

PLAN COMMISSION STAFF REPORT

APPLICATION NO:	PLAT-2024-02
HEARING DATE:	May 09, 2024
SUBJECT:	Final Plat
LOCATION:	County Road, Lapel, IN
PETITIONER(S):	Brad Clark
SUMMARY:	Administrative Plat to split 1 lot into 5 lots.
WAIVERS REQUESTED:	None
RECOMMENDATION:	Recommend APPROVAL of Final Plat to the Council
PREPARED BY	Grant List, Planning Aid
EXHIBITS	Exhibit 1: Staff Report Exhibit 2: Final Plat

PROCEDURE

History

1. **Application.** The application was filed in January of 2024 for an Administrative Plat through the Planning Commission. The petitioner applied to split 1 property into 5 lots.
2. **Public Hearing.** A public hearing was held at the May 09, 2024 planning commission meeting. No comments were made.
3. **Planning Commission Meeting.** The planning commission met and discussed the application at their May 09, 2024 meeting. The commission voted to continue the application until after a Plat Committee meeting on May 16, and to follow the plat committee meeting with a special meeting of the planning commission.
4. **Plat Committee.** The plat committee met and discussed the application on May 16, finding that the proposed land use went against the Comprehensive Plan wording, but not the proposed land use map. The committee also found that the proposed application had fulfilled all other criteria for a favorable review, bearing more direct answers to a selection of questions.
5. **Planning Commission Meeting 2.** The planning commission met once again to discuss the application on May 16, deciding to continue the application until the June 13, 2024 meeting to allow further contemplation.

Next Steps

The Town Council can review the Planning Commission's recommendation regarding this case at their June 20th, 2024 meeting. The Town Council will be the final authority on either approving or denying this request.

CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

ABOUT PROJECT

Location

The subject site is located at County Road 1000 West, 0.27 miles south of SR 38 at the North West corner. See the site location highlighted below.



Proposal

The petitioner is requesting to split a 25-acre lot into 5 lots, 4 of which will be roughly 3 acres, with roughly 10 of the parent tract to remain. Lapel's UDO V 12.1.3 allows this process to be completed using an Administrative Subdivision, as there are no impacts to public Right of Way or zoning conflicts, and the property is in a low-density rural area.

PROCEDURE

Per Lapel's UDO, V 12.1.3 Administrative Subdivision *"intent of the administrative subdivision process is to allow a simplified procedure for the creation of low-density development of rural lands consistent with the agricultural characteristics of Lapel"*.

Decision Criteria: The Plan Commission shall not approve any application unless it complies with all applicable standards, including:

1. The application meets all Lapel Ordinances and applicable Zoning standards;
2. No depth greater than three times its frontage;

3. All driveways designed to prevent vehicles from backing onto public roads;
4. No private road to be the only means of access for more than 3 lots;
5. Lot frontage on private roads must meet the read frontage requirements of the zoning;
6. A permanent documentation of any shared private road agreement on record;
7. Applicant must dedicate right of way along public road frontage;
8. Adequate ingress and egress to the remainder of the tract and adjacent properties maintained, provided, or planned for;
9. Drainage Board Approval is required

ANALYSIS

The subject site is currently zoned agricultural per tax use records. The surrounding zoning and uses are Agricultural. The site is surrounded by agricultural and residential land uses. The proposed scope of uses by the applicant matches some of the surrounding uses or does not negatively affect some.

Per V12.1.3, *“All lots and any remaining tract shall be consistent with all applicable requirements of the Lapel Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width except as otherwise stated in the ordinance.”* The proposed lot sizes, width, width-to-depth ratio, and setbacks meets the zoning requirements in the General Industrial zoning district. The proposed lots do not require any new or changed public ways, any additional or new utilities, or other improvements.

Per V 12.1.3 *“Parent tracks greater than ten (10) acres shall be permitted to be divided for the creation of four (4) additional lots (for a total of five (5) lots including the remainder from the parent tract)”*. Major subdivision review requires a sketch review, a preliminary plat review with a public hearing, a construction plan review, and a final plat review. This is a very involved process with a lot of requirements, documents, and parties involved, and staff doesn't think that all those requirements and reviews are needed for this application. The Administrative Subdivision procedure still requires a review by a plat committee (includes a building inspector, 2 Plan Commissioners, county surveyor and soil officer, possibly an engineer if needed) to ensure that the subdivision standards are adhered to, and staff believes this combination doesn't warrant the scale and the cost of the major subdivision review.

RECOMMENDATION

Staff recommends approval of application PLAT-2024-02 because:

1. The proposed subdivision is allowed for this property and retains compatibility with the surrounding area;
2. All UDO and zoning standards are maintained within the plat.
3. The plat will not be detrimental to the public safety, health, or welfare;
4. The plat will not be injurious to the reasonable use and development of other property;
5. The plat will not contradict the intent of the Lapel Zoning Ordinance.

Staff also recognizes the following reason to deny the approval of application PLAT-2024-02:

6. The plat will contradict the intent of the Lapel Comprehensive Plan by allowing agricultural land use to persist in an area designated for General Industrial land use.

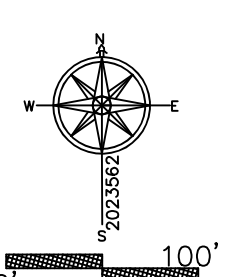
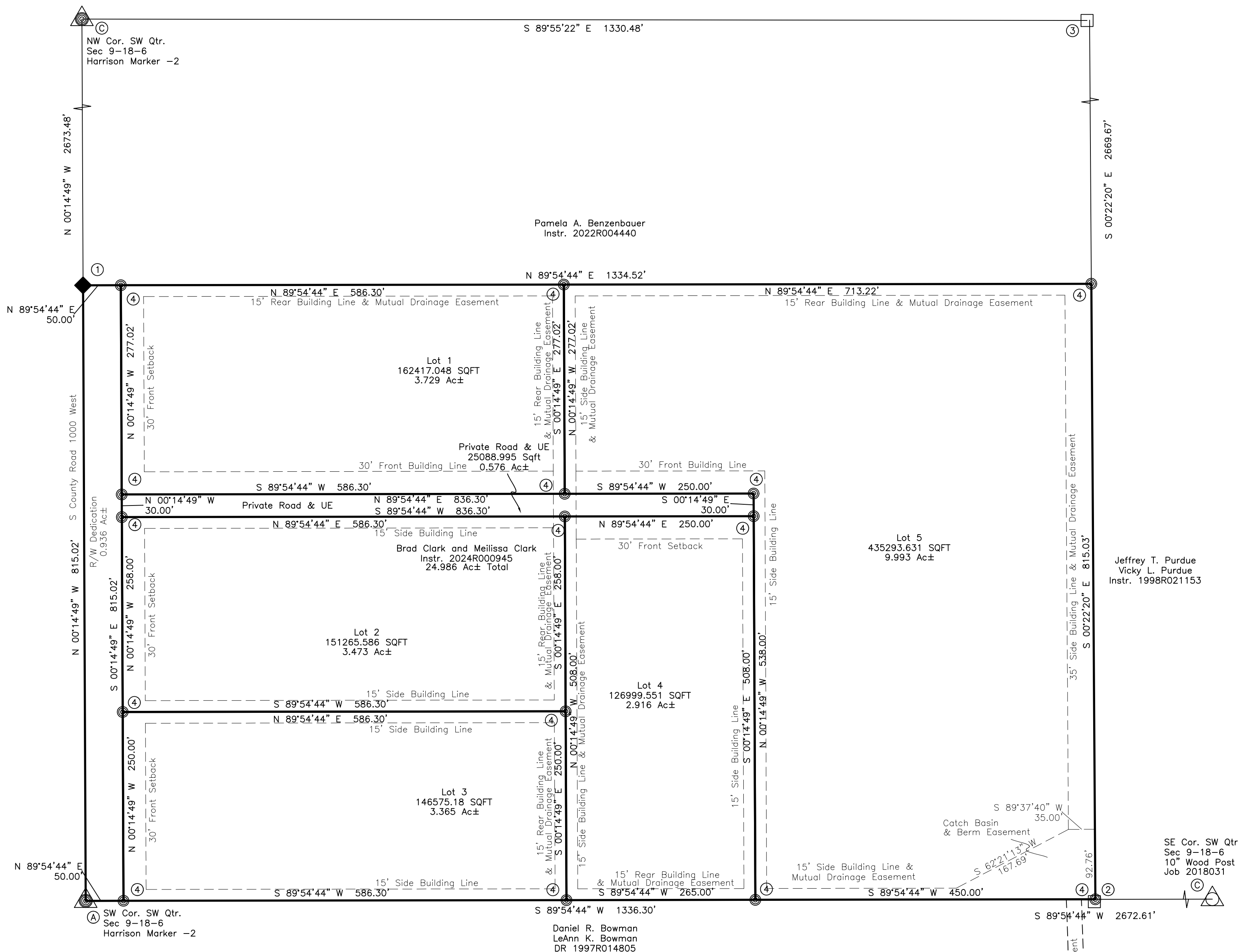
MOTION OPTIONS (Subdivision Request)

1. Motion to **approve** the application as per submitted application PLAT-2024-02.
2. Motion to **deny** the application as per submitted application PLAT-2024-02. (**List reasons**)
3. Motion to **continue** the review of the application PLAT-2024-02 until the next regular meeting on July 11, 2024.

Next Plan Commission meeting date(s): July 11, 2024.

Clark Homestead Subdivision

Part of the Southwest Quarter of Section 9,
Township 18 North, Range 6 East
Green Township, Madison County



SCALE
1" = 100'
Zoned Agricultural
Front: 30' (Collector)
Side: 15'
Rear: 15'

⊙ = Monument as labeled
◆ = Existing Nail
□ = Existing Post
⊕ = Possible Well (unverified)
UE = Utility Easement

Plat Note: An 8" PVC drainage pipe is to be placed in the drainage easement across the private road.

CORNER MONUMENT	CONDITION	DEPTH
(A) Harrison Marker	Good	2" Below Grade
(B) 10" Wood Post	Ref: Job 2018031	AT GRADE
(C) Harrison Marker	Good	2" Below Grade

MONUMENT TYPE	CONDITION	DISTANCE	DEPTH
① Mag Nail	Good	Held	1" Below
② 6x6 Wood Post	Good	3.1' S, 1.3' W	N/A
③ 8" Wood Post	Good	Held	N/A
④ 5/8" Rebar	New	To Be Set	At Grade

SHEET 1 OF 2
DATE: 01/10/24



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.
Haldon L. Ashton
This Instrument Prepared by: Haldon L. Ashton

Clark Homestead Subdivision

Part of the Southwest Quarter of Section 9,
Township 18 North, Range 6 East
Green Township, Madison County

A part of the West Half of the Southwest Quarter of Section 9, Township 18 North, Range 6 East in Green Township, Madison County, Indiana, described as follows:
Beginning at a Harrison Marker at the Southwest corner of the Southwest Quarter of Section 9, Township 18 North, Range 6 East; thence North 00 degrees 14 minutes 49 seconds West 815.02 feet (assumed bearing) along the West line of said Quarter Section to a mag nail; thence 89 degrees 54 minutes 44 seconds East 1334.52 feet parallel with the South line of said Quarter Section to a 5/8-inch rebar on the East line of the West Half of the Quarter Section; thence South 00 degrees 22 minutes 20 seconds East 815.03 feet to a 5/8-inch rebar on the Southeast corner of said Half-Quarter Section; thence South 89 degrees 54 minutes 22 seconds West 1336.30 feet to the point-of-beginning, containing 25.00 acres, more or less, and subject to the right-of-way for County Road 1000 West across the Westerly side, and to all easements of record.

I, Haldon L. Ashton, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana:
That this plat correctly represents a survey completed by me on December 12, 2023, that all the monuments shown thereon actually exist or bond has been posted to cover the later installation of these monuments, and that all other requirements specified herein, done by me, have been met.

Registered Land Surveyor LS 80040149
Haldon L. Ashton

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Haldon L. Ashton, who acknowledged the execution of the foregoing plat, to be voluntary act and deed this _____ day of _____ 20____.

Signature: _____

Printed: _____
Notary Public

My Commission expires: _____ Resident of _____ County, _____.

Boundary Survey recorded in Instrument Number _____ Records of Madison County, Indiana.

20 foot Storm Water Easement recorded in Instrument Number _____ Records of Madison County, Indiana.

Covenants, Conditions, and Restrictions recorded in Instrument Number _____ Records of Madison County, Indiana.

OWNER'S CERTIFICATE

We, the undersigned, certify that We are the owners of the real estate shown and described herein; and do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with the herein plat.
This subdivision shall be known and designated as Clarks Homestead Subdivision, an addition to Lapel, Indiana.

SOUTH COUNTY ROAD 1000 WEST (ATLANTIC ROAD) DEDICATION STATEMENT

The undersigned, being fee simple owner of the 0.936 acre tract of land, does hereby dedicate said tract of land, on behalf of and for the public use as South County Road 1000 West (Atlantic Road) Right-of-Way for public use. Decorative signs, sprinkler systems, trees, landscaping mounds, fences, lighting, septic fields or other such amenities and permanent structures are not permitted in the Right-of-Way.

WORK IN RIGHT-OF-WAY

All work within the Right-of-way on County Road 1000 West (Atlantic Road) must be permitted through the Hamilton County Highway Department.

EASEMENTS. There are strips of ground shown on this plat and marked "Easement," granted and dedicated and reserved for the mutual use and accommodation of the Town of Lapel and/or any granted public or private utilities, including: water lines, wastewater lines, storm drainage and stormwater lines, gas lines, communication facilities, utility poles, electrical power lines, equipment, cabinets, closures, manholes, conduit, cables, lines, and appurtenances. All grantees shall have the right to remove and keep removed all or part of any structure, building, fence, tree, shrub or other improvement, growth, or obstruction which may in any way endanger or interfere with the construction, maintenance, operation or efficiency of the respective utility in, on, or under said easement strips. The Town of Lapel and all granted public utilities shall at all times have the full right of ingress and egress to and from and upon said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of the respective systems without the necessity at any time of procuring the permission of anyone.

SIGHT VISIBILITY. No fence, wall, hedge, tree or shrub which obstructs sight lines between 3 and 8 feet above the grade of the adjacent road shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points along the street rights-of-way located:
35 feet from their intersection for road classified as arterial by the Thoroughfare Plan or Functional Classification Map,
30 feet for roads classified as collectors by the Thoroughfare Plan or Functional Classification Map,
15 feet for roads classified as local by the Thoroughfare Plan or Functional Classification Map, and
Ten (10) feet for all private driveways.

UTILITY EASEMENT. No permanent structure shall be placed within a utility easement. This shall include fencing or any other screening material, accessory structures, or any other item which may prohibit access to a utility or easement holder. If a permanent structure is placed within a utility easement, it may be removed or accessed as necessary by any affected easement holder or utility without cost to that holder or utility.

DRAINAGE EASEMENTS. This subdivision is subject to all drainage system design and construction standards of the Lapel Subdivision Control Ordinance, which provides for the repair and maintenance of the system, including the assessment of owners of lots to maintain swales and participate in the cost of the maintenance of legal drains. All drainage easements shall run to the Madison County Drainage Board.

DRIVEWAY. No driveway shall be located within 40 feet of the intersection of two street right-of-way lines.

PRIVATE DRIVE AGREEMENT. The 30 foot wide ingress-egress and utility easement labeled 30' Private Road is for the benefit of Lots 2, 4, and 5 only. It shall be considered as a private drive and not for public access. There shall be a sign at the end of the drive designating it as a private drive. The owners and their successors agree to maintain the drive to as nearly as possible the same condition as existed when the drive was constructed. The Town of Lapel, IN is exempt from any maintenance or upkeep of this private drive. Ownership and maintenance shall be divided equally between lots 2, 4, and 5. It is further understood this 30 foot easement is also for utilities. It may be necessary to repair such utilities. At no time can any repair block access to any of the lots. When such repair is completed the drive is to be restored to the original condition or better.

MUTUAL DRAIN AGREEMENT. A 15 foot wide mutual drainage easement to cross and service the lots as reflected on the plat, said easement is restricted to use for drainage and for maintenance of the drainage easement and not for public access. Ownership and maintenance shall be divided by the lots serviced by said easement.

The foregoing covenants, or restrictions, are to run with the land and must be binding on all parties and all persons claiming under them until January 1, 2049, at which time said covenants, or restrictions, must be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any of the foregoing covenants, or restrictions, by judgment or court order must in no way affect any of the other covenants or restrictions, which must 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 several owners of the several lots in this subdivision and to their heirs and assigns.

Witnessed our hands and seals this _____ day of _____, 20____.

Brad Clark -- Signature

Melissa Clark -- Signature

STATE OF INDIANA)
)SS
COUNTY OF MADISON)

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Brad Clark and Melissa Clark, who acknowledged the execution of the foregoing plat, to be voluntary act and deed this _____ day of _____ 20____.

Signature: _____

Printed: _____
Notary Public

My Commission expires: _____ Resident of _____ County, _____.

PLAN COMMISSION CERTIFICATE

Under authority provided by IC 36-7, enacted by the general assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Town Council of the Town of Lapel, Madison County, Indiana, this plat was given approval by the Lapel Advisory Plan Commission on the _____ day of _____, 20____.

Signature: _____ Signature: _____

Printed: _____ Printed: _____
President Secretary

APPROVAL AND ACCEPTANCE OF DEDICATION BY THE LAPEL TOWN COUNCIL

This plat and the acceptance of any public rights-of-way dedicated herein is hereby approved on the _____ day of _____, 20____, by the Town Council of the Town of Lapel, Indiana.

Signature: _____ Signature: _____

Printed: _____ Printed: _____
President Clerk/Treasurer

PLANNING AND ZONING CERTIFICATE

I, _____, Zoning Administrator/Building Inspector for the Town of Lapel, hereby certify that the application for approval of this plat meets all of the minimum requirements set forth in the Comprehensive Plan of Lapel, Indiana such other applications requirements contained in the Unified Development Ordinance of the Town of Lapel, August 20, 2015, as amended.

Signature: _____

Printed: _____
Zoning Administrator/Building Inspector

SHEET 2 OF 2
DATE: 01/10/24



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.
Haldon L. Ashton

This Instrument Prepared by: Haldon L. Ashton