

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

24-W-SUBD-19 PRIMARY REPLAT APPROVAL

Robert M. Chapman
"Rocky Acres", 2795 E. Stalf Rd.

NOVEMBER 20, 2024

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current Zoning:	LR, Lake Residential		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	0.75 acres	Lot size:	10,000 sq. ft.	5,404 sq. ft.
Number of lots:	3 lots	Lot width:	70'	50'±
Dedicated ROW:	0.07 acre	Lot frontage:	50'	50

The petitioner, owner of the subject property, is requesting primary approval for a preliminary plat to be called "Rocky Acres" subdivision. The proposed three-lot plat is located on the north side of Stalf Road, 650 feet east of Island Court. More commonly known as 2795 E. Stalf Road in Section 12 of Thorncreek Township. The site is improved with a storage building and detached garage.

This property is comprised of Lots 4, 5, part of Lot 3, and vacated drive of the Subdivision of Lot 39 of Cedar Point Addition (platted 1942), in addition to two unplatted parcels. The petitioner proposes to realign the four parcels and reestablish them as three individual lots. Additional dedicated right-of-way for the adjacent road is proposed, generally aligning with the existing adjacent rights-of-way.

Note that the replatting does create 2 lots that do not conform with current zoning standards and would not qualify to be legal nonconforming. However, the petitioner has filed the variance petition with the BZA to allow for the desired lot size and width (per previous precedent, replats of LR-zoned lots retain 5' side yards). The legal nonconforming status of the existing improvements will not change.

COMMENTS AND STANDARDS

Comment letters received (as of date of staff report)

Electric	X	Health	X	Cable TV	Parcel Cmte.	X
Gas		Co. Engineer		Sanitary Sewer		
Telephone		SWCD	X	Water	NA	

5' drainage and utility easements are shown on the perimeters of the lots.

Health Department commented that the property has sanitary sewer and new wells should not be an issue. Any wells would need to be permitted through that department.

The other comment letters received have stated that the proposed plat is generally adequate.

Separate restrictive covenants have not been submitted, which is not atypical for plats of previously platted areas. Existing covenants, if any, are not extinguished with a replatting process.

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. Variances for the lot area and lot width must be obtained.
2. Secondary plat approval delegated to the Plan Commission staff.

3. Lots 1 & 2 to have restrictions stating that dwellings may not be placed on them unless code required minimum lot size is met. *This could be better served as a condition of the variance but is listed here for reference or discussion.*

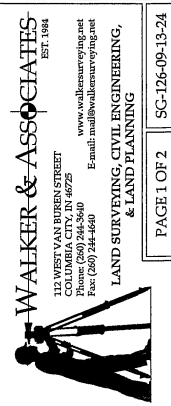
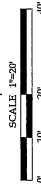
Date report completed: 11/14/2024

PLAN COMMISSION RECORD OF ACTION

Motion: _____ By: _____ Second by: _____
Approve _____
Approve w/conditions _____
Deny _____

<i>Vote:</i>	Baker	Banks	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Wolf
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

SITUATED IN THE SUBDIVISION OF LOT NUMBER 39 OF THE PLAT OF CEDAR POINT ADDITION, IN THE PLAT OF CEDAR POINT ADDITION, AND IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



AREA NOTES
The Plat of Rocky Acres contains 0.75 acres.
Lot Number 1 contains 0.12 acres.
Lot Number 2 contains 0.14 acres.
Lot Number 3 contains 0.42 acres.
There are 0.07 acres of Dedicated Right-of-Way.

VICINITY MAP
NOT TO SCALE





WHITLEY COUNTY
Surveyor & Engineer Dept
County Government Center
220 West Van Buren St., Suite 203
Columbia City, IN 46725
Phone (260) 248-3107

November 14, 2024

Brent Bockelman
Columbia City/Whitley County
Planning & Building Department
220 W. Van Buren Street Suite 204
Columbia City, Indiana 46725

RE: Plat 24-W-SUBD-19 Rocky Acres
Engineer Review

Dear Brent,

The subject subdivision plat have been reviewed for both drainage and highway requirements.

Drainage:

- There are no regulated drain or drain easements located on either lot and so there are no drain related restrictions. The stream that runs along the northern portion of Lot #1 and #2 is not regulated by the Whitley County Drainage Board and so does not have a 75 foot easement. This is already accurately represented on the survey.

County Highways:

- A drive permit will be required from the Whitley County Highway Department for each drive if not acquired already.
- There are no apparent restrictions due to sight distance, but sight distance will be reassessed when a permit is filed.
- When the driveway permit is filed, depending on the location, the appropriate culvert size will be determined.
- Finally, at a minimum, the first ten feet of the driveway needs to fall away from the edge of pavement, for drainage purposes.

Thank you,

Brad Allen, PE
Whitley County Engineer