

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for Replat S-24-01
DATE: March 12, 2024 Regular Meeting



Subdivision Application S-24-001
Applicant: Whitebirch Inc
Property Address: No current address
Legal Description: LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA
Parcel ID: 10171421, 10171422, 10171423 & 10171424
Zoned: R-4 Multi Family Residential

- Applicant has filed the appropriate application for Preliminary Plat.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.

Subdivision Request:

- Request a Preliminary Plat into 8 residential lots, 1 common lot and 1 outlot.

Summary of the property

LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA are located at the end of a cul-de-sac on Chickasaw Circle.

The property was originally platted as Whitebirch and subdivided into single family lots.

The original zoning classification for the property consisted of Resort Commercial, Multi Family Residential and Low Density Residential. With the majority of the subject property falling within the Low Density Zoning Classification.

The applicant's concept plan is to eventually develop the property into duplex residential dwellings. In order to do so, the zoning classification of the property needed to be changed to be consistent with the land use requirements of Chapter 153. Chapter 153 does not allow duplexes in Low Density Zoning, it does allow duplex dwellings in the Multi-Family Residential Zoning classification as a conditional use.

The applicant was before the planning commission with a rezone request in 2023 that was successful and subsequently applied for a formal rezone which was unanimously approved by the City Council during the regular January 2024 meeting.

The site topography, access and lot configuration appear to be suitable for the proposed use and is consistent with the comprehensive land use plan, which encourages multi family dwelling units in areas within the zoning classification.

The property is zoned R-4 and the request is an allowed use with a conditional use permit under the Land Use Categories Chart Section §153.044.

Findings

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 plat, 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.

Staff has reviewed the following:

- Site Plan
- Preliminary Plat Application

The following are recommended conditions.

1) The applicant must consolidate outlet A into outlet B