

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**21-W-SUBD-6    PRIMARY PLAT APPROVAL**  
Vision Homz, LLC  
Arrowhead Pointe

**APRIL 21, 2021**  
**AGENDA ITEM:    2**

**SUMMARY OF PROPOSAL**

Current zoning:	LR, Lake Residential		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	50.98± acres	Lot size:	10,000 sq. ft.	10,800 sq. ft.
Number of lots:	79 lots	Lot width:	70'	80'
Dedicated ROW:	8.25± acres	Lot frontage:	50'	80'

The petitioner, proposed purchaser of the subject property, is requesting primary plat approval for Arrowhead Pointe, a proposed 79-lot subdivision located on the west side of Sheldon Road, approximately ½ mile north of Anderson Road in Section 16 of Smith Township. The site is currently an agricultural field, bounded by an agricultural field to the north and west, a residence and agricultural use to the south, and the Horse Shoe Bay subdivision to the east. Additional subdivision lots are located along Sheldon Road to the south.

Proposed are 79 lots, two common areas/blocks, and dedicated right-of-way totaling 8.25 acres (by staff measure). Additionally, a 2.5± acre area is shown as part of the plat, but not designated as to purpose or use. Also of note is approximately 1,200' of non-dedicated alley easement proposed to serve Lots 31-52.

**ZONING STANDARDS**

The intended use for the lots is single-family residential, which is a compliant use in Lake Residential zoning. As the Lake Residential zoning district permits major residential subdivisions, no rezoning is required.

The property is generally located in the Transitional Agriculture, Rural Residential, and Lake Residential classifications of the current Comprehensive Plan. Generally, the proposed subdivision would align with the recommendations of Lake Residential, but not the other two classifications as they suggest lot sizes of at least two acres. It seems that the proposal most closely aligns with the Residential classification. The Subdivision Code was adopted in accordance with the County Comprehensive Plan, but it does not explicitly state that subdivisions must meet the recommendations of the Plan. Both the Subdivision Code and Indiana Code require that proposed subdivisions be reviewed in conformance with the Subdivision Code, and by reference the Zoning Code and Highway Standards and Specifications.

The proposed front building lines are shown at 35', which is compliant with the LR zoning.

The non-designated block with lake frontage is subject to the lake access standards of §5.3.1. With 50.02' of lake frontage, one lot may have lake access; all others would be required to use the public access.

The proposed lots appear to comply with the lot development standards of the zoning code as shown in the above table.

***Section 5.22 Standards***

This is a summary of the applicable standards of Section 5.22 of the Zoning Code.

The nearest Confined Feeding Operation is located approximately 18,000' away from the subject property to the south southeast. This is more than the 1,320' or 2,640' required.

A stormwater management plan will be required as part of the review of development documents. Block A is intended for drainage detention, with more specific details to come with final engineering. Water quality

measures should also be expected to be required. The Drainage Board may be involved with the legal drain located on the property.

The proposed plat accesses Sheldon Road, a paved public road. Stub streets are located to provide access to any future development on the adjacent parcels to the north and west. A traffic study and/or management plan may be required by the Plan Commission prior to or as a condition of primary plat approval. The Commission may give this consideration as part of the hearing.

No landscaping is shown on the primary plat. The code requires a 20' wide landscape area adjacent to perimeter roads, which may be an easement incorporated into lot area. In this case, perimeter landscaping will be required on the frontage of Sheldon Road. Individual lot landscaping is also required; this is checked during building inspections. Section 24 of the proposed Covenants may also be an appropriate location to state these requirements.

The proposed primary plat does not indicate provision for sidewalks, but Section 19 of the proposed Covenants does state that sidewalks will be constructed.

#### **SUBDIVISION REVIEW AND UTILITY COMMENTS**

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

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

The internal roads being proposed would be within 50' rights-of-way, which are compliant for subdivision streets. However, a through street, such as Yellow Street, might be more appropriately designated as a local road with a slightly higher pavement specification and 60' right-of-way width.

The County Engineer provided comment that Sheldon Road already exceeds the 1,000' length/20 lot maximums permitted under the County Highway Specifications. Additionally, he stated that "due to the age and condition of Sheldon Road, it could not sustain the amount of construction traffic that would be necessary to develop the proposed subdivision." He suggests that a construction entrance to Anderson Road and/or improvements be made to Sheldon Road, with further comment reserved for construction plans.

The Health Department indicated favor of the lots being on sanitary sewer, and that well permits would be necessary.

Blue Lake Conservancy District provided a capacity letter stating that sewer capacity was available for up to 42 homes. The petitioner has indicated that at the expected 8-12 takedown of homes, this would be sufficient for roughly 4-5 years, by which point they (the petitioner) expect sewer upgrades to have occurred to provide capacity for the remaining 37 lots.

The Soil and Water Conservation District provided several comments. The soil types present may require special concern for erosion control and may not permit construction of basements. He expressed concern about the lack of public water supply for a subdivision.

10' side easements are generally shown on the lots. At a primary plat stage this appears compliant, but further refinement of easement locations may occur as design occurs with respect to utility and infrastructure needs.

Orange Street contains the longest block, at 1,075'. This is over the maximum block length stated in §504 of the Subdivision Code, but the length may be permitted if pedestrian ways are provided near the center of the block.

Section 503.5 of the Subdivision Code does not permit alleys in residential areas, but it does discuss them for commercial and industrial areas, including minimum design standards. Since the proposal is not for alleys that would be publicly maintained in public rights-of-way, this may not apply.

Draft restrictive covenants have been submitted. Some highlights of the proposed covenants include:

- Article II, Sections 1, 16: Two-car garages are required, with 16' paved driveway
- Section 2: Minimum 5' side setbacks, 25' front setbacks. Note that this is not compliant with the LR zoning, which requires 10' side setbacks for new lots and 35' front setbacks.
- Section 3: Minimum lot width of 80'
- Section 14: Minimum 1,800 sq. ft. floor area for one-story structures; 2,400 sq. ft. for multi-story
- Section 18, 20: No storage sheds, outbuildings, above-ground pools
- Article IV: Maintenance assessments and obligations

The Parcel Committee had not yet reviewed the primary plat at the time of this writing.

**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. Based on the review and comments received, staff suggests that the item be continued pending investigation or discussion of at least the following items:

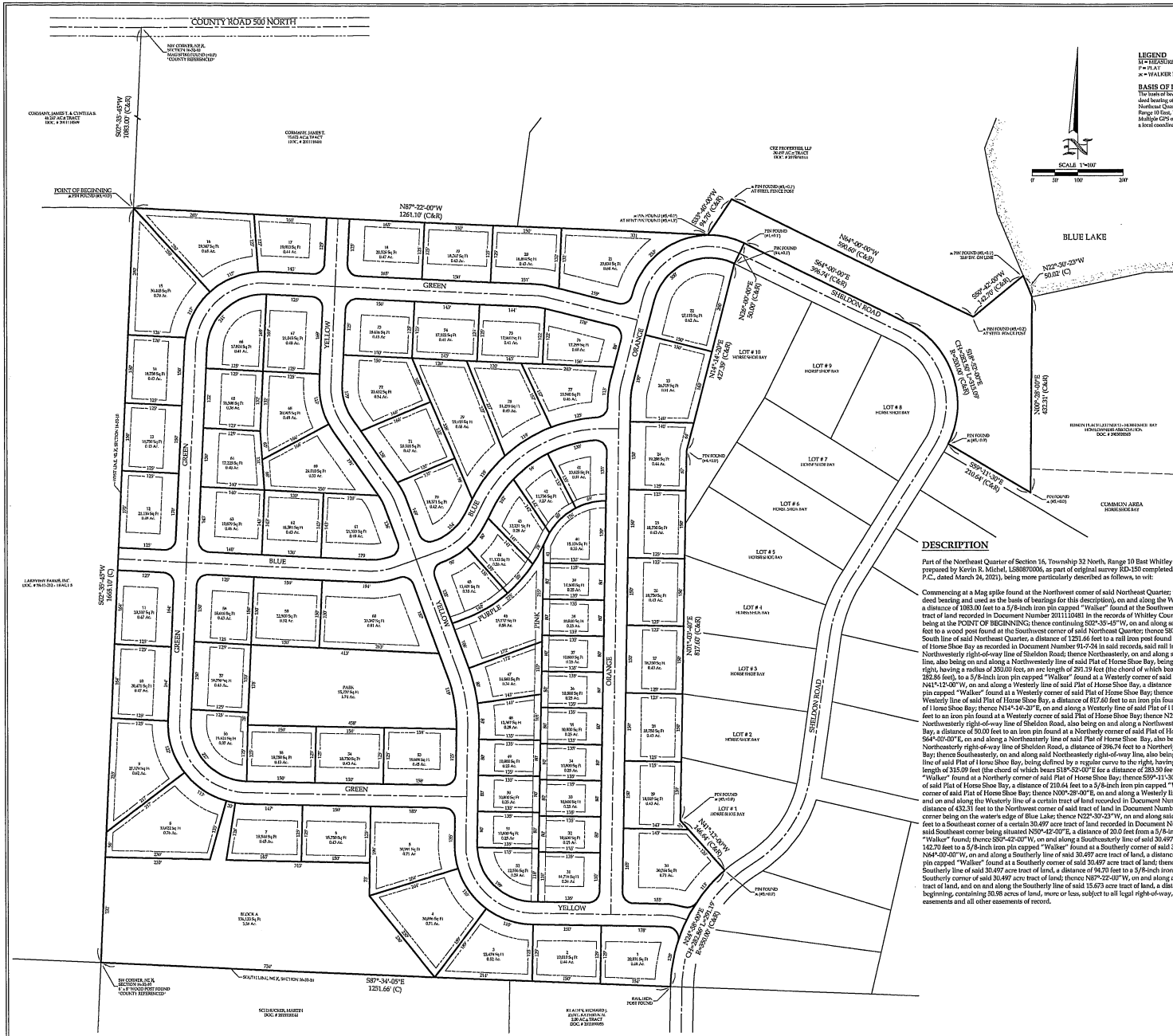
- The adequacy of Sheldon Road to serve the proposed subdivision, both during construction and permanently, and any improvements that may be necessary.
- The appropriateness of approving over 42 lots in this primary plat, based on the stated capacity of the current sanitary sewer
- Additional details on the proposed drainage system to ensure any existing drainage issues are not exacerbated
- Clarification of compliance with the Lake Access standards of §5.3.1, and clarification of the purpose of the non-designated block on the northeast side of the plat

Date report completed: 4/16/21

**PLAN COMMISSION RECORD OF ACTION**

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

<i><b>Vote:</b></i>	<b>Bemis</b>	<b>Emerick</b>	<b>Drew</b>	<b>Green</b>	<b>Hodges</b>	<b>Kurtz-Seslar</b>	<b>J. Wolf</b>	<b>B. Wolfe</b>	<b>Wright</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									



**LEGEND**  
 H = HEAD  
 C = CALCULATED  
 P = P.L.  
 I = IRON MONUMENT  
 W = WALKER MONUMENT

**BASIS OF BEARINGS**  
 The basis of bearings for this survey is an adjacent deed bearing of S82°34'43"W for the West line of the Southeast Quarter of Section 16, Township 32 North, Range 10 East, Whitley County, Indiana. Multiple GPS observations utilizing a VECMA signal and a local coordinate grid were utilized this survey.

**DESCRIPTION**

Part of the Northeast Quarter of Section 16, Township 32 North, Range 10 East Whitley County, Indiana (This description prepared by Kevin R. Michel, L58807000, as part of original survey RD-150 completed by J.K. Walker and Associates, P.C., dated March 24, 2021), being more particularly described as follows, to-wit:

Commencing at a Mag pile found at the Northwest corner of said Northeast Quarter; thence S02°30'43"W (adjacent's deed bearing and used on the basis of bearings for this description), on and along the West line of said Northeast Quarter, a distance of 1883.00 feet to a 5/8-inch iron pin capped "Walker" found at the Southwest corner of a certain 15.675 acre tract of land recorded in Document Number 2011110481 in the records of Whitley County, Indiana, said iron pin also being at the POINT OF BEGINNING; thence continuing S02°35'45"W, on and along said West line, a distance of 1668.10 feet to a wood post found at the Southwest corner of said Northeast Quarter; thence S07°34'40"E, on and along the South line of said Northeast Quarter, a distance of 1251.66 feet to a nail iron post found at the Southwest corner of the Plat of Horse Shoe Bay as recorded in Document Number 91-724 in said records, said nail iron post also being on a Northwesterly right-of-way line of Sheldon Road; thence Northwesterly, on and along said Northwesterly right-of-way line, also being on and along a Northwesterly line of said Plat of Horse Shoe Bay, being defined by a regular curve to the right, having a radius of 250.00 feet, an arc length of 291.39 feet (chord of which bears N09°58'40"E for a distance of 282.86 feet), to a 5/8-inch iron pin capped "Walker" found at a Westerly corner of said Plat of Horse Shoe Bay; thence N41°12'00"W, on and along a Westerly line of said Plat of Horse Shoe Bay, a distance of 166.66 feet to a 5/8-inch iron pin capped "Walker" found at a Westerly corner of said Plat of Horse Shoe Bay; thence N01°02'40"E, on and along a Westerly line of said Plat of Horse Shoe Bay, a distance of 817.60 feet to an iron pin found at a Westerly corner of said Plat of Horse Shoe Bay; thence N44°34'30"E, on and along a Westerly line of said Plat of Horse Shoe Bay, a distance of 427.39 feet to an iron pin found at a Westerly corner of said Plat of Horse Shoe Bay; thence N26°00'00"E, on and along a Northwesterly right-of-way line of Sheldon Road, also being on and along a Northwesterly line of said Plat of Horse Shoe Bay, a distance of 50.00 feet to an iron pin found at a Northwesterly corner of said Plat of Horse Shoe Bay; thence S64°00'00"E, on and along a Northwesterly line of said Plat of Horse Shoe Bay, also being on and along the Northwesterly right-of-way line of Sheldon Road, a distance of 296.74 feet to a Northwesterly corner of said Plat of Horse Shoe Bay; thence Southeast, on and along said Northwesterly right-of-way line, also being on and along a Northwesterly line of said Plat of Horse Shoe Bay, being defined by a regular curve to the right, having a radius of 200.00 feet, an arc length of 315.00 feet (chord of which bears S10°22'00"E for a distance of 333.50 feet), to a 5/8-inch iron pin capped "Walker" found at a Northwesterly corner of said Plat of Horse Shoe Bay; thence S09°11'30"E, on and along a Northwesterly line of said Plat of Horse Shoe Bay, a distance of 210.64 feet to a 5/8-inch iron pin capped "Walker" found at a Northwesterly corner of said Plat of Horse Shoe Bay; thence N00°28'00"E, on and along a Westerly line of said Plat of Horse Shoe Bay and on and along the Westerly line of a certain tract of land recorded in Document Number 200303365 in said records, a distance of 432.31 feet to the Northwest corner of said tract of land in Document Number 200303365; said Northwest corner being on the water's edge of Blue Lake; thence N22°30'23"W, on and along said water's edge, a distance of 30.02 feet to a Southeast corner of a certain 30.497 acre tract of land recorded in Document Number 201501013 in said records, said Southeast corner being situated S09°42'00"E, a distance of 20.0 feet from a 5/8-inch iron pin capped "Walker" found; thence S09°42'00"W, on and along a Southeastern line of said 30.497 acre tract of land, a distance of 162.70 feet to a 5/8-inch iron pin capped "Walker" found at a Southeast corner of said 30.497 acre tract of land; thence N64°00'40"W, on and along a Southerly line of said 30.497 acre tract of land, a distance of 590.60 feet to a 5/8-inch iron pin capped "Walker" found at a Southerly corner of said 30.497 acre tract of land; thence S59°40'40"W, on and along a Southerly line of said 30.497 acre tract of land, a distance of 94.20 feet to a 5/8-inch iron pin capped "Walker" found at a Southerly corner of said 30.497 acre tract of land; thence N87°22'40"W, on and along a Southerly line of said 30.497 acre tract of land, and on and along the Southerly line of said 15.675 acre tract of land, a distance of 1261.10 feet to the point of beginning, containing 30.98 acres of land, more or less, subject to all legal right-of-way, subject to all legal drains easements and all other easements of record.



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 & LAND PLANNING



Kevin R. Michel  
 Professional Surveyor  
 Professional Engineer

PRELIMINARY PLAT  
 PROJECT NAME RD-150  
 DATE MARCH 22, 2021  
 DRAWN BY: RDP  
 CHECKED BY: KRM  
 REVISIONS:

SHEET NUMBER

**S1**



