

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

20-W-SUBD-17 PRIMARY PLAT APPROVAL

SEPTEMBER 16, 2020

Greg Saylor
"Papaw's Italian Ice", E. Colony Ave.

AGENDA ITEM: 4

SUMMARY OF PROPOSAL

Current Zoning:	LR, Lake Residential		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	2.7 acres	Lot size:	10,000 sq. ft.	0.31 acre (13,500± sq. ft.)
Number of lots:	3 lots	Lot width:	70'	102.5'±
Dedicated ROW:	0.0 acre	Lot frontage:	50'	102.5'

The petitioner, principal in the corporate owner of the property, is requesting primary plat approval for Papaw's Italian Ice, a proposed three-lot subdivision located on the south side of Colony Avenue, approximately 500' east of Fish Hatchery Road in Thorncreek Township. The site is improved with a residence and outbuilding and is otherwise mostly wooded. Tile legal drains run throughout the property.

This property is currently described by metes and bounds as parts of Outlots 1 and 2 of Beech Park Addition to Tri-Lakes Resort, recorded in 1945. Under the current County policies and codes, splits of platted outlots or blocks can be done by a plat, not a replat. Further metes and bounds lot splits are not allowable under the subdivision code, thus the required platting. Note that the apparent existing alley extending west from the subject property is also not shown on the plat, and apparently was created simply by exclusion from the various parts of the Outlots without any explicit purpose known.

Proposed are three lots, one of which would contain the existing residence. No additional dedicated right-of-way for the county road is proposed.

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

COMMENTS AND STANDARDS

Comment letters received (as of date of staff report)

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

10' drainage and/or utility easements are shown on the perimeter of the lots, along with various other easements.

The property is on sanitary sewer, and the utility provided comment that the developer would be responsible for the infrastructure connections.

The Health Department had comment that the existing well for the residence would be located on Lot 2 while the residence is on Lot 1. This is permissible, but good practice would be to at least create an easement. Drilling of a new on-site well would be preferred if possible.

The Soil and Water Conservation District provided comment that a Stormwater Pollution Prevention Plan and other materials would be required to be submitted for the development of Lots 2 and 3. Additionally, he notes the legal drains and that the area proposed for Lots 2 and 3 are low-lying and could be subject to flooding during heavy rains. Improvements could create obstructions to water flow, causing issues on adjacent properties. It should be noted that if a property is determined to be "flood prone," the floodplain regulations would apply as if it were located in any mapped floodplain area.

As stated on the second page of the plat, the National Wetland Inventory does indicate a potential wetland located east of the existing shed. Its extensiveness could cover all of the area of Lot 3 located outside of the legal drain easement. A determination and delineation of any wetland, and appropriate measures to account for them (e.g. mitigation or avoidance), should be expected. The wetland may need to be indicated on the plat.

While not in a final comment letter as of this writing, the County Engineer provided comment to staff that driveways on Lots 2 and 3 could meet the permit requirements. He had more extensive concerns about maintenance of the two legal drain tiles and encroachment into the drain easements. Indiana Code 36-9-27-69.5 provides that the Drainage Board review proposed subdivisions prior to proceeding with development. In Whitley County, the Engineer is typically delegated this review authority; however, because of the nature of this property, he is deferring that authority back to the Drainage Board. He is requesting that the Plan Commission continue this petition to allow the Drainage Board time to review and address any issues.

The Parcel Committee noted that the owner’s signature should be corrected.

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. Staff suggests that if an easement is created to address the well location, covenants could be one means to ensure clear rights and responsibilities for the easement.

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.

As requested by the County Engineer, staff recommends continuance of this petition, pending Drainage Board review. Additionally, it is recommended that the petitioner investigate the concerns about well location, flooding, wetlands, erosion control, and sewer connection requirements.

Date report completed: 9/10/20, NB.

PLAN COMMISSION ACTION

Motion:

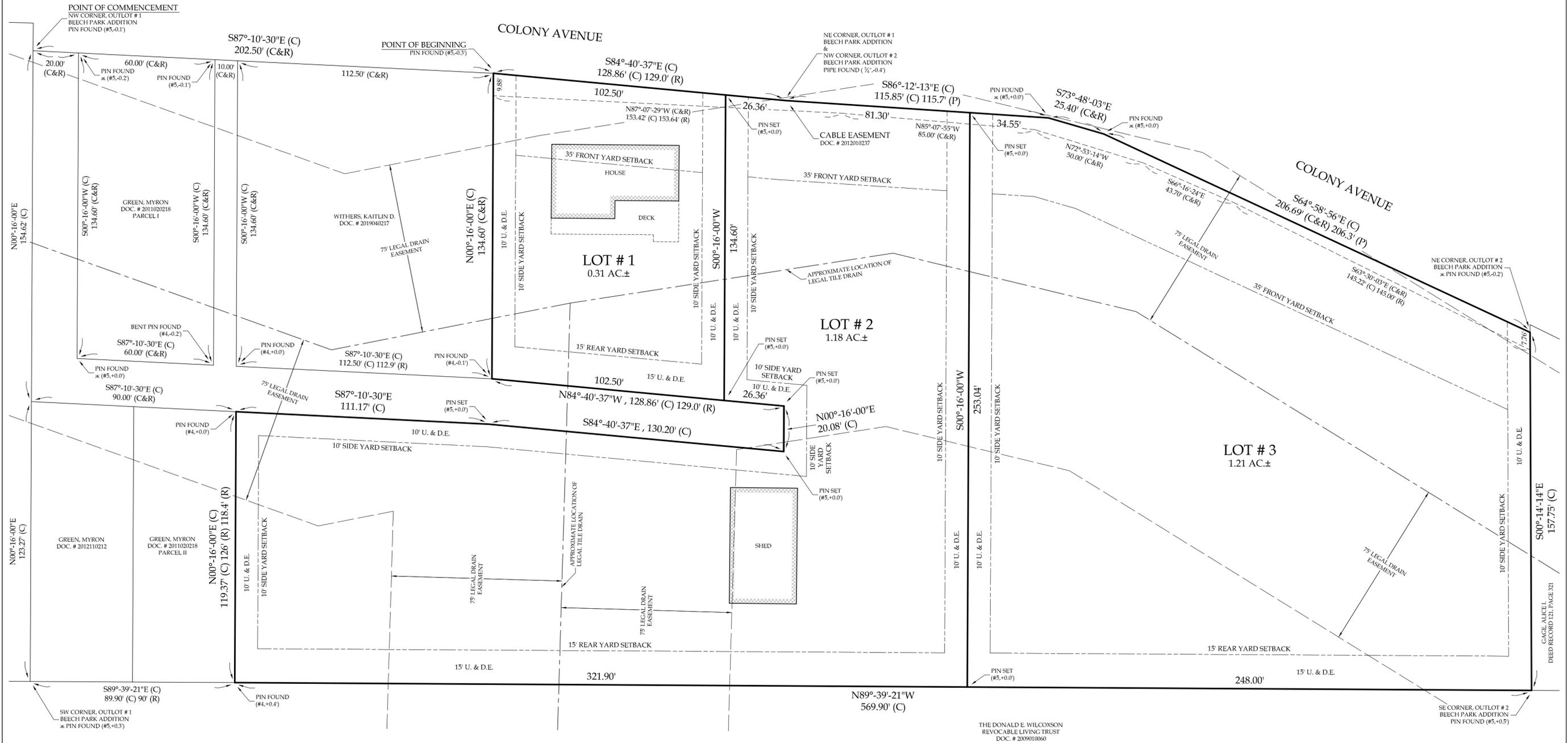
By:

Second by:

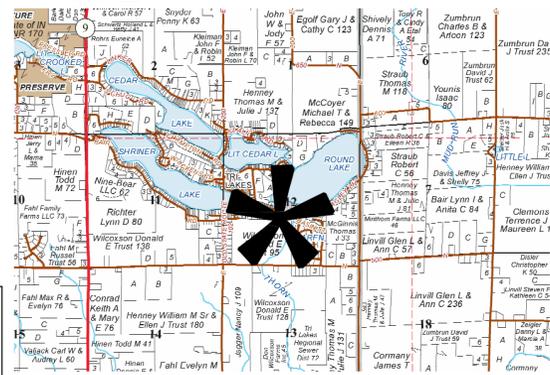
<i>Vote:</i>	Hodges	Johnson	Kurtz-Seslar	Mynhier	Western	J. Wolf	B. Wolfe	Woodmansee	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

PAPAW'S ITALIAN ICE (PRELIMINARY)

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



VICINITY MAP NOT TO SCALE



LEGEND

- M = MEASURED
- C = CALCULATED
- P = PLAT
- R = RECORDED
- ⌘ = WALKER MONUMENT
- U. & D.E. = UTILITY & DRAINAGE EASEMENT

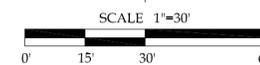
FIELD WORK COMPLETED ON 8-6-2020

PROPERTY ADDRESS FOR LOT NUMBER 1

2800 E Colony Ave
Columbia City, IN 46725

BASIS OF BEARINGS

The basis of bearings for this drawing is a platted bearing of N00°-41'-00"W for the West line of South Shore Estates, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.



WALKER & ASSOCIATES
EST. 1984
112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640
Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net
**LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING**

PAGE 1 OF 2

RO-125-08-06-20

THE DONALD E. WILCOXSON
REVOCABLE LIVING TRUST
DOC. # 2009010060

GAGE ALICE L.
DEED RECORDED PAGE 31

PAPAW'S ITALIAN ICE (PRELIMINARY)

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the Southwest Quarter of Section 12, Township 32 North, Range 9 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of retracement Plat Papaw's Italian Ice completed by J.K. Walker and Associates, P.C., dated August 19, 2020), being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of Outlot Number 1 in Beech Park Addition to Tri Lake Resort as recorded in Plat Book B, page 21 in the records of Whitley County, Indiana; thence S87°-10'-30"E (basis of bearings for this description is a Plat bearing of N00°-41'-00"W for the West line of South Shore Estates as recorded in Document Number 99-12-517 in said records), on and along a North line of said Outlot Number 1, a distance of 202.50 feet to an iron pin found at the Northeast corner of a certain tract of land recorded in Document Number 2019040217 in said records, said iron pin also being at the POINT OF BEGINNING; thence S84°-40'-37"E, on and along a North line of said Outlot Number 1, a distance of 128.86 feet (recorded 129.0 feet), to an iron pipe found at the Northeast corner of said Outlot Number 1, said iron pipe also being at the Northwest corner of Outlot Number 2 in said Plat of Beech Park Addition; thence S86°-12'-13"E, on and along a North line of said Outlot Number 2, a distance of 115.85 feet (platted 115.7 feet), to a 5/8-inch iron pin capped "Walker" found at a North corner of said Outlot Number 2; thence S73°-48'-03"E, on and along a North line of said Outlot Number 2, a distance of 25.40 feet to a 5/8-inch iron pin capped "Walker" found at a North corner of said Outlot Number 2; thence S64°-58'-56"E, on and along a North line of said Outlot Number 2, a distance of 206.69 feet (platted 206.3 feet), to a 5/8-inch iron pin capped "Walker" found at the Northeast corner of said Outlot Number 2; thence S00°-14'-14"E, on and along the East line of said Outlot Number 2, a distance of 157.75 feet to an iron pin found at the Southeast corner of said Outlot Number 2; thence N89°-39'-21"W, on and along the South line of said Outlot Number 2 and on and along the South line of said Outlot Number 1, a distance of 569.90 feet to an iron pin found at the Southeast corner of a certain tract of land recorded as Parcel II in Document Number 2011020218 in said records; thence N00°-16'-00"E, on and along the East line of said Parcel II, a distance of 119.37 feet (recorded 126 feet and recorded 118.4 feet), to an iron pin found at the Northeast corner of said Parcel II; thence S87°-10'-30"E, a distance of 111.17 feet to a 5/8-inch iron pin capped "Walker"; thence S84°-40'-37"E, a distance of 130.20 feet to a 5/8-inch iron pin capped "Walker" on the East line of said Outlot Number 1, said iron pin also being on the West line of said Outlot Number 2; thence N00°-16'-00"E, on and along said East line, also being on and along said West line, a distance of 20.08 feet to a 5/8-inch iron pin capped "Walker"; thence N84°-40'-37"W, a distance of 128.86 feet (recorded 129.0 feet), to an iron pin found at the Southeast corner of said tract of land in Document Number 2019040217; thence N00°-16'-00"E, on and along the East line of said tract of land in Document Number 2019040217, a distance of 134.60 feet to the point of beginning, containing 2.70 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0155C and Map Number 18183C0160C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is a retracement boundary survey of part of the Southwest Quarter of Section 12, Township 32 North, Range 9 East, Whitley County, Indiana, located at 2800 E Colony Avenue, Columbia City, Indiana, deed recorded in Document Number 2020030315 in the records of Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

An iron pin was found at the Northwest corner of Outlot Number 1 in Beech Park Addition to Tri-Lake Resort and was held this survey.

A 5/8-inch iron pin capped "Walker" was found at the Southwest corner of said Outlot Number 1 and was held this survey.

An iron pipe was found at the Northeast corner of said Outlot Number 1 and was held this survey.

A 5/8-inch iron pin capped "Walker" was found at the Northeast corner of Outlot Number 2 in said Beech Park Addition and was held this survey.

An iron pin was found at the Southeast corner of said Outlot Number 2 and was held this survey.

An iron pin was found at Four (4) Westerly corners of the surveyed tract. Said iron pins were held this survey.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

SURVEYOR'S REPORT

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.

See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.

None

(C) Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines.

The actual calculated lengths and calculated bearings of certain lines of the surveyed tract vary from the recorded and platted distances and bearings as shown on this survey.

(D) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

NOTES

- This survey is subject to any facts and /or easement that may be disclosed by a full and accurate title search. The undersigned should be notified of any additions or revision that are required. The undersigned was not provided with a current title commitment for use on this survey.
- For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
- Origin of monuments unknown unless noted on survey.
- Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
- Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
- The Whitley County Surveyor's Legal Drain Map shows Two (2) legal tile drains running through the surveyed tract. Per Indiana Code 36-9-27 legal tile drains have 75-foot wide drainage easements on each side of the tile. The approximate location of the legal tile drain is shown on this survey. Prior to any construction of a permanent structure near the legal drain easement, the location of the centerline of the tile should be verified by the Whitley County Surveyor.
- Reference survey(s) by J.K. Walker & Associates, P.C., dated 01-18-01, 04-01-03, 06-05-03, 12-13-11 (2), 01-17-20.

WETLAND NOTE

According to the National Wetlands Inventory, wetlands exist on portions of Lots within this Addition. The wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. Any modifications (filling, draining, clearing, etc.) to said wetlands must be approved prior to construction by said Corps of Engineers.

PLAN COMMISSION CERTIFICATION OF APPROVAL

Primary approval granted on this _____ day of _____, 20__ by the Whitley County Advisory Plan Commission.

Douglas Wright, Plan Commission President

John Johnson, Plan Commission Secretary

COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Approved and accepted this _____ day of _____, 20__ by the Board of Commissioners of the County of Whitley, State of Indiana.

George Schrumf

Don Amber

Thomas Western

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL

Secondary approval granted this _____ day of _____, 20__ by the Staff of the Whitley County Advisory Plan Commission.

Nathan Bilger, Executive Director

DEVELOPER

Gregory R. Saylor
Dee Saylor
5552 N Willow Avenue
Columbia City IN 46725

REDACTION STATEMENT

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Kevin Michel

SURVEYOR'S CERTIFICATION

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

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

Prepared by:



Kevin R. Michel, Professional Surveyor

DEED OF DEDICATION

I the undersigned, Gregory R. Saylor, Owner of Papaw's Italian Ice, LLC, owner of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2020030315, do hereby certify that I have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as PAPAW'S ITALIAN ICE, a subdivision in Whitley County, Indiana. All rights-of-way of public roads, streets, and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure, except as in conformance with the requirements of the Whitley County Zoning Ordinance.

A perpetual easement is hereby granted 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 remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision or adjoining 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 for all of the purposes aforesaid.

The owners of land over which a Regulated Drain Easement right-of-way runs may use the land in any manner consistent with Indiana Code 36-9-27 and the proper operation of the drain. Permanent structures may not be placed on any right-of-way without the written consent of the Whitley County Drainage Board. Temporary structures may be placed upon or over the right-of-way without the written consent of the Board, but shall be removed immediately by the owner when so ordered by the Board or by the County Surveyor. Crops grown on a right-of way are at the risk of the owner, and if necessary, in the reconstruction or maintenance of the drain, may be damaged without liability on the part of the surveyor, the Board, or their representatives. Trees, shrubs, and woody vegetation may not be planted in the right-of-way without the written consent of the Board, and trees and shrubs may be removed by the surveyor, if necessary, to ensure the proper operation or maintenance of the drain.

Areas designated on the plat as "Drainage Easement" are hereby reserved to the County, or subsequent governmental authority, for the purpose of constructing, maintaining, operating, removing, and replacing stormwater drainage facilities, be it surface or subsurface, in accordance with plans and specifications approved by the Whitley County Engineer, or comparable agent of a subsequent governmental authority. No plantings, structures, fill, or other materials shall be placed in the Drainage Easements so as to impede the flow of storm water. Drainage Easements shall not be disturbed in a manner as to interfere with the flow of storm water and all grades shall be maintained as constructed. Responsibility for the maintenance of Drainage Easement stormwater facilities, including but not limited to periodic removal and disposal of accumulated particulate material and debris and mowing of common stormwater detention areas, shall remain with the owner or owners of property within the plat, and such responsibility shall pass to any successive owner.

The removal of any obstructions located in any Utility Easement or Drainage Easement by an authorized person or persons performing maintenance or other work authorized herein shall in no way obligate the person in damages or to restore the obstruction to its original form.

No owner of any Lot or any other parcel within this Plat shall at any time remonstrate against or attempt to cause the cessation of any farming operation, whether now existing or existing in the near future which interferes with the residential use of the Lot or tract owned by the person or the tract owned by the person or persons remonstrating. 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 on such agricultural areas may result in normal farm interference such as noise, odor, dust, agricultural implement traffic, unusual hours, and other normal agricultural uses.

In addition to the Lots, Rights-of-way, Easements, and Building Lines dedicated on the face of this plat, the property is also subject to additional "Protective Covenants and Restrictions" that may be recorded together with this plat.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2046, 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 and effect.

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 assigns.

Witness our hands and seals this _____ day of _____, 20__.

Gregory R. Saylor, Owner

Witness

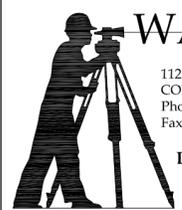
State of Indiana)

County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Gregory R. Saylor and _____ Witness, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness my hand and notarial seal this _____ day of _____, 20__.

Notary Public

My Commission Expires



WALKER & ASSOCIATES
EST. 1984

112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640 www.walkersurveying.net
Fax: (260) 244-4640 E-mail: mail@walkersurveying.net

**LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING**

PAGE 2 OF 2

RO-125-08-06-20

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



September 2, 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: Papaw's Italian Ice Preliminary Plat of Subdivision

Mark:

It appears the intent of this subdivision is to create two buildable lots for single family residences. The proposed subdivision meets the definition of a strip development in IDEM's Rule 5. Since both lots are larger than one acre, the area of land disturbance must be calculated as one acre or more. Therefore, a storm water pollution prevention plan should be prepared and submitted to my office for review. Subsequently, a Notice of Intent for coverage under Rule 5 must be submitted to IDEM. Individual lot owners/builders will need to comply with the approved storm water pollution prevention plan, but they will not need to submit a separate plan or Notice of Intent to construct a residence. If they plan to construct a commercial building, they will need to submit a separate plan and Notice of Intent.

Topography on the Whitley County GIS map shows a low area running from west to east across the north half of Lots 2 and 3. The Staples L regulated drain also runs from west to east through the low area. According to the USDA Soil Survey, the soils in the low area are frequently flooded in the winter and spring. The watershed of the Staples drain is about 25 acres. During a heavy rain, it seems likely that surface runoff from the watershed will flow across the low area. Construction that obstructs or diverts the flow may cause problems.

According to the Soil Survey, the sloping soils on the south side of Lots 2 and 3 are highly erodible. Minimizing the amount of area disturbed and temporary seeding of disturbed areas can help reduce erosion during construction. Keeping undisturbed vegetation around the perimeter of the construction site is recommended. All disturbed areas should be stabilized permanently immediately after construction activities are completed. These soils also have the potential to shrink and swell. Strengthening foundations and basement walls and backfilling with coarse textured material can help prevent damage caused by shrinking and swelling.

More information about Rule 5 and construction site permits is available on the IDEM website:
<https://www.in.gov/idem/stormwater/2331.htm>

Sincerely yours,

Jon Gotz

Jon Gotz
Whitley County Soil and Water
Conservation District

Cc: Nathan Bilger, Brandon Forrester

Mark Cullnane

From: Tri-Lakes Regional Sewer District <tlrsd@earthlink.net>
Sent: Wednesday, September 2, 2020 11:10 AM
To: Mark Cullnane
Subject: Re: Request for Comment on 20-W-SUBD-17 Papaw's Italian Ice

Mark,

Per the Tri-Lakes Regional Sewer District Subdivision Policy, this divide would require infrastructure to be put in at Papaw's Italian Ice expense. This would include saddle, boring under Colony, road repair, vacuum pit, labor and other additional pipe needed.

Thank you,

Heather Palan
District Administrator
Tri-Lakes Regional Sewer District
260-691-2820

-----Original Message-----

From: Mark Cullnane
Sent: Sep 1, 2020 9:24 AM
To: Emily Romine , Brandon Forrester , Scott Wagner , "Gotz, Jon - NRCS-CD, Columbia City, IN" , Karen A Palmer , "bauld@nisource.com" , "Smith, Rob D" , Tri-Lakes Regional Sewer District
Subject: Request for Comment on 20-W-SUBD-17 Papaw's Italian Ice

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-17 Papaw's Italian Ice. Petitioner is requesting a 3-lot subdivision. The parent tract, more commonly known as 2800 E Colony Avenue, Columbia City, is located on the south side of E. Colony Avenue, approximately 400' east of N. Fish Hatchery Road in Section 12 of Thorncreek Township. The preliminary plat is attached.

Please let me know if you have any questions or concerns.

Thank you,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 West Van Buren Street, Suite 204
Columbia City, IN 46725
260-248-3112
wcplanning2@whitleygov.com

Mark Cullnane

From: Scott Wagner
Sent: Tuesday, September 1, 2020 3:56 PM
To: Mark Cullnane
Subject: Re: 2800 E. Colony Ave. well location (20-W-SUBD-17 Papaw's Italian Ice)

There is no law that says that, it is not a good idea, and the planning committee could ask for a new well to be drilled on lot one, especially if he wants to sell all the lots for new homes.

Sent from my iPhone

On Sep 1, 2020, at 3:47 PM, Mark Cullnane <wcplanning2@whitleygov.com> wrote:

Doesn't a well have to be located on the same property as the structure that draws from it?

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 West Van Buren Street, Suite 204
Columbia City, IN 46725
260-248-3112
wcplanning2@whitleygov.com

From: Scott Wagner
Sent: Tuesday, September 1, 2020 3:46 PM
To: Mark Cullnane <wcplanning2@whitleygov.com>
Subject: Re: 2800 E. Colony Ave. well location (20-W-SUBD-17 Papaw's Italian Ice)

I suppose he can choose to do that, but it might come with some future difficulty

Sent from my iPhone

On Sep 1, 2020, at 3:33 PM, Mark Cullnane <wcplanning2@whitleygov.com> wrote:

Mr. Saylor says that the well is located on lot 2, not the same lot as the home.

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 West Van Buren Street, Suite 204
Columbia City, IN 46725
260-248-3112
wcplanning2@whitleygov.com

From: gregory saylor [<mailto:saylorgrg@me.com>]
Sent: Tuesday, September 1, 2020 3:29 PM
To: Mark Cullnane <wcplanning2@whitleygov.com>
Subject: Re: 2800 E. Colony Ave. well location

The well is by the road on lot 2 the middle lot

Sent from my iPhone

On Sep 1, 2020, at 12:48 PM, Mark Cullnane
<wcplanning2@whitleygov.com> wrote:

Greg,

Will you please let me know where the well on this property is located?

<image003.jpg>

Thanks,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 West Van Buren Street, Suite 204
Columbia City, IN 46725
260-248-3112
wcplanning2@whitleygov.com

Mark Cullnane

From: BAuld@nisource.com
Sent: Wednesday, September 2, 2020 8:56 AM
To: Mark Cullnane
Subject: Re: Request for Comment on 20-W-SUBD-17 Papaw's Italian Ice

Hi Mark,

NIPSCO has no conflicts with the proposed plat for Papaw's Italian Ice. We currently have facilities within the right of way of Colony Ave.

- Brad Auld -

Brad Auld | Engineer II | Northern Indiana Public Service Company

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

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From: Mark Cullnane <wcplanning2@whitleygov.com>
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>, Karen A Palmer <kapalmer@aep.com>, "bauld@nisource.com" <bauld@nisource.com>, "Smith, Rob D" <Robert.D.Smith@centurylink.com>, Tri-Lakes Regional Sewer District <tlrsd@earthlink.net>
Date: 09/01/2020 21:52
Subject: Request for Comment on 20-W-SUBD-17 Papaw's Italian Ice

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Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-17 Papaw's Italian Ice. Petitioner is requesting a 3-lot subdivision. The parent tract, more commonly known as 2800 E Colony Avenue, Columbia City, is located on the south side of E. Colony Avenue, approximately 400' east of N. Fish Hatchery Road in Section 12 of Thorncreek Township. The preliminary plat is attached.

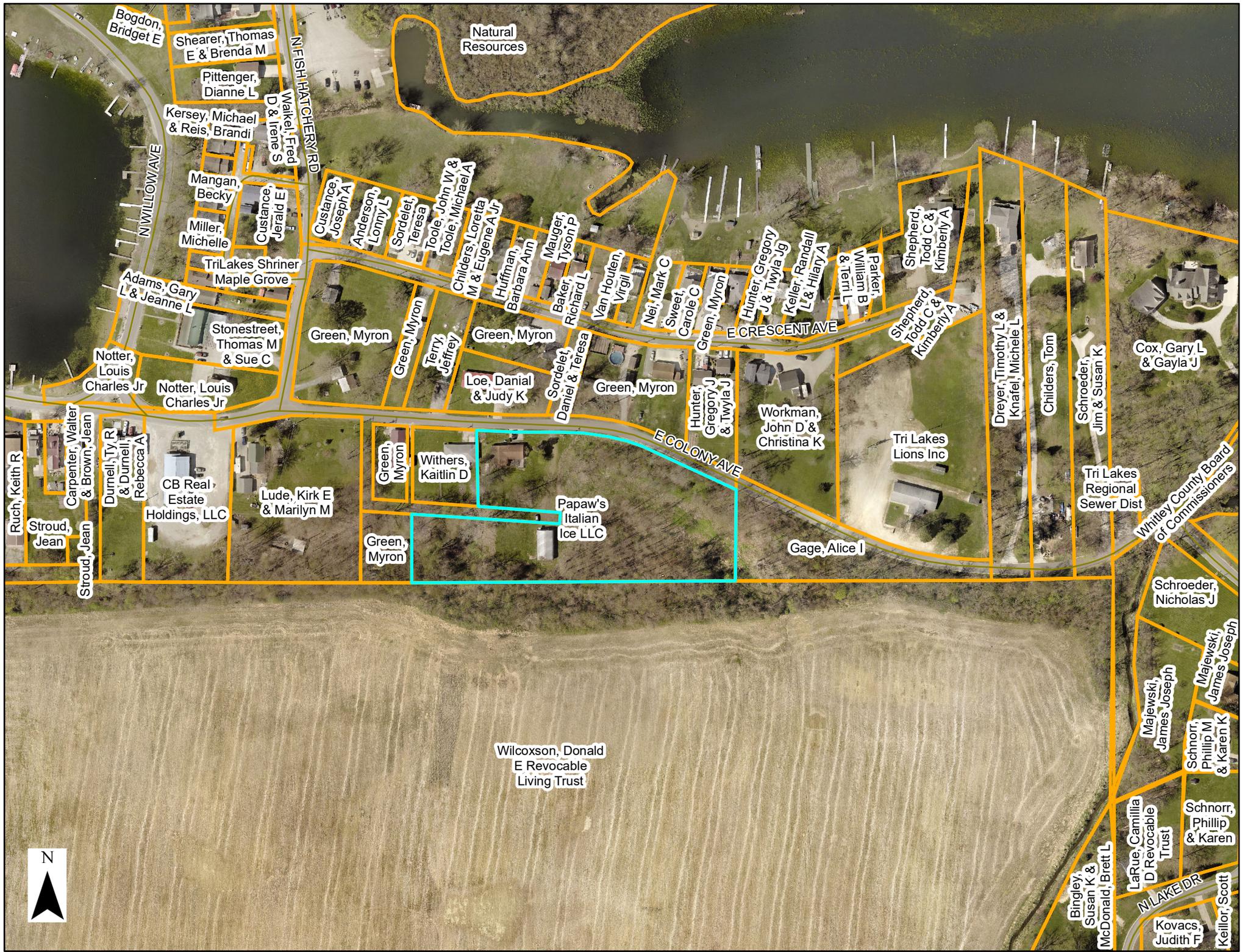
Please let me know if you have any questions or concerns.

Thank you,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 West Van Buren Street, Suite 204
Columbia City, IN 46725
260-248-3112

wcplanning2@whitleygov.com

[attachment "08-19-20 - Preliminary - Papaw's Italian Ice.pdf" deleted by Bradley Auld/NCS/Enterprise]



Bogdon, Bridget E

Shearer, Thomas E & Brenda M

Pittenger, Dianne L

Kersey, Michael & Reis, Brandi

Mangan, Becky

Miller, Michelle

Adams, Gary L & Jeanne L

Stonestreet, Thomas M & Sue C

Notter, Louis Charles Jr

Notter, Louis Charles Jr

Ruch, Keith R

Carpenter, Walter & Brown, Jean

Durnell, Ty R & Durnell, Rebecca A

CB Real Estate Holdings, LLC

Lude, Kirk E & Marilyn M

Stroud, Jean

Stroud, Jean

Green, Myron

Green, Myron

Withers, Kaitlin D

Papaw's Italian Ice LLC

Loe, Danial & Judy K

Sordelet, Daniel & Teresa

Green, Myron

Green, Myron

Terry, Jeffrey

Green, Myron

Childers, Loreta M & Eugene A Jr

Huffman, Barbara Ann

Mauger, Tyson P

Baker, Richard L

Van Houten, Virgil

Nei, Mark C

Sweet, Carole C

Green, Myron

Hunter, Gregory J & Twyla J

Keller, Randall L & Hilary A

Parker, William B & Terri L

Shepherd, Todd C & Kimberly A

Natural Resources

N FISH HATCHERY RD

N WILLOW AVE

E COLONY AVE

E CRESCENT AVE

Tri Lakes Regional Sewer Dist

Whitley County Board of Commissioners

Schroeder, Nicholas J

Majewski, James Joseph

Majewski, James Joseph

Schnorr, Phillip M & Karen K

Schnorr, Phillip & Karen

LaRue, Camilla D Revocable Trust

Bingley, Susan K & McDonald, Brett L

Kovacs, Judith F

Keillor, Scott

N LAKE DR

Dreyer, Timothy L & Knafel, Michele L

Childers, Tom

Schroeder, Jim & Susan K

Cox, Gary L & Gayla J

Tri Lakes Lions Inc

Workman, John D & Christina K

Gage, Alice I