

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 636

**AN ORDINANCE OF THE TOWN OF PARADISE
VALLEY, ARIZONA, AMENDING THE SPECIAL USE
PERMIT FOR LINCOLN PLAZA MEDICAL CENTER,
7125 EAST LINCOLN DRIVE, PROVIDING FOR THE USE
OF A PHARMACY AND AN URGENT CARE CENTER,
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Paradise Valley Planning Commission held public hearings on June 21, 2011 and September 20, 2011, in the manner prescribed by law, for the purpose of considering an Intermediate Amendment to the Special Use Permit for Lincoln Plaza Medical Center, and recommended approval to the Town Council; and

WHEREAS, the Town of Paradise Valley Council held a public hearing on November 17, 2011, in the manner prescribed by law, to hear and to take action on the Intermediate Amendment to the Special Use Permit for Lincoln Plaza Medical Center, as recommended by the Planning Commission.

**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 Lincoln Plaza Medical Center is on the land legally described as 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. Assessor Parcel Number 174-64-003-B (hereinafter "the Property").
2. The Special Use Permit for the Property is hereby amended to permit the additional uses of a pharmacy and an urgent care center on the Property, subject to the stipulations set forth in Exhibit A, attached hereto.
3. The Intermediate Amendment to the Special Use Permit for Lincoln Plaza Medical Center is approved 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

1 competent jurisdiction, such portion shall be deemed a separate, distinct and independent
2 provision and such holding shall not affect the validity of the remaining portions thereof.
3

4 SECTION 3. Effective Date. This ordinance shall become effective at the time and in
5 the manner prescribed by law.
6

7 PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise
8 Valley, Arizona, this 17th day of November, 2011.
9

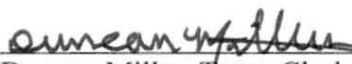
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Scott P. LeMarr, Mayor

SIGNED AND ATTESTED TO THIS 17 DAY OF November 2011

ATTEST:



Duncan Miller, Town Clerk

APPROVED AS TO FORM:



Andrew Miller, Town Attorney

1 floor plan and usable square footage shall be substantially compliant with the
2 narrative and Exhibit D.

- 3
- 4 11. The urgent care center shall not have any out-patient surgical facilities,
5 ambulatory services or sell any prescription drugs.
- 6
- 7 12. The urgent care center's days and hours of operation shall be limited to Monday
8 through Saturday, 8:00 am to 7:00 pm.
- 9
- 10 13. The east and west monument sign copies shall be substantially compliant with the
11 sign elevation plans and the narrative.
- 12
- 13 14. Tenant signage shall be permitted on Building A at the entrance to the urgent care
14 center, but such sign shall be no larger than the signs for other tenants of the
15 building or for similar buildings at the Lincoln Plaza Medical Center.
- 16
- 17 15. Directional signs for the urgent care center shall not be substantially visible from
18 off site, must comply with the Special Use Permit Guidelines and shall be limited
19 to a maximum/total number of three (3) signs.

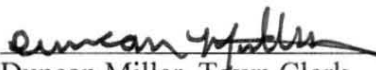
STATE OF ARIZONA)
 :SS.
COUNTY OF MARICOPA)

CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the foregoing is a full, true, and correct copy of Ordinance Number 636 duly and regularly passed and adopted by a majority vote of the Town Council at a meeting duly called and held on the 17th day of November, 2011. Said Ordinance appears in the minutes of said meeting, and it has not been rescinded or modified and is now in full force and effect.

I further certify that said municipal corporation is duly organized and existing, and has the power to take the action called for by the Ordinance.




Duncan Miller, Town Clerk

VOTE

AYES: LeMarr, Hamway, Collins, Dembow, Kirby, Parker, Trueblood

NAYES:

NOT PRESENT:

ABSTAIN:

SUP-76-12
195615
Permit

PARADISE VALLEY TOWN COUNCIL

OKT 117956 934

AMENDMENT TO SPECIAL USE PERMIT ISSUED FOR MEDICAL
CLINIC FOR LINCOLN PLAZA MEDICAL CENTER AT
7125 EAST LINCOLN DRIVE, IN THE TOWN OF PARADISE
VALLEY.

RESOLVED, that the Special Use Permit issued by
the Paradise Valley Town Council for the Lincoln Plaza
Medical Center at 7125 E. Lincoln Drive, in the Town of
Paradise Valley, on June 27, 1974, as amended on December 19,
1974, November 13, 1975, and January 8, 1976, is hereby
further amended as follows: The following new paragraph
5 is hereby approved and adopted and added to the Special
Use Permit heretofore granted:

5. Notwithstanding any other provision of this Special Use
Permit, the grantee is hereby authorized to construct and
maintain an aviary upon the premises subject to this Special
Use Permit (a) upon condition that such aviary complies
in location, size, design and all respects with the "Site
Plan: for Aviary for Lincoln Plaza Medical Center, July, 1976"
as certified as such plan by the Paradise Valley Town Clerk,
and (b) upon condition that the use of the aviary and the
care of the birds therein comply with all applicable laws.

This amendment is hereby incorporated into the
Special Use Permit issued for the Lincoln Plaza Medical Center
on June 27, 1974, as amended on December 19, 1974, on November
13, 1975, and January 8, 1976, and made an integral part
thereof.

PASSED AND ADOPTED by the Mayor and Common Council
of the Town of Paradise Valley, Arizona, this 8 day
of July, 1976.

Barbara vonAmmon
Barbara vonAmmon, Mayor

ATTEST:

Mary Ann Brines
Mary Ann Brines, Town Clerk

APPROVED AS TO FORM:

Roger A. McKee
Roger A. McKee, Town Attorney



SUP-76-12

DKT 11795PG 935

AGREED TO AND ACCEPTED BY:

Whitney Sorrell

6.9.76
Date

George Sims

Aug 76
Date

STATE OF ARIZONA } ss
County of Maricopa }

I hereby certify that the with-
in instrument was filed and re-
corded at request of

TOWN OF PARADISE VALLEY

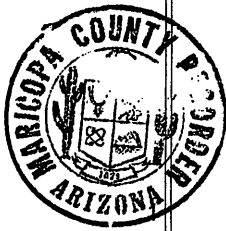
AUG - 4 1976 - 10 35

in Docket 11795
on page 934-935

Witness my hand and official
seal the day and year aforesaid.

Tom Freestone

County Recorder
By [Signature]
Deputy Recorder



DXT 11624PG 893

SUP-75-12
86184

PARADISE VALLEY TOWN COUNCIL

M/PERMIT

AMENDMENT TO SPECIAL USE PERMIT ISSUED FOR MEDICAL
CLINIC FOR LINCOLN PLAZA MEDICAL CENTER AT 7125
EAST LINCOLN DRIVE, IN THE TOWN OF PARADISE VALLEY

RESOLVED, that the Special Use Permit issued by
the Paradise Valley Town Council for the Lincoln Plaza
Medical Center at 7125 E. Lincoln Drive, in the Town of
Paradise Valley, on June 27, 1974, as amended on December 19,
1974, and November 13, 1975, is hereby further amended
as follows:

Subparagraph A of Paragraph 1 of the Amended
Special Use Permit is amended by deleting and repealing
the words crossed out, and adding and adopting the words
in all capitalized letters, as follows:

A. CONSTRUCTION AND OPERATION AND MAINTENANCE
of a medical AND DENTAL clinic, pursuant to Article XI,
Section 1101, subparagraph (e) of the Zoning Ordinance
of the Town of Paradise Valley, SHALL BE in STRICT compliance
with ~~drawings pgs. 1-4, dated revised June 21, 1974, entitled~~
~~"LINCOLN PLAZA MEDICAL CENTER," such drawings to be known~~
~~as EXHIBIT A, incorporated herein by reference, and made a~~
~~part of this special use permit.~~ EACH OF THE FOLLOWING SIX
DOCUMENTS, CERTIFIED AS SUCH BY THE PARADISE VALLEY TOWN
CLERK, WHICH ARE HEREBY APPROVED BY THE TOWN OF PARADISE
VALLEY AND THE SPECIAL USE PERMIT GRANTEES AND INCORPORATED
HEREIN BY REFERENCE AND MADE AN INTEGRAL PART OF THIS SPECIAL
USE PERMIT:

1. "SITE PLAN FOR SPECIAL USE PERMIT FOR LINCOLN PLAZA
MEDICAL CENTER OF JANUARY, 1976 - AS BUILT SITE PLAN WITH
RED LINE CORRECTIONS DATED January 6, 1976"
2. "SITE PLAN FOR SPECIAL USE PERMIT FOR LINCOLN PLAZA
MEDICAL CENTER FOR JANUARY, 1976, - SHEET #1"
3. "SITE PLAN FOR SPECIAL USE PERMIT FOR LINCOLN PLAZA
MEDICAL CENTER OF JANUARY, 1976 - SHEET #3"
4. "SITE PLAN FOR SPECIAL USE PERMIT FOR LINCOLN PLAZA
MEDICAL CENTER OF JANUARY, 1976 - SHEET #4"

5. "SITE PLAN FOR SPECIAL USE PERMIT FOR LINCOLN PLAZA
MEDICAL CENTER OF JANUARY, 1976 - SHEET 11"

6. "SITE PLAN FOR SPECIAL USE PERMIT FOR LINCOLN PLAZA
MEDICAL CENTER OF JANUARY, 1976 - LANDSCAPING PLAN"

Said construction shall also be in compliance with 1/87
scale model. Said Special Use Permit shall also be subject
to the following stipulations:

.....
This amendment is hereby incorporated into the Special
Use Permit issued for the Lincoln Plaza Medical Center
on July 27, 1974, as amended on December 19, 1974, and
on November 13, 1975, and made an integral part thereof.

PASSED AND ADOPTED by the Mayor and Common Council
of the Town of Paradise Valley, Arizona, this 8 day
of January, 1976.

Barbara von Ammon
Barbara von Ammon, Mayor

ATTEST:
Mary Ann Brines
Mary Ann Brines, Town Clerk

STATE OF ARIZONA } ss
County of Maricopa }
I hereby certify that the with-
in instrument was filed and re-
corded at request of

TOWN OF PARADISE VALLEY
APR 9 - 1976 - 11 20

APPROVED AS TO FORM:
Roger A. McKee
Roger A. McKee, Town Attorney

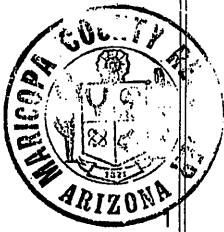
in Docket 11624
on page 893-894
Witness my hand and official
seal the day and year aforesaid.
Tom Freestone
County Recorder
By R. J. Montemayor
Deputy Recorder

AGREED TO AND ACCEPTED BY:
Whitney Sorrell
Whitney Sorrell

1.9.76
Date

Dr. Robert Winkler
Dr. Robert Winkler

1/13/76
Date



DOT 11624PG 891

86183

PARADISE VALLEY TOWN COUNCIL

M/PERMIT
SEP-75-11

AMENDMENT TO SPECIAL USE PERMIT ISSUED FOR MEDICAL
CLINIC FOR LINCOLN PLAZA MEDICAL CENTER AT 7125
EAST LINCOLN DRIVE, IN THE TOWN OF PARADISE VALLEY

2 RESOLVED, that the Special Use Permit issued by
3 the Paradise Valley Town Council for the Lincoln Plaza
4 Medical Center at 7125 E. Lincoln Drive, in the Town of
5 Paradise Valley, on June 27, 1974, as amended on December 19,
6 1974, is hereby further amended as follows:

- 7 1. Subsection 11 in the middle of page three (3) of the
8 amended Special Use Permit is hereby amended by
9 deleting all of subsection 11 and substituting and
10 adopting the following new subsection 11:

11 "Construction of all improvements and structures,
12 and all landscaping, with the exception of "tenant
13 improvements", shall be completed on or before
14 February 1, 1976, and the grantee shall have quali-
15 fied for and obtained a Certificate of Occupancy
16 from the Town of Paradise Valley, on or before
17 February 1, 1976."

- 18 2. The following new paragraph 4 is adopted and added to
19 the Special Use Permit (at the bottom of page three (3)
20 of the amended Special Use Permit).

21 "4. This Special Use Permit shall become void
22 and of no force and effect, at the option of
23 the Paradise Valley Town Council, upon the
24 failure of the grantee Special Use Permit holder
25 to comply with any of the terms, conditions,
26 or stipulations of this Special Use Permit".

27 This amendment is hereby incorporated into the
28 Special Use Permit issued for the Lincoln Plaza Medical
29 Center on July 27, 1974, as amended on December 19, 1974,
30 and made an integral part thereof.

31 PASSED AND ADOPTED by the Mayor and Common Council
32 of the Town of Paradise Valley, Arizona, this 13th day of
November, 1975.

SUP-B-11

Barbara vonAmmon
Barbara vonAmmon, Mayor

ATTEST:

Mary Ann Brines
Mary Ann Brines, Town Clerk

APPROVED AS TO FORM:

Roger A. McKee
Roger A. McKee, Town Attorney

AGREED TO AND ACCEPTED BY:

Whitney Sorrell

11-21-75

Date

Dr. Robert Winkler
Dr. Robert Winkler

11-26-75

Date

APR 9 - 1976 -11 20

STATE OF ARIZONA }
County of Maricopa } ss

I hereby certify that the with-
in instrument was filed and re-
corded at request of
TOWN OF PARADISE VALLEY.

in Docket 11624
on page 891-892

Witness my hand and official
seal the day and year aforesaid.

Tom Freestone

County Recorder

By R. J. Montague
Deputy Recorder

100



AMENDED SPECIAL USE PERMIT

TO CONSTRUCT A MEDICAL CLINIC TO BE KNOWN AS
"LINCOLN PLAZA MEDICAL CENTER," AT 7125 E. LINCOLN, IN
THE TOWN OF PARADISE VALLEY, ARIZONA.

RESOLVED, that an amended Special Use Permit be,
and it is hereby issued to Lincoln Plaza Medical Center,
a general partnership of Whitney Sorrell and Dr. Robert
Winkler, for the use of the property hereinafter described
upon the terms and conditions hereinafter set forth:

1. Property. The property to which this amended
Special Use Permit applies is located within the Town of
Paradise Valley, Maricopa County, Arizona, at 7125 E.
Lincoln, the legal description of which is as follows:

The east 200' of the following described
property: The north one-half of the north-
west one-quarter of the northeast one-quarter
of the southeast one-quarter, and the north
one-half of the south one-half of the north-
west one-quarter of the northeast one-quarter
of the southeast one-quarter of Section 10,
Township two north, Range four east, of the
Gila and Salt River Base and Meridian,
Maricopa County, Arizona.

The utilization of the land and buildings of which shall be
as follows:

A. Construction of a medical clinic, pursuant
to Article XI, Section 1101, subparagraph (e) of the Zoning
Ordinance of the Town of Paradise Valley, in compliance with
drawings pgs. 1-4, dated "Revised June 3, 1974," entitled
"Lincoln Plaza Medical Center," such drawings to be known
as Exhibit A, incorporated herein by reference, and made a
part of this Special Use Permit. Said construction shall
also be in compliance with 1/8" scale model. Said Special
Use Permit shall also be subject to the following stipulations:

1. The Town Engineer's memo dated May 17, 1974,
which recommends the following, shall be
complied with:

- SUP-7A-7
- a. Paving width of Lincoln Drive across main portion of the lot should be 24' to back of curb with acceptable tapers at east and west property lines.
 - b. Vertical curb and gutter to match existing at east property line should be provided.
 - c. Driveway entrances should be graded to allow water carried in existing ditch to flow across drives at about 6' north of 40' right-of-way line.
 - d. Ditch flowline should be relocated to align with driveway dips and gutter at east property line.
 - e. Drainage reports for the property should be prepared comparing existing flows with post-development drainage patterns.
2. Exterior building colors shall be the same as used on the scale model and the color chip included in the file.
 3. Mechanical equipment is to be concealed from view from Lincoln Drive.
 4. Exterior lighting levels throughout the project are not to exceed three (3) foot-candles at three (3) foot heights above grade, exterior.
 5. Exterior construction materials, colors, and trim, shall conform to the model and the site plan.
 6. Sewer flow will connect to the City of Scottsdale sewer trunk line in Scottsdale Rd., at Lincoln. Sewer line will be extended north on Scottsdale Rd. and west on Lincoln to the northwest corner of subject property. The City of Scottsdale will approve the sewer plan and appropriate connection fees will be paid to the City of Scottsdale.
 7. The six (6) trees to be located in the front of the property shall have a minimum height of fifteen feet, and palm trees shall be excluded from these plantings.

SUP-74-7

8. Commercial laboratories and pharmacies are specifically excluded from occupancy.
9. The maximum number of rentable office suites shall not exceed twenty-two (22).
10. Title of all land and improvements shall remain under the ownership of Lincoln Plaza Medical Center, a general partnership, and be non-transferable until completion of building project.
11. Building permits shall be obtained within seven (7) months from Town Council approval with final landscaping substantially completed and Certificate of Occupancy issued within sixteen (16) months from Town Council approval.
12. Failure to commence construction within ten (10) months from date of Council approval shall automatically cancel this Special Use Permit, except that the owner(s) may petition the Council for an extension.
13. Certified "as built" drawings shall be submitted after completion of the project, and prior to issuance of a Certificate of Occupancy.

2. Nature of Use. Said property shall be operated only as set forth herein with no expansions, additions, changes or alterations to said real property or uses described herein without an express amendment to this Special Use Permit.

3. Unenforceable Provisions. Should any portion of this Permit be deemed to be unenforceable or invalid, such a determination shall not affect the balance of the provisions hereof.

SUP-74-7

This Special Use Permit was originally approved on June 27, 1974, by the Mayor and Common Council of the Town of Paradise Valley, Arizona, and is re-approved, passed, and adopted as amended this 19th day of December, 1974, nunc pro tunc to June 27, 1974; the time and date provisions of this Permit shall be held to be effective from June 27, 1974.

E. Robert Tribken
E. Robert Tribken, Mayor

ATTEST:

Mary Ann Brines
Mary Ann Brines, Town Clerk

APPROVED AS TO FORM:

Roger A. McKee
Roger A. McKee, Town Attorney

INCORPORATED
ACCEPTED AND AGREED TO BY
LINCOLN PLAZA MEDICAL CENTER

Whitney Sorrell
Robert Winkler
Dr. Robert Winkler

APR 9 - 1976 - II 20

STATE OF ARIZONA }
County of Maricopa } ss
I hereby certify that the with-
in instrument was filed and re-
corded at request of
TOWN OF PARADISE VALLEY

in Docket 11624
on page 887-890

Witness my hand and official
seal the day and year aforesaid.

Tom Freestone
County Recorder
By R. J. Monitomp
Deputy Recorder

DXT 11624PC 884

SPECIAL USE PERMIT

86181

PERMIT

SUP-74-6

1 TO CONSTRUCT A MEDICAL CLINIC TO BE KNOWN AS "LINCOLN PLAZA
2 MEDICAL CENTER," AT 7125 E. LINCOLN, IN THE TOWN OF PARADISE VALLEY,
3 ARIZONA.

4 RESOLVED, that a Special Use Permit be, and it is hereby issued
5 to Lincoln Plaza Medical Center, a general partnership, for the
6 use of the property hereinafter described upon the terms and condi-
7 tions hereinafter set forth:

8 1. Property. The property to which this Special Use Permit
9 applies is located within the Town of Paradise Valley, Maricopa
10 County, Arizona, at 7125 E. Lincoln, the legal description of which
11 is as follows:

12 The east 200' of the following
13 described property: The N $\frac{1}{2}$ of the
14 NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, and
15 the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the
16 NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, T2N,
17 R4E, G&SRB&M, Maricopa County, Arizona.



18 The utilization of the land and buildings of which shall be as
19 follows:

20 A. Construction of a medical clinic, pursuant to Article
21 XI, Section 1101, subparagraph (e) of the Zoning Ordinance of the
22 Town of Paradise Valley, in compliance with drawings pgs. 1-4,
23 dated "Revised June 3, 1974," entitled "Lincoln Plaza Medical
24 Center," such drawings to be known as Exhibit A, incorporated
25 herein by reference, and made a part of this Special Use Permit.
26 Said construction shall also be in compliance with 1/8" scale model.
27 Said Special Use Permit shall also be subject to the following
28 stipulations:

- 29 1. The Town Engineer's memo dated May 17, 1974, which
30 recommends the following, shall be complied with:
 - 31 a. Paving width of Lincoln Drive across main
32 portion of the lot should be 24' to back of
curb with acceptable tapers at east and west
property lines.
 - b. Vertical curb and gutter to match existing at
east property line should be provided.
 - c. Driveway entrances should be graded to allow
water carried in existing ditch to flow across
drives at about 6' north of 40' right-of-way
line.
 - d. Ditch flowline should be relocated to align with
driveway dips and gutter at east property line.

- e. Drainage reports for the property should be prepared comparing existing flows with post-development drainage patterns.
 - f. On site driveway grades should be a minimum of .5% to carry storm waters.
2. Exterior building colors shall be the same as used on the scale model and the color chip included in the file.
 3. Mechanical equipment is to be concealed from view from Lincoln Drive.
 4. Exterior lighting levels throughout the project are not to exceed three (3) foot-candles at three (3) foot heights above grade, exterior.
 5. Exterior construction materials, colors, and trim, shall conform to the model and the site plan.
 6. Sewer flow will connect to the City of Scottsdale sewer trunk line in Scottsdale Rd., at Lincoln. Sewer line will be extended north on Scottsdale Rd. and west on Lincoln to the NW corner of subject property. The City of Scottsdale will approve the sewer plan and appropriate connection fees will be paid to the City of Scottsdale.
 7. The six (6) trees to be located in the front of the property shall have a minimum height of 15', and palm trees shall be excluded from these plantings.
 8. Commercial laboratories and pharmacies are specifically excluded from occupancy.
 9. The maximum number of rentable office suites shall not exceed twenty-two (22).
 10. Title of all land and improvements shall remain under the ownership of Lincoln Planza Medical Center, a general partnership, and be non-transferable until completion of building project.
 11. Building permits shall be obtained within six (6) months from Town Council approval with final landscaping substantially completed and Certificate of Occupancy issued within fifteen (15) months from Town Council approval.

12. Failure to commence construction within nine (9) months from date of Council approval shall automatically cancel this Special Use Permit, except that the owner(s) may petition the Council for an extension.

13. Certified "as built" drawings shall be submitted after completion of the project, and prior to issuance of a Certificate of Occupancy.

2. Nature of Use. Said property shall be operated only as set forth herein with no expansions, additions, changes or alterations to said real property or uses described herein without an express amendment to this Special Use Permit.

3. Unenforceable Provisions: Should any portion of this Permit be deemed to be unenforceable or invalid, such a determination shall not affect the balance of the provisions hereof.

PASSED AND ADOPTED by the Mayor and Common Council for the Town of Paradise Valley, Arizona, this 27th day of June, 1974.

E. Robert Tribken
E. Robert Tribken, Mayor

ATTEST:

Mary Ann Brines
Mary Ann Brines, Town Clerk

APPROVED AS TO FORM:

Ronald H. Petica
Ronald H. Petica, Town Attorney

ACCEPTED AND AGREED TO:

By:

By:

Lincoln Plaza Medical Center,
a general partnership
between Whitney Sorrell and
Dr. Robert Winkler

STATE OF ARIZONA } ss
County of Maricopa }

I hereby certify that the within instrument was filed and recorded at request of

TOWN OF PARADISE VALLEY

APR 9 - 1976 - 11 20
in Docket 11624
on page 884-886

Witness my hand and official seal the day and year aforesaid.

Tom Freestone

County Recorder
By R. J. [Signature]
Deputy Recorder