### WHITLEY COUNTY ADVISORY PLAN COMMISSION **STAFF REPORT**

24-W-SUBD-7 PRIMARY PLAT APPROVAL **APRIL 17, 2024** 

**Troy Tracy** 

AGENDA ITEM: 1

"Tracy Acres", 2825 W. 450 North

### **SUMMARY OF PROPOSAL**

AG, Agricultural Code Minimum Proposed Minimum **Current Zoning:** 

Area of plat: 10.02 acres Lot size: 1.837 acre 4.30 acre 264' 225' Number of lots: 2 lots Lot width: 264' **Dedicated ROW:** 0.51 acre Lot frontage: 50'

The petitioner, owner of the subject property, is requesting preliminary plat approval for a two-lot subdivision to be named "Tracy Acres." The proposed plat is located on the south side of 450 North, about 1,600' west of 250 West in Section 13 of Etna-Troy Township. The property is currently improved with a dwelling and outbuildings.

The purpose of the proposed plat is to create new a building site to the west of the existing residence. Platting is required due to the number of previous splits since 1979. These being the only platted lots from the 2018 parcel, no rezoning is required.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table.

### **UTILITY AND REVIEW COMMENTS**

Comment letters received (as of date of staff report)

Cable TV Parcel Cmte. Х Electric X Health

Co. Engineer NA Gas X Sanitary Sewer Telephone SWCD X Water NA

The Soil & Water Conservation District provided comments on the soils and advisable construction practices. Also provided were routine comments regarding erosion control and guidelines to be provided to the applicant.

The County Engineer noted that driveways should be located farther east than the westernmost 50' of the property. Otherwise, he provided notes on the requirements for driveway permitting and construction.

The Parcel Committee noted that the owner name needed to be modified to match the recorded name, "Troy E. Tracy."

A 35' wide right-of-way for the county road would be dedicated. 10' drainage and/or utility easements are shown on the sides of the lots.

No covenants and restrictions were submitted as of the time of writing. This is not unusual for one- or twolot plats.

### **WAIVER REQUESTS**

There are no waiver requests.

### **REVIEW CRITERIA**

Subdivision primary plats are reviewed for compliance with the standards of Subdivision Control Ordinance and the Zoning Code. Staff finds that the proposed primary plat appears consistent with the standards, with the following condition(s):

- 1. Two septic sites per lot are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
- 2. Correct owner name.
- 3. Add notation on plat that the driveways may not be located on the westernmost 50' of Lot 1.
- 4. Secondary plat approval delegated to the Plan Commission staff.

Date report completed: 4/10/2024									
PLAN COMMISSION RECORD OF ACTION									
Motion: Approve Approve w/conditions Deny			By:		Second by:				
		tions							
Vote:	Baker	Banks	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Wolf
Yes									10.75
No									
Abstain	100								

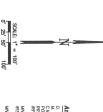




# TRACY ACRES (PRELIMINARY)







Annotation Legend

A = ECENT DUPSON/NOWES

C.M. = CONTROLMEN MONUMENT

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RES = RANGOL SPECTONING

RES = RANGOL SPECTONIN

2. THE ORIGINAL SURVEY FOR THIS PLAT IS RECORDED ON DOCUMENT ON FILE IN THE RECORDS OF THE OFFICE OF THE WHITLEY COUNTY, INDIANA RECORDER. NOTES: 1. THE BASS OF BEARINGS THIS SURVEY WAS DETERMINED FROM A ORD BEARING (NAD 83, INDIANA EAST ZONE) BETWEEN MONUMENTS DEPICTED ON THE WITHIN PLAT.

THE PLAT OF TRACY ACRES CONSISTS OF 10.02 ACRES.
TI NUMBER 1 CONSISTS OF 4.30 ACRES
TI NUMBER 2 CONSISTS OF 5.19 ACRES
EDICATED ROAD RIGHT OF WAY CONSISTS OF 0.53 OF AN ACRE.

Whitley County Advisory Plan Commission PLAN COMMISSION CERTIFICATION OF APPROVAL Primary approval granted on this day of

2024 by the

for all of the purposes aforesaid.

A perpetual assement is hereby garaned to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay construct, renew, operate, maintain and transve conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, goys, anchors and other equipment for the purpose of series gives another storage of the subdivision or admining property with telecommunication, electric, gas, sewer, and water service as a part of the respective utility systems, and the right is hereby granted to enter upon the lots at all times

This subdivision shall be known and designated as TRACY ACRES, a subdivision in Whitey County, Indiana. All rightes-few yof public needs stenest, and allows shown and not hereofore dedicated, are hereby dedicated to the public. From yard building softheck lines are hereby established as shown on this plat, between which lines and the property lines of the street, there is shall be erected on maintained no building or structure, except as it nordornance with the requirements shall be erected on maintained to building or structure, except as it nordornance with the requirements of the Whitely County Zonding.

I, the undersigned. I roy Tracy, owner of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2014/38(4). 8, do breeby certify that I have laid off, platted and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

THE ACCHARCY OF MAY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT MAY SAULE ACCHARCY AND TO MAY OTHER MICESTANIATY IN LOCATION OR EVALUATION ON THE REFERENCED MAY THE SUBJECT THAT APPEARS TO BE STULATED SAVE X, MHIGHT IS NOT THE A FLOOD PLAIM, AS SAID LAND PACITS BY SCALE ON MARKET BIRSCOLISE OF THE FLOOD MUSICANCE ATIE MAPS, DATED MAY 4, 2015.

Plan Commission President Thor Hodges

WE-WHITLEY CO I.D. I W CORNER OF THE 1/4, SECTION 13 32 N, R B E

S89'30'05"E 264.00'(M)
36' DEDICATED RIGHT OF WAY.
186' WALKER
(-0.2)RPAL E-W

35.00

367

DEDICATED RIGHT OF WAY 40' FROMT YARD SETBACK

40' FRONT YARD SETBACK

25' SIDE YARD SETBACK FOR PRIMARY STRUCTURE

25' SIDE YARD SETBACK FOR PRIMARY STRUCTURE

PART OF:
TROY E. TRACY
DOC 2014080418
10.00 ACRES ± (D)
LIMBEROWED
LOT 2
5.19 ACRES ± (M)

SHANNON K. PARENT DOC 2005100471 2.395 ACRES ± (D)

S01°37'02"W 328.55'(M)

N01°37'02"E 328.55'(M)

BO4-SHP

S89"30"05"E 924.00"(M)-

S89"30"05"E 660.00"(M)-

CINE

S95'30'05"E 2622.17'(M)
LINE OF THE SE1/4, SEC. 13, T3
BASIS OF BRARINGS
CO. ROAD 450 N

132N,

Plan Commission Secretary Troy Joe Wolf

COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Commissioners of the County of Whitley, State of Indiana Approved and accepted this day of 2024 by the Board of

and such responsibility shall pass to any successive owner.

actions located in any Utility Ease

nance or other work authorized herein shall in no way

ment or Drainage Ea

Essements so as to impede the flow of storm water. Drainage Essenpents shall not be disturbed in a manner as to interfere with the flow of soom water and I grades shall be maintained as constructed. It Responsibility for the maintenance of Drainage Essement sommwater facilities, including but not limited to periodic removal and disposal of accumulated particulate material and debts and moving of common stormwater detention areas, shall remain with the owner or owners of property within the plat.

governmental authority, for the purpose of constructing, maintaining, operating, removing, and replacing strumwater drainage facilities, be it surface or subsurface, in accordance with plans and specifications approved by the Whilely County linguiser, or comparable agent of a subsequent governmental authority. No plantings, structures, fill, or other materials shall be placed in the Drainage governmental authority. No plantings, structures, fill, or other materials shall be placed in the Drainage

Chad Banks

Rob Schuman Theresa Baysinger

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL

S01'16'52"W 660.00'(0) NO1\*16'52"E 660.00'(M)

PART OF:
TROY E. TRACY
DOC 2014080418
10.09 ACRES ± (D)
UNBAPROVED
LOT 1
4.30 ACRES ± (M)

71.91'(M) 571.43'50"E

SIDE YARD SETBACK FOR ESSORY STRUCTURES. DRAINAGE, AND UTILITY EASEMEN

ACCESSORY STRUCTURES.

10' DRAINAGE, AND UTILITY EASEMENT

SOO"01"17"E 309.51"(M)

NOO"01"17"W 309.51"(M)

-10" SIDE YARD SETBACK FOR ACCESSORY STRUCTURES. 10" DRAINAGE, AND UTILITY EASEMEN

N89°30'05"W 337.88"(M)

N89°30'05"W 662.15'(M)-

N89"30"05"W 324.27"(M)

2.3'N OF RC 872.44'(D)

Executive Director Nathan Bilger

of the Whitley County Advisory Plan Commission

Secondary approval granted this

\_day of\_

2024 by the Staff

on such agricultural areas may result in normal farm interference such as noise, odor, dust, agricultura attempt to cause the exessition of any farming operation, whether now existing or existing in the mar future which interferes with the residential use of the Lot or tract owned by the person or the next within this owned by the person or persons removarising. Any person accepting title to a Lot or tract within this Plat, acknowledges that general agricultural areas exist adjacent to or near this Plat, and that activities

No owner of any Lot or any other parcel within this Plat shall at any time I obligate the person in damages or to restore the obstruction to its original form.

implement traffic, unusual hours, and other normal agricultural uses.

DEVELOPER

Troy Tracy

2825 W 450 N

Columbia City, IN

### REDACTION STATEMENT

Stephens each Social Security number on this document, unless required by law. - John H. affirm, under the penalties for perjury, that I have taken reasonable care to redact

## SURVEYORS CERTIFICATION

Survey, and that this Survey and accompanying report has been completed in of the real estate described above as made under my direction, that all the of the state of Indiana, hereby certify the hereon Plat to correctly represent a Survey I, the undersigned Registered Land Surveyor licensed in compliance with the laws accordance with Title 865-IAC 1-12 and all other amendments thereto. have been established in accordance with true and established boundaries of said nonuments shown thereon actually exist, that lots and streets shown on the Plat

hereby certify that to the best of my knowledge the above Plat and Survey are

JOHN HEITY Stephens, No. 8
JOHN H. STEPHENS R.L.S., INC.
BY. JOHN H. STEPHENS
PROFESSIONAL SURVEYOR
INDIANA LS #80040428 80040428 - O LS-80040428 SURVE OF STATE OF

Troy Tracy

our hands and seals this

day of

State of Indiana

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the owners of the lots in this subdivision and to their heirs and

all presons claiming under them until January 1, 2049, at which time said covenants or restrictions, shall be automatically renewed for successive periods of ten years unless amended through the Plan Commission. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force

together with this plat.

subject to additional "Protective Covenants and Restrictions" that may be reco

land and shall be binding on all parties

F-way, Easements, and Building Lines dedicated on the face of this plat ditional "Protective Covenants and Restrictions" that may be recorded

County of Whitley )

t and

Notary Public My commission



JOHN H. STEPHENS R.L.S., INC. 19 N. Wabash St. Wabash, IN 46992 Phone: 260,563,8600 jhsrls.com

Commenting at the northwest corner of said Southeast Quarter, marked by a ring pail with Whiley County identification; thence South 89 degrees 30 minutes 05 seconds East, grid bearing (North American Datum 1983, Indiana East Zono), along the north line of said Southeast Quarter, 660:00 feet to a mag nati with JHS RLS #80040428 identification and the POINT OF BECHNNING; thence continuing South 89 degrees 30 minutes 05 seconds East, along said north line, a distance of 660:00 feet to a mag mail with JHS RLS #80040428 identification at the northwest corner of a trad of fand owned by Shannon K. Parent as recorded on Document 2005/100471 on file in the office of the Whitley County, Indiana Recorder; thence South 01 degrees 05 minutes 40 seconds West along said Parent boundary and the westerly boundary of a trad of fand owned by Matthew J. Jakovone and Coxyell L. Jakovone are recorded on Document 2015/10183 in said Recorder's fand owned by Matthew J. Jakovone and Coxyell L. Jakovone are recorded on Document 2015/10183 in said Recorder's Office, a distance of 659.97 feet thence North 90 degrees 30 minutes 05 seconds West, 662.15 feet an iron sake with Walker identification being the southeast corner of Endmann's Frisa Addition; there were no recorders 16 minutes 52 DESCRIPTION:
Part of the Southeast Quarter of Section 13, Township 32 North, Range 8 East, Whitley County, Indiana, being that 10.02 nere parcel surveyed by John H. Stephens, Indiana Professional Surveyor #LS80040428 and shown on the plat of an original boundary survey certified on February 12, 2024 as Job number 24018, being more particularly described as follows:

seconds East, along the east line of Erdmann's First Addition, 660.00 feet to the POINT OF BEGINNING