

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, October 3, 2006 at 4:30 P.M. The meeting was called to order by Chairman Rhonda Freitag. Prior to being led in the Pledge of Allegiance, those attending stood for a moment of silence remembering those students who had been killed in the recent school shootings.

### MEMBERS PRESENT:

Commissioners Dan Brown, Chad Campbell, Rhonda Freitag, James Gosserand, Mark Myers, Ron Shelby, David Thrasher, and Jim White. Absent was Mike Shupe.

### OTHER OFFICIALS PRESENT:

Director of Transportation and Planning Steve Glass, City Planner Derrel Smith, Assistant City Planners Candy Anderson and Joe Hurst, Deputy City Attorney Chris Griffin, Administrative Assistant Donna Johnston, Rogers Water Utility Engineer Mark Johnson, and Councilman Larry Daniel.

### ACTION ON MINUTES:

(September 19, 2006)

#### APPROVED.

Motion by Brown, second by Campbell to approve the minutes of the regular meeting for September 19, 2006, as submitted.

Voice Vote: Unanimous. **Motion carried.**

### REPORTS OF BOARDS AND STANDING COMMITTEE:

City Planner Derrel Smith reminded everyone of the Public Hearing on October 18, 2006, at 3:30 P.M. for changing the Master Street Plan.

Smith stated he would also like to bring before this Commission a change in the schedule of uses to allow a community center or government services in residential zones.

Commissioner Brown asked Smith to give more detail on types of centers staff was proposing. Smith stated staff would like to allow activity type centers and neighborhood meeting areas. Conditional use would be required to allow the neighborhoods to know what is happening in their areas.

**APPROVED.**

Motion by Brown, second by Myers to change the schedule of uses to allow community centers/government services as a conditional use in all residential zones.

Voice Vote: Unanimous. **Motion carried.**

Chairman Freitag asked for an update on the cellular tower item which was tabled by City Council at their September 26, 2006 meeting. City Planner Smith stated he had a meeting set up October 4, 2006, with a couple of the cellular companies to get input from them. Our plans are to bring this item back to the October 10, 2006, City Council Meeting. Commissioner Gosserand asked why it was tabled. Smith stated he did not attend the meeting as he was out of town, but knew that some attorneys became involved and wanted input on how the ordinance was written. Smith stated the ordinance has already been drafted and he did not foresee it to be changed. We have prepared an ordinance based on what we feel is best for the City.

**CONSENT AGENDA:****LSDP, Simmons Bank @ Creekside Place**

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull & Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.
2. This property is located in the Cave Springs Recharge Area. Best Management practices must be included in the plans and used during construction. Erosion control must be maintained until the development is built out.
3. The entire development must comply with the requirements of the overlay district.
4. All signs will require separate permits.
5. Landscaping must be installed and a three-year guarantee submitted on plant replacement or a letter of credit posted prior to issuance of a Certificate of

Occupancy. Minimum size of shrubs is five gallons, for shade trees it is 2 ½” B & B, and for ornamental trees it is 1 ½” B & B.

6. Trees are required in the front landscape buffer not less than 20 feet apart.
7. Sidewalks must be 6’ in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of five (5) feet behind the curb.
8. Stop signs must be in place and installed by the developer prior to issuance of a Certificate of Occupancy. The cost of the sign and the installation will be at the developer’s expense.
9. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.
10. Developer to contact the U.S. Postmaster at 401 North 8<sup>th</sup> Street to schedule type of mail delivery.
11. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
12. Provide the City Planner with a copy of the approval from AHTD to discharge storm water into their system.
13. The developer must obtain a grading permit including a copy of the NOI, a copy of the Stormwater Pollution Prevention Plan, and a copy of the Grading and Erosion Control Plan.
14. All parking lots and drives must be hard surfaced.
15. All mechanical, electrical and air conditioning equipment must be screened from public view.
16. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
17. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. **THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.**

- 18. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
- 19. Provide the City Planner with a copy of the site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

**THE FOLLOWING WAIVER IS BEING REQUESTED:**

- Provide one 10’ x 35’ loading area.

**APPROVED.**

Motion by Myers, second by Shelby to approve this large scale development plan to include the waiver of the 10’ x 35’ loading area.

Voice Vote: Unanimous. **Motion carried.**

**PUBLIC HEARINGS:**

(Agenda Item #1)

Request by Oliver Haynes, LLC for Consideration of a PUD (Planned Unit Development) Concept Plan that includes 60.96 Acres of C-2 (Highway Commercial), 14.53 Acres of R-O (Residential Office), 4.51 Acres of C-3 (Neighborhood Commercial). The plan also shows the proposed 45<sup>th</sup> Street alignment that connects this site to the Rees Property, ending at West Walnut.

Collins Haynes, one of the owners of this development, represented this request. Haynes stated his firm had met with Steve Glass, Derrel Smith, Mayor Womack, and other City officials about the alignment of 45<sup>th</sup> Street and how to better plan the connectivity needs between Walnut Street and New Hope Road. We have also worked with Mr. Rees. The design of this road will connect to the bridge, connecting to the Home Depot site, going north through Mr. Ree’s site and our site and connecting to Mr. Hopper’s extension of the small section of 45<sup>th</sup> Street. We have proposed some lot layouts and initial concept zoning for this site. We have had several meetings with the adjacent property owners.

Mike McLemore, 1303 South 45<sup>th</sup> Street, stated contrary to what he is about to say, I am in favor of this plan because it appears to be a done deal. We are already celebrating the building of this street and bridge before the people have had a chance to vote on the

property tax money to pay for the bridge or the zoning is in place. There is a human impact to this project. I feel the road would open conservatively to 40,000 cars a day which equates to one car every two seconds passing within 300' of my house. I support what Mr. Haynes is trying to do. He has met with us and is willing to work with the neighbors and neighborhood. He has demonstrated honesty and honorable intentions. He has promised to shield my property as much as he can from the commercial development. I trust he will do that. Because I don't think there is anything we can do to stop this project, I have at least come here tonight to thank Mr. Haynes for his willingness to work with us. Commissioner Shelby asked Mr. McLemore to show him where his property was in relationship to Mr. Haynes' property.

Dan Phillips, 1210 south 45<sup>th</sup> Street, stated he was here to speak in support of the development and appreciation to Collins and his son, Hunter, for what they have done for the neighbors. We have had two very good meetings. They have listened to us. I do prefer not to have a five-lane that close to my house, but it is inevitable, and I am pleased with how they plan to do this area. Mr. Phillips also expressed thanks to the Commissioners for their support of the citizens in this area. Phillips stated at the last meeting, we took a vote of the folks who live on Cedar Brook, Center Point, and 45<sup>th</sup> Street, and everyone was in support of this development in its current form. I did express concern to Hunter and Collins at that time about lot #1 on the northwest corner of Oak and 45<sup>th</sup> Street and lots 2 and 3 being commercial. I also am concerned about this being approved prior to the bond issue coming to the citizens for vote. I am also concerned about the buffer.

Commissioner Myers stated this could be handled when this comes through large scale.

Susan Phillips, 4203 Seminole Drive, stated 50 neighbors had come to a meeting . We are concerned about noise and buffering. We are suddenly becoming hemmed in with commercial. We are also concerned with flooding that occurs around the creek. We also would like to see as many trees saved as possible. We are also concerned with high volume traffic. Discussions were held on part of this area being in the floodway. Commissioner Myers advised Susan that there is a big difference in what you can do in a floodplain versus the floodway. Myers stated the floodway can count as a buffer, and reminded Susan, these projects will be looked at separately as they come through large scale. Discussions were also held on the trails. Commissioner Shelby stated the trails will come through this area. It will be the responsibility of the owner to fence his property from the trails. Susan asked if the neighbors would receive notices for the rezoning. Commissioner White said yes. Ken Booth, engineer for Mr. Haynes, stated rezone notices will be mailed out October 4. Myers reminded those in attendance there would not be notices mailed out when the large scales come through, but those items would be in the paper prior to the meeting.

Michael Gardner, 3802 West Fir Street, stated the city providing a north/south connection on 45<sup>th</sup> Street is an excellent idea. In looking at the concept plan, I do have some concerns in transitioning of the zones. I can see C-2 existing west of 45<sup>th</sup> Street. The people in Bloomfield have already been impacted by development around their subdivision. I would like to see more of a buffer around and adjacent to the

floodway area. I would also like to go on record stating I am disappointed that Home Depot has had access to New Hope Road while it has been under construction. It is an extremely dangerous situation.

Paul Allard, 3706 Lehman Court, stated he agreed with the previous comments. I would like you to consider that if this is approved prior to the bond issue being passed, are you not putting the cart before the horse? Would we not be seeing a lot of development being constructed with no way to access? Commissioner Thrasher answered the previous question concerning Home Depot stating this was the only access we had to give Home Depot. Thrasher stated we do have a Master Plan and we are moving as fast as we can to get those streets built. The bridge is on the Master Plan. As a Commission member, I have to look at the merits of this concept plan with or without the bridge being in place. Commissioner Myers indicated that the Mayor and City Council have all said if this issue is not passed in November, the City will have to find some way to eventually make it happen. Commissioner Shelby stated the merits of the bridge has no bearing on this concept plan and the rezone that is to come later. Shelby indicated he would not vote for a large scale until the bridge is in place. Commissioner Brown reminded those present this Commission does not look at any funding. We just look at the highest and best use of the land and to see that the development follows the City regulations.

Debbie Hobbs, 3901 Arnold Avenue, stated she thinks since this is inevitable, we probably have the best developer working on this project to help preserve the land as best as possible. She asked the other Commissioners to pledge that you will not

approve any large scale development until the bridge is built. The traffic is already jammed in our faces and we are having to live with it. We can't avoid it. It is at our front doors. The new Promenade is going to be a good example of development happening before infrastructure is in place.

The Public Hearing was declared closed.

Collins Haynes stated he understands the neighbors have concerns about traffic and how this project will impact their quality of life. It is not our intention to harm any quality of life, and we plan to be sensitive to the neighbor's needs. All this was taken into consideration when the road was designed. Haynes stated he did not have a traffic count on this road at the present time, but he just did not think we are looking at 45,000 cars at opening. We are going to be 1,000' away from Bloomfield and do not plan to touch any of that area. There is a lot of old lumber and a creek in that area. Doing anything in a floodway is impossible with FEMA. We plan to address the buffer issues when we come back with our large scales. We did not generate the need for the bridge. It was already generated by the Master Street Plan.

Commission Brown asked Ken Booth, Mr. Haynes' engineer, if we are meeting the design speed and the City's alignment criteria. Brown said he did not see the required tangent length between the curves in the area of lots 3, 4, 5, 28, and 27. At the bridge, it looks like the curve goes right on to the bridge which will cause you to carry super elevation transition onto the bridge. Need to pull the curve back and get the transition taken care of before you hit the bridge deck. Booth stated he had met with Bill Burnett of Crafton Tull concerning this.

I have moved it to where it just touches the apron of the bridge, and that is ok with Bill. Brown asked if it would be 55 MPH. Booth stated it will be 35 MPH. Steve Glass, Director of Planning and Transportation, stated there have been meetings concerning this. It may need to go back as a request for variance. Dan stated unless it follows the ordinance, it needs to be resolved someway.

Commissioner Shelby stated the C-2 really jumps out and he was wondering why this could not be R-O. I see the need for C-2 on a five-lane. Shelby stated he was concerned with what is proposed on lots 18, 20, 22, 24, 26, 28, 30, and 32. Collins Haynes said we have asked for C-2 on the interior lots off the highway with R-O for the buffer on the back. They are small lots. The one acre commercial is intentional so we can reduce the scale of the building and reduce the impact on the street. Shelby asked what would happen if the lots got combined and a larger building with vertical heights were constructed. Shelby questioned Haynes about lot 1 being C-2 in lieu of C-3. Haynes said it is an approach lot and we feel the land next to it would most likely be commercial if it ever sold. Shelby stated he could see some of this property staying residential and that he would like to see something other than commercial from the old 45<sup>th</sup> Street to the bypass. Discussions were held on possible big boxes in the area. Haynes stated big box would be almost impossible to build. The land is not flat. Haynes indicated their goal is to do a rational plan that we feel meets the market that is there. I see this as the main north/south connector for this end of town, and we are trying to do this in a way that stays away from the neighborhoods. Shelby stated he appreciated their making the busiest street internal to the development.

Haynes stated he would bring the covenants for this property when he comes back for the rezone request.

Commissioner White stated his concerns were the same as Commissioner Shelby's on lots 18 through 32. I also have a concern, along with Mr. Phillips, with lots 1, 2, and 3. I just don't like to see C-2 across the street from residential. I am not sure if this is approved at Planning Commission, City Council would even approve. This concept plan is 80 acres with 76% being C-2. Collins Haynes stated there will be no access from lots 1, 2, and 3 back to the old 45<sup>th</sup> Street. The access will be to the new 45<sup>th</sup> Street. In my mind with how we plan to develop this, commercial is really not much different than residential office. I am sensitive to the people who live in this area. We plan to have two separate buffers with berms and heavy vegetation giving the same street look as what is already out there. We will use dark sky lighting and there will be no building illumination at night.

Commissioner Thrasher stated he understood what White and Shelby are saying, however, he does not feel strongly against lots 1, 2, and 3. Thrasher stated he feels Mr. Haynes should increase the landscaping and perhaps give us a lot more detail on the buffer. In consideration of what all Mr. Haynes is willing to do, I can support C-2 if we can see some strong covenants. There are a few things that need to be tweaked, but overall I think this is a great plan.

Commissioner Myers stated all the C-2 lots (17 through 32) are already buffered by R-O. The size of these individual lots will limit the size of the building. I realize they can be combined, but they would have to

come back to the Commission to get this done. Haynes stated he will not be bringing combined lots to the Commission. I want this to be a nice development and save the trees.

Commissioner Brown asked Commissioner Thrasher what he would like to see for the width of the landscaping. Thrasher stated he would like Mr. Haynes tell us what he can do. Haynes said he really did not think this was the time he was supposed to submit the landscape plans, but that he would like to be complimentary to the existing street scene on 45<sup>th</sup> Street. We plan to put mature trees and build our berms with vegetation and create natural features. Haynes said he agreed 20' will not do it, but he is willing to go 30' to 40'. I don't want to draw a line in the sand today, but rather wait until the large scale comes in to actually show you what we plan to do and write that into the covenants. Thrasher stated the more you can commit, at this time, the better. Haynes stated he could commit to 30' today for the landscaping. Brown stated the comfort level for PUD's by this Commission has been seeing what the concept design looks like. Brown asked Haynes if he could provide us a detail that shows either typically or specifically how your landscape buffer will look. Haynes stated he could bring that to the rezone meeting as well as copies of the covenants. Thrasher complimented Mr. Haynes, his staff, and consultants on how they communicated with the public. Thrasher also complimented the neighbors for their reasonable concerns.

**APPROVED.**

Motion by Thrasher, second by Myers to approve this concept plan subject to the commitment of increased landscape buffer and bringing the covenants and picture

details to the zoning meeting.

Roll Call Vote: Yes – Brown, Campbell, Freitag, Gosserand, Myers, and Thrasher.  
No – Shelby and White. **Motion carried.**

(Agenda Item #2)

Request by Michael Rees for Consideration of a PUD (Planned Unit Development) Concept Plan that Includes 36.39 Acres of C-2 (Highway Commercial), 1.43 Acres of R-O (Residential Office), and 2.13 Acres of C-3 (Neighborhood Commercial). The plan also shows the proposed 45<sup>th</sup> Street alignment from West Walnut to Oak Street which then connects this site to The Farms PUD and eventually to the South 45<sup>th</sup> Street bridge.

Sammi May, Morrison Shipley Engineers, represented this PUD. Sammi stated there was a PUD that was approved over a year ago that set the C-3, R-O, and C-2 zoning as well as set the alignment of the arterial going through there at that time. Because of Collins Haynes' development, we have moved that alignment. We have the connector streets on this plan for review. City staff has been involved with the connector streets. We will be coming back to the Commission for changing the zoning configuration now that the road has been moved.

Chairman White asked Sammi to show what she would be proposing in the zoning configuration. Sammi said the C-2 is actually shrinking in size. White asked if the R-O would change. Sammi said she did not believe it would. Sammi stated the street will be a five-lane arterial. We are proposing a traffic light at the intersection of the side streets. Mr. Morrison conducted a neighborhood meeting. They did not want a connection from 40<sup>th</sup> Street for the five-lane arterial. We also show a configuration to tying into 45<sup>th</sup> Street.

Commissioner Brown asked Sammi what the design speed would be. Sammi said 35. There will not be any super elevation on the curb.

No one spoke in favor of this PUD.

Dan Phillips, 1210 South 45<sup>th</sup> Street, stated he was not speaking in favor or against this PUD. He just wanted to express a concern. I do not want to see this become a single large building. When this came through the Planning Commission previously, it was discussed these would be only one or two story buildings. We don't want to see anything larger than two story on this property. We are also concerned what the existing 45<sup>th</sup> Street will be named when the new 45<sup>th</sup> Street is built. We want it to remain as close to the name it is today. If you make the five-lane 45<sup>th</sup> Street, please make us 45<sup>th</sup> Court or something that keeps the 45<sup>th</sup> name. Phillips stated he would like to let the Commission know that as neighbors to the previous concept plan, we also are interested in seeing Mr. Haynes' drawings of the concept plan. We have even talked about taking the pin oaks off the Brewer property and transplanting them in the buffer.

Commissioner Thrasher reminded Mr. Phillips this Commission does not name the streets. That will be done by the Fire Chief and City Planner.

Steve Chastain, 901 South 40<sup>th</sup>, stated he does not have any opposition to the PUD except for the closing of a portion of 40<sup>th</sup> Street. I have had discussions with the Planning Office about this. My farm has to have the access for cattle trailers and feed trucks. The Elks Club will also suffer with the closing as they use this part of 40<sup>th</sup> Street to enter the club. Steve Glass, Director of Planning and Transportation, said 40<sup>th</sup> Street going north and south will still open, but the main access to 40<sup>th</sup> Street will be using Oak Street. This was all done on the basis of the property owner's concerns. Mr. Chastain stated that becomes a critical problem for

him as he can't turn that corner with his farm vehicles. Discussions were held on ways to access at other places between the R-O and C-2. Pat Morrison, another representative of the project, stated coming out by the R-O would still present a problem turning left. Our whole purpose coming from 40<sup>th</sup> to Oak had to do with the light. Chastain said that will put a lot of traffic coming to the Elks Club on Friday and Saturday nights and will not be favorable to the neighbors in that area. It is still a critical problem for me. Chastain said he would look at using the proximity of the Elk Club entrance as a way to come in. Commissioner Myers said that would also give us access to a ten acre tract, however, he could see pros and cons to both places. Commissioner Shelby said he thought the road coming out at the end of the R-O would solve Mr. Chastain's problem in getting in and out of 40<sup>th</sup> Street. Chastain said this old road we are talking about is a historical road. It was the Old Stage Coach Road from Bentonville to Fayetteville before the Civil War. Pat Morrison stated this plan was done through the results of the neighborhood's requests and in meetings with City staff. Glass suggested the City, Mr. Chastain, the developer, and engineer get together and see what they could work out. Sammi said we did have a plan to modify a section of 40<sup>th</sup> Street with our new arterial. Would it be possible to pull it back where we are even with Arnold Street, improving that, and making that the access. The neighbors who were present all commented they did not want that. Commissioner Shelby stated the neighbors are wanting a route into their neighborhood that discourages people from using this route as a shortcut. Sammi asked Mr. Chastain if we are able to modify the intersection of 40<sup>th</sup> and Oak where he could maneuver that area, would it be agreeable to him. Chastain said he would look

at it, but did not think it would work. His cattle trailers are 48' long. Mr. Chastain stated he is in favor of the development and how 45<sup>th</sup> Street will be built.

Paul Allard, 3706 Lehman Court, stated the reason we did not want traffic to go through 40<sup>th</sup> and Walnut was due to safety. I have a concern with the traffic light at the intersection in the middle of the property. The light is at a sharp curve where the speed limit is 35 MPH. You may think this is positive, but I think of it as negative. We asked the developers not to have egress/ingress onto 40<sup>th</sup> Street from the zoning change on 40<sup>th</sup> Street.

Carole Dufour, 3906 Arnold, stated the southeast corner of the property has been zoned C-2. I am asking that you reconsider changing this to R-O.

The Public Hearing was declared closed.

Commissioner White said this Commission worked really hard on this piece of property a long time ago. Mr. Chastain has a good point. We need to find a way to get over to 40<sup>th</sup> Street. Moving the street over will help the people on 45<sup>th</sup>.

Commissioner Shelby said he is afraid the area lends itself to the big box. If this happens, there will be back side deliveries. The developers will have to think about screening. These are my concerns. I need to see this addressed at large scale.

Sammi May stated the developer plans to have one or two acre lots along the five lane arterial. His intention is to not have the big box, but at this point, he doesn't know what will go in there.

Commissioner Thrasher reminded everyone this is a concept plan. I would like to see Mr. Chastain happy before this comes back to Planning Commission.

**APPROVED.**

Motion by Thrasher, second by Myers to approve this concept plan.

Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #3)

Request by Don Myers and Associates to Rezone Approximately 4.03 Acres from A-1 (Agricultural) to the RMF-6A (Residential Multi-Family) Zoning District.

Commissioner Myers excused himself from this Planning Commission agenda item. This rezone was represented by Bill Watkins. He stated this property is located next to R-O zone. This will be condominium and will require the horizontal organization of a property regime. Because it is only 4.03 acres, it is too small for a PUD. Mr. Myers has met with the neighbors. The meetings were positive. You have packets that show you what this will look like.

Ruby Ball, 2039 South Dixieland Road, stated she lives next to the property. We had a neighborhood meeting on August 24 and there was no opposition at the meeting. We feel like this is positive, and will be an asset to our neighborhood. The Myers have put in upscale subdivisions. This will be ownership and not rental.

No one spoke in opposition to this rezone request.

Mark Myers stated he had promised the neighbors that he would read into public record at this meeting the same comments he had made in the neighborhood meeting. If we go through the engineering and design phases and realize changes will need to be made, we will go back before the neighbors with those changes. We do not need RMF-6 density, but this was the only density we could rezone as there is no RMF-5. We will come back to this Planning Commission if the design will not allow us to do what we are planning. Our design will be made with active seniors in mind

which will make the traffic count substantially less than single family homes designed for children.

**APPROVED.**

Motion by Thrasher, second by Campbell to recommend this rezoning request to City Council for approval. Myers disqualified himself from the vote. Roll Call Vote: Unanimous. **Motion carried.**

**NEW BUSINESS:**

(Agenda Item #1)

Request for a Waiver from the Large Scale Review Process for an 8, 586 s.f. Addition to the 73,062 s.f. Ozark Mountain Poultry Facility.

Don Spann represented this large scale waiver. Spann said Mr. Ottwell, Plant Manager, who was also present, is scheduled to finish the paving to the site within 45 days.

Commissioner Brown asked if the new area encroaches into the detention pond. Spann said he did not think it does as the detention pond is closer to Easy Street. Spann said they could verify that. Brown asked for the verification to be made.

Large Scale Committee has met and recommends approval of this waiver from the large scale process with the following recommendations:

1. A building permit will be required from the Rogers Building Division.
2. This new addition must comply with all fire, health and life safety codes.
3. The new facility must comply with the requirements of the Americans with Disabilities Act of 1990.
4. The Certificate of Occupancy must be issued jointly by the Rogers City Planner and the Rogers Building Inspector prior to use or occupancy of any building. Any person, business, or corporations who opens for business or uses the premise prior to issuance of a Certificate of Occupancy is subject to a

fine of not more than \$250.00 per day for each day the violation exists.

5. All required parking and drives are to be paved prior to the issuance of a Certificate of Occupancy.

**APPROVED.**

Motion by White, second by Shelby to approve this large scale waiver subject to the conditions listed.  
Voice Vote: Unanimous. **Motion carried.**

There being no further business, motion by Brown, second by Gosserand to adjourn the meeting.  
Meeting adjourned at 6:15 P.M.

**ATTEST**

**APPROVED**

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Dan Brown, Secretary

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Rhonda Freitag, Chairman

