



29 This minor amendment is for an addition to the existing storage structure located at the  
30 southwest corner of said Property. The total square footage of the storage structure will  
31 not be more than 1,200 square feet. The structure will maintain the existing maximum 12-  
32 foot height. The west setback will be increased from approximately 29 feet to 39 feet and  
33 the south setback will remain at 20 feet. The request also includes approval for temporary  
34 screening for the playing field south of the existing backstop chain link fencing and the  
35 removal of two nonconforming shipping containers.

36

37 Said Property is subject to the following stipulations:

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

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42 May 15, 2018 Minor SUP Amendment (SUP-18-01)

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44 *Approval of an addition to an existing 400 square-foot storage structure located at*  
45 *the southwest corner of said Property for a total square footage not to exceed 1,125*  
46 *square feet; approval of temporary screening for the playing field; and the removal of*  
47 *two nonconforming shipping containers used for storage of school equipment; subject*  
48 *to the following stipulations:*

49

- 50 1. All improvements related to application (i.e. storage building) SUP-18-01 shall be in  
51 substantial compliance with the plan set prepared by Camelback Builders, dated April  
52 14, 2018 (Sheets C-S, Site 1 of 2, Site 2 of 2, A-2, A-4, and A-5) and dated April 8,  
53 2017 (Sheet E-1).
- 54  
55 2. The property owner and Town shall sign and record a Waiver of Rights and  
56 Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the  
57 form provided by the Town Attorney within 10 calendar days of the approval of  
58 this amendment to the Special Use Permit.
- 59  
60 3. Exterior lighting shall be limited to near doorways only, be mounted less than 7  
61 feet in height from the grade of the building, and shall comply with the Section 2,  
62 Lighting, of the Town's Special Use Permit Guidelines, as may be amended.
- 63  
64 4. A temporary netting structure to prevent errant balls from entering neighboring  
65 properties is allowable to remain provided this structure is redesigned and is  
66 approved via a building permit through the Town. This structure shall comply with  
67 the following criteria:

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- a) a setback of at least 20 feet from perimeter property line of said Property,
- b) a lineal length not to exceed 80 feet,
- c) a height not to exceed 13 feet as measured from grade to the highest part of the structure,
- d) uses pole and netting material that is neutral in color and without glare (e.g., matte finish, beige or black color),
- e) the entire structure be removed and stored when not in use (i.e., poles, netting),
- f) any holes in the ground will be capped when not in use, and
- g) the structure is allowable to be erected starting the Saturday of Memorial Day weekend at the end of May until the first Saturday of August.

- 5. The shipping containers located on the subject property shall be removed no later than January 5, 2019.
- 6. All necessary building permits must be obtained.
- 7. All applicable Special Use Permit remain in effect.

July 27, 2017 Managerial SUP Amendment (SUP-17-08)

*Approval of a 10-foot tall 20-foot by 20' foot playground shade structure, subject to the following stipulations:*

- 1. All improvements to the property shall be in substantial compliance with the following:
  - a) *Narrative dated July 25, 2017;*
  - b) *Shade Structure details prepared by Ultra Shade, dated March 23, 2013;*
  - c) *Isometric, Views & Details, and Footing Details prepared by Ultra Shade, sealed by Thomas Sadler, dated June 21, 2017; and*
  - d) *Aerial Site Plan dated July 25, 2017 showing shade structure location*
- 2. All necessary building permits must be obtained.
- 3. All applicable Special Use Permit remain in effect.

December 19, 2013 Managerial SUP Amendment (SUP-17-08)

*Approval of 186 roof-mounted solar panels. The panels will be placed on buildings A, B, C, D, E, F & G on our site plan diagram. Buildings A, B & D are pitched roofs, where the solar panels will be flush mounted. The flush mounted panels will be no higher than 7 inches above the roof. Buildings C, E, F & G are flat roofs, so the solar panels will be tilted up 10 degrees. Buildings C & G do not have parapet walls. Buildings E & F have parapet walls that range in height from 1 ft to 3 ft. The tilted*

115 solar panels will be no higher than 2 ft, 1 inch above the roof, subject to the following  
116 stipulations:

- 117  
118  
119 1. All improvements to the property shall be in substantial compliance with the  
120 following:
- 121 a) The narrative; and
  - 122 b) The site plan and elevation plans prepared by K&B Design and dated  
123 December 9, 2013.
- 124  
125 2. All necessary permits shall be obtained.  
126  
127

128 May 4, 2010 Minor SUP Amendment (SUP-10-05)

129  
130 *To modify the student count to accommodate a private school and charter school,*  
131 *change the waste water infrastructure stipulation and update the existing monument*  
132 *sign with a new copy and logo for the Montessori Academy, subject to the following*  
133 *stipulations:*  
134

- 135 1. Student count shall be limited to:
- 136 a) 214 enrolled students for private activities; and
  - 137 b) 350 enrolled students for times when both private and charter school  
138 students will be on campus at the same time, of which no more than 214  
139 shall be enrolled private school students.
- 140  
141 2. The waste water infrastructure stipulation shall be modified as follows:
- 142 a) All wastewater facilities on the site shall be connected to the Town  
143 wastewater collection/sewer system within five (5) years of sewer being  
144 installed in Invergordon Road along the frontage of the subject property  
145
- 146 3. All remaining Special Use Permit stipulations shall remain in full force and effect.  
147
- 148 4. Traffic and circulation options shall be substantially compliant with the  
149 Montessori Academy Traffic Impact Analysis, prepared by CivTech, dated April  
150 2010.  
151
- 152 5. Upon enrollment, as defined above, exceeding 250 students, or if excessive delay  
153 or congestion is observed by the Town Engineer (with excessive delay or  
154 congestion being defined as excessive or significant stacking of traffic on  
155 Invergordon Road) the owner of the property shall commission and submit a  
156 traffic report to the Town assessing the conditions on Invergordon Road. If the  
157 Town Engineer, upon receipt of said report, determines that there is excessive  
158 delay or congestion ( as previously defined herein), the Town may require the  
159 school to do either or both of the following:
- 160 a) Further stagger class start times; or
  - 161 b) Modify Invergordon Road to accommodate a new left turn lane.  
162

- 163 5. On October 1<sup>st</sup> every year, Montessori Academy shall provide the Town with an  
164 annual report identifying the private student, charter student, and combined  
165 student enrollment.  
166
- 167 6. The monument sign shall be substantially compliant with Exhibit G, Proposed  
168 Revised Copy for Existing Monument Sign, prepared by Rose Law Group, dated  
169 March 23, 2010.  
170

171 March 10, 2010 Zoning Administrator Interpretation

172  
173 *The Development Services Director determined that the school's request to operate a*  
174 *summer camp is allowable based on the historical uses on the property provided total*  
175 *camp enrollment does not exceed 214 students.*  
176

177  
178 April 30, 2007 Administrative SUP Amendment

179  
180 *A staff administrative amendment to replace the slump block fence around the pool*  
181 *with a 6-foot wrought iron fence and landscaping, along with 6-foot high wrought*  
182 *iron security gates that parallel the pool fence and are setback 30-40 feet from*  
183 *Invergordon Road. Gates are to be open during school hours. No available plans on*  
184 *record.*  
185

186 May 11, 2006 Administrative SUP Amendment

187  
188 *A staff administrative amendment for an addition of a 200 square-foot patio cover for*  
189 *Building F and a 264 square-foot patio cover for Building G. Both patio covers at a*  
190 *height of 10 feet. These are the two class room buildings in the middle of the site*  
191 *adjoining the north and south property lines. Noticing of adjoining property owners*  
192 *was done as part of this approval. No available plans on record.*  
193

194 October 10, 1996 Major SUP Amendment (SUP-96-03)

195  
196 *To approve two new classroom buildings and an office building. The 900 square-foot*  
197 *office building is located near the middle of the site along the south property line. A*  
198 *600 square-foot classroom building is also located near the middle of the site along*  
199 *the south property line, west of the new office building. A 1,920 square-foot*  
200 *classroom building midway between the west property line and the middle of the site*  
201 *along the south property line. Both classroom structures replaced existing illegal*  
202 *mobile classrooms. The amendment to the SUP was as motioned and recorded in the*  
203 *Town Council minutes. This SUP supersedes the prior SUP approvals. The*  
204 *stipulations were as follows:*  
205

- 206 1. That within 30 days of approval, the applicant will provide the Town with a mylar  
207 copy of the site Master Plan, Landscape Plan, 2 Building elevation sheets, and  
208 Traffic Plan as approved by the Town Council with a signature block for the  
209 Town Clerk's certification.  
210

- 211 2. That prior to issuance of a Certificate of Occupancy for the New Classroom  
212 Building "N":  
213
- 214 a) the proposed emergency vehicle hammerhead turnaround be surfaced with  
215 a stabilized decomposed granite, or other dust free surface acceptable to  
216 the Town Engineer;
  - 217 b) a curb be installed along the full length of the frontage of the swimming  
218 pool parking area;
  - 219 c) maintenance building "M" be removed entirely from the site, unless it can  
220 be brought up to all required codes in which case it may be relocated to  
221 the site noted on Sheet #6, the revised Landscape Plan;
  - 222 d) existing illegal classroom, "I", be removed entirely from the site;  
223
  - 224 e) the following outdoor light fixtures and/or bulbs be replaced to comply  
225 with Section 1023 of the Town Zoning Ordinance, the Town be provided  
226 with "cut sheets" for all new outdoor lighting fixtures, and the site plan be  
227 corrected to reflect outdoor lighting changes, including the following  
228 limits for the fixtures noted: Fixtures "A, "C", "D "E" - 75 watts/750  
229 lumens;
  - 230 f) all proposed landscaping be installed in accordance with the proposed  
231 Landscape Plan;
  - 232 g) that the office building, Building X (sometimes referred to as Building  
233 W), will be brought up to Code or removed.  
234
- 235 3. That a uniform color scheme, approved by staff and utilizing no more than three  
236 desert compatible colors, be adopted by the School for all painted surfaces visible  
237 from the street, and that the painting of those surfaces be completed before  
238 December 31, 1996.  
239
- 240 4. That all wastewater facilities on the site be connected to the Town wastewater  
241 collection system within two years of the approval of this Special Use Permit by  
242 the Town Council.  
243
- 244 5. That the draft proposed Master Site Plan and Special Use Permit be amended to  
245 note that the School agrees to complete the installation of a 6-foot wide  
246 meandering salt finish San Diego Buff colored concrete recreation path along the  
247 entire street frontage when a matching path is constructed in the right of way  
248 approaching either side of the School property.  
249
- 250 6. That the draft proposed Master Site Plan be amended to show the proposed new  
251 Maintenance Building "Z", as shown on the revised Landscape Plan, Sheet #6, 30  
252 days from approval.  
253
- 254 7. The maximum daily attendance for the school shall be no more than 214 children.  
255  
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259 June 16, 1993 Administrative SUP Amendment

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261 *A staff administrative amendment for a pool remodel to increase the existing pool*  
262 *behind Building B to a total size of 20 feet by 40 feet. No available plans on record.*

263

264 June 14, 1973 Major SUP Amendment (SUP-73-03 and SUP-72-03)

265

266 *To limit the maximum number of students to 214 pursuant to the Special Use Permit*  
267 *(SUP) recorded with the Maricopa County Recorder, Maricopa County, Arizona, in*  
268 *Docket 11624, Page 871. This SUP essentially only has the one stipulation related to*  
269 *the maximum student count and a site plan. Town Council conditionally approved the*  
270 *SUP on August 10, 1972, with the condition the property owner provide a site plan*  
271 *for the site. The site plan was not filed until 1973 as part of this 1973 approval. The*  
272 *only document in the file record id a site plan dated March 1, 1976. There was no*  
273 *Special Use Permit for the site prior to this date.*

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

**WAIVER OF RIGHTS AND REMEDIES  
UNDER A.R.S. § 12-1134**

This agreement regarding Waiver of Rights and Remedies under A.R.S. § 12-1134 (this "Agreement") is made on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between MONTESSORI ACADEMY, INC., an Arizona non-profit corporation (the "Owner"), and the TOWN OF PARADISE VALLEY, an Arizona municipal corporation (the "Town"), regarding the property located in the Town at 6050 N Invergordon Road, Paradise Valley, Arizona, which is more particularly described by the legal description (the "Property," attached hereto as Exhibit A).

The Owner agrees and consents to all the conditions of approval (the "Conditions of Approval," attached hereto as Exhibit B) that are set forth in the final approvals by the Planning Commission regarding the following Minor Special Use Permit Amendment application (SUP-18-01) related to the Property: An addition to the existing storage structure located at the southwest corner of said Property. The total square footage of the storage structure will not be more than 1,200 square feet. The structure will maintain the existing maximum 12-foot height. The west setback will be increased from approximately 29 feet to 39 feet and the south setback will remain at 20 feet. The request also includes approval for temporary screening for the playing field south of the existing backstop chain link fencing and the removal of two nonconforming shipping containers.

The Owner has voluntarily applied for the change in its land use entitlements referenced in the above application; and agrees that the Conditions of Approval on the Property do not diminish the value of the Property.

By signing this Agreement, the Owner acknowledges that the Owner waives any right to claim diminution in value or claim for just compensation for diminution in value with regard to the Property under A.R.S. § 12-1134 related to the approval of said application.

This Agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and the Town only with respect to said applications. This Agreement may not be modified or amended except by written agreement by the Owner and the Town.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.

Within ten days after the execution of this Agreement, the Town Clerk shall file this Agreement in the Official Records of the County Recorder's Office, Maricopa County, Arizona.

This Agreement runs with the land and is binding upon all present and future owners of the Property.

This Agreement is subject to the cancellation provisions of A.R.S. § 38-511.

The Owner warrants and represents that MONTESSORI ACADEMY, INC., an Arizona non-profit corporation, is the owner of fee title to the Property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



**EXHIBIT A: LEGAL DESCRIPTION OF PROPERTY**

A portion of the Southeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County; Arizona, described as follows:

BEGINNING at the Southeast corner of said Section 9;

THENCE North 466.7 feet along the East line of said Section to the TRUE POINT OF BEGINNING;

THENCE West 933.4 feet;

THENCE North 193.3 feet;

THENCE East 933.4 feet;

THENCE South 193.3 feet to the POINT OF BEGINNING.

(Assessor's Parcel Number 169-39-007) (the "Property").

**EXHIBIT B: CONDITIONS OF APPROVAL**

The Conditions of Approval for the Property are as shown on the attached document titled

“MONTESSORI ACADEMY  
6050 N INVERGORDON ROAD  
STIPULATIONS  
MINOR SPECIAL USE PERMIT AMENDMENT  
SUP-18-01

May 15, 2018”