

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

18-W-MOD-1 COVENANTS MODIFICATION REQUEST
Fox Run Association, Inc.

**NOVEMBER 20, 2018
AGENDA ITEM: 1**

SUMMARY OF REQUEST

The owners of the lots in the Fox Run subdivision, located on the south side of East CR 600 North, east of Airport Road, are requesting a modification of the *Protective Covenants and Limitations for Fox Run*.

This request comes to the Commission because the covenants require that any changes be made by the then owners “with the prior approval of the Whitley County Plan Commission.” The Fox Run plat and covenants were first recorded in December 1998. An amendment to the covenants was recorded in 2000 to clarify the allowable size and types of outbuildings. The plat of Section 2 was recorded in 2002.

The applicants propose the following modifications:

- Clarify the definition of “Member”. Only lot owners would be members, and members are entitled to one vote each.
- Clarify the Common Areas that are subject to the Covenants. Only the entrance and the cul-de-sac island would be commonly maintained.
- In provision #12, remove the requirement to install an automatic front yard light, and instead make it optional.
- In provision #15, add the recommendation that trash storage be placed out of view of the street.

REVIEW CRITERIA

Subdivision covenant modifications are reviewed generally for compliance with the purpose and standards of Subdivision Control Ordinance and the Zoning Code. Staff finds that the proposed modifications do not appear to contradict those standards or purpose.

Staff does suggest that the proposed recommendation for trash storage to be kept out of view of the street may be ineffectual over time. The applicant may wish to consider a requirement to do so instead.

Date report completed: 11/1/18

PLAN COMMISSION ACTION

Motion:

By:

Second by:

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