

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

24-W-SUBD-11 PARTIAL PLAT VACATION AND PRIMARY REPLAT

JUNE 19, 2024

24-W-VAC-1 Phil and Elaine Smock

AGENDA ITEM: 2

Arrowhead Subdivision, Section 3, east side of 600 E, 1/2 mile south of SR 14

**SUMMARY OF PROPOSAL**

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	5.42 acres	Lot size:	1.837 acres	2.71 acres
Number of lots:	2 lots	Lot width:	225'	233.87'±
Dedicated ROW:	Previously dedicated	Lot frontage:	50'	233.87'

The petitioners, owners of the subject property, are requesting vacation of part of the previously platted Lot 1 of Arrowhead Section 2, recorded in 2020, and a preliminary replat approval for a two-lot subdivision to be named "Arrowhead Subdivision, Section 3." The proposed plat is located on the east side of 600 East, 2400 feet south of State Road 14, in Section 11 of Jefferson Township. The subject property is currently unimproved.

The petitioner acquired the property in 2022 and now desires to replat 5.42 acres of the 7.64-acre lot as two new lots. The remaining acreage would be vacated from the existing plat and combined with an adjoining parcel.

Platting is required due to previous splits from the parent tract, including Arrowhead Subdivision along SR 14. These are the first and second lots platted from the 2018 parent parcel, so no rezoning is required, but additional platted lots from the 2018 parent parcel will require rezoning. The lots will be used for new home sites.

The proposed plat appears to comply with the development standards of the zoning code as shown in the above table.

**UTILITY AND REVIEW COMMENTS**

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

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

Since right-of-way for the county road was previously dedicated, no additional width is necessary for this plat. 10' drainage and/or utility easements are shown on the perimeters of each lot.

The Soil and Water Conservation District provided standard information regarding storm water pollution prevention plan submittals if the area disturbed exceeds one acre. He also noted that the property, especially Lot 2, has potentially poor and/or wet soils that could complicate construction.

The County Engineer noted that a vacated legal drain is located on Lot 2. Having been vacated, no easement is necessary to be shown on the plat, but drainage flow in the tile must not be obstructed. He also commented driveway placement may be limited to the middle of the plat due to sight distance.

The Parcel Committee had no comments.

As noted in the plat review in 2020, the use of "Section 3" in the name of the subdivision is abnormal, as the term "section" is used to denote parts of a single primary plat or contiguous subdivisions. However, the Commission has permitted this terminology in the past, and there appears to be no need to change it other than convention.

At the time of this writing, separate restrictive covenants have not been submitted for review. It is not unusual for one- and two-lot plats to not have covenants.

**WAIVER REQUESTS**

There are no waiver requests.

**VACATION REVIEW CRITERIA**

Indiana Code §36-7-4-711, the Subdivision Control Ordinance, and the Zoning Code provide standards for plat vacations, including a requirement to make determinations regarding the criteria listed below. Staff's comments are under each criterion.

- 1. Conditions in the platted area have changed so as to defeat the original purpose of the plat;**  
The proposed reduction of the platted area will leave a 2.22-acre remainder parcel still in the Arrowhead Section 2 subdivision. A vacation approval is necessary to remove the area from that previous plat. Note that the reconfiguration of the 5.42 acres into the proposed two lots would inherently include a vacation and new plat and so does not require a separate vacation approval.
- 2. It is in the public interest to vacate all or part of the plat; and**  
The remainder acreage could be a potentially buildable lot, which would, with the creation of the proposed two lots, create three platted lots from the 2018 parent parcel. Doing so would require a rezoning from the current AG zoning district. It is then in the public interest for the petitioner to either rezone to permit three lots, or to vacate the remainder so that only two buildable lots are created.
- 3. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.**  
Currently, the entire plat of Arrowhead Section 2 is owned by the petitioner.

**SUBDIVISION 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 below conditions.

**SUGGESTED CONDITIONS**

Staff suggests the following condition(s):

1. Unless sanitary sewer is to be utilized, two septic sites per lot are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
2. Add notation that a mutual private drain tile, as described in IC 36-9-27, is located on the property and activities shall not affect the flow of the tile.
3. Add notation that driveways should be located near the south side of Lot 1 and north side of Lot 2, subject to final approval by the County Highway Department.
4. Secondary plat approval delegated to the Plan Commission Staff.
5. The vacated remainder acreage must be combined with an adjacent parcel.
6. The right-of-way previously dedicated in Arrowhead Section 2 is not vacated.

Date report completed: 6/12/2024

**PLAN COMMISSION RECORD OF ACTION (VACATION)**

Motion: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_  
Approve \_\_\_\_\_  
Approve w/conditions \_\_\_\_\_  
Deny \_\_\_\_\_

<b>Vote:</b>	<b>Baker</b>	<b>Banks</b>	<b>Drew</b>	<b>Emerick</b>	<b>Green</b>	<b>Hodges</b>	<b>Johnson</b>	<b>Kurtz-Seslar</b>	<b>Wolf</b>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

**PLAN COMMISSION RECORD OF ACTION (SUBDIVISION)**

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Approve \_\_\_\_\_  
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<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									



Cox, Morris A

Schrader, Brent D & Mary A

Emerick, Brian G & Emerick, Sonya M

Emerick, Brian G & Emerick, Sonya M

Davis, Donald D & Roberta A

Bull, Larry R & Carol L

Fisher, Thomas & Mannes, Carly M

Lamle, Gary D Revocable Trust

Clark, Todd M & Jodi L

Emerick, Bruce & Joanne

Emerick, Bruce A

Derheimer, Thomas & Martha Irrevocable Trust

Derheimer, Thomas & Martha Irrevocable Trust

Derheimer, Thomas & Martha Irrevocable Trust

Davies, Luann

Emerick, Brian G & Emerick, Sonya M

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Zoda, Joseph W

Zoda, Joseph W & Maryna O

Gradeless, Lisa S & Bryson D

Clark, Brian R

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Clark, Brett A

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Emerick, Brian G & Emerick, Sonya M

Emerick, Brian G & Emerick, Sonya M

Stuart W & Roxane L

Travelbee, W & Maryna O

Clark, Andrew Jody & J

Clark, Brian R

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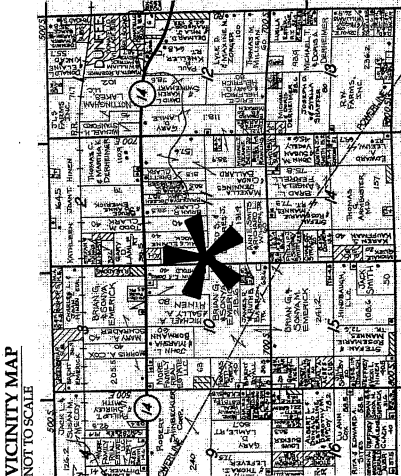
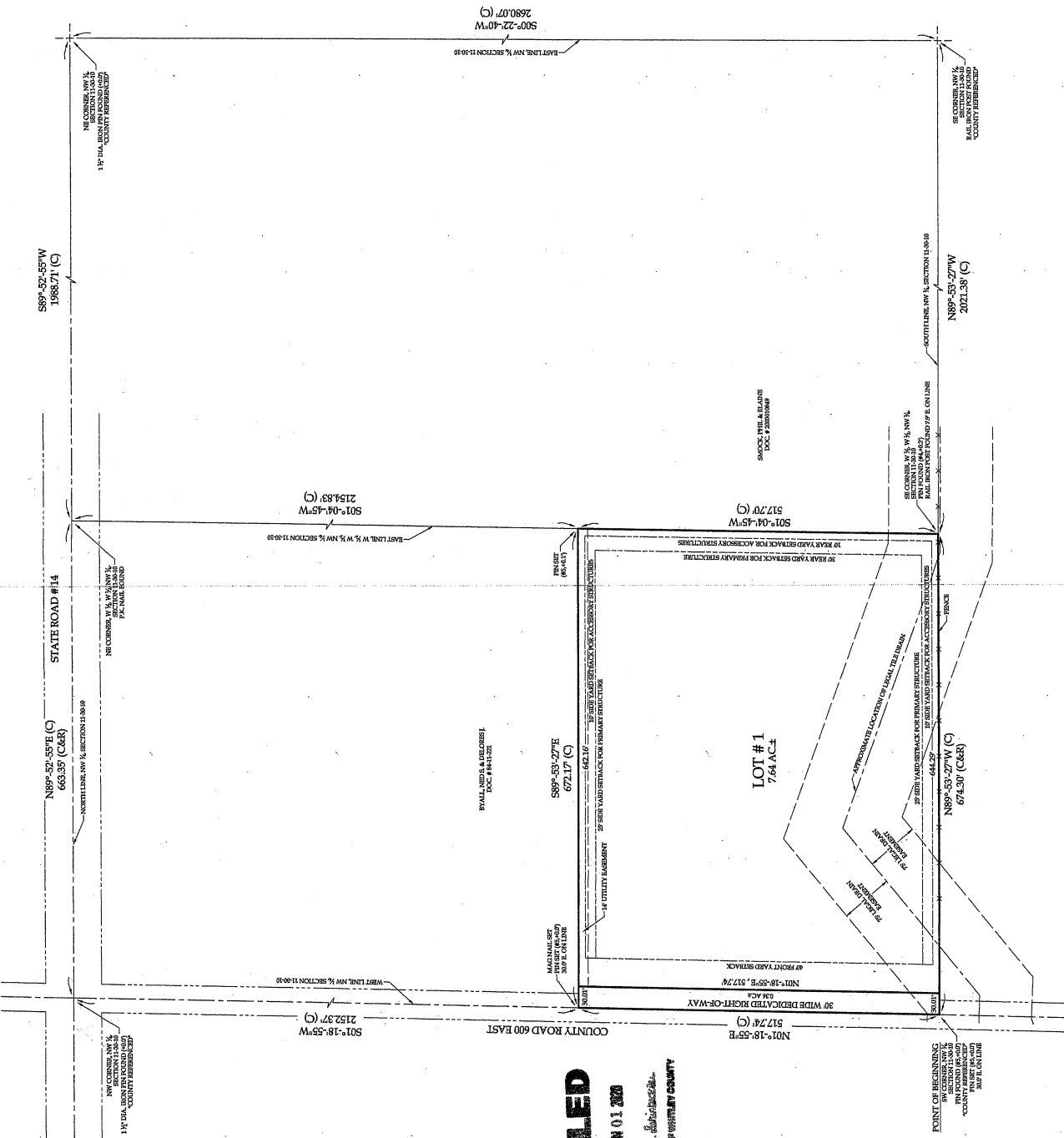
Clark, Brett A

Clark, Brett A

# ARROWHEAD SUBDIVISION, SECTION 2

SITUATED IN THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

2020060023  
 ROSEMARY BROWN  
 WHITLEY COUNTY RECORDER  
 COLUMBIA CITY, IN  
 06/01/2020 02:25:58 PM



VICINITY MAP  
 NOT TO SCALE

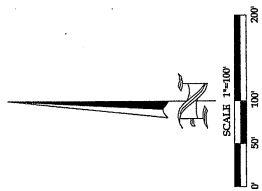
**FILED**

JUN 01 2020  
 Office of the Recorder  
 Whitley County, Indiana

**LEGEND**  
 M = MEASURED  
 P = PLAT  
 \* = WALKER MONUMENT  
 C = CALCULATED  
 R = RECORDED  
 FIELD WORK COMPLETED ON 1-6-2020

**BASIS OF BEARINGS**  
 The basis of bearings for this plat is an adjacent's plat of the Arrowhead Subdivision, Section 2, Northwest Quarter of Section 11, Township 30 North, Range 10 East, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized in this survey.

**AREA NOTES**  
 The Plat of Arrowhead Subdivision, Section 2 contains 8.00 AC±.  
 Lot Number 1 contains 7.64 AC±.  
 There is 0.36 AC± of Dedicated Right-of-Way.



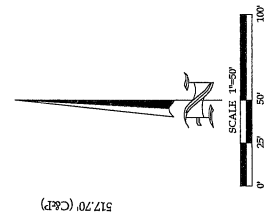
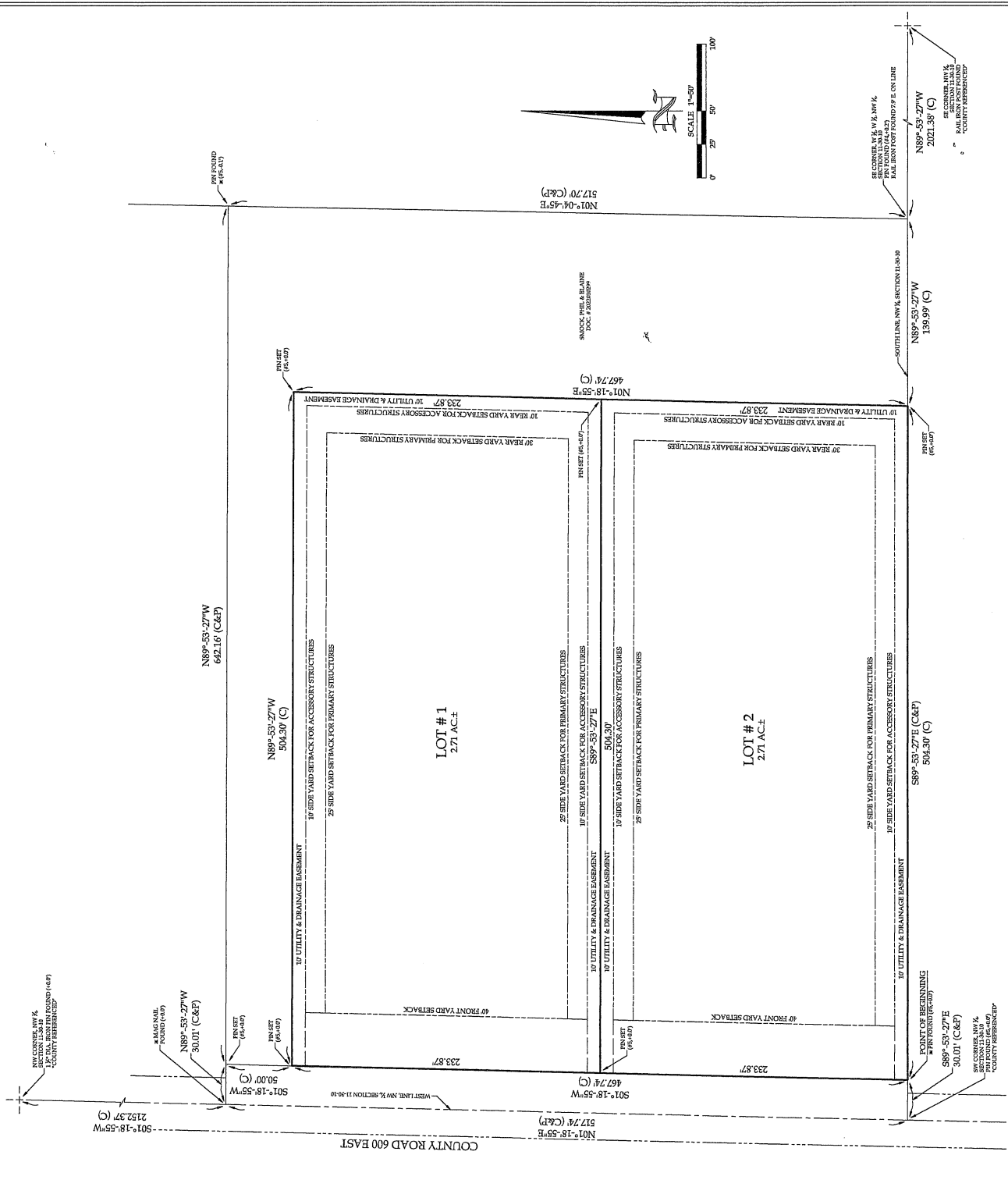
**WALKER & ASSOCIATES**  
 112 WEST VAN BUREN STREET  
 COLUMBIA CITY, IN 46725  
 Phone: (317) 744-4660  
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 Website: www.walkerandassociates.com  
 Email: mwalker@walkerandassociates.com

LAND SURVEYING, CIVIL ENGINEERING,  
 & LAND PLANNING

EST. 1984

# ARROWHEAD SUBDIVISION, SECTION 3 (PRELIMINARY)

SITUATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



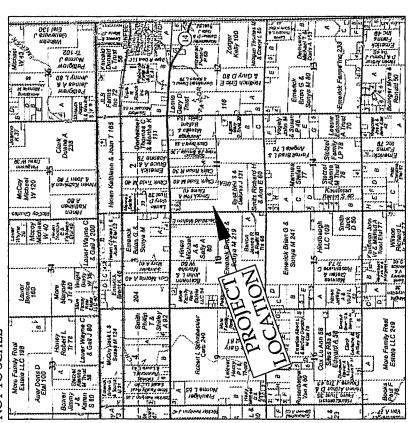
**LEGEND**  
 M = MEASURED  
 C = CALCULATED  
 P = RECORDED  
 W = WALKER MONUMENT

FIELD WORK COMPLETED ON 5-15-2024

**BASIS OF BEARINGS**  
 The basis of bearings for this drawing is plotted bearings for the Plat of Arrowhead Subdivision, Section 2, Whitley County, Indiana. Multiple CP5 observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

**AREA NOTES**  
 The Plat of Arrowhead Subdivision, Section 3, contains 5.42 acres. Lot Number 1 contains 2.71 acres. Lot Number 2 contains 2.71 acres.

**VICINITY MAP**  
 NOT TO SCALE



**WALKER & ASSOCIATES**  
 EST. 1984  
 113 WEST VAN BUREN STREET  
 COLUMBIA CITY, IN 46725  
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