

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**19-W-SUBD-14 PRIMARY PLAT APPROVAL**  
Corey Sheckler  
Copper Creek, 2010 W. Sheckler Road

**NOVEMBER 20, 2019  
AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	5.59 acres	Lot size:	1.837 acres	5.27 acres
Number of lots:	1 lot	Lot width:	225'	465.30' (at FSL along road)
Dedicated ROW:	0.32 acre	Lot frontage:	50'	465.30'

The petitioner, owner of the subject property, is requesting primary plat approval for Copper Creek, a proposed one-lot subdivision located on the north side of West Sheckler Road, approximately ½ mile east of CR 250 West in Thorncreek Township. The site is currently improved with a single-family dwelling and a pole building.

Proposed are one lot and dedicated right-of-way for the county road. A split is requested to remove the house area from the remainder of the wooded acreage; platting is required due to previous splits from the parent tract. This is the first lot platted from this parcel since 2018, so no rezoning is required.

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	X	Health	X	Cable TV	
Gas	X	Co. Highway	X	Sanitary Sewer	NA
Telephone		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 lot. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate.

The Health Department stated that petitioner was required to have a soil test completed. Petitioner has subsequently provided a receipt showing that a soil test was completed on November 6, 2019.

The Parcel Committee had no comments.

Separate restrictive covenants have not yet been submitted.

**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. Add notation of "Front Yard Setback" to both parts of the setback.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 11/8/19, MC; reviewed, NB.

**PLAN COMMISSION ACTION**

Motion:

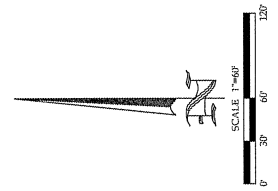
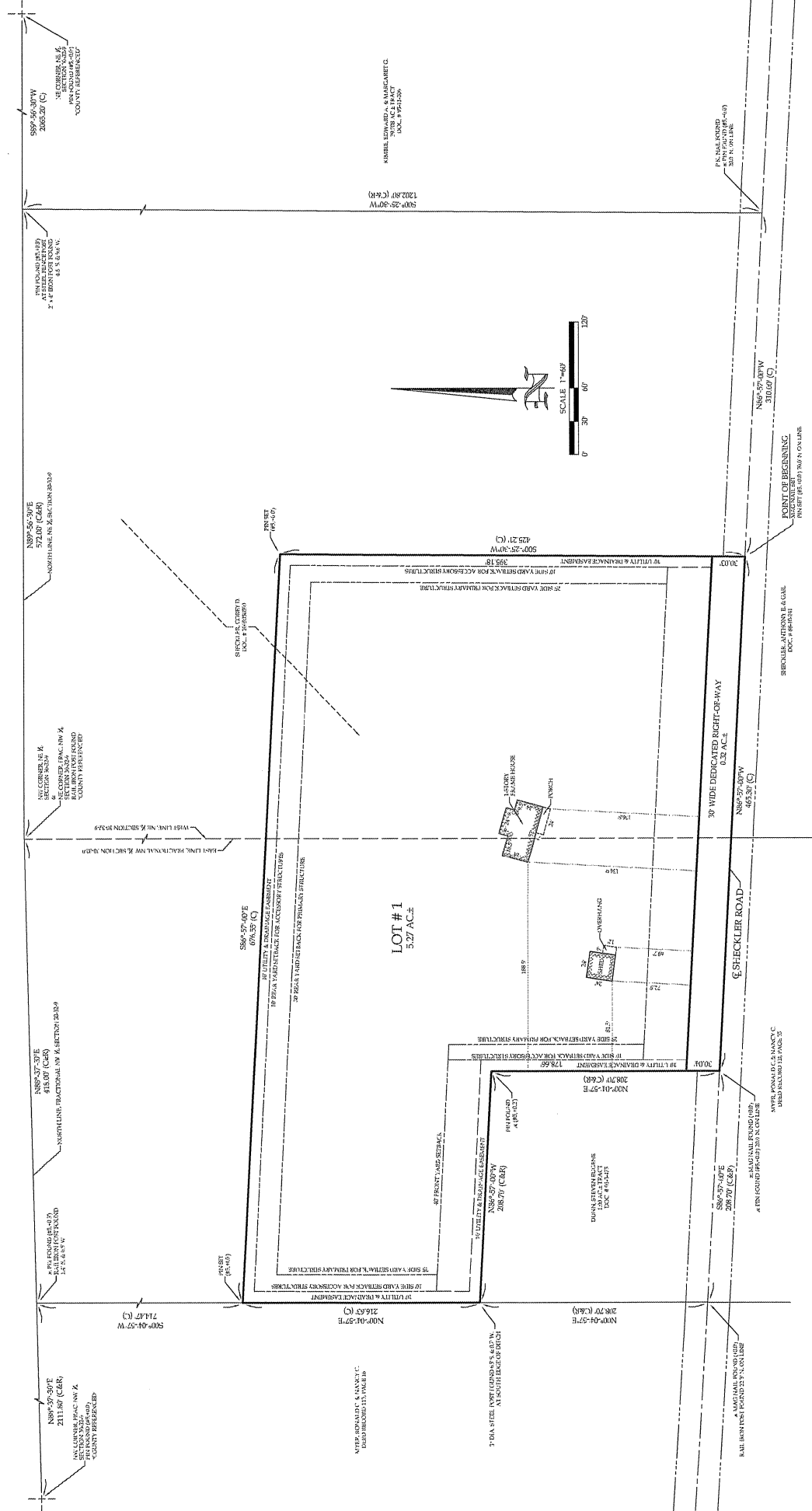
By:

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>									

# COPPER CREEK (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, AND IN THE FRACTIONAL NORTHWEST QUARTER OF SECTION 30, ALL BEING IN TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



## VICINITY MAP



**NOT TO SCALE**  
 The basis of bearings for this drawing is a recorded bearing of N89°57'40"W for the centerline of Sheckler Road. Multiple GPS observations utilizing a WCS84 signal and a local coordinate grid were utilized this survey.

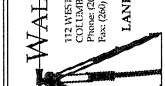
**LEGEND**  
 M = MEASURED  
 P = PLAT  
 \* = WALKER MONUMENT

**PROPERTY ADDRESS**  
 2010 Sheckler Rd  
 Columbia City, IN 46725

**AREA NOTES**  
 The Plat of Copper Creek contains 5.59 Ac.±  
 Lot Number 1 contains 5.27 Ac.±  
 There is 0.32 Ac.± of Dedicated Right-of-Way.  
 The Plat of Copper Creek contains 2.50 Ac.± in the Northeast Quarter of Section 30, and 3.09 Ac.± in the Fractional Northwest Quarter of Section 30, all being in Township 32 North, Range 9 East, Whitley County, Indiana.  
 Lot Number 1 contains 2.32 Ac.± in the Northeast Quarter of Section 30, and 2.95 Ac.± in the Fractional Northwest Quarter of Section 30, all being in Township 32 North, Range 9 East, Whitley County, Indiana.  
 Section 30, all being in Township 32 North, Range 9 East, Whitley County, Indiana, of Dedicated Right-of-Way.

**WALKER & ASSOCIATES**  
 EST. 1984  
 172 WEST VAN BUREN STREET  
 COLUMBIA CITY, IN 46725  
 www.walkersurveying.net  
 Phone (860) 244-3640  
 Fax (860) 244-4640  
 Email: mail@walkersurveying.net

**LAND SURVEYING, CIVIL ENGINEERING, & LAND PLANNING**



# COPPER CREEK (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, AND IN THE FRACTIONAL NORTHWEST QUARTER OF SECTION 30, ALL BEING IN TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

## DESCRIPTION

Part of the Northeast Quarter of Section 30, together with part of the Fractional Northwest Quarter of Section 30, all being in Township 32 North, Range 9 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS#0870006, as part of original Plat of COPPER CREEK completed by J.K. Walker and Associates, P.C., dated October 15, 2019), all together being more particularly described as follows, to wit:

Commencing, at a nail iron post found at the Northwest corner of the Northeast Quarter of said Section 30; hence S89°28'30" E (the basis of bearings for this description is a deed bearing of S89°57'30" W for the center of the Sheckler Road), on and along the East line of the Northeast Quarter of said Section 30, a distance of 100.00 feet to the Northeast corner of said Section 30; hence S00°25'30" W, on and along the East line of said Section 30, a distance of 100.00 feet to the Northeast corner of said Section 30; hence S89°28'30" E, on and along said centerline, a distance of 310.00 feet to a Mag nail at the POINT OF BEGINNING; hence continuing S89°57'40" W, on and along said centerline, a distance of 463.30 feet to a Mag nail found at the Southeast corner of a certain 1.00 acre tract of land as recorded in Document Number 01-3-475 in the records of Whitley County, Indiana; hence N00°04'57" E, on and along the East line of said 1.00 acre tract of land, a distance of 208.70 feet to a 5/8-inch iron capped "Walker" found at the Northeast corner of said 1.00 acre tract of land; hence N86°57'40" W, on and along the North line of said 1.00 acre tract of land, a distance of 208.70 feet to the Northwest corner of said 1.00 acre tract of land; hence N00°04'57" E, a distance of 216.63 feet to a 5/8-inch iron pin capped "Walker"; hence S89°58'57'40" E, a distance of 676.95 feet to a 5/8-inch iron pin capped "Walker"; hence S00°25'30" W, a distance of 425.21 feet to the point of beginning, containing 2.59 acres of land, more or less, subject to legal right-of-way for Sheckler Road, subject to all legal drain easements and all other easements of record.

## FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other information that may be available. Flood Insurance Rate Map (FIRM) data for the subject tract appears to be situated in Zone "X", which is not a flood plain, as said flood plains by scale on Map Number 18183C0135C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

## THEORY OF LOCATION

This is an original boundary survey of part of the Northeast Quarter of Section 30, together with part of the Fractional Northwest Quarter of Section 30, all being in Township 32 North, Range 9 East, Whitley County, Indiana, located at 2010 W Sheckler Road, Columbia City, Indiana. The surveyed tract is part of a larger tract of land as recorded in Document Number 2080505990 in the records of Whitley County, Indiana. The surveyed tract was created as directed by a representative of the owner.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Northeast corner of the Northeast Quarter of Section 30 was established using existing monuments found at the Northeast corner of Section 30. A 5/8-inch iron pin was found at this corner and was held this survey. The Northeast corner of the Northeast Quarter of Section 30 is county referenced. An iron pin was found at this corner and was held this survey.

The Northwest corner of the Fractional Northwest Quarter of said Section 30 is county referenced. An iron pin was found at this corner and was held this survey. The centerline of Sheckler Road was established using existing monuments found. A Mag nail was found at the Southeast corner of a certain 1.00 acre tract of land as recorded in Document Number 01-3-475 (Southwest corner of the surveyed tract) and was held this survey. A 5/8-inch iron pin was found at the Northeast corner of said 1.00 acre tract of land (a Southwest corner of the surveyed tract) and was held this survey. Southwest corner of the surveyed tract was established using the Mag nail and bearings. A steel post was found 65 feet South of and 0.7 feet West of said corner.

The Northeast corner of the surveyed tract was established on the West line of said tract of land in Document Number 2080505990 as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner. The Southwest corner of the surveyed tract was established on the centerline of Sheckler Road as directed by a representative of the owner. A Mag nail was set at this corner. The Northeast corner of the surveyed tract was established as directed by a representative of the owner. A 5/8-inch iron pin capped "Walker" was set at this corner. 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 1-2 "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.
- (B) 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.
- (C) Occupation or possession lines.
- (D) Occupancy or possession lines.
- (E) Occupancy or possession lines.
- (F) Occupancy or possession lines.
- (G) Occupancy or possession lines.
- (H) Occupancy or possession lines.
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- (M) Occupancy or possession lines.
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- (Q) Occupancy or possession lines.
- (R) Occupancy or possession lines.
- (S) Occupancy or possession lines.
- (T) Occupancy or possession lines.
- (U) Occupancy or possession lines.
- (V) Occupancy or possession lines.
- (W) Occupancy or possession lines.
- (X) Occupancy or possession lines.
- (Y) Occupancy or possession lines.
- (Z) Occupancy or possession lines.

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

1. 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 revisions that are required. The undersigned was not provided with a current title commitment for use on this survey.
2. For monuments found and set, see survey. All pins set are #5 Rebers with caps marked "Walker".
3. Origin of monuments unknown unless noted on survey.
4. Measurements of this survey are based on aforesaid GRS and/or E.T.S. traverse measurements.
5. Ownership research of the subject tract, and adjoining tracts, was obtained from current tax records on file in Whitley County, Indiana.
6. Reference survey(s) by J.K. Walker & Associates, P.C., dated 08-30-90, 05-15-01, 09-07-01, 01-23-04, 05-26-05.

## WETLAND NOTE

According to the National Wetlands Inventory, wetlands exist on portions of Lots within this Addition. The wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. Any modifications (filling, draining, clearing, etc.) to said wetlands must be approved prior to construction by said Corps of Engineers.

## PLAN COMMISSION CERTIFICATION OF APPROVAL

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

Douglas Wright, Plan Commission President

John Johnson, Plan Commission Secretary

## COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

I, \_\_\_\_\_, do hereby approve and accept this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Board of Commissioners of the County of Whitley, State of Indiana.

George Schwumpf

Don Amher

Thomas Westan

## 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

## 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

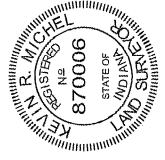
I, the undersigned Registered Land Surveyor or licensed in compliance with the laws of the state of Indiana, hereby certify the herein Plat to correctly represent a survey of the real estate described above as made under my direction, that all the monuments shown hereon actually exist, and that the lines and stakes shown in the Plat have been established in accordance with the laws of the State of Indiana, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-2 and all other amendments thereto.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

Prepared by:

*KRM*

Kevin R. Michel, Professional Surveyor



## DEED OF DEDICATION

I, the undersigned, Corey D. Sheckler, owner of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2080505990, do hereby certify that I 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 as and designated as COPPER CREEK, 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. The property of the street shown shall be created 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 municipal 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 or in aid of the purpose 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 36-6-22 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, repairing 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 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 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 other parcel within this Plat shall at any time demonstrate 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 persons remonstrating. Any person accepting title to a Lot or tract within this Plat, acknowledges that general agricultural areas exist adjacent to 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" 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, 2044, 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\_\_\_\_.

Corey D. Sheckler

State of Indiana

County of Whitley

Before me, the undersigned Notary Public in and for said County and State, personally appeared Corey D. Sheckler, and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

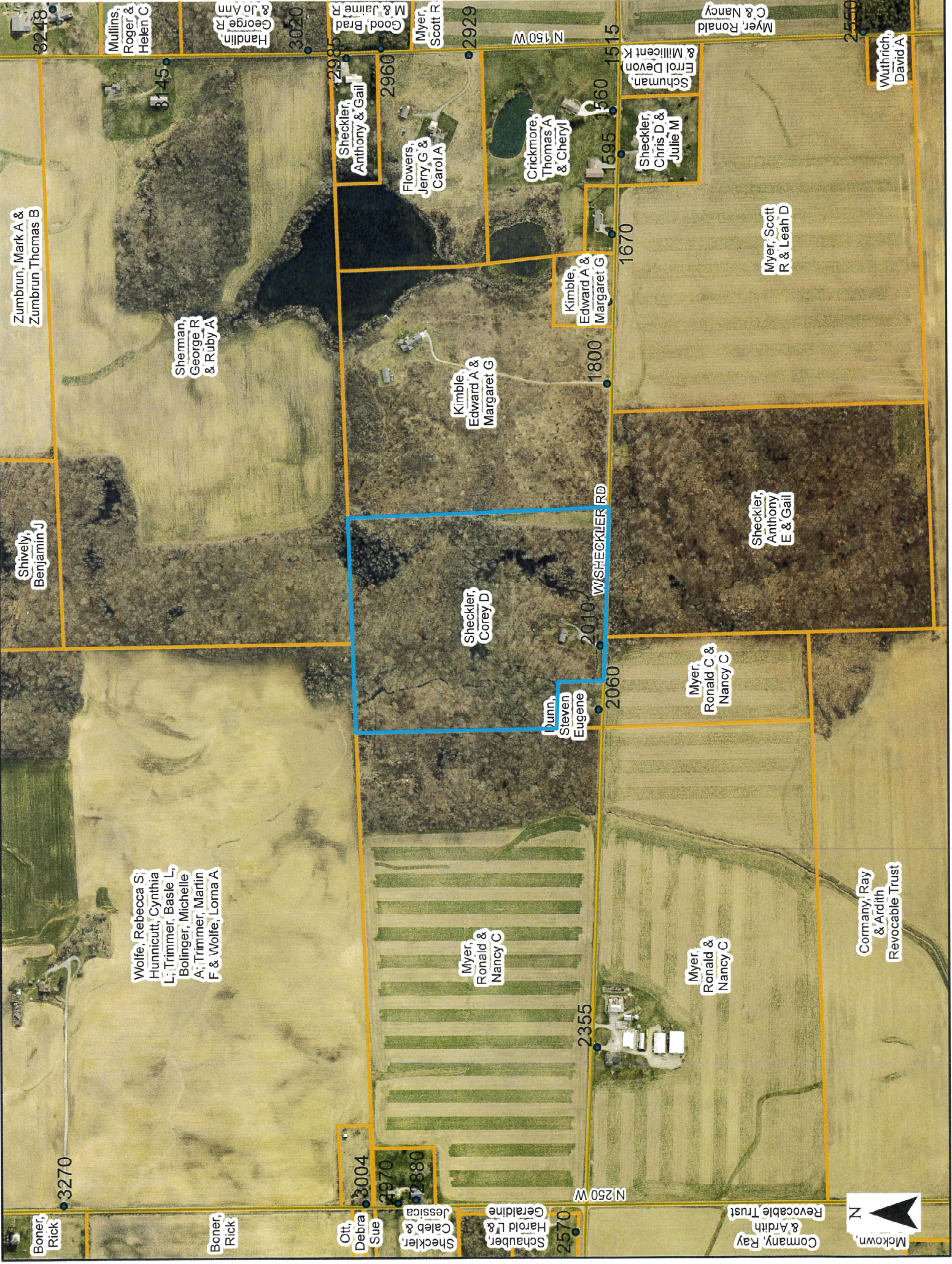
Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

My Commission Expires \_\_\_\_\_

**WALKER & ASSOCIATES**  
EST. 1966  
112 WEST VAN BUREN STREET  
COLUMBIA CITY, IN 46725  
Phone: (317) 244-4600  
Fax: (317) 244-4600  
Email: mail@walkerandassociates.com  
www.walkerandassociates.com

**LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING**



3248

Zumbrun, Mark A & Zumbrun, Thomas B

Shively, Benjamin J

Boner, Rick

Mullins, Roger & Helen C

Sherman, George R & Ruby A

Wolfe, Rebecca S; Hunnicutt, Cynthia L; Trimmer, Basle L; Bolinger, Michelle A; Trimmer, Martin F & Wolfe, Lorna A

Handlin, George R & Jo Ann

Boner, Rick

3020

Good, Brae M & Jaime R

Ott, Debra Sue

Myer, Scott R

Scheckler, Caleb & Jessica

2929

Schauber, Harold L & Geraldine

2960

Myer, Ronald & Nancy C

2970

2980

N 150 W

2570

Myer, Ronald C & Nancy

Revoicable Trust

1515

N 250 W

Schnnan, Errol Devan & Millicent K

Cormany, Ray & Ardith Revocable Trust

1560

Myer, Ronald & Nancy C

Revoicable Trust

1595

Myer, Ronald & Nancy C

Revoicable Trust

1670

Myer, Scott R & Leah D

Revoicable Trust

1800

Myer, Ronald C & Nancy C

Revoicable Trust

1670

Myer, Ronald C & Nancy C

Revoicable Trust

2550

Myer, Ronald C & Nancy C

Revoicable Trust

Wuthrich, David A

Myer, Ronald C & Nancy C

Revoicable Trust

