

ORDINANCE NUMBER 2018-19

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,
ARIZONA, APPROVING A MAJOR AMENDMENT TO THE
SPECIAL USE PERMIT FOR LINCOLN PLAZA MEDICAL
CENTER, 7125 E LINCOLN DRIVE, PROVIDING FOR
REDEVELOPMENT WITH DEMOLITION OF ALL EXISTING
STRUCTURES AND CONSTRUCTION OF A NEW TWO-
STORY MEDICAL CENTER WITH COVERED PARKING;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

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

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on October 16, 2018, in the manner prescribed by law, for the purpose of considering an amendment to the Special Use Permit for Lincoln Plaza Medical Center, and recommended _____ to the Town Council; and

WHEREAS, the Town Council finds that the requirements of Section 2-5-2.F, Citizen Review Process, including holding a Citizen Review Session on _____, 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 has been met; and

WHEREAS, this amendment to the Special Use Permit for Lincoln Plaza Medical Center is consistent with the property's designation as "Medical Office" in the Town's General Plan Land Use Map; and

WHEREAS, upon the effective date of this Ordinance, the zoning district of "Special Use Permit – Medical Office, Kennels and Veterinary Clinics" shall now be shown on the Town's Zoning Map along with a reference to the new major amendment special use permit reference number on the Town's official Zoning Map of "SUP 18-06"; 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 Ordinance #2018-19 (the "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 zoning for Lincoln Plaza Medical Center allows for medical uses on the approximate 2.1 acres of land located at 7125 E Lincoln Drive in the Town of Paradise Valley, Arizona, more particularly described on Exhibit "A," attached hereto (the "Property").
2. This Major Amendment to the Special Use Permit (SUP 18-06) for Lincoln Plaza Medical Center hereby rescinds all prior Special Use Permits for the Property and creates a new Special Use permit to allow for redevelopment of the Property through demolition of all existing structures and the construction of a new two-story medical

center with covered parking, subject to the Conditions set forth in Section II of this Ordinance.

3. To provide historical reference of what is being rescinded a description of prior amendments to the Special Use Permit for the Property is summarized in Exhibit “B,” attached hereto.

4. All prior Special Use Permit approvals on this Property are rescinded and no longer in full force and effect upon the Effective Date of this Ordinance.

5. This Major Amendment to the Special Use Permit for this Property is in accordance with Section 1102.7 of the Zoning Ordinance.

SECTION II. Conditions. Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the “Town”), the Town hereby grants to Jamel Greenway L.L.C., an Arizona Limited Liability Company, its successors and assigns, Special Use Permit 18-06 by its approval of this Ordinance (the “SUP 18-06”) 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 1974. This Special Use Permit is intended to supersede and replace all prior Special Use Permits for this Property and rescinds all prior Special Use Permits for the Property. This Special Use Permit is being granted by the Town to permit the continued use and operation of the Property for medical office use subject to and in accordance with the stipulations and other provisions set forth herein as shown in Exhibit “C,” attached hereto.

SECTION III. 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 IV. 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 _____, 2018.

Michael Collins, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF _____ 2018.

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney

EXHIBIT "A"
TO
ORDINANCE NUMBER 2018-19

Legal Description

TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR LINCOLN PLAZA MEDICAL CENTER

The east 200 feet of the north half of the northwest quarter of the northeast quarter of the southeast quarter; and

The east 200 feet of the north half of the south half of the northwest quarter of the northeast quarter of the southeast quarter of Section 10, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

[NOTE- Legal description to be updated with correct right-of-way dedication prior to recordation of this Ordinance]

**EXHIBIT “B”
TO
ORDINANCE NUMBER 2018-19**

Description of Prior SUP Amendments that are rescinded upon the Effective Date

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

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

November 17, 2011 (SUP-11-02)	Approval of a pharmacy/apothecary and urgent care center, subject to stipulations as approved in the Town Council minutes of November 17, 2011.
July 8, 1976 (SUP-76-12)	Approval to construct an aviary, as recorded at the Maricopa County Recorder, Arizona, in Docket 11795, Pages 934-935.
January 8, 1976 (SUP-75-12)	Approval to construct a site wall at the front of the property and construct new windows for both buildings, as recorded at the Maricopa County Recorder, Arizona, in Docket 11624, Pages 893-894.
November 13, 1975 (SUP-75-11)	Approval of a second extension for the completion of the plaza as recorded at the Maricopa County Recorder, Arizona, in Docket 11624, Pages 891-892. Stipulation 11 of the June 27, 1974 approval was modified to give a deadline of February 1, 1976 to complete the medical plaza. This amendment also added a new section that the Special Use Permit may become void if any Special Use Permit terms are not met.
December 19, 1974 (SUP-74-07)	Approval of an extension for the completion of the plaza as recorded at the Maricopa County Recorder, Arizona, in Docket 11624, Pages 887-890. Stipulations 11 and 12 of the June 27, 1974 approval were modified to increase the date building permits must be obtained and construction must start.
June 27, 1974 (SUP-74-06)	Establishment of the property for medical use by Special Use Permit, subject to 13 stipulations as recorded in the Special Use Permit recorded at the Maricopa County Recorder, Arizona, in Docket 11624, Pages 884-886.

**EXHIBIT “C”
TO
ORDINANCE NUMBER 2018-19**

SUP Conditions *[September 25, 2018 Draft]*

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

I. PROJECT DESCRIPTION

Redevelopment of the Property, that includes a complete demolition of all existing structures and construction of a new two-story medical center with covered parking.

II. DEFINITIONS

“**Approved Plans**” means the plans and documents associated with SUP 18-06 and described in Subsection IV “Approved Plans” of this Ordinance.

“**Owner**” means Jamel Greenway L.L.C., an Arizona Limited Liability Company, its successors and assigns. An Owner may be an individual, corporation, partnership, limited liability company, trust, land trust, business trust or other organization, or similar entity, which in turn may be owned by individuals, shareholders, partners, members or benefitted parties under trust agreements, all of which may take any legal form, and may allocate interests in profits, loss, control or use.

“**Property**” means the real property described in Exhibit “A” to Ordinance #2018-19.

“**Special Use Permit**” or “SUP-18-06” or “SUP” shall mean this special use permit as approved by Town Ordinance #2018-19.

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

III. STIPULATIONS

A. GENERAL

1. This Special Use Permit applies only to the Property, except where some of the conditions relate to the right-of-way adjoining the Property.

2. Nothing in this Special Use Permit or otherwise shall require the operation of the medical center under the name "Lincoln Plaza Medical Center" or any similar or other name. No further consent shall be required to enable the Owner to transfer the Property, name or rename the medical center, or select or reselect property management companies for the Property.
3. The redevelopment of, and construction on, the Property shall be subject to the stipulations and definitions of this Special Use Permit (the "Stipulations") and shall substantially conform to the approved plans. All previous existing Special Use Permit stipulations described in Exhibit "C" are rescinded and no longer in full force and effect. 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/or electronic version of all Approved Plans with an amendment to this Special Use Permit shall be submitted to the Town within 60 days after the date of Town Council approval of this Ordinance.
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 the Property shall be subject to this Special Use Permit, 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 Zoning Ordinance, or the Town Code, the Town may, after fair notice, hold a hearing to impose a monetary sanction on the then Owner in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance or Town Code, as the case may be, for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws.
9. Amendments to this Special Use Permit shall follow the appropriate processes outlined in Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended.

10. 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.

B. USES

1. Except as modified in this Special Use Permit, the Property shall be used for medical uses as defined below. Except as specified in this Special Use Permit, retail uses are prohibited.
 - a. Offices for medical practitioners.
 - b. Urgent care.
 - c. Outpatient surgical facilities where stays do not exceed 48 hours.
 - d. Physical therapy facilities.
 - e. Pharmacy.
2. Except as modified in this Special Use Permit, the regular days and hours of operation on the Property shall be Monday through Friday from 7:00 a.m. to 8:00 p.m.
3. A medical marijuana dispensary is presently not allowed on the Property and is not to be allowed as part of the Special Use Permit (SUP-18-06). A medical marijuana dispensary is subject to the restrictions outlined in Article XI of the Paradise Valley Zoning Ordinance and approval of a separate amendment to this Special Use Permit is required before a medical marijuana dispensary would be a permitted use on the Property.

C. PHARMACY

1. Only one (1) pharmacy shall be allowed.
2. The primary intent of the pharmacy is to cater to the medical staff and patients of Lincoln Plaza Medical Center.
3. The pharmacy may include a lobby, over the counter retail area (with retail as limited by this Special Use Permit), a compounding area, a dispensing area, and a cashier area.

4. The area of the pharmacy shall not exceed 2,079 square feet in total area. *[This is the size of the approved pharmacy in Suite A-101 in the existing stipulations, Commission may or may not want to identify a maximum square footage or use a different maximum square footage]*
5. There shall be no external signage, other than tenant identification on a directory and/or at the doorway to the pharmacy. This includes the following limitations: no allowance for vehicle wraps and/or other means of identifying the pharmacy.
6. The pharmacy shall not sell, dispense, lease or market any non-medically related paraphernalia, products, and sundries.
7. The pharmacy's days and hours of operation shall be limited to the regular hours of operation for the Property of Monday through Friday, 7:00 a.m. to 8:00 p.m.
8. All activity related to the pharmacy shall be conducted in compliance with State and Federal rules and regulations; and other implementing state statutes and administrative regulations.
9. The pharmacy security measures shall be substantially compliant with the narrative in the Approved Plans, which includes any pertinent Crime Prevention Through Environmental Design (CPTED) strategies. This includes, and is not limited to, the following *[These are taken from the 2011 SUP narrative. May not want to reference the narrative and list all items here to remove interpretation later on]*:
 - a. All pharmaceuticals' will be locked, secured, and controlled in the safest manner in order to comply with all Federal and State Regulations related to properly securing and storing all pharmaceuticals.
 - b. Deliveries will be conducted during the pharmacy's regular hours of operation specified in Section III.B.7. There will be no packages left outside or in any lockable containers outside the building.
 - c. Products will be stored in the storage facility in the back of the pharmacy suite in locking metal cabinets with a dead bolted room. The pharmacy shall also install surveillance cameras to record all activities in the storage facility. Only the pharmacist and pharmacy technician shall have access to the storage facility. Any products requiring refrigeration will be kept in a locked refrigerator in the same controlled environment.

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- d. Products allowed shall consist of all medical grade pharmaceuticals procured by a licensed, insured distributor in accordance with all Federal guidelines to procure such medicines. The only drugs that will be sold will be Controlled Substances Act (“CSA”) Class III, IV, V and Not Classified. There will be no sales of Class I and II drugs or medical marijuana on the premises.
- e. A minimum of four video cameras with a resolution of 1080 or better will be placed throughout the pharmacy to effectively monitor all handling/processing of the pharmacy dispensing activities, cashier sales and general overview of the entrances. Video recordings shall be stored for at least 90 calendar days and must be stored off-site (cloud-based or similar). The system shall include failure notification that provides an audible and visual notification of any failure in the electronic monitoring system. Video cameras and recording equipment shall include sufficient battery backup to support at least 10 minutes of recording in the event of a power outage. The Owner and tenant of the pharmacy shall provide the Town of Paradise Valley Police Department remote access to surveillance videos upon request.
- f. A minimum of two panic buttons shall be placed in the pharmacy; one to be located at the pharmacist area and the other near the cashier.
10. An apothecary may be located within the pharmacy for the purpose of making compound medicines on the Property. The apothecary must comply with all State and Federal rules and regulations, and all Special Use Permit pharmacy stipulations.

D. URGENT CARE CENTER

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1. Only one (1) urgent care center shall be allowed.
2. The primary use of the urgent care center is for immediate care needs and not to replace or serve as a substitute for a hospital emergency care center. Treatment services may include x-rays, ear and other infections, insect/bug bites and stings, minor cuts/stitches, rashes, heat exhaustion/sunburn, allergies, and related treatment.
3. The urgent care center may include a lobby/waiting area, a staff kitchen/break room, staff offices, patient/exam rooms, and room for minor procedures.

4. There shall be no external signage for the urgent care center, other than on the entry monument sign, tenant identification on a directory, and/or at the doorway to the urgent care center. This includes no allowance for vehicle wraps or other means of identifying the urgent care center. *[The existing stipulations reference monument sign copies shall be substantially compliant with the sign elevation plans and the narrative and an allowance for directional signs shall not be substantially visible from off site, must comply with the Special Use Permit Guidelines and shall be limited to a maximum/total number of three (3) signs. The proposed building design does not have separate suite entrances, which may not require directional signage. The 2011 approval allowed the text “urgent care center” on each of the two existing monument signs.]*
5. The area of the urgent care center shall not exceed 2,170 square feet in total area. *[This is the size of the approved pharmacy in Suite A-101 in the existing stipulations, Commission may or may not want to identify a maximum square footage or use a different maximum square footage. The urgent care center in 2011 was originally proposed in Suite B-206 at 1,520 square feet.]*
6. The urgent care center shall not have any out-patient surgical facilities, ambulatory services or sell any prescription drugs.
7. The urgent care center’s days and hours of operation shall be limited to Monday through Sunday, 8:00 a.m. to 5:00 p.m. *[The existing stipulation limits this use to Monday through Saturday, 8:00 am to 7:00 p.m. In 2011, the request was for hours of Monday through Sunday from 7:00 a.m. to 9:00 p.m.]*
8. The urgent care center security measures shall include, and are not limited to, the following:
 - a. No prescription drugs will be kept in the urgent care center suite.
 - b. Deliveries will be conducted during business hours. There will be no packages left outside or in any lockable containers outside the building.

E. MANAGEMENT - MAINTENANCE

1. The Property shall be under unified property management, with the name and contact information for the property manager to be provided to the Town’s Community Development Department Director, or designee prior to the issuance of a certificate of completion, and to

then be updated within two (2) days after any property manager change is made.

2. The Property shall be kept in unified ownership and not be subdivided for the purpose of sale.
3. The building on the Property may be leased to a single tenant or designed for multiple rentable medical office suites.
4. All exterior portions of all structures and all driveways, parking areas, landscaping, walls, and lighting shall be kept and maintained in good condition and repair.
5. Use of outdoor space by employees for activities such as smoking may create unintended nuisances for persons on adjoining properties. This type of activity shall be located near the rear and sides of the building, away from the perimeter of the Property. *[This stipulation attempts to address the employee area SOD on Impact to Adjacent Uses that Commission may or may not find warranted.]*

F. CONSTRUCTION

1. Interiors of the building on the Property may be remodeled at any time without an amendment to the Special Use Permit so long as the other aspects of the Property remain in substantial compliance with the Approved Plans and all applicable building permits are obtained.
2. Final grading and drainage plans and documents, prepared by a registered civil engineer, must be submitted for review and approval by the Town Engineering Department prior to issuance of a building permit for the improvements associated with SUP 18-06.
3. The Owner shall submit a construction schedule prior to the issuance of any building permit to ensure compliance with all Town ordinances, including the conditions specified in this SUP and in order to minimize construction nuisances. This construction schedule shall be subject to approval by the Town Manager and shall include the following:
 - a. Dust and noise control measures.
 - b. Vehicle/equipment storage/parking.
 - c. Construction days/hours.
 - d. Location of staging area for construction supplies/equipment.

- 1 e. Location of any construction trailer and sanitary facility.
- 2 f. Location of on-site construction-materials/debris storage.
- 3 g. Location of fire lanes during the construction period.
- 4 h. The approximate beginning and ending for construction.
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- 6 4. All new construction shall satisfy all fire department requirements for
- 7 each component of work (which may include temporary fire protection
- 8 facilities) prior to the issuance of any building permit for such work.
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- 10 5. Prior to the issuance of a certificate of occupancy for any structure on the
- 11 Property adequate fire, emergency and other vehicle access and adequate
- 12 fire service shall be provided for such structure and the particular phase of
- 13 development in which such structure is located, as determined by the
- 14 Town Manager.

15 **G. DESIGN**

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- 17 1. Building architecture, materials, and colors shall be as shown on the
- 18 Approved Plans. Any future modifications to exterior materials and
- 19 colors shall be approved by the Town Manager, or designee. Changes
- 20 to the architectural style shall only be made by an approved SUP
- 21 amendment.
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- 23 2. The color of the roofs of the building and parking canopies shall have
- 24 a Light Reflective Value at or less than thirty-eight percent (38%).
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- 26 3. Any future solar panels are subject to a separate amendment to this
- 27 Special Use Permit and are encouraged to be placed as part of the
- 28 parking canopy structures.
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- 30 4. All mechanical equipment shall be screened so that it is not visible
- 31 from adjoining properties not a part of this Special Use Permit and
- 32 from adjoining public rights-of-way. Mechanical equipment and
- 33 mechanical equipment screens shall be included in the total height of
- 34 any structure to which they are attached. If applicable, mechanical
- 35 screening may provide the necessary noise attenuation for any
- 36 mechanical equipment. All mechanical equipment, along with any
- 37 screens used for attenuation of noise, shall comply with the allowable
- 38 noise levels defined in the Town's noise ordinance. Noise
- 39 measurement shall include any installed screening or other attenuation
- 40 devices.
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- 42 5. Screening of backflow preventers, electric transformers, generators, or
- 43 other similar equipment (all herein further referred to as "Visually

Unappealing Improvements”) visible from off the Property shall be located so as to minimize its visual impact and screened from public view, all of which must first be approved by the Town Manager prior to approval of construction of any such Visually Unappealing Improvements.

H. LANDSCAPING

1. Landscaping on the Property shall be in substantial compliance with the Approved Plans.
2. All landscaping that dies shall be replaced in a reasonable amount of time, be in general compliance with the approved landscape plan of the Approved Plans, and shall use material that is on the Approved Plans, Town’s Landscape Guidelines, and/or the Visually Significant Corridors Plan for the Property’s character zone.
3. The Approved Plans show parking spaces along Lincoln Drive that could be converted to landscaped area. The width of the landscape buffer along Lincoln Drive may be increased to make this landscaped area more in compliance to the Special Use Permit guideline of fifty feet (50’) without an amendment to the Special Use Permit. An updated landscape plan of this area shall be provided to the Town Manager, or designee, for review and approval. A parking study/statement, prepared by a licensed engineer and approved by the Town Engineer, may be required to demonstrate the Property has adequate parking. This provision may also apply should there be a request to convert other parking spaces on the Property to landscaped areas. *[Planning Commission may want to modify and/or remove this stipulation dependent upon the recommended landscape buffer by the Commission. This matter is still unresolved]*

I. LIGHTING

1. All outdoor lighting shall be in compliance the Approved Plans, including the wattage and color of each lighting fixture. In the event the Approved Plans are not clear, such lighting shall meet the Special Use Permit Guidelines, as such may be amended from time to time.
2. Lamps, lighting, or illumination devices within an outdoor light fixture shall not be visible from outside the Property. If the Town receives a complaint from an offsite owner that a lamp or lighting or illumination device within an outdoor light fixture is visible from outside the Property, the Town Manager or designee may inspect the Property and require the Owner to shield such lighting fixture if the Town Manager determines that the light emitting element is visible from outside the Property.

J. RIGHT-OF-WAY, PARKING & CIRCULATION

1. The Owner shall deed sixty-five feet (65') of right-of-way to the Town; as measured from the centerline of Lincoln Drive adjoining the Property (the "Right-of-Way"). All travel lanes, public sidewalk, and associated public roadway improvements shall be located within this Right-of-Way. *[This stipulation requires discussion and direction]*
2. No above ground structures shall be placed in the Right-of-Way, except for any approved Town monument and/or Town directional sign(s), utilities, and any other approved structures or uses allowed by this Special Use Permit.
3. Shared access to the adjoining properties of the Smoke Tree resort, Andaz resort, and/or AJs center may be allowable. The Owner shall demonstrate through a traffic/circulation/parking study, prepared by a licensed engineer and approved by the Town Engineer, that such shared access is safe and does not create negative or adverse traffic impacts. *[This stipulation needs discussion. It addresses the ongoing access discussion that may not be solved by Commission action]*
4. The minimum parking space size shall be 180 square feet as defined in Article II, Definitions, of the Town Zoning Ordinance. However, the Approved Plans identify 9-foot by 18-foot parking spaces with a two-foot overhang in the adjoining landscape area (which meets the 180 square-foot requirement). Accordingly, this two-foot landscape area shall, in perpetuity, be kept and maintained clear of plant material that may restrict the parking of a vehicle within this two-foot landscape area.
5. The Owner shall construct (or provide payment to the Town in lieu of actual construction) a 6' wide meandering sidewalk within the right-of-way area granted to the Town and adjoining the Property. This sidewalk shall be completed in accordance with Town Standards, including San Diego buff color, at such time as the Town completes the construction of Lincoln Drive improvements. *[Need to define Town Standards]*

K. SIGNAGE

1. All signs shall be installed only as shown on the Approved Plans. *[As background - signage includes a maximum of one (1) monument sign, one (1) building sign on the north façade facing Lincoln Drive, and three (3) directional signs not substantially visible from off-site that comply with the Special Use Permit Guidelines for Medical Offices. Refer to Pharmacy and Urgent Care Center of this Special Use Permit for additional sign restrictions on these uses]*

2. The lighting for the signs on the Property shall be placed on a timer to shut off between the hours of 11:00 p.m. and 6:00 a.m., unless otherwise approved by the Town Manager or designee for special events.
3. Any signage for the Property located within any easement portion of the Right-of-Way shall be constructed as a break-away sign, such as by the use of hollow construction in which the cells are not grouted solid.

IV. APPROVED PLANS *[Will need to update with the final plans/documents]*

The following plans and documents apply to the Property. In the case of discrepancies between Approved Plans, those with a later date shall take precedence. In the case of discrepancies between Approved Plans and Stipulations, the Stipulations shall take precedence as specified in Section III.A.5.

(SUP 18-06)	1. Narrative prepared by Withey Morris, PLC, dated August 29, 2018. 2. Site Plan, Sheet A1.0, prepared by Suite Six Architecture + Planning, dated August 24, 2018. 3. Landscape Plan, Sheet CLS-1, prepared by Collaborative Design Studio, dated August 29, 2018. 4. Renderings, Sheets A3.0, A4.0, and A4.1, prepared by Suite Six Architecture + Planning, dated August 24, 2018. 5. Trip Generation (traffic-circulation-parking study) prepared by CivTech, dated September 5, 2018. 6. Preliminary Drainage Statement prepared by Optimus Civil Design Group, sealed on July 12, 2018 by Jamsheed D Behrana.
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