



Provo City Planning Commission

Report of Action

August 14, 2024

ITEM #6 Scott Doscher requests Concept Plan approval for a two-lot subdivision in a proposed R1.8 (One Family Residential) Zone, located at 484 North 2760 West. Lakeview South Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLCP20240186

Scott Doscher requests Concept Plan approval for a two-lot subdivision in a proposed R1.8 (One Family Residential) Zone, located at 484 North 2760 West. Lakeview South Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLCP20240186

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

APPROVED

On a vote of 6:0, the Planning Commission approved the above noted application, with the following conditions:

Conditions of Approval:

1. NO CONDITIONS.

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.

- 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the R1.8 Zone is described in the attached Exhibit A.

RELATED ACTIONS

August 14, 2024, Planning Commission Item 5, rezone application PLRZ20240184

APPROVED/RECOMMENDED OCCUPANCY

*2 Total Units

*Type of occupancy approved: Family

*Standard Land Use Code 1111

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.

- On the final CRC report, the engineers made the applicant aware of issues and requirements that will be brought up during the final subdivision application. This includes utility issues, grading issues, and dedicating a small sliver of a right-of-way easement along the western property line for a possible future cul-de-sac, to provide a way for the property owner to the west to subdivide in the future if interested.

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 7th District 3 meeting. There were no questions from the residents present at the meeting.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or 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:

- *Tina Carter, Lakeview South Neighborhood.* The property owner has said that he is only planning on two lots. The engineer (applicant) seems to be thinking about more than two lots. It's a little unclear what is happening here. Lakeview South would like to be included in any future decisions regarding development in the area.
- *John Hales, Lakeview South Neighborhood.* In favor of two lots on this property and appreciates information from the property owner.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The property owner has attempted to work out an agreement for the development of the subject property and the property to the west. The property owner to the west did not want to entertain the idea of development or give an easement for access.
- There is no way to develop this property without a flag lot. The final plat will meet R1.8 zoning standards.
- The best way for this property to progress and improve is with a subdivision that requires improvements to the property.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Hill spoke for the group, stating that allowing a flag lot on this land would severely impact future use, and possible future building lots that could exist on the property. Commissioner Hill expressed a wish to see different potential ways that this property could be reconfigured to fit more lots, assuming that a cul-de-sac or other road is built into the property to the west. A flag lot is not the ideal configuration of this property and could create a bad situation in the future.
 - Commissioner Gonzalez pointed out that the R1.8 zoning would limit future development possibilities. R1.8 caps density and provides lot standards.
 - Commissioner Hill stated that it is important to look to the future of the properties instead of planning for the current situation. This subdivision could be a good idea at the moment, but would it be a bad idea for the future development of the subject property and the property to the west. Flag lots are something to avoid, the city is settling for something that is far less than ideal.
- Commissioner Jensen stated that she does not have an issue with flag lots, other than they can be an inefficient use of land. An extra driveway simply means that there is a larger setback between adjacent homes. While flag lots aren't ideal, they will have lower nuisance value and potentially less impact on the neighborhood.
- Commissioner Shin agreed, these lots are larger and have the potential to have beautiful new homes. This will only be single family homes with an R1.8 zoning. Any change to that zoning will have to be brought before the

planning commission and City Council, which will allow the neighbors to have another chance to voice their concerns.

- Commissioner Gonzalez said that flag lots are not something that he appreciates, but it makes sense in this instance. To make this a green space as mentioned by the residents, take the proposal to the City Council.
- Commissioner DeSoto finished the discussion by stating that private property rights are important, and agricultural uses behind an existing subdivision can change.



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 Development Services Department, 445 W 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

