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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, May 9, 2017 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. Brad Whicker, President; Mr. Damon Palmer, Vice-President; Mrs. Sonnie Johnston; Ms. Angela Tilton; Mr. Walt O'Riley; and Mr. Bob Gentry. Member absent was: Mr. Tim Whicker. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mrs. Julie Haan, Environmental Health Director; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were six (6) members present.

Mr. Brad Whicker then called for a motion to approve the April 11, 2017 Plan Commission meeting minutes.

Mrs. Johnston then made a motion to approve the April 11, 2017 meeting minutes.

Ms. Tilton seconded the motion.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

Mr. Whicker then called for the public hearing item on the agenda as follows:

ZA 446/17: NDZA, INC.; a zoning amendment change from AGR/Agriculture Residential District to GB/General Business District, 9.55 acres, Washington Township, S20-T15N-R2E, located on the east side of County Road 1050 East, approximately 0.10 mile south of Bradford Road. (David I. Kingen)

Mr. David Kingen and Mr. Justin Kingen of NDZA, Inc., 618 East Market Street, Indianapolis, appeared along with Mr. Kevin Yurs of Earth Images, prospective purchaser of the property at 2121 South County Road 1050 East.

Mr. David Kingen stated that they were seeking a rezoning of this property from AGR to GB. He stated that the prospective purchaser had looked at the property for a twofold purpose, that being the majority of the property for a sod farm and the remainder for a landscaping business. He stated that the Hendricks County Comprehensive Plan did recommend this property for a PB/Planned Business District. He stated, however, that the GB zoning would be satisfactory for the uses they were proposing. He stated that they felt they had met the criteria for rezoning the property and that the use would not negatively impact the district or the proximity of surrounding development. He stated that the proposed development of the property would be an asset and preserve the property values of the adjacent area. He stated the property was located in Washington Township, 9.55 acres in size and on the east side of County Road 1050 East. He then displayed a site plan of the property and distributed copies of this site plan entered into record as Petitioner's Exhibit "A" along with brochures from the prospective purchaser entered into record as Petitioner's Exhibits "B" and "C." He stated if they were successful in obtaining this rezoning, they would return before the Plan Commission to submit a development plan for the property. He stated that the displayed site plan was preliminary and showed the existing buildings and residential structure on the property that would be used as the offices for Earth Images, Inc. He stated that they anticipated some outbuildings that would be constructed over a period of years with at least one initially and perhaps a second or third if the business thrived at this location. He stated that the business, Earth Images, Inc., had been around for about twenty years and had full-time and seasonal employees. He stated he had learned that the sod farm business was a seasonal one and how this property would be developed in that fashion. He stated that one of the important factors was that the landscaping business was not typical in that most of their contracts were with highways. He stated that they did a lot of work with INDOT and the Kentucky DOT with work being done around interchanges. He stated they were not the type of firm that would do work at single family residences. He stated that they had also done work in downtown Plainfield, downtown Mooresville and as well as beautification projects in Indianapolis. He then displayed a list of functions that the company provided as well as information on how the sod

operation would work. He stated that the operation was like a type of agricultural function or use. He stated they had provided images of typical buildings that might be built on the property in the future. He stated that there would not be any outdoor storage on the site and that all of the business materials and equipment would be stored in the accessory structures. He stated that the equipment would also be maintained in these structures. He also displayed slides of how the operation typically worked and also slides showing the condition of the property in question with the locations of the two existing wells on the site.

Mr. Whicker then reminded the members that they would be deciding on whether to give a favorable or unfavorable recommendation on the rezoning of this property to the Board of County Commissioners. He added that if the Commissioners approved the rezoning request, the matter would then come back before the Plan Commission with a development plan review application.

Mr. Whicker asked for questions or comments from the members who then stated they wished to take public comment first.

Mr. Whicker then opened the public hearing.

Mr. John Weaver of 2090 South County Road 1050 East, Indianapolis 46231 appeared. He stated that he was not opposed to the zoning change. He stated their main concern was the effect on surrounding properties from possible irrigation methods.

There being no one else signed up to be heard, Mr. Whicker closed the public hearing and asked for questions or comments.

Mr. Gentry asked if the petitioner had stated he would not be irrigating the sod.

Mr. Whicker responded that he did not think they wanted to make it a condition but that it was not their standard method of operation.

Mr. Kingen stated that he would have the applicant, Kevin Yurs from Earth Images, explain.

Mr. Kevin Yurs of Earth Images appeared and stated they were hoping to purchase the property in question. He explained that they did not typically irrigate new sod. He stated that was because from experience in the past, it had provided poor results. He explained that the strongest sod was sod that germinated on its own without the need of irrigation. He stated, however, that did not mean that they would never irrigate and that there might be a time to irrigate. He stated that typically, if irrigation was needed, it was probably not a good time to be installing sod. He added that irrigation was something they might do very sparingly, if at all. He stated that most sod would develop well with natural rainfall and had a stronger root system and was generally easier to harvest. He stated it also had a higher chance of survival once it was installed. He added that the only time he could remember irrigating the sod was during the 2012 drought and that did not work well.

Mr. Brad Whicker asked if they had to irrigate with the property having two existing wells, would it be their intention to only use the available wells and he asked were they of the necessary capacity or would they consider an alternative source of water.

Mr. Yurs responded that they had not really considered using those existing wells and if they did need to irrigate, he would possibly drill a new well further back on the property.

Mr. Whicker stated that the reason he had asked was because the capacity of the existing wells would probably be smaller for irrigation needs.

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Mr. Yurs added that when irrigating, it was similar to a lawn sprinkler system. He stated they would use measures to make sure the water was not wasted. He again added that irrigation was not something they considered as a rule.

Mr. Whicker added that if they were protecting their investment, they would use the irrigation for the sod.

Mr. Yurs stated if they had no other choice and he added that the type of grass they would be growing was called Blue Grass sod which did well in Indiana. He stated that type of grass would go dormant during dry spells and regenerate when it rained. He stated once that type of sod was established they would not be in danger of losing it so that irrigation would not be necessary.

Mr. O'Riley asked about the amount of traffic generated from the proposed business.

Mr. Yurs responded that they had three crews and six one & one-half ton trucks or two trucks per crew. He stated that some employees would arrive in the morning but light traffic during the day.

Mr. O'Riley stated then that it would not be a customer type business.

Mr. Yurs stated that all of their work was conducted offsite for highway and bridge construction projects.

Mrs. Johnston asked after cutting the sod, how long the ground stayed bare.

Mr. Yurs responded that there were two occasions when they would focus on trying to replant. He stated that the ideal time to plant sod or any grass seed was between the middle of August and the middle of September. He stated that was when you could get the seed in the ground with good dirt contact and then because of the time there would be some cooler nights, heavier dews and usually rains to go with that. He stated that all of those factors contribute to allowing the best and quickest chances for germination. He stated that the other time for planting would be early April to the middle of May. He added if there was ground that was going to lay bare, harvesting would occur anytime between mid-April to mid-November. He stated that there could be some bare ground during the harvesting and that it would be covered up at some point during the year.

Mr. Palmer asked about the rotation of acreage and what was their total acreage to sod.

He stated that sod took anywhere from 12 to 18 months to become established. He stated that germination would occur about two weeks after the sod was planted. He stated it then took six to eight months for the roots to start developing. He stated there would be top growth but that it would be the root growth that was critical in terms of harvesting. He stated it could not be harvested without that root growth. He stated that based on the property, there was about 9.5 acres and he anticipated about 2.5 acres for buildings and places for equipment parking, which would leave between 6 to 7 acres of ground for sod cutting. He stated they would plant everything right away and that there was about 5,000 square yards of sod to an acre. He stated that with six acres, there would be about 30,000 square yards of sod, enough for about one year or less. He stated their rotation would be anywhere between 18 months and 2 years and that there would always be something on the ground and growing.

Mr. Palmer stated that would be except between harvest and planting.

Mr. Yurs stated yes.

Mr. Palmer asked if there would be any risk of erosion.

Ms. Tilton asked if there was any kind of buffering.

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Mr. Whicker stated that the ground there was reasonably flat.

Mr. Yurs stated that the risk of erosion was relatively small and their business was ideally suited to control that.

Mr. Whicker stated that since they were probably taking an amount of soil with the cutting of the sod, would they replace soil also.

Mr. Yurs responded that soil was lost in the sense that there was soil that came up with the root mass. He explained that what happened with sod was that the clippings and additional organic matter that came with having sod caused you to gain everything that was lost. He stated that you never truly lost topsoil but actually gained a little more. He stated that the soil was actually enhanced. He stated there were some farmers that grew sod as a cover crop.

Mrs. Johnston then asked if their equipment would be stored inside.

Mr. Yurs responded that their plan was to try and keep as much of it indoors as possible. He stated that the first building they wanted to construct was their mechanical shop and storage for smaller equipment. He stated that another building would be constructed for the larger equipment and trucks.

Mr. Palmer asked about the water table in the area. He stated he was not getting a commitment on the irrigation risk.

Mrs. Haan added that they had one well log that did not show the pumping rate. She stated, however, that she had looked at the surrounding wells and those were between 5 and 10 gallons per minute. She stated that most of the wells surrounding the property were the 4 inch residential low capacity wells.

Mr. O'Riley asked how many wells were in that area. He stated that the adjoining subdivision was probably on municipal water.

Mrs. Haan stated that she had looked 2 miles out and that the static water level was anywhere between 35 and 80 which was not very deep.

Mr. Whicker stated that they could ask Mr. Yurs if he was willing to agree to any self-imposed conditions and that it would be difficult to get a condition for no irrigation.

Mr. Yurs stated that he had not really thought about that.

Mr. Whicker stated that he was trying to give the board and the concerned public some comfort in that the commercial use of this property would not impact other wells in the area.

Mr. Gentry added that he thought there was precedent on the books on wells that had been dried up by an adjoining property owner's use of water. He stated he believed there had always been cases of commercial agricultural irrigation lowering the aquifers.

Mrs. Haan added that would occur if it was a high capacity well. She stated that would be 70 gallons per minute or 100,000 gallons per day, which was usually a six inch well and registered through the Department of Natural Resources (DNR) and also the submittal of the amount of water to be used yearly if they went high capacity. She stated if they were going to use the existing wells, there would be no way to monitor that and also there was no protection for other residential well owners.

Mr. Whicker added if they wanted to drill a commercial well, they would need to go through a permitting process which would require federal regulations. He stated he thought it would be difficult to lower the aquifer with a residential well.

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Mr. Yurs stated he had never drilled for a well in the past and if they did, it would be a process.

Mr. Gentry stated his point was that he thought there was already precedent for liability if they ran the aquifer dry.

Mr. Whicker responded that he understood Mr. Gentry's comment and that Mr. Yurs should be aware of the requirements if he were to drill a commercial well.

Mrs. Haan again stated only if a high capacity volume was required.

Mr. Whicker agreed and that the residential well use would probably not reduce the aquifer

Mr. Yurs again stated that because of their experiences during the 2012 drought, they would probably not try irrigation again

Mr. Whicker stated he was comfortable with giving his favorable recommendation on this matter.

Mr. Palmer added that he felt the use proposed was a good transition use from residential. He stated that there was some liability protection in place on the water, although not perfect.

Mr. Palmer then made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners on **ZA 446/17: NDZA, Inc.** and adopt the positive Findings of Fact/Law.

Mr. Gentry seconded the motion.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, May 23, 2017 at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 446/17: NDZA, Inc.

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from AGR/Agriculture Residential District to GB/General Business District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its

relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) The comprehensive plan;
The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Planned Business, and it is located close to a major intersection. The General Business designation will serve appropriately while this area moves toward a Planned Business park.
- (2) Current conditions and the character of current structures and uses in each district;
The Commission finds that the proposed use will not negatively impact the district due to its proximity to the development area of US 40 and Ronald Reagan, and the unique nature of the proposed use.
- (3) The most desirable use for which the land in each district is adapted;
The Commission finds that the proposal does represent the most desirable use for which the land is adapted, as identified in the Ronald Reagan Corridor Plan.
- (4) The conservation of property values throughout the jurisdiction;
The Commission finds that the proposal does conserve property values in the jurisdiction by encouraging growth of local business and responding to County wide demands for more land for the service industry.
- (5) Responsible development and growth.
The Commission finds that the proposal does represent responsible development and growth through infill development near a principle arterial in an area identified for commercial growth in the Comprehensive Plan.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 9th day of May, 2017.

DPR 458/17 (PRIMARY & SECONDARY): WINGS, ETC. LOT 134 HEARTLAND CROSSING BUSINESS PARK; a development plan review to establish a new restaurant, 1.26 acres, Guilford Township, S20-T14N-R2E, located on the northeast side of Upland Way and southeast of the intersection of State Road 67 and Enterprise Drive, more commonly known as Lot 134, Heartland Crossing Business Park, Section 3. (Holloway Engineering & Surveying)

Mr. Dombrosky stated that the request was for another thirty (30) day continuance which would be the last one allowed. He stated that he had received an email that the applicant was going to withdraw the matter formally by the next meeting.

Mr. Gentry made a motion to grant a final thirty (30) day continuance for the above matter to the June meeting.

Mr. Palmer seconded the motion.

FOR – 6 – AGAINST – 0 – ABSTAINED – 0 –

That ending the regular portion of the meeting agenda, Mr. Whicker called on Mr. Dombrosky in regard to some Other Business items for discussion.

Mr. Dombrosky discussed the Special Event Ordinance. He stated that to clarify the process for the ordinance so far, it was talked about at length, an Ordinance drafted, a recommendation given for adoption of the Ordinance and passed on to the County Commissioners for their final approval. He stated after the back and forth with the Commissioners, they had made a motion to adopt with amendments and passed it back to the Plan Commission. He stated that the Commission then disapproved one of the amendments which allowed it to go back to the Commissioners to either amend further or to reconfirm it with their original vote. He stated that the Commissioners then did reconfirm that vote which then made the Ordinance final as they had the ultimate authority and the Ordinance was adopted with the two amendments, those being #5 & #6. He added that the Ordinance was now final as of the date of that last Commissioners' meeting.

Mr. Whicker then asked Mr. Steuerwald for his legal opinion on the Commissioners' action.

Mr. Steuerwald affirmed that Mr. Dombrosky's statement that the Ordinance was now final was correct. He stated that on the final vote if the Commissioners reaffirm their actions, then that would be the final action and it became the final Ordinance. He added that the Commissioners were the legislative body of the County.

Mr. Whicker stated that it was a little bit unique in the way in which that was amended.

Mr. Steuerwald stated that the process occurred just the way it was supposed to happen. He stated that the amendment itself was unique and that he had never seen that process happen before.

Mr. Whicker stated that he felt they needed to speak openly on how they felt about the process that had occurred. He stated that process did not set well with him and that he disapproved. He stated that he did trust the current Commissioners in their actions but that did not necessarily mean that he would have the same feelings with any future Commissioners. He stated he felt that in a way it affected some of the authority that the Plan Commission body genuinely had and even though he had a lot of respect for the Commissioners, he wholeheartedly disagreed with their decision.

Mr. Gentry then stated that he wanted to express his personal opinion on the matter. He stated that he would trust any member of the current Plan Commission to sit as a Commissioner. He explained that the reason he had supported the Commissioner decision was that the general public could come before an elected body and if they did not like what decisions were made, they could change that with their votes. He stated that with respect, the bodies serving that were not elected, he felt, were at arm's length from the public. He stated with the Ordinance now in place, the concerns of the public would be met with the more restrictive requirements. He asked Mr. Dombrosky if the Plan Commission's decision on an application was not received favorably, then could they appeal to the Board of Zoning Appeals.

Mr. Dombrosky responded that if they did not agree with his, Mr. Dombrosky's, decision, they could go to the Board of Zoning Appeals.

Mr. Gentry stated that the general public would not necessarily know these procedures. Mr. Gentry went on to give his opinion on how government operated.

Mr. Whicker then asked if all of the citizens or applicants did not like a decision made by the Plan Commission, could they then apply to the Commissioners and bypass the Plan Commission.

Mr. Dombrosky stated they would need to exhaust their resources by first going through the application process.

Mr. Whicker added if the Commissioners were going to be the final say, then why shouldn't they be the first contact.

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Mr. Steuerwald stated that Mr. Dombrosky was correct in that there was the process to follow. He added that the Plan Commission Board might make the decision that a party could bypass them and go straight to the Commissioners.

Mr. Gentry asked if Mr. Steuerwald meant for the special events.

Mr. Steuerwald stated yes and Mr. Whicker added he would not care if that was the decision made.

Mr. Palmer added that since the Commissioner's did not take public comments at their meetings that would eliminate the remonstrator comments that could be contentious.

Mr. Gentry then added that he thought they would listen to both sides but agreed that they would not have to.

Mr. Palmer then stated that he looked at this matter differently in that it could be interpreted poorly and he did not want it to be that way. He stated he did not look at the Plan Commission Board as bureaucracy but as a group of citizens of Hendricks County who were looking out for the best interests of the citizens. He stated that there were two on the Board out of seven that took campaign contributions. He stated that they were comfortable with the present Hendricks County Board of Commissioners. He stated, however, his concern was could campaign contributions influence decisions in that Board and in this case.

Mr. Gentry added that he did not take campaign contributions and financed his own. He stated he understood Mr. Palmer's concerns though.

There then ensued a discussion on politics in government.

Mr. Whicker then added that what was done was done and they could discuss the matter on and on. He again stated that although he had great respect and confidence in the current Commissioner Board, the handling of this Special Event Ordinance did not set well with him. He asked Mr. Gentry to share his frustrations as well as those of other members with the Commissioners.

There was discussion on the benefits of now having a strong Special Event Ordinance in effect versus not being prepared as in the past to handle such events.

Mr. Steuerwald added his comment that although he had been of the opinion that the process was handled properly, there might be sometime in the future where a court would look at it and decide yes or no as to that process.

Mr. Whicker then asked Mr. Dombrosky if he had another matter to discuss.

Mr. Palmer asked what had occurred in the legislature regarding the micro cell towers and whether the County would have been protected if the ordinance proposed had been enacted.

Mr. Dombrosky stated no and that what happened in the state legislature overruled any local situations.

Mr. Steuerwald then commented that he had been asked over the years what was the difference between a resolution and an ordinance. He stated it had never been very clear and now they were going to find out. He stated towns had not had enough time to prepare ordinances and had instead passed resolutions. He stated we would find out now if a resolution had the effect of an ordinance.

Mr. Palmer added that we would have passed an ordinance in time.

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Mr. Dombrosky stated that was true but it would not have addressed the questions that were in the state bill.

Mr. Steuerwald stated again that we would not have had time to make amendments.

Mr. Dombrosky explained what some towns had been trying to do but that it would not make a difference or have an effect as to the state legislature's decisions. He stated we were in the same boat as everyone else.

Mr. Whicker asked Mr. Dombrosky for any further business for discussion.

Mr. Dombrosky then stated that the next ordinance needing to be looked at concerned accessory dwelling units. Mr. Dombrosky added that he was going to continue to bring up issues with our current zoning ordinance and that it would help lighten the load on the Board of Zoning Appeals cases. He stated they were consistently seeing various types of variances that might be unnecessary and when that happened he was going to bring it before the Plan Commission. He stated one of those was the accessory dwelling units and that it was a trend right now and that there were some things that the ordinance did not consider because of its age. He stated that he wanted to give an overview of the concept in the ordinance and how it could be handled and ask for the Commission's help on how to proceed. Mr. Dombrosky then passed further explanation on to Mr. Hufford.

Mr. Nick Hufford stated that at the BZA they had seen special exceptions for manufactured mobile homes and two principal uses, as well as accessory apartments which were just going to continue. He explained that both the young and the old were looking at different avenues for housing options. He stated that the single family housing market was not going to answer all of their questions. He stated that in-law suites or grannie flats and other different names for these options required us to look at our ordinance. He stated that right now in the ordinance we had accessory apartment dwellings that had to be inside of an existing building or one that could be built which could be pole barns, garages or inside your home. He stated that two-family dwellings were allowed in most residential districts. He stated it came down to that kitchen facilities and bathrooms were allowed in accessory buildings. He stated that you would need a kitchen sink in order to make a space habitable. He then gave photo examples of accessory dwellings. He added that what he was trying to promote was that accessory dwellings were the detached option and now that was not allowed for in the ordinance and would be subordinate in every way. He stated we could set the standard so that it would not look like a second home. He stated another example was looking like garages or pole barns. He stated what they were trying to avoid were weird land splits and he gave examples of those. He stated if they wanted to try to keep with the ordinance which now stated you could have only one principal use per parcel. He then gave examples of this type of use on certain lots and many in rural areas. He stated that currently a mobile home was the easiest avenue for a detached dwelling unit. He added that accessory dwelling units if looked at with enough scrutiny would be an asset to the county. He stated that Mr. O'Riley had discussed with him at a BZA meeting that accessory dwelling units were becoming more of a desirable feature in the real estate market and that trends indicated that would continue to be true.

Mr. Gentry asked Mr. Hufford if it was true that after a mobile home owner passed away, that the unit had to be removed from the property.

Mr. Hufford responded that it was true in that the mobile home was there while they were living in it and he gave examples of past cases he had seen at the BZA and how difficult it was to monitor those cases.

Mr. Whicker stated he agreed that was too difficult and it would be better to have a solid ordinance to go by rather than trying to provide exceptions.

Mr. O'Riley asked about any minimum acreage requirement to allow a secondary dwelling unit.

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Mr. Dombrosky stated that had been discussed and he stated that the biggest issue he saw with, for instance, five acre lots that fell in orderly development patterns and were much larger than the stated minimum density of an acre and one half was that the land in the back could not be made use of if they were acre and one half lots. He stated since that land in the rear of those lots could not be made use of you began to see weird shaped splits and he displayed examples of some. He stated that usually this happened with family members and it became very expensive for them to create these new lots.

Mr. Whicker agreed and Mr. O'Riley stated he would not have a problem if the structure was esthetically pleasing.

Mr. Whicker added that most of them would be on septic systems and that would require following the Health Department guidelines.

Mr. O'Riley asked if we had anything currently in the ordinance on this.

Mr. Hufford responded that we had two principle uses.

Mr. Dombrosky stated that they were only allowed one principle use per parcel currently. He stated that meant one single family home in the AGR districts. He stated if you wanted a second home you would get a variance for a second principle use.

Mr. Whicker stated since the demand was there, let's prepare something smart and use common sense and not be too restrictive and make sure that the Health Department equation was taken into consideration. Mr. Whicker asked if there was a requirement for a single family house.

Mrs. Haan stated that a soil report was required and also the number of bedrooms was a consideration.

Mr. Whicker then asked if there was a basic system design if it were a one bedroom home.

Mrs. Haan responded that again it was based on bedrooms and the soil condition. She stated that for creating a new lot on a septic system and well, an acre and one half was the minimum.

Mr. Dombrosky stated that the acreage limit or minimum on a lot creation was based on the desired density. He stated in areas with city services, there was a smaller requirement because we wanted to push development toward those areas and we wanted to encourage development in areas where there were existing services and increase the density minimums in areas where we did not want as many people to live. He stated if they were going to allow two units on one lot, it followed that we would probably want to increase that minimum lot size.

The members agreed.

Mr. Dombrosky stated that, therefore, three acres would make sense for a minimum.

There was a discussion among the members and staff on the minimum lot size.

Mr. Gentry asked a taxation question in that each homeowner could claim a homestead credit with a parcel number.

There was a discussion on that question among the members and staff in that the second residence would not have a separate parcel number and would not be able to claim any type of separate homestead credit or not, most likely, have a separate address.

Mr. Dombrosky suggested that it could also be tied to residential design standards.

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Mrs. Haan asked about whether it needed to be tied to a separate well. She stated if the capacity of the one well was there, then it would be adequate for both.

Mr. Whicker commented that would be the homeowner's burden if that well ran dry.

Mrs. Haan commented that over time, with new owners, would there be a need to replace septic systems.

Mr. Dombrosky stated that it was the property owner's risk as far as the extended use of the property and something to consider.

Mr. Palmer then mentioned the consideration of consistent architecture with the primary structure.

Mr. Whicker suggested a permanent foundation be a consideration.

Mr. Palmer suggested another factor of square footage as a percentage of the primary.

Mr. Hufford agreed that the secondary should be subordinate to the primary in every way.

Mr. Palmer also suggested considering the structures that were located in front of the primary residences. He again mentioned the well considerations and minimum lot size or zoning classification.

Someone mentioned rentals and Mr. Hufford stated to curb that these accessory dwellings could not have their own addresses.

Mr. Gentry then mentioned assisting in the removal of old mobile homes no longer in use and mainly occurring in the rural areas.

Mr. Hufford suggested fines.

Mr. Dombrosky stated they would have to go back in the records with the time sensitive commitments which made them difficult.

Mr. Steuerwald stated it would go back to how they were established and eliminating them.

Mr. Whicker then stated it looked like Mr. Dombrosky was asking for direction and it appeared the members were all in agreement that a draft ordinance be prepared and presented.

There being no further business, the meeting was adjourned at 7:52 p.m.

Tim Dombrosky, Secretary