

ORDINANCE NUMBER 2019-01

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING AN INTERMEDIATE AMENDMENT TO THE SPECIAL USE PERMIT FOR PARADISE VALLEY MEDICAL PLAZA, 5410 N. SCOTTSDALE ROAD, PROVIDING FOR THE ADDITION OF A NEW 10,000 SQUARE FOOT MEDICAL BUILDING, A NEW PARKING AREA, TWO NEW COVERED PARKING CANOPIES, AND NEW SIGNAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Paradise Valley Council held a public hearing on _____ 2019, in the manner prescribed by law, to hear and to take action on the amendment to the Special Use Permit for the Paradise Valley Medical Plaza, as recommended by the Planning Commission; and

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on December 18, 2018, in the manner prescribed by law, for the purpose of considering an amendment to the Special Use Permit for the Paradise Valley Medical Plaza, 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 6, 2018 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 Paradise Valley Medical Plaza is consistent with the property's designation of 'Medical Office' on the Town's General Plan Land Use Map and its zoning district of 'Special Use Permit – Medical Office' 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 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 the Paradise Valley Medical Plaza allows for Medical Office uses on the approximate 8.5 acres of land located at 5410 N. Scottsdale Road in the Town of Paradise Valley, Arizona, more particularly described on Exhibit "A" attached hereto.
2. The Special Use Permit for the Paradise Valley Medical Plaza is hereby amended by application SUP 18-10 to allow for the addition of a new 10,000 square foot medical building, a new parking area, two new covered parking canopies, and new signage., subject to any definitions, stipulations, plans, and documents set forth in Exhibit "B" and Exhibit "C", attached hereto.
3. The Special Use Permit for the Paradise Valley Medical Plaza includes the following sections: Project Description, 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.
4. This Intermediate Amendment to the Special Use Permit (SUP 18-10) for the Paradise Valley Medical Plaza 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 ____ day of _____, 2019.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF _____ 2019.

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney

**EXHIBIT “A”
TO
ORDINANCE NUMBER 2019-01**

Legal Description

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR THE PARADISE VALLEY MEDICAL PLAZA**

The Northeast quarter of the Northeast quarter of the Southeast quarter of Section 15,
Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa
County, Arizona:

EXCEPT the East 65 feet;

EXCEPT the North 40 feet; and

EXCEPT a parcel Northeast of a line created by a 40 foot radius tangent to the West line
of the East 65 feet of said Northeast quarter of the Northeast quarter of the Southeast
quarter of Section 15 and the South line of the North 40 feet of said Northeast quarter of
the Northeast quarter of the Southeast quarter of Section 15.

Assessor's Parcel Number 173-18-002C.

**EXHIBIT “B”
TO
ORDINANCE NUMBER 2019-01**

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 1979. The Town approved the original Special Use Permit (“SUP”) on June 14, 1979. The list below summarizes the known amendments to the SUP.

Month Day, 2019 (SUP 18-10)	An Intermediate Amendment to allow for the addition of a new 10,000 square foot medical building, a new parking area, two new covered parking canopies, and new signage.
July 10, 2003 (SUP 00-12)	A Special Use Permit Amendment to added five new buildings, new parking, signage, landscaping, and lighting.
November 21, 2002 (SUP 02-02)	A Special Use Permit Amendment to construct a 440 square foot addition to the existing surgery center.
October 24, 1988 (SUP 88-10)	A Special Use Permit Amendment to construct a 1510 square foot building consisting o f a reception area and two offices
December 20, 1979 (SUP 79-19)	An Special Use Permit Amendment to change to the site plan. A building was reduced in size from 9,872 square feet to 9,470 square feet.
September 13, 1979 (SUP 79-18)	A Special Use Permit Amendment to construct and operate a medical clinic – Phase II
June 14, 1979 (SUP 79-17)	A Special Use Permit to construct and operate a medical clinic – Phase I

**EXHIBIT “C”
TO
ORDINANCE NUMBER 2019-0102**

SPECIAL USE PERMIT

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR PARADISE VALLEY MEDICAL PLAZA**

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 Bayport PV Associates, L.P. an Arizona limited partnership, its successors and assigns (the “Medical Plaza Owner”), an Intermediate Special Use Permit Amendment (SUP 18-10) 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 1979. This Intermediate Special Use Permit Amendment is being granted by the Town to permit the continued use and operation of the Property as a Medical Office 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 Medical Office uses as depicted on the Approved Plans and documents.

II. STIPULATIONS

A. GENERAL

SUP 18-10 (NEW/PROPOSED S.U.P. STIPULATIONS)

1. All improvements to the property shall be in substantial compliance with the Narrative and Plans:
 - a. Narrative, dated November 26, 2018.
 - b. Sheet A1.0, Site Aerial, prepared by Cawley Architects and dated October 15, 2018.
 - c. Sheet A1.1, Site Plan, prepared by Cawley Architects and dated December 10, 2018.
 - d. Sheet A1.2, Site Plan, prepared by Cawley Architects and dated December 10, 2018.
 - e. Sheet A7.1, Exterior Elevation, prepared by Cawley Architects and dated October 15, 2018.
 - f. Sheet C1, Conceptual Grading/Drainage Plan, prepared by JMA Engineering Corporation and dated October 12, 2018.
 - g. Sheet La.01, Landscape Plan, prepared by T.J. McQueen & Associates Inc. and dated December 10, 2018.
 - h. Sheet DR1.0, Site Lighting & Photometric Plan, prepared by Hawkins Design Group Inc. and dated October 15, 2018.
 - i. Sheet DR2.0, Site Lighting Detail Plan, prepared by Hawkins Design Group Inc. and dated October 15, 2018.
 - j. Page 1, Sign Location Plan, prepared by Identity Sign Group Inc. and dated December 10, 2018.
 - k. Page 2, Sign Type A – Tenant Monument, prepared by Identity Sign Group Inc. and dated January 2, 2019.
 - l. Page 3, Sign Type A – Tenant Monument, prepared by Identity Sign Group Inc. and dated January 2, 2019.
 - m. Page 4, Total Area of Existing Entrance Ground Signs, prepared by Identity Sign Group Inc. and dated December 10, 2018.
 - n. Page 5, Sign Type B – Building Directory Sign, prepared by Identity Sign Group Inc. and dated December 10, 2018.
 - o. Page 6, Sign Type C – Building I Tenant/Suite ID Sign, prepared by Identity Sign Group Inc. and dated December 10, 2018.
 - p. Page 7, Building Letter Identification, prepared by Identity Sign Group Inc. and dated December 10, 2018.
2. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.
3. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Intermediate Amendment SUP-18-10.

SUP 00-12 (EXISTING S.U.P. STIPULATIONS to Remain in Full Force and Effect Unless Changed or Modified by Intermediate Amendment SUP-18-10)

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.
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.

III. 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.

Month Day, 2019 (SUP 18-10)	1. Narrative, dated November 26, 2018. 2. Sheet A1.0, Site Aerial, prepared by Cawley Architects and dated October 15, 2018. 3. Sheet A1.1, Site Plan, prepared by Cawley Architects and dated December 10, 2018. 4. Sheet A1.2, Site Plan, prepared by Cawley Architects and dated December 10, 2018. 5. Sheet A7.1, Exterior Elevation, prepared by Cawley Architects and dated October 15, 2018. 6. Sheet C1, Conceptual Grading/Drainage Plan, prepared by JMA Engineering Corporation and dated October 12, 2018. 7. Sheet La.01, Landscape Plan, prepared by T.J. McQueen & Associates Inc. and dated December 10, 2018. 8. Sheet DR1.0, Site Lighting & Photometric Plan, prepared by Hawkins Design Group Inc. and dated October 15, 2018. 9. Sheet DR2.0, Site Lighting Detail Plan, prepared by Hawkins Design Group Inc. and dated October 15, 2018. 10. Page 1, Sign Location Plan, prepared by Identity Sign Group Inc. and dated December 10, 2018. 11. Page 2, Sign Type A – Tenant Monument, prepared by Identity Sign Group Inc. and dated January 2, 2019. 12. Page 3, Sign Type A – Tenant Monument, prepared by Identity Sign Group Inc. and dated January 2, 2019. 13. Page 4, Total Area of Existing Entrance Ground Signs, prepared by Identity Sign Group Inc. and dated December 10, 2018. 14. Page 5, Sign Type B – Building Directory Sign, prepared by Identity Sign Group Inc. and dated December 10, 2018. 15. Page 6, Sign Type C – Building I Tenant/Suite ID Sign, prepared by Identity Sign Group Inc. and dated December 10, 2018. 16. Page 7, Building Letter Identification, prepared by Identity Sign Group Inc. and dated December 10, 2018.
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	5/20/03 5. Alternate parking plan, DR-1.03, prepared by Archicon, LC., dated 5/20/03 6. Circulation plan, DR-1.04, prepared by Archicon, LC., dated 5/20/03 7. Site detail, DR-1.1, prepared by Archicon, LC., dated 2/14/03 8. Site photometrics, DR-1.2, prepared by Archicon, LC., dated 5/20/03 9. Floor plans, DR-2, DR2.1, prepared by Archicon, LC., dated 5/20/03 10. Elevations, DR-3, DR-3.1, DR-3.2, DR-3.3, DR-3.4, prepared by Archicon, LC., dated 5/20/03 11. Grading and Drainage plan, C1, C2, prepared by Surface Engineering Company, dated 4/10/02 12. Landscape plan, L1, prepared by Archicon, LC., dated 5/20/03
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