



Provo City Planning Commission

# Report of Action

August 14, 2024

---

**ITEM 5\*** Scott Doscher requests approval of a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.8 (One Family Residential) Zone in order to create a two lot residential subdivision, located at 484 North 2760 West. Lakeview South Neighborhood. Mary Barnes (801) 8526408 mabarnes@provo.org PLRZ20240184

---

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 14, 2024:

## RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Daniel Gonzales

Second By: Lisa Jensen

Votes in Favor of Motion: Lisa Jensen, Jonathon Hill, Melissa Kendall, Daniel Gonzales, Barbara DeSoto, and Adam Shin.

Jonathon Hill was present as Chair.

Votes against the Motion: None

- Includes facts of the case, analysis, conclusions, and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### MAP AMENDMENT

A map representing the proposed amendment is attached as Exhibit A.

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

### NEIGHBORHOOD MEETING DATE

This application affects the Lakeview South Neighborhood in District 3. This item was presented in the August 7<sup>th</sup> District 3 meeting. There were no questions from the residents present at the meeting.

### APPLICANT PRESENTATION

The applicant is Scott Doscher. Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The reason behind the requirement for the concept plan was the engineering issues of the lot. This includes the sewer system, as the existing house is on a septic tank. Also, a drainage pipe on the south side, along with other issues.

- Historically, there is no known reason why the lot does not match the surrounding zoning. This rezone will bring the zoning of the property into conformance with the neighborhood.
- This subdivision configuration with the flag lot was the only way to subdivide the property because of the public street frontage requirement. There is a historical driveway on 2760 W, but there is no public street frontage. There is an existing access to 2670 W along the north border of the subject property, although it is not used often. With this subdivision, that access will be formalized.
- The property owner does not have plans to cut off the historical driveway at this time.
  - There is no written agreement between the two property owners regarding the historical driveway.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- The neighborhood Chair was not present and did not address the Planning Commission during the hearing.

### **CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- *John Hales, Lakeview South Neighborhood.* Mr. Hales is in strong disagreement with a flag lot, as it would be to the south of his current property. Lot 2 should be a single lot, and Lot 1 should be accessed off 2760 W indefinitely. A flag lot would be strange, and a nice home would not be able to fit on Lot 2. The current home on the property does not match the nice homes that are in the neighborhood. A major concern is having more homes located behind Mr. Hales' home. Mr. Hales stated that he does not want any more homes in his neighborhood, but he would love to make sure the sidewalk is finished. The current gate onto 2670 W is an eyesore. A cul-de-sac on 2760 W would make sense if an arrangement could be met on the access.
- *Lisa Rivera, Lakeview South Neighborhood.* Ms. Rivera expressed concern that Lot 2 could potentially be split into two lots within the future. She was also concerned about the proposed flag lot driveway, which would abut Ms. Rivera's backyard, and would potentially create a dangerous situation for her children. The space may look big, but the subject property is not as large as it seems. Having lots and homes squished into the property is a big concern.
- *Tina Carter, Lakeview South Neighborhood.* Ms. Carter proposed that the city create a green space on the property instead of allowing it to be subdivided, so that everyone in the neighborhood will be able to enjoy the property. There is a concern that there will be many houses squished into the property, and that no other people in the neighborhood were notified about the planning commission meeting. West Provo is getting shafted.
- *Isidro Zaragoza, Lakeview South Neighborhood and property owner of the subject property.* Mr. Zaragoza's plans for Lot 2 are to build his primary home on the property, and another new home on Lot 1. He is not currently looking to subdivide into more than 2 lots, and he is not able to subdivide into more than 2 properties at this time.
- *Ellis Hales, Lakeview South Neighborhood.* Lived in the neighborhood for 18 years and concerned about property values. There are already issues with parking, so more than two homes would not work. Looking forward to the sidewalk being completed. Also concerned with grading and water drainage.

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

After staff presentation:

- Commissioner Hill asked for information on the current driveway access to the property, which is through a neighboring property to the west. The current access is an unofficial easement that has been historically used by the property owner, based on an agreement with the property owner to the west. This cannot be the official access to the property because every subdivided lot must have the proper amount of frontage on a public street, which is to ensure emergency vehicles can easily access the property. The new driveway from 2670 W will have to loop around the building to get to the garage on the west side of the home.
  - Commissioner Shin stated that the garages on the west side of the existing house may get replaced with the new subdivision.
- Commissioner Shin asked for clarification on the required 20 ft "flagpole"/driveway area for the flag lot. While flag lots are required to have a 20 ft wide "flagpole"/driveway area, the actual pavement only has to be 12 ft wide.

- Commissioner Gonzales brought up concerns on the proposed new access, that it won't be used. Instead, the historical access through the property to the west will still be used. In the future, it's possible that this access could be eliminated if the property owner to the west and the property owner of the subject property decided to collaborate and put in a cul-de-sac of some sort. Engineering has accounted for that in the subdivision application that is being reviewed by staff. A sliver of the applicant's property will be in an easement just in case a cul-de-sac is proposed in the future. In the meantime, access and frontage from a public street is required by code. A flag lot will ensure access and frontage exist even in the possible future event of a cul-de-sac.
- Commissioner Hill expressed concerns that the space within the property will not be utilized properly with the proposed layout. A different road connection in the future, from 2760 W to 2670 W, would mean many more residential SFH lots. Flag lots are never an ideal situation, and the flag lot will have a very strange configuration due to the current configuration of the property. It is important to look to the future.
- Commissioners Kendall and Jensen agreed that this rezone makes sense for the area.

After public comment:

- Commissioner Jensen stated that this is a non-conforming agricultural lot, and the general plan calls for more SFHs in West Provo. This is a logical move; this is more of a clean-up than an exception.
- Commissioner Kendall requested information on whether this needs to be a flag lot, or if the lot can be split down the middle and Lot 1 can retain the historical access on the west side. When properties are subdivided in the city, they must be improved up to city standards. Currently, city standards require all new subdivided lots to have a required amount of frontage on a public street. For a flag lot, that is 20 ft of frontage. Keeping Lot 1 the way it is would limit the ability of emergency services to access the property, and it would make it a non-conforming lot according to Provo City Code.
- Commissioner Gonzalez made the point that currently the subject property owner is at the mercy of the property owner to the west, because their access is on the property to the west. The property owner to the west was approached by the applicant and asked if they would be willing to pursue development in the form of some type of road. The property owner to the west declined that invitation.
- Commissioner Kendall asked if it's a guarantee that there is only going to be two homes on these two lots. Right now, that is the only possibility. If a cul-de-sac of some sort is put in on 2760 W in the future, any new lots would have to conform to the R1.8 zone, which matches the surrounding zoning and governs lot width, depth, frontage, area, etc.
- Commissioner Hill requested more information about grade differences. The new lot will have to be improved and filled to a satisfactory elevation for the engineering and building departments. Conversations with those departments are ongoing at the moment, and all comments and concerns will be addressed in the final subdivision application, which is an administratively approved application.

---

Planning Commission Chair

---

Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Community and Neighborhood Services Department, 445 West Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

## Exhibit A



Legal Description: COM E 1633.41 FT & S 1882.88 FT FR NW COR. SEC. 3, T7S, R2E, SLB&M.; N 89 DEG 10' 53" E 177.23 FT; S 0 DEG 5' 2" E 34.47 FT; S 68 DEG 54' 38" E 49.49 FT; N 89 DEG 10' 53" E 64.14 FT; S 1 DEG 19' 6" E 30.7 FT; S 89 DEG 59' 47" E 156.04 FT; S 1 DEG 19' 14" E 113.23 FT; N 89 DEG 35' 31" W 237.96 FT; N 0 DEG 30' 0" E 6.3 FT; W 209.64 FT; N 0 DEG 11' 25" E 184.74 FT TO BEG. AREA 1.531 AC.