

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

23-W-SUBD-12 PRIMARY PLAT APPROVAL

Michael Stanford  
Stanford Sun Valley/Paddock Plantation  
East side of 700 East, 2,000' north of SR 14

SEPTEMBER 20, 2023

AGENDA ITEM: 5

**SUMMARY OF PROPOSAL**

Current Zoning:	RR, Rural Residential		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	3.27 acres	Lot size:	1.837 acre	9.59 acre
Number of lots:	1 lot	Lot width:	225'	545'±
Dedicated ROW:	0.00 acre	Lot frontage:	50'	549'±

The petitioner, buyer of the subject property, is requesting preliminary plat approval for a one lot subdivision to be named "Stanford Sun Valley" (a later revision named it "Paddock Plantation"). The proposed plat is located on the east side of 700 East, approximately 2,000' north of State Road 14 in Section 1 of Jefferson Township. The property is currently unimproved and wooded.

The purpose of the proposed plat is for the petitioner, who is also the past owner, to obtain the wooded area for personal recreation. In the future, it may be sold for other uses. Platting is required due to previous splits from the 1979 parcel and the size of the proposed parcel. The subject property is already zoned RR, Rural Residential, so no rezoning is required.

The remainder parcel would exceed 20 acres, and so is exempt from platting, but must be combined with two parcels to the east that are owned in common, as was required in plat vacation 19-W-VAC-1. The combined parcel would then be subject to platting for future splits.

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

**UTILITY AND REVIEW COMMENTS**

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

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

Being a split for ownership only, without current development intentions, comments received were not particularly substantial. The Soil & Water Conservation District noted a potential high water table and a wetland, which would need to be addressed if the property is developed in the future.

The County Engineer noted that no right-of-way for 700 East is shown. The Comprehensive Plan transportation map and highway specifications manual state that a 30' wide right-of-way for the county road should be dedicated. His notation for a 25' right-of-way would apply to internal subdivision roads.

Drainage and/or utility easements should be added as appropriate on the perimeter of the lot.

No covenants were submitted, nor would be expected for the proposed use.

The Parcel Committee identified a typo in a bearing on an adjacent property.

**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. Add 30' of dedicated right-of-way along 700 East.
2. Add 10' drainage and utility easements along the lot perimeters.
3. The remainder property to be combined with the other two properties to the east owned by Flat Creek, LLC (Parcel #92-10-01-000-305.000-006 and #92-10-01-000-306.000-006).
4. Two septic sites are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
5. Secondary plat approval delegated to the Plan Commission staff.

Date report completed: 9/13/23

**PLAN COMMISSION RECORD OF ACTION**

Motion:

By: \_\_\_\_\_

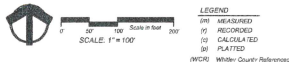
Second by: \_\_\_\_\_

Approve \_\_\_\_\_

Approve w/conditions \_\_\_\_\_

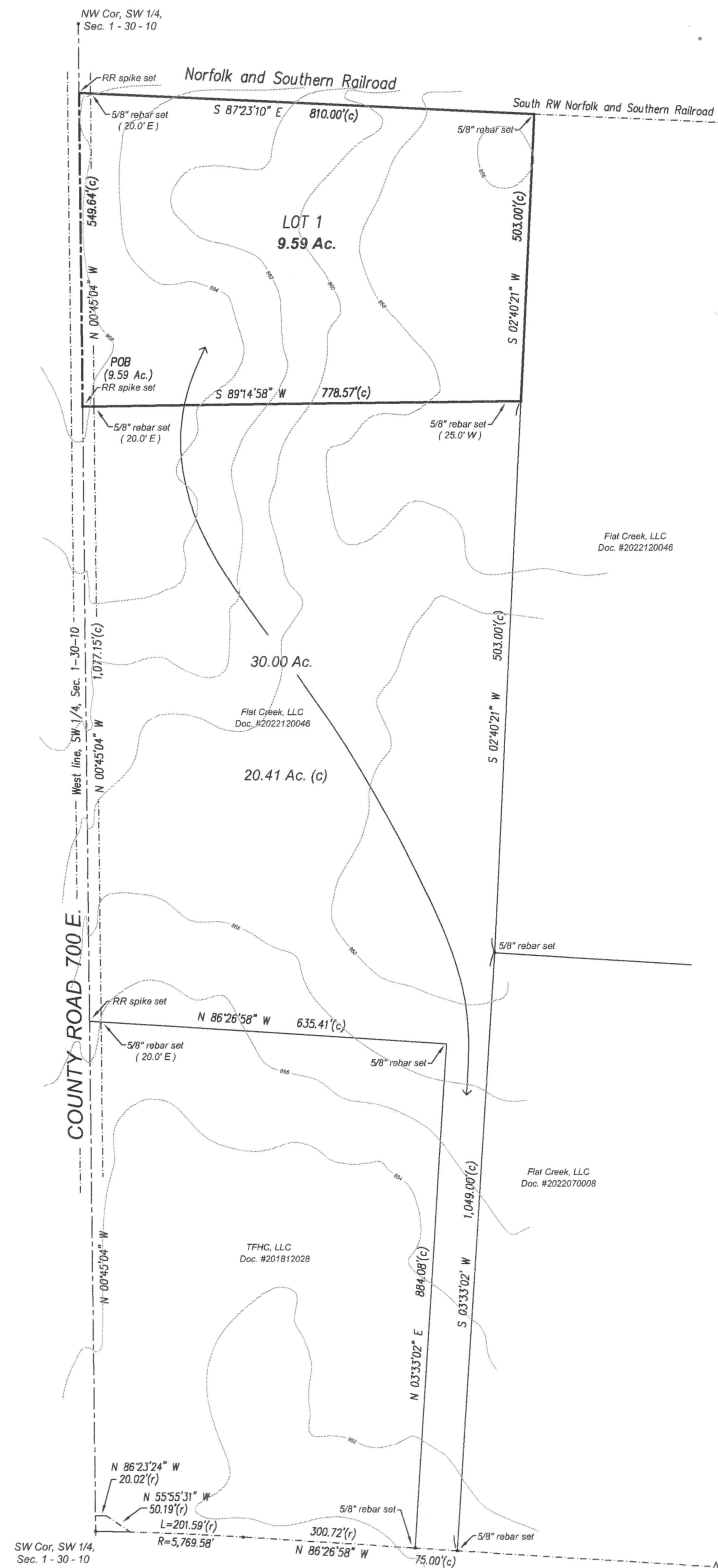
Deny \_\_\_\_\_

<b><i>Vote:</i></b>	<b>Baker</b>	<b>Drew</b>	<b>Emerick</b>	<b>Green</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Schuman</b>	<b>Wolf</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									



# THE PADDOCK PLANTATION

Part of the SW 1/4 in Sec. 1, T 30 N, R 10 E  
Jefferson Township, Whitley County, IN



## Legal Description - 9.59 Acres

Part of the Southwest Quarter of Section 1, Township 30 North, Range 10 East of the Second Principal Meridian in Whitley County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter, thence North 01 degrees 48 minutes 28 seconds West (true bearing and basis of bearings to follow), along the East line of said Southwest Quarter, a distance of 124.3 feet to the North right-of-way line of State Road #14; thence Northwesterly, along said North right-of-way line as defined by a non-integer regular curve to the left, having a radius of 1,949.85 feet, an arc distance of 328.58 feet, being subtended by a long chord having a length of 328.19 feet and a bearing of North 81 degrees 37 minutes 19 seconds West to the point of tangency of said curve, thence North 86 degrees 26 minutes 58 seconds West, along said North right-of-way line, a distance of 1,600.35 feet to a 5/8-inch rod at the Southwest corner of a 14.49-acre tract of land described in Document Number 201103023 as found in the Office of the Recorder of Whitley County, Indiana, thence continuing North 86 degrees 26 minutes 58 seconds West, on said North right-of-way line, a distance of 75.00 feet to a 5/8-inch rod, thence North 03 degrees 33 minutes 02 seconds East, parallel to the West line of said 14.49-acre tract, a distance of 884.08 feet to a 5/8-inch rod, thence North 86 degrees 26 minutes 58 seconds West, a distance of 535.41 feet to a point on the West line of the Southwest Quarter of said Section 1, thence North 00 degrees 45 minutes 04 seconds West, along said West line, and within the right-of-way of County Road 700 East, a distance of 1,077.15 feet to the POINT OF BEGINNING of the herein described tract; thence continuing North 00 degrees 45 minutes 04 seconds West, on said West line, a distance of 645.64 feet to a point on the South right-of-way line of the Norfolk and Southern Railroad; thence South 87 degrees 23 minutes 10 seconds East, along said South right-of-way line, a distance of 810.00 feet to a 5/8-inch rod at the Northwest corner of a 18.83-acre tract of land described in Document Number 201006047, thence South 02 degrees 40 minutes 21 seconds West, along the West line of said 18.83-acre tract, a distance of 503.00 feet to a 5/8-inch rod, thence South 81 degrees 14 minutes 58 seconds West, a distance of 778.57 feet to the Point of Beginning, containing 9.59 acres, more or less.

## PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Mark Johnson, Plan Commission President

Troy Joe Wolf, 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.

Theresa Baylanger

Chad Banks

Rob Schuman

## 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

## DEED OF DEDICATION

I, the undersigned, Flat Creek, LLC, owner of the real estate shown and described herein by virtue as part of a certain deed recorded as Document Number 2022120046, do hereby certify that I have left 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 THE PADDOCK PLANTATION, a subdivision in Whitley County, Indiana. All right-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 compliance with the requirements of the Whitley County Zoning Ordinance.

No owner of any lot or any other parcel within this Plat shall at any time reconstitute legal or attempt to cause the cessation of any heretofore dedication, 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 reconstituting. Any person accepting title to a Lot or tract within this Plat, acknowledges that general agricultural areas shall be 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" 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 then until January 1, 2042, at which time said covenants, or restrictions, shall be automatically renewed for successive periods of ten years unless amended through the Plan Commission. Violation of any one of the foregoing covenants, or restrictions, 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 force 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\_\_\_\_.

Flat Creek, LLC

State of Indiana

County of Whitley

Before me, the undersigned Notary Public in and for said County and State, personally appeared Flat Creek, LLC, acknowledging the execution of the foregoing instrument to be voluntary and legal.

For the purposes herein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

My Commission Expires

Flat Creek, LLC

By print, setting only and subject to map scale considerations, the real estate described and depicted herein appears to be in Zone "N" (NAD 83) combined a special flood hazard area on FEMA Map Number 18180C0200C, dated May 4, 2013 for Whitley County, Indiana.

## BASIS OF BEARINGS

The basis for bearings for the subject survey was a recorded deed bearing of North 01 degrees 48 minutes 28 seconds West on the East line of the Southwest Quarter of Section 1, Township 30 North, Range 10 East, between the SE corner of the SW 1/4 and the North 86°26'58" line of State Road #14.

## NOTES

- This survey is subject to any facts and/or assessment that may be disclosed by a full and accurate title search. The undersigned shall be relieved of any obligations or releases that are required. The undersigned does not provide with a current title commitment for use on this survey.
- For monuments found and set, see survey. All pits set are 45 inches with caps marked "SDU".
- Origin of measurements wherever utilized shall be survey.
- Measurements of this survey are based on unadjusted G.P.S. and/or E.T.S. traverse measurements.
- Ownership research of the subject tract, adjoining tracts, was obtained from current tax records on file in the Office of the county Auditor and Recorder.

## SURVEYOR'S CERTIFICATION

I, the undersigned Registered Land Surveyor, in compliance with the laws of the State of Indiana, hereby certify the herein Plat to correctly represent a Survey of the real estate described above as made under my direction. That all the measurements shown thereon actually exist, that lots and areas shown in this 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 the RESAC 1-2 and all other requirements therein.

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

*Timothy C. Gouloff*  
Timothy C. Gouloff, RLS 2950017



"I affirm, under the penalties for perjury, that I have taken reasonable care to select said Social Security Number in this document, unless relieved by law." Timothy C. Gouloff

## THE PADDOCK PLANTATION

Part of the SW 1/4 in Sec. 1, T 30 N, R 10 E  
Jefferson Township, Whitley County, IN  
5825 County Road S. 700 E., Columbia City, IN 46725



Performed for:  
FLAT CREEK, LLC

DATE	PROJECT NUMBER
August 17, 2023	20110112
Scale: 1" = 100'	DRAWING NUMBER
	20110112 B PLAT
Sheet: 1 of 1	Sheet: 1 of 1



