123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (July 10, 2013 Meeting)

Docket No. / Project Title: MP-13-05 (Carter Minor Subdivision)

Staff: Thom Weintraut

Applicant: Joe Dale Carter

Property Size: 16 Acres

AP (Agriculture: Preferred) **Current Zoning:**

Location: 2200 West Lowell Road, in Columbus Township

Background Summary:

The applicant has indicated that the proposed subdivision is for the purpose of creating one new lot of 4.55 acres with an existing house and barn and leaving a 10.71 Parent Tract Remainder. The applicant is also requesting a modification from the requirements of Section 16.24.010(B) of the Subdivision Control Ordinance for relief from the requirement of construction sidewalks along the frontages of Lowell Road, County Road 200 West, and Carter Crossing Boulevard.

Kev Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Should sidewalks be required along the Lowell Road, County Road 200 West and Carter Crossing Boulevard frontage of the new lot?

Preliminary Staff Recommendation:

Approval of the Subdivision. Staff also recommends approval of the requested modification from Section 16.24.010(B) of the Subdivision Control Ordinance requirement for sidewalks be constructed along the frontages of Lowell Road, County Road 200 West, and Carter Crossing Boulevard for the following reasons:

- 1. The property is outside of the City's corporate boundaries in an area that is zoned AG (Agriculture: Preferred) and there will be no significant change in the use of the property. Lot 2 has an existing residential structure located on it and the Parent Tract Remainder will be used for agricultural purposes with the option for the addition of a residential structure in the future.
- 2. The AG (Agriculture: Preferred) Zoning District limits any future subdivision of either lot 2 or the Parent Tract Remainder. Any future subdivision of either property will require annexation and rezoning and will be subject to construction of sidewalks as part of a more extensive development process.

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 16.40.050)

Modification Decision Criteria:

Indiana law and Columbus Subdivision Control Ordinance Section 16.40.050 require that the Plan Commission approve all subdivisions which meet the applicable requirements. The Columbus 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 16.32.020 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 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: Lot 1 should be labeled as Parent Tract Remainder and Lot 2 labeled Lot 1.

Current Property Informa	ation (entire subdivision site):
Land Use:	Single-family residential and agriculture.
Site Features:	There is a house, barn, and a line of trees on Lot 2. Lot 1 is an agriculture field.
Flood Hazards:	None.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None
Vehicle Access:	Lot 2 has existing access from Lowell Road (Collector, Residential, Suburban) and Lot 1 has access from County Road 200 West (Collector, Residential, Suburban).

Surrounding	Zoning and Land Use (entire subd	livision site):
	Zoning:	Land Use:
North:	RS3 (Residential: Single Family 3) AG (Agriculture: Preferred)	Single family residential
South:	AG (Agriculture: Preferred) RS3 (Residential: Single Family 3)	Agriculture Single family residential

East:	RS3 (Residential: Single Family 3)	Single family residential
West:	AG (Agriculture: Preferred)	Single family residential

Interdepartmental R	eview:
City Engineering:	No comments provided.
City Utilities:	No comments provided.
Parks Department:	No comments provided.
MPO:	No comments provided.

History of this Application:

The relevant history of this application includes the following: This application was reviewed by the Plat Committee on June 20, 2013 and forwarded to Plan Commission with a request for modification from Section 16.24.010(B) of the Subdivision Control Ordinance requirement that sidewalks be constructed along the road frontages of the newly created lot (Lot 2).

Planning Consideration(s):

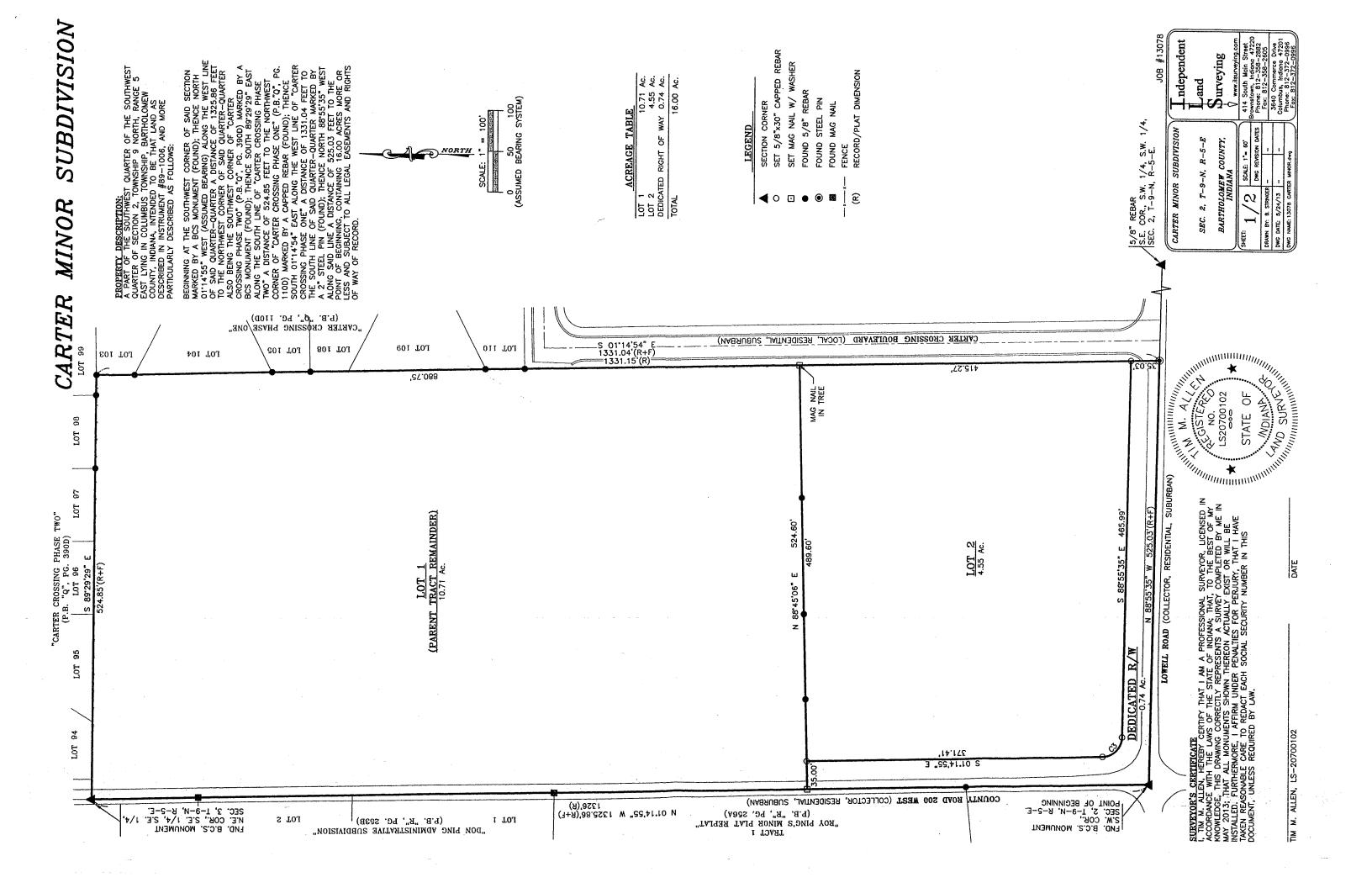
The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. Section 16.24.010(B) of the Subdivision Control Ordinance requires the improvement of existing streets as part of the Minor Subdivision process. The required improvements are (1) dedication of right-of-way and (2) the installation of sidewalks along the frontage of all new lots, with each consistent with the Thoroughfare Plan classification of adjacent streets and the specifications of the Subdivision Control Ordinance for the improvements for local and collector streets. Sidewalk installation is required for properties located in the Suburban and Urban Character areas but is at the discretion of the Plan Commission in Rural character areas. The property is located just inside the Suburban Character area as shown by the Thoroughfare Plan Map.
- 2. The proposed subdivision is for the purpose of separating an existing residence from a parcel of ground that is used for agriculture. The applicant's daughter plans to use the Parent Tract Remainder as orchard and you pick farm as well as a location to construct a dwelling in the future.
- 3. There can be no further subdivision of either Lot 2 or the Parent Tract Remainder Lot 1 under the current zoning.
- 4. The Columbus Thoroughfare Plan recognizes sidewalks and pedestrian systems as an integral part of the transportation system and that the most efficient and effective time to construct pedestrian facilities is during construction or reconstruction of existing streets.
- 5. While property is adjacent to a residential neighborhood to the east with sidewalks, this area lacks pedestrian connectivity to any destinations without the assistance of an automobile.
- 6. The subdivision to the east of this property (Carter Crossing Major Subdivision) has sidewalks along the frontage of Lowell Road and the east side of Carter Crossing Boulevard; however there are no other sidewalks along the north side of Lowell Road. On the south side of Lowell Road there is an asphalt path along the frontage of Princeton Park Major Subdivision up to County Road 150 West but there are no connecting sidewalks. To the north of this property along County Road 200 West there are approximately 450 feet of sidewalks as part of the Carter Crossing Major Subdivision but that sidewalk does not extend to the either the south property line which is the subject property. The properties on the west side of County Road 200 West are outside of the City's corporate boundary

with little possibility of being further developed without annexation and rezoning. Future sidewalks are unlikely without a comprehensive road improvement project. There is a small residential subdivision (Barnaby Acres Major Subdivision) at the southwest intersection of Lowell Road and County Road 200 West however it does not contain any sidewlaks. In addition, Interstate 65 is approximately 1000 feet to the west which creates a challenge to development west of the Interstate.

Subdivision Control Ordinance Consideration(s):

The following provisions of the Subdivision Control Ordinance apply to the key issues of this application: Section 16.24.010(B) of the Subdivision Control Ordinance requires the improvement of existing streets as part of the Minor Subdivision process. The required improvements are (1) dedication of right-of-way and (2) the installation of sidewalks along the frontage of all new lots, with each consistent with the Thoroughfare Plan classification of adjacent streets and the specification of this Ordinance for the improvements for local and collector streets.



PREPARED FOR: JOE DALE CARTER, OWNER OF THE LAND DESCRIBED AND RECORDED IN INSTRUMENT #89-1006 IN THE BARTHOLOMEW COUNTY RECORDER'S OFFICE. THIS IS A MINOR SUBDIVISION OF SAID LAND LYING IN SECTION 2, TOWNSHIP 9 NORTH, RANGE 5

IN ACCORDANCE WITH THE INDIANA SURVEY STANDARDS AS DEFINED IN INDIANA ADMINISTRATIVE CODE 865 IAC 1-12 ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- VARIANCES IN THE FOUND MONUMENTATION
- VARIANCES IN RECORD DOCUMENTS AND PLATS
- INCONSISTENCIES IN LINES OF OCCUPATION
- RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.

ALL BEARINGS AND DISTANCES SHOWN ON THE DRAWING ARE FIELD MEASUREMENTS UNLESS

- REFERENCE SURVEYS:

 1) A SURVEY TITLED "CARTER CROSSING PHASE TWO", PERFORMED BY CROWDER & DARNALL INC. AND RECORDED AS IN PLAT BOOK "Q", PAGE 390D IN THE BARTHOLOMEW
- 2) SURVEY TITLED "CARTER CROSSING PHASE ONE" PERFORMED BY CROWDER & DARNALL INC. AND RECORDED AS IN PLAT BOOK "Q", PAGE 110D IN THE BARTHOLOMEW COUNTY RECORDER'S OFFICE.
- 3) A SURVEY TITLED "DON PING ADMINISTRATIVE SUBDIVISION" PERFORMED BY INDEPENDENT LAND SURVEYING, AND RECORDED IN PLAT BOOK "R", PAGE 253B IN THE BARTHOLOMEW COUNTY RECORDER'S OFFICE.
- 4) A SURVEY TITLED "ROY PING'S MINOR PLAT REPLAT" PERFORMED BY INDEPENDENT LAND SURVEYING, AND RECORDED IN PLAT BOOK "R", PAGE 256A IN THE BARTHOLOMEW COUNTY RECORDER'S OFFICE.

THE SECTION CORNER MONUMENTS SHOWN HEREON IN SECTION 28, TOWNSHIP 9 NORTH, RANGE 6 EAST ARE REFERENCED AND ON RECORD IN THE BARTHOLOMEW COUNTY SURVEYOR'S OFFICE. THE LOCATIONS OF THESE MONUMENTS ARE ACCEPTED THIS SURVEY.

MONUMENTS WERE FOUND AS SHOWN HEREON THE LOCATION OF SAID MONUMENTS AGREE WITH THE REFERENCE SURVEYS AND ARE ACCEPTED THIS SURVEY.

EXISTING STREETS, FENCES, OCCUPATION LINES AND UTILITIES AS SHOWN WERE LOCATED THIS SURVEY AS SHOWN HEREON. THE FENCE LOCATED ALONG THE EAST LINE OF SUBJECT LAND IS ON SAID LINE. THE FENCE LOCATED ALONG THE NORTH LINE OF SUBJECT LAND IS UP TO 1.0 FEET SOUTH OF SAID LINE.

THEORY OF LOCATION: 5/8" CAPPED REBAR OR MAG NAILS WITH WASHERS WERE SET AT THE CORNERS AT THE OWNER'S REQUESTED LOCATIONS AS SHOWN HEREON.

ALL MONUMENTS SET OR FOUND THIS SURVEY ARE WITHIN 4" OF THE GROUND SURFACE. UNLESS OTHERWISE NOTED.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DUE TO VARIANCES IN REFERENCE MONUMENTS: NONE KNOWN. DUE TO DISCREPANCIES IN THE RECORD PLATS AND DESCRIPTIONS: NONE KNOWN. DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: AS SHOWN HEREON AND DISCUSSED

A SEARCH FOR EASEMENTS OF RECORD IS NOT TO BE IMPLIED BY THIS SURVEY. IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY. MATTERS OF ZONING COMPLIANCE IS NOT EXPRESSED OR GUARANTEED BY THIS SURVEY.

THE UNDERSIGNED CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF INDIANA, THE PRECISION AND ACCURACY STANDARD FOR THE HEREON SURVEY MEETS OR EXCEEDS THE ACCEPTABLE RELATIVE POSITIONAL ACCURACY FOR A RURAL SURVEY. AS DEFINED IN 865 IAC 1-12-7.

THE HEREON SURVEY WAS PERFORMED WHOLLY UNDER MY DIRECTION FROM THE NOTES OF A FIELD SURVEY CONDUCTED IN MAY OF 2013 AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF WAS EXECUTED IN ACCORDANCE WITH TITLE 865, 1-12-1 (RULE 12) OF THE INDIANA ADMINISTRATIVE CODE.

NOTICE: TO SUBJECT LAND OWNER, THE ADJOINING LAND OWNER MAY HAVE UNWRITTEN RIGHTS TO THAT LAND OUTSIDE OF ANY FENCES OR OCCUPATION LINES THAT YOU MAY OR MAY NOT BE OCCUPYING. BEFORE REMOVING ANY FENCES OR IMPROVEMENTS, I RECOMMEND THAT YOU CONSULT WITH AN ATTORNEY. CONTACT THIS OFFICE, IF YOU HAVE ANY QUESTIONS.

CARTER MINOR SUBDIVISION

MY COMMISSION EXPIRES

OWNER'S CERTIFICATE

1. THE UNDERSIGNED, JOE DALE CARTER, OWNER OF THE REAL ESTATE SHOWN AND
DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH

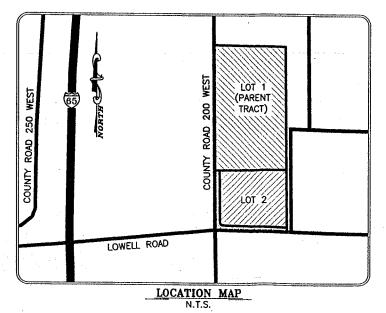
THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "CARTER MINOR SUBDIVISION", CONSISTING OF 2 LOTS IDENTIFIED HEREON AS "LOT 1" AND "LOT 2".

CLEAR TITLE TO THE LAND CONTAINED IN THIS SUBDIVISION IS GUARANTEED.

THE SETBACK LINES SHALL BE DETERMINED BY THE REGULATIONS OF THE CITY OF COLUMBUS, INDIANA ZONING ORDINANCE OF CURRENT ADOPTION.

WITNESS MY HAND AND SEAL THIS DAY OF, 20/3
JOE DALE CARTER - OWNER
STATE OF INDIANA) SS:
COUNTY OF BARTHOLOMEW) 55:
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED JOE DALE CARTER, 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 DAY OF 20/3
The Mall
NOTARY PUBLIC - TIM M. ALLEN COUNTY OF RESIDENCE
11/16/2018

				CURVE	TABLE		
Į	CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD
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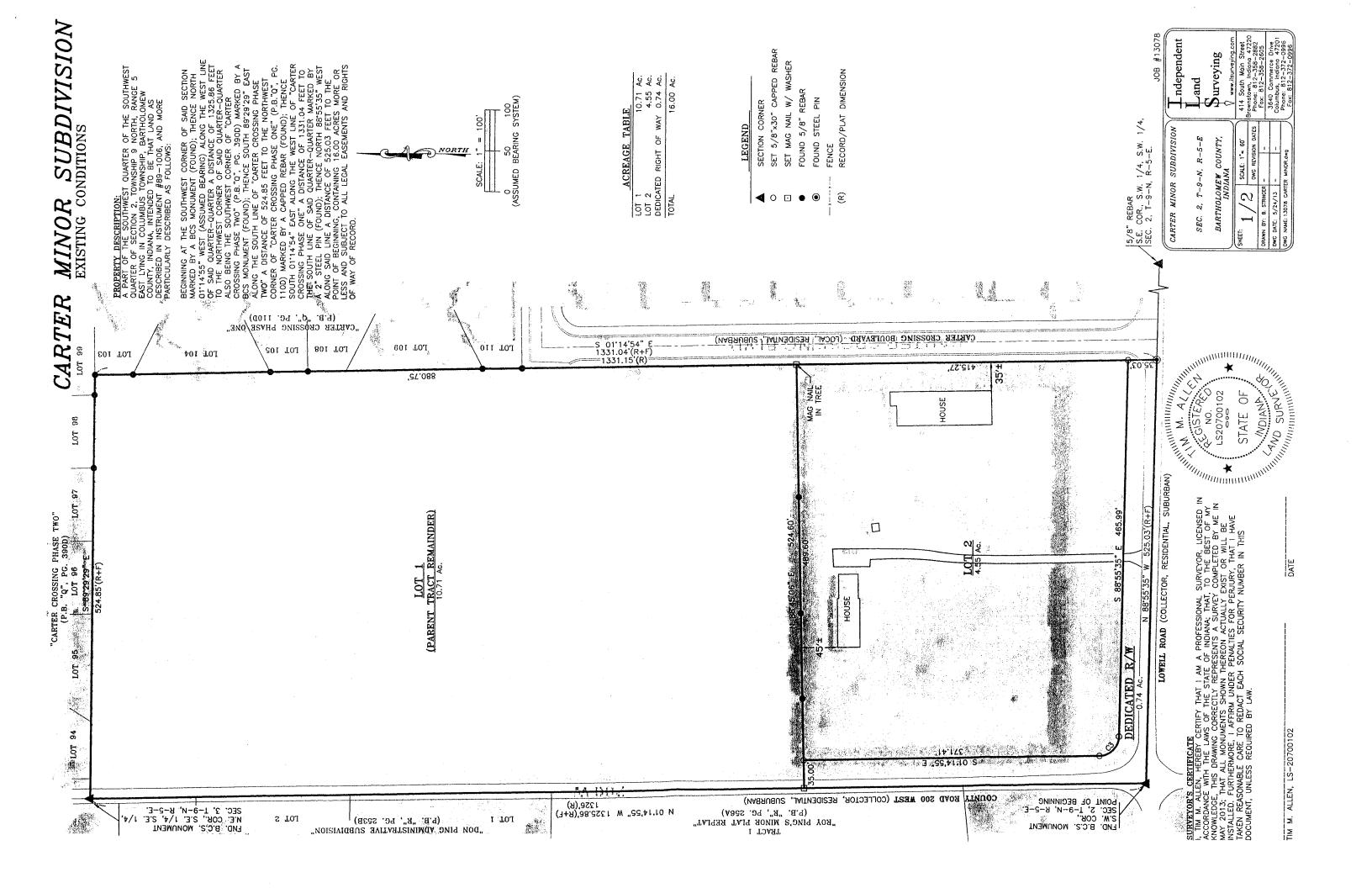
APPROVED BY THE CITY PLAT CON	OMMITTEE AT A MEETING HELD, 20
PRESIDENT - JOHN HATTER	SECRETARY - THOMAS A. WEINTRAUT, JR
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JEFFREY R. BERGMAN, AICP	·
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THIS DAY OF KRISTIN S. BROWN, MAYOR JAYNE FARBER, MEMBER AUDITOR CERTIFICATE	SUSAN T. FYE, MEMBER ATTEST: LUANN WELMER CLERK TREASURER DULY ENTERED FOR TAXATION AND TRANSFERRED OR OF BARTHOLOMEW COUNTY.
THIS DAY OF KRISTIN S. BROWN, MAYOR JAYNE FARBER, MEMBER AUDITOR CERTIFICATE THE REAL PROPERTY HAS BEEN DI ON THE RECORDS OF THE AUDITOR	SUSAN T. FYE, MEMBER ATTEST: LUANN WELMER CLERK TREASURER DULY ENTERED FOR TAXATION AND TRANSFERRED OR OF BARTHOLOMEW COUNTY.
THIS DAY OF KRISTIN S. BROWN, MAYOR JAYNE FARBER, MEMBER AUDITOR CERTIFICATE THE REAL PROPERTY HAS BEEN DI ON THE RECORDS OF THE AUDITOR THIS DAY OF, 2	SUSAN T. FYE, MEMBER ATTEST: LUANN WELMER CLERK TREASURER DULY ENTERED FOR TAXATION AND TRANSFERRED OR OF BARTHOLOMEW COUNTY.
THIS DAY OF KRISTIN S. BROWN, MAYOR JAYNE FARBER, MEMBER AUDITOR CERTIFICATE THE REAL PROPERTY HAS BEEN DI ON THE RECORDS OF THE AUDITOR THIS DAY OF, 2 BARBARA J. HACKMAN, BARTHOLOM BECORDING CERTIFICATE	SUSAN T. FYE, MEMBER ATTEST: LUANN WELMER CLERK TREASURER DULY ENTERED FOR TAXATION AND TRANSFERRED OR OF BARTHOLOMEW COUNTY. MEW COUNTY AUDITOR
THIS DAY OF KRISTIN S. BROWN, MAYOR JAYNE FARBER, MEMBER AUDITOR CERTIFICATE THE REAL PROPERTY HAS BEEN DI ON THE RECORDS OF THE AUDITOR THIS DAY OF, 2 BARBARA J. HACKMAN, BARTHOLOM BECORDING CERTIFICATE	SUSAN T. FYE, MEMBER ATTEST: LUANN WELMER CLERK TREASURER DULY ENTERED FOR TAXATION AND TRANSFERRED OR OF BARTHOLOMEW COUNTY. 20 MEW COUNTY AUDITOR

ANITA L. HOLE, BARTHOLOMEW COUNTY RECORDER

PRIMARY APPROVAL

13

JOB #13078 CARTER MINOR SUBDIVISION Lndependent Land SEC. 2, T-9-N, R-5-E Durveying BARTHOLOMEW COUNTY, INDIANA www.ilsurveying.com 414 South Main Street Brownstown, Indiana 47220 Phone: 812-358-2882 Fax: 812-358-2605 SCALE: 1"= 60" DWG REVISION DATES DRAWN BY: B. STRINGER 3640 Commerce Drive Columbus, Indiana 47201 Phone: B12-372-0996 DWG DATE: 5/24/13 WG NAME: 13078 CARTER MINOR.dwg



Date: June 25, 2013

City of Columbus Plan Commission 123 Washington Street Columbus, Indiana 47203

Re: "J. Carter Minor Subdivision"

Public Hearing: MP - 13 -- 05

Petitioner: Joe Carter

Mr. President and members of the Plan Commission:

On behalf of the petitioner and the owners of the subject property, I would like to request the Plan Commission grant a modification to the Subdivision Control Ordinance Section 16.24.010(B)(1) that requires sidewalks to be placed along the frontage of the new lot.

This is a large lot land division. Joe Carter inherited this property from his father and lives in the existing house. This division is being done so that he can give the 10.71 acres (Lot 1 – Parent Tract Remainder) to his daughter to build a small orchard/local produce farm. Reasons for requesting relief from this requirement are as follows:

- 1) The use of the property is not changing from its current use.
- 2) There are no plans for future development.
- 3) No sidewalks existing immediately North, South or West of Lot 2, so no connection would be made to an existing sidewalk.
- 4) There are currently no plans for street improvements in this area to install sidewalks.
- 5) The installation of a ¼ mile of sidewalk so the Carters can create one large lot is not feasible.
- 6) The installation of sidewalks along the west side of Carter Crossing Blvd would not serve anyone.
- 7) The existing sidewalk on the east side of Carter Crossing Blvd does not connect to any other sidewalk.

The petitioner respectfully requests that this modification be granted.

Thank you for consideration in this matter. Respectfully Submitted,

Tim M. Allen, PLS Independent Land Surveying, Inc.

Cc: Joe Carter