

III. STIPULATIONS

A. GENERAL

1. The property to which this Special Use Permit applies is a parcel containing approximately 37.425 acres, the location of which is described in Exhibit “A” attached hereto (the “Property”).
2. Nothing in this Special Use Permit or otherwise shall require the operation of the Resort under the name “Sanctuary on Camelback Mountain” or any similar or other name. No further consent shall be required to enable the Resort Owner to transfer all or any portion of their Property, name or rename the Resort, or select or reselect brands or management companies of the Resort.
3. The redevelopment of, and construction on, the Property shall, subject to the stipulations and definitions of this Special Use Permit herein referred to as the “Stipulations,” substantially conform to the intent of the approved plans. All previous existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by a later amendment to this Special Use Permit. In the case of discrepancies between approved plans, those with a later date shall take precedence. The approved plans, as listed in Section IV of this Special Use Permit, are hereby incorporated into this Special Use Permit and made an integral part hereof, and shall hereinafter be referred to as the “Approved Plans.”
4. A Mylar and electronic version of all plans approved with an amendment to this Special Use Permit shall be submitted to the Town within 60 days after the approval date.
5. In the event of a conflict between these Stipulations and the Approved Plans, these Stipulations shall govern.
6. This Special Use Permit shall run with the land and any person having or subsequently acquiring title to any portion of the Property 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.
7. The use of the Property shall at all times conform to 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.

8. 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 sought from any other Owner or portion of the Property that is not in violation of this Special Use Permit.
9. Amendments to this Special Use Permit shall follow the appropriate process outlined in Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended. Proposed modifications, variations and deviations (collectively referred to as a "Variance") to the approved Special Use Permit for this Property or of the Town Zoning Ordinance shall be done in accordance with said Article XI (an amendment to the Special Use Permit), with the exception of a Variance for a Casa that does not have Commercial Activities which shall be processed as a Minor Amendment using the criteria of Section 1102 of said Article XI, as may be amended.
10. No part of the Property shall hereafter be operated as a Time-Share Project as such term is defined by the Town Zoning Ordinance. No additional portion of the Property shall be subdivided for purposes of sale or resale to create a Time-Share Project.
11. The Owner and successor owners of their respective Property shall have a right to undertake and complete the development and use of their Property in accordance with this Special Use Permit.
12. The Town and the Resort 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 Property (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 Property is issued or reissued by the Town for the Property.
13. Amendments to this Special Use Permit shall require a mailing notification to all Owners within the Property at the time(s) prescribed by the Town Code and/or Arizona Revised Statutes. This mailing notification shall be in addition to the standard property owner notification set by Town policy. Ownership and mailing address shall be as obtained from the Maricopa County Assessor's Office, Arizona.

14. An application request for an amendment to this Special Use Permit shall require the Owner(s) of the property subject to the request to sign the application to amend the Special Use Permit, or provide a signed letter to the Town acknowledging the application request, or provide written consent to the Town authorizing another individual(s) to represent the Owner(s) regarding the application request, subject to the following:
 - a. The Resort Owner or its designee shall apply for an amendment to this Special Use Permit when such application request is for any portion of the Property used in the manner as described under the Resort definition of this Special Use Permit; and
 - b. The Owner(s) of a Casa without Commercial Activities shall apply for an amendment to this Special Use Permit when such application is for a Variance on said Casa property as specified by this Special Use Permit, and shall provide the Town with proof of notification to the Resort Owner or its designee acknowledging the submittal of said application request.
15. The Main Resort Section, including the Spa Casitas, shall be kept in unified ownership with the Resort. A Casa, Casa with a Casa Guest House or a Casita may be under separate ownership. Rental of a Casa Guest House or Casita shall only be through the Resort's rental program.

B. MANAGEMENT

1. The Resort shall be under unified management.
2. The Resort Owner or its designee, upon request, shall provide representatives of the Town with a list of functions at the Resort, the member booking or sponsoring each particular function and the number of guests contracted for each function. Catering contracts for each event will be retained for a period of three years and at the request of the Town shall be promptly made available at the Resort for review by representatives of the Town.
3. There shall be 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 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.

4. The Rules and Regulations for the Homeowners Associations shall ensure common management of the entire Special Use Permit Property under the unified management of the Resort. The Rules and Regulations shall be subject to the Town Attorney's review and approval.

C. CONSTRUCTION - PHASING

1. No building structure, utility apparatus or other material or matter shall at any time be constructed or placed or allowed on any portion of said Property which is above the 1,700-foot elevation of said Property, except for the following:
 - a. Casa 11 and 12 have all or some of an existing home, detached accessory structure and related residential structures constructed at or above the 1,700-foot elevation. The owner shall be allowed reasonable future redevelopment of this building site in accordance with all applicable codes and regulations, except as may be modified by this Special Use Permit;
 - b. The maximum height of any new construction or disturbance on Casa 11 and Casa 12 shall be allowed up to the 1,700-foot elevation and may exceed this elevation up to the elevation point of the highest existing structure as legally constructed as of July 1, 2014, including chimneys and accessory structures; and
 - c. If proposing to exceed the 1,698-foot elevation, the owner of Casa 11 and 12 shall furnish the Town a height certification to verify the highest elevation point at time of formal Hillside Building Committee Review or amendment to the Special Use Permit, whichever is applicable.
2. All utilities shall be underground and located within appropriate easements. The Town Engineer may from time to time require the granting of such easements as deemed appropriate. Sewage shall be disposed of by connection with the City of Phoenix twelve-inch sewer trunk on Lincoln Drive. All water and sewage facilities shall be constructed in accordance with plans approved by the Town Engineer.
3. Approval of the development of any portion of said Property shall be contingent upon the submission of drainage plans and approval of same by the Town Engineer and the granting of such drainage easements deemed necessary by the Town Engineer.

4. All building sites excavations shall be minimal with respect to disturbances of the natural soil surface or a nuisance to the neighborhood in the form of blown dust. The excavations for such units immediately adjacent to adjoining Property shall require prior approval by the Town Engineer.
5. All new construction shall satisfy all Town Fire Code requirements for each component of work.
6. The total building coverage shall be as follows:
 - a. A maximum of 25-percent lot coverage for the combined area of the Main Resort Section, Casita Section, and any Casa approved for Commercial Activities; and
 - b. A maximum of 25-percent floor area ratio as defined by Article I, Definitions, of the Town's Zoning Ordinance for each individual Casa not approved for Commercial Activities.
7. Regarding SUP 12-02 for construction of 20 units on the tennis courts near McDonald Drive:
 - a. The lighting, landscaping and signage plans shall be a deferred submittal and reviewed at a later date. The deferred submittals will be reviewed by staff, with a mandatory public meeting, prior to issuance of building permits. The deferred submittals shall also be reviewed by the Hillside Building Committee; and
 - b. The applicant shall submit application for Hillside Building Committee approval within one (1) year prior to commencement of construction.
8. Approval is granted to enclose the existing terrace off the north side of the lodge as shown of drawing dated May 9, 1974, to create expanded dining facilities will be accomplished so as to result in the same roof overhang and appearance in accordance with the existing structure. The glass used in the enclosing of the terrace shall be "solar bronze", or the same or similar glass as is currently used in the building.
9. Approval is granted to enclose the side patio off of the west end of the lodge dining room, to enclose the lower patio of the lodge and to relocate the steps off of the front terrace of the lodge.
10. Interiors of any structure on the Property 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 and all applicable building permits are obtained.

11. No above ground structures shall be placed in a right-of-way, except for the approved monument sign along McDonald Drive, utilities, and any other approved structures allowed by this Special Use Permit.
12. Prior to issuance of a building permit for the guest units on Casa 2, the Owner shall provide a drainage easement maintenance agreement for the wash located along the west property boundary of Casa 2 and Casa 3.
13. **On-site retention plans and documents, prepared by a registered civil engineer, must be submitted to the Town Engineering Department for review and approval prior to issuance of a building permit for the improvements associated with SUP 16-08.**
- ~~14. A maximum of 5 Storage Units/Containers are allowed in accordance with SUP 16-08.~~
14. **The Storage Building shall be limited to a maximum size of 1,950 square feet, a maximum height of 16' tall and a minimum setback of 156' from McDonald Drive and a minimum setback of 75'7" from the west property line (in accordance with SUP 16-08). The design of the storage building shall match the resort architecture. The Storage Building shall be reviewed and approved by the Town Manager prior to issuance of a building permit. A screen wall may be required to help mitigate noise from this building if deemed necessary by the Town Manager. The storage units/containers shall be removed and replaced with the Storage Building no later June 9, 2018. If the Storage Building is not constructed, the storage containers shall be removed by June 9, 2018.**
15. **The Restrooms located in the Pool Casita and Snack Bar area shall be limited to a maximum height of 10' tall and shall be designed and finished to match the resort architectural style.**

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D. DESIGN

1. Building architecture, materials and colors within the Casitas and Main Resort Sections shall be compatible with the design theme of the Resort.
2. Unless approved as part of this Special Use Permit, all mechanical equipment shall comply with Article XXII, Hillside Development Regulations, of the Town Code, including screening and location. 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 Article 10-7, Control of

Excessive Noise, in the Town Code. Noise measurement shall include any installed screening or other attenuation devices.

3. There shall be a masonry wall of the same finish and color as the Views Ballroom, with a maze-type opening in lieu of a sliding gate, which will screen the service area from Superstition Lane and neighbors to the East of the Property.
4. The Receiving/Maintenance facility floor elevation shall be at or below existing service road elevation, have a maximum height of 16 feet, and maintain an architectural style similar to the spa or guestrooms.
5. The emergency access gate along McDonald Drive shall be for approved emergency access, designed as a solid gate at a height of eight feet.
6. **The new roofs for the Casitas and Ballroom Building shall be colored or painted to match the color of the building in accordance with the approved material samples per SUP 16-08, tinted with a color that has a light reflective value (LRV) of 38% or less.**
7. **All new retention areas associated with SUP 16-08 shall be designed to match the resort architectural style and landscape design and palette.**

E. HILLSIDE DEVELOPMENT

1. Unless otherwise approved by this Special Use Permit or a future amendment to this Special Use Permit, the Property shall comply with Article XXII, Hillside Development Regulations, of the Town Code, as may be amended. In determining the area of compliance, all legal pieces of land that comprise the Property shall be included, with the exception that the area of compliance for any individual Casa is the legal piece of land that comprises that Casa. If a Casa is approved for Commercial Activities, the total area of compliance shall be the Main Resort Section, Casitas Section, and the area of said Casa(s).
2. Development on a Casa without Commercial Activities, that conforms to the R-43 standards and functions like a single-family home, shall not require an amendment pursuant to this Special Use Permit and shall follow the Hillside Building Committee process.
3. Development on the Property, except for a Casa without Commercial Activities, shall not be required to be processed through the Hillside Building Committee or its review and development process outlined in

Article XXII, Hillside Development Regulations, of the Town Code, as may be amended, except for the following:

- a. The Town Council or Planning Commission may include a stipulation that requires all or part of a proposed amendment to this Special Use Permit go through the Hillside Building Committee process prior to submittal of building permit(s) related to a particular amendment of this Special Use Permit when it finds it necessary to defer review of certain plans, materials and/or standards outlined in the Town Hillside Development Regulations; or
- b. The Town Council may request that the Hillside Building Committee provide a recommendation for an amendment to this Special Use Permit that generally follows the Concept Review process.. When a recommendation by the Hillside Building Committee is required, the Town shall inform the applicant of this requirement no later than the approval of the Statement of Direction outlined in Article XI, Special Uses and Additional Regulations, of the Town Code; or
- c. The plans and required material, in whole or part, outlined in said Hillside Development Regulations may be required with an application to amend this Special Use Permit.

F. LANDSCAPING

- 1. The landscaping within the Main Resort and Casita Sections shall be substantially compliant with the existing resort landscape palette and landscape densities.
- 2. The landscaping within the undisturbed areas of the Casa Section shall remain in a natural desert state, with care exercised to avoid exposed building site cuts and fills in accordance with Article XXII, Hillside Development Regulations, of the Town Code, as may be amended.
- 3. Perimeter landscaping must be maintained and shall be substantially compliant with the Town's Landscape Guidelines, except for the following:
 - a. Excluding the area for emergency gate access and related maintenance, the roadway frontage along McDonald Drive shall have mature oleander plants and/or an oleander alternative like hop bush; and
 - b. A row of oleander plants and/or an oleander alternative like hop bush shall be maintained along the west property line of

Casa 2, located generally east of the wash between the existing home and north property line of Casa 2.

c. The applicant shall submit a landscape plan for the area by the storage units adjoining McDonald Drive. The landscape plan shall be reviewed and approved by the Town Manager, which must be approved prior to issuance of a building permit. The landscape standard shall be compatible with the surrounding area.

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e.d. A row of oleander plants and/or an oleander alternative like hop bush shall be maintained along the north property line adjoining the five storage units (located near McDonald Drive). These plants shall have a minimum height of 8' tall. The Storage Units shall be removed from the property within 30 days if the existing oleander plants die or are removed. The storage units can be placed back on the property once the dead or removed oleanders have been replaced. This requirement shall expire upon the removal of the storage units/containers.

G. LIGHTING

1. Outdoor lighting shall comply with Article XXII, Hillside Development Regulations, of the Town Code, as may be amended, except for the following:
 - a. Outdoor lighting that meets the lighting guidelines in the Special Use Permit Guidelines, as may be amended is permissible;
 - b. The light levels for the specific areas defined in the Special Use Permit Guidelines, shall be measured as an area not less than 2,500 square feet or an area as determined by the Town Manager or designee shall be used for sampling. Samples are to be taken on spacing not to exceed a 10-foot grid at the surface plane to produce an average reading for the measurements;
 - c. Sealed beam, flood beam or spot lighting or similar lighting shall be so placed not to direct or reflect light into adjoining property;
 - d. Lighting standards in parking areas shall not exceed eight feet in height; and

- e. Existing flood lighting of the central court will be limited to special events, which shall be limited in number.
- 2. All exterior lighting, not otherwise already approved, shall be submitted under a separate plan and processed as a Minor Special Use Permit amendment.
- 3. If the Town receives a complaint from an offsite owner that the lamp or lighting or illumination device (as defined by Article XXII, Hillside Development Regulations, of the Town Code, as may be amended) within an exterior light fixture is visible from off the Property, the Town Manager or designee 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. NOISE

- 1. The Owner(s) shall comply with Article 10-7, Control of Excessive Noise, in the Town Code, as may be amended.
- 2. Windows and doors to the spa fitness rooms shall remain closed when music is being played or public address systems are in use.

I. SIGNAGE

- 1. Not more than one identification sign shall be permitted on the Property (other than normal directional signs). Such a sign shall not exceed twelve square feet of panel area, nor be located closer than twenty feet to exterior boundaries. The source of any sign illumination shall not be visible, nor shall there be any flashing or intermittent illumination.
- 2. The Resort Owner or designee shall provide directional signage (which may be, in part, temporary for use during events) in order to regulate parking. These directional signs shall be subject to approval by the Planning Department.
- 3. Signage shall be submitted under a separate plan, or may be combined with an Intermediate or Major Special Use Permit Amendment, and is subject to the Minor Amendment process in accordance with Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended.

J. WIRELESS ANTENNAS AND RELATED INFRASTRUCTURE

1. Satellite dishes are permitted, provided that they are not located above the roof line. Satellite dishes and antennas greater than 36 inches 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.
2. All wiring shall be contained within a structure or underground conduit.
3. 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 pursuant to Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended. 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, Personal Wireless Service Facilities, of the Town Zoning Ordinance or any successor ordinance regarding the conditions and limitations of special use permits.

K. PARKING & CIRCULATION

1. 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 Town. Buses and other vehicles may be used to shuttle guests or employees to or from parking areas not located on the Property, and between the resort and other destinations (e.g., airport, shopping facilities, golf course). Any catering agreement shall include an acknowledgment and agreement that vehicles may not park on public streets in Town.
2. The unlicensed support vehicles (i.e., golf carts, utility vehicles, etc.) servicing the Property shall not be used on any public right of way, except when required to perform maintenance or repair along the western portion of Superstition Lane or the Southern portion of McDonald Drive.
3. Parking and circulation for the Property shall comply with the following:

- a. Parking and circulation for the Main Resort, Casitas Section, and any Casa with approved Commercial Activities shall comply with Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, and the Town's Special Use Permit Guidelines for resorts, as may be amended, which may require submittal of a traffic study;
 - b. Parking for a Casa without Commercial Activities shall comply with Article V, (R-43) Single-Family Residential District, of the Town Zoning Ordinance, as may be amended;
 - c. The minimum parking space size shall be 180 square feet as defined in Article II, Definitions, of the Town Zoning Ordinance, as may be amended. **New parking spaces shall be limited to a size of 20'-9" x 209'**; and
 - d. Shared parking, a parking valet plan, and other such parking measures shall be permissible when part of an approved traffic study.
3. 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.
4. The streets and drives on the Property shall be constructed and maintained by the Owner or designee. 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 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 30 days, the correction thereof not having been commenced and thereafter diligently prosecuted within 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 of the private streets and drives, and the Owner shall remit payment to the Town within 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.

5. Emergency access points are only to be utilized for emergency vehicles. No deliveries or other use is allowed.
6. The Resort Owner shall construct (or provide payment to the Town in lieu of actual construction) a 6' meandering recreation path from McDonald Drive to the Elements Restaurant. This path shall be completed in accordance with Town Standards at such time as the Town completes the construction of 56th Street Improvements.

L. USES

1. The Property located at 5700 E. McDonald Dr., more commonly known as the Sanctuary on Camelback Mountain, shall be used for and designated as a resort that may include the construction, remodeling, refurbishment, and outfitting of the following elements:
 - a. 105 Hotel Keys at a minimum and up to a maximum of **170** Hotel Keys, notwithstanding the ability of the Resort Owner to request additional Hotel Keys in the future;
 - b. Food service facilities capable of serving three daily meals;
 - c. Bar/lounge;
 - d. Banquet and/or conference facilities;
 - e. Spa, barber/beautician/nail, fitness and/or tennis facilities;
 - f. Pro shop, gift shop or related accessory use;
 - g. Pool and related facilities;
 - h. Dedicated reception area to accommodate guest check-in, concierge and cashier;
 - i. Dedicated area to accommodate vehicle or passenger drop off (such as valet parking services) for Guests; and
 - j. Resort back of service functions such as laundry, kitchen, maintenance, and offices.
2. No Casita, Spa Casita or Casa Guest House shall be used as a permanent residence.
3. All Hotel Keys shall be allowed to be part of the Resort's rental program for transient occupancy. This includes all Spa Suites, Casitas and Casas.
4. Not more than 14 single-family homes referred to as the "Casas" shall be on the Property. No piece of land with a Casa shall have any Commercial Activities unless approved by the Town through the appropriate process outlined in Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as may be amended. The following allowances and/or restrictions shall apply to a Casa with Commercial Activities: Casa 2 shall be allowed spa-related

uses and a Casa Guest House pursuant to the Approved Plans.

5. Spa/tennis membership shall be limited to 300 individual members, in the aggregate.
6. All laundry equipment at the maintenance facility shall be internalized.
7. The hours of operation on the Property shall be as follows:
 - a. Except as modified in this Special Use Permit, food service and bar/lounge facilities may operate from 6:00 a.m. until close per Arizona State Statute;
 - b. Spa hours shall be limited to 6:00 a.m. to 7:30 p.m. for regular members, with extended hours for resort guests from 5:00 a.m. to 10:00 p.m. No organized activities shall be allowed at the spa facility during the extended hours;
 - c. No delivery trucks shall be permitted to either pick up or drop off deliveries to or from the Views Ballroom prior to 7:00 a.m. or later than 10:00 p.m.;
 - d. All delivery and service vehicles shall use the northern entrance on Superstition Lane, and all vendor deliveries and pickups shall be made at the Receiving/Maintenance facility. No delivery or service vehicles shall be permitted before 7:00 a.m. or after 6:00 p.m.;
 - e. No outdoor parties, weddings, banquets or entertainment shall be permitted on the balconies or patios of the Views Ballroom after the hour of 11:00 p.m. All guests shall leave the Views Ballroom by 2:00 a.m.;
 - f. There shall be no food or beverage service on the balconies or patios of the Views Ballroom after 11:00 p.m.;
 - g. No takedown and/or set-up activities or congregating of employees on the balconies or patios of the Views Ballroom or in the adjacent exterior service areas located to the east of the Views Conference Center before 7:00 a.m. or after 11:30 p.m.; and
 - h. Activities on the Garden Terrace and Pool Deck shall cease at 11:00 p.m.
 - i. **The hours of operation for the Casita Pool and Snack Bar area (per SUP 16-08), shall be limited to daylight hours (from 7 am to sunset). There shall be no amplified sound in**

this Pool and Snack Bar area.

- j. **The hours of operation for the Storage Building Storage Containers/Units (per SUP 16-08), shall be limited to daylight hours (from sunrise to sunset).**

8. The total number of patrons attending function(s) in the Views Ballroom at one time shall not exceed the International Building Code (IBC) maximum occupant load.
9. All service doors on the east side of the Views Ballroom shall be kept closed. The walled in area adjacent to these doors shall not be used for food preparation or employee breaks. The wall screening the east side door area shall at a height so that the interior space is not visible from Superstition Lane, but such height shall conform to applicable Zoning Ordinance criteria.
10. The east side patio of the Views Ballroom shall not be used for storage purposes.
11. Special events shall be permissible on the Property, with or without temporary tents or pavilions, provided these events are in accordance with the Article 8-8, Special Events on Private Property and Public Rights-of-Way, of the Town Code, as may be amended, with the following conditions:
 - a. As allowable in said Article 8-8, Special Use Permit properties are exempt from the Special Event permit review process provided that such exempted events are limited to the type of activities that are customary and incidental to the primary uses of the Property and any temporary tents or pavilions used are as approved at the locations and tent sizes shown on the Approved Plans;
 - b. Exemption from the Special Event permit review process does not exempt the Resort Owner from any applicable required permit inspections related to public health, safety and welfare by the Town, State of Arizona, or other such jurisdiction. Such permit inspections may include, but are not limited to the following:
 - i. A permit from the Town Fire Marshal, or designee, for any structure or tent having an area in excess of 200 square feet, or a canopy in excess of 400 square feet, and

- ii. Review by the Town Community Development Department the provision for and location of any portable restroom facilities;
 - c. Any temporary tents or pavilions not shown on said plans may be approved in accordance to Article 8-8-10, Procedure for Review of Application and Appeal of Decision, of the Town Code;
 - d. Temporary tents or pavilions shall remain erected for not more than 16 consecutive days, but may exceed 16 days provided the Resort Owner applies for a Special Event Permit in accordance with said Article 8-8;
 - e. Maximum temporary tent or pavilion height shall not exceed 24 feet above finished grade;
 - f. Temporary tents or pavilions must meet a minimum setback of 40 feet to the exterior property line of the Property;
 - g. Placement of any temporary tent or pavilion shall have no adverse impact on parking or circulation; and
 - h. Lighting underneath temporary tents and pavilions, and safety-security lighting within the area of the Special Event, are permissible with the provisions that these lights are mounted above the lower limit of the tent or pavilion top or are otherwise shielded by the tent or pavilion side walls or are otherwise in compliance with the outdoor lighting requirements of Article XXII, Hillside Development Regulations, of the Town Code as may be amended.
12. Construction work shall comply with the following requirements, in addition to any requirements of this Special Use Permit and other applicable Codes:
- a. All construction vehicles shall be parked within the boundary lines of the subject property. No construction-related parking shall be allowed on the adjoining rights-of-way;
 - b. All construction-related access shall enter and exit from the maintenance gate located along McDonald Drive or the northern entrance on Superstition Lane;
 - c. No construction materials or equipment shall be stored on the Town's right-of-way; and
 - d. Noise from construction that can be heard off-site, including, but not limited to, hydraulic ram hammers, equipment used to

cut through rock, machinery with audible back up warning devices, powered machinery, truck delivery and idling, constant and persistent hammering, shall be limited to the use between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Friday; Saturday from 9:00 a.m. to 2:00 p.m. and no work on Sunday or legal holidays.

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.

June 8, 2017 (SUP 16-08)	1. Narrative prepared by R. Nicholas Loope, FAIA, Architect; 2. Responses to Focus Items in the Statement of Direction prepared by R. Nicholas Loope, FAIA, Architect; 3. Sanctuary Interstitial Development and Views Ballroom Expansion Project Data, <u>dated June 5, 2017 and</u> prepared by R. Nicholas Loope, FAIA, Architect; 4. General Notes on Setbacks prepared by R. Nicholas Loope, FAIA, Architect; 5. <u>Traffic and Parking Study/Report prepared by CivTech and dated May 8, 2017;</u> 5-6. <u>Sheet A1, New Storage Building Site Context Plan, prepared by R. Nicholas Loope, FAIA, Architect and dated May 31, 2017;</u> 6-7. <u>Sheet A1, Sanctuary Site Plan, prepared by R. Nicholas Loope, FAIA, Architect and dated April 25, 2017;</u> 7-8. <u>Sheet A2, Aerial Map & Photo Views, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017;</u> 8-9. <u>Sheet A3, Neighboring Parcels Plan, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017;</u> 9-10. <u>Sheet B1, Project Site Plan, prepared by R. Nicholas Loope, FAIA, Architect and dated May 8, 2017;</u> 10-11. <u>Sheet B2, Pool Plan & Exterior Lighting, prepared by R. Nicholas Loope, FAIA, Architect and dated April 25, 2017;</u> 11-12. <u>Sheet B2.1, Pool Snack Bar, prepared by R. Nicholas Loope, FAIA, Architect and dated April 25, 2017;</u> 12-13. <u>Sheet B2.2, Pool Distances, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017;</u> 13-14. <u>Sheet B3, Circulation Plan, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017;</u> 14-15. <u>Sheet B4, Exterior Elevations, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017;</u>
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	15,16. Sheet B5, Perspective, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 16,17. Sheet B6, Rendered Views into Site, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 17,18. Sheet C1, Project Site Plan, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 18,19. Sheet C2, Floor Plans, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 19,20. Sheet C3, Building Sections, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 20,21. Sheet C4, Building Sections, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 21,22. Sheet C5, Exterior Elevations, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 22,23. Sheet C6, Rendered Views into Site, prepared by R. Nicholas Loope, FAIA, Architect and dated April 12, 2017; 23,24. Material Samples and Color Pallate for The Views Conference Center Expansion, prepared by R. Nicholas Loope, FAIA, Architect; 24,25. Material Samples and Color Pallate for Sanctuary Interstitial Keys & Pool Area, prepared by R. Nicholas Loope, FAIA, Architect.
November 13, 2014 (SUP 14-05)	25,1. Narrative prepared by MoD a+p, dated September 25, 2014; 26,2. Amendment No. 1 to the Jade Bar Parking Analysis, prepared by CivTech, date sealed August 29, 2014; 27,3. Preliminary Drainage Report for Casa del Sano at Sanctuary Resort, prepared by Keogh Engineering, Inc. for MoD a+p , dated July 18, 2014, date sealed September 24,2014; 28,4. Sheet S.1, Conceptual Site Plan (Casa 2), prepared by MoD a+p, dated September 25, 2014; 29,5. Results of Survey (Casa 2), prepared by Keogh Engineering, Inc., dated June 25, 2014; 30,6. Sheet L.201, Planting Plan, prepared by Trueform for MoD a+p, dated September 25, 2014; 31,7. Sheet E.1, Electrical Site Plan, prepared by Tuley Engineering Professional P.C. for MoD a+p, dated September 25, 2014; 32,8. Sheet E.2, Electrical CutSheets, prepared by Tuley Engineering Professional P.C. for MoD a+p, dated September 24, 2014; 33,9. Sheet C.1, Conceptual Cross Section, prepared by MoD a+p, dated September 25, 2014; 34,10. Sheet A.1, Existing Floor Plan (Casa 2, Main Home), prepared by MoD a+p, dated September 25, 2014; 35,11. Sheet A.2, Conceptual Floor Plan (Casa 2, Main Home), prepared by MoD a+p, dated September 25, 2014;

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	36.12. Sheet A.3, Conceptual Elevations (Casa 2, Main Home, North and East Elevations), prepared by MoD a+p, dated September 25, 2014; 37.13. Sheet A.4, Conceptual Elevations (Casa 2, Main Home, South and West Elevations), prepared by MoD a+p, dated September 25, 2014; 38.14. Sheet B.1, Conceptual Floor Plan (Casa 2, Guest Units), prepared by MoD a+p, dated September 25, 2014; 39.15. Sheet B.2, Conceptual Elevations (Casa 2, Guest Units, South and East Elevations), prepared by MoD a+p, dated September 25, 2014; and 40.16. Sheet B.3, Conceptual Elevations (Casa 2, Guest Units, North and West Elevations), prepared by MoD a+p, dated September 25, 2014.
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October 7, 2014 (SUP 14-06)	1. Tent Plan, prepared by David Norton, dated August 25, 2014.
March 5, 2013 (SUP 13-01)	1. Sheet A1.1, Sanctuary Site Plan, prepared by Otack Architects Inc; 2. Sheet A1.2, Project Site Plan & General Notes, prepared by Otack Architects Inc; 3. Sheet SUP 1, Vertical Aerial, prepared by Otack Architects Inc; 4. Sheet SUP 3, Elevations, prepared by Otack Architects Inc; 5. Sheet E1, Electrical Site Plan, prepared by Otack Architects Inc; 6. Sheet L1.0, Landscape Demolition Plan, prepared by Otack Architects Inc; 7. Sheet L2.0, Landscape Planting Plan, prepared by Otack Architects Inc; 8. The Hydrel 4456 Step Light Detail; 9. The Pleated String Lights Detail; 10. The project "Narrative" prepared by Otack Architects Inc; and 11. The Jade Bar at Sanctuary Camelback Mountain Parking Analysis, Project No. 12-980, prepared by CivTech, and dated February 2013.
April 26, 2012 (SUP 12-02)	1. "Intermediate Amendment to Special Use Permit (SUP) Submittal 12 March 2012, Revised 06 April 2012" plans and narrative booklet prepared by Allen Philp Architects; and 2. Sanctuary Resort Parking Analysis prepared by CivTech and dated February 2012. *All existing stipulations were combined with this case by Ordinance 645
August 18, 2009 (SUP 09-02)	1. Element Restaurant Remodel Cover Sheet prepared by R. Nicholas Loope, dated June 12, 2009;

	2. Site Plan, Sheet One, prepared by R. Nicholas Loope, dated June 12, 2009; 3. Elements Floor Plan, Sheet Two, prepared by R. Nicholas Loope, dated June 12, 2009; 4. Elements Roof Plan, Sheet Three, prepared by R. Nicholas Loope, dated June 12, 2009; 5. Floor Plan Plans Dining Rooms, Sheet Four, prepared by R. Nicholas Loope, dated June 12, 2009; 6. Exterior Elevations, Sheet Five, prepared by R. Nicholas Loope, dated June 12, 2009; 7. Conceptual Landscape Plan, Sheet Six, prepared by R. Nicholas Loope, dated June 12, 2009; and 8. Conceptual Lighting Plan, Sheet Seven, prepared by R. Nicholas Loope, dated June 12, 2009.
October 14, 2004 (SUP 04-02)	1. Sheet 1, Site Plan, prepared by the construction zone, dated June 9, 2004; 2. Sheet 2, (Floor Plans and Elevations), prepared by the construction zone, dated June 9, 2004; and 3. Capri Lighting Down Light Cut Sheet, CML8V100.
August 10, 2000 (SUP 00-07)	1. The bound packet prepared by Allen + Philp Architects, dated March 31, 2000, including aerial photo, parcel allocation diagram, diagrammatic site plans, colored site plan, colored elevations and sections, site circulations diagram, trip generation diagrams, parking demand and management plan, and parking and service area details.
March 26, 1998	1. Parcel Description Map, prepared by CCBG Architects, Inc., dated November 26, 1997; 2. Existing Vegetation Inventory Plan (Casitas Section), prepared by CCBG Architects, Inc., dated November 26, 1997; and 3. Grand Slam Lodge (Views Ballroom) Screen Wall (along Superstition Lane), prepared by CCBG Architects, Inc., dated December 4, 1997.
March 24, 1994 (SUP 94-03)	1. Site Plan, Exhibit A, prepared by Christensen Cassidy Billington Candelaria Inc, dated February 3, 1994; 2. (Floor Plan of Views Ballroom), Exhibit B, prepared by Christensen Cassidy Billington Candelaria Inc, dated February 3, 1994; 3. (Elevations of Views Ballroom), Exhibit C, prepared by Christensen Cassidy Billington Candelaria Inc, dated February 3, 1994; and 4. (Rendering of Views Ballroom), Exhibit D, prepared by Christensen Cassidy Billington Candelaria Inc, dated February 3, 1994;

• No known specific plans applicable prior to 1994	