



STAFF REPORT

BARTHOLOMEW COUNTY PLAN COMMISSION (April 9, 2014 Meeting)

Docket No. / Project Title: MIP-14-03 (Medaris – Mullen Minor Subdivision)
Staff: Thom Weintraut
Applicant: M. Kyle Medaris
Property Size: 25.80 Acres
Current Zoning: AG (Agriculture: General Rural)
Location: 12720 West 525 South, in Ohio Township

Background Summary:

The applicant has indicated that the proposed subdivision is for the purpose of creating a new buildable lot of 6.1 acres, creating administrative lot of 5.2 acres with an existing house, and leaving an agricultural tract of 14.4 acres that is wooded and contains a classified forest. The applicant is requesting the following 3 modifications from the Subdivision Control Ordinance:

1. Section 8-57(8): the requirement that cul-de-sac streets not exceed 1000 feet in length.
2. Section 8-60: the requirement for a minimum width of 16 feet of stone pavement for a drive serving a Condition 2 Type A corridor.
3. Section 8-60(3)(i): the requirement for whenever an access easement or served right-of-way corridor crosses a lot or agriculture remainder when future dedication of the corridor would create separate buildable lot(s), agriculture tract(s), or unbuildable remnant(s), the land so crossed shall be shall be platted as separate lot(s), tract(s) or unbuildable parcels at the time the corridor is created.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Should the access easement be allowed to bisect lot 2?
2. Should the width of the access drive be less than the required 16 foot width?
3. Will the additional length of the cul-de-sac (driveway) create any issues?

Preliminary Staff Recommendation:

Approval of the subdivision and the following modifications:

1. Relief from Section 8.57(8), the requirement that cul-de-sac not exceed 100 feet in length. The configuration of the current lot created a driveway exceeding 1000 feet in order to reach the existing house. The pond location requires the driveway to extend north around the pond to reach the existing house and thereby prevents creating a driveway of less than 1000 feet to reach Administrative Lot 2.
2. Relief from Section 8-60, the requirement that the driveway width meet a minimum of 16 feet for the entire length to the furthest lot served. The current drive has a ravine on the west side that limits adding width to the west side of the driveway and a row of larger trees on the east would have to be removed to widen the drive on that side.
3. Relief from Section 8-60(3)(I), the requirement for creating separate lots for parcels that are bisected by an access easement be platted as separate parcels when the access easement is created. The

topography of the agriculture tract and lots limit the possibility of finding future septic locations for any new lots.

The approval shall also include the following conditions:

1. The applicant shall provide a pullover area with a minimum pavement width of 16 feet midway between County Road 525 South and the first curve of the access easement.
2. The applicant shall provide an additional pullover area with a minimum pavement width of 16 feet at the location of the access easement leading to the Agriculture Remainder.
3. Resolve any outstanding technical comments.

Plan Commission Options:

In reviewing a request for *minor subdivision approval*, which includes a request for modification(s) the Plan Commission may (1) approve the modification(s) and the subdivision, (2) deny the modification(s) and the subdivision, or (3) continue the review to the next Plan Commission meeting. If more than one modification is requested, the Plan Commission may approve some, all, or none of the requests. The Plan Commission may attach conditions to the approval of the modification(s); however the conditions should be directly related to the circumstances of the modification requested (per Subdivision Control Ordinance Section 8-119(c)).

Modification Decision Criteria:

Indiana law and the Bartholomew County Subdivision Control Ordinance require that the Plan Commission approve all subdivisions which meet the applicable requirements. The Plan Commission has delegated the approval authority for Minor Subdivisions to the Plat Committee. This application is being considered by the Plan Commission because the Plat Committee found at least one aspect of the proposal to be inconsistent with the Subdivision Control Ordinance. Section 8-119(a) of the Subdivision Control Ordinance indicates that the Plan Commission may grant a modification of the requirements of the Ordinance upon the determination that each of the following is true:

1. The modification will not be detrimental to the public, health, safety, and general welfare.
2. Adjacent property will not be adversely affected.
3. The modification is justified because of exceptional topographic or other physical conditions unique to the property involved, as opposed to mere inconvenience or financial disadvantage.
4. The modification is consistent with the intent of the Zoning Ordinance, other applicable ordinances, and the Comprehensive Plan.
5. The condition necessitating the modification was not created by the owner or applicant.
6. The modification will not conflict with the requirements of the Zoning Ordinance including but not limited to lot area, lot frontage, lot width, and setback(s).

Outstanding Technical Comments:

The following outstanding technical comments must be addressed by the applicant:

1. Label the Ag. Remainder as Agriculture Remainder.
2. Provide a signed agriculture affidavit.
3. Plan Commission Certificate should list President, Zack Ellison – then Secretary, Tom R. Finke
4. Meet the requirements for clearing the site visibility triangle agreed upon at the March 27, 2014 meeting with the County Highway Department.

Current Property Information (entire subdivision site):	
Land Use:	Single-family residential.

Site Features:	Residential structure, pole barn, pond, and Classified Forest.
Flood Hazards:	None.
Special Circumstances: (Wellfield Protection Area, etc.)	None.
Vehicle Access:	The property has access to County Road 525 South

Surrounding Zoning and Land Use (entire subdivision site):		
	Zoning:	Land Use:
North:	AG (Agriculture: General Rural)	Woodland
South:	AG (Agriculture: General Rural)	Single-family residential
East:	AG (Agriculture: General Rural)	Single-family residential, woodland and open grassland
West:	AG (Agriculture: General Rural)	Single-family residential

Interdepartmental Review:	
County Highway Department:	County Highway has met with the applicant and reached an agreement to clear trees and undergrowth in the sight visibility area of the driveway. The applicant anticipates completion of the clearing mid to late April.
County Health Department:	<ol style="list-style-type: none"> 1. The septic system for the existing residence did not appear to be malfunctioning and appears to be contained on the proposed lot. 2. The new lot has two acceptable septic sites both of which are located south of the existing driveway.

History of this Location:

The relevant history of this property includes the following: The existing residential structure was constructed in 1984.

History of this Application:

The relevant history of this application includes the following: On March 20, 2014, the Plat Committee provided technical comments on the plat and forwarded the request to the Plan Commission with the following three modification requests: 1) to allow the driveway width for a Condition 2 Type B Corridor be less than 16 feet as required by Section 8-60(Table 8-1) of the Subdivision Control Ordinance requirement; 2) to allow an access easement to cross a property without the two areas being platted as separate lots as required by Section 8-60(a)(3)(i) of the Subdivision Control Ordinance; and 3) to allow the length of a cul-de-sac to exceed 1000 feet in length as required by Section 8-57(e)(8).

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

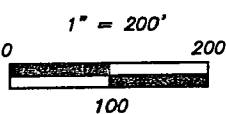
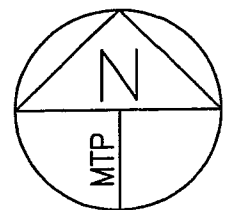
1. The area labeled as the Agriculture Remainder is heavily wooded and a large portion is a classified forest. The applicant states the classified forest will be timbered in the future and would consider timbering as harvesting of a crop. The northern portion also has steep grades that fall to the northeast thus limiting the potential locations for new building sites.
2. The access easement shown on the plat follows the existing driveway and divides lot 1 in to two sections. The portion of the property to the north of the easement is where the applicant wishes to construct the new residence, however there is not sufficient room to located two required septic sites and therefore septic sites are located on the portion of the lot south of the easement. The portion of the lot south of the easement contains the pond which limits locating a house and two septic sites.
3. Table 8-1 Design Standards for Type A and Type B Corridors design standards require a minimum of 16 feet of stone pavement width to insure ample space for two vehicles to pass without moving off into the grass and to provide ample room for emergency vehicles, such as fire and ambulances, to reach the residences. The current driveway is approximately 10 to 14 feet in width and located approximately 5 feet from the edge of pavement there is a 700 foot row of trees that are 6 - 10 inches in diameter. The petitioner would like to keep the trees along the east property line and therefore is asking relief from widening the driveway.
4. The purpose of requiring corridor standards for a subdivision is to insure adequate access for the proposed lots and any future lots. The design of the corridor shall meet the standards for a public street with respect to the profile grade, horizontal alignment, length and drainage and in the case of the Condition 2 Type A corridor the improvements shall extend the length of the common use.
5. The current lot is a flag shaped lot and the length of the driveway to the existing house is approximately 1650 feet. Since the driveway does not have two points of access to a public road, its length shall meet the requirements for a cul-de-sac, which is a maximum distance of 1000 feet. The proposed lot arrangement creates a corridor that exceeds 1200 feet in length and because of the location of the pond there is not a feasible alternative location that would be less than 1000 feet.

Subdivision Control Ordinance Consideration(s):

The following provisions of the Subdivision Control Ordinance apply to the key issues of this application:

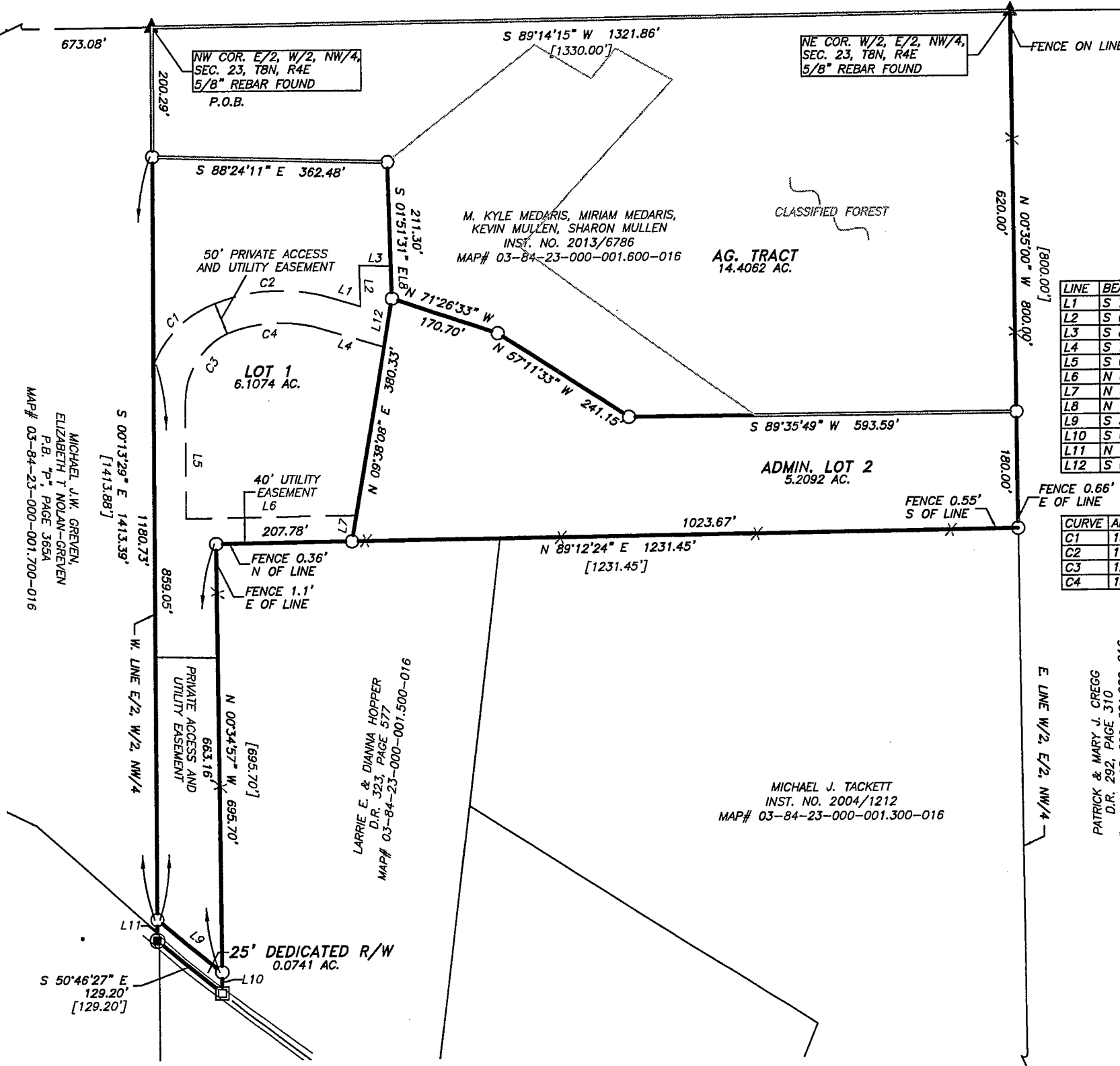
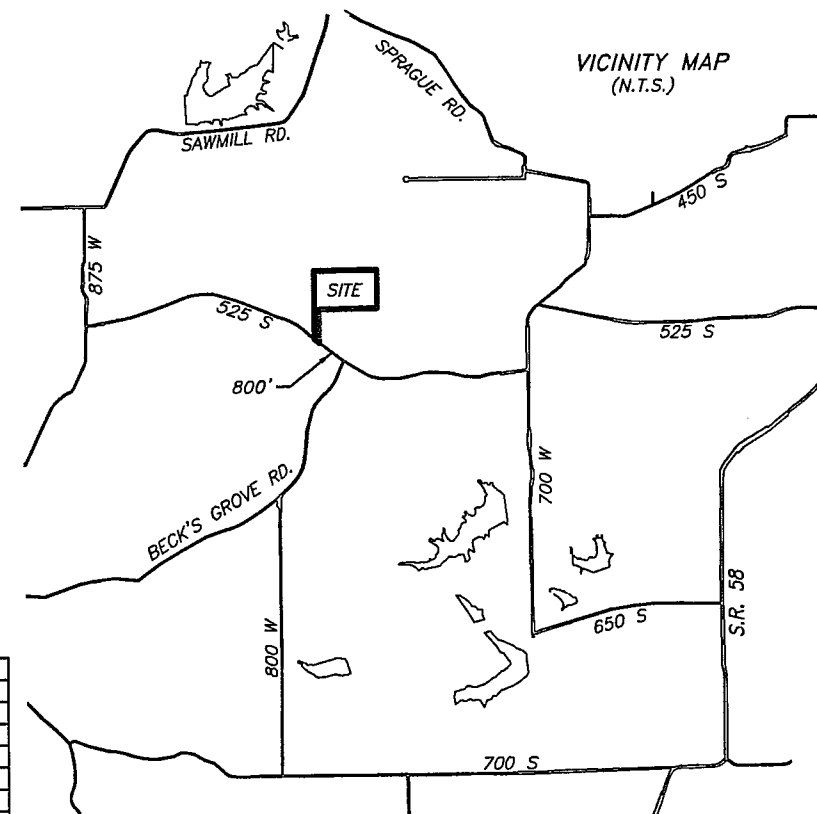
1. Section 8-60(Table 8-1) provides design standards for private access corridors. The corridor Condition provides the maximum number of lots that can be served by the corridor and the corridor Type provided details regarding corridor width, centerline radius, pavement width, shoulder width, and slope of drainage ditches alongside the corridor as well as construction materials. The minimum requirements for a corridor to serve 2 lots is a Condition 2, Type A which has a minimum of a 30 foot right-of-way and 16 feet of pavement constructed with stone.
2. Section 8-60(a)(3)(i) states whenever an access easement or served right-of-way corridor crossed a lot or agriculture remainder when future dedication of the corridor would create separate buildable lot(s), agriculture tract(s), or unbuildable remnant(s), the land so crossed shall be platted as separate lot(s), tract(s), or unbuildable parcel(s) as the corridor is created.
3. Section 8-57(e)(8) of the Subdivision Control Ordinance states that cul-de-sac street shall not exceed 1000 feet in length.

MEDARIS - MULLEN MINOR SUBDIVISION



DAVID L. TODD
INST. NO. 99/15206
MAP# 03-84-14-000-002.300-016

ROBERT L. & BARBARA E. HUSER
INST. NO. 2013/7451
MAP# 03-84-14-000-002.400-016



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AG. TRACT = 14.4062	TOTAL = 4
TOTAL ACRES = 25.7969	

LEGEND

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- = 5/8" REBAR FOUND.
- ◐ = 1/2" REBAR FOUND
- = MAG NAIL SET.
- ⊙ = MAG NAIL SET OVER A RAILROAD SPIKE FOUND.
- BCSM = BARTHOLOMEW COUNTY SURVEYOR'S STANDARD MONUMENT
- P.O.B. = POINT OF BEGINNING
- 100.00 = MEASURED DISTANCE
- [100.00] = PLATTED OR RECORD DIMENSION
- X = FENCE

BASIS OF BEARINGS IS ASSUMED

LEGAL DESCRIPTION (PER SURVEY)

PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER, ALSO PART OF THE WEST HALF OF THE EAST HALF OF SAID NORTHWEST QUARTER ALL IN SECTION 23, TOWNSHIP 8 NORTH, RANGE 4 EAST IN BARTHOLOMEW COUNTY, INDIANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH REBAR AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE WEST HALF OF SAID NORTHWEST QUARTER, THENCE SOUTH 00 DEGREES 13 MINUTES 29 SECONDS EAST (ASSUMED BEARING) ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 1413.39 FEET, TO A MAG NAIL SET OVER A RAILROAD SPIKE IN THE CENTERLINE OF PUBLIC ROAD 525 S; THENCE SOUTH 50 DEGREES 46 MINUTES 27 SECONDS EAST ALONG THE CENTERLINE OF SAID ROAD, A DISTANCE OF 129.20 FEET, TO A MAG NAIL; THENCE NORTH 00 DEGREES 34 MINUTES 57 SECONDS WEST, A DISTANCE OF 695.70 FEET, TO A 5/8 INCH BY 30 INCH REBAR SET WITH ALUMINUM CAP STAMPED "C&D FIRM 0031", HEREINAFTER REFERRED TO AS A CAPPED REBAR; THENCE NORTH 89 DEGREES 12 MINUTES 24 SECONDS EAST, A DISTANCE OF 1231.45 FEET TO A CAPPED REBAR ON THE EAST LINE OF SAID WEST HALF, OF THE EAST HALF OF THE NORTHWEST QUARTER; NORTH 00 DEGREES 35 MINUTES 00 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 800.00 FEET, TO A 5/8 INCH REBAR AT THE NORTHEAST CORNER OF THE WEST HALF, OF THE EAST HALF, OF THE NORTHWEST CORNER; THENCE SOUTH 89 DEGREES 15 SECONDS WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 1321.86 FEET, TO THE POINT OF BEGINNING; CONTAINING 25.7969 ACRES, MORE OR LESS.

MICHAEL J.W. GREVEN,
ELIZABETH T. NOLAN-GREVEN
P.B., "P", PAGE 365A
MAP# 03-84-23-000-001.700-016

LARRIE E. & DIANNA HOPPER
D.R. 323, PAGE 577
MAP# 03-84-23-000-001.500-016

MICHAEL J. TACKETT
INST. NO. 2004/1212
MAP# 03-84-23-000-001.300-016

PATRICK & MARY J. CREGG
D.R. 292, PAGE 310
MAP# 03-84-23-000-001.200-016

REV. NO.	DATE	DESCRIPTION	BY:

CROWDER AND DARNALL INC.
LAND SURVEYING
826 3RD STREET COLUMBUS INDIANA 47201
(812) 376-3391

MEDARIS - MULLEN MINOR SUBDIVISION
NW/4, SEC. 23, T8N, R4E

JOB NO:	130130	SHEET:	1 OF 2
FILE NAME:	Q:\2013\130130\130130.DWG		

MEDARIS - MULLEN MINOR SUBDIVISION

OWNER'S CERTIFICATE

WE THE UNDERSIGNED, M. KYLE MEDARIS, MIRIAM MEDARIS, KEVIN MULLEN, SHARON MULLEN, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS MEDARIS - MULLEN MINOR SUBDIVISION CONSISTING OF 3 LOTS NUMBERED LOT 1, LOT 2, AND AG. TRACT, AND CONTAINING 25.8321 ACRES.

CLEAR TITLE TO THE LAND CONTAINED IN THIS SUBDIVISION IS BASED ON A DEED RECORDED IN INST. NO. 2013/6786.

THE SETBACK LINES SHALL BE DETERMINED BY THE BARTHOLOMEW COUNTY ZONING ORDINANCE AS PERIODICALLY AMENDED.

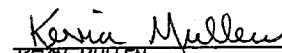
THERE ARE STRIPS OF GROUND SHOWN ON THIS DRAWING MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF THE UTILITY OR COUNTY TO INSTALL, REPAIR, MAINTAIN OR REPLACE ITS INSTALLATION. DRAINAGE USE OF THE EASEMENTS IS HEREBY AUTHORIZED UNLESS OTHERWISE STATED. THOSE EASEMENTS NOTED AS SURFACE DRAINAGE EASEMENTS SHALL NOT BE DISTURBED IN SUCH A MANNER AS TO INTERFERE WITH THE FLOW OF STORMWATER. NO PLANTINGS, STRUCTURES, OR FILL SHALL BE PLACED IN SUCH EASEMENTS NOR SHALL THEY BE REGRADED IN SUCH A MANNER AS TO IMPEDE THE FLOW OF STORMWATER.

THERE ARE PRIVATE ACCESS EASEMENTS SHOWN ON THIS DRAWING AND MARKED ACCORDINGLY. THESE ARE INTENDED TO BE PRIVATE IN PERPETUITY, AND THERE IS NO OBLIGATION FOR ANY GOVERNMENT ENTITY TO ASSUME ANY RESPONSIBILITY FOR THESE EASEMENTS NOW OR AT ANY FUTURE TIME. THE RESPONSIBILITY FOR MAINTENANCE AND SNOW REMOVAL ON THE ACCESS EASEMENTS SHOWN ON THIS DRAWING IS ASSUMED BY THE PROPERTY OWNERS OF LOTS 1, 2, AND THE AG. TRACT AND NOT BY THE COUNTY.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 2014.


M. KYLE MEDARIS


MIRIAM MEDARIS


KEVIN MULLEN


SHARON MULLEN

STATE OF INDIANA
SS:
COUNTY OF BARTHOLOMEW

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED M. KYLE MEDARIS, MIRIAM MEDARIS, KEVIN MULLEN, AND SHARON MULLEN WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.
WITNESS MY HAND AND NOTARIAL SEAL THIS 7TH DAY OF MARCH, 2014.

TED P. DARNALL, NOTARY PUBLIC
COUNTY OF RESIDENCE: BARTHOLOMEW
MY COMMISSION EXPIRES 09/13/14



PRIMARY APPROVAL

UNDER AUTHORITY PROVIDED BY IC 36-7-4-700, SUBDIVISION CONTROL, AND ANY AMENDMENTS THERETO, THIS PLAT WAS GIVEN PRIMARY APPROVAL BY THE PLAT COMMITTEE FOR BARTHOLOMEW COUNTY, INDIANA AT A MEETING HELD ON _____, 2014.

COUNTY PLAT COMMITTEE:

TOM R. FINKE

THOMAS A. WEINTRAUT, JR.

VOID UNLESS SECONDARY APPROVAL IS RECEIVED BY _____

SECONDARY APPROVAL

ALL CONDITIONS OF PRIMARY APPROVAL HAVE BEEN MET AND THIS PLAT IS GRANTED SECONDARY APPROVAL BY THE PLANNING DEPARTMENT ON _____, 2014.

PLANNING DIRECTOR: JEFFREY R. BERGMAN, AICP

VOID UNLESS RECORDED BY _____

AUDITOR'S CERTIFICATE

THE REAL PROPERTY SHOWN HEREON HAS BEEN ENTERED FOR TAXATION AND TRANSFERRED ON THE RECORDS OF THE AUDITOR OF BARTHOLOMEW ON _____, 2014.

AUDITOR, BARTHOLOMEW COUNTY: BARBARA J. HACKMAN

AUDITOR'S MAP NO.: D3-84-23-000-001.600-016

RECORDER'S CERTIFICATE

RECORDED IN PLAT BOOK R PAGE NUMBER _____ ON THIS THE _____ DAY OF _____, 2014, AT _____ O'CLOCK
INSTRUMENT NO. _____ FEE PAID \$ _____

BARTHOLOMEW COUNTY RECORDER: ANITA HOLE

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.

TED P. DARNALL

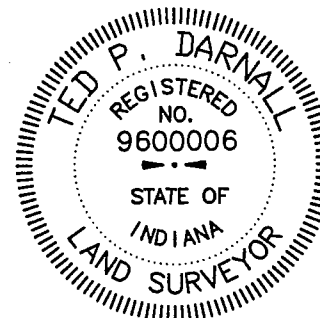
A NOTATION HAS BEEN MADE ON MEDARIS BOUNDARY SURVEY, RECORDED IN PLAT BOOK _____, PAGE _____.

SURVEYOR'S CERTIFICATE

I, TED P. DARNALL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF INDIANA DO HEREBY CERTIFY THAT THE ATTACHED PLAT AND FIELD WORK ON WHICH IT IS BASED WAS PREPARED UNDER MY DIRECT SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF WAS EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SURVEY STANDARDS AS DEFINED IN TITLE 865, ARTICLE 1, RULE 12 OF THE INDIANA ADMINISTRATIVE CODE.

TED P. DARNALL, PLS 9600006

CERTIFICATION DATE: MARCH 5, 2014
OWNERS OF RECORD: M. KYLE MEDARIS,
MIRIAM MEDARIS,
KEVIN MULLEN,
SHARON MULLEN



BOARD OF COUNTY COMMISSIONERS


THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY ACCEPTED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA, AT A MEETING HELD ON THE _____ DAY OF _____, 2014.

LARRY S. KLEINHENZ

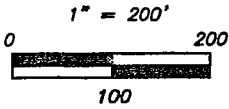
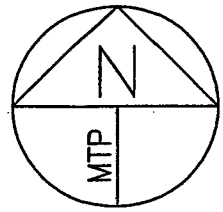
CARL H. LIENHOOP

PAUL FRANKE

ATTEST: BARBARA J. HACKMAN, AUDITOR

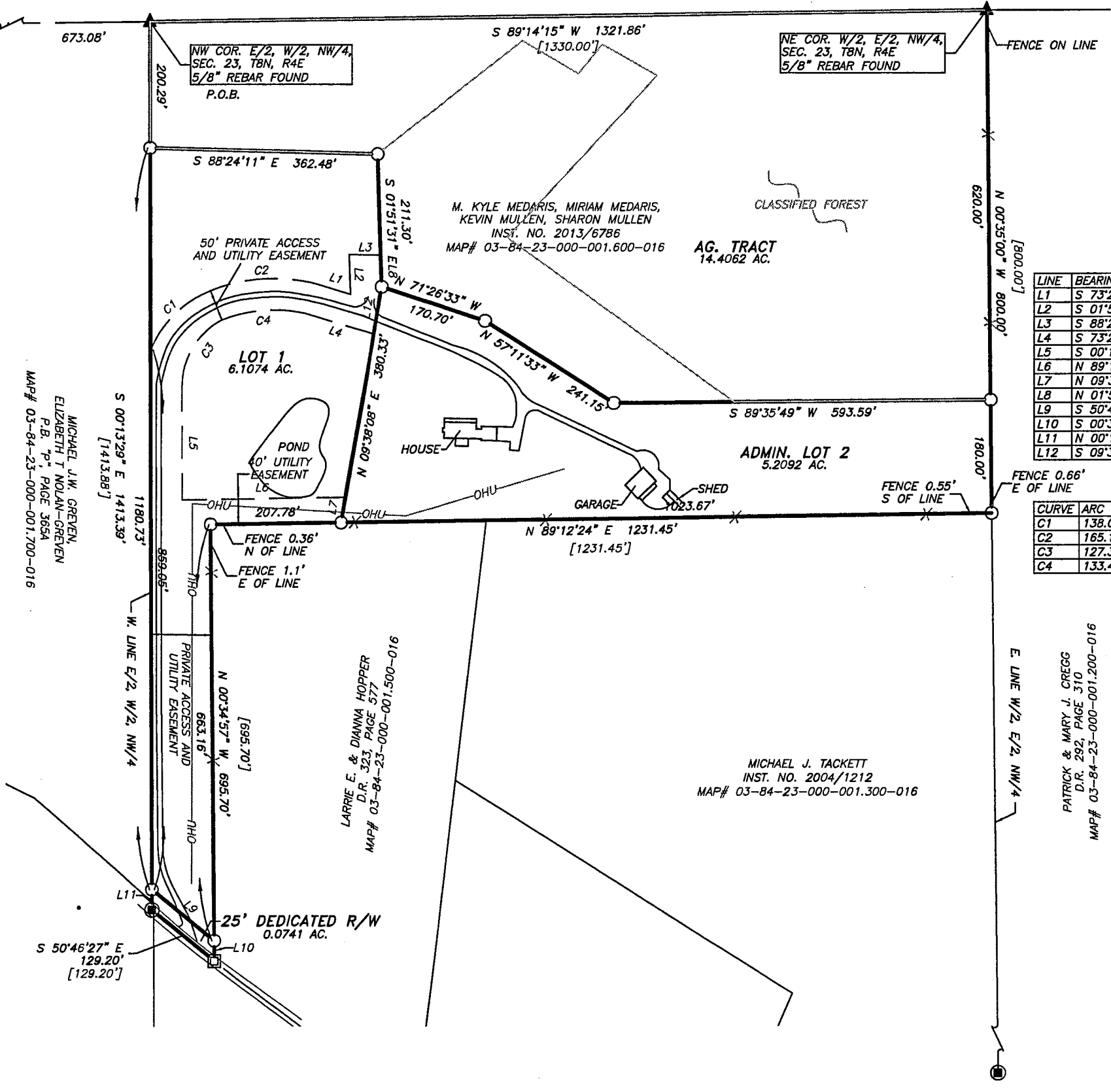
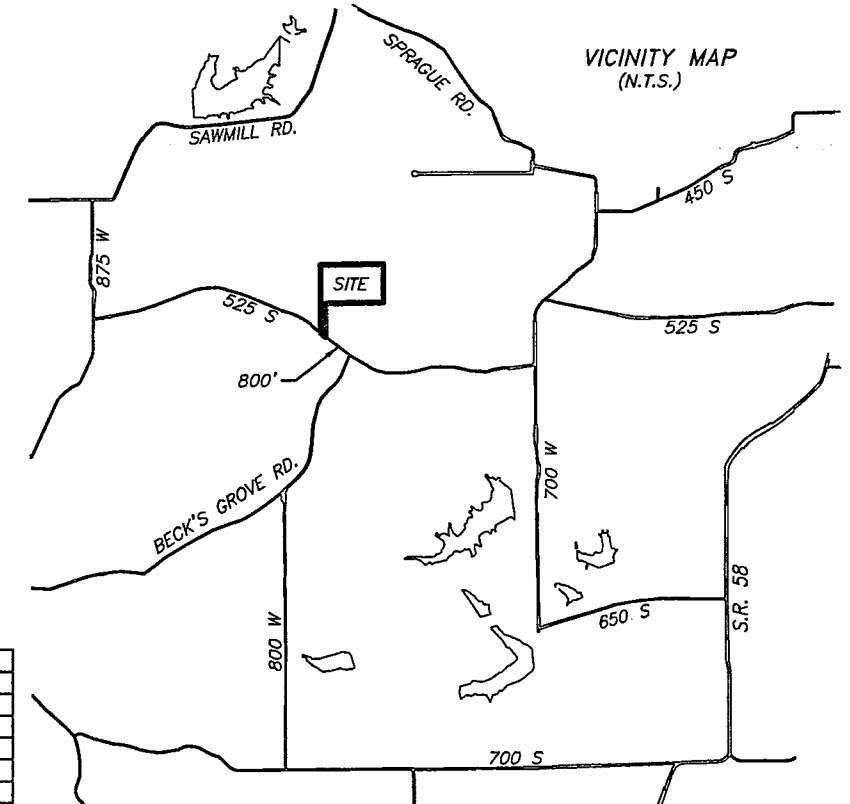
REV.NO.	DATE	DESCRIPTION	BY:
		 CROWDER AND DARNALL INC. LAND SURVEYING 826 3RD STREET COLUMBUS INDIANA 47201 (812) 376-3391	
		MEDARIS - MULLEN MINOR SUBDIVISION NW/4, SEC. 23, T8N, R4E	
JOB NO:	130130	SHEET:	2 OF 2
FILE NAME:	Q:\2013\130130\130130.DWG		

MEDARIS – MULLEN MINOR SUBDIVISION (SIGNIFIGANT FEATURES)



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Romanda

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CROWDER & DARNALL, INC.
LAND SURVEYING

Brian Scott Crowder, PLS
Ted P. Darnall, PLS
George A. Crowder, PE-PLS 1916-2003
Gene W. Darnall, LS 1928-1984

March 27, 2014

Bartholomew County Planning Commission
123 Washington Street
Columbus, IN 47201

Re: MEDARIS – MULLINS MINOR SUBDIVISION

Dear Plan Commission,

On behalf of my client, M. Kyle Medaris, I am hereby requesting three modifications to the Bartholomew County subdivision control ordinance.

The first request involves section 8-57 (table 7-1 (8)). This section states that cul-de-sac streets shall not exceed 1000 feet in length. It is generally accepted that this requirement helps minimize the possibility of vehicles being blocked in on dead-end streets or drives especially in emergency situations. The length of the existing drive is 1500' to the house on lot 2. There will be 3 secondary drives coming off of the main drive. These drives will provide 3 locations for a vehicle to turn around and exit.

The second request involves section 8-60 (table 8-1). This table requires a 16' wide stone drive for a Type A corridor serving 2 lots. The layout of this "subdivision" only contains two lots and an agricultural remainder, which will not generate much traffic. As stated above, there will be ample opportunities for vehicles to turn around or pass each other on this drive. The existing drive varies from 9' wide to 14' wide. County Road 525 S only measures 16' wide at this location.

The third request involves 8-60 (3)(i). This section states that when an easement or corridor crosses a lot or tract, and a future dedication of said corridor would create separate buildable lots or tracts, then the lots or tracts should be platted as separate at the time the corridor is created. Lot 1 on the proposed subdivision is crossed by the existing drive. If this lot was split into two lots, the lot to the south of the drive would not contain a suitable building and septic site both, rendering it unbuildable.

Thank you for your consideration in this matter,

Ted P. Darnall, PS