

Findings of Fact and Ruling

PETITION FOR MAJOR SUBDIVISION APPROVAL: **A09-04-01 (APC office creates this #)**

OWNER OF REAL ESTATE: **John H. Doe**

LOCATED AT: **100 S File St**

DESCRIPTION: **40 Acres in the NE ¼ of S12T26NR12E**

CURRENT ZONING CLASSIFICATION: **R-2**

PROPOSED MAJOR SUBDIVISION: **Doe Acres - 52 Lots**

PRINT DATE: **April 24, 2009**

Comes now the Wells County Area Plan Commission and in support of granting John H. Doe Petition for Major Subdivision makes the following Findings of Fact, to wit:

John H. Doe filed a Petition for a Major Subdivision as to the following described real estate located in Harrison Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

Notice of the scheduled May 7, 2009 public hearing on the Petition was duly published in accordance with I.C. 5-3-1 more than ten (10) days prior to the public hearing.

The sign as required by the Wells County Area Plan Commission has been duly posted in accordance with the Rules of Procedure of the Wells County Area Plan Commission more than fourteen days prior to the Wells County Area Plan Commission hearing.

On May 7, 2009, the Wells County Area Plan Commission conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Wells County Area Plan Commission and the following evidence was heard.

5-03 (1) This petition shall conform with the objectives of the Comprehensive Plan due to the fact that the petition is located in an area designated on the land use map for residential development.

5-03 (2) The petitioner holds this property under single ownership.

5-03 (3) The petition shall not be located in a way to be detrimental to the surrounding properties and land uses due to the fact that it will be designed and used in the same manner as the neighboring properties.

5-03 (4) The petition shall not substantially diminish or impair the property values of the neighboring properties due to the fact that it will be developed with the same structure types and land uses located on the neighboring properties.

5-03 (5) The petition shall not endanger the public health, welfare or safety of the neighboring properties due to the fact that it will provide for better traffic management in the area and will provide ample drainage and other utilities to better serve the site and the neighbors.

5-03 (6) This petition's traffic management plan shall provide for traffic conditions that are favorable to public health, safety, and convenience and will be harmonious with the comprehensive plan due to the fact that it will meet the requirements of the Wells County Subdivision Control Ordinance as shown on the plat for this petition.

5-03 (7) The petitioner has obtained written approval from the City of Bluffton for the connections to the public utilities shown on the Plat for this petition.

5-03 (8) The petitioner has delivered the final draft of the restrictive covenants or private restrictions to the Wells County Area Plan Commission office along with this document.

5-04 (1) The petition shall meet the easement requirements as shown on the plat for this petition.

5-04 (2) The petition shows street lighting and sidewalks on the plat for this petition as required by the City of Bluffton.

5-04 (3) The petition shows the utility plan as approved by the City of Bluffton along with a written acceptance letter.

5-04 (4) The petition proposes signs at each of the entrance locations per the requirements of the Wells County Zoning Ordinance as shown on the plat for this petition.

5-04 (5) (A) The petition shall not propose any lots that derive direct access from an arterial public way.

5-04 (5) (B) The petition shall not have any lots creating the necessity to back out onto a collector public way.

5-04 (5) (C) The petition shall propose shared drive ways for lots 39 and 40 and lots 41 and 42 at the request of the Wells County Area Plan Commission.

5-04 (5) (D) The lots with frontage on two public ways are 50% larger than the lot size requirements for the R-2 zoning district as shown on the plat for this petition.

5-04 (5) (E) The lots located on the turnaround of a cul-de-sac are 50% larger than the lot size requirements for the R-2 zoning district as shown on the plat for this petition.

5-04 (5) (F) The petition does not propose any lots that would use this requirement.

5-04 (5) (G) (a) The petition meets the requirements of the Public Ways-Roads section of the Subdivision Control Ordinance as shown by the proposed road layout on the plat for the petition.

5-04 (5) (G) (b) The petition meets the requirements of the Storm Water Standards of the Subdivision Control Ordinance as shown by the proposed storm water calculations, elevation data, detention calculation, and drainage outlet sizing on the plat for the petition.

5-04 (5) (G) (c) This petition is in zone "C" according to the 1983 FIRM map.

5-04 (5) (G) (d) This petition will meet the general regulation for lot size, road frontage, and land use as required by the R-2 zoning district as shown on the plat for the petition.

5-04 (5) (G) (e) This petition shall be monumented and depicted on the plat as required by the Survey Standards in Subdivision Control Ordinance as shown on the plat for the petition.

5-04 (5) (G) (f) This petition will not violate any of the performance standards of the Wells County Zoning and Floodplain Management Ordinance.

Wells County Board of Zoning Appeals Variance _____

Wells County Area Plan Commission Modification _____

Conditions or Commitments _____

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a Major Subdivision by _____ is hereby granted by a vote of _____ in favor and _____ opposed.

Granted this 7th day of May, 2009.

Wells County Area Plan Commission President

Wells County Area Plan Commission Secretary