

Pursuant to Utah County Ordinance No. 2000-08,  
the following decision of the Utah County Board of  
Adjustment is recorded relative to the subject property.

ENT 100846:2007 PG 1 of 5  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2007 Jul 12 11:15 am FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY COMMUNITY DEVEL

### ACTION BY BOARD OF ADJUSTMENT

Appeal No. 1454

Applicant: Dare Investments/Meridian School

#### SPECIAL EXCEPTION

When the Board of Adjustment acts under its power to hear and decide requests for special exceptions, the Board shall comply with all the rules and standards of the Utah County Land Use Ordinance as found in Section 7-21.

The request of **DARE INVESTMENTS/MERIDIAN SCHOOL** [Stone Creek Properties 2 LLC or Assigns] for a special exception for a Primary and Secondary School in the TR-5 Zone of Utah County, approximately 2300 West 1600 North, Provo/Orem area of Utah County, Section 27, T6S, R2E is **GRANTED** based on the following motion:

MOTION: That Appeal No. 1454 [Dare Investments/Meridian School [Stone Creek Properties 2, LLC] be approved, and that the Board of Adjustment adopt the Zoning Administrator's findings and conditions as follows:

#### Findings:

1. **Section 5-4-C-3** of the Utah County Land Use Ordinance lists a primary and/or secondary school as a permitted conditional use in the TR-5 Zone, subject to approval by the Board of Adjustment as a special exception according to the provisions of Section 7-21.
2. A complete application was submitted June 4, 2007 as per **Section 7-21-A**.
3. The application is for a special exception which the Board is empowered to approve as per **Section 7-21-B**.
4. The application appears to meet the requirements of **Section 7-21-C-1**, which requires the proposed special exception to not degrade the public health, safety, or welfare. It would not appear to have any obvious negative effects on the public health, safety, or welfare. Mitigation for any inherent concerns such as fencing, road improvements for traffic circulation and safety, etc., can be accomplished through conditions attached to the approval of this application.
5. The application appears to meet the requirements of **Section 7-21-C-2**, which requires the proposed special exception to meet the general purposes and intent of the ordinance, as specified in Section 1-2. Specifically, it would facilitate adequate provision for the general public need for schools as listed in Section 1-2-E.

6. The application appears to meet the requirements of **Section 7-21-C-3**, which requires the proposed special exception to be consistent with the “characteristics and purposes” stated for the zoning district involved and the adopted general plan. This special exception would appear to be consistent with the purposes and intent of the TR-5 Zone, including:
- Promoting the orderly conversion of open land into residential or other developed areas by facilitating incorporation or annexation to a municipality
  - Promoting efficiency and economy in the process of development
  - Bringing about economical utilization of water, drainage, sanitary, and other facilities
  - Reducing the waste of financial and physical resources by providing an efficient, economical development process for the change from rural to developed lands

The application appears to be consistent with the adopted general plan by encouraging development in existing cities and outskirts of cities where land can be annexed (Objective 2, Policy A, Utah County General Plan, 2006).

7. The application appears to meet the requirements of **Section 7-21-C-4**, which requires the proposed special exception be compatible with the public interest and with the characteristics of the surrounding area. The applicant is preparing to make application to Provo City for annexation. The annexation process is relatively lengthy, and the applicant would like to begin the project prior to the annexation being final, thus the need to file this application with the county.
8. The application appears to meet the requirements of **Section 7-21-C-5**, which requires the proposed special exception to be shown to not adversely affect local property values. There appears to be no evidence that this special exception would adversely affect local property values due to the general compatibility with the adjacent properties. In fact, the parcels directly east of the subject parcel are zoned I-1 (Industrial). However, the application did not include any appraisals or professional statements regarding this matter.
9. The application appears to meet the requirements of **Section 7-21-C-6**, which requires the proposed special exception to comply with all of the terms and requirements of the ordinance, **subject to meeting the terms and conditions of the note at the end of this subsection**. Analysis of each applicable section of the ordinance are as follows:

**Section 2-2-B-121-b** gives the definition of a primary school as a school accredited by the State of Utah as a primary school for grades kindergarten through grade six(6), and which does not provide for residential, overnight or sleeping accommodations, but is for daytime instruction only. The application indicates the proposal will meet that definition. This requirement can be ensured through a condition attached to the application’s approval.

**Section 2-2-B-121-c** gives the definition of a secondary school as a school accredited by the State of Utah as a secondary school for grades seven(7) through twelve(12), and which does not provide for residential, overnight or sleeping accommodations, but is for daytime instruction only. The application indicates the proposal will meet that definition.

This requirement can be ensured through a condition attached to the application's approval.

**Sections 5-4-D-7 and 5-4-E-4** require a primary or secondary school to be on a lot of at least 5 acres with 250 feet of frontage. The subject parcel is 14.19 acres with 600+ feet of frontage. (See note below.)

**Section 3-14-B-19** allows the Board of Adjustment to determine the number of required parking spaces for an allowed use that does not have a specific requirement under the off-street parking requirements of the ordinance, which includes a primary and secondary school. The application indicates the proposal will include 146 parking stalls, which would appear to be sufficient for this proposal and consistent with the number that would be required by Provo City.

**Note:** The property is currently comprised of two separate parcels, parcel 19:025:0229 (3.00 acres) and parcel 19:025:0330 (11.19 acres). This configuration is the result of an unapproved division of parcel 19:025:0187 (14.19 acres) on March 1, 2007. These parcels would need to be put back into one(1) parcel of 14.19 acres. The applicant has indicated parcels 19:025:0229 and 19:025:0330 are in the process of being put back into one parcel. As of the date of this report, there is no evidence that has been completed. That concern is reflected in condition #9 below. Subject to this being completed, it would appear all applicable requirements of the ordinance would be met by the application

10. The application appears to meet the requirements of **Section 7-21-C-7**, which requires the proposed special exception to be shown to **not** result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services. Those services appear to be presently available in the area, and will either be provided for by the applicant on site or by connection to existing city utilities at the applicant's expense.

Conditions:

1. That the Board finds that the special exception meets the standards found in Section 7-21-C(1) through (7) of the Utah County Land Use Ordinance to the extent required in Section 7-21-D;
2. That the school meet the definition for a primary and secondary school as specified in Sections 2-2-B-121-b and 2-2-B-121-c U.C.L.O.;
3. That permits be obtained for all required structures and uses that meet all applicable zoning, building, health, and fire-safety requirements;
4. That the proposal provide the minimum number of parking stalls shown on the submitted site plan (146), and that the parking area meet all applicable requirements for off-street parking as per Section 3-14 U.C.L.O.;
5. That the proposal's entire length of frontage along County road 1600 North be improved

to meet Utah County development standards for a collector road, including the specific improvements indicated by the Utah County Engineer in a letter dated March 30, 2006, in coordination with UDOT;

- 6. That all site drainage/storm water be maintained on-site, or be managed by an existing off-site drainage system with written approval from all appropriate agencies;
- 7. That a fence be constructed around the perimeter of the subject property that is in current school use that will restrict access to all adjacent properties, including the adjacent railroad tracks, that meets the requirements for fences as per Section 3-20 U.C.L.O. The fence may be a chain-link fence, but shall be no less than 6 feet in height;
- 8. That the proposed source of water and sewage disposal method meet all requirements of the Utah County Health Department;
- 9. That parcel 19:025:0229 and parcel 19:025:0330 be re-combined into one parcel of approximately 14.19 acres prior to any building permits being issued on the property.

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Vote Record:	AYE	NAY	ABSTAINED
Richard Dalebout, Chair	X		
Mark Brady, Vice-Chair	X		
Randy Christiansen, Member	X		

**IF PERMIT NOT OBTAINED WITHIN ONE (1) YEAR, THIS APPROVAL IS VOID**

**The decision of the Utah County Board of Adjustment may be appealed to the Fourth District Court within 30 days from the date this Action Report is filed with the Utah County Recorder.**

I, Shirley R. Englund, certify the voting record shown above to be true and correct, and a copy of this Action Report was recorded and filed in the Utah County Community Development Department on the 12<sup>th</sup> day of July, 2007.

  
 Shirley R. Englund, Secretary  
**UTAH COUNTY BOARD OF ADJUSTMENT**

# EXHIBIT "A"

ENT 100846:2007 PG 5 of 5

COM S 89 DEG 33'59"E 175.92 FT & N 33 FT FR SW. COR. SEC. 27, T6S, R2E, SLB&M.;  
N 1 DEG 29'59"W 495.71 FT; N 0 DEG 51'12"W 456.04 FT; N 88 DEG 39'37"E 273.49 FT  
; S 38 DEG 12'27"E 1228.84 FT; N 89 DEG 33'59"W 1013.72 FT TO BEG. AREA 14.185 A  
C.