

ORDINANCE NUMBER 2017-04

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING AN INTERMEDIATE AMENDMENT TO THE SPECIAL USE PERMIT FOR PHOENIX COUNTRY DAY SCHOOL, 3901 E STANFORD DRIVE, PROVIDING FOR AN ADMINISTRATION BUILDING, SIGNAGE, AND ADDITIONAL FENCING.

WHEREAS, the Town of Paradise Valley Council held a public hearing on May 25, 2017, in the manner prescribed by law, to hear and to take action on the amendment to the Special Use Permit for Phoenix Country Day School, as recommended by the Planning Commission; and

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on May 2, 2017, in the manner prescribed by law, for the purpose of considering an amendment to the Special Use Permit for Phoenix Country Day School, and recommended approval to the Town Council; and

WHEREAS, the amendment to the Special Use Permit for Phoenix Country Day School is consistent with the property's designation of 'Public/Quasi Public' on the Town's General Plan Land Use Map and its zoning district of 'Special Use Permit – School' on the Town's Zoning Map.

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 this 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 for Phoenix Country Day School allows for school uses on the approximate 39 acres of land located at 3901 E Stanford Drive in the Town of Paradise Valley, Arizona, legally described as the northeast quarter of the southeast quarter of Section 13, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County; except the north 33 feet and east 40 feet for roadways (Assessor's Parcel Numbers 170-09-001A and 170-09-001B).
2. The Special Use Permit for Phoenix Country Day School is hereby amended by application SUP 16-07 to allow for a new administration building, signage, and additional fencing subject to the stipulations set forth in Exhibit 'A', attached hereto.
3. The existing Special Use Permit for Phoenix Country Day School for use of such land as a private academic school and related educational facilities, providing instruction for Grades K through 12, with lower, middle and upper schools, along with its existing Special Use Permit stipulations as set forth in Exhibit 'A' and amendment summarized in Exhibit 'B', attached hereto, shall remain in full force and effect.
4. This Intermediate Amendment to the Special Use Permit for Phoenix Country Day School is in accordance with Section 1102.7 of the Zoning Ordinance.

SECTION 2. 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 3. 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 25th day of May, 2017.

Michael Collins, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF _____ 2017.

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney

**EXHIBIT A
TO
ORDINANCE NUMBER 2017-04**

Stipulations

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR PHOENIX COUNTRY DAY SCHOOL
SUP-2017-04**

NEW STIPULATIONS

1. All improvements to the property shall be in substantial compliance with the following:
 - a. Intermediate Special Use Permit Amendment Application.
Submitted November 2016. Resubmitted April 2017.
2. The illumination of the proposed signs shall be turned off between the hours of 9:30 p.m. and 5:30 a.m.
3. The monument sign on Stanford shall be located outside of the American Association of State Highway and Transportation Officials (AASHTO) sight triangle.
4. The monument sign on Stanford is approved as double sided because there are three entrances along Stanford and only one sign (double sided) is proposed.
5. Landscaping shall be included at the base of the sign at the corner of Stanford and 40th Street.
6. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by this Intermediate Amendment.

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

General Provisions

1. The development, construction, and usage of the Property shall be in strict compliance with those certain documents and plans marked and certified by the Paradise Valley Town Clerk as:
 - a) Overall Campus Plan, prepared by Knoell & Quidort Architects, dated February 23, 2005 as amended by Sheet SUP-1, Overall Campus Plan, prepared by Knoell & Quidort Architects, dated February 19, 2010 , and Sheets SUP-1, Overall Campus Plan, prepared by Knoell & Quidort / Architekton dated October 30, 2013, December 31, 2013 and March 31, 2014;
 - b) Elevations of Athletic Facility (building ‘W’), prepared by Peter A. Lendrum Associates, dated January 7, 1985;
 - c) Elevations of Music Building (building ‘L’), prepared by Peter A. Lendrum Associates, dated January 7, 1985;
 - d) West elevation of Business Office Building (building ‘A’), prepared by Peter A. Lendrum Associates, dated January 7, 1985;
 - e) Elevations for buildings ‘S’ and ‘Q’, prepared by Gabor Lorant Architects, Inc., dated July 21, 1983;
 - f) Elevations and Plan for building ‘N’, Sheet A.1.1, dated February 28, 1994 by Knoell & Quidort Architects;
 - g) Parking Lot Layout of Lots 1, 2, 3, and 7, dated February 9, 1994 by Evans, Kuhn, and Associates;
 - h) Parking Lot Landscaping Plan – Lots 1, 2, and 3, dated February 28, 1994, by the Planning Center;
 - i) Floor Plan and Elevations for building ‘O’, prepared by Knoell & Quidort Architects, dated May 3, 1996, revised on June 27, 1996;
 - j) Elevation and Plan for the monument entry sign located at the southwest corner of the Stanford Drive and 40th Street intersection, prepared by Mark Inc. Landscape Developers, dated August 21, 1985;
 - k) Floor Plan and Elevations for buildings ‘P’, ‘Q’, ‘R’, ‘S’, ‘T’, ‘U’, and ‘V’, Sheets A-2, A-3, A-4, 5, 6, and A-7, prepared by Knoell & Quidort Architects, dated March 30, 2000 and revised through January 16, 2001;
 - l) Landscaping of the Upper Campus, Sheets L-1.0 through L-1.5 and Sheets L-2.0 through L-2.3, prepared by Ten Eyck Landscape Architects, dated January 15, 2003;
 - m) New fencing, student drop off area, guardhouse, and overflow parking area located in and around Parking Lot 6, Sheet SUP 1 and Sheet A-1, prepared by Knoell & Quidort Architects, dated January 28, 2004;
 - n) Landscape Plan for Parking Lot 6 and overflow parking area, Sheet L1, prepared by Gordon Wayne Jones, dated January 26, 2004;
 - o) Project Narratives
 - i. Project Narrative dated January 24, 2005 submitted with the SUP Amendment approved April 4, 2005;
 - ii. Project Narrative prepared by Rose Law Group dated November 1, 2013;
 - iii. Project Narrative prepared by Rose Law Group dated January 2014 and April 23, 2014;
 - iv. Project Narrative, prepared by Rose Law Group and dated May 13, 2014;
 - v.
 - p) Landscape Plan along Stanford Drive and for the areas around buildings ‘F’, ‘G’, ‘H’, and ‘M’, Sheets L1 through L4, prepared by Gordon Wayne Jones ASLA Architects, dated March 8, 2005;

- q) Floor Plan and Elevations for buildings ‘F’, ‘G’, ‘H’ and ‘M’, prepared by Knoell & Quidort Architects, Sheet 2, dated December 16, 2004, and Sheets 3 and 4, dated November 9, 2004;
- r) Photometric Plan of the West Campus, Sheets PH-1 and PH-1.1, prepared by Knoell & Quidort Architects, dated November 11, 2004;
- s) Sheet A-1, Buildings B & C, prepared by Knoell & Quidort Architects, dated February 19, 2010;
- t) West Wall Screen Elevation of Building B, prepared by Knoell & Quidort Architects, submitted with the managerial amendment issued March 16, 2010;
- u) Building ‘X’, Aquatic Center, and nearby area
 - i. Sheet SUP-2, Project Area, prepared by Knoell & Quidort Architects and dated October 30, 2013;
 - ii. Sheet SUP-3, Elevations Plan, prepared by Knoell & Quidort Architects and dated October 30, 2013;
 - iii. Sheet LP.001, Preliminary Landscape Plan, prepared by CVL Consultants and dated October 31, 2013;
 - iv. Sheet GP-001, Preliminary Grading Plan, prepared by CVL Consultants and dated October 29, 2013;
 - v. Sheet DP-001, Demolition Plan, prepared by CVL Consultants and dated October 29, 2013;
 - vi. Sheet ES-100, Electrical Photometric Site Plan, prepared by Luminous Design Concepts, LLC and Neptune Engineering, and dated October 29, 2013;
 - vii. Sheet ES-101, Light Fixture Cut Sheets, prepared by Luminous Design Concepts, LLC and Neptune Engineering, and dated October 29, 2013;
 - viii. Sheet ES-102, Light Fixture Cut Sheets, prepared by Luminous Design Concepts, LLC and Neptune Engineering, and dated October 29, 2013;
 - ix. Sheet SUP-3, Elevation Plan (shade canopy for aquatic center), prepared by Knoell & Quidort / Architekton and dated January 10, 2014;
 - x. The Trenwyth masonry units material palette and the McNichols expanded metal fencing material palette (regarding the shade canopy).
 - xi. Sheet AE-101C, Shade Canopy Plan and Section, prepared by Knoell & Quidort Architekton, dated March 27, 2014 (updates the managerial amendment plan issued January 24, 2014);
 - xii. Sheet S100C, Shade Foundation & Roof Framing Plan, dated March 27, 2014, prepared by Knoell & Quidort Architekton;
 - xiii. Sheet ES-101C, Electrical Shade Canopy Plan, dated March 31, 2014, prepared by Knoell & Quidort Architekton; and
 - xiv. Grande RM4DOD Recessed Ceiling Outdoor lighting specification sheets, prepared by Metalume (regarding shade canopy).
- v) Gymnasium Building
 - a. Sheet SUP-1, Campus Plan, prepared by Architekton and dated April 21, 2014;
 - b. Sheet SUP-2, Project Plan, prepared by Architekton and dated April 21, 2014;
 - c. Sheets SUP-3, SUP-3.1 and SUP-4, Fence Plan, prepared by Architekton and dated April 21, 2014;
 - d. Sheets SUP-5 and SUP-6, Section and Elevations, prepared by Architekton and dated April 21, 2014;
 - e. Finish Floor Elevation Plan prepared by Architekton, Knoell & Quidort, and CVL Consultants and print dated March 18, 2014;
 - f. Sheet PR100, Landscape Plan, prepared by Architekton, Knoell & Quidort, and CVL Consultants and print dated March 5, 2014;

- g. Sheet ES-1, Electrical Site Photometry, prepared by Architekton and Henderson Engineers Inc. and dated April 8, 2014; and
 - h. Sheet ES-2, Photometric Lighting Cut Sheets, prepared by Architekton and Henderson Engineers Inc. and dated April 8, 2014.
- i. Prior to issuance of any building permit for fencing or other structures within the Arizona Canal Diversion Channel, the applicant shall provide the Town's Building Official, or designee, verification that the Flood Control District of Maricopa County is acceptable to the type and details of structures proposed.
 - ii. Special event(s) that exceed the capacity of the 445 on-site parking spaces and the overflow capacity onto the adjoining property at 3902 E Stanford Drive (Camelback Bible Church) shall be prohibited, unless mitigation measures can be demonstrated to the Town's Community Development Director, or designee.
- w) Parking and Traffic Studies
 - i. Parking Analysis, prepared by CivTech and dated October 30, 2013;
 - ii. Traffic Impact Analysis, prepared by CivTech and dated October 2013;
 - iii. Traffic Impact Statement, prepared by CivTech Inc. and dated April 21, 2014;
 - iv.
 - x) Drainage Studies
 - i. Drainage Memorandum, prepared by CVL Consultants and dated October 2, 2013;

The above plans and documents are incorporated into this Special Use Permit and made an integral part hereof.

2. If the Property is used or developed in a manner inconsistent with the terms of this Special Use Permit, this Special Use Permit may be terminated in its entirety by the Paradise Valley Town Council, or the Council may in its discretion and in lieu of termination and revocation, upon determination that a violation of the terms and conditions has taken place, after fair notice, a hearing and a reasonable opportunity to correct, impose a sanction in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance for each day such violation exists.
3. This Special Use permit shall be binding on the Grantee, its assigns and successors-in-interest.

Permitted Uses

4. The Property shall be used for a private academic school and related educational facilities only, providing instruction for Grades K through 12, with lower, middle and upper schools. The maximum upper school enrollment shall not exceed 50% of the total school enrollment. No changes, expansions, additions, or alterations to the property or improvements thereon shall be allowed without an express written amendment to this Special Use Permit
5. The pool and appurtenant dressing rooms will be used solely for the Grantee's physical education program and related uses and for not-for-profit intermittent group use and for not-for-profit scheduled group use only as a training facility. Grantee will not at any time sell or offer for sale memberships in a swim club or similar undertaking relating to the use of its pool and the appurtenant dressing rooms. There shall be no activities with regard to the swimming pool and related uses later than 9:30 p.m.
6. The tennis courts will be used solely for Grantee's physical education program and related uses, and for non-commercial intermittent group use. Grantee will not at any time sell or offer for sale memberships in a tennis club or similar undertaking related to the use of the tennis courts.

7. Total potential enrollment at the School shall be limited to no more than 1000 students enrolled at any one time.
8. The use of the auditorium shall be restricted to school and school sponsored activities only.
9. The use of the Property shall at all times conform to all applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other requirement, this Special Use Permit shall prevail.

Lighting

10. Outdoor lighting is prohibited except as depicted on the approved plans listed under General Provisions, and as provided under Lighting of this Ordinance ~~in~~.
11. Outdoor lighting for building 'X', Aquatic Center, shall comply with the plans approved under General Provisions of this Ordinance. The aquatic center lights shall be turned off no later than 9:30 p.m..
12. The lights placed in parking lots 1, 2, and 3 must not be higher than ten feet, shall; be placed as shown in the plans dated February 9, 1994 by Evans, Kuhn, and Associates, shall be high pressure sodium lamps with the brightness and effective distance specified in the plans.
13. Except for security lights, all outside lighting must be off unless needed for activities.

Landscaping

14. All landscaping shall be maintained in a healthy, neat, clean and weed-free condition. All dead plant materials shall be replaced with live plant materials of like kind and quality.
15. Undeveloped land shall be maintained in a neat condition at all times.

Phased Improvements

16. A San Diego buff colored salt finished concrete recreation path per Town standards and landscaping consistent with Town Landscaping Guidelines in effect at the time the work is done shall be installed along Stanford Drive at such time as the Town directs.

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Development Standards

17. There shall be a parking setback of twenty (20) feet from any non-residential property line and sixty (60) feet from any residential property line with the exception of the parking adjacent to existing building 'Y' as shown on the Overall Campus Plan. The area within the setback shall be landscaped.
18. Grantee shall have a maximum of three (3) signs for a total of forty-five (45) square feet.
19. All construction shall be planned in such a way that all structures at any point shall not be farther than 150 feet from a hard surface, per the 1979 Uniform Fire Code, Section 10.207 as amended.
20. All buildings shall be one story and shall conform to the heights shown in the approved plans listed under stipulation 2.
21. Mechanical equipment shall not be visible from outside the property at ground level.
22. The surface material of parking lots 1, 2, and 3 must be asphalt.
23. The finished floor elevation of building 'N' must be measured from the lowest natural grade in the area of the building or the finished grade as prescribed by the Flood Control District improvements on the Grantee's campus. This is the same requirement established for building 'T'.
24. No permanent structures may be constructed within the drainage basin.
25. The applicant must provide the Town with a drawing including elevations and details of any proposed temporary structures before installation.
26. There shall be no outdoor storage of material located within the walled area adjoining the guardhouse and on the landscape tract where the guardhouse is located.
27. The drive aisles in the parking areas shall maintain a minimum 20-foot clearance at all times.

Ongoing Operations Restrictions

28. The Grantee shall be required to maintain the landscaping along the right-of-way of both street frontages of its Property, and including the area of the wash crossing on Stanford Drive.

29. The overflow parking area shall be used only during special events, with the two access gates to remain closed when the overflow area is not in use.
30. The score board shall only be used for swim events.
31. The Aquatic Center P.A. System shall only be used for swim events and must comply with the Town of Paradise Valley noise ordinance.
2. There shall be at least one person at the School at all operational times who have been thoroughly briefed on the provisions of this Special Use Permit and who has the authority to resolve all problems related to compliance with this Special Use Permit. All calls from Town residents to the Town or School, regarding noise or disturbances shall be referred to and addressed by such person(s).

**EXHIBIT B
TO
ORDINANCE NUMBER 2017-04**

Summary of Prior SUP Amendments

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR PHOENIX COUNTRY DAY SCHOOL
SUP-14-01**

- **July 27, 1972:** to alter the location of the swimming pool and related accessory buildings from its original location.
- **July 5, 1973:** to allow for the construction of eight tennis courts, to provide that the tennis courts be used solely for school purposes only, and to cap the maximum number of students at 460.
- **August 12, 1976:** to add a student lounge on site.
- **May 11, 1978:** to replace an existing frame storage structure with a new 76-foot block storage structure.
- **June 22, 1978:** to construct a new entrance to the school from Stanford Drive.
- **June 12, 1979:** to amend the “Nature of Use” section of the Special Use Permit to allow both the pool and appurtenant dressing rooms to be used solely for the school’s physical education program and related uses and for intermittent group use and for scheduled group use only as a training facility.
- **July 26, 1979:** to replace original exhibits with two new exhibits, including a site plan. This amendment also allowed the parking facilities and classroom facilities to be used by the Camelback Bible Church on Sundays.
- **December 20, 1979:** to clarify exhibits approved in the July 26, 1979 Special Use Permit.
- **June 26, 1980:** to substitute the site plan dated December 20, 1979 with a revised site plan dated May 1980.
- **June 25, 1981:** to replace exhibits from previous amendments, with plans dated March 1981 including a site plan, elevation plan, floor plan, and drainage and grading plan. The amendment also limited outdoor lighting for the pools for night swimming; the deck area around the pools; and the walkways to the parking lot. The amendment prohibits the school from selling memberships in a swim or tennis club and from holding swimming activities beyond 11:00 p.m.
- **August 25, 1983:** to amend the dates of “Exhibits A and B” from March 1981 to July 21, 1983.
- **June 24, 1984:** to amend the site plan to construct two outdoor covered sitting areas on the property.
- **January 10, 1985:** to replace exhibits approved in the 1983 Special Use Permit with new plans including a master plan and elevations.
- **November 12, 1992:** to add a proposed master plan development east of the wash that bisects the subject property; to allow enrollment for grades K through 12 with lower, middle, and upper schools, to cap the maximum upper school enrollment to 50% of the total school enrollment and the maximum number of all students to 1,200; to replace all dead plants and to maintain all new landscaping and undeveloped land; to place time deadlines for all landscaping and irrigation improvements, the construction of playing fields in the Cudia City Wash, the six-foot meandering recreation path, the construction of the new science building and parking lots, and the permanent paving of the then unpaved parking lots. The Special Use Permit also applied conditions including setbacks requirements; submission of a letter from the Army Corp of Engineers and the Maricopa County Flood Control District authorizing construction in the wash area; adherence to 1979 Uniform Fire Code; and limitation on the height of lighting to two feet with proper shielding.
- **January 13, 1994:** to extend the deadline for the installation of interim paving to comply with Environmental Protection Agency requirements.

- **April 14, 1994:** to rescind approval of the proposed master plan development east of the wash from the 1985 Special Use Permit and the Parking Lot Landscaping Plan dated February 28, 1984; to add stipulations including the measurement of the finished floor for building ‘N’, the color and finish of the recreation path, parking lot lighting specifications, a time limit and surface materials for parking lot improvements, restrictions on lighting except for security lighting, and the development of a traffic plan for Stanford Drive between the school and the Camelback Bible Church.
- **August 29, 1996:** to approve “Exhibit I” as a new master plan dated May 3, 1996 and to authorize the relocation of two proposed buildings and construction of building ‘O’.
- **September 10, 1998:** to construct a new fence around building ‘H’ on Stanford Drive for safety purposes and to allow an existing gate located southwest of building ‘Y’.
- **June 20, 1999:** to reduce the number of playing fields in the drainage basin.
- **March 22, 2001:** to approve construction of building ‘U’ to be used for art instruction, to remodel the use of building ‘P’ from art instruction to a library, to add a computer lab in building ‘R’, to add administrative offices in building ‘Q’, and to construct building ‘V’ to be used as an auditorium.
- **February 17, 2004:** to approve a minor amendment for new 6-foot high wrought iron fencing along the south and east property line, replacement of an existing guardhouse in Parking Lot #6, a new student drop off drive in Parking Lot #6, and a stabilized decomposed granite overflow parking area south of Parking Lot #6.
- **April 4, 2005:** to amend the Special Use Permit providing for renovation of existing classroom buildings ‘F’, ‘G’, ‘H’, ‘J’ and ‘M’, installation of new playground equipment, installation of new outdoor tensile shade structures, improvements to existing landscaping and outdoor lighting, and improvements to site infrastructure.
- **September 18, 2007:** to approve a minor amendment to the Special Use Permit to replace building ‘K’. Per the 2005 amendment to the Special Use Permit, building ‘K’ was to be remodeled. However, further evaluation exposed deficiencies in fire protection, restrooms, and accessibility that cannot be reasonably resolved in the existing structure.
- **March 16, 2010:** to approve a managerial amendment for additional screen wall height and tenant improvements on buildings ‘B’ and ‘C’.
- **November 21, 2013:** to approve a minor amendment to the Special Use Permit to allow for the construction of a new aquatic center, building ‘X’, the relocation of the tennis courts, an updated parking lot, new fencing, new landscaping, new lights and rescinding building ‘K’ approved in 2007 to keep the proposed application as a minor amendment.
- **January 14, 2014:** to approve the addition of a shade canopy to the new aquatic center, building ‘X’, changes to the exterior of the aquatic center building and the change in pool barrier fence material.
- **March 16, 2014:** to approve a managerial amendment to the aquatic center, building ‘X’, approved in 2013 to add lights onto the aquatic center shade canopy.
- **June 12, 2014:** to approve building ‘Z’ for expansion of the school’s gymnasium facilities on the location of the old aquatic center, an associated shade structure, perimeter fencing and landscaping.
- **July 7, 2015:** Minor Special Use Permit Amendment to allow for various signs located on or near the aquatic center and gymnasiums,