

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of March 10, 2026

Subdivision Application 2026-001

Application: 26-001

Applicant: Whitebirch Inc.

Property Address: NE Corner County Road 11 and Wildwood Court

Parcel ID: 10070676, 10070677, 10070678, 10070679

Legal Description: Lots 1, 2, 3, 4 Block 2 3RD Addition Wildwood Hills

Zoned: Commercial (C)

City Code: §153.040 -152

Applicant Request: Preliminary Plat for Re-Subdivision of four existing Commercial zoned lots to create Common Interest Community Plat to provide for six storage units for rental or sale. §153.040 C-24

§ 152.13 PRELIMINARY PLAT OR PRELIMINARY CONDOMINIUM OR "CIC" PLAT APPROVAL PROCESS.

The Preliminary Plat is not considered officially submitted unless all required information, fees and escrows are received.

(A) The preliminary plat, preliminary condominium or CIC plat approval constitutes formal approval of the concept and design of the subdivision.

(B) The Planning Commission review shall include a public hearing and may include a field review at its discretion.

(C) All reports of city staff, DNR and road authorities shall be reviewed and included in the hearing record. Related re-zoning requests, conditional use requests and exemptions to standards may be heard concurrently with a subdivision request, at the discretion of the Planning Commission.

(1) The subdivider shall submit seven (7) 22 by 34 inch and eleven (11) 11 by 17 inch paper copies of the preliminary plat, preliminary condominium or CIC plat and concurrent documents to the Zoning Administrator no less than 25 days prior to the regular Planning Commission meeting, pay the required fees and escrow and request a public hearing.

(2) The Zoning Administrator shall notify all property owners within 350 feet of the proposed subdivision and the subdivider of the public hearing by regular mail. The Zoning Administrator shall cause notice of the public hearing to be advertised once in the official newspaper, the notice to be published at least ten days before the public hearing and including a legal description of the property sufficient to identify the property at issue. The Zoning

Administrator shall distribute the information received to the City Attorney if warranted, Planning Commission, Park and Recreation Committee, and the City Engineer. One copy of the preliminary plat or preliminary condominium plat shall be mailed by regular mail, postmarked at least fifteen (15) days prior to the public hearing to the following:

- (a) The County Engineer if the plat is located adjacent to a county highway or parkland.
- (b) The DNR if the plat is located in shore land areas.
- (c) The Watershed District if the plat is located within a watershed district.

Each of the above shall be requested to review the proposal and comment, in writing, within ten (10) days prior to the Planning Commission.

(3) The Zoning Administrator shall review the proposed plat, preliminary condominium or CIC plat as to content standards, necessary exceptions from the zoning ordinance and this chapter, necessary re-zonings or necessary conditional use permits and advise the subdivider and the Planning Commission of his or her findings.

(4) All related exceptions to standards, conditional use permit requests and/or re-zoning requests shall either have been decided or be pending approval simultaneously with the preliminary plat.

(5) The subdivider shall apply for all related approvals at least 25 days prior to the regular Planning Commission meeting as applicable, if he or she desires to have a concurrent public hearing for a conditional use or re-zoning.

(6) The Planning Commission shall hold the public hearing and may continue the hearing as necessary to allow all factual input necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objection.

(7) The Planning Commission shall determine the acceptability of the preliminary plat, preliminary condominium or CIC plat within 60 days of submission, and the findings shall be sent to the subdivider and forwarded to the City Council for consideration.

(8) The Planning Commission shall consider the following in its decision and make written findings concerning the proposed preliminary plat, preliminary condominium or CIC plat subdivision:

- (a) Whether the property is properly zoned;
- (b) Whether the proposal conforms to the requirements of the Zoning Ordinance;
- (c) Whether the proposal conforms to the requirements and design standards of this chapter; and
- (d) Whether the concerns of affected agencies have been addressed.
- (e) Whether the proposed development is consistent with the Comprehensive Land Use Plan and related components.
- (f) Whether the physical characteristics of the site, including but not limited to topography, erosion and flooding potential, and soil limitations, are suitable for the type of development or use contemplated.
- (g) Whether the proposed development will not create a negative fiscal or environmental impact upon the city.

(h) Whether the city will face undue financial hardship due to the development in question.

(i) Whether the subdivision will inhibit the orderly growth of the surrounding areas or the city as a whole.

(9) The Planning Commission may consider additional standards and requirements necessary to protect the best interest of the surrounding area and the city as a whole, including but not limited to the following:

(a) Whether streets and driveways within the preliminary plat, preliminary condominium or CIC plat are designed to provide good access and efficient use of the property;

(b) Whether the design of the preliminary plant, preliminary condominium or CIC plat (e.g., road location, lot placement, buffers and/or green space) is compatible and not injurious to the use and enjoyment of other property in the surrounding area; and

(c) Whether vehicular approaches to the property are designed so as not to create traffic congestion or interference on surrounding public highways.

(10) Subdivision by plat, condominium or "CIC" preliminary plat shall be recommended for approval by the Planning Commission and approved by the City_Council. The final plat shall also require a recommendation by the Planning Commission and an approval by the City Council.

(11) Failure of the subdivider to file a final plat within one year of approval of the preliminary plat shall result in the preliminary plat approval being void, unless extended for one year by resolution of the City Council prior to the expiration of the one year time frame.

(12) A preliminary plat that contains multiple phases and has a final plat platted for a portion of the property shall have up to two (2) years from the date of the plat approval to Final Plat each subsequent phased portion of the approved Preliminary Plat. Prior to the expiration of the deadline, the City Council, at its option, may extend the approval for up to an additional two (2) years. The extension request shall be in writing specifically designating the expiration date. Only one (1) extension may be granted per phase of the development. Upon expiration of the deadline or extension thereof the subdivider will be required to renew the Preliminary Plat process.

(13) Subsequent approval by appropriate officials having jurisdiction will be required of the proposals pertaining to water supplies, storm drainage, sewage disposal, grading, gradients, roadway widths, and the surfacing of streets prior to the approval of the Final Plat. No plans will be approved for a subdivision that include any area subject to periodic flooding or that contain extremely poor drainage capabilities which would make adequate drainage of the streets and lots difficult, unless the subdivider agrees to make improvements that will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.

Planning Commission Action Options:

- Recommend Approval Preliminary Plat to City Council
- Recommend Approval Preliminary Plat with additions or demands.
- Recommend Denial of Preliminary Plat.