

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

20-W-SUBD-9 PRIMARY PLAT APPROVAL

Whitley RC Investments II, LLC

Rail Connect Business Park, First Subdivision of Lot Number 5

JUNE 17, 2020

AGENDA ITEM: 2

SUMMARY OF PROPOSAL

Current Zoning:	IPM, Industrial			
	Park/Manufacturing		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	47.42 acres	Lot size:	1 acre	18.92 acres
Number of lots:	2 lots	Lot width:	100'	940'±
Dedicated ROW:	0.72± acre	Lot frontage:	100'	290.49'±

The petitioner, owner and agent of the subject property, is requesting primary plat approval for a replat of Lot 5 in the Second Subdivision of Lot Number 1, located at the west end of Rail Connect Drive in Section 22 of Union Township. The site is currently improved with an industrial facility located on the proposed Lot 6, while the proposed Lot 7 is unimproved and has been used for spoils from the development of the rest of the business park.

Proposed are two lots and dedicated right-of-way for the cul-de-sac of Rail Connect Drive.

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

The right-of-way for the road would be dedicated, and appears to meet the minimum requirements for a cul-de-sac. Drainage and/or utility easements are shown on the north and east lines of both lots. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate. No formal comment has been received from the County Engineer, Planning staff have been informally told that the right-of-way is adequate.

The Parcel Committee had concerns about the length of the proposed plat name and how the lot numbering would fit into the Rail Connect Park scheme. The land owners will also need to be updated.

Being a part of Rail Connect, the restrictive covenants previously recorded would apply.

Potentially in the future, Rail Connect Drive may be desired to be extended westward to connect to the properties to the west. If so, the southern line of Lot 6 would become a front yard along the new street. It may make sense to designate a 40' front yard setback across the frontage to ensure no conflicts with the future street would arise.

The current intention of the petitioner is to transfer Lot 7 to the Redevelopment Commission to hold for future development or other uses. While the 18.92 acres is difficult to develop on its own, if combined with acreage to the west, it may be more developable. Again, the extension of Rail Connect Drive may occur at that time. Given the uncertainty of development, it may make sense to plat this acreage as an outlot, subject to future splitting, rather than a full lot that would require a replat. The differences in the process are relatively minor, but it would avoid problems with plat naming. The principal drawback would be needing to plat the lot even if used as is.

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. Apply 40' front setback along the southern line of the northern Lot.
2. Revise plat name to suit Recorder's requirements.
3. Adjust the lot numbering to be Lot 5 and possibly Outlot 1, or similar.
4. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 6/11/20, MC. Reviewed 6/11/20, NB.

PLAN COMMISSION ACTION

Motion:

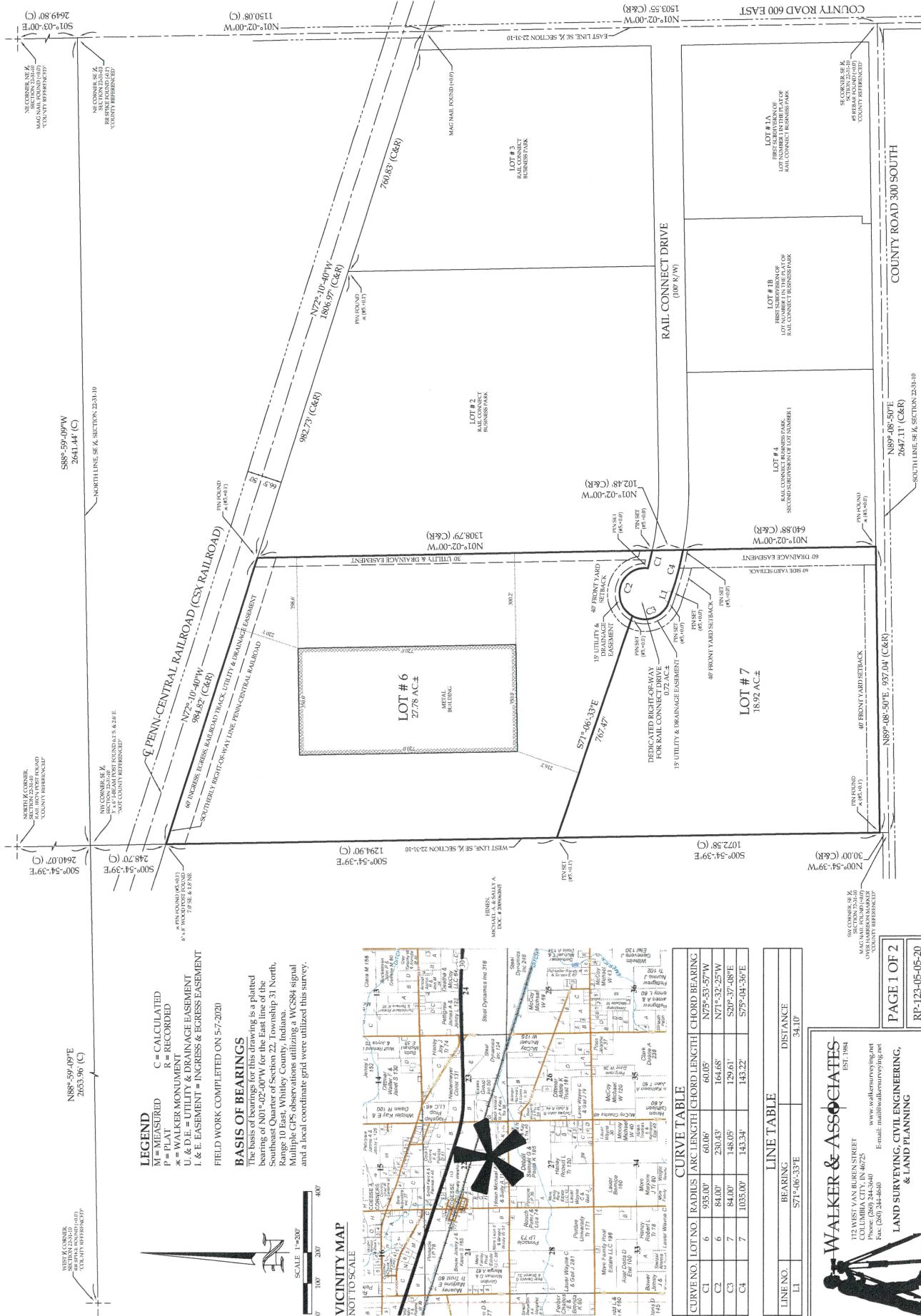
By:

Second by:

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

RAIL CONNECT BUSINESS PARK, FIRST SUBDIVISION OF LOT NUMBER 5 (PRELIMINARY)

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



LEGEND
M = MEASURED
P = PLAT
* = WALKER MONUMENT
U & D.E. = UTILITY & DRAINAGE EASEMENT
I & E. EASEMENT = INGRESS & EGRESS EASEMENT
C = CALCULATED
R = RECORDED

BASIS OF BEARINGS
The basis of bearings for this drawing is a plat bearing of N01°02'00"W for the East line of the Southeast Quarter of Section 22, Township 31 North, Range 10 East, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

FIELD WORK COMPLETED ON 5/7/2020

VICINITY MAP
NOT TO SCALE

CURVE NO.	LOT NO.	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	6	935.00'	60.05'	60.05'	N75°53'-57"W
C2	6	84.00'	230.43'	164.68'	N77°32'-25"W
C3	7	84.00'	148.05'	129.61'	S20°37'-08"E
C4	7	1035.00'	143.34'	143.22'	S75°04'-36"E

LINE NO.	BEARING	DISTANCE
L1	S71°46'-33"E	34.10'

LINE NO.	BEARING	DISTANCE
L1	S71°46'-33"E	34.10'



WALKER & ASSOCIATES
EST. 1984
112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
www.walkersurveying.net
Phone: (260) 244-4640
Fax: (260) 244-4640
Email: mail@walkersurveying.net

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

RAIL CONNECT BUSINESS PARK, FIRST SUBDIVISION OF LOT NUMBER 5 (PRELIMINARY)

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Lot Number Five (5) in Rail Connect Business Park, Second Subdivision of Lot Number 1, as per plat thereof, recorded June 19, 2018 as Instrument No. 2018060822, in the Office of the Recorder of Whitley County, Indiana.

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 181830275C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is a retracement boundary survey of Lot Number 5 in Rail Connect Business Park, Second Subdivision of Lot Number 1, being situated in the Southeast Quarter of Section 22, Township 31 North, Range 10 East, Whitley County, Indiana, located on County Road 300S and Rail Connect Drive, Whitley County, Indiana.

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

The Southwest corner of said Southeast Quarter is county referenced. An iron pin was found at this corner and was held this survey.

The Southwest corner of said Southeast Quarter is county referenced. A railroad spike was found over a Harrison marker at this corner and was held this survey.

The Northeast corner of said Southeast Quarter is county referenced. A railroad spike was found at this corner and was held this survey.

The Northeast corner of the Northeast Quarter of said Section 22 is county referenced. A Mag nail was found at this corner and was held this survey.

The North Quarter corner of said Section 22 is county referenced. A rail iron post was found at this corner and was held this survey.

The West Quarter corner of said Section 22 is county referenced. A railroad spike was found at this corner and was held this survey.

The Northwest corner of said Southeast Quarter is not county referenced and was established at the point of intersection of a line between the Southeast corner of said Southeast Quarter and the North Quarter corner of said Section 22 with a line between the Northeast corner of said Southeast Quarter and the West Quarter corner of said Section 22. An L-beam post was found 6.1 feet South of and 2.6 feet East of the Northwest corner of said Southeast Quarter.

The actual calculated lengths and calculated bearings of the surveyed tract agree with the platted distances and recorded bearings as shown on 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.

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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(E) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(F) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(G) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(H) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(I) The relative positional accuracy of the measurements.

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(J) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(K) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(L) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(M) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(N) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

(O) 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 Urban surveys: 0.07 feet (21 millimeters) plus 30 parts per million as defined by IAC 865.

PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Douglas Wright, Plan Commission Chairman

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 Schrumpf

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

Whitley RC Investments II, LLC
10125 Dawson's Creek Blvd.
Fort Wayne IN 46825

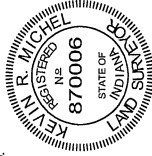
REDACTION STATEMENT

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 surveying practice and that the Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereof.

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



Kevin R. Michel

Kevin R. Michel, Professional Surveyor

DEED OF DEDICATION

We the undersigned Whitley RC Investments II, LLC, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 201807084, 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 RAIL CONNECT BUSINESS PARK, FIRST SUBDIVISION OF LOT NUMBER 5, 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 trusses, 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 86-5-27 and the proper operation of the drain. Permanent structures may not be placed over the drain. The drain shall be located within the boundaries of the Regulated Drain Easement. The drain shall 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 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 moving 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 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 other parcel within this Plat shall at any time renege 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 partition erected or existing in violation of the provisions herein, 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____.

Joseph A. D'Alia, CEO
Whitley RC Investments II, LLC

State of Indiana }

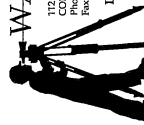
County of Whitley }

Before me, the undersigned Notary Public in and for said County and State, personally appeared Joseph A. D'Alia, and each separately and severally acknowledged 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) 244-5640
Fax: (260) 244-5640
E-mail: mail@walkerandassociates.net
www.walkerandassociates.net

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

