

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**19-W-SUBD-5    PRIMARY PLAT APPROVAL**

Cardinal Creek Development, LLC  
Cardinal Creek, northwest corner of 800E and 700S

**JUNE 19, 2019**

**AGENDA ITEM:    6**

The petitioner, subsidiary of the applicant Granite Ridge Builders and contract purchaser of the property, is requesting primary plat approval for Cardinal Creek, a proposed major subdivision located on the northwest corner of CR 800 East and CR 700 South. The site is currently unimproved, but does have a wooded wetland located near the northwest corner.

As major subdivisions are no longer permitted to be developed in the AG, Agricultural zoning district, the petitioner has a rezoning request pending before the Commission to amend the zoning to RR, Rural Residential. This report is based on the RR district standards. The petitioner also has a variance request filed with the BZA to reduce the side and front yard setbacks for the lots in this subdivision. That variance is scheduled to be heard on June 25.

**SUMMARY OF PROPOSAL**

Proposed zoning:	RR, Rural Residential		<u>Code Minimum</u>	<u>Proposed</u>
Area of plat:	60 acres	Lot size:	10,000 sq. ft.	10,440 sq. ft.
Number of lots:	117 lots	Lot width:	70' on internal streets	72'
			100' on external streets	85'
Dedicated	4.1± acre	Lot frontage:	50'	66.1'
perimeter ROW:			35' cul-de-sac	41.24'

Primary plats for major subdivisions set forth the approximate street layout, basic utility designs, points of access, and general concept for the development. Changes from the primary plat to construction plans and secondary plat should be expected as engineering becomes finalized. Significant deviations from the primary plat would trigger need for an additional primary plat approval.

As presented, the primary plat consists of 117 lots, of which four would front onto and directly access 700S, and the remainder would be accessed by internal streets. Two entrances are proposed, one onto 800E to serve the eastern 49 lots and one onto 700S to serve the other 64 lots. The petitioner has indicated that the subdivision is split into two market components, with the eastern part being low-maintenance single-family dwellings, and the western part being conventional single-family dwellings.

Seven common areas are proposed, with the majority along the frontages of the county roads for landscaping, around detention ponds, and encompassing the northwest wooded area.

50' wide rights-of-way along the county roads would be dedicated. Drainage and utility easements are generally located in the front and rear of the lots.

**REVIEWER COMMENTS**

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

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

Aqua Indiana, provider of sanitary sewer service, provided a preliminary statement of service capacity, contingent on final designs and engineering. Fort Wayne Utilities, provider of water service, had not provided comment as of this writing. The County Engineer did not provide a formal comment letter as of this writing, but did provide some general items that are included in the staff comments below.

The Parcel Committee also discussed the proposal. Most of the Committee's review would be performed prior to recordation of secondary plats. They did state that "Cardinal Creek" would be the fourth "Cardinal" subdivision, though the name should not conflict with the others previously platted.

### **STAFF COMMENTS**

In addition to the comments of reviewing agencies and utilities, staff has the following comments relevant to the design of the primary plat.

1. Zoning code §5.22, Major Residential Subdivision Standards, was adopted in 2018. Relevant standards of this section include:
  - a. RS-02(C) "Major residential subdivisions shall access to a paved public road."  
As proposed, the subdivision would have two access points for segregated sections of the subdivision, one to the east onto the paved arterial road 800E, and one onto the gravel local road 700S. To address this requirement, the petitioner has offered to improve 700S along the frontage of the property. No details of the improvement have been yet finalized; this should be a condition of approval.
  - b. RS-02(E) "A stormwater management plan shall be required..."  
A conceptual stormwater system is indicated on the plat, with storm sewer locations and detention ponds. At the primary plat level, a general concept such as this is typically sufficient, as the developer is obligated to finalize details prior to commencing development. However, this property is encumbered with a legal drain that crosses from the southwest to the northeast. It is assumed, though not apparent in the conceptual system, that the drain would be incorporated into the new system. If so, this must have Drainage Board approval to replace the drain. If not, then sufficient easements to accommodate the drain are not shown.  
Additionally, the drainage easement that exists across the majority of the property in favor of the Allen County Drainage Board must be released. That release would be contingent upon that Drainage Board's acceptance of the stormwater management plan.
  - c. RS-04(B) "Subdivisions of ten (10) lots or more shall utilize internal streets for the majority of the lots."  
Of the 117 lots proposed, four are proposed to access 700S south directly. This seems to comply with this standard. However, the lots are proposed to be 85' wide, which exceeds the RR district's 70' minimum, but that standard is footnoted as applying only to lots on internal streets only. Otherwise, lots with central sewer would need to be 100' wide.
  - d. RS-05, Landscaping.  
The developer has indicated that perimeter landscaping would meet or exceed that required with the intention to include the perimeter landscaping in the perimeter lots. Lot landscaping would also comply, with the requested provision that some shade trees may be substituted with equivalent evergreen trees. Staff feels that such a substitution would offer variety and be able to better meet site-specific conditions while still meeting the intent of the ordinance regulation.
  - e. RS-06, Street interconnectivity.  
This standard states, "To provide linkages between developments...there shall be a plan for vehicular connections into undeveloped tracts or parcels of land..." The proposed plat includes two stub streets to adjacent undeveloped tracts, which seem to meet the letter of the regulation. However, the development itself is comprised of two separate, unconnected sections, which could be viewed as essentially two developments in themselves. The

Commission needs to determine how the proposed plat fits with the regulation and whether the intent is being met.

- f. RS-07, Pedestrian access.

The subdivision proposes sidewalks throughout, which complies with this standard.

Perimeter walks along the county roads are suggested for future connectivity, but waived by the Highway Department for this location.

2. Zoning code §3.6 sets the development standards for the RR zoning district.
  - a. As shown in the summary table above, the proposed plat complies with the minimum lot area and lot frontage standards.
  - b. For lots with sewer and water, the minimum required lot width is 70', if the lot accesses an internal street. For lots with sewer and external access, a width of 100' is required. The plat meets these requirements, except for proposed lots 114-117.
  - c. The zoning code requires a 35' front setback. The petitioner has filed for a variance of the front setbacks to be 30'. The 25' building line shown on the plat and in the plat summary is a typographical error.
  - d. The remaining standards of §3.6 apply to structures and are not usually considered in the primary plat. For reference, in addition to the front setback variance, the petitioner has requested 5' side setbacks for the primary structure in lieu of the 10' standard. The plat states a rear setback of 10', whereas the standard is 20'; this may be another error.
3. The following subdivision control and highway standards should be reviewed at the primary plat level to ensure the consistency of the plat concept with the regulations before moving to secondary platting.
  - a. Maximum block length of 1,000', maximum cul-de-sac length of 500'. As proposed, the block lengths appear to comply, but one cul-de-sac is over 1,000' in length, as measured from the last street intersection to the cul-de-sac bulb. Additionally, the highway standards permit a maximum of 20 lots to front onto a cul-de-sac.
  - b. Maximum temporary stub street length of 420' without a cul-de-sac. The two stub streets are approximately 550' and 1,350' in length. The shorter stub street may be permissible with a temporary cul-de-sac provided; the longer one exceeds the maximum block and cul-de-sac lengths.
  - c. The radius of cul-de-sacs should be 60', not 50' as drawn.
  - d. Right-of-way widths appear to comply with county standards, but are not consistent with notations.
  - e. The deceleration and acceleration lanes are subject to approval of the County Engineer.
4. A draft of the restrictive covenants have not yet been submitted for review. While the Commission does not enforce covenants, subdivisions which have common areas, detention ponds, and other maintenance requirements need to provide adequate provisions for the establishment of a Homeowner Association, fee collection, and ongoing authority to fund and provide maintenance. At the primary plat level, draft covenants are sufficient to show the intended means to meet these objectives.

#### **WAIVER REQUESTS**

There are no waiver requests at this time.

**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 is not adequately consistent with the standards and **recommends a continuation** to allow the petitioner to consult with the Drainage Board regarding the requirements to relocate or replace the Schneider legal drain and to adjust the proposed plat to sufficiently comply with the various standards mentioned above.

Date report completed: 6/13/19

**PLAN COMMISSION ACTION**

Motion:

By:

Second by:

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





- General Notes:**
1. All Right-of-Way intersection radii to be 20 feet.
  2. All Right-of-Ways to be dedicated to Whitley County.
  3. All Cul-de-Sac Right-of-Way to be 60' radius.
  4. All Park areas, Common areas, or Block areas to have a blanket utility and surface drainage easement.
  5. All buried utilities must allow for proposed drainage swale grades as found in the construction plans.
  6. U.S.D. Esmt. denotes Utility and Surface Drainage Easement.
  7. B.L. denotes Building Line.
  8. According to Flood Hazard Boundary Map 18183 C 0280 C, Effective Date May 4, 2015, this property lies in Zone X, No Screen Zone. Areas determined to be outside the 0.2% annual chance floodplain.
  9. The typical minimum setback and minimum side yard requirements for each lot are as follows:
    - 9.1. 25ft front building line
    - 9.2. 10ft rear building line
    - 9.3. 5ft minimum side yard

**Note:**  
According to Flood Hazard Boundary Map 18183 C 0280 C, Effective Date May 4, 2015, this property lies in Zone X, No Screen Zone. Areas determined to be outside the 0.2% annual chance floodplain.

**QUITCLAIM DEED**

**THIS INDENTURE WITNESSETH**, that THOMAS M. MILLIGAN, GRANTOR, an adult over the age of twenty-one (21) years,

**QUITCLAIMS TO THOMAS M. MILLIGAN AND CHERYL L. MILLIGAN**, Husband and Wife, GRANTEES, as a gift and for no consideration, his entire interest in the following described real estate in Whitley County, Indiana:

The South 60 acres of the Southeast 1/4 of Section 12, Township 30 North of Range 10 East, Whitley County, Indiana.  
Commonly known as E 700 S, Columbia City, IN 46725  
PIN: 92-16-12-009-202-000-006

Together with and subject to all rights, restrictions, easements, conditions, ordinances, limitations, taxes and assessments, liens, and reservations of record.

To have and to hold the same unto the said Grantees and unto their heirs and assigns forever, with all appurtenances thereto belonging.

Dated this 24<sup>th</sup> day of February, 2014.

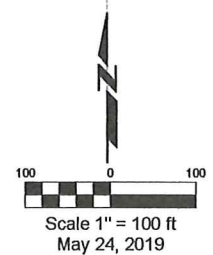
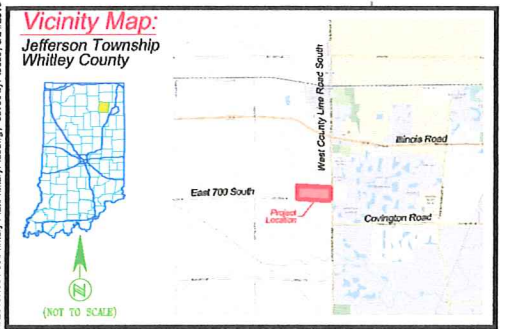
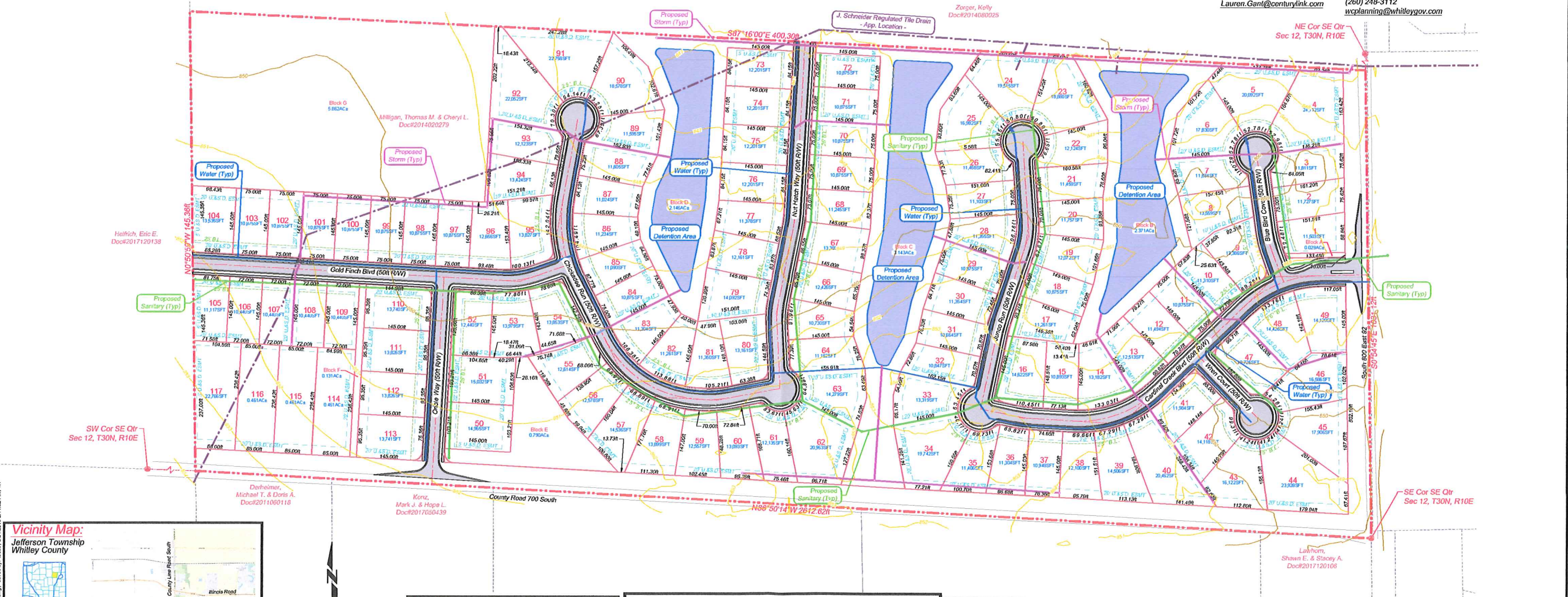
STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:  
Before me, the undersigned, a Notary Public in and for said County and State, this 24<sup>th</sup> day of February, 2014, personally appeared THOMAS M. MILLIGAN, an adult over the age of Twenty-one (21) years and acknowledged the execution of the foregoing deed, in witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: [Signature]  
Resident of Allen County [Signature]  
I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document, unless required by law. Jane M. Gerardo  
This instrument prepared by: Jane M. Gerardo, Attorney at Law, Among No. 15172-01  
7321 West Jefferson Blvd., Fort Wayne, Indiana 46804; (260) 456-3183.  
Return To: 7321 W. Jefferson Blvd., Fort Wayne, IN 46804

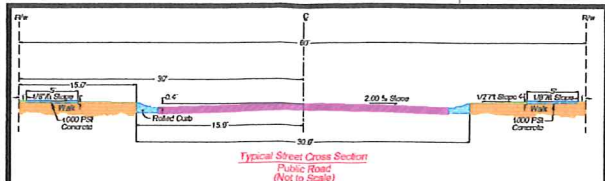
# Primary Plat Cardinal Creek

A Site Located in the Southeast Quarter of  
Section 12, Township 30 North, Range 10 East.  
Whitley County, Indiana

- Project Jurisdiction Summary:**
- |  |   |
|--|---|
| <b>City of Columbia City Utilities</b><br>Jeff Walker<br>316 S. Towerview Drive<br>Columbia City, IN 46725<br>(260) 248-5114<br>jwalker@columbiacity.net | <b>NIPSCO</b><br>Jon Stroud<br>jstroud@nipsource.com  |
| <b>Columbia City Fire Department</b><br>Tom LaRue<br>112 S. Chauncey Street<br>Columbia City, IN 46725<br>(260) 248-5161<br>tlarue@columbiacity.net      | <b>Whitley County Soil &amp; Water Conservation District</b><br>Jon Gotz<br>788 Connexion Way, Suite C<br>Columbia City, IN 46725<br>(260) 244-6266 ext. 109<br>Jon.Gotz@n.nacdn.net                      |
| <b>Columbia City Engineer</b><br>Ken Herceg<br>112 S. Chauncey Street<br>Columbia City, IN 46725<br>(260) 248-5161<br>tlarue@columbiacity.net            | <b>Whitley County Engineer</b><br>Brandon Forrester<br>220 West Van Buren Street, Suite 203<br>Columbia City, IN 46725<br>(260) 248-3185<br>wceengineer@whitleygov.com                                    |
| <b>Centurylink</b><br>Lauren Gant<br>(260) 248-2238<br>Lauren.Gant@centurylink.com   | <b>Columbia City/Whitley County Planning &amp; Building Department</b><br>Nathan Bilger<br>220 West Van Buren Street, Suite 204<br>Columbia City, IN 46725<br>(260) 248-3112<br>wcplanning@whitleygov.com |



Legend	
Existing	Proposed
Existing Sections	Future Sections
Contours	Storm Line
Storm Line	Water Line
Sanitary Line	Sanitary Line
Building Line	Building Line
Esmt Line	Esmt Line



**Developer:**  
Cardinal Creek Development, LLC  
1020 Woodland Plaza Run  
Fort Wayne, IN, 46825  
Tel: (260) 490-1417

**Engineer:**  
**DABEC**  
D.A. Brown Engineering Consultants  
5491 County Road 427, P.O. Box 389, Auburn, IN 46706  
Phone: (260) 925-2020 Fax: (260) 925-1212  
www.dabrownengineering.com

		Revisions	
Date:	Drawn By:	Date:	Description:
05/24/2019			
Scale:	Checked By:		
As Noted			
Job No.	Sheet No.		
1904-05-001	1 of 1		