

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

18-W-SUBD-5 PRIMARY PLAT APPROVAL

Steven Tincher

Tincher Resort, 10534 S Raber Rd, ½ mile north of SR 114

MARCH 21, 2018

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	10.00 acres	Lot size:	1.837 acre	3.19 acre
Number of lots:	2 lots	Lot width:	225'	390'±
Dedicated ROW:	0.26± acre	Lot frontage:	50'	50'

The petitioner, owner of the property, is requesting primary plat approval for Tincher Resort, a proposed two-lot subdivision located on the west side of Raber Road, about ½ mile north of State Road 114 (house address of 10534 S. Raber Rd-92). The proposed lots require platting as the split creates parcels that do not meet the exemptions stated in the SCO. Proposed are a 6.51-acre Lot 1, 3.19-acre Lot 2, and dedicated right-of-way for the county road (0.30 acre). The property is improved with an existing residence, outbuildings, and a pond.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table. Some of the existing buildings do encroach into the required setbacks, but this would be legal nonconforming due to their age. Similarly, the plat proposes to split the existing pond, which would create encroachments into the required pond setbacks.

Comment letters received (as of date of staff report)

Electric		Health	X	Cable TV	
Gas	X	Co. Highway	X	Sanitary Sewer	NA
Telephone		SWCD	X	Water	NA

A 30' wide right-of-way for Raber Road would be dedicated. 10' drainage and utility easements are shown on the perimeter of the lot.

At the time of this writing, the comment letters received have generally stated that the proposed plat is adequate.

The Parcel Committee reviewed the plat and had no additional comments.

Separate restrictive covenants have been submitted, and are comparable to other covenants for small plats, with a clarification added that modular homes would be permitted. Since the existing pond will become a drainage feature shared between the lot owners, the petitioner should include covenant provisions regarding the pond in order to avoid future disputes over usage, maintenance, and associated costs.

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. Provisions must be added to the restrictive covenants regarding the use, maintenance, and costs of upkeep of the shared pond.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 3/14/18

PLAN COMMISSION ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Hodges	Deckard	Johnson	Mynhier	Western	Wolfe	Woodmansee	Wright
<i>Yes</i>								
<i>No</i>								
<i>Abstain</i>								