

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

19-W-SUBD-10 PRIMARY PLAT APPROVAL

Fleetwood Properties, LLC
Fleetwood Acres, north side of 200N, ½ mile west of SR 205

JULY 17, 2019

AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	5.00 acres	Lot size:	1.837 acres	2.85 acres
Number of lots:	2 lots	Lot width:	225'	225.00'
Dedicated ROW:	0.30 acre	Lot frontage:	50'	225.00'

The petitioner, owner of the subject property, is requesting primary plat approval for Fleetwood Acres, a proposed two-lot subdivision located on the north side of CR 200 North, approximately ½ mile west of State Road 205, southwest of Collins in Smith Township. The site is currently unimproved, though the petitioner does own the parcel and dwelling to the east.

Proposed are two lots and dedicated right-of-way for the county road. Platting is required due to previous splits from the parent tract. The proposed plat would create a landlocked parcel to the north of these lots; that parcel must be combined with the petitioner's property to the east.

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

Comment letters received (as of date of staff report)

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

A 30' wide right-of-way for the county road would be dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lot. A legal drain easement is shown across the northern part of the lots. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate.

The Parcel Committee had not yet discussed the proposal as of this writing.

Separate restrictive covenants have been submitted. These differ slightly from the covenants commonly used for one- and two-lot plats. Things of note are that the minimum floor area would be 1,500 square feet, and all buildings and structures would have a 50' front setback, with all accessory structures required to be constructed behind the dwelling. The 50' front setback covenant does not align with the 40' shown on the plat, which complies with the zoning code; there is no requirement for these setbacks to coincide, though doing so would be convenient.

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 remainder acreage to the north of the plat must be combined with (the petitioner's) adjacent property to remain compliant with zoning code frontage requirements.

2. Secondary plat approval delegated to the Plan Commission Staff.

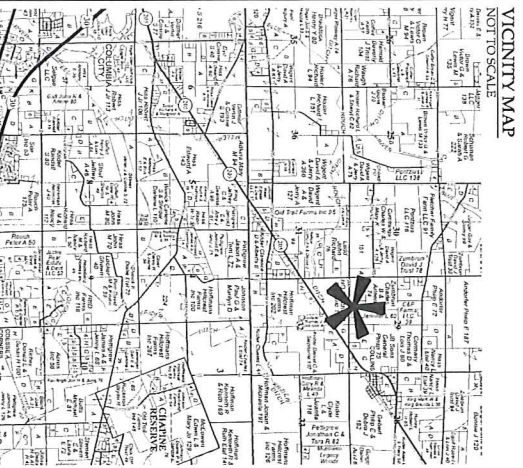
Date report completed: 7/9/19

PLAN COMMISSION ACTION

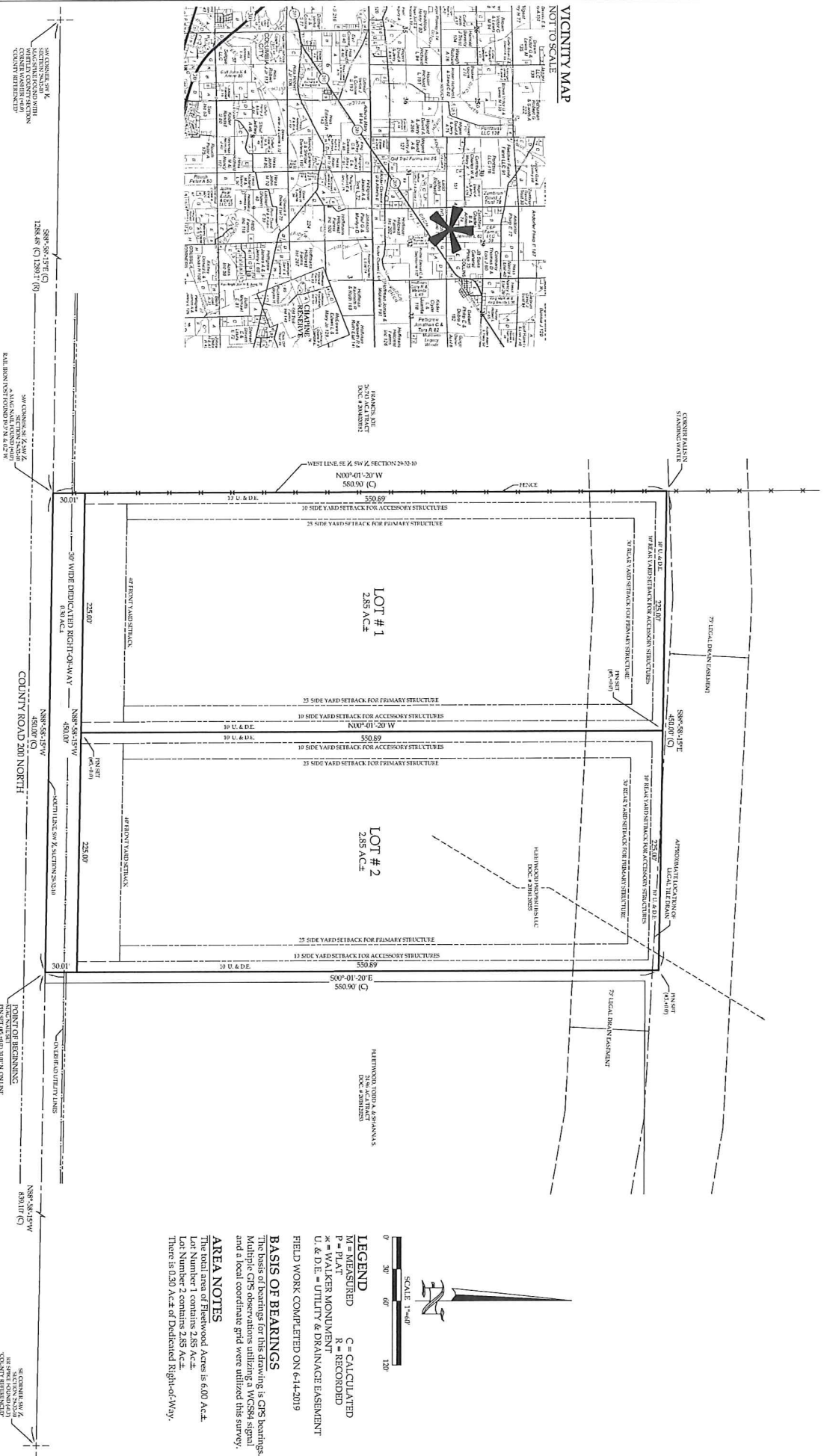
Motion:	By:					Second by:			
<i>Vote:</i>	Deckard	Hodges	Johnson	Mynhier	Western	J. Wolf	B. Wolfe	Woodmansee	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

FLEETWOOD ACRES (PRELIMINARY)

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



VICINITY MAP
NOT TO SCALE



SCALE 1"=60'

LEGEND

M = MEASURED

P = PLAT

* = WALKER MONUMENT

U. & D.L. = UTILITY & DRAINAGE EASEMENT

FIELD WORK COMPLETED ON 6-14-2019

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 this survey.

AREA NOTES

The total area of Fleetwood Acres is 6.00 Ac.±.

Lot Number 1 contains 2.85 Ac.±.

Lot Number 2 contains 2.85 Ac.±.

There is 0.30 Ac.± of Dedicated Right-of-Way.



WALKER & ASSOCIATES
EST. 1984

113 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725

Phone: (260) 244-3460

Fax: (260) 244-4680

www.walkerandassociates.net

LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

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SITUATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 32 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

Part of the Southwest Quarter of Section 29, Township 32 North, Range 10 East, Whitley County, Indiana
(This description prepared by Kevin R. Michel, LS08070006, as part of original survey Fleetwood Acres completed
by J.K. Walker and Associates, P.C., dated June 18, 2019), being more particularly described as follows, to wit:

Connecting at a railroad spike found at the Southwest corner of said Southwest Quarter, thence N88°-58'-15"W (GIS Grid bearing and used as the basis of bearings for this description) to the intersection of the line of the railroad with the line of the right-of-way of County Road 200N, a distance of 839.10 feet to a Mag nail at the POINT OF BEGINNING, thence continuing N88°-58'-15"W, on and along said South line, being within the right-of-way of County Road 200N, a distance of 389.15 feet to a Mag nail found at the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 20, said Mag nail being situated N88°-58'-15"W, a distance of 1289.10 feet from a railroad spike found at the Southwest corner of the Southwest Quarter of said Section 20; thence N00°-01'-20"W, on and along the West line of the Southwest Quarter of said Section 20, a distance of 580.90 feet to a 3/5" iron pin (the center of the pin being on the line of the railroad) to the center of the railroad spike, thence S88°-58'-15"W, a distance of 430.01 feet, to a distance of 430.01 feet, to a distance of 580.90 feet to the point of beginning, containing 6.00 acres or less, subject to the right-of-way for County Road 200N, subject to all legal drain easements and all other easements of record.

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 18183C1160C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

This is an original boundary survey of part of the Southwest Quarter of Section 29, Township 32 North, Range 10 East, Whitley County, Indiana, located on County Road 200N. The surveyed tract is part of a larger tract of land recorded in Document Number 2018120255 in the records of Whitley County, Indiana. The surveyed tract was created as directed by a representative of the owner.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Southeast corner of said Southwest Quarter is county referenced. A railroad spike was found at this corner and was held this survey.

The Southwest corner of said Southwest Quarter is county referenced. A Mag spike with a Whitley County Section Corner washer was found at this corner and was held this survey.

The West line of the Southeast Quarter of the Southwest Quarter of said Section 29 was established by existing monuments found.

A Mag nail was found at the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 29 and was held this survey.

The northeast corner of the surveyed tract was established by a representative of the owner, A 5/8-inch iron pin capped "Walker" was set at this corner.

See survey for monuments found or set at or near the corners of the surveyed tract.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

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.
B) Occupation or possession lines.
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.

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.

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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".

6. Overhead utility lines exist as shown on this survey.
7. The Winkey County Surveyor's Legal Drain Map shows a legal tile drain running through the North part of 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 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 a professional surveyor.
8. Reference survey(s) by J. L. Walker & Associates, P.C., dated 10-03-85 (03-26-86, 08-23-86, 10-20-86, 08-25-89, 01-12-94, 07-27-91, 10-29-93).

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

John Johnson, Plan Commission Secretary

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

Don Amber

FLAN COMMISSION STAFF CERTIFICATION OF APPROVAL	
Secondary approval	granted this day of _____ 20__ by the Staff of the Wikileaks

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

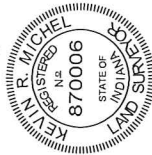
REDACTION STATEMENT

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

the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the Return 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 86S-IAC 1-12 and all other amendments thereto.

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

Kevin R. Michael [Professional] Supervisor



Kevin R. Michel, Professional Surveyor

We the undersigned, Fleetwood Properties LLC, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2018120255, do hereby certify that we 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 FLEETWOOD ACRES, 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, their heirs and assigns, and their legal representatives, to install, lay, construct, renew, operate, maintain and use and to cause to be installed, laid, constructed, renewed, operated, maintained and used, on and under the 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 Right-of-way may use the land in any manner consistent with Indiana Code 36-9-2 and the proper operation of the drain. The owner of the land over any right-of-way without the written consent of the Whitely 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 discretion of the owner, and, if necessary in the reconstruction or maintenance of the drain, may be damaged without compensation to the owner. 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.

Drainage Easements shall be placed in the Drainage Easements so as to impede the flow of storm water structures, in, or other materials 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 closing of operations on the property after now existing or existing in the near future which interferes with the residential use of the Lot or tract within this Plat, and by this the person or persons remonstrating.

Any person accepting title to a Lot or tract within this Plat, acknowledges that the use of the property shall be subject to and 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 them until January 1, 2044, 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__.

Read the book, member

State of Indiana)

County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Todd Fleetwood, _____, known to me to be the person whose name is subscribed to 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

My Commission Expires

Fleetwood Acres Subdivision

0 E 200 N, Columbia City, IN 46725

Lot "Deed" Restrictions:

The following restrictions are hereby created and are attached with the land and shall be binding upon the parties hereto and their successors in title, as follows;

1. Said real estate shall be used for single family residential purposes only.
2. No dwelling shall be erected on said real estate which has a ground floor area of less than 1500 square feet for a single story house, exclusive of garages and porches; no less than 1900 square feet for a multiple story house, exclusive of garages and porches.
3. There shall be no manufactured housing or mobile homes on the lots of subdivision.
4. All buildings (including fences) constructed and driveway permits issued on said lots shall have a minimum yard setback of at least 50 feet and all buildings must be constructed behind the dwelling.
5. Said real estate shall be kept clear of all abandoned, salvaged, and scrap vehicles.

Wigent, David
A & Wigent,
Jerry A

EGRONE RD

Brimbaugh,
Thomas G &
Brenda L

Ladd, John
Richard

Ladd, Jerald
Thomas &
Laura Kay

N
John
Shard

Zumbun,
Charles B
& Aileen

Francis,
Joe

N 450 E

Fleetwood
Properties
LLC

E 200 N

Equity Trust Company
Custodian FBO Todd
Fleetwood IRA

Fleetwood,
Todd A &
Shanna S

H O Fairchild
& Sons Inc

Pittenger,
Timothy A
& Sheila

J B Sons
General
Partnership

Somerlott,
Alvin &
Candace J

Somerlott,
Alvin &
Candace J

Sheinadine,
Scott & Birk,
Samantha S

Pequignot,
Kevin M &
Pamela J

Young, Charles
C & Tanya C

Siembab,
Joseph Jr
& Sally

Brown,
Chad &
Nicole M

EGR 205

Brown,
Jason L &
Allison A

Brown,
Chad A &
Nicole M

Brown,
Jason L &
Allison A

Brown,
Douglas R
& Larisa K

Krider,
Stephanie