

**ORDINANCE NUMBER 2019-06**

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING A MAJOR AMENDMENT TO THE SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER, 10555, 10565, 10575, 10585, 10595 AND 10599 NORTH TATUM BOULEVARD, PROVIDING FOR A PHASED REDEVELOPMENT WITH DEMOLITION OF ALL EXISTING STRUCTURES AND CONSTRUCTION OF NEW MEDICAL BUILDINGS 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 act on the amendment to the Special Use Permit for Mountain View Medical Center, as recommended by the Planning Commission; and

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on June 18, 2019, in the manner prescribed by law, for considering an amendment to the Special Use Permit for Mountain View Medical Center, and recommended \_\_\_\_\_ to the Town Council in a vote of \_\_ to \_\_; 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 March 26, 2019 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 Mountain View 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 18-12"; 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 # 2019-06 (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 Mountain View Medical Center allows for medical uses on the approximate 9.8 acres of land located at 10555, 10565, 10575, 10585, 10595, and 10599 North Tatum Boulevard 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 18-12) for Mountain View Medical Center hereby rescinds all prior Special Use Permits for the Property and creates a new Special Use Permit to allow for a phased redevelopment of the Property through demolition of all existing structures and the construction of new medical

buildings 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 Mountain View Medical Center, L.L.C., an Arizona Limited Liability Company, its successors and assigns, Special Use Permit 18-12 by its approval of this Ordinance (the “SUP 18-12”) 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 1980. This Special Use Permit is intended to supersede and replace all prior Special Use Permits for this Property and rescinds all prior Special Use Permits for the Property. This Special Use Permit is being granted by the Town to permit the continued use and operation of the Property for medical office use subject to and in accordance with the stipulations and other provisions set forth herein as shown in Exhibit “C,” attached hereto.

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

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

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

**EXHIBIT “A”  
TO  
ORDINANCE NUMBER 2019-06**

**Legal Description**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER**

Refer to the legal description in Exhibit “A” of the General Warranty Deed for the Property recorded on December 31, 2001 with the Maricopa County Recorder, Maricopa County, Arizona in document 2001-1238779.

The Property is part of the Northwest quarter of the Northwest quarter of Section 29, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**EXHIBIT “B”  
TO  
ORDINANCE NUMBER 2019-06**

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

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER**

The Town annexed the property in 1961. The Town approved the original Special Use Permit on March 13, 1980. 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.

March 21, 2012	Managerial amendment that allowed an increase of the tenant area of the two monument signs. This increased the total sign area per sign from 40.8 sf to 58.6 sf.
August 9, 2011 (SUP 11-01)	Consideration of an Intermediate Special Use Permit amendment to allow the operation of a medical marijuana dispensary. The application received Planning Commission recommendation but did not have final Council action as the applicant withdrew their request on August 9, 2011.
September 21, 2010 (SUP 10-06)	Planning Commission approval of a Minor SUP to replace the two existing monument signs substantially compliant with the elevation plan prepared by Ken’s Sign Service Inc, the visibility triangle plans dated May 25, 2010, and the narrative dated August 16, 2010. There is also a letter on behalf of the owner that allowed the Town to replace the Town monument sign located on the medical center property.
June 20, 2000 (SUP 00-09)	Planning Commission approval of a minor amendment allowing for the installation of a window on the west elevation on Building E, Suite E-141.
April 1996 (SUP 96-11)	Approval by the Special Use Permit Review Committee (SUPREC) to allow the repositioning of two windows and a door/window entry feature of Suite B-111. The Town eliminated the SUPREC process to review minor Special Use Permit amendments in 1998.
April 18, 1995 (SUP 95-14)	Increase the square footage of the pharmacy from 1,500 sf to 2,500 sf. The Council approved this by consent, noting that the 1,000 sf is in the adjoining suite for pharmacy storage.
May 25, 1995 (SUP 95-13)	Change in ownership and to increase the square footage of the pharmacy from 1,500 sf to 2,500 sf. Increase to 2,500 sf was denied. The amended SUP was recorded on August 17, 1995 at the Maricopa County Recorder, Arizona, under 95-049309.
September 22, 1989 (SUP 89-04)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.
January 29, 1987 (SUP 87-08)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.

June 17, 1985 (SUP 85-12)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.
March 6, 1985 (SUP 85-11)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership. The SUPREC was made up of a Town Council and Planning Commission representative, Town Engineer, and Planning Director.
February 11, 1982 (SUP 81-07)	Approval of a pharmacy on the property, which was originally an apothecary. Concerns noted related to not wanting a full-scale drug store and retail sales. The following stipulation was added "Violation of any provision of this paragraph shall result in a fine of \$300 a day for each day the violation continues. This penalty shall be paid by the Grantee to the Town of Paradise Valley."
October 30, 1980 (SUP 80-10)	Phase II approval of the medical plaza. This was the Phase II approval and recorded at the Maricopa County Recorder, Arizona, in Docket 14836, Pages 1320-1322.
March 13, 1980 (SUP 79-09)	Establishment of the property for medical use by Special Use Permit. At this time, the Town had an option for an applicant to get a Phase I and then a Phase II approval. This was the Phase I approval and recorded at the Maricopa County Recorder, Arizona, in Docket 14302, Pages 10-12.

**EXHIBIT “C”  
TO  
ORDINANCE NUMBER 2019-06**

**SUP Conditions**

**TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER**

**I. PROJECT DESCRIPTION**

A phased redevelopment of the Property, that includes a complete demolition of all existing structures and construction of new medical buildings with covered parking.

**II. DEFINITIONS**

**“Approved Plans”** means the plans and documents associated with SUP 18-12 and described in Subsection IV “Approved Plans” of this Ordinance.

**“Owner”** means Mountain View Medical Center, 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 #2019-06.

**“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-18-12” or “SUP” shall mean this special use permit as approved by Town Ordinance #2019-06.

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



**III. STIPULATIONS**

**A. GENERAL**

1. This Special Use Permit applies only to the Property.
2. Nothing in this Special Use Permit or otherwise shall require the operation of the medical center under the name “Mountain View 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 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 allowable uses on the Property shall be as follows:

- a. Physician practices/offices
- b. Dental Offices/Services
- c. Physical and Occupational Therapy Services
- d. Out-Patient Imaging Services
- e. Sleep Centers (Maximum of one, located in either Building B, C, D or E)
- f. Pain Centers
- g. Chiropractic Services
- h. Apothecary/Pharmacy (Maximum of one pursuant to conditions outlined in this Special Use Permit)
- i. Durable Medical Equipment Retail Sales
- j. Hospice Administrative Services
- k. Hospital Services Organizations
- l. Administrative offices for Medical Practices (Private or Hospital owned)
- m. Nutritional Support and Counselling
- n. Aesthetician Offices
- o. Medical and Dental Laboratory Services
- p. Behavioral Health/ Counseling Offices (Drug, alcohol, other substance abuse, or mental health rehabilitation programs shall not be allowed)
- q. Massage Therapy/ Spa/ Medical Spa (medically prescribed, ordered or otherwise requested by a legally qualified medical professional)
- r. Administrative Offices for property management
- s. Urgent care (Maximum of one pursuant to conditions outlined in this Special Use Permit)
- t. Ambulatory/ Outpatient Surgery Centers where stays do not exceed 48 hours.

*[The Planning Commission questioned the uses that go later than the existing uses (urgent care) and primarily questioned uses that are 24 hours (sleep centers, surgery centers), with concerns on*

urgent care as not a Class A use. If these uses are allowable, the Planning Commission expressed the need to craft specific stipulations. The stipulations in this draft ordinance include specific stipulations for such uses that may require additional edits such as the following for discussion:

Limit where persons can access the sleep center and/or surgery center after regular hours to the parking lot along Tatum/Shea and that entry area and/or certain buildings.

Limit any ambulatory/outpatient surgery centers where stays do not exceed 48 hours to a maximum of one like sleep centers

Restrict an allowable use(s) if another allowable use(s) is on the property to limit the impact of the number of after hour or heavy traffic uses. For example, if there is a sleep center leased there cannot be a surgery center with overnight stays.]

2. Except as specified in this Special Use Permit, retail uses are prohibited.
3. Non-medical services shall not be permitted unless prescribed, ordered or otherwise requested by a legally qualified physician, dentist, optometrist, chiropodist, chiropractor, osteopath or occupational therapist.
4. 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 7:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m.
5. A methadone clinic and medical marijuana dispensary are not permitted uses under the existing Special Use Permit for Mountain View Medical Center, and a methadone clinic and medical marijuana dispensary are neither being requested nor approved as permitted uses as part of the Special Use Permit (SUP-18-12), subject to Stipulation C.9.d below.

**C. PHARMACY**

1. Only one (1) pharmacy shall be allowed, located in either Building B, C, D or E.

*[Applicant requests allowance of pharmacy in any of the six buildings. Prior Commission discussion was to locate pharmacy in building(s) that would be the least disruptive to residents adjoining the site.]*

2. The primary intent of the pharmacy is to cater to the medical staff and patients of Mountain View Medical Center. The primary function of the pharmacy shall be the retail dispensation of prescription drugs as defined under Retail in Section II, Definitions.

*[Most of sales are presently to non-tenants. The applicant would like to strike first sentence.]*

3. The pharmacy may include a lobby, over the counter Retail area (with retail as limited by this Special Use Permit), a compounding area, a dispensing area, and a cashier area, consultation area, storage area, offices, bathroom and break area.

4. The area of the pharmacy shall not exceed 2,500 square feet in total area, with the lobby/Retail area not to exceed 150 square feet.

*[Applicant requests lobby 300 sf. Total 2,079 sf allowance at Lincoln Medical; 2,500 sf is the current maximum size at Mountain View Medical]*

5. There shall be no external signage, other than tenant identification on a directory and/or near 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.

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 from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m.

*[As a comparison Lincoln Medical pharmacy stipulation is 8a-6p M-Sat. pharmacy approved and not built.]*

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.4. There will be no packages left outside or in any lockable containers outside the building.

c. Products will be stored in the storage facility in the back of the pharmacy suite in locking metal cabinets with a dead bolted room. The pharmacy shall also install surveillance cameras to record all activities in the storage facility. Only the pharmacist and pharmacy technician shall have access to the storage facility. Any products requiring refrigeration will be kept in a locked refrigerator in the same controlled environment.

*[Applicant requests to reword to read "Products will be stored in accordance with all state and federal pharmacy laws as outlined in the USP Compendium." The applicant is in process of getting information on the law related to this topic.]*

d. Products allowed shall consist of all medical grade pharmaceuticals procured by a licensed, insured distributor in accordance with all Federal guidelines to procure such medicines. The only drugs that will be sold will be Controlled Substances Act ("CSA") Class I, II, III, IV, V and Not Classified. There will be no sales of medical marijuana on the premises.

*[Based on Lincoln Plaza Medical discussions Council preference delete Class I and II drugs and all marijuana. The applicant for Lincoln Plaza Medical Center withdrew their SUP application.]*

e. Video cameras with a resolution of 1080p or better will be placed throughout the pharmacy to effectively monitor all handling/processing of the pharmacy dispensing activities, cashier sales and general overview of the entrances. At least two angles at each entrance and at the customer

interfacing area will be used, including overhead and below eye level and must include overt and covert camera systems. Video recordings shall be stored for at least 90 calendar days and must be stored off-site (cloud-based or similar). The system shall include failure notification that provides an audible and visual notification of any failure in the electronic monitoring system. Video cameras and recording equipment shall include sufficient battery backup to support at least 10 minutes of recording in the event of a power outage. The Owner and tenant of the pharmacy shall provide the Town of Paradise Valley Police Department remote access to surveillance videos upon request.

*[Applicant requests to reword to read “Video cameras with a resolution of 1080p or better will be placed to effectively monitor all cashier sales and general overview of the entrances. Video recordings shall be stored for at least 30 calendar days and must be stored off-site (cloud-based or similar). The system shall include failure notification that provides an audible and visual notification of any failure in the electronic monitoring system. Video cameras and recording equipment shall include sufficient battery backup to support at least 10 minutes of recording in the event of a power outage. The Owner and tenant of the pharmacy shall provide the Town of Paradise Valley Police Department access to surveillance videos upon reasonable request.”]*

f. A minimum of two panic buttons shall be placed in the pharmacy; one to be located at the pharmacist area and the other near the cashier.

g. There shall be a time-delay safe in the locked storage room and a time-delay safe in the pharmacy tech area for the storage of Schedule I and II drugs.

*[Applicant suggests rewording to read “If the pharmacy dispenses Schedule I and II drugs, a time-delay safe shall be used in the pharmacy area for the storage of Schedule I and II drugs.”]*

h. Signage in the pharmacy providing notice that controlled substances are stored in time-delays safes.

*[Applicant suggests rewording to read “If the pharmacy dispenses Schedule I and II drugs, signage shall be placed in the pharmacy providing notice that controlled substances are stored in time-delays safes.”]*

- i. A minimum 48-inch tall by maximum 36-inch deep pharmacy counter; or other barrier(s) that are mutually agreeable by the Town Manager, or designee.

*[The applicant would like to remove this stipulation. The Town Building Official noted a 48" tall counter does not meet ADA requirements. There may be other options like security glass, providing an ADA counter in the lobby or other designs.]*

- 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 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, located in either Building B, C, D or E.
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.

*[This was the same draft stipulation for Lincoln Plaza Medical Center; Applicant requests to allow one building sign and reword to read "There shall be no external signage for the urgent care center, other than on the monument sign, one building sign, tenant identification on*

1 *a directory sign, traffic/directional wayfinding signs, and a suite sign*  
2 *at the doorway to the urgent care center. This includes no allowance*  
3 *for vehicle wraps or other means of identifying the urgent care*  
4 *center.”]*

- 5  
6 5. The area of the urgent care center shall not exceed 5,000 square feet in  
7 total area.

8  
9 *[Applicant requests minimum 10,600 sf; Lincoln Plaza Medical Center*  
10 *drafted at 5,000 sf. Applicant may have potential tenant for Building*  
11 *B. Staff requested the applicant provide information on sizing needs*  
12 *for urgent care centers.]*

- 13  
14 6. The urgent care center shall not have any out-patient surgical facilities  
15 or sell any prescription drugs. Ambulatory services shall be customary  
16 to an urgent care facility such as lab, diagnostic, radiography and  
17 limited medical services for minor injuries.

- 18  
19 7. The urgent care center’s days and hours of operation shall be limited to  
20 Monday through Sunday, 7:00 a.m. to 10:00 p.m.

21  
22 *[Council on Lincoln Plaza Medical had concern with operating on*  
23 *Sunday and late hours. Planning Commission may want to consider*  
24 *using the proposed regular hours of operation in Stipulation B.4 of*  
25 *Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday*  
26 *8:00 a.m. to 4:00 p.m.]*

- 27  
28 8. The urgent care center security measures shall include, and are not  
29 limited to, the following:

- 30  
31 a. No prescription drugs will be kept in the urgent care center  
32 suite.  
33  
34 b. All entrances to the urgent care and any customer interface  
35 area must be labeled with “no prescription drugs on site”  
36 signage.  
37  
38 c. Deliveries will be conducted during business hours. There  
39 will be no packages left outside or in any lockable  
40 containers outside the building.

- 41  
42 9. There shall be no use of vehicles generating sound and light in  
43 connection with the regular operation of the urgent care center. The  
44 foregoing shall not apply to emergency situations such as if an  
45 ambulance or other emergency vehicle is on the Property to take a  
46 person in need of immediate medical treatment from the Property to an  
47 emergency facility or if 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 ten (10) business days after any property manager change is made.
2. The Property shall be kept in unified ownership and not be subdivided for sale.
3. The building(s) 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 buildings, away from the perimeter of the Property.
6. The Owner shall provide the Town with a permanent access and maintenance agreement for the Town's monument sign located at the southeast corner of Tatum Boulevard and Shea Boulevard. Such agreement shall be reviewed, approved, signed by all parties, and recorded with the Maricopa County Recorder, Maricopa County, Arizona no later than sixty (60) days from the Effective Date of this Ordinance.
7. The covered parking spaces on the Property that run along and closest to the rear drive from Beryl Avenue to Shea Boulevard shall be reserved for physicians and employees to limit the number of vehicle trips nearest the residential homes of Firebrand Ranch. If needed, signage to this effect may be installed.
8. No temporary tents shall be erected on the property without the prior written consent of the Town staff.

**F. CONSTRUCTION**

1. Interiors of the building on the Property may be remodeled at any time without an amendment to the Special Use Permit so long as the other aspects of the Property remain in substantial compliance with the Approved Plans and all applicable building permits are obtained.
2. Final grading and drainage plans and documents, prepared by a registered civil engineer, must be submitted for review and approval by the Town Engineering Department prior to issuance of a building permit for the improvements associated with SUP 18-12.
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 phase of development in which such structure is located, as determined by the Town Manager.

- 1  
2 6. It is in the best interests of the Owner, Town and nearby residents that  
3 the total construction time be as short as possible. The Owner has leases  
4 to honor and the Town and nearby residents wish to mitigate  
5 construction nuisances. If construction is not substantially completed on  
6 Phases I, II and III within four years after Town Council approval of  
7 this amendment to the Special Use Permit, the Owner shall submit to  
8 the Town a new application for the Planning Commission and Town  
9 Council reapproval of the remaining phases to be completed. This  
10 second approval shall not address the basic entitlement to build such  
11 phases but shall address the flow and efficiency of traffic generated, the  
12 total number of parking spaces needed based on experience gained from  
13 the phases(s) under construction, the need for additional or less lighting,  
14 the need for additional landscaping and similar items. The Owner shall  
15 submit to the Town a cash bond or other assurance to secure completion  
16 of the phase(s) as described in the Approved Plans. Such assurance(s)  
17 shall be provided to the Town prior to the issuance of the building permit  
18 for the first building of that phases(s).  
19

20 *[PV Medical had a stipulation related to phasing, but it did not go into*  
21 *assurances. The Mountain Shadows Resort development agreement had*  
22 *assurance language, but it is not detailed. Mountain Shadows had “If*  
23 *requested by the Town, prior to the Commencement of Construction of*  
24 *the alterations to the Golf Course specified in the 2013 SUP, Owner*  
25 *shall provide the Town with reasonable evidence of financial ability*  
26 *sufficient to cause the Completion of Construction of the Golf Course,*  
27 *as determined by the Town Manager.”*  
28

29 *A stipulation to this effect may give some comfort level to many of the*  
30 *nearby homeowners. Staff thoughts on requiring a completion bond for*  
31 *each phase, other financial assurances like cash bond up front and*  
32 *Town returns money after each phase. Discussed completion bond*  
33 *applicant open to that if needed. This may be better in a development*  
34 *agreement.]*  
35

- 36 7. Chain link fencing with green screening is required to completely  
37 surround any exterior construction areas, any construction refuse areas,  
38 any construction material storage areas and any exterior sanitation  
39 facilities used during a construction project. The screening material  
40 may not be used for advertising or other signage.  
41  
42

**G. DESIGN**

1. Building architecture, materials, and colors shall be as shown on the Approved Plans. Any future modifications to exterior materials and colors must be approved via a managerial amendment to this Special Use Permit in accordance with Article XI, Special Uses and Additional Use regulations, of the Town Zoning Ordinance, as may be amended. 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.  
*[Applicant intends to provide solar panel detail as part of this request that will eliminate or modify this stipulation.]*
4. Electric charging stations are allowable on the Property. Number and location shall be approved via a managerial amendment to this Special Use Permit in accordance with Article XI, Special Uses and Additional Use regulations, of the Town Zoning Ordinance, as may be amended.  
*[Applicant intends to provide a visual of a sample charging station with maximum height, width, depth dimensions that will eliminate or modify this stipulation.]*
5. 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.
6. 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 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 / PERIMETER WALLS**

1. Landscaping on the Property shall be in substantial compliance with the Approved Plans.

2. All landscaping that dies shall be replaced within 30 days 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.

*[Planning Commission requested this stipulation define "reasonable amount of time". As a comparison to other SUPs, most do not have a stipulation to replace dead landscaping. The ones that do have a stipulation generally do not provide a specific time period. The Mountain Shadows SUP requires the oleander hedge be replaced within 5 months once it is determined the hedge will die to be replaced with a similar hedge as determined by the Town Manager or designee. Paradise Valley Medical has a stipulation of 30 days to replace dead landscaping of "Any of the west-side landscaping that dies or is blown down will be replaced within 30 days. Regular maintenance of such landscaping will be done as needed (minimum two times per year). Routine maintenance of the west-side landscaping shall only occur Monday through Friday; such maintenance shall not begin prior to 6:30a.m. (7:00 a.m. during Nov-Feb)." Code compliance gives 15 days for the first notice, 10 days for the second notice and then sends the violation to prosecution.]*

3. The shared perimeter wall with Firebrand Ranch shall be the responsibility of the Owner of Mountain View Medical Center to maintain. The Owner shall pay for and coordinate the permitting and construction in raising the existing block wall up to 8-foot tall for those adjoining property owners to the Property who wish to have their wall height increased. The wall finish and access shall be in accordance with Section 2403, Wall Finishes, of the Town Zoning Ordinance, or as amended. The Owner shall have the right to limit when such construction may take place for the benefit of completing the wall improvements on multiple lots at the same time. Once the Owner obtains necessary permits to complete the wall improvements, such work shall be completed in a timely manner, but not exceed 12 months. Prior to obtaining permits, Owner shall send formal notice via Certified mail to residents with a shared perimeter wall living in Firebrand Ranch of their option to raise their wall to a maximum height of 8'. Residents will have up to 8 weeks to respond in writing to the Owner. Residents who do not respond in writing will be deemed to have not elected to increase their wall height. If the wall on the adjoining lot is not raised to 8-foot tall, then there shall be a soft transition in the style of the existing

wall as illustrated in the Existing Wall Photos of this Ordinance in Section IV, Approved Plans.

4. The landscaping improvements within the 25-foot wide landscape tract on the Property adjoining Firebrand Ranch shall be planted as part of Phase 1 in accordance with the Approved Plans. Specifically, this relates to the landscaping adjoining Lots 67 through 17 of Firebrand Ranch. Such landscaping includes all plant material and installation of any hardscaping. The Owner shall complete these improvements within 12 months of receiving the permits for Phase 1. Once completed, the Owner shall contact the Town Planning Division for an inspection before issuance of the Certificate of Occupancy on the first building of this phase.
5. The landscaping improvements along Tatum Boulevard and Shea Boulevard along the full length of the Property shall be planted as part of Phase 3 in accordance with the Approved Plans. Such landscaping includes all plant material, installation of any hardscaping and screen walls. ~~However, the improvements to the 25-foot landscape setback between the Property and the residential neighborhood of Firebrand Ranch to the southeast shall be completed in Phase 1.~~ The Owner shall complete the proposed Phase 34 improvements within 12 months of receiving the permits for Phase 3. Once completed, the Owner shall and contact the Town Planning Division for an inspection before issuance of the Certificate of Occupancy on the first building of this phase~~SUP-18-12.~~
6. All other landscaping shall be planted during the specific phase per the Approved Plans. The Owner shall complete these improvements and contact the Town Planning Division for an inspection before issuance of the last Certificate of Occupancy for the building in that phase.
7. Any debris and weeds on the Property shall be removed within 72 hours from the day notified by the Town, or within the time specified in accordance with the Town Code.
8. Based on future documented issues of loitering, the Town Manger or designee may require the Owner to consider design elements that discourage loitering, near and on the site, for safety and security. This may include the planting of additional or replacement spiny desert landscaping in strategic locations where persons may loiter.

9. All new trees planted within the landscape tract adjoining the residential neighborhood of Firebrand Ranch shall be a mix of 24-inch box and 36-inch box minimum or equivalent size as shown on the landscape of this Ordinance in Section IV, Approved Plans. A minimum of 26 of the new trees shall be 36-inch box or larger. The landscaping within the landscape tract adjoining Firebrand Ranch may be modified to allow for adjoining property owners of Firebrand Ranch to select a different tree or similar tree that is substantially compliant with the plant palette of the approved landscape plan, modify the location within several feet of that shown on the plan and/or allow for trading box sizes shown on the approved landscape plan. Such modifications shall be made before the completion of the initial plantings as described in Stipulation H.4. The Owner shall provide all modifications to the approved landscape plan in writing to the Town's Planning Division at least five working days prior to final inspection of the landscaping.

## **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 needed for safety, 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.

[Consider changing the hours non-emergency lighting is turned off if uses on the Property are later than the regular hours of M-F 7:00 a.m. – 7:00 p.m., Sat 8:00 a.m. – 4:00 p.m. and no Sun hours. A 9:00 p.m. shut of non-emergency lights may be warranted.]

Consider the applicant providing a zone/phasing plan. For example, The SA/SB 12' tall light fixtures shall be in at least two separate zones, with fixtures located within 70' of the Firebrand Ranch property line with its own zone/phasing to be turned off or reduced in intensity. Different zones/phasing shall be provided for the various light fixtures,

1 with the parking canopy SS fixture and building fixtures on a separate  
2 circuit. Another option is to require a detailed phasing/zoning plan  
3 prior to Certificate of Occupancy of the first building for approval by  
4 the Town Manager or designee.

5  
6 The level of detail regarding the phasing/zoning/when certain lights are  
7 turned off or reduced in intensity needs to first come from the applicant  
8 to best understand the safety/security aspect. Most SUP sites address  
9 exterior lighting via limits on height, shielding, setback and illumination  
10 level at the property line. Below are some stipulations that have  
11 zones/phasing.

12  
13 The stipulation for PV medical center at 5410 N Scottsdale Road is  
14 timers shall be placed on all lights except those needed for safety, which  
15 shall be on dusk to dawn devices. The lights on timers shall be in  
16 operation only from 6:00 a.m. until 9:00 p.m.

17  
18 Temple Solel at 6805 E McDonald Drive states the grantee shall be  
19 diligent in ensuring that the lights are lit by zone only as needed, and  
20 are turned off whenever the temple is not in use, and are turned off as  
21 soon as possible after a function has ended. The nine existing bollard  
22 lights may be lit at other times.

23  
24 The Jones Gordon School at 4800 E Doubletree Ranch Road states  
25 lighting in the parking lot and near the sidewalk, and all non-security  
26 lighting on the site shall be turned off by no later than 9:15 p.m. during  
27 special events, and by no later than 8:00 p.m. on all other evenings.

28  
29 Valley United Presbyterian church at 6947 E McDonald states parking  
30 lot lighting shall be divided into two zones as indicated on Exhibit H  
31 (Sheet DR2.0), to correspond to the parking zones identified in  
32 stipulation 12 above. The zones shall be illuminated as needed to  
33 accommodate evening activity with low-level lighting to provide all  
34 night security.

35  
36 The stipulation from Valley View Bible at 4222 E Lincoln Drive states  
37 the pole mounted parking area lighting shall be in three separately  
38 zoned areas, the northwest area, northeast area, and an area designated  
39 for all other lighting. Lighting for each zone shall be turned on only as  
40 needed for evening events held on the church campus and will be turned  
41 off by 10:00 pm (with the exception of special events approved by the  
42 Town and midnight worship on Christmas Eve). The bollard fixtures  
43 and building mounted fixtures may provide low-level security lighting  
44 throughout the night.]



**J. NOISE**

1. Except as stipulated within this Special Use Permit, the Property 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 from time to time.

*[Applicant wants heavy equipment construction for the initial construction to be allowed on Saturday from 7:00 a.m. and 5:00 p.m. to quicken construction time, code is Monday through Friday.]*

2. Testing of 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 60' of a residential property line.

*[Article 8-10 limit is 75 decibels at the property line.]*

3. Garbage pickup shall only occur within the hours of 8:00 a.m. to 5:00 p.m., with no pickup on Sundays.

*[Applicant suggests pickup starting at 7:00 a.m. and Summer (May through September) hours of garbage pickup may start one hour earlier to match what they do today.]*

4. Deliveries of construction material shall be as set forth in Article 8-10, Nuisance Noise, as may be amended from time to time. Activity related to tenant moves in and out of suite(s) shall be limited between 7:00 a.m. and 5:00 p.m., Monday through Saturday.

*[Applicant wants to allow summer (May through September) hours for deliveries may start one hour earlier.]*

5. Deliveries to and from tenants related to their regular course of business shall be done only during the regular hours of operation for that tenant, however, there shall be no such deliveries prior to 7:00 a.m. or later than 10:00 p.m.

*[Consider changing the hours if uses on the Property are not different than the regular hours of M-F 7:00 a.m. – 7:00 p.m., Sat 8:00 a.m. – 4:00 p.m. and no Sun hours. A 9:00 p.m. end time on deliveries may be warranted]*

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

1. 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/walkway area (which meets the 180 square-foot requirement). Accordingly, this two-foot landscape/walkway area shall, in perpetuity, be kept and maintained clear of material that may restrict the parking of a vehicle within this two-foot area.
2. The Owner shall take appropriate measures to ensure that vehicular and pedestrian traffic circulation on the Property function safely and properly.
3. The Owner shall work with the City of Phoenix to complete the right-of-way improvements along Tatum Boulevard as generally described in the Traffic Impact Analysis for this project. This includes the striping for the deceleration lane on northbound Tatum Boulevard onto Beryl Avenue and the revised signal timing at the Tatum Boulevard and Shea Boulevard intersection. Documentation of this progress shall be provided when requested, with such improvements to be completed no later than the completion of Phase 1.

**L. 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 p.m. and 6:00 a.m., unless otherwise approved by the Town Manager or designee for special events.

*[The applicant requests the lighting be shut off only for building tenant signs and these signs be shut off between midnight and 5:00 a.m.]*

**IV. APPROVED PLANS**

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

(SUP 18-12)	<ol style="list-style-type: none"> <li>1. ALTA Survey, Sheet 1 of 2 and Sheet 2 of 2, prepared by Superior Surveying Services, Inc., dated December 12, 2003</li> <li>2. Cover Sheet, Sheet 05.1.1, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>3. Existing Architectural Site Plan, Sheet 05.2.3, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>4. Architectural Site Plan Phase 1, Sheet 05.2.4, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>5. Architectural Site Plan Phase 2, Sheet 05.2.5, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>6. Architectural Site Plan Phase 3, Sheet 05.2.6, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>7. Architectural Site Plan with existing Condition, Sheet 05.2.7, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>8. Signage Plan, Sheet 05.2.9, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>9. Building Signage &amp; Site Signage, Sheet 05.3.1, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>10. Directory, Sheet 05.3.2, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>11. Bldgs A &amp; F Directories, Sheet 05.3.3, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>12. Building A (Elevations), Sheet 05.4.1, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>13. Building A (Elevations), Sheet 05.4.2, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>14. Buildings B and C (Elevations), Sheet 05.4.3, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>15. Buildings B and C (Elevations), Sheet 05.4.4, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>16. Buildings D and E (Elevations), Sheet 05.4.5, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>17. Buildings C, D and E (Elevations), Sheet 05.4.6, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>18. Building E (Elevations), Sheet 05.4.7, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> <li>19. Building F (Elevations), Sheet 05.4.8, prepared by orcutt/winslow, with a revised date November 1, 2018.</li> </ol>
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	<p>20. Building F (Elevations), Sheet 05.4.9, prepared by orcutt/winslow, with a revised date November 1, 2018.</p> <p>21. Building Entries, Sheet 05.4.10, prepared by orcutt/winslow, with a revised date November 1, 2018.</p> <p>22. Building Entries, Sheet 05.4.11, prepared by orcutt/winslow, with a revised date November 1, 2018.</p> <p>23. Sections &amp; Open Space Criteria Analysis, Sheet 05.5.1, prepared by orcutt/winslow, with a revised date November 1, 2018.</p> <p>24. Open Space Criteria Analysis, Sheet 05.5.2, prepared by orcutt/winslow, with a revised date November 1, 2018.</p> <p>25. Existing Tree Plan, Sheet L-001 and Sheet L-002, prepared by orcutt/winslow and rvi, dated July 24, 2018.</p> <p>26. Landscape Plan (Proposed), Sheet L-101 through Sheet L-104, prepared by orcutt/winslow and rvi, dated July 24, 2018.</p> <p>27. Photometric Site Plan and Cut Sheets, Sheet E-1.1 through E-1.4, prepared by orcutt/winslow and Henderson Engineers, with a revised date November 1, 2018.</p> <p>28. Conceptual Grading &amp; Drainage Plan, prepared by Stantec, dated October 19, 2018.</p> <p>29. Narrative prepared by Orcutt Winslow Architects, last revised on November 1, 2018.</p> <p>30. Concept Drainage Report prepared by Stantec, dated sealed by Kelly Bell on September 20, 2018.</p> <p>31. Response from CivTech dated February 26, 2019 and Traffic Impact Analysis prepared by CivTech sealed by Dawn D. Cartier on February 11, 2019.</p> <p>32. Parking Analysis prepared by Stantec, date sealed by Douglas Ostler on September 26, 2018.</p> <p>33. Existing Perimeter Wall Photos</p>
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Mountain View Medical Center  
SUP-18-12  
Existing Perimeter Wall Photos

