

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**22-W-SUBD-9    PRIMARY REPLAT APPROVAL**

**SEPTEMBER 21, 2022**

Anthony Aguilar

**AGENDA ITEM:    1**

Birchwood Acres Amended, south side of 200 North, 700'± east of 450 East

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**SUMMARY OF PROPOSAL**

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	18.204 acres	Lot size:	1.837 acre	4.205 acres
Number of lots:	3 lots	Lot width:	225'	225.12'±
Dedicated ROW:	0.65 acre	Lot frontage:	50'	225.12'±

The petitioner, owner of the majority of the subject property, is seeking to replat the previously approved Birchwood Acres to reconfigure the platted Lots 1 and 2 and to add acreage to the subdivision to create a new Lot 3. The site is located on the south side of 200 North, about 700' east of 450 East and 2,500' west of State Road 205 in Section 32 of Smith Township. The additional property is unimproved; the existing lots have residences under construction.

Earlier this year, the petitioner sought a rezoning to permit the creation of the third platted lot, as required because that lot would trigger the definition of a "Major Residential Subdivision". The Commission felt that rezoning may not be appropriate for this site but suggested that a land use variance could have merit. The petitioner obtained a land use variance from the BZA in August and withdrew the rezoning request.

The purpose of platting the third lot is to permit the petitioner's parents to construct a residence. The reconfiguration of Lots 1 and 2 makes Lot 3 a regular rectangular shape.

The proposed plat area is approximately 8,300' from the nearest CFO.

The relationship of the proposed plat to the development standards of the zoning code is shown in the above table.

**UTILITY AND REVIEW COMMENTS**

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

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

As submitted, the proposed replat is shown in two parts: the reconfiguration of Lots 1 and 2, and the platting of Lot 3. Since a replat inherently vacates an existing plat and replaces it with a new plat, it is the recommendation of staff and the Parcel Committee that these two parts may be condensed into a single replat document for recordation.

As submitted, 30' of right-of-way would be dedicated. 10' drainage and/or utility easements are shown on the perimeters of the lots. A 150' building line would be platted, exceeding the minimum 40' front setback.

The Health Department has received soil tests for these lots. The SWCD noted that there are two existing low areas on the site that should be considered when constructing on the properties to avoid possible issues with drainage and septic systems.

Separate restrictive covenants were not submitted at the time of this writing. Covenants associated with the existing Birchwood Acres, if any, would carry forward.

## **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 plat document be condensed into a single document, with the suggested title of "Birchwood Acres, Amended" or similar.
2. The property owner signatures must be updated to reflect the current ownerships.
3. The subdivision shall not be further subdivided, unless the property is rezoned or additional variances obtained.
4. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 9/15/22

### **PLAN COMMISSION RECORD OF ACTION**

Motion:

By:

Second by:

Approve

Approve w/conditions

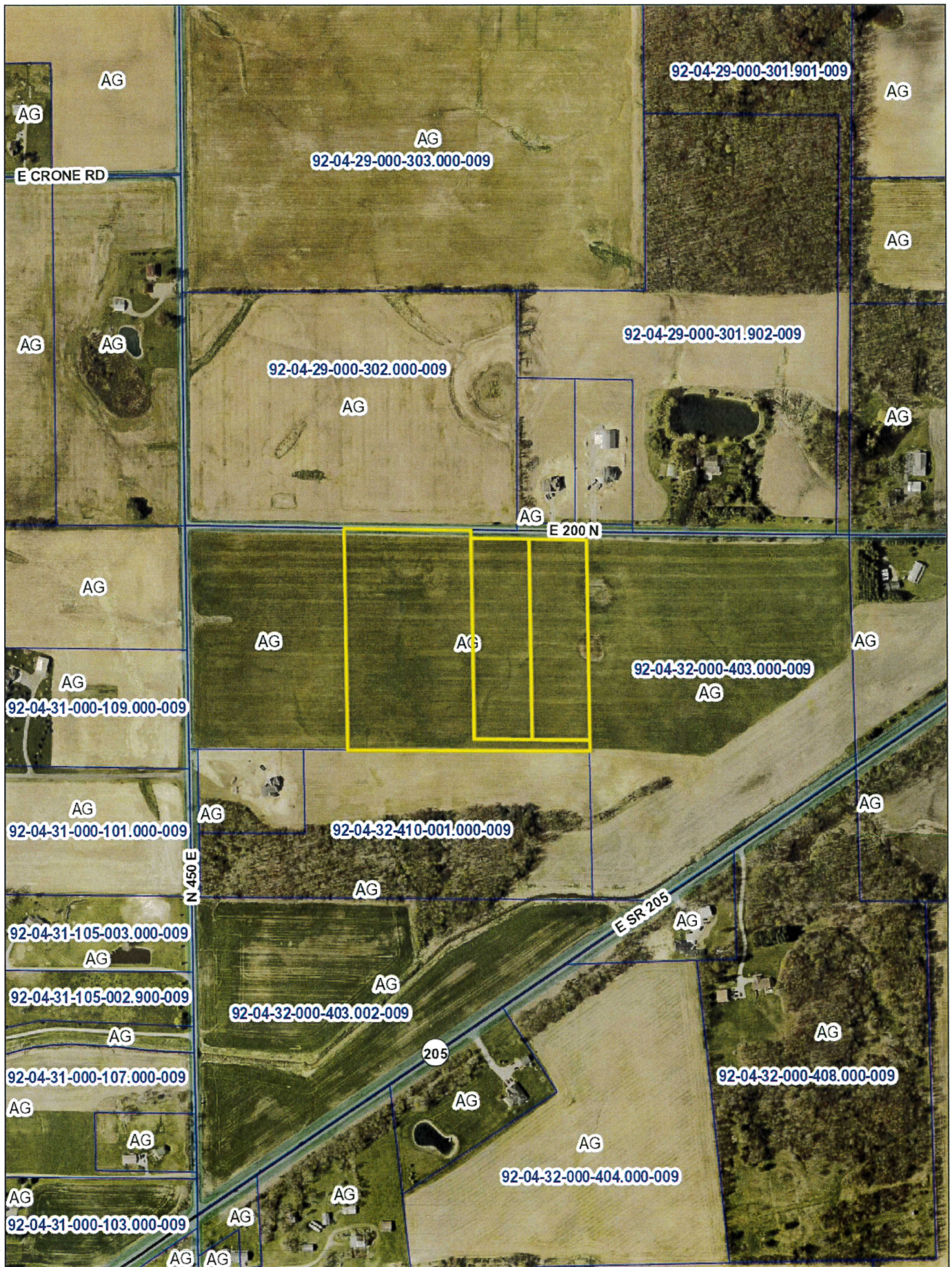
Deny

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\_\_\_\_\_  
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<b><i>Vote:</i></b>	<b>Drew</b>	<b>Emerick</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Schrumpf</b>	<b>Wolf</b>	<b>Wright</b>	
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									









**Whitley County Soil and Water Conservation District  
788 West Connexion Way—Suite C  
Columbia City, IN 46725  
Phone 260-244-6266 ext. 3  
Fax 260-248-2062**



September 2, 2022

Brent Bockelman, Planner I  
Columbia City/Whitley County  
Joint Planning & Building Department  
220 W. Van Buren Street, Suite 204  
Columbia City, Indiana 46725

Re: Birchwood Acres, Sections 1B and 2B  
Revised Plats of Subdivision

Brent:

IDEM's Construction Stormwater General Permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for any construction activity that disturbs one acre or more of land. SWPPPs should be submitted to my office for review. Subsequently, a Notice of Intent must be submitted to IDEM using their Regulatory e-Portal. For residential construction, all areas graded or excavated for building(s), driveways, septic systems, and ponds should be included in the calculation of the disturbed land area. Generally, at least one acre will be presumed to be disturbed by any non-residential construction on a lot larger than one acre.

According to the USDA Soil Survey, the sloping soils in both sections are highly erodible. Chapter 7 of IDEM's Stormwater Quality Manual details specific measures that can be used to control erosion and sedimentation during construction. In addition, limiting the extent of disturbed areas, maintaining buffers strips of vegetation on the perimeters of disturbed areas, and temporary seeding of inactive disturbed areas are recommended to prevent and control erosion and sedimentation.

Whitley County GIS topography shows a low area surrounded by an 866-foot contour at the north-east corner of Lot 2 in Section 1B. The soil in the low area is a hydric (wet) soil, subject to ponding by storm water runoff and a seasonal high water table. Generally, this soil is unsuitable for buildings or septic systems. The low area appears to provide storage for runoff from a local watershed of about 11 acres. Placing fill in the low area could reduce the storage volume and possibly, impact neighboring properties. The low area may be drained by an existing field tile or tiles. Any activity on Lot 2 that disrupts a field tile could result in extended periods of ponding and wetness in the low area. Without drainage, the low area will tend to evolve into a wetland.

Sincerely yours,

*Jon Gotz*

Jon Gotz  
Whitley County Soil and Water  
Conservation District



PREVENT. PROMOTE. PROTECT.

08-29-22

Whitley County Health Department  
220 W. VanBuren Street, Ste. 111  
Columbia City, IN 46725  
Phone (260) 248-3121 - Fax (260) 248-3129

To Whom It May Concern:

Soil analysis has been completed for lots 1, 2 & 3 of the **Birchwood Acres Addition**, located in Section 32, T: 32N, R: 10E, of Smith Township, in Whitley County, IN. Based on the soils report, soils contained in the areas of the assigned soil borings do allow for the installation of on-site sewage disposal systems. Based on this report, there is room on these lots for a septic system and a replacement system. If care is given to protect the areas suited for the septic systems, there will exist appropriate areas; however, if the areas are disturbed, there may be grounds to reject the lots.

These areas, on these lots, need to be staked off prior to the construction of driveways, houses, or any excavation on the lots, by the landowner, developer, or contractor. During construction in the addition, there shall be no soil placed in the areas on or around the soil boring areas, and large equipment shall not be driven over or placed upon the soil boring areas. All on-site sewage disposal systems shall not be placed in depressed contours, swales, areas subject to ponding, or over field tiles. All areas must have appropriate outlets before permits are issued. Once again, both soil boring sites on these lots shall be staked off completely, until all construction of the site is completed. Each soil boring site shall be preserved for the life of the lot.

As long as the areas for the septic systems remain undisturbed, the Whitley County Health Department will consider this lot for well and septic permit applications.

Sincerely,

Scott Wagner, REHS

Director