

**LINCOLN PLAZA MEDICAL CENTER
7125 E LINCOLN DRIVE
STIPULATIONS
MINOR SPECIAL USE PERMIT AMENDMENT
SUP-19-05**

December 2019

The existing Special Use Permit zoning for the medical and dental clinic, including pharmacy and urgent care, is on an approximate 2.1-net 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”).

The “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.

The Property has a “Medical Office” General Plan designation and is zoned Special Use Permit – Medical Office, Kennels and Veterinary Clinics”, the allowable designation and zoning for the proposed improvements with this Minor Special Use Permit application, SUP-19-05.

The Town of Paradise Valley Planning Commission held a public hearing on December 5, 2019, in the manner prescribed by law, for considering a minor amendment to the Special Use Permit for said Property.

Said request is to allow for clarification of minimum parking requirements, specifically the minimum number of parking spaces, and the construction of an approximate 315 square foot enclosed yard to house bulk oxygen and related equipment for a tenant use of hyperbaric oxygen treatments; subject to the following stipulations:

STIPULATIONS In the case of discrepancies between approved plans, those with a later date shall take precedence.

1. All improvements shall amend any prior approved plans, or portions thereof, and such improvements shall be in substantial compliance with the following:
 - a. The overall site plan prepared by Vertical Design Studios, sealed by registered architect, Justin J. Gregonis, on November 8, 2019;
 - b. The tank enclosure detail plan prepared by Vertical Design Studios, sealed by registered architect, Justin J. Gregonis, on November 8, 2019, that includes the tank and equipment not extending above the 10' tall enclosure;
 - c. The narrative correspondence prepared by Vertical Design Studios, from Lori A. Knudson, Project Architect, dated November 8, 2019; and
 - d. The parking study prepared by CivTech, sealed by registered professional engineer, Dawn D. Cartier, on November 11, 2019.

2. Operation of the hyperbaric oxygen treatment center shall fully comply with all current health and safety provisions required by Federal, State of Arizona, and Town of Paradise Valley, AZ, regulations. These are generally described in the narrative correspondence prepared by Vertical Design Studios, from Lori A. Knudson, Project Architect, dated November 8, 2019 and the correspondence from Robert Lee, Building Official, dated November 1, 2019. Additional provisions include the following:
 - a. With the exception of an emergency; the refueling deliveries, maintenance, and repairs to the hyperbaric oxygen treatment equipment system shall be performed during daylight hours between sunrise and sunset;
 - b. Emergency shall mean a sudden or unforeseen situation that requires immediate work to prevent or mitigate injury or damage to persons or property. An emergency exists only for the time necessary to remedy the immediate risk of harm;
 - c. The Owner and tenant for the hyperbaric oxygen treatment center shall regularly provide the Town of Paradise Valley Police Department and Town of Paradise Valley Community Development Department a 24-hour contact with the person's name, phone number, and email, in case of emergencies; along with access to the site for safety inspections upon request. The emergency contact name and phone number shall be posted on the exterior of the tank enclosure in a visible location;
 - d. A monitored alarm system should be fitted to provide a visual and auditory signal in the event of a deviation of pipeline pressure by more than $\pm 20\%$ from the nominal distribution

pressure. If an auditory signal can be silenced by the operator, the silencing shall not prevent the auditory signal from being activated by a new alarm condition. The alarm system should be tested periodically as recommended by the equipment manufacturer. The Master alarm shall be monitored 24 hours daily; and

- e. In the event of an emergency, the Owner and/or tenant may make the necessary repairs. The Town of Paradise Valley Police Department shall be notified immediately of the emergency. The Town of Paradise Valley Community Development Department shall be notified by the next business day to determine any appropriate building permit(s) and inspections.
3. The minimum number of parking spaces on the Property shall be [*Planning Commission to define minimum number, Parking Study has 123*] based on the existing allowable medical and dental clinic office, pharmacy, and urgent care uses. New tenant uses that may require amendment to the Special Use Permit zoning of the Property, pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town Zoning Ordinance, may require a different minimum parking requirement based on Town review. Such review may include re-evaluation of parking, traffic, and circulation. Analysis may include items such as trip generation data from registered professionals, among other analysis.
4. The parking space and aisle dimensions shall be as illustrated on the approved overall site plan attached hereto. The minimum parking space size shall be 180 square feet as defined in Article II, Definitions, of the Town Zoning Ordinance. This minimum parking space area may include up to a 2'0" overhang into an adjoining landscape/hardscape area. This overhang shall, in perpetuity, be kept and maintained clear of plant or other material that may restrict the parking of a vehicle. 25 of the parking spaces, specifically the 12 angled

parking spaces in the rear yard and the 17 parking spaces along the south property line, are allowable as shown on the overall site plan.

5. The Owner shall provide to the Town of Paradise Valley Community Development Director, or designee, an as-built landscape plan and as-built overall site plan after all improvements are made to and/or adjoining the Property. These improvements, include, and may not be limited to, the tank enclosure with this Minor Special Use Permit application, SUP-19-05, the installation of sidewalk adjoining the Property along Lincoln Drive, and the coordination between the Owner and the Town of Paradise Valley regarding access driveway improvements along Lincoln Drive. Submittal of said as-built plans shall be completed no later than 30 calendar days from the completion of said improvements or from the written request by the Town of Paradise Valley Community Development Director, or designee.
6. 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.
7. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by this Minor Amendment SUP 19-05.

**EXHIBIT “A”
TO
SUP-19-05**

Legal Description

TOWN OF PARADISE VALLEY

MINOR 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.

[Legal description as found in special warranty deed recorded with the Maricopa County Recorder, Maricopa County, AZ in document 20180078221 on January 31, 2018.]