

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

ORDINANCE NUMBER 2023-03

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING AN INTERMEDIATE SPECIAL USE PERMIT AMENDMENT FOR PROPERTY ZONED SUP DISTRICT (RESORT) KNOWN AS THE SCOTTSDALE PLAZA RESORT, LOCATED AT 7200 NORTH SCOTTSDALE ROAD; PROVIDING FOR REDEVELOPMENT FOCUSED ON THE EAST PORTION OF THE SITE, INCLUDING DEMOLITION OF SEVERAL EXISTING STRUCTURES AND CONSTRUCTION OF NEW STRUCTURES TO ACCOMMODATE ADDITIONAL GUEST UNITS, RESTAURANTS, SPA WITH CAFÉ AND SECOND-LEVEL POOL AREA, LOBBY PAVILION, REDESIGNED RESORT POOL, EXTERIOR/INTERIOR RENOVATIONS OF EXISTING BUILDINGS, ENHANCED LANDSCAPING AND LIGHTING, SIGNAGE, UNDERGROUND PARKING, AND IMPROVEMENTS TO SITE INFRASTRUCTURE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, an application was filed on August 26, 2022, submitted by Rose Law Group, P.C., on behalf of 7200 Scottsdale Rd Owner LP, a Delaware limited partnership (the “Applicant”), for an Intermediate Special Use Permit Amendment, SUP-22-02 (the “Application”) for redevelopment and modifications to the Scottsdale Plaza Resort to accommodate additional guest units and to renovate or replace various on-site amenities; and

WHEREAS, the Town of Paradise Valley Town Council (the “Town Council”) provided a Statement of Direction (the “SOD”) to the Town of Paradise Valley Planning Commission (the “Planning Commission”) at a public meeting on November 10, 2022 and amended this SOD on March 9, 2023 to extend the Planning Commission review period; and

WHEREAS, the Planning Commission held a public hearing on May 2, 2023 in the manner prescribed by law, for the purpose of considering the request to approve the Application, after which hearings the Planning Commission recommended _____ with conditions; and

WHEREAS, the Town Council held a public hearing on _____, in the manner prescribed by law, to hear and take action on Ordinance Number 2023-03 as recommended by the Planning Commission; and

WHEREAS, the Town Council hereby finds that the Applicant met the requirements of Section 2-5-2.F, Citizen Review Process, including holding a Citizen Review session on February 6, 2023, 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, in accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents within the corporate limits of the Town of Paradise Valley (the “Town”) before adopting this ordinance; and

WHEREAS, the amendments to the Special Use Permit as set forth in the Application are consistent with the property’s designation as “Resort” in the Town’s General Plan Land Use Map; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. Pursuant to Article XI of the Town’s Zoning Ordinance, the Town Council hereby approves this Intermediate Amendment to the Special Use Permit (SUP-22-02) for Scottsdale Plaza Resort that allows for the continued resort use and operation of a resort on the approximate 36.5-net acres of land located at 7200 N. Scottsdale Road in Paradise Valley, Arizona, as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “Property”).

Section 3. This Intermediate Amendment to the Special Use Permit (SUP 22-02) for Scottsdale Plaza Resort hereby amends all prior Special Use Permits for the Property, as set forth in Exhibit B attached hereto, and creates a new Special Use Permit to allow for redevelopment that includes 64 additional guest units (an increase from 404 to 468 units with no for-sale product), three new signature restaurants, new spa with café including second-level pool area, new lobby pavilion, redesigned resort pool, freshly painted exterior/interior renovation for all existing buildings, enhanced landscaping and lighting, signage, underground parking, and improvements to site infrastructure, subject to any definitions, stipulations, plans, and documents set forth in Exhibit A through and including Exhibit E, each of which is attached hereto and incorporated by reference, and which together comprise SUP-22-02.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2023.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney

**EXHIBIT A
TO
ORDINANCE NUMBER 2023-03**

Legal Description

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR THE SCOTTSDALE PLAZA RESORT**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1 (Maricopa County Assessor Number 174-49-001B):

A parcel of land located in the Southeast quarter of Section 3, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows: BEGINNING at the point of intersection of the West line of the said South half of the Southeast quarter of the Southeast quarter of Section 3 with the North right of way line of Indian Bend Road from which the Southwest corner of said South half of the Southeast quarter of the Southeast quarter of Section 3 bears South 0 degrees 48 minutes 00 seconds West, 33.00 feet and said Southwest corner is marked with 1 ½ inch iron pipe;

THENCE North 0 degrees 48 minutes 00 seconds East, 630.97 feet to the Northwest corner of the said South half of the Southeast quarter of the Southeast quarter of Section 3 and which point is marked with a ¾ inch iron bar;

THENCE South 89 degrees 50 minutes 00 seconds East, 640.26 feet to a point from which the Northeast corner of the said South half of the Southeast quarter of the Southeast quarter of Section 3 bears South 89 degrees 50 minutes 00 seconds East, 687.26 feet and is marked with a brass cap set in concrete;

THENCE South 0 degrees 56 minutes 10 seconds West, 629.12 feet to a point on the North right of way line of Indian Bend Road;

THENCE West along the North right of way line of Indian Bend Road, 638.78 feet to the POINT OF BEGINNING.

PARCEL NO. 2 (Maricopa County Assessor Number 174-49-001A):

The South half of the Southeast quarter of the Southeast quarter of Section 3, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that portion described as follows:

BEGINNING at the point of intersection of the West line of the said South half of the Southeast quarter of the Southeast quarter of Section 3 with the North right of way line of Indian Bend Road from which the Southwest corner of said South half of the Southeast quarter of the Southeast quarter of Section 3 bears South 0 degrees 48 minutes 00 seconds West, 33.00 feet and said Southwest corner is marked with a 1 1/2 inch iron pipe;

THENCE North 0 degrees 48 minutes 00 seconds East, 630.97 feet to the Northwest corner of the said South half of the Southeast quarter of the Southeast quarter of Section 3 and which point is marked with a 3/4 inch iron bar;

THENCE South 89 degrees 50 minutes 00 seconds East, 640.26 feet to a point from which the Northeast corner of the said South half of the Southeast quarter of the Southeast quarter of Section 3 bears South 89 degrees 50 minutes 00 seconds East, 687.26 feet and is marked with a brass cap set in concrete;

THENCE South 0 degrees 56 minutes 10 seconds West, 629.12 feet to a point on the North right of way line of Indian Bend Road;

THENCE West along the North right of way line of Indian Bend Road, 638.78 feet to the POINT OF BEGINNING;

EXCEPT from Parcel Nos. 1 and 2 above the following described property:

COMMENCING at the Southeast corner of said Section 3;

THENCE South 89 degrees 57 minutes 05 seconds West, along the South line of said Section 3, 33.01 feet, to the West line of the East 33.00 feet of said Section 3, said point being the TRUE POINT OF BEGINNING;

THENCE North 01 degrees 02 minutes 30 seconds East, along said West line, 660.29 feet, to the North line of the South half of the Southeast quarter of said Southeast quarter;

THENCE North 89 degrees 53 minutes 12 seconds West, along said North line, 32.00 feet, to the West line of the East 65.00 feet of said Section 3;

THENCE South 01 degrees 02 minutes 30 seconds West, along said West line, 610.37 feet;

THENCE South 45 degrees 29 minutes 47 seconds West, 14.28 feet, to the North line of the South 40.00 feet of said Section 3;

THENCE South 89 degrees 57 minutes 05 seconds West, along said North line, 1249.30 feet, to the West line of the Southeast quarter of said Southeast quarter;

THENCE South 00 degrees 48 minutes 00 seconds West, along said West line, 7.00 feet, to the North line of the South 33.00 feet of said Section 3;

THENCE North 89 degrees 57 minutes 05 seconds East, along said North line, 638. 79 feet;

THENCE South 00 degrees 56 minutes 10 seconds West, 33.00 feet, to the South line of said Section 3;

THENCE North 89 degrees 57 minutes 05 seconds East, along said South line, 652.43 feet, to the TRUE POINT OF BEGINNING.

PARCEL NO. 3 (Maricopa County Assessor Number 174-49-002A):

The North half of the Southeast quarter of the Southeast quarter of Section 3, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that portion of the above Real Property described as follows:

BEGINNING at the Southeast corner of said Section 3;

THENCE North along the East line of said Section 3, a distance of 660.24 feet to the Southeast corner of the North half of the Southeast quarter of the Southeast quarter of said Section 3;

THENCE South 89 degrees 05 minutes 16 seconds West along the South line of the North half of the Southeast quarter of the Southeast quarter of Section 3, a distance of 65 .00 feet to the TRUE POINT OF BEGINNING;

THENCE North 615.24 feet to the beginning of a curve to the left with a delta of 90 degrees 44 minutes 03 seconds and a length of 31.67 feet to a point;

THENCE South 89 degrees 15 minutes 03 seconds West 1,245 feet to a point on the West line of the North half of the Southeast quarter of the Southeast quarter of Section 3 being 25 feet South of the North line of the North half of the Southeast quarter of the Southeast quarter of said Section.

THENCE North 0 degrees 20 minutes 53 seconds West, 25 feet to said North line;

THENCE North 89 degrees 15 minutes 03 seconds East 1,330 feet to the Northeast corner of the North half of the Southeast quarter of the Southeast quarter of said Section 3;

THENCE South 660.24 feet;

THENCE South 89 degrees 5 minutes 16 seconds West 65.00 feet to the POINT OF BEGINNING.

**EXHIBIT B
TO
ORDINANCE NUMBER 2023-03**

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

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR THE SCOTTSDALE PLAZA RESORT**

The list below summarizes the known amendments to the original Special Use Permit, all of which are amended upon the Effective Date of this Ordinance.

[Insert Date] SUP-22-02	Intermediate Amendment for 64 additional guest units (an increase from 404 to 468 units with no for-sale product), three new restaurants, new spa with café including second-level pool area, new lobby pavilion, redesigned resort pool, exterior/interior renovation for existing buildings, enhanced landscaping and lighting, signage, underground parking, and improvements to site infrastructure
May 21, 2018 SUP-18-00	Managerial Amendment to remodel the northern courtyard area and add a trellis and new fire pits
June 19, 2013 SUP-18-00	Managerial Amendment for sign on Indian Bend Rd
May 21, 2013 SUP-13-03	Minor Amendment for signs, including along Indian Bend Rd
October 16, 2007 SUP-07-03	Amendment to allowing the addition of two free-standing outdoor fireplaces, three open trellises totaling 1,680 square feet, a 415 square foot bathroom with air-conditioner, and a 190 square foot enclosed service structure and outdoor service area.
August 20, 1990 SUP-90-09	Amendment to change resort name to Scottsdale Plaza Resort and replace signs
March 23, 1989 SUP-88-07	Amendment to put lights on outdoor tennis courts
February 6, 1985 SUP-85-19	Minor amendment to site plan, building footprints, architectural features
October 1, 1984 SUP-84-13	Amendment to rearrange units to accommodate fire equipment and change building facades
February 23, 1984 SUP-83-11	Amendment to expand the existing resort to the south half of the site and include a new lodge, more guest units. This amendment superseded and replaced the 1981 and 1982 Special Use Permit Amendments
November 18, 1982 SUP-82-18	Amendment to extend Phase I approval for one year
December 3, 1981 SUP-81-13	Amendment of Phase I development
January 11, 1979 SUP-78-14	Amendment to allow four antenna on roof of building of the main lodge
July 22, 1971 SUP-71-08	New Special Use Permit approved to build Phase I, the north half of the resort
May 24, 1964	Annexation into the Town via Ordinance 0 (original incorporation)

**EXHIBIT C
TO
ORDINANCE NUMBER 2023-03**

SUP STIPULATIONS

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR SCOTTSDALE PLAZA RESORT
SUP-22-02**

I. PROJECT DESCRIPTION

Redevelopment of the 36.5-net acre Scottsdale Plaza Resort located at 7200 N Scottsdale Road (the “Property”), that includes 64 additional guest units (an increase from 404 to 468 units with no for-sale product), three new signature restaurants, new spa with café including second-level pool area, new lobby pavilion, redesigned resort pool, freshly painted exterior/interior renovation for all existing buildings, enhanced landscaping and lighting, signage, underground parking, and improvements to site infrastructure.

II. DEFINITIONS

“**Approved Plans**” means the plans and documents associated with SUP 22-02 and described in Subsection IV “Approved Plans” in Exhibit C of this Ordinance.

“**Brand Letter**” means the letter and brands as described in Exhibit D of this Ordinance.

“**Key**” of “**Keys**” means a Resort unit, served by a single key, which is part of the Resort (as defined herein), designed and constructed with all furnishings, fixtures and equipment necessary to operate as a single unit for transient occupancy use as a part of such Resort. Each Key shall have at least one bathroom and a direct lockable connection from the exterior or a corridor. A Key may be located in a principal structure (in a building that includes guest registration, reception and other allowed uses) or in any number of other buildings integrated or associated with such Resort through landscaping or otherwise. A Key may be interconnected with another Key unit through a lockable connection, so that more than one Key may be rented as a single unit.

“**Owner**” means 7200 Scottsdale Rd Owner LP, a Delaware limited partnership, 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.

“**Ordinance**” means Ordinance Number 2023-03.

“**Property**” means the real property described in Exhibit A of this Ordinance.

“Resort” means the entire Property and all facilities and other improvements existing, developed or redeveloped and used or useful on the Property in general conformance with the Approved Plans and/or these Stipulations.

“Resort Quality Standards” means the standards described in Exhibit D of this Ordinance.

“Special Use Permit” or “SUP-22-02” or “SUP” shall mean this special use permit as approved by Town Ordinance Number 2023-03.

“Special Use Permit Guidelines” means special use permit guidelines adopted by the Town and in effect as of the Approval Date.

“Stipulations” mean the conditions of approval as shown in Exhibit C of this Ordinance.

“Town” means the Town of Paradise Valley.

“Town Code” means the Code of the Town of Paradise Valley, Arizona, as amended from time to time, except when the Special Use Permit or a related Development Agreement specifically references ordinances or requirements in effect as of the Approval Date.

“Town Manager” means the Town Manager or ~~their~~his or her Town staff designee.

“Visually Significant Corridors Master Plan” means the Master Plan approved by the Town Council dated October 2018.

“Zoning Ordinance” means the Town’s zoning ordinance in effect as of the Approval Date and as amended

III. STIPULATIONS

A. GENERAL

1. *[Existing Modified Stipulation]* In the event of a conflict between the stipulations and the Approved Plans (as defined below), these stipulations shall govern.
2. *[Existing Modified Stipulation]* This Special Use Permit (SUP-22-02) shall run with the land and any person having or subsequently acquiring title to any portion of the Property shall be subject to this Special Use Permit, as it applies to the portion of the Property owned thereby and as it may be amended or superseded from time to time. SUP-22-02 supersedes all prior SUP amendments on the Property by incorporating existing SUP stipulations and plans that remain in full force and effect. Once an owner no longer owns the Property, such prior owner shall not be subject to this Special Use Permit.
3. *[Existing Modified Stipulation]* If any portion of the Property is in violation of the terms of this Special Use Permit, the Town may, pursuant to Section 1105 of Article XI (Special Uses and Additional Use Regulations) of the Zoning Ordinance, (a) seek all available remedies after fair notice, a hearing and a reasonable opportunity to correct, and (b) impose a monetary sanction on the then-Owner of such portion, in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws. No such remedy shall be applied to any other Owner or portion of the Resort that is not in violation of this Special Use Permit.
4. *[Existing Modified Stipulation]* The use of the Property shall at all times conform to all applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other Town requirement, requirement, this Special Use Permit shall prevail.
5. *[Existing Modified Stipulation]* The redevelopment of, and construction on, the Property shall, subject to these Stipulations, substantially conform to the intent of the Approved Plans. Each of the Approved Plans is hereby incorporated into this Special Use Permit and made an integral part hereof.
6. An electronic version of the Approved Plans for SUP-22-02 shall be submitted to the Town within sixty (60) days after the approval date.
7. Nothing in this Special Use Permit or otherwise shall require the operation of the Resort under the name “Scottsdale Plaza Resort” or any similar or other name. No further consent shall be required to enable the Owner to transfer all or any portion of the Resort, name or rename

the Resort, or select or reselect brands or management companies of the Resort; and further provided that the Property shall be subject to this Special Use Permit notwithstanding any such transfer.

8. No part of the resort shall be operated as a Time-Share project as such term is defined by the Town Zoning Ordinance. No part of the resort may be subdivided for purposes of sale or resale.
9. The Resort Owner and successor owners of the Property shall have a right to undertake and complete the development and use of the Property in accordance with this Special Use Permit.
10. *[Existing Modified Stipulation]* The Town and the Owner believe and intend that the provisions of this Special Use Permit are valid and enforceable. In the unlikely event that this Special Use Permit is declared by a court of competent jurisdiction to be invalid or unenforceable, the Resort (as then constructed) may continue to be used and operated as a legal non-conforming use in accordance with these Stipulations until such time as a special use permit or other applicable zoning for the Resort is issued or reissued by the Town for the property.
11. The Owner shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Town Council approval of this Application, with said form recorded prior to or on the effective date of this Ordinance.

B. CONSTRUCTION – DEVELOPMENT

12. A schedule for demolition of the vertical portions of existing improvements shall be provided by the Owner no later than the time of submittal of the first demolition permit associated with this Special Use Permit.
13. *[Existing Modified Stipulation]* No construction permit shall be issued on the Property until appropriate engineering or architectural plans and documents are submitted to the Town and the issuance of such construction permit(s) for that particular activity is approved by the Town. Submitted plans shall be required to meet the building code most recently adopted by the Town. No final Certificate of Occupancy shall be issued until all improvements as shown on the site plan are completed and accepted by the Town.
14. The Owner shall submit a construction schedule prior to the issuance of the first building permit related to SUP-22-02 to ensure compliance with all Town ordinances and in order to minimize construction nuisances.

This schedule may be modified or amended from time to time. This construction schedule shall at a minimum provide 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.
 - i. The timing of improvements in the rights-of-way that will require coordination with others such as, and not limited to, the northbound Scottsdale Road permissive and protected left-turn arrow into the Property, coordination related to the construction of the Indian Bend Road roundabout, and utility improvements.
15. *[Existing Modified Stipulation]* Prior to the issuance of a certificate of completion/occupancy for any individual structure, adequate and appropriate fire service, including but not limited to, a fire sprinkler system, building risers, fire alarms, exit signage, room and building identification signage have been installed and inspected by the Town and the necessary fire, emergency, and other vehicle access for each such structure, has been constructed and approved by the Town.
16. During the period of demolition or construction of new improvements, signs shall be posted on the Property in conformance with the Town construction sign regulations that identify a person(s) with phone and email to contact regarding construction-related matters.
17. Chain link fencing with screening is required to completely surround any exterior construction areas, any construction refuse areas, any construction material storage areas and any exterior sanitation facilities used during a construction project. The screening material may not be used for advertising or other signage.
18. During demolition, site grading, and the construction of onsite or offsite improvements, the Owner shall coordinate the sweeping of the public streets adjoining the Property to remove construction-related dirt and debris, as reasonably required by the Town.

19. The Owner shall complete all required improvements in the adjacent rights-of-way as required in the SUP-22-02 Approved Plans such as, and not limited to, the utility screens described in Stipulation 24 of this Ordinance no later than the last building Certificate of Occupancy related to SUP-22-02.
20. The Owner shall coordinate with others on planned rights-of-way improvements related to nearby developments adjacent to the Property such as, and not limited to, the construction of the roundabout in the general location of the access driveway for the Resort along Indian Bend Road and the southbound turn lane on Scottsdale Road onto Indian Bend Road. If necessary, the Town Manager has the authority to approve any necessary construction and related easements.
21. *[Existing Modified Stipulation]* All permanent public utilities within the Resort shall be underground (excluding certain equipment that is typically installed above ground which shall be appropriately screened, such as transformers, meters, and other equipment) and located within appropriate easements. Screening shall meet utility company and Town requirements.
22. *[Existing Modified Stipulation]* All mechanical equipment shall be screened so that it is not visible from adjoining properties not a part of this Special Use Permit and from adjoining public rights-of-way. All rooftop screening shall be part of the articulation of a building and not appear as an afterthought; shall be architecturally integrated and compatible with the architectural style. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure to which they are attached. If applicable, mechanical screening may provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels defined in the Town's noise ordinance. Noise measurement shall include any installed screening or other attenuation devices. Mechanical equipment screening on existing structures noted in SUP-22-02 may remain.
23. Backflow preventers, electric transformers, generators, or other similar equipment visible from off the Property shall be located so as to minimize its visual impact and screened from public view.
24. Except for aesthetics and safety as outlined below, the Owner shall submit a building permit to the Town and install utility screens and landscaping for all new and existing large equipment boxes or groupings along the public rights-of-ways. This shall include the existing box

located at the southwest corner of Scottsdale Road and Hummingbird Lane and the two boxes west of the Indian Bend Road access.

- a. Aesthetics for screening of the equipment shall comply with the “Best” criteria option of the Resort Living Zone in the Town’s Visually Significant Corridors Plan, as amended. This may include, and is not limited to, use of weathered steel framed panels, painted mountain cutout and matching posts, and ½ inch by ½ inch screen mesh cut in wave patterns set in weathered steel.
 - b. Safety measures shall address minimum clearances and related measures as required by the utility provider and the Town Code such as corner vision. This includes clearances the equipment and screening are from the street improvements (e.g., sidewalk, travel lane).
25. Walls and fences shall be constructed in accordance with the Approved Plans. The walls shown on Sheet 5.11 shall have a setback of five feet or greater from the right-of-way property line. In the event of a conflict between the Approved Plans and Article XXIV of the Town Zoning Ordinance, the Approved Plans shall control. Walls and fences shall meet required corner vision requirements outlined in Section 8-1-13 of the Town Code and shall be measured from the exterior finished grade. Additional walls or fences not shown on the Approved Plans are permissible without an amendment to this Special Use Permit provided the Owner obtains a Town building permit and the walls comply with the height and setback outlined in Article XXIV, Walls and fences, of the Town Zoning Ordinance.
26. To clear up any past uncertainty on right-of-way dedication, no construction permit shall be issued on the Property until the Owner shall execute one or more fee simple dedication(s) in favor of the Town for the existing rights-of-way adjoining the Property as described below.
 - a. A total right-of-way width of twenty-five feet (25’) as measured from the centerline of Hummingbird Lane south adjoining the Property.
 - b. A total right-of-way width of sixty-five feet (65’) as measured from the centerline of Scottsdale Road west adjoining the Property.
 - c. A total right-of-way width of forty feet (40’) as measured from the centerline of Indian Bend Road north adjoining the Property.
27. The Property shall be combined into one parcel (Maricopa County Assessor Parcels 174-49-001A, 174-49-001B, and 174-49-002A) prior to the issuance of the first building permit associated with these improvements.

C. MANAGEMENT - MAINTENANCE

28. *[Existing Modified Stipulation]* At all times, the Property shall remain under unified management and shall be operated as one, single resort facility and not be subdivided for sale or sold as private residences.
29. Maintenance of the Resort in general and all common areas specifically, shall be coordinated through a single unified management entity, which may be the Owner.
30. *[Existing Modified Stipulation]* 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.
31. 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 buildings, away from the perimeter of the Property.
32. There shall be at least one (1) person designated by the Resort at all times who has been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve, or to refer to others for resolution, all problems related to compliance with this Special Use Permit. All calls from Town residents to the Town or Resort regarding noise or disturbances shall be referred to and addressed by such person(s). The name and contact information for this person shall be provided to the Town's Community Development Department Director, ~~or designee~~ no later than the effective date of this Ordinance and updated within ten (10) days after any change is made.
33. Interiors of the buildings 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 Ordinance and the Approved Plans, and all applicable building permits are obtained.
34. *[Existing Modified Stipulation]* Except as approved as part of a building permit application and during construction periods, no storage of outdoor materials is permitted on the Property that can be seen off site.

D. USES

35. *[Existing Modified Stipulation]* The Property shall be used for a resort only, and no changes, expansions, additions, or alterations to the Property or improvements thereon shall be allowed without an express written amendment hereto. Resort to include uses that are customary pursuant to Section 1102.2 of the Town's Zoning Ordinance such as guest units, meeting spaces, spa, pool, lobby/administrative offices,

retail sales (gift shop), and food/beverage uses. For-sale dwelling units are not allowed.

36. Resort buildings and structures shall meet minimum setbacks and heights as shown on the Approved Plans, with height measured from finished grade for each structure.

37. The Resort shall be constructed, remodeled, or refurbished and outfitted with the following minimum Resort Quality Standards:

- a. Not more than four hundred and sixty-eight (468) Resort Keys meeting the quality standards (as defined below), with each Key not to be less than three hundred twenty-five (325) square feet in size.
- b. One (1) full service restaurant capable of serving three (3) daily meals.
- c. At least one (1) swimming pool along with facilities (which may be remote from the pool).
- d. At least one (1) heated whirlpool (such as a “Jacuzzi”).
- e. At least one (1) fitness area to accommodate professional-grade exercise machines and related equipment.
- f. An area or areas for providing spa services such as massage services.
- g. A dedicated reception area to accommodate guest check-in, concierge, and cashier.
- h. A dedicated area to accommodate vehicle or passenger drop off (such as valet parking services) for Resort guests.
- i. A conference center serving the Resort.

If the Resort is constructed so as to include the improvements specified on the Approved Plans, said improvements shall satisfy the requirements in subsection a through i above. The Resort shall also be either constructed, remodeled, or refurbished and outfitted with standards of development consistent with the criteria set forth in Exhibit “D” attached hereto and incorporated herein, or any other resort hotel design supported by a Brand Letter (as defined in Exhibit “D”, the “Resort Quality Standards”). The final construction documents upon which building permits shall be issued for the Resort may come in multiple phases, including but not limited to grading and other site work, buildings, plumbing, electrical, mechanical, and finish schedules. As such, permits will be issued for each phase after having been reviewed for compliance with the Approved Plans and the requirements of this stipulation to the extent such a component thereof is partially or fully reflected therein. Any changes in the Resort Quality Standards that is accompanied by a Brand Letter shall be deemed approved. Minor changes which do

not materially alter the scope of a required component set forth in Exhibit “D” shall not require approval.

38. The earliest start and latest stop limits on hours of operation of the following specific uses/facilities shall be as set forth below:
- a. Trash pickup: 7:00 a.m. to 7:00 p.m. daily (excluding emergencies).
 - b. Use of the existing exterior storage area located at the northwest corner of the Property: daylight hours (from sunrise to sunset), with any container pickup following trash pickup hours. Replace and maintain a fence with screening around the storage area with height at a minimum of minimum six (6) feet to eight (8) feet tall and setback a minimum of nine (9) feet from all property lines. No disposal of food products allowable.
 - c. Exterior pools and spas and Jacuzzis: twenty-four (24) hours/day and when the spa is open for this pool.
 - d. Restaurants, bars, lounges, banquet facilities, receptions, weddings and related events, and other food service facilities: no earlier than 6:00 a.m. and no later than State Statute (generally 2:00 a.m. for alcohol sales), except spa café and the three separate restaurant hours as generally described in the project narrative (Sheet 1.5).
 - e. Room service: twenty-four (24) hours/day
 - f. Parking facilities: twenty-four (24) hours/day
 - g. Fitness facilities: twenty-four (24) hours/day for use only by guests of the Resort (outside members limited to 5:00 a.m. to midnight daily).
 - h. Spa facilities: 6:00 a.m. to 10 p.m. daily.
39. Outdoor areas at the Resort, including event lawns, pools, and outdoor areas of the Spa building shown on the Approved Plans shall be limited as outlined below:
- a. There shall be no permanent bar and/or food preparation except as shown on the Approved Plans, but temporary alcohol and food areas as part of a Resort event are allowable.
 - b. Amplified music and public announcement (PA) systems are discouraged, with such activities prohibited during the hours between 10:00 p.m. and 7:00 a.m. daily.
 - c. Sound shall at all times be in compliance with the noise requirements of the Town Code, as may be amended.
40. Temporary tents may be erected on any of the event lawns shown on the Approved Plans. All other temporary tent locations require a Special Event Permit with Chapter 8 of the Town Code. No temporary tent shall be higher than twenty-four (24) feet above the finished grade and setback a minimum of forty (40) feet from the perimeter property lines. Placement of temporary tents shall have no adverse impact on parking

or circulation on site. Temporary tents or structures shall not be allowed for more than sixteen (16) consecutive days unless approved through a Special Event Permit in accordance with Section 8-8-8 of the Town Code.

41. *[Existing Modified Stipulation]* The Property may have one tennis court or two pickleball courts located within the main resort pool courtyard area and shall be subject to the following:
- a. The maximum height of any pole shall not exceed 18 feet in height as measured from the court surface.
 - b. Each luminary shall not exceed 1000 watts per pole and shall not measure more than 0.75 foot candlelight at the property line.
 - c. No court shall be lighted when not in use.
 - d. All permitted lights may be used from dusk until 10:00 p.m. only.
 - e. No spectator events, exhibition or displays shall be conducted on the courts.
 - f. No outdoor amplifiers, space heaters or bleachers shall be used on or in connection with the courts.
 - g. There will be a limit of six light poles, three light poles on each side of the court.

E. NOISE

42. Except as stipulated within this Special Use Permit, the Property (which includes outdoor venues, events, or functions with music and/or amplified sound) shall operate under all Town noise regulations, including the regulations listed in Article 10-7, Control of Excessive Noise, and Article 8-10, Nuisance Noise, as may be amended, and the acoustical study in the Approved Plans. This is generally a maximum of forty-five (45) decibels (dBA) at the property line on Sundays and holidays and fifty-six (56) decibels (dBA) at the property line all other times.
43. The Owner shall employ all necessary means to comply with the noise requirements in the Town Code such as, and not limited to, the installation of a distributed audio system and a noise limiter requiring the submittal of an outdoor event audio plan to the Town Manager ~~or designee~~ for review and approval prior to the first Certificate of Occupancy for SUP-22-02.
44. Deliveries of construction material shall be as set forth in Article 8-10, Nuisance Noise, as may be amended from time to time.
45. All live music or events (e.g. DJ, live band) must be concluded and be moved indoors at or before 10:00 p.m.

46. The Resort manager or designee shall be responsible to measure the noise levels using an on-site sound level meter as a means to monitor compliance.
47. Testing of any emergency generators shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m., for no longer than 45 minutes at a time. The noise level shall not exceed the decibel level limits as specified in Article 8-10, Nuisance Noise, as may be amended from time to time. Generators shall be screened by a wall, with no generators allowed within sixty (60) feet of a residentially-zoned property line.

F. PARKING & CIRCULATION

48. The minimum parking space size shall be one hundred eighty (180) square feet as defined in Article II, Definitions, of the Town Zoning Ordinance. However, the Approved Plans identify nine (9)-foot by eighteen (18)-foot parking spaces with a two (2)-foot overhang in the adjoining landscape area (which meets the one hundred eighty (180) square-foot requirement). Accordingly, this two (2)-foot landscape or walkway area shall, in perpetuity, be kept and maintained clear of structures or plant material that may restrict the parking of a vehicle within this two-foot landscape area or walkway area. Some form of wheel stops shall be provided for each parking space to prevent further intrusion into this landscape area by the vehicles while still maintaining the ability for stormwater runoff to enter into the adjacent landscape area. Other proposed parking spaces that cannot accommodate an unobstructed two-foot long area shall be a minimum of nine (9) feet wide by twenty (20) feet long.
49. Unlicensed support vehicles (that is, golf carts, utility vehicles, etc.) may be used to service the Resort but such support vehicles shall not park on public streets.
50. There shall be a minimum of five hundred forty-seven (547) parking spaces at the Resort not including parking that may occur in valet mode. Any parking provided or required under this Special Use Permit shall comply with the parking studies that have been reviewed and approved by the Town Engineer, as identified on the Approved Plans. This includes the permanent retention of the minimum parking spaces required by such parking studies. The parking spaces facing Scottsdale Road shall be appropriately screened by a three (3) foot high screen wall and/or landscaped berm or combination thereof to minimize the amount of vehicle headlight trespass off the property. As approved by the Town Engineer and Town Fire Marshal, portions of the parking lot may use paving methods in lieu of asphalt (e.g. stabilized decomposed granite, permeable pavers, stone pavers, brick).

51. Buses and other vehicles may be used to shuttle guests or employees to or from areas not located on the Resort, and between the Resort and other destinations (e.g., airport, shopping facilities, golf courses, etc.).
52. Except as may be allowable during construction, all parking on the adjoining public roads by any guest, invitee, parking service provider, and employees of the resort is prohibited.
53. At any time when the parking demand within the Resort is expected to exceed onsite capacity, the Owners of the affected areas shall initiate a parking management plan, which may include valet parking, hiring an off-duty officer to direct traffic, and/or offsite parking arrangements (but not the use of parking on any public street within the Town).
54. All designated fire lanes shall maintain a vertical clearance of fourteen (14) feet above actual finished grade and a horizontal clearance of twenty (20) feet to allow passage of emergency vehicles and must meet all Arizona Department of Transportation standards.

G. SIGNAGE

55. The applicant will provide a more detailed exterior sign package for review and approval in a subsequent Special Use Permit amendment pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance. The entry monument signs on Scottsdale Road shall include the address number for the Resort. Signs are subject to review and approval of a Town building permit.

H. LIGHTING

56. *[Existing Modified Stipulation]* All outdoor lighting shall be in compliance with the Approved Plans. 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. A final exterior lighting plan with perimeter photometric shall be reviewed and approved by the Town's Community Development Department prior to the issuance of the first Certificate of Occupancy for SUP-22-02.
57. *[Existing Modified Stipulation]* Unless otherwise included in the Approved Plans, lamps, lighting, or illumination devices within an outdoor light fixture shall be screened so as to not be directly visible from outside the Property. If the Town receives a complaint from an offsite owner that the light emitting element (i.e., the bulb) from an outside light fixtures is visible from outside the Property, the Town Manager ~~or designee~~ may inspect the Property and require the Owner to shield the light emitting element that is visible from outside the Property.

58. Additional exterior lighting requirements shall be as follows:
- a. The light source and reflecting device within the existing lantern style fixtures (e.g., Type PT, PT-1, PT-2, PA, CT-1, CT-G, and SC indicated in the Existing Lighting Photometric Study) within the perimeter setbacks shown on Sheet 2.1, Proposed Master Plan, of the Approved Plans shall be retrofitted to be shielded or hooded with an opaque cover or replaced with a light fixture compliant with Section 1023, Outdoor Lighting and Illumination, of the Town Zoning Ordinance and Town Special Use Permit Guidelines for lighting. All other existing fixtures not changing per the Approved Plans for SUP-22-02 may remain.
 - b. New lighting approved with SUP-22-02 shall be designed to blend and have seamless transition with the existing light fixtures to remain.
 - c. Except for flood lighting used for safety and security, all exterior light fixtures shall be limited to a maximum color temperature of 3,000 Kelvins.
 - d. Palm tree ring lighting (Type TB) shall be limited to a maximum height of sixteen (16) feet tall from grade as measured adjacent to the palm tree. Any lights directed upwards shall be limited to 3,000 Kelvins and 300 lumens. Palm tree ring lights shall be limited to the main entry driveway area at Scottsdale Road.
 - e. String lighting and similar lighting not on the Approved Plans shall comply with Section 1023, Outdoor Lighting and Illumination, of the Town Zoning Ordinance for holiday lighting.
 - f. Festoon/bistro and similar lighting shall be limited to a maximum height of sixteen (16) feet tall from grade as measured adjacent to the lights. These lights shall be limited to use in the event lawn areas shown on the Approved Plans.
 - g. Landscape lighting fixtures shall be selected, located, aimed, and fully shielded so that direct illumination is focused exclusively on the plantings or other intended site features and away from adjacent properties and the public street right-of-way.
 - h. Light fixtures shall be prohibited within the dedicated public right-of-way areas, except for Town-approved fixtures.

I. LANDSCAPING

59. Landscaping on the Property shall be in substantial compliance in quantity, size, and plant palette with the Approved Plans. New landscaping approved with SUP-22-02 shall be designed to blend and have seamless transition with the existing landscaping to remain.

60. *[Existing Modified Stipualtion]* All landscaping shall be maintained in a healthy, neat, clean and weedfree condition. All dead plant material shall be replaced with live plant material of like kind and quality. Overgrown vegetation and trees shall be cut back so they do not obstruct adjoining rights-of-way.
61. The existing oleander hedges along the west and north property lines shall be maintained. The hedge material for the event lawn shall be frost and heat tolerant (e.g., mock orange compared to ficus). If the oleanders or hedges are destroyed by disease or insect infestation, the Owner shall plant replacement oleanders or an equivalent hedge material as determined by the Town's Community Development Director ~~or designee~~.
62. All landscaped areas shall be supported by an automatic irrigation system, and shall be designed and maintained in a manner that promotes water conservation and prevents water overflow or seepage into the street, sidewalk, or parking areas.

K. CELLULAR ANTENNAS

63. Cellular and other wireless transmission antennas are permitted, provided that they comply with this Special Use Permit and Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance or as may be amended. This includes, and may not be limited to, a design that is integrated as architectural features within the structures on the Property with screening in the same finish and color as the structure on which it is located. There shall be no unscreened projections of cellular or wireless antennas on any building above the roofline. Any lease agreement with a wireless operator shall specifically allow entry by the Town and its agent for the purpose of inspection and compliance with Town ordinances.
64. *[Existing Modified Stipualtion]* The Owner shall be permitted to erect a four (4) foot microwave receiving antenna on the roof of the existing lobby building. The construction shall be in strict compliance with Exhibits A and B, attached hereto and made an integral part of this amendment. These exhibits are certified as such by the Paradise Valley Town Clerk.

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.1.

(SUP 22-02)	1. The Scottsdale Plaza Resort Special Use Permit Amendment Application booklet prepared for Highgate dated August 26, 2022 and revised on March 17, 2023, including the following sheets: a. Sheets 1.1 through 1.11 providing applicant team, site context, demolition diagram, project narrative, Special Use Permit amendment criteria, and project data summary. b. Sheets 2.1 through 2.6 providing the proposed master plan, program, structure type breakdown, building areas, lot coverage, and conceptual rendering. c. Sheets 3.1 through 3.38 providing the conceptual floor plans, conceptual elevations, look & feel, model room, conceptual renderings, and exterior materials for the various proposed “Big Sister” buildings (resort restaurants, hotel lobby pavilion, spa & spa suites, guestroom addition, and villa guestrooms). d. Sheets 4.1 through 4.9 providing the conceptual floor plans, conceptual elevations, look & feel, conceptual renderings, and exterior materials for the various proposed “Little Sister” buildings (porte cochere, guestrooms, and cabana guest rooms). e. Sheets 5.1 through 5.11 on the landscaping including the master landscape plan, landscape character zones, landscape character images, perimeter buffer plan, streetscape landscape character, streetscape sections, and exterior site wall plan. f. Sheets 6.1 and 6.2 on the exterior and proposed lighting. g. Sheets 7.1 and 7.2 on concept signage. h. Sheets 8.1 through 8.22 on the preliminary grading, drainage, and utilities. i. Sheets 9.1 through 9.3 on the vehicular circulation plan and parking diagram. 2. Parking Analysis prepared by Summit Land Management dated February 2023 and date sealed by Registered Professional Engineer Paul Basha on February 8, 2023 and the Additional Information memo dated March 16, 2023 from Paul Basha.
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	3. Traffic Impact Analysis prepared by Summit Land Management dated February 2023 and date sealed by Registered Professional Engineer Paul Basha on February 9, 2023. 4. Preliminary Drainage Report prepared by Atwell, LLC dated August 2022 and date sealed by Registered Professional Engineer Azeez Saliba on August 24, 2022. 5. Preliminary Water Report prepared by Atwell, LLC dated August 2022 and date sealed by Registered Professional Engineer Azeez Saliba on August 24, 2022. 6. Preliminary Wastewater Basis of Design Report prepared by Atwell, LLC dated August 2022 and date sealed by Registered Professional Engineer Azeez Saliba on August 24, 2022. 7. Baseline Noise Study dated July 28, 2022, Noise Study and Recommendations dated August 23, 2023, and the Response to Comments letter dated March 9, 2023 prepared by MD Acoustics. 8. Existing Lighting Photometric Study prepared by Creative Designs in Lighting date sealed by Registered Professional Engineer Mark Greenwalt on December 7, 2022.
May 21, 2018 SUP-18-00	1. Narrative prepared by H&S International and dated May 1, 2018. 2. Sheet T-1, Cover Sheet, prepared by H&S International and dated May 7, 2018. 3. Sheet A-1.1, Site Plan & Demo Plan, prepared by H&S International and dated May 7, 2018. 4. Sheet A-1.2, Trellis and Stairs/Ramp Elevation Plan, prepared by H&S International and dated May 7, 2018.
October 16, 2007 SUP-07-03	1. Improvements to the Scottsdale Plaza Resort property shall be in substantial compliance with the Site Plan, Sheet A0.0, and Elevations, Sheet A1.0, prepared by architect David Lloyd Kenyon, dated August 30, 2007.
March 23, 1989 SUP-88-07	1. Tennis Court Lighting Layout prepared by Reddinton & Nail Construction dated July 7, 1987.
February 6, 1985 SUP-85-19	2. Various Sheets prepared by Architecture Plus Ltd. dated February 6, 1985 (includes Sheets A-a(2) and F-(f)) as may still apply under SUP-22-02.

October 1, 1984 SUP-84-13	1. Various Sheets prepared by Architecture Plus Ltd. dated October 1, 1984 as may still apply under SUP-22-02.
February 23, 1984 SUP-83-11	1. Various Sheets prepared by Cornoyer Hedrick. as may still apply under SUP-22-02, including the following: a. Exhibit A (Project Information), (sheet A-1) Site Plan showing existing and future expansion and all detailed site data, prepared by Cornoyer Hedrick, dated January 27, 1984. b. Exhibit B, Landscape Plan (sheet L-1), prepared by Cornoyer Hedrick, dated January 27, 1984. c. Exhibit C, Lighting Plan (sheet L-2), prepared by Cornoyer Hedrick, dated January 27, 1984. d. Exhibit D (sheet A-3), Elevations for Ball Room and Meeting Facility, Building #2, prepared by Cornoyer Hedrick, dated January 27, 1984. e. Exhibit F (sheet A-6), Elevations, Resort Support Facility, Building #3, prepared by Cornoyer Hedrick, dated January 27, 1984. f. Exhibit I (sheet A-9), elevations for Cluster H, North Buildings, typical new units, prepared by Cornoyer Hedrick, dated January 27, 1984. g. Exhibit J (sheet A-10), Elevations, New Units, Cluster D, Southwest Building, prepared by Cornoyer Hedrick, dated January 27, 1984. h. Exhibit K (sheet A-11), Elevations, New Units Cluster D, Northwest Building, prepared by Cornoyer Hedrick, dated January 27, 1984. i. Exhibit L (sheet A-12), Elevations, New Unit s, Cluster D, Northeast Building, prepared by Cornoyer Hedrick, dated January 27, 1984. j. Exhibit M (sheet A-13), remodeling elevations for existing Buildings 3 thru 20, prepared by Cornoyer Hedrick, dated January 27, 1984.
January 11, 1979 SUP-78-14	1. Exhibit "A" and Exhibit "B" as recorded with the Maricopa County Recorder on January 19, 1979 in Docket 13390, Pages 852-854.
July 22, 1971 SUP-71-08	1. The plans as referenced in the document as recorded with the Maricopa County Recorder on August 9, 1971 in Docket 8872, Pages 166-168.

**EXHIBIT D
TO
ORDINANCE NUMBER 2023-03**

RESORT QUALITY STANDARDS

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR SCOTTSDALE PLAZA RESORT
SUP-22-02**

Listed below in this Exhibit D are a set of certain criteria (the “Resort Quality Standards”) required by the Town to be met by the Owner for the Resort. Recognizing that resorts vary greatly in design and quality standards, many of which are subjective and can be achieved through a wide variety of solutions, the Owner shall be allowed wide latitude in providing resort design alternatives to meet the Resort Quality Standards. The Resort Quality Standards can be achieved through a variety of solutions and the traditional allocation of space or specifications of a feature may be satisfied in a non-traditional way. The Owner can either satisfy the Resort Quality Standards through creative, novel, alternative, or potentially unique ways or through a more traditional brand standards approach.

The Resort Quality Standards shall be deemed approved and in compliance herewith if met by Owner or accompanied by a letter executed by an authorized officer or representative of any national, regional, or local brand who will initially brand the Resort through ownership, management, franchise, or affiliation, stating that the Resort design meets their brand standards for an upscale or better full service resort hotel (the “Brand Letter”). Attached hereto as Schedule 1 is a partial list of brands and affiliations (“Brand(s)”) that are deemed acceptable for the purpose of providing a Brand Letter. A Brand Letter is not required for approval of Resort Quality Standards. A Brand which is not a Brand listed on Schedule 1, but which owns, manages, franchises or rates hotels (as in any of the recognized affiliations, such as Leading Hotels of the World, Ltd or rating services such as AAA, Smith Travel or Mobil) similar to any of the listed Brands, shall also qualify to issue the Brand Letter.

The following is a list of the Resort Quality Standards criteria:

- A. Exterior. The dedicated area to accommodate vehicle or passenger drop off, which may include a covered canopy area for vehicles or a motor court.
- B. Public Areas. Public areas include those areas of the Resort which are typically used and accessible to the public as opposed to those area which are generally reserved for employees or service areas. Public areas include the reception area, restaurant, pool, whirlpool, spa, and fitness area, as well as the lobby, meeting areas, and public interior corridors. The following elements shall be incorporated into any public areas included in the Resort:
 - 1. *Meeting Areas*: One (1) or more areas for meetings, including any combination of ballroom, boardroom, breakout room or private dining area and pre-function

area; at least one (1) or more of these areas shall be capable of providing banquet food and beverage service.

2. *Fitness/Spa Area*: An area or areas provided for fitness and initially equipped with not less than five pieces of professional grade exercise machines such as state-of-the-art cardio and weight training equipment, as well as an area or areas for spa services such as massage, which may include m-room spa service.
3. *Restaurant*: The restaurant may have a dining room and bar/lounge area, and if more than one (1) restaurant is provided, the required three (3)-meal service may be divided between the facilities (i.e., one (1) restaurant may serve breakfast and lunch, while another serves dinner).
4. *Gift Shop/Business Center*: One (1) or more areas (which need not be separately demised spaces from other public areas) which provide for the sale of gifts and sundries and a business center capable of providing business service to multiple guests. Such areas may be commingled with areas dedicated for reception, lobby, concierge, fitness, meeting, or restaurant.
5. *Wall, Ceiling, and Floor Finishes*: For the interior public areas, hard surface finishes such as wall, ceiling and floor should have a variety of finishes, which taken together provide an upscale design. Materials may include any combination of carpet, rugs, wood, stone, tile, metal, polished concrete, leather, fabric or paint. Ceilings should contain various forms of relief by using changes in elevation, material, soffit, recessed lighting, texture, beams, patterns, fans, sky lights or other effects at the discretion of Owner. Walls should use a variety of paint, wall covering, paneling, wainscot or other finishes such as plaster, stone, fabric or graphics at the discretion of Owner.
6. *Swimming Pool*: The swimming pool shall have sufficient pool deck to accommodate up to fifty hotel guests; the whirlpool or Jacuzzi may be at the pool or within the fitness/spa area.

C. Keys. All Keys shall have at least the following elements:

1. At least one (1) full bathroom with not less than one (1) toilet, one (1) sink and one (1) shower or one (1) tub/shower combination unit. At least six (6) square feet of counter space should be provided at vanity or other unit.
2. At least one (1) fully enclosed closet for clothes storage and hanger space.
3. Heating and air conditioning system with in-room thermostat.
4. Furnishing and Equipment
 - a. Bed(s), with headboard and frame with enhanced feature such as pillow top mattress, memory foam or adjustable comfort levels.
 - b. At least one (1) flat panel television of thirty-seven (37) inches minimum size; suites that have more than one (1) room (other than bathrooms) shall

have one television per room, but in no event shall a total of more than three (3) televisions per suite be required.

- c. Seating for three (3) guests, which may include any combination of desk chairs, side chairs, sofas, loungers, love seats, or other seating elements.
- d. Desk with lamp and access to electrical outlets.
- e. Window coverings such as and in any combination of blinds, shutters, sheers, fabric side panels, valance, glass treatment, or cornice.
- f. Either in-room Wi-Fi or hard line internet access.
- g. A telephone and separate internet capability.
- h. An in-room safe.
- i. Framed art on the walls.

5. Bathroom Finish Criteria

- a. Hard surface floor consisting of tile, marble, granite, or stone.
- b. Contemporary vanity with sink.
- c. Glass, porcelain, porcelain on steel or stone sink(s) with a counter enhancement such as wall faucets or counter-mounted faucets.
- d. Framed mirror.
- e. Tub and shower criteria:
 - i. Tub may be free standing or set within an enclosure of marble, stone, granite, or tile and shall be a minimum of four (4) feet long and fourteen (14) inches deep.
 - ii. Shower, if separate from tub, shall be within an enclosure of marble, granite, stone, or tile.
 - iii. Tub/shower combination marble free standing or set in an enclosure of marble, stone, granite or tile, with glass door or double curtains.
 - iv. Powder rooms do not require a tub or shower.

The Owner, in conformance with a Brand Letter, may replace, modify, or supplement the following list.

SCHEDULE 1 TO EXHIBIT “D” ACCEPTABLE BRANDS

The following are acceptable Brands as of the effective date of this Ordinance.

Luxury

Affina
AKA
Andaz
Capella
Conrad
Dorchester Collection Doyle Collection
Fairmont
Four Seasons
Grand Hyatt
InterContinental
JW Marriott
Langham
Loews
Luxury Collection Mandarin Oriental
Mokara Hotel & Spa Montage
Orient Express
Park Hyatt
Ritz-Carlton RockResorts Rosewood
Sofitel
St. Regis
Taj
The Peninsula
Thompson Hotels Trump Hotel Collection
Viceroy
W Hotel
Waldorf-Astoria

Upper Upscale

Ace Hotel
Autograph Collection
Camino Real
Club Quarters
Dolce
Dream
Embassy Suites
Hard Rock
Hilton
Hyatt
Joie De Vivre
Kimpton
Le Meridien
Marriott
Marriott Conference Center
Millennium
New Otani
Nikko
Omni
Pan Pacific
Radisson Blu
Renaissance
Sheraton Hotel
Sonesta Hotel
Starhotels
Swissotel
Warwick Hotels
Westin
Wyndham

**EXHIBIT E
TO
ORDINANCE NUMBER 2023-03**

EXISTING SUP STIPULATIONS FROM PRIOR SUP AMENDMENTS

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR SCOTTSDALE PLAZA RESORT
SUP-22-02**

EXISTING STIPULATIONS to remain in full force and effect unless changed or modified by Intermediate Amendment SUP-22-02. Existing stipulations shown below modified by this amendment are amended with the deletions as shown as ~~strikethroughs~~, updated language shown in **bold**, and text in *[italic brackets]* explaining where in Project Description, Stipulations, and Approved Plans in Exhibit “C”, attached hereto, the stipulation is found or if it is deleted.

May 21, 2018

Managerial SUP Amendment

*Approval to remodel the northern courtyard area and add a trellis and new fire pits.
Approval was subject to the following stipulations:*

1. ~~All improvements to the property shall be in substantial compliance with the following:~~
 - a. Narrative prepared by H&S International and dated May 1, 2018.
 - b. Sheet T-1, Cover Sheet, prepared by H&S International and dated May 7, 2018.
 - c. Sheet A-1.1, Site Plan & Demo Plan, prepared by H&S International and dated May 7, 2018.
 - d. Sheet A-1.2, Trellis and Stairs/Ramp Elevation Plan, prepared by H&S International and dated May 7, 2018.

[Stipulations 1.a through 1.d are referenced under Approved Plans]
2. **Unless otherwise included in the Approved Plans, lamps, lighting, or illumination devices within an outdoor light fixture shall be screened so as to not be directly visible from outside the Property.** If the Town receives a complaint from an off-site owner that the light emitting element (i.e., the bulb) from **an outside light** ~~the trellis light fixtures is are~~ visible from off the Property, the Town Manager may inspect the Property and require the Owner to shield the light source if the light emitting element **that** is visible from outside the Property.

[Stipulation 2 was modified to apply property wide and moved as Stipulation 57.]

June 19, 2013

Managerial SUP Amendment

Approval for a new double-faced monument sign for the resort in the existing landscape planter situated in the center of the Indian Bend Road driveway. Approval was subject to the following stipulations:

- ~~1. The existing temporary sign located on the east side of the existing driveway shall be removed prior to the issuance of a permit for the new monument sign.~~
- ~~2. The monument sign shall be the same design, height, and width as approved by the Planning Commission on May 21, 2013. The combined height of the new sign and the existing landscape planter shall not exceed 7'6" measured from the pavement.~~
- ~~3. All existing Special Use Permit stipulations shall remain in full force and effect.~~

[Stipulation 1 is deleted as this sign no longer exists; Stipulation 2 is deleted as SUP-22-02 signs will replace these signs; and Stipulation 3 is deleted as the Ordinance for SUP-22-02 supersedes all prior SUPs.]

May 21, 2013

Minor Special Use Permit Amendment (SUP-13-03)

Approval for signage. This includes replacing the Remington's wall signs with larger signs and adding signage along Scottsdale and Indian Bend Roads. Approval was subject to the following stipulations:

- ~~1. All improvements to the property shall be in substantial compliance with the following:
 - ~~a. The new signs shall be substantially compliant with the elevation plans prepared by Arizona Commercial Signs, Sheets 1-5, dated March 15, 2013 (including the sign area calculations).~~
 - ~~b. The new signs shall comply with the Town's visibility triangle requirements (includes the visibility triangle at the Indian Bend resort entrance of 10' x 20').~~
 - ~~c. Any lighting for the new signage shall comply with Article XXV, Signs, Section 2506, Lighting, of the Town's Zoning Ordinance.~~~~
- ~~2. All existing Special Use Permit stipulations shall remain in full force and effect.~~

[Stipulations 1 and 2 are deleted as SUP-22-02 signs will replace these signs.]

October 16, 2007

Minor Special Use Permit Amendment (SUP-07-03)

Approval to add two free-standing outdoor fireplaces, three open trellises totaling 1,680 square feet, a 415 square foot bathroom with air-conditioner, and a 190 square foot enclosed service structure and outdoor service area. The applicant removed three tennis courts to make room for these improvements as well as new landscaping, walkways, and seating areas. Approval was subject to the following stipulations:

1. Improvements to the Scottsdale Plaza Resort property shall be in substantial compliance with the Site Plan, Sheet A0.0, and Elevations, Sheet A1.0, prepared by architect David Lloyd Kenyon, dated August 30, 2007.

~~2. All existing Special Use Permit stipulations shall remain in full force and effect.~~

[Stipulation 1 is moved under Approved Plans. This is the improvements remaining west of the tennis courts; and Stipulation 2 is deleted as the Ordinance for SUP-22-02 supersedes all prior SUPs.]

August 20, 1990

Minor Special Use Permit Amendment (SUP-90-09)

Approval to change the grantee name to “Scottsdale Plaza Resort” and to replace an existing sign. Approval was subject to the following stipulations:

- ~~1. Sign shall be free standing letters.~~
- ~~2. Sign shall have indirect lighting.~~
- ~~3. There shall be a maximum of two signs located at the main entry on Scottsdale Road as shown on plans submitted by Design Products, August 7, 1990. Existing signs shall be removed prior to installation of new signs.~~

[Stipulations 1 through 3 are deleted as SUP-22-02 signs will replace these signs.]

March 23, 1989

Special Use Permit Amendment (SUP-88-07)

Approval to add lights to outdoor tennis courts. Approval was subject to the following stipulations as recorded with the Maricopa County Recorder on April 18, 1989 in document 89-176300:

1. The maximum height of any pole shall not exceed 18 feet in height as measured from the court surface.
2. Each luminary shall not exceed 1000 watts per pole and shall not measure more than 0.75 foot candlelight at the property line.
3. No court shall be lighted when not in use.
4. All permitted lights may be used from dusk until 10:00 p.m. only.
5. No spectator events, exhibition or displays shall be conducted on the courts, which are for tennis only.
6. No outdoor amplifiers, space heaters or bleachers shall be used on or in connection with the tennis courts.
7. There will be a limit of three light poles on each side of each tennis court.

- ~~8. All other terms and conditions of the original Special Use Permit and subsequent amendments shall remain in full force.~~
- ~~9. The Special Use Permit is further amended by deleting subparagraph 10(h) [which required tennis courts not to be lighted].~~
10. The Property shall be used for a resort only, and no changes, expansions, additions, or alterations to the Property or improvements thereon shall be allowed without an express written amendment hereto.

[Stipulations 1 through 7 are moved to Stipulation 41 with a stipulation added that the property may have one tennis court or two pickleball courts ; Stipulations 8 and 9 are deleted as these no longer apply; and Stipulation 10 is included as part of Stipulation 35.]

February 6, 1985 Minor Special Use Permit Amendment (SUP-85-19)

Approval for Minor amendments to the site plan, building footprints, and architectural features. Approval was subject to the following stipulations:

- ~~1. Changes in building data—public space, 35,263 sq ft; total area, 338,060 sq ft; building footprint, 257,216 sq ft (all reductions).~~
- ~~2. Change in building footprint of Building No. 25; Exhibit H replaced by H-1 and H-2; new footprint shown on A-a(1).~~
- ~~3. Join two pre-approved swimming pools and shift location of ramada; as shown on A-a(1).~~
- ~~4. Remove pre-approved storage areas located in main lodge corridor and build an underground cellar; as shown on A-a(2).~~
- ~~5. Change in architectural look of Building No. 26 (Executive Lodge), building size reduced; Exhibit E-(e).~~
- ~~6. Change architectural look of Building No. 3 (Support Facility), building size reduced; Exhibit F-(f).~~

[Stipulations 1, 2, 3, and 5 are deleted as this information will be superseded by SUP-22-02 and these buildings (executive buildings, main resort poolside buildings, and recreation building will be demolished); and Stipulations 4 and 6 are deleted since they refer to plans and are now referenced under Approved Plans.]

October 1, 1984 Minor Special Use Permit Amendment (SUP-84-13)

Approval for Minor amendments to the site plan, building footprints, and architectural features. Approval was subject to the following stipulations:

- ~~1. Rearrange pre-approved units in order to allow separation for needs of fire equipment; overall density was reduced from 270,721 square feet to 257,564 square feet.~~
- ~~2. Changes in architectural facial features of all units A, B, C, D, E, F and G, as approved on Sheets 10, 11 and 12 of the Special Use Permit.~~
- ~~3. The new square footage of 257,564 shall be used as the bench mark in the future. The applicant understands that no expansion will be approved without prior hearing before the Planning and Zoning Commission and Town Council.~~
- ~~4. All vertical measurements to top of ridges or parapets as shown on Sheets A through S shall remain the same.~~

[Stipulations 1, 2, 3, and 4 are deleted since they refer to plans and are now referenced under Approved Plans.]

February 23, 1984

Major Special Use Permit Amendment (SUP-83-11)

Approval for Major amendment to expand the resort including new lodge and guest units. Approval was subject to the following stipulations as recorded with the Maricopa County Recorder on April 2, 1984 in document 84-136743:

- ~~1. The real property ("Property") subject to this amendment to Special Use Permit is located in the Town of Paradise Valley, Maricopa County, Arizona, at 7200 North Scottsdale Road and is more particularly described as follows:~~

~~The Southeast ½ of the Southeast ½ of Section 3, Township 2 North, Range 4 East, Gila and Salt River Base and Meridian; EXCEPT the North 25 feet thereof for road way; and EXCEPT the East 65 feet thereof for roadway; and EXCEPT the South 40 feet thereof for roadway.~~
- ~~2. 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. Exhibit A (Project Information), (sheet A-1) Site Plan showing existing and future expansion and all detailed site data, prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - ~~b. Exhibit B, Landscape Plan (sheet L-1), prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - ~~c. Exhibit C, Lighting Plan (sheet L-2), prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - ~~d. Exhibit D (sheet A-3), Elevations for Ball Room and Meeting Facility, Building #2, prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - ~~e. Exhibit E (sheet A-5), Elevations for Executive Lodge and Meeting Facility, Building 26, prepared by Cornoyer Hedrick, dated January 27, 1984.~~

- ~~f. Exhibit F (sheet A-6), Elevations, Resort Support Facility, Building #3, prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - ~~g. Exhibit G (sheet A-7), Building #21 and Building #22 Floor Plans and Elevations, existing and proposed, prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - ~~h. Exhibit H (sheet A-8), Building #25 Racquetball and Exercise Facility, and Ramada Bar floor plans and elevations prepared by Cornoyer Hedrick, dated January 27, 1984.~~
 - i. Exhibit I (sheet A-9), elevations for Cluster H, North Buildings, typical new units, prepared by Cornoyer Hedrick, dated January 27, 1984.
 - j. Exhibit J (sheet A-10), Elevations, New Units, Cluster D, Southwest Building, prepared by Cornoyer Hedrick, dated January 27, 1984.
 - k. Exhibit K (sheet A-11), Elevations, New Units Cluster D, Northwest Building, prepared by Cornoyer Hedrick, dated January 27, 1984.
 - l. Exhibit L (sheet A-12), Elevations, New Units, Cluster D, Northeast Building, prepared by Cornoyer Hedrick, dated January 27, 1984.
 - m. Exhibit M (sheet A-13), remodeling elevations for existing Buildings 3 thru 20, prepared by Cornoyer Hedrick, dated January 27, 1984.
- ~~3. The Property shall be used for a resort only, and no changes, expansions, additions, or alterations to the Property or improvements thereon shall be allowed without an express written amendment hereto.~~
 - ~~4. The use of the Property shall at all times conform to all applicable State laws and Town ordinances, and it shall not have any conflict with Town Code provisions relating to Time Sharing.~~
 - ~~5. 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, or the Council may, in its sole discretion and in lieu of termination and revocation hereof, upon determination that a violation of the terms and conditions hereof has taken place, assess a fine against the Grantee not to exceed one thousand dollars (\$1,000.00) for each violation. Any day or portion thereof that a violation continues is deemed a separate violation.~~
 - ~~6. This amendment to Special Use Permit shall be binding on the Grantee, his heirs, assigns, personal representative, or successors in interest. Further, it is agreed that this instrument shall be an equitable servitude and a covenant running with the Property, referenced in paragraph 1 hereof.~~
 - ~~7. Outdoor lighting shall comply in all respects with Exhibit C. All outdoor building lights shall have a maximum of 25 watts and shall be properly shielded.~~
 - ~~8. Fire protection: All buildings shall at all times comply with applicable state, county and town fire protection laws and, in addition, shall have the following fire protection features or devices:~~
 - ~~a. A properly functioning and maintained fire and smoke detection system which activates both internal and external alarm systems.~~

- ~~b. All doors leading to or from the lodge area shall be automatically self-closing and have a two-hour fire rating, and there shall be an automatic, properly functioning and maintained fire extinguisher system for each building. Grantee shall install fire hydrants as specified by the Town Engineer and depicted on Exhibit A concurrently with the new construction and improve the fire hydrant requirements on any presently existing resort property if found necessary.~~

[Stipulation 1 is covered in Section II, Definition, Property; Stipulation 2 the applicable plans are under Approved Plans; Stipulation 3 is included as part of Stipulation 35; Stipulation 4 on compliance to various laws is included as part of Stipulation 4; Stipulation 5 on violations is covered under Stipulation 3; Stipulation 6 on running with the land is covered in Stipulation 2; Stipulation 7 is covered in Stipulation 58 and other lighting stipulations, with the 25 watt limit deleted as this is not consistent with SUP Guidelines and all outdoor lighting fixtures; and Stipulation 8 on fire protection is covered by Stipulation 15 and independent of the SUP covered by the required fire code provisions]

- ~~9. This amendment is granted upon the condition that Grantee shall comply with these additional stipulations:
 - ~~a. Grantee shall execute this document within 30 days of Council approval.~~
 - ~~b. Grantee shall deed to the proper Governmental jurisdiction all required right-of-way off Scottsdale Road and Indian Bend Road as shown on site plan, Exhibit A. Such dedications shall take place by execution of Quit Claim Deeds no later than 30 days from Council approval.~~
 - ~~c. There shall be no outdoor storage of equipment or building materials except during the course of construction.~~
 - ~~d. No final Certificate of Occupancy shall be issued until all improvements as shown on the site plan are completed and accepted by the Town.~~
 - ~~e. This amendment shall terminate and be automatically revoked if Grantee has not commenced construction within four years of Council approval hereof. As used in this paragraph, "commenced construction" shall mean the breaking of ground for the purpose of completing the structures authorized by this amendment.~~~~

[Stipulations 9.a, 9.b, and 9.e are completed; 9.c is covered in Stipulation 34; and 9.d is covered in Stipulation 13]

- ~~10. Exhibits A through M hereof and any other terms herein notwithstanding, Grantee shall be bound by the following design criteria:
 - ~~a. There shall be a maximum of 404 units.~~
 - ~~b. There shall be a maximum building footprint land coverage of 17.5%.~~
 - ~~c. There shall be a maximum of 20.5% of total ground coverage, excluding parking lots and driveways.~~
 - ~~d. No resort residential unit governed by this amendment shall exceed 28' in height.~~~~

- ~~e. All existing and proposed mechanical equipment shall be screened from view with architecturally appropriate screening devices.~~
- ~~f. All landscaping shall be maintained in a healthy, neat, clean and weedfree condition. All dead plant material shall be replaced with live plant material of like kind and quality.~~
- ~~g. Grantee shall install concrete curbs, gutters, bicycle paths, sidewalks and asphalt pavement as specified by the Town Engineer along Scottsdale Road and Indian Bend Road concurrently with the new construction per approved paving plans.~~
- ~~h. Tennis courts shall not be lighted. [Removed with March 23, 1989 SUP approval]~~
- ~~i. All existing utilities along Indian Bend Road abutting the proposed development shall be undergrounded.~~
- ~~j. Grantee shall install at Grantee's expense one traffic signal on Scottsdale Road.~~
- ~~k. Grantee shall be responsible for fifty percent (50%) of the design and construction costs for a landscaped median on Scottsdale Road.~~

[Stipulations 10.a, 10.b, 10.c, 10.d are deleted and no longer applicable as they are superseded by SUP-22-02 via the Approved Plans; 10.e is deleted and covered under Stipulation 22; 10.f is deleted and covered under Stipulation 60; 10.i is deleted and covered under Stipulation 21; and 10.g, 10.j, and 10.k are completed]

- ~~11. If any section, subsection, sentence, clause, or phrase of this amendment to 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 hereof.~~
- ~~12. Grantee understands and agrees that this amendment for development of the Property is the ultimate instrument by which such development is to take place and in the event of a conflict with any prior permit, license, ordinance, regulation or agreement which would allow development of the Property in a less restrictive manner, the terms of this amendment shall govern. In no event shall this amendment restrict or deny any rights or privileges presently existing pursuant to the Special Use Permit approved by the Town Council on July 22, 1971 and recorded in Docket 8872, page 166, Maricopa County Recorder's Office, as amended January 11, 1979 and recorded in Docket 13390, Page 852, Maricopa County Recorder's Office.~~
- ~~13. At all times, the Property shall remain under unified management and shall be operated as one, single resort facility.~~
- ~~14. This amendment shall supersede and replace the Phase I Approval for amendment to Special Use Permit approved by the Town Council on December 3, 1981, and recorded in Docket 15732, Pages 866-869, Maricopa County Recorder's Office; amended November 18, 1982, and recorded in Instrument No. 83-002292, Maricopa County Recorder's Office. In all other respects this amendment is in addition to the Special Use Permit originally granted by the Town Council on July 22, 1971, and recorded in Docket 8872, page 166, Maricopa County Recorder's Office; as amended~~

~~January 11, 1979, and recorded in Docket 13390, page 852, Maricopa County Recorder's Office.~~

[Stipulation 11 is covered in Section 3 of the Ordinance and Stipulation 10; Stipulation 12 is covered under Stipulations 1 and 4; Stipulation 13 is covered under Stipulation 28; and Stipulation 14 is covered in Stipulation 2.]

November 18, 1982 Special Use Permit Amendment (SUP-82-18) - SUPERSEDED

[The 02-23-1984 SUP superseded and replaced the Phase I Approval for amendment to Special Use Permit approved by the Town Council on December 3, 1981, and recorded in Docket 15732, Pages 866-869, Maricopa County Recorder's Office; amended November 18, 1982, and recorded in Instrument No. 83-002292, Maricopa County Recorder's Office.]

Approval for amendment to extend Phase I approval for one year. Approval was subject to the following stipulations:

- ~~1. Paragraph 11 of the Phase I Approval for an Amendment to a Special Use Permit is amended by deleting the words in brackets and adding the words in all capital letters, to-wit:~~

~~*11. This Phase I Approval for an amendment to a Special Use Permit shall automatically terminate [one (1) year from the date of the granting of this Phase I Approval for an Amendment to a Special Use Permit] DECEMBER 3, 1983 if the Grantee has not applied for the final Special Use Permit.
[Completed, as the resort Phase I is built]*~~

- ~~2. This Phase I Approval for an Amendment to a Special Use Permit is extended to December 3, 1983 with the understanding that when the application for Phase II approval is filed it shall not contain any reference to or request for time-sharing in any form or fashion. [Completed, as the resort Phase II is built and contains no time-sharing]~~
- ~~3. All other terms and conditions of the Phase I Approval for an Amendment to a Special Use Permit issued on December 3, 1981, shall remain in full force and effect.~~

December 3, 1981 Special Use Permit Amendment (SUP-81-13) - SUPERSEDED

Approval for an amendment for Phase I. Approval was subject to the following stipulations as recorded with the Maricopa County Recorder on December 30, 1981 in Book 15732, Pages 866 -869:

- ~~1. The real property ("Property") subject to this amendment to Special Use Permit is located in the Town of Paradise Valley, Maricopa County, Arizona, at 7200 North Scottsdale Road and is more particularly described as follows:~~

~~The Southeast ½; of the Southeast ½; of Section 3, Town-ship 2 North, Range 4 East, Gila and Salt River Base and Meridian; EXCEPT the North 25 feet thereof for road way; and EXCEPT the East 65 feet thereof for roadway; and EXCEPT the South 40 feet thereof for roadway.~~

- ~~2. 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. Exhibit "A" Site Plan showing Section A, Proposed Development, and Section B, Existing Development, prepared by Schreiber & Associates, dated 9/1/81.
 - b. Exhibit "B" Preliminary Landscape Plan.
 - c. Exhibit "C" Elevations. (2 pages).
 - d. Exhibit "D" Elevation Study Typical Building, Proposed and Existing.~~
- ~~3. The Property shall be used for a resort only, and no changes expansions, additions, or alterations to the Property or improvement thereon shall be allowed without an express written amendment to the final Special Use Permit.~~
- ~~4. The use of the Property shall at all times conform to all applicable State laws and Town ordinances.~~
- ~~5. Should the Property be used or developed in a manner inconsistent with the terms stated herein, this Phase I Approval for an Amendment to a Special Use Permit may be terminated in its entirety by the Paradise Valley Town Council.~~
- ~~6. This Phase I Approval for an amendment to a Special Use Permit shall be binding on the Grantee, his heirs, assigns, personal representative, or successors in interest.~~
- ~~7. Outdoor lighting shall be prohibited except as shown on the exhibits referred to in Paragraph 2.~~
- ~~8. This Phase I Approval for an amendment to a Special Use Permit is granted upon the condition that Grantee shall comply with these additional stipualtions:
 - a. Prior to issuance of building permits, Grantee shall deed to the Town of Paradise Valley additional right of way, as required by the Town Engineer, along Scottsdale Road and Indian Bend Road.
 - b. All utilities along Indian Bend Road adjacent to the property shall be undergrounded concurrently with the new construction.
 - c. Tennis courts shall not be lighted. *[Removed with March 23, 1989 SUP approval]*
 - d. Grantee shall install at Grantee's expense one traffic signal on Scottsdale Road and island medians adjacent to the existing development on Scottsdale Road concurrently with the new construction.
 - e. Grantee shall submit a drainage report with the application for the final Special Use Permit.~~

- ~~f. Grantee shall install fire hydrants as specified by the Town Engineer concurrently with the new construction.~~
- ~~g. Grantee shall install curbs, gutter, sidewalks and pavement as specified by the Town Engineer along Scottsdale Road and Indian Bend Road concurrently with the new construction. Grantee shall remodel all existing residential units in substantial compliance with the rendering, Exhibit "D" as certified by the Town Clerk, concurrently with the new construction.~~

9. ~~[Left blank]~~

- ~~10. If any section, subsection, sentence, clause, or phrase of this amendment to 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 hereof.~~
- ~~11. This Phase I Approval for an amendment to a Special Use Permit shall automatically terminate one (1) year from the date of the granting of this Phase I Approval for an amendment to a Special Use Permit if the Grantee has not applied for the final Special Use Permit.~~
- ~~12. Nothing contained herein shall give or be construed to give the Grantee any vested or other rights in improving the Property in the manner set forth herein. Grantee expressly understands and agrees that this Phase I Approval for an amendment to a Special Use Permit is not final and further understands and agrees that no improvement as set forth herein shall be allowed on the Property until such time as the Town of Paradise Valley has granted a Special Use Permit. This Phase I Approval for an amendment to a Special Use Permit shall not be considered the Special Use Permit. Notwithstanding the provisions of this paragraph, Grantee shall be able to continue utilizing the existing facility as granted by the Special Use Permit referred to in Paragraph 14 hereto.~~
- ~~13. At all times, the Property shall remain under unified management and shall be operated as one, single resort facility.~~
- ~~14. If a final Special Use Permit is granted it shall supersede and replace the Special Use Permit granted to Leo Tymon, Philip Fred Tymon, Roberta Tymon, Herbert Saunders and Loretta Saunders on July 22, 1971, as recorded in Docket 8872, Page 166, Maricopa County Recorder, as amended January 11, 1979, recorded in Docket 13390, Page 852, Maricopa County Recorder.~~

January 11, 1979 Special Use Permit Amendment (SUP-78-14)

*Approval for an amendment to allow four antenna on the roof of the lodge building.
Approval was subject to the following stipulations as recorded with the Maricopa County
Recorder on January 19, 1979 in Book 13390, Pages 852 -854:*

1. The **Owner** ~~grantee under the Special Use Permit~~ shall be permitted to erect a four (4) foot microwave receiving antenna on the roof of the existing lobby building. The construction shall be in strict compliance with Exhibits "A" and "B", attached hereto and made an integral part of this amendment. These exhibits are certified as such by the Paradise Valley Town Clerk.
2. ~~All other terms, conditions, and stipulations of the original Special Use Permit shall remain in full force and effect.~~

[Stipulation 1 as modified becomes Stipulation 64 and Stipulation 2 is deleted.]

July 22, 1971

New Special Use Permit (SUP-71-08)

Approval to build a new resort (being the north half of the existing site). Approval was subject to the following stipulations as recorded with the Maricopa County Recorder on August 9, 1971 in Book 8872, Pages 166-168:

1. ~~The property to which this Special Use Permit applies is a parcel containing approximately twenty acres at the Southwest Corner of Hummingbird Lane and Scottsdale Road, Paradise Valley, Arizona. The legal description of said property is the North half of the Southeast quarter of the „, Southeast quarter of Sec. 3„, Township 2 North, Range 4 East at the Gila and Salt River Base and meridian except the East 33 feet thereof for a roadway.~~
2. ~~The said property shall be developed in strict accordance with the Site Plan heretofore submitted and approved by the Planning Commission of the Town of Paradise Valley and the Town Council of Paradise Valley.~~
3. ~~The said property shall be improved only in strict accordance with the Site Plan and no deviation of the same shall be allowed; provided, however, that reasonable alignments necessitated by aesthetic, engineering or architectural factors may be allowed. A determination of such matters shall be by the Town Engineer.~~
4. ~~Utilities, drainage, lighting, excavation, signs, parking and landscaping shall be in strict conformity with the stipulations contained in the Site Plan and no deviation from the same shall be allowed except by amendment of the Site Plan and the approval. of the Planning Commission and Town Council.~~
5. ~~The said property may be operated as a commercial resort but in no event shall the allowable building coverage or the number of rooms proposed exceed the total square footage and number as set forth on the Site Plan attached hereto. Nothing in this paragraph, however, is to be construed as prohibiting ordinary resort uses such as restaurant, bar, lounge and accessory commercial uses conducted within the resort, subject to the existing regulations contained in the zoning ordinance of the Town of Paradise Valley and the laws of the State of Arizona.~~

- ~~6. No building permit shall be issued for any portion of said property until appropriate engineering or architectural detailing is submitted to the Town and the issuance of said permit is approved by the Town Engineer and the Chief Building Inspector.~~
- ~~7. 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.~~
- ~~8. Should said property or any portion thereof be constructed, developed or used in a manner inconsistent with the terms and requirements hereof, then the Chief Building Inspector shall give Leo Tymon, Philip Fred Tymon, Roberta Tymon, Herbert Saunders and Loretta Saunders, or their agent, written notice to correct said condition and if, in the sole opinion of the Chief Building Inspector of the Town of Paradise Valley, said condition is not cured, then in such event, upon application by the Chief Building Inspector to the Town Council, a hearing shall be held to determine whether or not this Special Use Permit shall be revoked. If the Town Council finds that there has been a breach of the terms and provisions or any of the terms and provisions of this Special Use Permit and that there has been a failure or refusal to cure the same, then the Town Council shall in its sole discretion have the right to terminate this Special Use Permit in its entirety.~~
- ~~9. Each and every, all and singular, of the stipulations contained on the Site Plan attached hereto shall become a part of the conditions of the issuance of this Special Use Permit, and the failure to develop or use the site or property in accordance with said stipulations or any one of them, shall constitute a breach of the terms and provisions of this Special Use Permit, permitting the Town Council to revoke the same or exercise all rights and remedies available to it by this Permit or at law or equity to correct or eliminate the same. Attached hereto and made a part of this special Use Permit are the following: (1) Site Plan, (2) South elevation, (3) Floor plan, (4) Front elevation, (5) Preliminary Planting Plan, (6) Boundary and topographical survey.~~

[Stipulation 1 is covered in Section II, Definition, Property; Stipulations 2, 3, and 4 are covered in Stipulation 5 and the Approved Plans; Stipulation 5 is covered in Stipulation 35 and the Approved Plans; Stipulation 6 is covered in Stipulation 13; Stipulation 7 is covered in Section 3 of the Ordinance and Stipulation 10; Stipulations 8 and 9 are covered in Stipulation 3]