

ORDINANCE NUMBER 2018-19

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

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

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on October 16, 2018, in the manner prescribed by law, for the purpose of considering an amendment to the Special Use Permit for Lincoln Plaza Medical Center, and recommended approval to the Town Council in a vote of 6 to 0; and

WHEREAS, the Town Council finds that the requirements of Section 2-5-2.F, Citizen Review Process, including holding a Citizen Review Session on October 3, 2018 to provide a reasonable opportunity for the applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the application has been met; and

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

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

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

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

SECTION I. In General

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

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

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

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

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

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

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

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

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

Date: 03-14-19 ~~12-06-18~~

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley,
Arizona, this _____ day of _____, 2019.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF _____ 2019.

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney

Date: 03-14-19 ~~12-06-18~~

EXHIBIT "A"
TO
ORDINANCE NUMBER 2018-19

Legal Description

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

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

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

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

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

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

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

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

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

EXHIBIT “C”
TO
ORDINANCE NUMBER 2018-19

SUP Conditions

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

[Edits shown may not reflect all changes as Council discussion on this item is ongoing]

I. PROJECT DESCRIPTION

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

II. DEFINITIONS

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

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

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

“**Retail**” means the dispensation of prescription drugs, along with any secondary associated sale of medically-related items, paraphernalia, or products specific to the care of the patient (e.g. crutches, diabetic needles, orthopedic braces).

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

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

III. STIPULATIONS

A. GENERAL

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

2. Nothing in this Special Use Permit or otherwise shall require the operation of the medical center under the name “Lincoln Plaza Medical Center” or any similar or other name. No further consent shall be required to enable the Owner to transfer the Property, name or rename the medical center, or select or reselect property management companies for the Property.
3. The redevelopment of, and construction on, the Property shall be subject to the stipulations and definitions of this Special Use Permit (the “Stipulations”) and shall substantially conform to the approved plans. All previous existing Special Use Permit stipulations described in Exhibit “C” are rescinded and no longer in full force and effect. The approved plans, as listed in Section IV of this Special Use Permit, are hereby incorporated into this Special Use Permit and made an integral part hereof, and shall hereinafter be referred to as the “Approved Plans.”
4. A Mylar and/or electronic version of all Approved Plans with an amendment to this Special Use Permit shall be submitted to the Town within 60 days after the date of Town Council approval of this Ordinance. Upon completion of the construction, an “as-built” site plan prepared by a registered civil engineer shall be submitted to the Town.
5. In the event of a conflict between these Stipulations and the Approved Plans, these Stipulations shall govern.
6. This Special Use Permit shall run with the land and any person having or subsequently acquiring title to the Property shall be subject to this Special Use Permit, as it may be amended or superseded from time to time. Once an Owner no longer owns the Property, such prior Owner shall not be subject to this Special Use Permit.
7. The use of the Property shall at all times conform to applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other requirement, this Special Use Permit shall prevail.
8. If any portion of the Property is used in violation of the terms of this Special Use Permit, the Town Zoning Ordinance, or the Town Code, the Town may, after fair notice, hold a hearing to impose a monetary sanction on the then Owner in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance or Town Code, as the case may be, for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws.
9. Amendments to this Special Use Permit shall follow the appropriate processes outlined in Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended.

10. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.

B. USES

1. Except as modified in this Special Use Permit, the Property shall be used for medical uses as defined below.
 - a. Offices for medical practitioners.
 - b. Urgent care.
 - c. Outpatient surgical facilities where stays do not exceed 48 hours.
 - d. Physical therapy facilities.
 - e. Pharmacy.
2. Except as specified in this Special Use Permit, retail uses are prohibited.
3. Except as modified in this Special Use Permit, the regular days and hours of operation on the Property shall be Monday through Friday from 7:00 a.m. to 8:00 p.m.
4. A medical marijuana dispensary is ~~presently not a permitted use under the existing Special Use Permit for Lincoln Plaza Medical Center, and a medical marijuana dispensary is neither being requested nor approved as a permitted use allowed on the Property and is not to be allowed~~ as part of the Special Use Permit (SUP-18-06). ~~A medical marijuana dispensary is subject to the restrictions outlined in Article XI of the Paradise Valley Zoning Ordinance and approval of a separate amendment to this Special Use Permit is required before a medical marijuana dispensary would be a permitted use on the Property.~~

C. PHARMACY

1. Only one (1) pharmacy shall be allowed.
2. The primary intent of the pharmacy is to cater to the medical staff and patients of Lincoln Plaza Medical Center. The primary function of the pharmacy shall be the retail dispensation of prescription drugs as defined under Retail in Section II, Definitions.
3. The pharmacy may include a lobby, over the counter ~~R~~retail area (with retail as limited by this Special Use Permit), a compounding area, a dispensing area, and a cashier area.
4. The area of the pharmacy shall not exceed ~~2,079~~ 2,500 square feet in total area, with the lobby/Retail (patient area) not to exceed 150 square feet.
5. There shall be no external signage, other than tenant identification on a directory and/or at the doorway to the pharmacy. This includes the following limitations: no allowance for vehicle wraps and/or other means of identifying the pharmacy.
6. The pharmacy shall not sell, dispense, lease or market any non-medically related items, paraphernalia, or products, ~~and sundries.~~
7. The pharmacy's days and hours of operation shall be limited to the regular hours of operation for the Property of Monday through Friday, 7:00 a.m. to 8:00 p.m.
8. All activity related to the pharmacy shall be conducted in compliance with State and Federal rules and regulations; and other implementing state statutes and administrative regulations.
9. The pharmacy security measures shall be substantially compliant with the narrative in the Approved Plans, which includes any pertinent Crime Prevention Through Environmental Design (CPTED) strategies. This includes, and is not limited to, the following:
 - a. All pharmaceuticals' will be locked, secured, and controlled in the safest manner in order to comply with all Federal and State Regulations related to properly securing and storing all pharmaceuticals.
 - b. Deliveries will be conducted during the pharmacy's regular hours of operation specified in Section III.B.7. There will be no packages left outside or in any lockable containers outside the building.

- 1
- 2 c. Products will be stored in the storage facility in the back of
- 3 the pharmacy suite in locking metal cabinets with a dead
- 4 bolted room. The pharmacy shall also install surveillance
- 5 cameras to record all activities in the storage facility. Only
- 6 the pharmacist and pharmacy technician shall have access
- 7 to the storage facility. Any products requiring refrigeration
- 8 will be kept in a locked refrigerator in the same controlled
- 9 environment.
- 10
- 11 d. Products allowed shall consist of all medical grade
- 12 pharmaceuticals procured by a licensed, insured distributor
- 13 in accordance with all Federal guidelines to procure such
- 14 medicines. The only drugs that will be sold will be
- 15 Controlled Substances Act ("CSA") Class I, II, III, IV, V
- 16 and Not Classified. There will be no sales of medical
- 17 marijuana on the premises. [Waiting on Council direction
- 18 on Schedule I & II drugs]
- 19
- 20 e. Video cameras with a resolution of 1080p or better will be
- 21 placed throughout the pharmacy to effectively monitor all
- 22 handling/processing of the pharmacy dispensing activities,
- 23 cashier sales and general overview of the entrances. At
- 24 least two angles at each entrance and at the customer
- 25 interfacing area will be used, including overhead and below
- 26 eye level and must include overt and covert camera
- 27 systems. Video recordings shall be stored for at least 90
- 28 calendar days and must be stored off-site (cloud-based or
- 29 similar). The system shall include failure notification that
- 30 provides an audible and visual notification of any failure in
- 31 the electronic monitoring system. Video cameras and
- 32 recording equipment shall include sufficient battery backup
- 33 to support at least 10 minutes of recording in the event of a
- 34 power outage. The Owner and tenant of the pharmacy shall
- 35 provide the Town of Paradise Valley Police Department
- 36 remote access to surveillance videos upon request.
- 37
- 38 f. A minimum of two panic buttons shall be placed in the
- 39 pharmacy; one to be located at the pharmacist area and the
- 40 other near the cashier.
- 41
- 42 g. A time-delay safe in the locked storage room and a time-
- 43 delay safe in the pharmacy tech area for the storage of
- 44 Schedule I and II drugs.
- 45
- 46 h. Signage in the pharmacy providing notice that controlled
- 47 substances are stored in time-delays safes.
- 48

i. A 48-inch tall by 36-inch wide pharmacy counter.

f.j. An additional barrier or obstacle between the parking lot and main entrance to the building, such as raised planters or something similar to deter someone from attempting to crash a vehicle through the lobby glass.

10. An apothecary may be located within the pharmacy for the purpose of making compound medicines on the Property. The apothecary must comply with all State and Federal rules and regulations, and all Special Use Permit pharmacy stipulations.

D. URGENT CARE CENTER

1. Only one (1) urgent care center shall be allowed.
2. The primary use of the urgent care center is for immediate care needs and not to replace or serve as a substitute for a hospital emergency care center. Treatment services may include, but not limited to, x-rays, ear and other infections, insect/bug bites and stings, minor cuts/stitches, rashes, heat exhaustion/sunburn, allergies, and related treatment.
3. The urgent care center may include a lobby/waiting area, a staff kitchen/break room, staff offices, patient/exam rooms, and room for minor procedures.
4. There shall be no external signage for the urgent care center, other than on the entry monument sign, tenant identification on a directory, traffic/directional wayfinding signs, and/or at the doorway to the urgent care center. This includes no allowance for vehicle wraps or other means of identifying the urgent care center.
5. The area of the urgent care center shall not exceed 5,000 square feet in total area.
6. The urgent care center shall not have any out-patient surgical facilities, ambulatory services or sell any prescription drugs.
7. The urgent care center's days and hours of operation shall be limited to Monday through Sunday, 7:00 a.m. to 10:00 p.m.
8. The urgent care center security measures shall include, and are not limited to, the following:
 - a. No prescription drugs will be kept in the urgent care center suite.
 - b. All entrances to the urgent care and any customer interface area must be labelled with "no prescription drugs on site" signage.
 - c. Deliveries will be conducted during business hours. There will be no packages left outside or in any lockable containers outside the building.

9. There shall be no use of vehicles generating sound and light in connection with the regular operation of the urgent care center. This excludes emergency situations such as in which an ambulance or other emergency vehicle may be on the Property to take a person in need of immediate medical treatment from the Property to an emergency facility or a fire truck is on the Property to put out a fire.

E. MANAGEMENT - MAINTENANCE

1. The Property shall be under unified property management, with the name and contact information for the property manager to be provided to the Town's Community Development Department Director, or designee prior to the issuance of a certificate of completion, and to then be updated within two (2) days after any property manager change is made.
2. The Property shall be kept in unified ownership and not be subdivided for the purpose of sale.
3. The building on the Property may be leased to a single tenant or designed for multiple rentable medical office suites.
4. All exterior portions of all structures and all driveways, parking areas, landscaping, walls, and lighting shall be kept and maintained in good condition and repair.
5. Use of outdoor space by employees for activities such as smoking may create unintended nuisances for persons on adjoining properties. This type of activity shall be located near the rear and sides of the building, away from the perimeter of the Property.

F. CONSTRUCTION

1. Interiors of the building on the Property may be remodeled at any time without an amendment to the Special Use Permit so long as the other aspects of the Property remain in substantial compliance with the Approved Plans and all applicable building permits are obtained.
2. ~~{Correct site topography and elevations shall be supplied by the Owner prior to Council consideration of the final Ordinance so that a fixed finished grade elevation can be specified in the Ordinance.}~~ Final grading and drainage plans and documents, prepared by a registered civil engineer, must be submitted for review and approval by the Town Engineering Department prior to issuance of a building permit for the improvements associated with SUP 18-06. The lower finished grade

elevation is 1309.86 feet in accordance with the FFE Exhibit prepared by Suite Six Architecture + Planning, dated November 5, 2018.

3. The Owner shall submit a construction schedule prior to the issuance of any building permit to ensure compliance with all Town ordinances, including the conditions specified in this SUP and in order to minimize construction nuisances. This construction schedule shall be subject to approval by the Town Manager and shall include the following:
 - a. Dust and noise control measures.
 - b. Vehicle/equipment storage/parking.
 - c. Construction days/hours.
 - d. Location of staging area for construction supplies/equipment.
 - e. Location of any construction trailer and sanitary facility.
 - f. Location of on-site construction-materials/debris storage.
 - g. Location of fire lanes during the construction period.
 - h. The approximate beginning and ending for construction.
4. All new construction shall satisfy all fire department requirements for each component of work (which may include temporary fire protection facilities) prior to the issuance of any building permit for such work.
5. Prior to the issuance of a certificate of occupancy for any structure on the Property adequate fire, emergency and other vehicle access and adequate fire service shall be provided for such structure and the particular phase of development in which such structure is located, as determined by the Town Manager.

G. DESIGN

1. Building architecture, materials, and colors shall be as shown on the Approved Plans. Any future modifications to exterior materials and colors shall be approved by the Town Manager, or designee. Changes to the architectural style shall only be made by an approved SUP amendment.
2. The color of the roofs of the building and parking canopies shall have a Light Reflective Value at or less than fifty percent (50%).

3. Any future solar panels are subject to a separate amendment to this Special Use Permit and are encouraged to be placed as part of the parking canopy structures.
4. 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. 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.
5. Screening of backflow preventers, electric transformers, generators, or other similar equipment (all herein further referred to as "Visually Unappealing Improvements") visible from off the Property shall be located so as to minimize its visual impact and screened from public view, all of which must first be approved by the Town Manager prior to approval of construction of any such Visually Unappealing Improvements.

H. LANDSCAPING

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

I. LIGHTING

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

J. RIGHT-OF-WAY, PARKING & CIRCULATION [Waiting on Council direction]

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

2. No above ground structures shall be placed in the dedicated Right-of-Way, except for any approved Town monument and/or Town directional sign(s), utilities, and any other approved structures or uses allowed by this Special Use Permit.
3. Shared access to the adjoining properties of the Smoke Tree resort, Andaz resort, and/or AJs center may be allowable. The Owner shall demonstrate through a traffic/circulation/parking study, prepared by a licensed engineer and approved by the Town Engineer, that such shared access is safe and does not create negative or adverse traffic impacts.
4. The minimum parking space size shall be 180 square feet as defined in Article II, Definitions, of the Town Zoning Ordinance. However, the Approved Plans identify 9-foot by 18-foot parking spaces with a two-foot overhang in the adjoining landscape area (which meets the 180 square-foot requirement). Accordingly, this two-foot landscape area shall, in perpetuity, be kept and maintained clear of plant material that may restrict the parking of a vehicle within this two-foot landscape area.
5. The Owner shall construct (or provide payment to the Town in lieu of actual construction) a 6' wide meandering sidewalk within the right-of-way area granted to the Town and adjoining the Property. This sidewalk shall be completed in accordance with Town Standards, including San Diego buff color, at such time as the Town completes the construction of Lincoln Drive improvements.
6. The Owner shall take appropriate measures to ensure that vehicular and pedestrian traffic circulation on the Property function safely and properly. Such measures may include marking a patient/passenger drop off area to avoid traffic congestion near the building entrance.

K. SIGNAGE

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

IV. **APPROVED PLANS** *[Updates may be needed if the site plan changes based on the access being discussed by Town Council and traffic/access documents.]*

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

(SUP 18-06)

1. Master Site Plan, Sheet A1.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.
2. Site Details/Signage, Sheet A1.1, prepared by Suite Six Architecture + Planning, dated October 5, 2018.
3. Elevations, Sheet A2.0, prepared by Suite Six Architecture + Planning, dated ~~November 15~~ ~~October 5~~, 2018.
4. Renderings, Sheets A4.0 and A4.1, prepared by Suite Six Architecture + Planning, dated October 1, 2018.
5. Photometric Site Plan, Sheet E1.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.
6. Lighting Cut Sheets, Sheet E2.0, prepared by Suite Six Architecture + Planning, dated October 5, 2018.
7. Open Space Criteria, Sheet Z1.0, prepared by Suite Six Architecture + Planning, dated ~~November 15~~ ~~October 5~~, 2018.
8. Landscape Plan, Sheet CLS-1, prepared by Collaborative Design Studio, dated August 29, 2018, revised on October 4, 2018.
9. Existing Landscape Improvements, Sheet CLS-2, prepared by Collaborative Design Studio, dated August 29, 2018, revised on October 4, 2018.
10. Narrative prepared by Withey Morris, PLC, dated ~~Sixth Fifth~~ Submittal of ~~November 16~~ ~~October 5~~, 2018.
11. Letter from the City of Scottsdale Water Resources signed by Levi C Dillion, P.E., dated September 17, 2018.
12. The will serve letter from EPCOR signed by Brad Finke, P.E., dated September 17, 2018.
13. Trip Generation Statement prepared by CivTech, dated September 5, 2018.
14. Parking Analysis prepared by CivTech, sealed on October 1, 2018 by Dawn D. Cartier.
- ~~15.~~ 16. Drainage Statement prepared by Optimus Civil Design Group, sealed on September 20, 2018 by Jamsheed D Behrana.
- 15-16. FFE Exhibit and Building Outline Exhibit prepared by Suite Six Architecture + Planning, dated November 5, 2018.