

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

19-W-SUBD-6 REPLAT AND PARTIAL VACATION
19-W-VAC-1 Triple R. Development, LLC
Amended Plat of Legacy Preserve, Phase II

JUNE 19, 2019
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning:	RR, Rural Residential		<u>Minimum</u>	<u>Proposed</u>
Area of replat:	47.48 acres*	Lot size:	10,000 sf.	3.975 acres (min.)
Number of lots:	3 lots (2 amended)	Lot width:	75'	165' (min.)
Common areas:	0	Lot frontage:	50'	51.32' (min.)
Area being vacated:	19.76± acres*			

** area calculated by acreages shown on plat; legal description does not appear to match.*

Triple R. Development, LLC, owner and agent of the subject property, is seeking approval for a vacation and replat of part of Legacy Preserve, Phase II, located on the north side of Heritage Rail, north of State Road 14, approximately one half mile west of CR 800 East. This is a proposed reconfiguration of Lots 9-11 of the original Legacy Preserve. These lots were previously amended in 16-W-SUBD-7.

As proposed, the western parts of Lots 9 and 11 would be truncated to align with the west line of Lot 10. The western 19.76± acres would be vacated from the subdivision in anticipation of being sold to and combined with the adjacent property currently owned by Michael Stanford.

The proposed plat appears to comply with the development standards of the zoning code. Drainage and utility easements would be located on the lots. The access easement across the north side of Lot 9 would be retained to provide an additional access for the future development of the property to the east (also owned by the petitioner). Letters were not solicited from utilities and departments as this is a reconfiguration of the existing lots.

Restrictive covenants applicable to these lots were previously adopted as part of the Legacy Preserve. The applicability of existing covenants to the vacated lot area is uncertain due to the provisions of I.C. 36-7-4-714.

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 replat and vacation appear consistent with the standards, with the following condition(s):

1. The access easement across the northern part of the vacated area of Lot 9 shall be retained to continue to provide future access.
2. The vacated area must be combined with the adjacent parcel to comply with zoning requirements.
3. The plat title is subject to approval based on the Recorder's specifications.
4. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 6/10/19

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>									