Agenda GOSHEN PLAN COMMISSION

Tuesday, April 16, 2024, 4:00 pm Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

Please turn off all cell phones

- I. Roll Call
- **II.** Approval of Minutes from 2/20/24
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- **IV.** Postponements/Withdrawals
- V. Primary Subdivision (public hearing)

24-02SUB – Arturo Marin, Aracelia Manriquez, Emmanuel Ortiz Rodriguez, Jessica Ortiz, Homestead Real Estate 111 LLC, and Abonmarche Consultants request primary subdivision approval for a three-lot major residential subdivision, Zollinger Subdivision, to create three lots for single unit residential development. The subject property is generally located at the northeast corner of Zollinger Road and Middlebury Street, containing ±2.98 acres, zoned Agricultural A-1.

- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Plan Commission Tuesday, February 20, 2024 - 4:00 pm Council Chambers, 111 E. Jefferson Street Goshen, Indiana

- I. The meeting was called to order with the following members present: Richard Worsham, Tom Holtzinger, Doug Nisley, Aracelia Manriquez, Caleb Morris, and Rolando Ortiz. Also present were City Planner Rhonda Yoder and Assistant City Attorney James Kolbus. Absent: Hesston Lauver, James Wellington
- II. Approval of Minutes from 1/16/24 Holtzinger/Morris 6-0
- **III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record Holtzinger/Morris 6-0
- IV. Postponements/Withdrawals None

V. Zoning Ordinance Text Amendment (public hearing)

24-01OA – The Goshen Plan Commission requests an amendment to the Goshen Zoning Ordinance, Ordinance 3011, Flood Control District (Overlay) Regulations and Definitions, based upon the State of Indiana Model Ordinance for Flood Hazard Areas. The amendment is proposed in order to make changes based on recent updates to the Indiana Model Ordinance, to continue compliance with the minimum participating criteria of the National Flood Insurance Program (NFIP). Changes include new, amended and deleted definitions, and regulation updates with expanded language, to add clarity and detail for existing regulations, including more detailed and specific Floodway regulations.

Staff Report:

Ms. Yoder explained the packet provided to Commission members contains a copy of the existing Zoning Ordinance, with the proposed changes in red and everything to be deleted redlined. For reference, she also included a few definitions which are not changing, but are related to flood regulations. The two sections of the Zoning Ordinance being updated are Section 2110, Definitions of Words and Phrases, and Section 4270, Flood Control District Overlay Regulations.

She explained the City of Goshen participates in the National Flood Insurance Program, which is required in order to make flood insurance available to Goshen property owners. She explained participation and ordinance requirements are established by FEMA and the State of Indiana, noting that FEMA sets regulations for the State and the State passes those regulations to us. She commented that the most recent update to the Flood Control District was in 2020, and since that time there have been changes to the State of Indiana Model Ordinance.

On November 21, 2023, the Plan Commission authorized Staff to prepare updates to bring Goshen's regulations in line with the model ordinance. The model is provided by the State of Indiana Division of Natural Resources, Division of Water, and they have reviewed and approved the draft amendment. Ms. Yoder remarked that this update is primarily expanded language with more detail and specific floodway regulations. She provided a couple examples of the expanded details, explaining they are not new regulations; they simply provide more step by step detail.

She noted this is a recommendation to the City Council.

Richard Worsham, President

Tom Holtzinger, Secretary

Gosnen Plan Commission Minutes – February 20, 2024
Audience Comments: None
Close Public Hearing
Staff Discussion: None
Action: A motion was made and seconded, Nisley/Holtzinger, to forward a favorable recommendation to the Goshen Common Council for 24-01OA, based upon the Staff Analysis and the State of Indiana's Model Ordinance for Flood Hazard Areas. The motion passed unanimously by a vote of 6-0.
VI. Audience Items None
VII. Staff/Board Items Ms. Yoder noted for the record that Aracelia Manriquez has been reappointed by the Mayor to a four-year term. She is a citizen member and the Planning Office has received her signed residency form.
VIII. Adjournment – 4:11 pm Nisley/Morris
Respectfully Submitted:
Lori Lipscomb, Recording Secretary
Approved By:

To: Goshen City Plan Commission

From: Rhonda L. Yoder, Planning & Zoning Administrator

Subject: 24-02SUB, Major Residential Subdivision, Primary Approval

Zollinger Subdivision

Date: April 16, 2024

ANALYSIS

Arturo Marin, Aracelia Manriquez, Emmanuel Ortiz Rodriguez, Jessica Ortiz, Homestead Real Estate 111 LLC, and Abonmarche Consultants request primary subdivision approval for a three-lot major residential subdivision, Zollinger Subdivision, to create three lots for single unit residential development. The subject property is generally located at the northeast corner of Zollinger Road and Middlebury Street, containing ± 2.98 acres, zoned Agricultural A-1.

The subject property is currently three tax parcels with two separate owners. Prior to October 2022, the subject property was two unplatted parcels (aerial enclosed). In October 2022, a deed transfer split the large parcel into three tax parcels, including two parcels that are part of the proposed subdivision (transferred to new owners), and a separate small triangle of land that is part of 1001 Middlebury Street (remained with existing owner). A post-split aerial is enclosed.

The Planning office became aware of the parcel split in January 2023, and certified letters were mailed to the new property owners on January 24, 2023, to inform them the split met the Subdivision Ordinance (SO) definition of a subdivision, which is a division of land that creates two or more parcels/lots/sites, that this type of division requires an approved subdivision, meeting all requirements of the Zoning and Subdivision Ordinances, and that per the Subdivision Ordinance no improvements, permits, approvals, or zoning clearance forms of any kind are permitted until there is an approved subdivision.

According to the Goshen Subdivision Ordinance, a major subdivision involves two or more lots, along with the establishment of a new street or easement of access, or substantial changes to existing drainage systems. This case is a major subdivision because of the drainage impact. Major subdivision approval occurs in two phases, primary and secondary subdivision. The primary subdivision is intended to show a total development plan, including physical features, proposed lot layout, proposed street/access patterns, land to be reserved for public use, sewer and water extensions, and drainage facilities.

The Plan Commission has exclusive control over primary and secondary subdivision approvals. Primary subdivision applications may be granted approval, granted approval with conditions, or disapproved (SO Section 530). Approval may be granted only if the conditions of the Goshen SO are met. The Plan Commission may waive only those conditions found exclusively in the Goshen SO, and may not waive any standards found in the Goshen Zoning Ordinance (ZO).

Subdivision Evaluation

Based on review of the proposed subdivision and Goshen SO and ZO standards, the following conditions are required as part of primary approval, to be addressed as part of the secondary subdivision:

- 1. Include only front minimum building setback lines for the secondary subdivision.
- 2. Label Middlebury Street (CR 22) with City street name first and CR in parentheses.
- 3. Lot 3 shall have a 5' no access easement adjacent to Middlebury Street, as access for Lot 3 is permitted only from Zollinger Road, due to the grade and no water/sewer available from Middlebury Street.

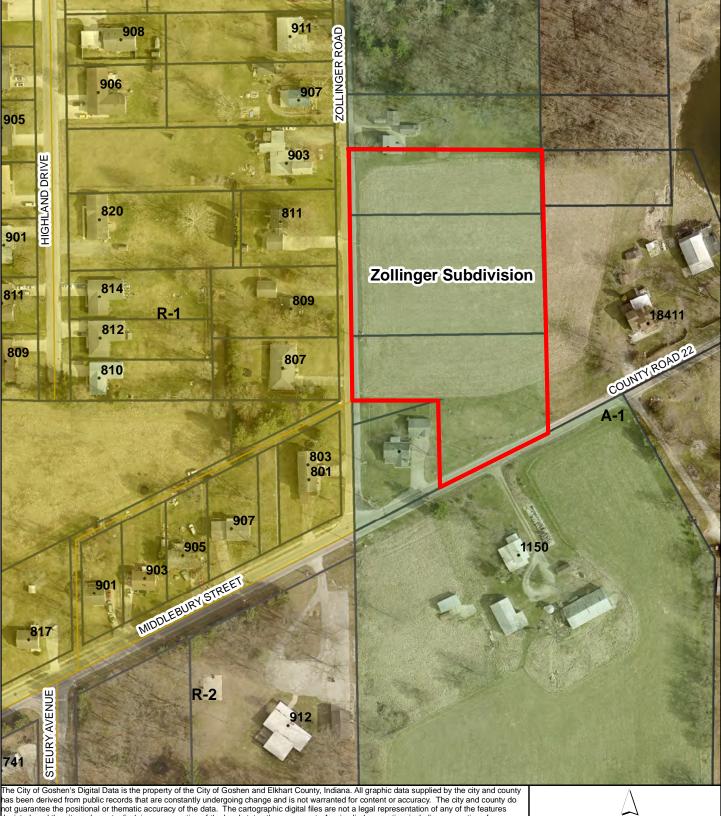
Conditions to be met prior to secondary approval, and requirements to be completed before a zoning clearance/building permit is issued for new development, are outlined in the following section.

24-02SUB 2

RECOMMENDATIONS

Staff recommends the Plan Commission grant primary approval of the three-lot major residential subdivision, Zollinger Subdivision, based upon the following and including the following conditions, which shall be met before secondary approval is granted:

- 1. The A-1 District requirements for minimum lot area and lot frontage are met.
- 2. Zoning and Subdivision Ordinance requirements are able to be met.
- 3. The drawings, application and fee for the secondary subdivision shall be submitted to the Planning office, and Staff may review on behalf of the Plan Commission.
- 4. The secondary subdivision shall address the following technical corrections, along with Technical Review comments provided by Engineering, Stormwater, and Fire:
 - Include only front minimum building setback lines for the secondary subdivision.
 - Label Middlebury Street (CR 22) with City street name first and CR in parentheses.
 - Lot 3 shall have a 5' no access easement adjacent to Middlebury Street, as access for Lot 3 is permitted only from Zollinger Road, due to the grade and no water/sewer available from Middlebury Street.
- 5. Connection to City water and sewer is required, and utility extension plans shall be approved by the City Utility Engineer.
- 6. All infrastructure improvements shall be designed and built according to the latest City standards, per SO Section 800.
- 7. Per SO Sections 511.6 and 571.10, the final plat shall include all easements dimensioned and identified to their specific use, including all existing easements and all required new easements.
- 8. Per SO Sections 512 and 812, an overall subdivision drainage plan shall be prepared and certified by a registered engineer or registered land surveyor, submitted to the City Engineer, and approved by the Board of Works before secondary approval is granted.
- 9. After the overall subdivision drainage plan has been approved, the drainage plan improvements must be constructed as follows:
 - Without a performance bond/surety, fully constructed and inspected before the plat is accepted by the Board of Works, before secondary approval is granted, and before the plat may be recorded; OR
 - With a performance bond/surety, fully constructed and inspected after the plat is accepted by the Board of Works, after the performance bond/surety is accepted by the Board of Works, and after secondary approval is granted.
- 10. If the plat is to be finalized and recorded before drainage plan improvements are constructed and accepted for maintenance, a performance bond/surety shall be filed with and approved by the City Engineer and the Board of Public Works and Safety before construction begins and before secondary approval is granted.
- 11. After all identified corrections are made, reviewed and approved, dedications and easements shall be accepted by the Board of Works per SO Section 820 before secondary approval is granted.
- 12. When secondary approval is granted, the signed plat will be provided to the applicant for recording, with a clear, full size recorded copy to be emailed to the Planning office after recording.
- 13. Before a zoning clearance/building permit is issued for new development on any individual lot, the secondary subdivision shall be reviewed and approved, and a clear, full-size recorded plat on file in the Goshen Planning office.



depicted, and the city and county disclaim any sumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This ndemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



1 inch = 150 feet

The City of Goshen

Department of Planning & Zoning 204 East Jefferson Street, Goshen, Indiana 46528 Phone: 574-534-3600 Fax: 574-533-8626

Zollinger Subdivision

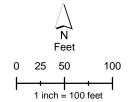
Zoning Map & 2023 Aerial Printed March 14, 2024



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any sumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

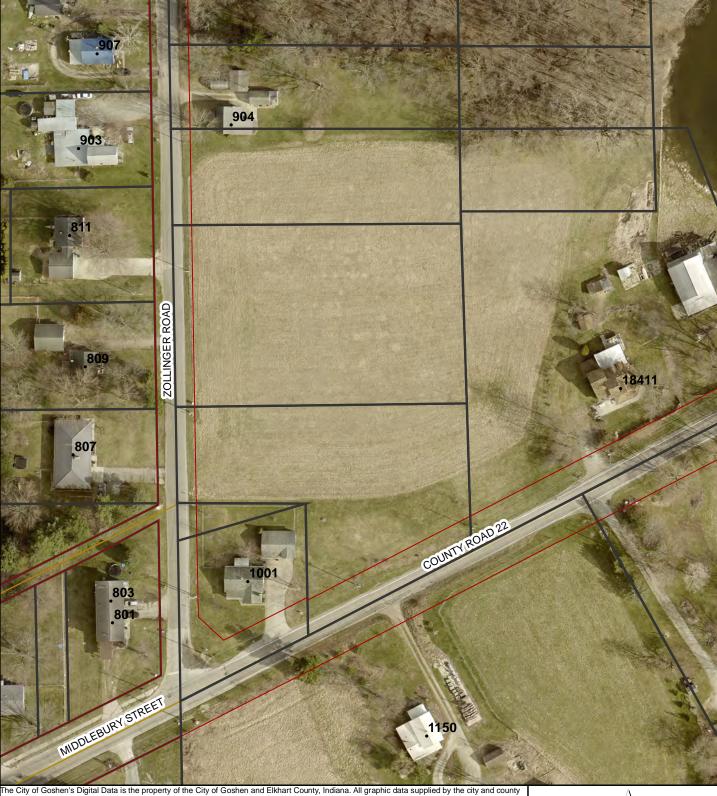
Middlebury & Zollinger

Zoning Map, 2021 Aerial & ROW Printed September 27, 2022

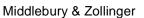


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2023 Aerial - Post Split Printed February 5, 2024



1 inch = 100 feet

The City of Goshen

Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626

LEGAL DESCRIPTION-INSTR. #2022-22623

ZOLLINGER SUBDIVISION

PRIMARY SUBDIVISION A PART OF THE SOUTHEAST QUARTER OF SECTION 3,

TOWNSHIP 36 NORTH, RANGE 6 EAST, CITY OF GOSHEN,

ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA ADDRESS: VL, ZOLLINGER ROAD, GOSHEN, IN 46528

3. THE PROPOSED LOTS SHALL BE SERVICED BY THE CITY OF COSHEN MUNICIPAL SANITARY SEWER AND WATER. CONNECTION POINTS FOR BOTH UTILITIES SHALL BE PROVIDED BY THE CITY OF GOSHEN AS PART OF THE BUILDING PERMIT PROCESS AND UTILITY CONNECTION AGREEMENT WITH EACH LOT OWNER.

5. PARKING: THERE WILL BE AT LEAST TWO (2) PARKING SPACES PER LOT.

THE PROJECT IS COMPOSED OF RIDDLES-OSHTEMO FINE SANDY LOAMS WITH 1-5% SLOPES.

THE SUBJECT PARCELS ARE LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) PER PANEL NUMBER 1803900252D AND HAVING AN FEFECTIVE DATE OF 08-02-2011 OF THE NATIONAL FLOOD INSURANCE PROGRAMS FLOOD INSURANCE RATE MAPS.

THE EXISTING SUBJECT PARCELS ARE CURRENTLY VACANT LAND/FARM FIELD. THE OWNERS WOULD LIKE TO BUILD HOMES ON BOTH LOTS AFTER THE SECONDARY PLAT IS

THE FOLLOWING DRAINAGE CALCULATIONS ARE FOR THE PROPOSED DRAINAGE AREA DELINEATED ON THE PLAN FOR THE PROPOSED SUBDIVISION. THE DRAINAGE CALCULATIONS ARE IN ACCORDANCE WITH THE CITY OF COSHEN STORWAYETE DRAINAGE POLICY AND TECHNICAL REVIEW RECUIREMENTS FOR A 3-INCH RAINFALL, WHICH CLOSELY REPRESENTS A 100 YEAR, 2 HOUR STORM EVENT.

 $C = ((0.21+0.02) \times 1.00) + ((0.13+0.09) \times 0.95)) + (2.55 \times 0.30)) = 0.40$

STORAGE PROVIDED = 0.36 ACRE-FT (BELOW DESIGN HIGH WATER)

VOLUME OF FRUSTUM FORMULA PER CITY OF GOSHEN STORMWATER DRAINAGE POLI

0.36

= 0.40 x 0.25 FEET x 3.0± ACRES = 0.30 ACRE-FT

= 2.55± ACRES

= 0.21± ACRES (3,000 SF ALLOWANCE / HOME)

= 35 FEET ON ARTERIAL STREETS (MIDDLEBURY STREET)

25 FEET ON COLLECTOR STREETS (ZOLLINGER ROAD)

TAX ID#: 20-11-03-401-018.000-015; 20-11-03-401-022.000-015 & 20-11-03-401-021.000-015

GENERAL NOTES

FRONT YARD

SIDE YARD

FLOOD NOTE

1. TOTAL SUBDIVISION AREA = 2.98± ACRES

LOT 1 = 0.87± ACRES LOT 2 = 0.87± ACRES LOT 3 = 0.85± ACRES R/W TO BE DEDICATED = 0.39± ACRES

2. EXISTING LAND USE: VACANT LAND / FARM FIELD

4. SETBACKS SHOWN ARE PER A-1 (AGRICULTURAL)

AGRICULTURAL BLDGS = 20 FEET REAR YARD = 25 FEET

SOIL CLASSIFICATION

SITE IMPROVEMENTS

DRAINAGE CALCULATIONS

ESTIMATED DRAINAGE AREA = 3.0± ACRES

TABULATED SITE DATA PROPOSED BUILDING (C=1.00)

STORAGE CALCULATIONS

 $= {}^{h}/_{3} \times (A_{1} + A_{2} + (A_{1} \times A_{2})^{A_{0.5}})$

863.5

LAWN / OPEN SPACE (C=0.30)

MODIFIED RUNOFF COEFFICIENT CALCULATIONS

STORAGE REQUIRED = C x RAINFALL DEPTH x AREA

A PART OF THE SOUTHEAST QUARTER OF SECTION 3. TOWNSHIP 36 NORTH, RANGE 6 EAST, FLIKHART TOWNSHIP, FLIKHART COUNTY

COMMENCING AT A COUNTY MONIMENT MARKING THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER: THENCE SOUTH 01 DEGREE 12 24 FAST, 140.25 FEET TO THE CENTER LINE OF COUNTY ROAD NO. 22. THENCE NORTH 82 DEGREES \$2.38 FEAST ALONG SAID CENTERLINE, 183.91 FEET TO THE CENTER LINE OF COUNTY ROAD NO. 22. THENCE NORTH 82 DEGREES \$2.38 FEAST ALONG SAID CENTERLINE, 183.91 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DEEDED TO JOHN R. FIELDS AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT #2015-20056; THENCE NORTH 01 DEGREES 12 24* THENCE SOUTH 89 DEGREES 16' 36' WEST, 299.91 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. CONTAINING 1.08 ACRES, MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

LEGAL DESCRIPTION-INSTR. #2022-22646

A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A COUNTY MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE ON AN ASSUMED BEARING OF DUE SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AND ALONG THE CONTRELINE OF CALINGER ROAD, A DISTANCE OF 1075 A FEET TO A RAILROAD SPIKE MARKING THE POINT OF BECINNING OF THIS DESCRIPTION; THENCE CONTINUING ON A BEARING OF DUE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE CONTRELINE OF THE CONTRELINE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE CONTRELINE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE AND SAID CENTERLINE, AND SAID CENTERLINE, A DISTANCE OF THE SOUTH ALONG SAID WEST LINE SAID CENTERLINE, AND SAID C LINE OF A PARCEL OF LAND DESCRIBED AND CONVEYED TO HENRY VESEY IN ELKHART COUNTY DEED RECORD 52, PAGE 294; THENCE NORTH 89 DEGREES 31 MINUTES WEST 300.0 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

LEGAL DESCRIPTION-INSTR. #2022-22647

A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, NDIANA, SURVEYED BY CRAIGS. BATDOREF, REGISTRATION NUMBER 2/320006, WITH ABOMMARCHE, INC., AS SHOWN ON PROJECT NUMBER 2/32067 ADTEID JULY 6, 32/22 DESCRIBED AS FOLLOWS:

COMMENCING AT A COUNTY MONUMENT MARKING THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 COMMENCES 11 4 COUNT AND WASHINGTON THE WEST TO FEET OF A MAG NAIL. THENCE OF THE SOUTHWEST COUNTY TO SEE THE SEE THE SOUTHWEST COUNTY TO SEE THE SEE DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT #2015-20056; THENCE NORTH 01
DEGREES 12' 24" WEST ALONG SAID WEST LINE, 177.00 FEET TO THE SOUTHEAST CORNER OF SAID JOLDERSMA PARCEL; THENCE SOUTH 89 DEGREES 16'36" WEST ALONG THE SOUTH LINE OF SAID JOLDERSMA PARCEL, 299.87 FEET TO THE POINT OF BEGINNING OI



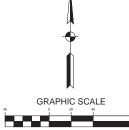
EMMANUEL ORTIZ RODRIGUEZ & JESSICA ORTIZ 2304 EDWARD DRIVE GOSHEN, IN 46526

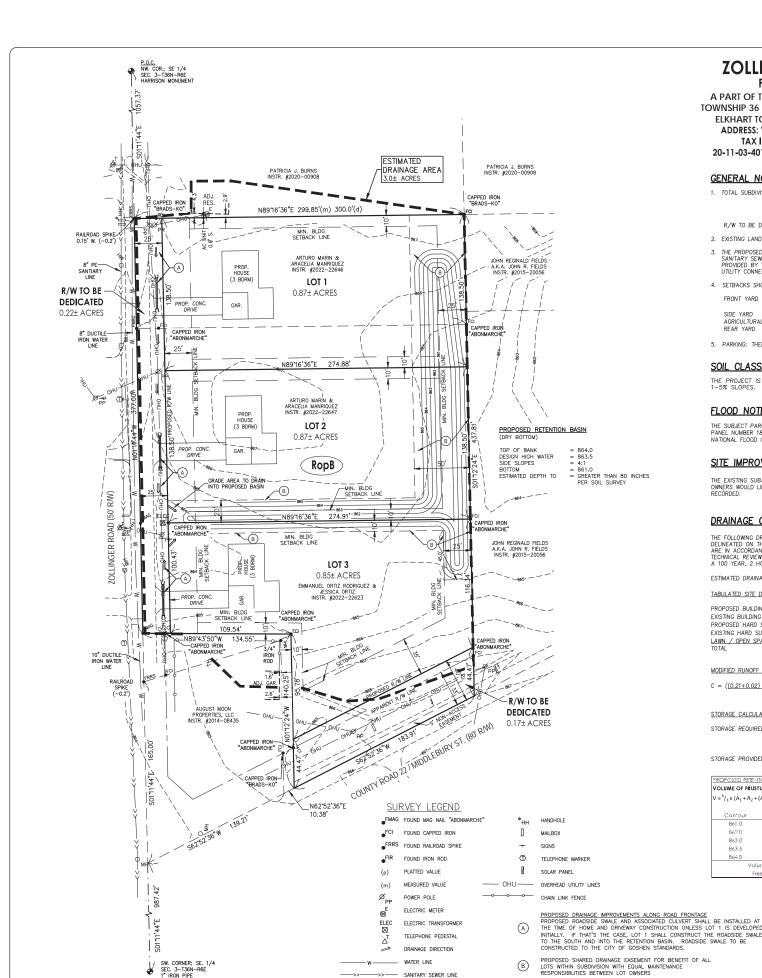
ARTURO MARIN & ARACELIA MANRIQUEZ 17162 COUNTY ROAD 22 GOSHEN, IN 46528



INDIANA, SURVEYED BY CRAIG S, BATDORF, REGISTRATION NUMBER 21200008, WITH ABONMARCHE, INC., AS SHOWN ON PROJECT NUMBER 22-0887 DATED JULY 6, 2022, DESCRIBED AS FOLLOWS:

DEGREES 11-44" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 133-437 FEET TO A MAG NAIL, AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 11'44" EAST ALONG SAID WEST LINE, 100.00 FEET TO A MAG NAIL, THENCE SOUTH 89 DEGREES 43" 50" EAST, 134.55 FEET TO A 5/8 INCH REBAR WITH CAP MARKED "ABONMARCHE 0050"; THENCE SOUTH 01 WEST ALONG THE WEST LINE OF SAID FIELDS PARCEL. 160.81 FEET TO A 5/8 INCH REBAR WITH CAP MARKED "ABONMARCHE 0050":





___ w_____ WATER LINE

->>--- SANITARY SEWER LINE

NORTON LAKE AKEVIEW DR. Z

NO. REVISION DESCRIPTION:

BY: DATE

DESIGNED BY PM REVIEW: 03-13-2024 raig & Batolaf

3-13-2024

1' = 40'

23-1979

1 of 1

SUBDIVISION

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ZOLLINGER SUBDIVISION NE CORNER OF ZOLLINGER ROAD AND MIDDLEBURY STREET GOSHEN, IN 46528