#### WHITLEY COUNTY ADVISORY PLAN COMMISSION STAFF REPORT

Betty Walker J&B Walker Subdivision, West Keiser Road

#### **SUMMARY OF PROPOSAL**

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	Proposed Minimum
Area of plat:	5.51 acres	Lot size:	1.837 acre	2.00 acre
Number of lots:	2 lots	Lot width:	225'	228'±
Dedicated ROW:	0.72 acre	Lot frontage:	50'	251'±

The petitioner, owner of the subject property, is requesting primary plat approval for J&B Walker Subdivision, a proposed two-lot subdivision located on the northwest corner of the intersection of Keiser Road and Wolf Road in Section 33 of Columbia Township. The site is mostly an agricultural field, with a shed located near the west end.

Proposed are two lots and dedicated right-of-way for the county roads. Platting is required due to previous splits from the parent tract. These are the first two platted lots from the parent tract since 2018, so no additional lots may be replatted from the parent tract without rezoning being required.

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

Comment letter	rs receiv	red (as of date of staff re	port)				
Electric	Х	Health	Х	Cable TV		Parcel Cmte.	Х
Gas	Х	Co. Highway	Х	Sanitary Sewer	NA		
Telephone		SWCD	Х	Water	NA		

A 30' wide right-of-way for both county roads would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lots.

At the time of this writing, the Health Department had not yet received soil tests for the proposed lots.

The other comment letters received have stated that the proposed plat is generally adequate. The Parcel Committee had no comments.

Separate restrictive covenants have not yet been submitted.

#### WAIVER REQUESTS

There are no waiver requests.

#### **REVIEW CRITERIA**

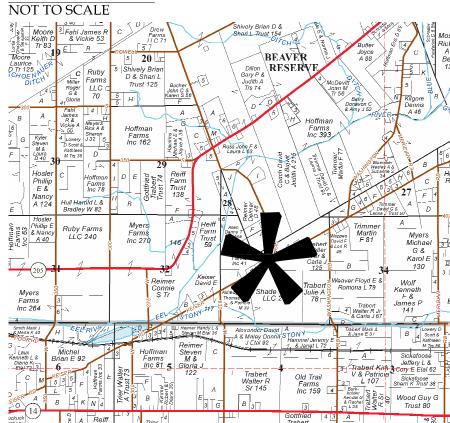
Subdivision primary plats are reviewed for compliance with the standards of Subdivision Control Ordinance and the Zoning Code. Staff finds that the proposed primary plat appears consistent with the standards, with the following condition(s):

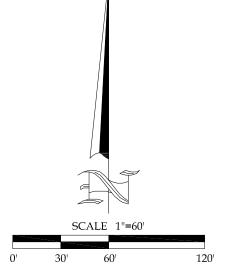
- 1. The requirements of the County Health Department must be met prior to issuance of a building permit.
- 2. Secondary plat approval delegated to the Plan Commission Staff.

OCTOBER 21, 2020 AGENDA ITEM: 3 Date report completed: 10/14/20, NB.

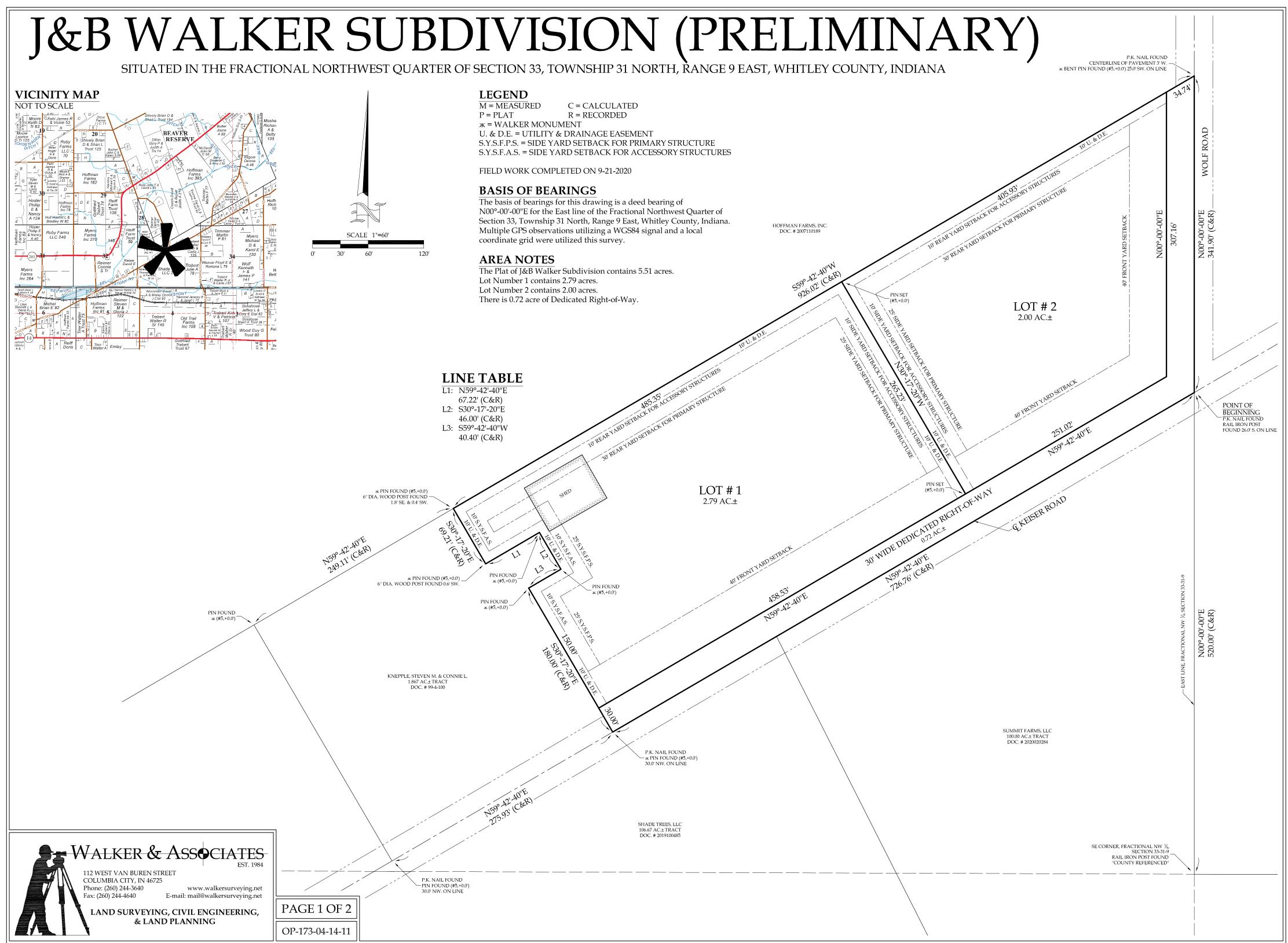
Motion:				B	y:		Second by	y:	
Vote:	Emerick	Hodges	Johnson	Kurtz-Seslar	Western	J. Wolf	B. Wolfe	Wright	Zumbrun
Yes									
No									
Abstain									

#### PLAN COMMISSION ACTION





C = CALCULATED R = RECORDED



# J&B WALKER SUBDIVISION (PRELIMINARY)

# SITUATED IN THE FRACTIONAL NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 31 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

NOTES

## DESCRIPTION

Part of the Fractional Northwest Quarter of Section 33, Township 31 North, Range 9 East, Whitley County, Indiana, more particularly described as follows, to wit:

Commencing at a rail iron post found at the Southeast corner of said Fractional Northwest Quarter; thence North 00 degrees 00 minutes 00 seconds East (adjoiner's deed bearing and used as the basis of bearings for this description), on and along the East line of said Fractional Northwest Quarter, also being on and along the East line of a certain tract of land as recorded in Document Number 2010060454 in the records of Whitley County, Indiana, a distance of 520.00 feet to a P.K. nail found at the point of intersection with the centerline of Keiser Road, said P.K. nail being at the Northeast corner of said tract of land in Document Number 2010060454, said P.K. nail also being at the true point of beginning; thence continuing North 00 degrees 00 minutes 00 seconds East, on and along said East line, being within the right-of-way of Wolf Road, a distance of 341.90 feet to a P.K. nail found; thence South 59 degrees 42 minutes 40 seconds West, a distance of 926.02 feet to a 5/8-inch iron pin capped "Walker" found at a Northeasterly corner of a certain 1.867 acre tract of land as recorded in Document Number 99-4-100 in said records, said iron pin being situated 1.8 feet Northwest of and 0.4 feet Northeast of a wood post found; thence South 30 degrees 17 minutes 20 seconds East, on and along an Easterly line of said 1.867 acre tract of land, a distance of 69.21 feet to a 5/8-inch iron pin capped "Walker" found at a corner of said 1.867 acre tract of land, said iron pin being situated 0.6 feet Northeast of a wood post found; thence North 59 degrees 42 minutes 40 seconds East, on and along a Northerly line of said 1.867 acre tract of land, a distance of 67.22 feet to a 5/8-inch iron pin capped "Walker" at a corner of said 1.867 acre tract of land; thence South 30 degrees 17 minutes 20 seconds East, on and along an Easterly line of said 1.867 acre tract of land, a distance of 46.00 feet to a 5/8-inch iron pin capped "Walker" at a corner of said 1.867 acre tract of land; thence South 59 degrees 42 minutes 40 seconds West, on and along a Southerly line of said 1.867 acre tract of land, a distance of 40.40 feet to a 5/8-inch iron pin capped "Walker" at a corner of said 1.867 acre tract of land; thence South 30 degrees 17 minutes 20 seconds East, on and along an Easterly line of said 1.867 acre tract of land, a distance of 180.00 feet to a P.K. nail found at the Southeasterly corner of said 1.867 acre tract of land, said P.K. nail being on the centerline of Keiser Road, said P.K. nail also being on the Northwesterly line of said tract of land in Document Number 2010060454; thence North 59 degrees 42 minutes 40 seconds East, on and along said centerline, also being on and along said Northwesterly line, a distance of 726.76 feet to the true point of beginning, containing 5.510 acres of land, more or less, subject to legal right-of-way for Wolf Road and Keiser Road, subject to all legal drain easements and subject to 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 18183C0235C 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 Fractional Northwest Quarter of Section 33, Township 31 North, Range 9 East, Whitley County, Indiana, located on Wolf Road and Keiser Road, deed recorded as Tract 7 in Document Number 2013090223 in the records of Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Southeast corner of said Fractional Northwest Quarter is county referenced. A rail iron post was found at this corner and was held this survey.

The East line of said Fractional Northwest Quarter was established using existing monuments found.

A P.K. nail was found at the Northeast corner, the Southeast corner, and the most Southerly corner of the surveyed tract. Said P.K. nails were held this survey.

A 5/8-inch iron pin capped "Walker" was found at the Five (5) other 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 adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines. None

(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.



www.walkersurveying.net E-mail: mail@walkersurveying.net Fax: (260) 244-4640

LAND SURVEYING, CIVIL ENGINEERING, & LAND PLANNING

## 10-21-19, 10-25-19.

3. Origin of monuments unknown unless noted on survey.

the Offices of the county Auditor and Recorder.

6. The Plat of Fieldstone Estates was used as a reference.

PLAN COMMISSION	CERTIFICATIO	N OF 2
Primary approval granted on this Commission.	day of	, 20

Douglas Wright, Plan Commission President

John Johnson, Plan Commission Secretary

## COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Approved and accepted this	day of	, 20	b
Whitley, State of Indiana.			

George Schrumpf

Don Amber

Thomas Western

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL Secondary approval granted this , 20 by the Staff of the Whitley County Advisory day of Plan Commission.

Nathan Bilger, Executive Director

## DEVELOPER

Betty J. Walker 3506E 300S Columbia City IN 46725

## **REDACTION STATEMENT**

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

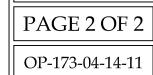
## SURVEYOR'S CERTIFICATION

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



1. 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.

2. For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".

4. Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements. 5. Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in

Reference survey(s) by J.K. Walker & Associates, P.C., dated 01-07-99, 03-25-99, 01-05-04, 06-18-20, 04-14-11,

**APPROVAL** 

0 by the Whitley County Advisory Plan

by the Board of Commissioners of the County of



## **DEED OF DEDICATION**

I the undersigned, Betty J. Walker, owner of the real estate shown and described herein by virtue of a certain deed recorded as Tract 7 in Document Number 2013090223, 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 J & B WALKER SUBDIVISION, 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
villess our names and sears and	udy Of	, 20

Betty J. Walker

Witness	

State of Indiana County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Betty J. Walker, , Witness, and each separately and severally acknowledge the execution of and 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

#### **Mark Cullnane**

From:	Brad Deutsch <b_deutsch@nremc.com></b_deutsch@nremc.com>
Sent:	Monday, October 12, 2020 9:55 AM
То:	Mark Cullnane
Subject:	RE: Request for comment on 20-W-SUBD-19 J&B Walker Subdivision

NREMC has no comment.

#### **Brad Deutsch**

Field Engineering Supervisor O: 1-888-413-6111 ext. 427 C: 260-229-6662

4901 East Park 30 Drive | Columbia City, IN 46725



From: Mark Cullnane <wcplanning2@whitleygov.com>
Sent: Monday, September 28, 2020 12:02 PM
To: Brandon Forrester <wcengineer@whitleygov.com>; Scott Wagner <swagner@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>; Brad Deutsch <b\_deutsch@nremc.com>; bauld@nisource.com;
Smith, Rob D <Robert.D.Smith@centurylink.com>
Subject: Request for comment on 20-W-SUBD-19 J&B Walker Subdivision

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-19 J&B Walker Subdivision. Petitioner is requesting a 2-lot subdivision. The parent tract (PIN 92-06-33-000-405.900-003) is located on the northwest corner of W. Keiser Road and S. Wolf Road in Section 33 of Columbia Township. The preliminary plat is attached.

Please let me know if you have 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:	BAuld@nisource.com
Sent:	Monday, September 28, 2020 3:33 PM
То:	Mark Cullnane
Subject:	Re: Request for comment on 20-W-SUBD-19 J&B Walker Subdivision

Hi Mark,

NIPSCO has no facilities in the area for J&B Walker Subdivision.

- Brad Auld -

Brad Auld | Engineer II | Northern Indiana Public Service Company **NIPSCO** | 1501 Hale Ave | Fort Wayne, IN 46802 |( 0: (260) 257-6608 C: (260)241-4141 |\* :<u>bauld@nisource.com</u>

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-----Mark Cullnane <<u>wcplanning2@whitleygov.com</u>> wrote: -----To: Brandon Forrester <<u>wcengineer@whitleygov.com</u>>, Scott Wagner <<u>swagner@whitleygov.com</u>>, "Gotz, Jon - NRCS-CD, Columbia City, IN" <<u>Jon.Gotz@in.nacdnet.net</u>>, "<u>b\_deutsch@nremc.com</u>" <<u>b\_deutsch@nremc.com</u>>, "<u>bauld@nisource.com</u>" <<u>bauld@nisource.com</u>>, "Smith, Rob D" <<u>Robert.D.Smith@centurylink.com</u>> From: Mark Cullnane <<u>wcplanning2@whitleygov.com</u>> Date: 09/28/2020 12:23PM Subject: Request for comment on 20-W-SUBD-19 J&B Walker Subdivision

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to <u>security@nisource.com</u> for review.

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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 "09-21-20 - Preliminary - JB Walker Subdivision.pdf" removed by Bradley Auld/NCS/Enterprise]

#### **Mark Cullnane**

From:	Scott Wagner
Sent:	Monday, September 28, 2020 12:08 PM
То:	Mark Cullnane
Subject:	RE: Request for comment on 20-W-SUBD-19 J&B Walker Subdivision

#### I have not received soil tests for this lot

From: Mark Cullnane
Sent: Monday, September 28, 2020 12:02 PM
To: Brandon Forrester <wcengineer@whitleygov.com>; Scott Wagner <swagner@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>; b\_deutsch@nremc.com; bauld@nisource.com; Smith, Rob D
<Robert.D.Smith@centurylink.com>
Subject: Request for comment on 20-W-SUBD-19 J&B Walker Subdivision

Hello,

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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 WHITLEY COUNTY HIGHWAY

801 SOUTH LINE STREET COLUMBIA CITY, IN 46725 PHONE: (260) 248-3123 FAX: (260) 248-3125 e-mail: <u>whitleyhighway@whitleygov.com</u>

October 6, 2020

Columbia City/Whitley County Joint Planning & Building Department 220 W Van Buren St Ste 204 Columbia City IN 46725 Attention: Nathan Bilger

Subject: J&B Walker Subdivision

Dear Nathan:

The subject subdivision plat and site have been reviewed for drainage and highway requirements. There are no regulated drains on the property, and so there will be no setback requirements for regulated drains.

Regarding the Highway Department, there will be no restrictions on the driveway location due to sight distance requirements. When the landowner is ready to develop, they will need to come to our office to complete a driveway permit. 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,

Brandon ( Int

Brandon C Forrester, PE Whitley County Engineer

#### 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



October 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: J & B Walker Subdivision Preliminary Plat

Mark:

It appears the intent of this subdivision is to create two buildable lots for single family residences. At present, submittal of an erosion control plan and a Notice of Intent is not required for the construction of a rural single family residence when less than 5 acres is disturbed. However, there are Rule 5 requirements that will apply to construction activities on the lots. The applicable provisions of Rule 5 are attached.

If some other type of construction is proposed, submittal of an erosion control plan and a Notice of Intent may be required. Please let me know if this is the case. After IDEM's new construction general permit takes effect in 2021, submittal of an erosion control plan and a Notice of Intent will be required for construction of a single family residence when one acre or more of land will be disturbed.

According to the USDA Soil Survey, the soils on the northeast third of Lot 1 and all of Lot 2 are subject to wetness and seasonal high water tables. Subsurface drains could lower the water tables and reduce wetness. Basements are not recommended on these soils. Planning and construction of septic systems will require extra care if they are located on these soils.

The soil on the southwest two-thirds of Lot 1 is sandy loam that is susceptible to wind erosion. Limiting the area disturbed by construction and temporary stabilization of disturbed areas left inactive during construction will help reduce the potential for wind erosion. Disturbed areas should be stabilized permanently as soon as possible after construction.

Sincerely yours,

Jon Gotz

Jon Gotz Whitley County Soil and Water Conservation District

