

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**20-W-SUBD-14 REPLAT**

Crooked Lake Development Co.

Crooked Lake Estates, replat of part of Forest Park Addition, etc.

**AUGUST 19, 2020**

**AGENDA ITEM: 4**

**SUMMARY OF PROPOSAL**

Current zoning:	LR, Lake Residential		<u>Minimum</u>	<u>Proposed minimum</u>
Area of new plat:	37.5 acres	Lot size:	10,000 sf.	0.22 acres (9,584± sf.), Lot 9
Number of lots:	21 lots	Lot width:	70'	50', Lots 14 & 15
Common areas:	0	Lot frontage:	50'	0', Lot 11

Crooked Lake Development Company, an owner and representative of all owners of the subject property, is seeking approval for a plat/replat of part of the Forest Park Addition on Crooked Lake, along with additional properties. The property is generally located on the east side of Morsches Road and Valley Ave in Section 4 of Thorncreek Township.

As proposed, Lots 15-23, 32-64, the lakeshore area (e.g. the area between lots and shoreline), and parts of vacated rights-of-way in the Forest Park Addition, together with several metes and bounds parcels, would be vacated (where applicable) and platted into the proposed 21 lots. Other than breaking up the lakeshore area and transferring to each of the adjacent property owners, no ownership changes are proposed. No common area is proposed, but the area of the current lakeshore area would be the basis for an easement designated for cross-access and usage among the property owners. No additional right-of-way for adjacent roads is proposed.

**STANDARDS AND COMMENTS**

*Comment letters received (as of date of staff report)*

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

Being largely a replat of part of a subdivision platted in 1927, many aspects of the proposal incorporate existing legal nonconformities. As has been done with previous replats of aged subdivisions, while the proposed plat does not meet every current standard, it does not create new nonconformities with the zoning code and so variances are not required. That said, all but one of the proposed lots do meet the minimum lot area and frontage requirements, and about  $\frac{3}{4}$  of them meet the minimum lot width. The ingress/egress easement used to provide access to proposed Lot 11 does need to be shown on the plat.

While not providing a formal letter, the County Engineer expressed concern about the lack of road right-of-way being dedicated along Morsches Road, and to a lesser extent, Valley Avenue, as the R/Ws are narrower than the typical county road. The current width of the Morsches Road R/W is typically a nominal 20' in width, but at some points it narrows to 16'; for comparison, most alleys were platted at 16'-20' wide and most county road R/Ws are 40'-50'. Actual pavement width is 16', more than 10' narrower than the minimum pavement width required for new subdivision streets.

Historically, the road R/W south of proposed Lot 8 appears to have been created by survey in 1964 (or before), upon agreement of various property owners and not by dedication in a plat. So there does not appear to be clear indication as to when the entire road length was accepted as a publicly maintained road. He suggests that at least some additional right-of-way be dedicated along the frontage of Morsches Road, particularly that frontage that was by survey and not part of the Forest Park Addition plat. The exact widths would need to be determined with the Engineer.

As noted in the comments from the Soil & Water Conservation District, drainage from adjacent properties to the west is also a concern, as platted "access strips" and lot lines over time have become used to convey drainage to the lake. Specifically, a drainage channel existing along the north side of the proposed Lot 7, and drainage flows roughly between the proposed Lots 11 and 12. Being a new plat, stormwater management is not something that can be simply treated as "legal nonconforming," and appropriate easements or infrastructure need to be included on the proposed plat.

The electric company stated that power lines exist on these lots, and those easements must be added to the plat where applicable. Similarly, the sanitary sewer easements need to be shown. In both instances, the petitioner has already indicated that they would research and add the easements to the plat prior to recordation. The Plan Commission may want to consider requiring utility easements on the plat where applicable to ensure future access.

The Parcel Committee members had comments regarding ownership and definition of the easement area. More specifically, the lakeshore area underlying the proposed Lots 19-21 is not currently in the tax records; title to that area must be cleared prior to recordation of this plat.

The easement area is noted on the plat and in the text, and it is assumed that the area aligns with the lakeshore area of the old subdivision plat (which is where the easement note text originates). However, no dimensions of the easement are shown to clearly indicate where the easement lies.

Additionally, the Committee noted that quitclaim deeds for each lot will need to be generated using the new platted lot legal descriptions soon after recording to aid in consistency in the chain of title. Previous similar replats did not immediately write new deeds, which created complications with transfers later.

Also noted was the lack of property owner signatures on the plat. Due to the volume of signatures needed, and the witness signatures now required by a recent change in state law, the petitioner intends to append signature pages to the plat document at recordation. The Recorder affirmed that method would meet their requirements.

New restrictive covenants have not been proposed.

#### **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 vacation/primary plat could be generally consistent with the standards, but given the title research needed for the lakeshore area, and the number of additions and corrections noted above, **it is recommended that the request be continued** to the next meeting pending an updated proposed plat.

If the Plan Commission finds that the requested plat can be approved, the following are suggested condition(s):

1. Easements, dimensions, text, etc. must be shown on the secondary plat (with review by Parcel Committee prior to recordation) as discussed above.
2. Any required right-of-way be dedicated along the adjacent county road(s) per the County Engineer.
3. Drainage easements and/or infrastructure be included per requirements of the SWCD and County Engineer.
4. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 8/13/20, NB.

**PLAN COMMISSION ACTION**

Motion:

By:

Second by:

<b><i>Vote:</i></b>	<b>Hodges</b>	<b>Johnson</b>	<b>Mynhier</b>	<b>Western</b>	<b>J. Wolf</b>	<b>B. Wolfe</b>	<b>Woodmansee</b>	<b>Wright</b>	<b><i>Vacant</i></b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									





# CROOKED LAKE ESTATES (PRELIMINARY)

SITUATED IN THE PLAT OF FOREST PARK ADDITION, AND IN THE NORTHEAST QUARTER  
OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



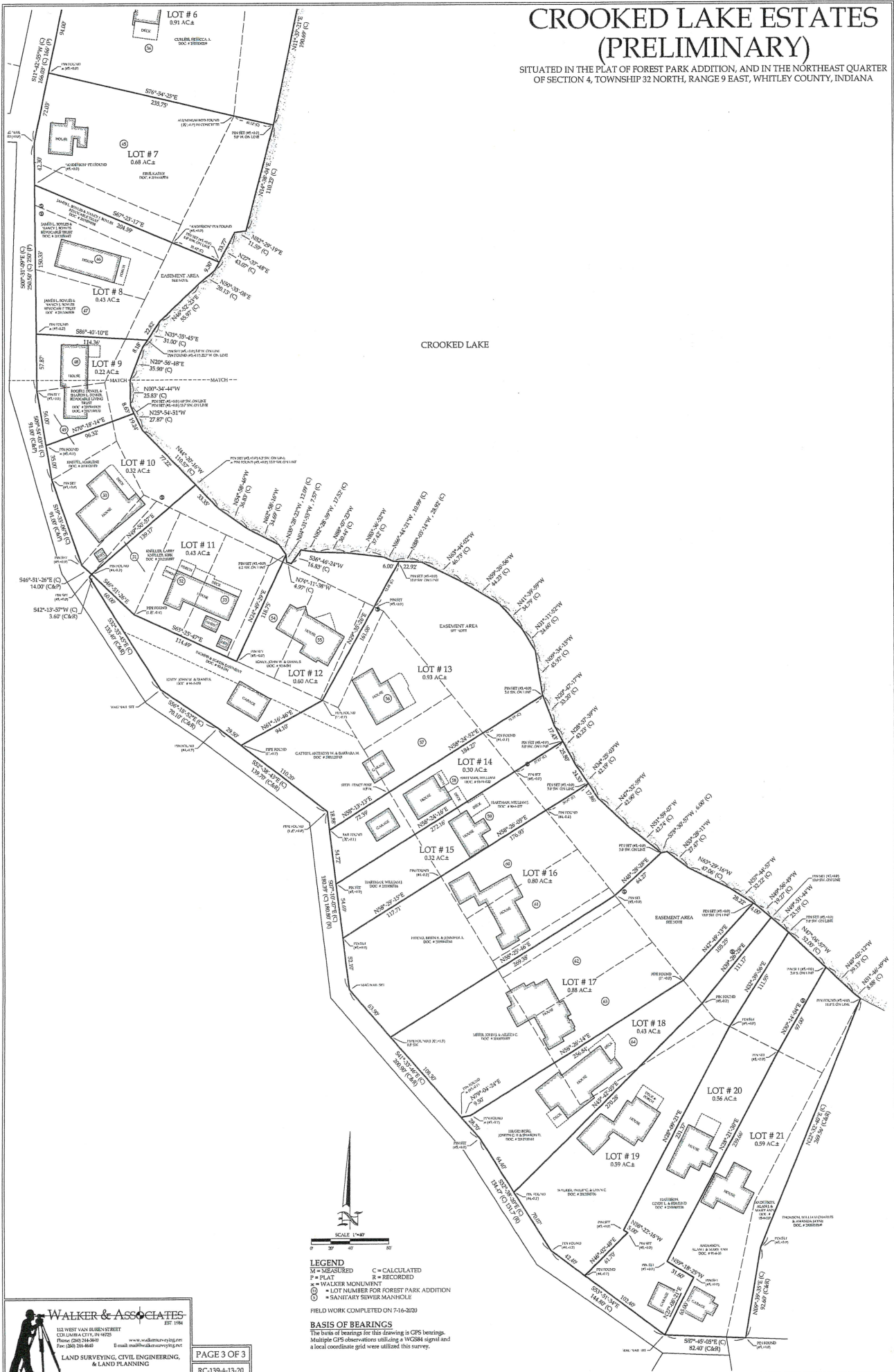
**WALKER & ASSOCIATES**  
112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
Phone: (219) 244-2460  
Fax: (219) 244-4568  
E-mail: walkersurveying@net  
www.walkersurveying.net  
LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING

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RC-139-4-13-20

**LEGEND**  
M = MEASURED  
C = CALCULATED  
P = PLAT  
R = RECORDED  
W = WALKER MONUMENT  
13 = LOT NUMBER FOR FOREST PARK ADDITION  
13 = SANITARY SEWER MANHOLE  
FIELD WORK COMPLETED ON 7-16-2020  
**BASIS OF BEARINGS**  
The basis of bearings for this drawing is GPS bearings. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized in this survey.

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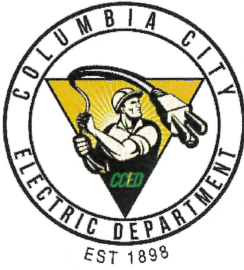
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a local coordinate grid were utilized this survey.











Columbia City Electric Department  
112 S. Chauncey St. Columbia City, IN 46725  
(260) 248-5115

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ATTN Kevin Michel

J.K Walker & Associates  
112 W Van Buren St.  
Columbia City, IN 46725

Mr Michel,

I have reviewed the plat for Crooked Lake Estate. While most easements are acceptable, we are requesting additional 20' Utility Easements along the existing Columbia City Electric Department infrastructure located on future lots 11-13 and Lots 17-21. Please reference the highlighted area on the attached map.

Thank You,

Shawn Lickey

Columbia City Electric Department

260-248-5117









## Mark Cullnane

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**From:** BAuld@nisource.com  
**Sent:** Wednesday, August 5, 2020 9:49 AM  
**To:** Mark Cullnane  
**Subject:** Re: Request for Comment on 20-W-SUBD-14 Crooked Lake Estates

Hi Mark,

We have no facilities in the area.

- Brad Auld -

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**Brad Auld | Engineer II | Northern Indiana Public Service Company**

**NIPSCO** | 1501 Hale Ave | Fort Wayne, IN 46802 | ☎ O: (260) 257-6608 C: (260)241-4141  
✉ :bauld@nisource.com

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-----Mark Cullnane <wcplanning2@whitleygov.com> wrote: -----

To: Emily Romine <wctaxdeputy@whitleygov.com>, Brandon Forrester <wcengineer@whitleygov.com>, Scott Wagner <swagner@whitleygov.com>, "Gotz, Jon - NRCS-CD, Columbia City, IN" <Jon.Gotz@in.nacdnet.net>, "bauld@nisource.com" <bauld@nisource.com>, "robert.d.smith@centurylink.com" <robert.d.smith@centurylink.com>, "slickey@columbiacity.net" <slickey@columbiacity.net>, Chip Hill <chill@columbiacity.net>  
From: Mark Cullnane <wcplanning2@whitleygov.com>  
Date: 08/05/2020 08:34AM  
Subject: Request for Comment on 20-W-SUBD-14 Crooked Lake Estates

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-14 Crooked Lake Estates. Petitioner is requesting a 21-lot subdivision. The majority of the proposed subdivision will consist of lots currently part of Forest Park Addition to Crooked Lake. The purpose is to transfer ownership of the lakeshore to adjacent property owners. Please let me know if you would like a map and list of the existing parcels that would be impacted by this proposal. The preliminary plat is attached.

**Whitley County Soil and Water Conservation District  
788 West Connexion Way—Suite C  
Columbia City, IN 46725  
Phone 260-244-6266 ext. 3  
Fax 260-248-2062**



August 7, 2020

Mark Cullnane, Planner I  
Columbia City/Whitley County  
Joint Planning & Building Department  
220 W. Van Buren Street, Suite 204  
Columbia City, Indiana 46725

Re: Crooked Lake Estates Preliminary Plat of Subdivision

Mark:

If no construction is proposed subsequent to approval of the plat, no IDEM stormwater permit is required.

Aerial photos on Whitley GIS show an ephemeral drainage channel running along the north property line of Lot # 7 from a culvert crossing Morsches Road to the lake. The channel receives drainage from a small watershed of about 40 acres. It's possible that DNR and/or IDEM will consider waters flowing through the channel to be waters of the state.

Aerial photos on Whitley GIS suggest there may be a culvert crossing Morsches Road near the west end of the ingress/egress easement on Lot #12. A culvert at that location would receive drainage from a watershed of about 29 acres. I couldn't determine a flow path from that location to the lake, but I wonder if there is a pipe from the road to the notch in the lake shoreline at the northwest corner of Lot #12.

Both drainage pathways described above show in blue line on the USGS map for StreamStats. Are drainage easements needed on the plat?

Sincerely yours,

*Jon Gotz*

Jon Gotz  
Whitley County Soil and Water  
Conservation District