

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

21-W-SUBD-17 PRIMARY PLAT APPROVAL

SEPTEMBER 15, 2021

Wayne & Gail Lauer

AGENDA ITEM: 2

Lauer Subdivision, west side of 600 E, ¼ mile north of 400 S

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 acre	1.84 acres
Number of lots:	2 lot2	Lot width:	225'	225'
Dedicated ROW:	0.31 acre	Lot frontage:	50'	225'

The petitioner, owner of the subject property, is requesting an approval for a two-lot subdivision to be named Lauer Subdivision. The proposed plat is located on the west side of 600 East, about ¼ mile north of 400 South in Section 27 of Union Township. The site is currently improved with a dwelling and farm outbuildings.

Proposed is one lot and dedicated right-of-way. Platting is required due to previous splits from the 1979 parent tract. This is the first platted lot from the 2018 parent tract, so no rezoning is required. The nearest current CFO is 6,200'± away to the southwest.

The use is not expected to change. The split is to permit the transfer of the dwelling separately from the farm buildings. The existing driveway is to be shared between the two lots.

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		Health	X	Cable TV		Parcel Cmte.	X
Gas	X	Co. Highway	X	Sanitary Sewer	NA		
Telephone	X	SWCD	X	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 lots. Note that one existing barn will encroach in the 40' front setback; this is permissible as a legal nonconformance.

As of this writing, the Health Department had not yet received information on the septic locations. Otherwise, the comments received have stated that the proposed plat is generally adequate.

Separate restrictive covenants have been submitted, consisting of use restriction to agricultural and residential uses, agricultural notice, and stipulations on the sharing of the driveway.

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. Health Department requirements must be met prior to recordation of secondary plat.
2. Secondary plat approval delegated to the Plan Commission Staff

Date report completed: 9/9/21

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

—

—

—

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

Lauer Subdivision

Restrictive Covenants

1. Said real estate shall be for residential and agricultural purposes only.
2. Owners of said lot(s) and their successors in title are on notice and understand that this subdivision is in a predominately agricultural area and that farming operations, to include livestock operationm, will be practiced on the area of this subdivision. With this understanding, all ownbers of the lot(s) in this subdivision forego their right to bring claim against any farmer in the area who are practicing normal, reaspmable and necessary farming and livestock operation. As well as crops and the storage of crops
(This can not be change or taken out of the covenants!)
3. Driveway is the ownership of of the house but will be shared with both lots, therefore no one can park in the driveway or block it for ant link of time

Lauer, Jason S
& Kimberly K

Lauer, Jason S
& Kimberly K

Patel, Govind
D & Sushila G.

Perry, Neil
W & Lorene A

Patel, Govind
D & Sushila G

Waggoner,
Roger L &
Julie A

Haney,
Robert
L Trustee

Larsen,
Brian T &
Carmie A

Quinn, Shawn M
& Jennifer L

Blackburn,
George J,
& Dee A

Heckman,
Thomas C
& Kim S

Lakie, Jonathan
William &
Emily Ann

Gulvas, John
R & Julia A

Dittmer, Adele
K Trustee Of The
Adele K Dittmer
Rev Trust 9/20/06

Dittmer, Adele
K Trustee Of The
Adele K Dittmer
Rev Trust 9/20/06

Kanning,
Steven C
& Susan K

Henley,
Luke W &
Samantha E

Besore,
Robert C &
Kimberly Jo

Lauer, Wayne
C & Gail J

Dalley,
Daniel J &
Rita J

Lauer, Wayne
C & Gail J

Hazen,
David L &
Kathleen

Henley,
Luke W &
Samantha E

Hazen,
David L &
Kathleen

Lord, George
V & Renee L

Lord, George
V & Renee L

Martin,
Jesse
& Erin

Farlee, Kevin
D & Janet K

Parrish, Kevin
J & Jennifer J

Miller, Allen
Arthur &
Theresa Marie

Lauer,
Wayne C
& Gail

Davis, Wyatt
& Mary,
Carteaux-

Lauer, Wayne

Coleman,
John A &
Lois A

McCoy,
Charles

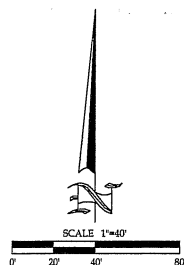
McCoy,
Michael W

E 400 S

S 600 E

N

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



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

FIELD WORK COMPLETED ON 7-29-2021

The basis of bearings for this drawing is a platted bearing of S00°-00'-00"W for the East line of the Southeast Quarter of Section 27, 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.

The Plat of Lauer Subdivision contains 5.00 acres.
 Lot Number 1 contains 1.84 acre.
 Lot Number 2 contains 2.85 acres.
 There is 0.31 acre of Dedicated Right-of-Way.



LAUER SUBDIVISION (PRELIMINARY)

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Part of the East Half of the Southeast Quarter of Section 27, Township 31 North, Range 10 East, Whitley County, Indiana, being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northeast corner of said Southeast Quarter; thence South 00 degrees 00 minutes West (Plat bearing), on and along the East line of said Southeast Quarter, a distance of 1171.3 feet to a mag nail found at a Southeasterly corner of Lot Number 6 in Farmstead Estates as recorded in Document #01-07-479 in the records of Whitley County, Indiana, said mag nail being at the true point of beginning; thence continuing South 00 degrees 00 minutes West, on and along the East line of said Southeast Quarter, being within the right-of-way of County Road 600E, a distance of 455.0 feet to a mag nail found at a Northeasterly corner of Lot Number 5 in said Farmstead Estates; thence South 90 degrees 00 minutes West, on and along a North line of said Lot Number 5, a distance of 478.7 feet to an iron pin found at a corner of said Lot Number 5; thence North 00 degrees 00 minutes East, on and along an East line of said Lots Numbered 5 and 6, being parallel to the East line of said Southeast Quarter, a distance of 455.0 feet to an iron pin found at a corner of said Lot Number 6; thence North 90 degrees 00 minutes East, on and along a South line of said Lot Number 6, a distance of 478.7 feet to the true point of beginning, containing 5,000 acres of land, more or less.

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 18183C0275C 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 East Half of the Southeast Quarter of Section 27, Township 31 North, Range 10 East, Whitley County, Indiana, located at 3768S 600E, Columbia City, Indiana, deed recorded in Document Number 2002070552 in the records of Whitley County, Indiana.

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

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

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

A Mag nail was found at the Northeast corner of the surveyed tract and was held this survey.

A Mag nail was found at the Southeast corner of the surveyed tract and was held this survey.

A 5/8-inch iron pin capped "Walker" was found at the Northwest corner of the surveyed tract and was held this survey.

A 5/8-inch iron pin capped "Walker" was found at the Southwest corner of the surveyed tract and was 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 were observed.

(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 were observed.

(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.

NOTES

- 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.
- For monuments found and set, see survey. All pins set are #5 Rebars with caps marked "Walker".
- Origin of monuments unknown unless noted on survey.
- Measurements of this survey are based on aforesaid G.P.S. and/or E.T.S. traverse measurements.
- Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in the Offices of the county Auditor and Recorder.
- The Plat of Farmstead Estates was used as a reference. Reference survey(s) by J.K. Walker & Associates, P.C., dated 07-30-01, 05-25-07, 09-24-07.

DEVELOPER

Wayne C. Lauer
Gail J. Lauer
5600E 400S
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 Michel

Kevin R. Michel, Professional Surveyor



PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Thor Hodges, 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.

George Schrumpp

Theresa Green

Chad Banks

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

We the undersigned, Wayne C. Lauer and Gail J. Lauer, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2002070552, 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 LAUER 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, 2047, 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____.

Wayne C. Lauer

Gail J. Lauer

State of Indiana)
County of Whitley)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Wayne C. Lauer and Gail J. Lauer, and each separately and severally acknowledge 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 _____

