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**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 October 3, 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

Date: 11-01-18

1 WHEREAS, this amendment to the Special Use Permit for Lincoln Plaza Medical Center is  
2 consistent with the property’s designation as “Medical Office” in the Town’s General Plan Land  
3 Use Map; and

4  
5 WHEREAS, upon the effective date of this Ordinance, the zoning district of “Special Use  
6 Permit – Medical Office, Kennels and Veterinary Clinics” shall now be shown on the Town’s  
7 Zoning Map along with a reference to the new major amendment special use permit reference  
8 number on the Town’s official Zoning Map of “SUP 18-06”; and

9  
10 WHEREAS, in accordance with Article II, Section 1 and 2, constitution of Arizona, the Town  
11 Council has considered the individual property rights and personal liabilities of the residents of  
12 the Town before adopting Ordinance #2018-19 (the “Ordinance”).

13  
14 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL**  
15 **OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:**

16  
17 SECTION I. In General

- 18 1. The Special Use Permit zoning for Lincoln Plaza Medical Center allows for medical  
19 uses on the approximate 2.1 acres of land located at 7125 E Lincoln Drive in the Town  
20 of Paradise Valley, Arizona, more particularly described on Exhibit “A,” attached  
21 hereto (the “Property”).
- 22 2. This Major Amendment to the Special Use Permit (SUP 18-06) for Lincoln Plaza  
23 Medical Center hereby rescinds all prior Special Use Permits for the Property and  
24 creates a new Special Use permit to allow for redevelopment of the Property through  
25 demolition of all existing structures and the construction of a new two-story medical

Date: 11-01-18

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

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 To provide historical reference of what is being rescinded a description of prior  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

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 All prior Special Use Permit approvals on this Property are rescinded and no longer in  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

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

10  
11 SECTION II. Conditions. Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise  
12 Valley, Arizona (the “Town”), the Town hereby grants to Jamel Greenway L.L.C., an Arizona  
13 Limited Liability Company, its successors and assigns, Special Use Permit 18-06 by its approval  
14 of this Ordinance (the “SUP 18-06”) governing the use of the Property. All capitalized terms  
15 contained herein shall have the meanings ascribed to them parenthetically or otherwise in this  
16 Ordinance.

17  
18 This amendment is one of many amendments to the first Special Use Permit on the Property  
19 approved by the Town in 1974. This Special Use Permit is intended to supersede and replace all  
20 prior Special Use Permits for this Property and rescinds all prior Special Use Permits for the  
21 Property. This Special Use Permit is being granted by the Town to permit the continued use and  
22 operation of the Property for medical office use subject to and in accordance with the  
23 stipulations and other provisions set forth herein as shown in Exhibit “C,” attached hereto.  
24

25  
26 SECTION III. Severability. If any section, subsection, sentence, clause, phrase or portion of  
27 this Ordinance is for any reason held invalid or unconstitutional by a court of competent  
28 jurisdiction, such portion shall be deemed a separate, distinct and independent provision and  
29 such holding shall not affect the validity of the remaining portions thereof.

30  
31 SECTION IV. Effective Date. This Ordinance shall become effective at the time and in the  
32 manner prescribed by law.  
33

Date: 11-01-18

1 PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley,  
2 Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

3 \_\_\_\_\_  
4 Michael Collins, Mayor

5  
6 SIGNED AND ATTESTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2018.

7  
8  
9 ATTEST:

APPROVED AS TO FORM:

10  
11  
12 \_\_\_\_\_  
13 Duncan Miller, Town Clerk

\_\_\_\_\_  
Andrew Miller, Town Attorney

Date: 11-01-18

**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 of this 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**

**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.

- 1           3.       The redevelopment of, and construction on, the Property shall be subject  
2                   to the stipulations and definitions of this Special Use Permit (the  
3                   “Stipulations”) and shall substantially conform to the approved plans.  
4                   All previous existing Special Use Permit stipulations described in  
5                   Exhibit “C” are rescinded and no longer in full force and effect. The  
6                   approved plans, as listed in Section IV of this Special Use Permit, are  
7                   hereby incorporated into this Special Use Permit and made an integral  
8                   part hereof, and shall hereinafter be referred to as the “Approved Plans.”
  
- 9           4.       A Mylar and/or electronic version of all Approved Plans with an  
10                   amendment to this Special Use Permit shall be submitted to the Town  
11                   within 60 days after the date of Town Council approval of this  
12                   Ordinance. Upon completion of the construction, an “as-built” site plan  
13                   prepared by a registered civil engineer shall be submitted to the Town.
  
- 14          5.       In the event of a conflict between these Stipulations and the Approved  
15                   Plans, these Stipulations shall govern.
  
- 16          6.       This Special Use Permit shall run with the land and any person having  
17                   or subsequently acquiring title to the Property shall be subject to this  
18                   Special Use Permit, as it may be amended or superseded from time to  
19                   time. Once an Owner no longer owns the Property, such prior Owner  
20                   shall not be subject to this Special Use Permit.
  
- 21          7.       The use of the Property shall at all times conform to applicable State  
22                   laws and Town ordinances, except that if there is a conflict between this  
23                   Special Use Permit and any Town ordinance or other requirement, this  
24                   Special Use Permit shall prevail.
  
- 25          8.       If any portion of the Property is used in violation of the terms of this  
26                   Special Use Permit, the Town Zoning Ordinance, or the Town Code, the  
27                   Town may, after fair notice, hold a hearing to impose a monetary  
28                   sanction on the then Owner in an amount not to exceed the maximum  
29                   amount allowed for violations of the Town Zoning Ordinance or Town  
30                   Code, as the case may be, for each day such violation exists, in addition  
31                   to all other orders or sanctions permitted by applicable laws.
  
- 32          9.       Amendments to this Special Use Permit shall follow the appropriate  
33                   processes outlined in Article XI, Special Uses and Additional  
34                   Regulations, of the Town Zoning Ordinance, as amended.
  
- 35          10.       The property owner and Town shall sign and record a Waiver of Rights  
36                   and Remedies agreement under A.R.S. § 12-1134 (Proposition 207  
37                   Waiver) in the form provided by the Town Attorney within 10 calendar  
38                   days of the approval of this amendment to the Special Use Permit.  
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1           **B.           USES**

- 2
- 3           1.       Except as modified in this Special Use Permit, the Property shall be
- 4                   used for medical uses as defined below.
- 5
- 6                   a.       Offices for medical practitioners.
- 7                   b.       Urgent care.
- 8                   c.       Outpatient surgical facilities where stays do not exceed 48
- 9                               hours.
- 10                  d.       Physical therapy facilities.
- 11                  e.       Pharmacy.
- 12
- 13           2.       Except as specified in this Special Use Permit, retail uses are
- 14                   prohibited.
- 15
- 16           3.       Except as modified in this Special Use Permit, the regular days and
- 17                   hours of operation on the Property shall be Monday through Friday
- 18                   from 7:00 a.m. to 8:00 p.m.
- 19
- 20           4.       A medical marijuana dispensary is presently not allowed on the
- 21                   Property and is not to be allowed as part of the Special Use Permit
- 22                   (SUP-18-06). A medical marijuana dispensary is subject to the
- 23                   restrictions outlined in Article XI of the Paradise Valley Zoning
- 24                   Ordinance and approval of a separate amendment to this Special Use
- 25                   Permit is required before a medical marijuana dispensary would be a
- 26                   permitted use on the Property.

27           **C.           PHARMACY**

- 28
- 29           1.       Only one (1) pharmacy shall be allowed.
- 30
- 31           2.       The primary intent of the pharmacy is to cater to the medical staff and
- 32                   patients of Lincoln Plaza Medical Center.
- 33
- 34           3.       The pharmacy may include a lobby, over the counter retail area (with
- 35                   retail as limited by this Special Use Permit), a compounding area, a
- 36                   dispensing area, and a cashier area.
- 37
- 38           4.       The area of the pharmacy shall not exceed 2,500 square feet in total
- 39                   area.
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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:
  - 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.
  - 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 I, II, III, IV, V and Not Classified. There will be no sales of medical marijuana on the premises.

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- e. Video cameras with a resolution of 1080p 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. At least two angles at each entrance and at the customer interfacing area will be used, including overhead and below eye level and must include overt and covert camera systems. 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**

- 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, but not limited to, 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.

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4. There shall be no external signage for the urgent care center, other than on the entry monument sign, tenant identification on a directory, traffic/directional wayfinding signs, 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.
5. The area of the urgent care center shall not exceed 5,000 square feet in total area.
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, 7:00 a.m. to 10:00 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. All entrances to the urgent care and any customer interface area must be labelled with “no prescription drugs on site” signage.
  - c. 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.

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- 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.

**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. [Correct site topography and elevations shall be supplied by the Owner prior to Council consideration of the final Ordinance so that a fixed finished grade elevation can be specified in the Ordinance.] 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.
  - e. Location of any construction trailer and sanitary facility.
  - f. Location of on-site construction-materials/debris storage.
  - g. Location of fire lanes during the construction period.
  - h. The approximate beginning and ending for construction.
- 4. All new construction shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work.

- 1           5.       Prior to the issuance of a certificate of occupancy for any structure on the  
2                   Property adequate fire, emergency and other vehicle access and adequate  
3                   fire service shall be provided for such structure and the particular phase of  
4                   development in which such structure is located, as determined by the Town  
5                   Manager.  
6

7           **G.       DESIGN**

- 8  
9           1.       Building architecture, materials, and colors shall be as shown on the  
10                   Approved Plans. Any future modifications to exterior materials and  
11                   colors shall be approved by the Town Manager, or designee. Changes  
12                   to the architectural style shall only be made by an approved SUP  
13                   amendment.  
14  
15           2.       The color of the roofs of the building and parking canopies shall have a  
16                   Light Reflective Value at or less than fifty percent (50%).  
17  
18           3.       Any future solar panels are subject to a separate amendment to this  
19                   Special Use Permit and are encouraged to be placed as part of the  
20                   parking canopy structures.  
21  
22           4.       All mechanical equipment shall be screened so that it is not visible from  
23                   adjoining properties not a part of this Special Use Permit and from  
24                   adjoining public rights-of-way. Mechanical equipment and mechanical  
25                   equipment screens shall be included in the total height of any structure  
26                   to which they are attached. If applicable, mechanical screening may  
27                   provide the necessary noise attenuation for any mechanical equipment.  
28                   All mechanical equipment, along with any screens used for attenuation  
29                   of noise, shall comply with the allowable noise levels defined in the  
30                   Town's noise ordinance. Noise measurement shall include any installed  
31                   screening or other attenuation devices.  
32  
33           5.       Screening of backflow preventers, electric transformers, generators, or  
34                   other similar equipment (all herein further referred to as “Visually  
35                   Unappealing Improvements”) visible from off the Property shall be located  
36                   so as to minimize its visual impact and screened from public view, all of  
37                   which must first be approved by the Town Manager prior to approval of  
38                   construction of any such Visually Unappealing Improvements.  
39

40           **H.       LANDSCAPING**

- 41  
42           1.       Landscaping on the Property shall be in substantial compliance with the  
43                   Approved Plans.  
44

- 1           2.       All landscaping that dies shall be replaced in a reasonable amount of  
2                   time, be in general compliance with the approved landscape plan of the  
3                   Approved Plans, and shall use material that is on the Approved Plans,  
4                   Town's Landscape Guidelines, and/or the Visually Significant  
5                   Corridors Plan for the Property's character zone.  
6
- 7           3.       The Approved Plans show parking spaces along Lincoln Drive that  
8                   could be converted to landscaped area. The width of the landscape  
9                   buffer along Lincoln Drive may be increased to make this landscaped  
10                  area more in compliance to the Special Use Permit guideline of fifty feet  
11                  (50') without an amendment to the Special Use Permit. An updated  
12                  landscape plan of this area shall be provided to the Town Manager, or  
13                  designee, for review and approval. A parking study/statement, prepared  
14                  by a licensed engineer and approved by the Town Engineer, may be  
15                  required to demonstrate the Property has adequate parking. This  
16                  provision may also apply should there be a request to convert other  
17                  parking spaces on the Property to landscaped areas.

18       **I.        LIGHTING**

- 19
- 20       1.       All outdoor lighting shall be in compliance the Approved Plans,  
21                  including the wattage and color of each lighting fixture. In the event  
22                  the Approved Plans are not clear, such lighting shall meet the Special  
23                  Use Permit Guidelines, as such may be amended from time to time.  
24
- 25       2.       Lamps, lighting, or illumination devices within an outdoor light fixture  
26                  shall not be visible from outside the Property. If the Town receives a  
27                  complaint from an offsite owner that a lamp or lighting or illumination  
28                  device within an outdoor light fixture is visible from outside the  
29                  Property, the Town Manager or designee may inspect the Property and  
30                  require the Owner to shield such lighting fixture if the Town Manager  
31                  determines that the light emitting element is visible from outside the  
32                  Property.  
33
- 34       3.       Except for emergency lighting, the exterior parking lot and building  
35                  lighting shall be placed on a timer to shut off between the hours of 11:00  
36                  p.m. and 6:00 a.m., unless otherwise approved by the Town Manager or  
37                  designee for special events.  
38

**J. RIGHT-OF-WAY, PARKING & CIRCULATION**

1. The Owner shall deed, by dedication and easement, a total right-of-way width of sixty-five feet (65') to the Town; as measured from the centerline of Lincoln Drive adjoining the Property (the "Right-of-Way").
  - a. The north portion of this Right-of-Way shall be forty-nine feet (49') in width and deeded as a dedication to the Town for public purposes such as, and not limited to, landscaping, travel lanes, sidewalk, utilities, and associated public roadway improvements (the "Public Improvements").
  - b. The south portion of this Right-of-Way shall be sixteen feet (16') in width and deeded as a roadway easement to the Town for future Public Improvements. [It is expected that the Owner's reservation of uses in the roadway easement area will be determined by the Town Council in a development agreement, or otherwise. The Planning Commission would recommend shared left turn ingress and egress with adjoining property owners be explained, but also expects that this issue will be determined by the Town Council as well.]
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.
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.



- 1           6.       The Owner shall take appropriate measures to ensure that vehicular
- 2                     and pedestrian traffic circulation on the Property function safely and
- 3                     properly. Such measures may include marking a patient/passenger
- 4                     drop off area to avoid traffic congestion near the building entrance.

**K.           SIGNAGE**

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- 6
- 7           1.       All signs shall be installed only as shown on the Approved Plans.
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- 9           2.       The lighting for the signs on the Property shall be placed on a timer to
- 10                    shut off between the hours of 11:00 p.m. and 6:00 a.m., unless otherwise
- 11                    approved by the Town Manager or designee for special events.
- 12
- 13           3.       Any signage for the Property located within any easement portion of
- 14                    the Right-of-Way shall be constructed as a break-away sign, such as
- 15                    by the use of hollow construction in which the cells are not grouted
- 16                    solid.
- 17

**IV.           APPROVED PLANS**

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)	<ul style="list-style-type: none"> <li>1. Master Site Plan, Sheet A1.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.</li> <li>2. Site Details/Signage, Sheet A1.1, prepared by Suite Six Architecture + Planning, dated October 5, 2018.</li> <li>3. Elevations, Sheet A2.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.</li> <li>4. Renderings, Sheets A4.0 and A4.1, prepared by Suite Six Architecture + Planning, dated October 1, 2018.</li> <li>5. Photometric Site Plan, Sheet E1.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.</li> <li>6. Lighting Cut Sheets, Sheet E2.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.</li> <li>7. Open Space Criteria, Sheet Z1.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.</li> <li>8. Landscape Plan, Sheet CLS-1, prepared by Collaborative Design Studio, dated August 29, 2018, revised on October 4, 2018.</li> <li>9. Existing Landscape Improvements, Sheet CLS-2, prepared by Collaborative Design Studio, dated August 29, 2018, revised on October 4, 2018.</li> <li>10. Narrative prepared by Withey Morris, PLC, dated Fifth Submittal of October 5, 2018.</li> </ul>
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	<ol style="list-style-type: none"><li>11. Letter from the City of Scottsdale Water Resources signed by Levi C Dillion, P.E., dated September 17, 2018.</li><li>12. The will serve letter from EPCOR signed by Brad Finke, P.E., dated September 17, 2018.</li><li>13. Trip Generation Statement prepared by CivTech, dated September 5, 2018.</li><li>14. Parking Analysis prepared by CivTech, sealed on October 1, 2018 by Dawn D. Cartier.</li><li>15. Drainage Statement prepared by Optimus Civil Design Group, sealed on September 20, 2018 by Jamsheed D Behrana.</li></ol>
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