

1                                   **THE JONES-GORDON SCHOOL**  
2                                   **4800 E DOUBLETREE RANCH ROAD**  
3                                   **STIPULATIONS**  
4                                   **MINOR SPECIAL USE PERMIT AMENDMENT**  
5                                   **SUP-17-03**

6  
7                                   **July 11, 2017**  
8

9     The existing Special Use Permit zoning for the school is on the land legally described as  
10    set forth in Exhibit “A” attached, being a portion of the Southwest quarter of Section 29,  
11    Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa  
12    County; Arizona (Assessor’s Parcel Numbers 168-32-002C and 168-32-002E) (the  
13    “Property”).  
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15    The Property has a General Plan designation of “Public/Quasi Public” and is zoned  
16    “Special Use Permit” for a private school, the allowable designation and zoning for a  
17    private school.  
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19    The Town of Paradise Valley Planning Commission held a public hearing on June 20,  
20    2017 and July 11, 2017, in the manner prescribed by law, for the purpose of considering a  
21    minor amendment to the Special Use Permit for said Property.  
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23    Said minor amendment was amended to modify the allowable curriculum taught at the  
24    school from pre-school through 8<sup>th</sup> grade to 1<sup>st</sup> grade through 12<sup>th</sup> grade; and to replace  
25    two exterior wall signs along Tatum Boulevard with the name of the new school, The  
26    Jones-Gordon School subject to the following stipulations.  
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**STIPULATIONS** In the case of discrepancies between approved plans, those with a later date shall take precedence.

July 11, 2017                      Minor SUP Amendment

*To replace the Tesseract school with another private school, The Jones-Gordon School, modify the stipulation that the curriculum taught at the school be changed from pre-school through 8<sup>th</sup> grade to 1<sup>st</sup> grade through 12<sup>th</sup> grade, and to modify the two wall signs along Tatum Boulevard to identify the new school.*

1. The Property shall be in substantial compliance with the following:
  - a. Project Narrative, dated June 9, 2017;
  - b. Site Plan, prepared by On Demand Plans;
  - c. ALTA survey, prepared by Alliance Land Surveying LLC, dated May 5, 2017;
  - d. Parking – Traffic Statement, prepared by CivTech Inc., dated July 3, 2017, with the queuing and parking exhibit;
  - e. Existing & Proposed Outdoor Lighting Plans, prepared by D.H. Lighting Solutions, dated June 30, 2017;
  - f. Existing Outdoor Lighting Evaluation, prepared by D.H. Lighting Solutions, dated May 10, 2017;
  - g. Wall sign elevations prepared by image 360, dated May 23, 2017;
  - h. The Operational Plan, dated July 6, 2017; and
  - i. The High School Vehicle Parking Contract, dated June 30, 2017.
2. 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.
3. The Property shall be used for a private school and related facilities only as set forth in the stipulations of this Special Use Permit, and no changes, expansions, additions or alterations to the Property or improvements shall be allowed without an express written amendment to this Special Use Permit.
  - a. The allowable curriculum taught at the school shall be for 1<sup>st</sup> grade through 12<sup>th</sup> grade. However, if no upper grades (9<sup>th</sup> grade through 12<sup>th</sup> grade) are taught at the school, the allowable curriculum shall be preschool through 8<sup>th</sup> grade.
  - b. Lower grades are defined as 1<sup>st</sup> grade through 4<sup>th</sup> grade. Middle grades are defined as 5<sup>th</sup> grade through 8<sup>th</sup> grade. Upper grades are defined as 9<sup>th</sup> grade through 12<sup>th</sup> grade.
  - c. The maximum enrollment shall not exceed 160 students if curriculum for the upper grades is taught at the school. However, the maximum enrollment shall not exceed 340 students if no upper grades are taught at the school.

- 77 d. The maximum upper grade enrollment shall not exceed 60 students.  
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79 e. The normal hours of operation shall be between the hours of 7:00 a.m.  
80 and 6:00 p.m. Monday through Friday.  
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82 f. The Property will be a closed campus, restricting the ability of students to  
83 leave for lunch off the school grounds.  
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85 g. The outdoor areas of the Property shall not be used for extra-curricular  
86 athletic activities that occur outside the regular school day.  
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88 4. Special events shall be permissible on the Property, with or without temporary  
89 tents or pavilions, provided these events are in accordance with the Article 8-8,  
90 Special Events on Private Property and Public Rights-of-Way, of the Town Code,  
91 as may be amended, with the following conditions:
- 92 a. Special Events shall include, and are not limited to, the Fall  
93 Festival, Field Day, Student Talent Showcase, Middle School  
94 Promotion, and High School Graduation as outlined in the  
95 narrative with SUP-17-03.
- 96 b. Special Events, including setup and tear down, are allowable  
97 between the hours of 7:00 a.m. until 9:00 p.m., Monday through  
98 Friday, 7:00 a.m. until 9:00 p.m. on Saturday, and no events on  
99 Sunday.
- 100 c. As allowable in said Article 8-8, Special Use Permit properties are  
101 exempt from the Special Event permit review process provided  
102 that such exempted events are limited to the type of activities that  
103 are customary and incidental to the primary uses of the Property  
104 and any temporary tents or pavilions used are as approved at the  
105 locations and tent sizes shown on any approved plan(s).
- 106 d. Exemption from the Special Event permit review process does not  
107 exempt the owner of the Property from any applicable required  
108 permit inspections related to public health, safety and welfare by  
109 the Town, State of Arizona, or other such jurisdiction. Such permit  
110 inspections may include, but are not limited to the following:
- 111 i. A permit from the Town Fire Marshal, or designee, for  
112 any structure or tent having an area in excess of 200  
113 square feet, or a canopy in excess of 400 square feet;  
114 and
- 115 ii. Review by the Town Community Development  
116 Department the provision for and location of any  
117 portable restroom facilities.

- 118 e. Any temporary tents or pavilions not shown on said plans may be  
119 approved in accordance to Article 8-8-10, Procedure for Review of  
120 Application and Appeal of Decision, of the Town Code.
- 121 f. Temporary tents or pavilions shall remain erected for not more  
122 than one day before and after the Special Event or up to five  
123 consecutive days, whichever is less. Such tents or pavilions may  
124 exceed five days provided the owner of the Property applies for a  
125 Special Event Permit in accordance with said Article 8-8 and such  
126 permit is approved by the Town, including:
- 127 i. Maximum temporary tent or pavilion height shall not  
128 exceed 24 feet above finished grade;
- 129 ii. Temporary tents or pavilions must meet a minimum  
130 setback of 40 feet to the exterior property line of the  
131 Property; and
- 132 iii. Placement of any temporary tent or pavilion shall have  
133 no adverse impact on parking or circulation.
- 134 g. Lighting underneath temporary tents and pavilions, and safety-  
135 security lighting within the area of the Special Event, are  
136 permissible with the provisions that these lights are not visible to  
137 the adjoining residential properties, are mounted above the lower  
138 limit of the tent or pavilion top or are otherwise shielded by the  
139 tent or pavilion side walls or are otherwise in compliance with the  
140 outdoor lighting requirements of the Town's Special Use Permit  
141 Guidelines, as may be amended.
- 142 h. Special event(s) that exceed the capacity of the 84 on-site parking  
143 spaces shall be prohibited, unless mitigation measures can be  
144 demonstrated to the Town's Community Development Director, or  
145 designee. Such mitigation measures might include temporary  
146 overflow parking measures, hiring off-duty officers to control  
147 traffic, shuttling attendees, or other similar measures.
- 148 i. Notification as required by the school's Operational Plan.  
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- 160 5. Parking and circulation on the site shall remain as depicted on the approved plans  
161 and related documents.  
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- 163 a. If at least three vehicles are stopped on Doubletree Ranch Road while  
164 queuing into the school and is determined to be an ongoing issue by the  
165 Town Manager or designee in the future, the applicant shall conduct a  
166 traffic analysis and pay for a right-turn lane and/or a left-turn lane into the  
167 school if it is deemed necessary. Any such turn lane shall be constructed  
168 only along the school frontage. The design and construction of any future  
169 turn lane shall be coordinated with the adjacent property owners located at  
170 4908 & 4912 E. Doubletree Ranch Road.  
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- 172 b. No school-related parking shall be permitted along Doubletree Ranch  
173 Road, Tatum Boulevard, or adjacent local streets.  
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- 175 c. No more than 20 on-site parking spaces shall be used for student parking.  
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- 177 d. Vans and buses shall only be allowed to be parked on-site at the northwest  
178 corner of the school parking lot.  
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- 180 e. The school agrees to abide by the terms as generally described in the  
181 student vehicle-parking contract submitted with SUP-17-03. All parents  
182 and students of driving age shall sign this contract. Within 30 calendar  
183 days of final approval of this Special Use Permit amendment, the  
184 representative for the school shall provide to the Town Attorney the final  
185 copy of the vehicle- parking contract to ensure that all terms required  
186 under the Special Use Permit are covered. Any future updates to this  
187 parking contract shall be given to the Town to ensure its substantial  
188 compliance to the Special Use Permit for the school.  
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- 190 f. The representative for the school shall furnish the Town with a report  
191 providing information on the students enrolled at the school twice a year  
192 as follows:  
193 i. A student enrollment total for the lower, middle, and upper grades;  
194 ii. The number of student parking permits granted not to exceed 20;  
195 iii. Total student enrollment count at the beginning of the school year;  
196 iv. Total student enrollment count at the end of the school year;  
197 v. Each report shall indicate the date such enrollment count was  
198 taken; and  
199 vi. The school superintendent shall sign each report.  
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- 201 g. The seven parking spaces along the eastern parking lot drive aisle shall be  
202 re-striped such that the Property maintains a total of 91 total parking  
203 spaces, including five accessible parking spaces.  
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h. The open space area between the school parking lot and the eastern school wall adjacent to the single-family residential lot at 4908 E. Doubletree Ranch Road and along the north property line adjacent to the single-family residential lots on 48<sup>th</sup> Place shall be planted with 15-gallon Oleander plants or an equivalent fast-growing shrub spaced at 36 inches on center.

6. For Stipulations 3.c, 3. d, and 5.c, if the owner requests any increase in the numbers set forth in these three stipulations, then notwithstanding any provisions in the Town Code or Zoning Ordinance may suggest otherwise any amendments in these stipulations (as set forth above) shall be reviewed and processed as a major 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-17-03.

Feb 22, 2013                      Managerial SUP Amendment

*Addition of an umbrella style shade canopy at the northeast playground*

1. All improvements to the property shall be in substantial compliance with the following:
  - a. Site Plan,
  - b. Elevation Plan/Detail, and the
  - c. Beige colored material sample.

2. All necessary building permits shall be obtained.

May 5, 2009                      Managerial SUP Amendment

*Addition of a staircase and rock wall for the south play structure at a setback of 22' and 25', respectively*

1. All necessary building permits shall be obtained.

Dec 3, 2008                      Minor SUP Amendment (SUP-08-03)

*Replace an existing sign, add a new sign, replace two play structures and add three canopies*

1. The improvements to replace an existing sign, add a new sign, replace two play structures and add three canopies at the Tesseract School Campus shall be in substantial compliance with Attachments A thru F provided by the applicant. *(The two signs approved in SUP-08-03 are no longer valid, as these are replaced with the two wall signs along Tatum Boulevard of SUP-17-03)*
2. All existing Special Use Permit stipulations shall remain in full force and effect.

May 5, 2009                      Managerial SUP Amendment

*Addition of two security signs, one located at northwest corner of the perimeter wall and the other located on southeast corner of the perimeter wall. Signs shall not exceed a maximum height of three feet, measured from grade.*

Jan 27, 2000                      SUP Amendment (SUP-99-13)

*Addition of a shade structure and a security gate. The shade structure would be 15 feet high and 84 feet long. The fabric on the structure would be a tan to blend in with the building. The structure would be more than 100 feet from the north and west boundaries of the property and there is landscaping to provide further screening. The security gate would be a 4 feet wide, 7 feet 4 inches high wrought iron fence to provide security to the pre-school areas.*

1. Prior to the issuance of a building permit for the shade structure and a security gate approved by Chief of Police and the appropriate fire authorities, the applicant shall provide additional landscaping along the northern property line to supplement the 1994 landscape plan.
2. Development shall be in conformance with the submitted site plan.
3. The material of the shade structure shall be compatible to the color of the existing school buildings.

May 12, 1994                      SUP Amendment (SUP-95-18)

*Addition of a new classroom building and to modify the curriculum to add 7<sup>th</sup> and 8<sup>th</sup> grade. This Special Use Permit amendment was recorded with the Maricopa County Recorder, document 95-0300330. Document 95-0300330 replaced all the prior stipulations into one document. These prior recorded documents included the amended Special Use Permit document 94-0597112 and 89-313533 .*

1. The development, construction and usage of the Property shall be in strict compliance with that *those* certain documents marked and certified by the Paradise Valley Town Clerk as:

*Exhibit D - Classroom Addition, Proposed Site Plan. prepared by The Orcutt/Winslow Partnership, Sheets A, B, D, and E, dated February 7, 1995, and sheet L-1, dated March 31, 1995, Project No. 94155.*

This-exhibit is incorporated into this Special Use Permit. All earlier Exhibits ( A, B, and C) are revoked

2. The use of the Property shall at all times conform to all applicable state laws and Town ordinances.

3. If the Property is used or developed in a manner inconsistent with the terms of this Special Use Permit, the Council may, upon determination after notice and hearing that a violation has taken place, assess a sanction against the Grantee in an amount not to exceed one thousand dollars (\$1,000.00) for each violation, or as amended by Town Code. Any day or portion thereof that a violation continues is deemed a separate violation.
4. This Special Use Permit shall be binding on the Grantees, their heirs, assigns, personal representatives or successors in interest.
5. The property shall be utilized as a private school upon the following terms, stipulations and conditions:
- a. All building heights, densities, setbacks, and uses shall be as depicted and approved on Exhibit D.
  - b. All utilities shall be underground.
  - c. All sewage shall be connected to a public sanitary sewer.
  - d. Outdoor lighting shall meet the Town's Special Use Permit Guidelines for lighting, and must be in substantial compliance with the document titled "Existing & Proposed Outdoor Lighting Plans" that was prepared by D.H. Lighting Solutions and dated June 30, 2017. The illumination for the parking lot and adjacent sidewalks shall be provided by bollards only, and the applicant/owner may choose as some future date to replace the missing bollards. All future new/replacement bollards will reduce the off-site visibility of the light produced, and will conform to:
    - i. The quantity of bollards in the future, located in both the parking lot and adjacent to the sidewalk, shall not exceed the current total of 32 (including the 4 missing bollards);
    - ii. As measured from the top of the bollards to the surface of the parking lot; the height of the bollards in the parking lot shall be no greater than 48", and the height of the bollards located adjacent to the sidewalk shall be no greater than 49";
    - iii. Although the size of the bollards' luminous opening shall remain flexible, the top of each opening (as measured from the surface of the parking lot), shall not exceed 45" when located in the parking lot and 46" when located adjacent to the sidewalk;
    - iv. Utilize a light source with a color of 3000K or less, and have an initial lumen output of no greater than 6,900 lumens (which is approximately equal to 75% of the lumen output from the existing 100-watt high pressure sodium bollards);



- v. Utilize a type of shielding technology (stacked louvers, full-cut-off lens, etc.) that directs the light downward and minimizes the visual brightness of the luminous opening when viewed from the property line or beyond, at a height of 4' above the grade of the parking lot. The new/replacement bollards will deflect the light downward to the point where the amount of light being emitted above the horizontal plane does not exceed 25% of the total amount of light produced by the bollard;
- vi. The new/replacement bollards will include a solid (non-luminous) top/cap in order to minimize any upward illumination, and will provide useful/sufficient illumination over an area that has a radius of approximately 20';
- vii. The lighting in the parking lot and near the sidewalk, and all non-security lighting on the site shall be turned off by no later than 9:15 p.m. during special events, and by no later than 8:00 p.m. on all other evenings; and
- viii. Implementation Schedule:
- a. Within 90 days of the approval of the SUP the applicant shall either repair or replace the existing time clocks and implement the proposed operating schedule,
  - b. Any existing luminaires that have already failed, and for which the cause is more than just a burned-out lamp (failed ballast or internal wiring, physical damage to the housing, etc.) will be upgraded, replaced, relocated or removed in substantial conformance with the new lighting plans (notwithstanding any changes or additions required by the Town's Building Safety Department), within 6 months of the SUP being approved, and
  - c. Any other existing luminaires will be upgraded, replaced, relocated or removed within 24 months of the SUP being approved, or as part of any facility upgrade that requires a building permit, whichever time-frame is longer. Any upgraded, replaced or new luminaires will meet or exceed the same proposed performance specifications (and the Town's Building Safety requirements) and be implemented as per the same proposed schedule.
- e. The recreational path along Doubletree Ranch Road abutting the property shall be 6 feet wide and in concrete.
- f. No outside bells or sound amplification systems shall be used except for an emergency alarm system.

- g. At such time as a recreational path is built along the east side of Tatum Boulevard from the south to Doubletree Ranch Road or from the north to the north edge of the Grantees' property, then the Grantees shall build a recreational path along the west edge of the property consistent with the new path as to size, style and materials.
- h. The driveway entry shall be modified [per the attached Detail Plan #1.] as shown in Exhibit D, Sheet B.
- i. Existing native plants necessarily disturbed by construction shall be relocated on site.
- j. There shall be a landscaping screen along the north property line west of the new building; or, the playground equipment shall be relocated away from the homes to the north; [one] Two evergreen elms added.
- k. The fence on the northern boundary shall have only one course added.
- l. No parking signs shall be placed in front of the school along Doubletree.
- m. The developer shall provide trees north of parking and south of retention basin.
- n. The Golle letter shall be part of the Special Use Permit.
- o. The paved play area on the west may be used for overflow parking approximately five times a year.