

Edward Vogt, 6135 N. Casa Blanca, said he has first hand experience of living in areas that provide services to the community. He felt this project has a positive impact for the community.

Tom Jorishie, 4674 E. Desert Park Place, said this project with the landscaping and low impact view of the buildings will be an enhancement to the area.

Peter Bankoff, 7800 N. 65<sup>th</sup> St., said he has worked occasionally at the center. He feels this is what needs to be done to enhance the project.

Joe Nichols, 3902 E. Rancho Drive, said he has had some experience with the facility. He feels the principals have done their homework and the new facility belongs there. He said this would be an asset to the town.

LaReal Eyring, 6995 E. Jackrabbit Road, said she has not met with the developers. She is concerned with traffic on Jackrabbit Road. She would hate to see this development going in.

Sarah Kiburz, 5311 N. Quail Run Place, said her property backs up to this project. She has been involved with the project. She has been concerned about the landscaping. She has been assured that the landscaping will be a buffer. There are a few outstanding issues. One is the parking. She would like reduced parking along their property line, since there appears to be excess parking that will not be used. They are also concerned that there are Saturday hours. She doesn't believe there is a need to see patients on Saturdays.

Mr. Jordan said the 11 parking spaces that Ms. Kiburz spoke about are already there. They would like to keep them there because of the proximity to the surgery center. That is convenient for patients at the surgery center. With regard to Saturday hours, the doctors do not keep regular Saturday hours. There may be an occasion to see a patient on Saturdays or do paperwork on Saturday. In addition, patients may be discharged from the surgery center on Saturday mornings. Mr. Jordan said they are also redoing all of the landscaping along the west property line to improve the screening of the parking and facility. The landscaping goes in before other construction begins.

Dr. Martin Johnson addressed Council questions on the need for the parking for staff along the west property line.

Mayor Lowry closed the public hearing.

Vice Mayor Schweiker made a motion to approve the special use permit subject to the following stipulations:

1. Special Use Permit 00 - 12 shall supercede all Special Use Permits issued for the subject property:

The Special Use Permit approved on July 17, 1979; recorded in Docket 13770, pages 1219-1221, Maricopa County Recorder (M.C.R.); as amended September 18, 1979, recorded in Docket 13904, pages 1107-1110, M.C.R., as amended January 4, 1980,

recorded in Docket 14137, pages 30-31, as amended December 14, 1988 instrument # 88607515, and the Special Use Permit approved on November 21, 2002.

2. The real property (“Property”) subject to this Special Use Permit is located in the Town of Paradise Valley, Maricopa County, Arizona, at the southwest corner of Scottsdale Road and Jackrabbit Road, and is more particularly described as follows:

The NE ¼ of the NE ¼ of the SE ¼ of Section 15, Township 2 North, Range 4 East, Gila and Salt River Base and Meridian, EXCEPT the east 65’ thereof and the north 40’ thereof for roads.

3. The development, construction and usage of the Property shall be in strict compliance with those certain documents marked and certified by the Paradise Valley Town Clerk as:
  - a. Cover sheet, T-1, prepared by Archicon, LC., dated 5/20/03
  - b. Site plan, DR-1, prepared by Archicon, LC., dated 5/20/03
  - c. Phasing plan, DR-1.01, prepared by Archicon, LC., dated 5/20/03
  - d. Sign plan, DR-1.02, prepared by Archicon, LC., dated 5/20/03
  - e. Alternate parking plan, DR-1.03, prepared by Archicon, LC., dated 5/20/03
  - f. Circulation plan, DR-1.04, prepared by Archicon, LC., dated 5/20/03
  - g. Site detail, DR-1.1, prepared by Archicon, LC., dated 2/14/03
  - h. Site photometrics, DR-1.2, prepared by Archicon, LC., dated 5/20/03
  - i. Floor plans, DR-2, DR2.1, prepared by Archicon, LC., dated 5/20/03
  - j. Elevations, DR-3, DR-3.1, DR-3.2, DR-3.3, DR-3.4, prepared by Archicon, LC., dated 5/20/03
  - k. Grading and Drainage plan, C1, C2, prepared by Surface Engineering Company, dated 4/10/02
  - l. Landscape plan, L1, prepared by Archicon, LC., dated 5/20/03

These exhibits are incorporated into this Special Use Permit and made an integral part thereof.

4. The Property may be used for a medical clinic only, and no changes, expansions, additions or alterations to the Property or improvement thereon shall be allowed without an express written amendment to this Special Use Permit.
5. The use of the Property shall at all times conform to all applicable State laws and Town ordinances.
6. Should the Property be used or developed in a manner inconsistent with the terms stated herein, this Special Use Permit may be terminated in its entirety by the Paradise Valley Town Council.
7. This Special Use Permit shall be binding on the applicant, his heirs, assigns, personal representatives or successors in interest.
8. Those parking spaces shown as “Omitted Parking Spaces” on the Interim Parking Plan shall not be installed in conjunction with Phase I or Phase II improvements. Instead, those parking spaces shall be landscaped in a manner consistent with the approved

landscaping plan, as approved by staff. If applicant or the Town determines that any or all of the Omitted Parking Spaces are needed then such spaces shall be installed after notice to the Town.

9. Hours of operation for the Medical Offices shall be Monday through Friday from 8:00 am to 6:00 pm and Saturday from 8:00 am to 1:00 pm, with occasional use outside these hours limited to exigent patient treatment and as necessary by physicians and staff for work activities other than patient treatment; the surgical center shall be Monday through Friday 6:30 am to 5:00 pm, and, the recovery center shall be Monday through Friday 24 hours, with no overnight stays on Saturday or Sunday.
10. Emergency, 24-hour care shall not be a permitted use.
11. Commercial laboratories, apothecaries and pharmacies shall not be a permitted use.
12. Manual hours of non-emergency use for the outside generator shall be limited to Monday through Friday, 8 am to 4 pm, for no longer than 45 minutes at a time. The noise level shall be in accordance with Section 10-7-3 of the Town Code and shall not exceed a decibel level of 56, measured from the nearest property line.
13. Outdoor lighting shall be restricted to low level lighting as depicted on the lighting plan not to exceed eight (8) feet in height.
14. All lighting above 36 inches in height shall be fully hooded and shielded in accordance with Section 1023 of the Town Zoning Ordinance.
15. Timers shall be placed on all lights except those needed for safety, which shall be on dusk to dawn devices. The lights on timers shall be in operation only from 6:00 am until 9:00 pm.
16. The portion of Scottsdale Road median proposed to be resurfaced as part of this project, shall be resurfaced using the same quality rubberized asphalt that will be installed by the City of Scottsdale.
17. The applicant shall prepare and submit to the Town a construction plan depicting design details for the future construction of a six-foot wide meandering San Diego buff colored salt finished concrete recreational path per Town standards on the south side of Jackrabbit Road. Such path shall be installed by the applicant within six (6) months after a recreation path is installed along the right-of-way of Jackrabbit Road to abut the west side of applicant's property.
18. The applicant shall submit a construction schedule prior to the issuance of any building permit for the proposed improvements to ensure compliance with all Town Codes and applicable regulations, in order to minimize any construction nuisances.

- a. The construction schedule shall include, but not be limited to the following:
  - i. Dust and noise control measures
  - ii. Vehicle/ equipment storage/ parking
  - iii. Construction days/hours
  - iv. Location of staging area for construction supplies/ equipment.
  - v. Location of any construction trailer and sanitary facility.
  - vi. Location of on-site construction-material/debris storage
  - vii. Designation of a contact person(s) with phone numbers and addresses posted on the site to address concerns by both the public and Town.
19. The applicant shall be responsible to sweep Jackrabbit and Scottsdale Roads of any construction material related to construction of this facility, as required by the Town.
20. During all construction phases no equipment with audible reverse warning indicators shall be operated prior to 7:00 am, or sunrise whichever is later, or after 6:00 pm, or sunset whichever is earlier, Monday through Saturday. No such equipment shall be operated on Sunday.
21. All scheduled deliveries to the site shall be limited on the weekdays, between 8:00 am and 5:00 pm. Scheduled deliveries shall include all equipment, supplies, and other related material for a purpose other than an emergency related repair/ maintenance.
22. Garbage Pickup will occur after 8:00 am
23. A Mylar of the subject medical plaza's master site plan and landscape plan depicting all on-site buildings, improvements, or other developments approved as a part of the subject Special Use Permit shall be submitted to the Town within thirty (30) days of the Council approval of this Special use Permit.
24. The placement of any equipment or mechanical device (e.g. backflow preventer, electrical box) along any right of way shall be prohibited without prior Town staff approval of the device and its location.
25. If construction is not commenced on Phase II within five years after Town Council approval of this amendment to the Special Use Permit, the Applicant shall submit to the Town a new application for the Planning Commission and Town Council reapproval of Phase II of this project. This second approval of Phase II will not address the basic entitlement to build Phase II, but shall address the flow and efficiency of traffic generated, the total number of parking spaces needed based on experience gained from Phase I, the need for additional or less lighting, the need for additional landscaping and similar items.

26. All landscaping approved for the West side of the subject property adjacent to the residential properties shall be installed before construction can commence on any structures.
27. All landscaping depicted on the landscaping plan as Phase I, shall be installed prior to the issuance of a Certificate of Occupancy on any building.
28. The site shall meet acceptable landscaping and screening requirements of the Town. All landscaping shall meet the Town 'Landscape Guidelines' dated September 26, 1996, and amendments thereto, except for those plants specifically shown on the landscape plan referenced in no. 3 above, including adequate provisions for maintaining the landscaping in a healthy condition.
29. Any debris and weeds on the property shall be removed within 72 hours from the day notified by the Town, or within the time period specified in accordance with the Town Code.
30. Any provisions not explicitly described within this Special Use Permit shall be in conformance with all applicable regulations, including the Town Code and Zoning Ordinance.
31. If any section, subsection, sentence, clause or phrase of this Special Use Permit is for any reason held illegal, invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
32. No temporary tents shall be erected on the property without the prior written consent of the Town staff.

Councilmember Coffman seconded the motion.

Councilmember Winkler asked to add a stipulation that the eleven parking spaces on the west side be used by staff only except for the two existing handicap spaces. Vice Mayor Schweiker and Councilmember Coffman accepted the amendment to add the following stipulation.

33. The nine existing standard parking spaces on the west side of the property shall be used by staff only. "Staff Only" signage may be installed. The two existing handicap parking spaces on the west side may be used by handicapped patients and/or visitors.

The motion carried 6-0.