

AGENDA PLANNING COMMISSION

Regular Meeting January 10, 2017

6:00 p.m.
City Halt
1000 City Parkway
Osage Beach, Missouri

REGULAR MEETING AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES FROM THE November 8, 2016 MEETING
- 4. NEW BUSINESS
 - A) Rezoning Case NO. 394 Iowa Friends INC. Dog Days
- 5. ADJOURN MEETING

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION FOR THE CITY OF OSAGE BEACH, MISSOURI

November 8, 2016

The Planning Commission of the City of Osage Beach, Missouri, met to conduct a regular meeting on November 8, 2016 at 6:00 p.m., at City Hall in said City. The following Commissioners were present: Mayor John Olivarri, Alderman Tom Walker, Don Chisholm, Michelle Myler, Tony Kirn, Alan Blair, Nancy Viselli, and Jerry Fox. Judith Cloyd, Susan Ebling, Roger Rand, and James Handel were absent. Also present were City Administrator Jeana Woods, City Attorney Ed Rucker, City Planner Cary Patterson, and Department Secretary Brook Cason who kept a journal of the proceedings.

MINUTES:

On a motion made by Nancy Viselli and seconded by Mayor John Olivarri, the minutes of the October 11, 2016 meeting were unanimously approved as submitted.

NEW BUSSINESS:

Case#: 393

Applicant: Grand Teton Mountain Investments LLC

Location: Approximately 1600 feet down Beach Drive on right hand side

Petition: C-1 (General Commercial) with an E2 (Entertainment Overlay) for the construction of a pool with an outdoor bar and accessory facilities.

Existing Use: Vacant Commercial Property

Zoning: C-1 and R-1b

Tract Size: 8.69 acres

Surrounding Zoning: Surrounding Land Use:

North: A-1 Agriculture Vacant Agriculture

South: MH Mobile Home Scattered Mobile and Single Family

East: R-3 Multi-Family Sparsely Developed Residential

West: C-1 Commercial Restaurant

The Osage Beach Comprehensive Plan Recommends this area is:

Moderate Density Residential

Rezoning History Case# Date
Citywide May 1984

Utilities: Water: City Electricity: Ameren
Sewer: City Gas: MFA propane

Access: Property has approximately 100 feet of frontage on Beach Drive Analysis:

- 1. The applicant is the owner of the 8.69-acre parcel in question. The applicants are requesting an Entertainment Overlay that would allow them to build a new pool and outdoor bar facility adjacent to the existing Backwater Jacks Restaurant Facility. Currently, the restaurant operates as a grandfathered use without an E Overlay and will not be given one as part of this request as the pool facility is on a separate piece of property. The current request will govern the permitted uses associated with the new pool and outdoor bar along with accessory outdoor entertainment uses that are a part there of.
- Recognizing past incompatibility problems with similar uses and less intense (residential) uses, the City adopted Ordinance 96.21, which regulates all uses with outdoor entertainment overlay zoning requirements.

Department Comments:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is mixed, with the vast majority of the adjacent properties being undeveloped with a mixture of Commercial, Residential, and Agricultural zones. With the subject property's location on a large property surrounded by largely undeveloped property, it lends itself favorably to the type of use being requested, provided that the intensity of the uses such as live music and similar uses is not allowed to increase. In this case, the only uses that will be allowed as part of the E-Overlay are the pool and outdoor bar along with some customary accessory uses. There will be no live music allowed on the property zoned with the E-2 District.

Currently, there are some pressing issues that are facing properties and facilities such as the one we are currently looking at. The main issue is being able to provide a safe, accessible and quality environment from which to provide their particular services. As the Lake of the Ozarks and these facilities become more family focused, most if not all, have had to do substantial improvements on their facilities from a building code perspective, to provide for the safety needs of the customer and employee as well as providing required and necessary improvements for accessibility for those who are protected by the American with Disabilities Act. These upgrades are completed even before the necessary improvements are done in order to compete.

In this particular request, the applicant is requesting to build a pool with an outdoor bar facility not unlike the others that we have seen around the lake area at facilities similar to theirs. It will not significantly increase the level of noise pollution involved as there will be no further expansion or relocation of live music entertainment that presently exists at the Backwater Jacks facility. Uses customary to a pool and outdoor bar including the deck additions are what will be permitted. Accessory uses such as a sand beach and uses common to a sand beach will also be allowed in an attempt to make the facility a more family affiliated use. It is also worth noting that approval of this request would not increase the number of docking facilities or boat slips that will be allowed for the property. Any additional customer base will come from the city via roadways, as opposed to the lake meaning additional impact to the cove in which the subject property is located should be minimal.

With the subject property being zoned for Commercial and located on a lot surrounded largely by undeveloped agriculture or multi-family zoned property, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The pool, outdoor bar, and accessory uses requested as part of rezoning case 393 and illustrated on the submitted site plan.

The subject property will now be governed by the regulations pertaining to E-2 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code and the submitted site development plan.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the City at the time that a Building Permit is requested for any portion of the development that a permit is required.

Parking: Parking will be provided on the subject property in accordance with the Off Street Parking Regulations established by the City of Osage Beach Municipal Code.

Signage: The applicant will be required to get a sign permit for any additional signage.

Exterior Lighting: Any additional lighting, proposed as part of this activity, must be shielded to direct light inward and not increase light intensity within adjourning properties.

Landscaping: A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscape areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all of the required changes.

Jerry Fox asked if anyone from Grand Teton Mountain Investments LLC would like to make a presentation.

Andy Prewitt stood as representation for Grand Teton Mountain Investments LLC, thanked Planner Patterson on doing a great job explaining what they want to do with the property. He then stated he was open to questions, but otherwise didn't have a whole lot to add other than to provide some visuals of what they are planning as far as constructing the pool on the property.

Don Chisholm questioned what the rendering was in the back of the photos of the display.

Andy Prewitt explained the rendering in the back is a concept created when they designed the pool. The top one would be the view as if you were on the docks walking up to the bar you would see the pool. The bottom one is the view if you were sitting in the pool looking out at the lake. The bar sits down in the pool. And the second one down on the left is the existing Backwater Jacks building, kitchen, tiki bar, and band area.

Don Chisholm also questioned the parking lot facility and if more parking would be added due to this addition.

Andy Prewitt said they had gone over parking ratio with Planner Patterson, but they don't have a number of seats yet for the facility.

Planner Patterson added that there is plenty of space to add more parking and that this would be a part of the Building Permit process. Functionally speaking, it's required 1 space per 3 customers and 1 space per 1 employee. Once they establish how many seats they will have that are how many parking spaces the City will require. The City wouldn't want any more than required. The less amount of asphalt put on the ground the better for drainage.

Alan Blair questioned what it meant by "government lot".

Planner Patterson explained that the term "government lot" (starting point) was nothing more than the legal description of the lot and did not refer to any ownership by the government.

Tony Kirn inquired about the existing parking spaces and wanted to know if they would be used for the new facility.

Andy Prewitt explained that with the upgrades done to the Backwater Jacks facility last year they added over 100 spaces which encompasses half for both facilities.

Tony Kirn also brought up dock parking and voiced concerns with the claim that there wouldn't be excessive cove traffic.

Planner Patterson reminded him that the facility isn't lakefront and therefore wouldn't require more docking facilities.

Andy Prewitt explained that per Ameren and per code there couldn't be anymore docks added, however the docks that are there do get used and on any given holiday weekend or any summer Thursday, Friday, or Saturday night they are at full capacity and boats will circle in the cove waiting for a spot to open.

Planner Patterson agreed there may be more cove traffic but not an excessive amount and that the concerns and claims aren't justified.

Tom Walker made mentioned he and his family made several visits to the Backwater Jacks Facility and congratulated Andy and his firm on the enhancements they're doing.

Planner Patterson said this is a situation where the improvements they've done made by code and accessibility are amazing. He reminded the Commission that there was a time when someone protected by the ADA had a hard time accessing the facility. The improvements made weren't just for customers but for employees as well. Fire and electric codes were also updated making it safer all around.

Jerry Fox asked if there were any other questions or concerns.

A representative from Iguana said he was in favor of what they were doing.

Jerry Fox asked if there was anything further from the Commission, staff, or City Attorney.

Attorney Ed Rucker said that the file was complete and ready for the decision of the Commission.

Alan Blair made a motion to recommend to the Board of Aldermen to approve Rezoning Case 393, Tom Walker seconded the motion, and a roll call vote was taken, and unanimously passed.

Reports:

Jerry Fox asked if there were any reports.

Cary Patterson said the meeting for the West Side Study with consulting firm HDR would be held the following night at 6 p.m. and encouraged the members of the Commission to come out so they could have an idea of what people are looking for on the west side and what the process will be like for the comprehensive plan in the next few years.

There being no further business to come before the Planning Commission, with a motion from Michelle Myler and seconded by John Olivarri, the meeting adjourned at 6:20 p.m.

I, Brook Cason, Department Secretary of the City of C the above foregoing is a true and complete journal of Planning Commission of the City of Osage Beach, Misso	of proceedings of the regular meeting of the
Brook Cason	Nancy Viselli
Department Secretary	Secretary

PLANNING DEPARTMENT REPORT TO THE PLANNING COMMISSION

Date: January 10, 2017 Case Number: 394

Applicant: Iowa Friends (Dog Days Restaurant and Lakefront Entertainment

Facility)

Location: Approximately 1500 feet down Jefferies Road on the right hand

side.

Petition: Revision to the existing Entertainment Overlay E-3, to allow

further facility development to include a pool and outdoor bar facility with a new enclosed facility that will contain a kitchen,

restrooms, and a gift shop.

Existing Use: Dog Days Restaurant and Lakefront Entertainment facility

Zoning: C-1 with an E-3 (Entertainment) Overlay

<u>Tract Size:</u> Approximately 3.42 acres

Surrounding Zoning: Surrounding Land Use:

North: C-1 Commercial Mixed uses

South: Vacant commercial/Resort

East: C-1 Commercial Lake of the Ozarks

West: C-1 Commercial Condominium Development

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Heavy traffic Commercial

Rezoning History Case # Date

Addition of E-3 276 April 2004

Overlay

<u>Utilities</u>

Water: Well Gas: Propane Electricity: Ameren Sewer: City

Access: Property has approximately 385 feet of frontage on Jefferies Road.

Analysis:

- 1. The applicant is the owner of the 3.75-acre parcel in question. The applicants are requesting an addition to their existing Entertainment Overlay that would allow them the opportunity for further facility development to include a pool and outdoor bar facility with a new enclosed structure that will contain a kitchen, restrooms, and a gift shop.
- Currently the Salty Dog operates outdoor entertainment as regulated by the
 permitted uses as described in Rezoning Case 276 which include the restaurant,
 outdoor entertainment, and accessory uses that currently exist on the property and
 are illustrated on the approved site development plan.
- Recognizing past incompatibility problems with similar uses and less intense (residential) uses, the City adopted Ordinance 96.21, which regulates all uses with outdoor entertainment overlay zoning requirements.

Department Comments:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The City's lake front facilities can probably be defined more accurately as lake front entertainment facilities as opposed to simply just restaurant bar facilities. The character of this corridor has undergone a significant change over the past number of years; it is now a corridor that is experiencing a much more intense use base with the construction of condominium developments where single-family uses once were located. Also, the property that was formerly the location of the Kalfran Lodge will further shape this corridor as it is vacant and maintains a C-1 (General Commercial) zoning designation. The subject property's location in a corridor that is predominately commercially zoned, and has its lakefront on the main channel, lends itself favorably to this type of use.

Currently, there are some pressing issues that are facing properties and facilities such as the one we are currently looking at. The main issue is being able to provide a safe, accessible, and quality environment from which to provide their particular services. As the Lake of the Ozarks and these facilities become more family focused, most if not all, have had to do substantial improvements on their facilities from a building code perspective, to provide for the safety needs of the customer and employee as well as providing required and necessary improvements for accessibility for those who are protected by the American with Disabilities Act. These upgrades are completed even before the necessary improvements are done in order to compete.

In this particular request, the applicant is asking to build a pool with and outdoor bar facility along with a new structure that will house a new kitchen, restrooms, and a gift shop.

With this property's location in the commercial corridor away from any concentration of residential uses, and the fact that its lake front is on a high traffic portion of the main channel, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The restaurant, outdoor entertainment, and accessory uses as approved by Rezoning Case 276, the ability to rent personal watercraft from the subject property as approved by rezoning case 272, and the additional structure and uses as requested by this case and illustrated on the accompanying site development plan allowing further facility development to include a pool and outdoor bar facility with customary accessory structure, and a new enclosed structure that will contain a kitchen, restrooms, and a gift shop.

The subject property is governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code and the approved Site Development Plan included in this case.

Parking: Parking will be provided from the existing land and water parking facilities for the Dog Days Restaurant and lakefront entertainment facility.

Signage: The applicant will be required to get a sign permit for any additional signage that will be needed.

Exterior Lighting: Any additional lighting proposed as part of this activity must be shielded to direct light inward and not increase light intensity within adjoining properties.

Landscaping: A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all of the required changes.



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CITY OF CSAGE BEAC

IOWA FRIENDS INC. DOG DAYS

1252 Jeffries Rd Osage Basch, MO 5506

December 20, 2016

To The Planning and Zoning Committee.

We are writing a request for an Entertainment Overlay. We are equesting for this overly for an update to our property that has been serving the community since 1993.

In the current plans, there will be an addition of a swimming pool, new kitchen extension, and improved concrete patio. This development will increase our attraction to tourists, and also help us better serve our customers. This family friendly Lake of the Ozarks attraction will be handicap accesible to keep up with new safety guidelines.

We appreciate your time in considering the approval of our Entertainment Overlay request

Sincerely.

Brian Barrett

081.002.3000.0004011.000

MUELLER, FRED RANDALL

Legal Description LOT 12 MLS 19 MILE POINT

Deedholder MUELLER, FRED RANDALL

Mailing Address 6215 FIRE STATION RD

Mailing City OSAGE BEACH State MO Zip 65065-3303

081.002.3000.0004013.001

FARROW, ROGER C & JEANETTE AL

Legal Description LOT 10 LOT 10 N/A

MLS 19 MILE POINT

Deedholder FARROW, ROGER C & JEANETTE AL N/A

Mailing Address 1302 JEFFRIES RD Mailing City OSAGE BEACH MO 65065-2730 N/A

081.002.3000.0004013.000

CHARLES, BILL D & CONNIE J H

Legal Description LOT 9 19 MILE POINT

Deedholder CHARLES. BILL D & CONNIE J H N/A

Mailing Address 421 W MISSOURI ST KIRKSVILLE MO 63501-1476

081.002.3000.0004004.000

COX, DORIS KAROLINA TRUSTEE

Legal Description LOTS 5, 6 19 MILE POINT

Deedholder COX. DORIS KAROLINA TRUSTEE N/A

Deedholder 2 N/A

Mailing Address 4235 STATE ROAD A MONTREAL MO 65591-7169

081.002.3000.0004004.001

PALLARDY, RICHARD W & DENISE

Legal Description LOT 4 MLS 19 MILE POINT

Deedholder

PALLARDY, RICHARD W & DENISE PALLARDY, RICHARD W & DENISE N/A

Deedholder 2 N/A

Mailing Address 106 VALVERO DR SAINT CHARLES MO 63304-7660

08-1.0-02.3-000.0-004-006.001 ()8-1.0-02.3-000.0-004-006.001 N/A

BURCHETT, BUEL PHILLIP

Legal Description LOT 3 MLS 19 MILE POINT

Deedholder BURCHETT, BUEL PHILLIP N/A

Deedholder 2 N/A

Mailing Address 1285 JEFFRIES RD OSAGE BEACH MO 65065-2732

081.002.3000.0004006.000

PETERSON, CHARLES L & KATHLEEN

Legal Description LOT 2 MLS 19 MILE POINT

Deedholder PETERSON, CHARLES L & KATHLEEN N/A

Deedholder 2 N/A

Mailing Address 1277 JEFFRIES RD OSAGE BEACH MO 65065-2732

081.002.3000.0004007.000

COLVIN, DALLAS C & HELEN

Legal Description N. 75' LOT 1 MLS 19 MILE POINT

Deedholder COLVIN, DALLAS C & HELEN N/A

Deedholder 2 N/A

Mailing Address 54 AIRPORT RD IBERIA MO 65486-0000

08-1.0-11.0-000.0-001-002.000 08-1.0-11.0-000.0-001-002.000

Meridian Prop Owners Association

Mailing Address 1225 Greenwood Circle, Osage Beach, MO 65065

Legal Description LOT I (COMMON AREA)

Deedholder MERIDIAN RESIDENCE BLD 1

Deedholder 2 PROP OWNERS ASSOC N/A

Mailing Address 1225 GREENWOOD CIRLCE OSAGE BEACH MO 65065-0000

081.011.0000.0001003.000

HUGHES, GRIFFITH W

Legal Description PT. OF NW OF NE 1/4 BEG 1950' W 45' S OF NE COR OF NE 1/4 TH W TO

Section 11 Township 39N Range 16W

Deedholder HUGHES, GRIFFITH W

Deedholder 2

Mailing Address 795 COLLEGE BLVD OSAGE BEACH MO 65065-8410

081.011.0000.0001004.000

BACON, RON & BECKY ANN

Legal Description PT NW NE PT NW NE N/A

Section 11 Township 39N Range 16W

Deedholder BACON, RON & BECKY ANN

Deedholder 2 N/A

Mailing Address 1021 OZARK CARE DR OSAGE BEACH MO 65065-3016

MLS N/A

081.011.0000.0001005.000

CRISP, JAMES RYAN

Legal Description PT. NW NE

Section IT Township 39N Range 16W

Deedholder CRISP, JAMES RYAN N/A

Deedholder 2 N/A

Mailing Address 31424 WATERSTONE DR ROCKY MOUNT MO 65072-2926

MLS N/A

000.0001006.000

R K J DEVELOPMENT LLC

Legal Description COMMON AREA

Section 11 Township 39N Range 16W

Deedholder RKJDEVELOPMENT LLC

Deedholder 2 N/A

Mailing Address PO BOX 1682 OSAGE BEACH MO 65065-1682

MLS GRANDVIEW PNT CONDO

081.011.0000.0001053.000

GROUP HAMPTONS LLC

Legal Description LOTS 1, 2, 3, 4, 5, 6, 7 & VACATED 20' RDWY

MLS THE HAMPTONS SUB

Deedholder GROUP HAMPTONS LLC

Deedholder 2 N/A

Mailing Address 245 S WILDWOOD DR BRANSON MO 65616-3823

08-1.0-11.0-000.0-001-051.000

GROUP HAMPTONS LLC

Legal Description LOT I (COMMON AREA)

MLS THE HAMPTONS CONDO

Deedholder GROUP HAMPTONS LLC

Deedholder 2 N/A

Mailing Address 245 S WILDWOOD DR BRANSON MO 65616-3823

Property Boundary Description

All of Lot Nos. 13 and 14 of 19 Mile Point, a subdivision of Camden County, Missouri, according to the plat thereof on file and of record in Plat Book 5, page 71, Camden County Recorder's Office.

AND part of the Northwest Quarter of the Northeast Quarter of Section 11, Township 39 North, Range 16 West, Camden County, Missouri, the boundary of said, being more particularly described as follow:

BEGINNING at the northwesterly corner of the aforesaid Lot No. 13 of 19 Mile Point subdivision; thence 588°57'44"E, along the northerly boundary of said Lot No. 13 and along the easterly extension thereof 205.50 feet to a point at on the easterly face of an existing sea wall; thence meandering in a southerly direction, along the easterly face of said wall, the following courses: \$21°52'05"E, 110.69 feet; thence 514°05'06"E, 108.00 feet; thence S6°56'35"E, 60.00 feet; thence S7°53'28"E, 20.00 feet, thence 52°38'45"E, 7.00 feet; thence \$14°10'14"W, 6.60 feet; thence \$22°56'24"W, 6.50 feet; thence \$31°56'43"W, 7.00 feet; thence \$35°42'20"W, 24.00 feet; thence \$36°17'24"W, 92.00 feet; thence \$35°47'58"W, 21.00 feet; thence \$42°17'11"W, 19.00 feet; thence \$47°53'27"W, 14.00 feet; thence \$52°20'23"W, 14.50 feet; thence \$55°21'04"W, 14.00 feet; thence \$59°40'26"W, 30.00 feet; thence \$58°14'42"W, 41.00 feet; thence \$60°17'38"W, 15.00 feet; thence \$61°50'59"W, 13.50 feet; thence \$57°58'13"W, 10.50 feet; thence \$51°13'57"W, 12.00 feet; thence \$48°15'15"W, 16.00 feet; thence 546°14'02"W, 14.00 feet; thence 549°09'10"W, 14.00 feet; thence 552°45'28"W, 18.00 feet; thence S31°20'13"W, 22.34 feet to a point on the southerly boundary of the property described by deed of record in Book 382, page 62, being a line common to the northerly boundary of the property described by deed of record in Book 741, page 972, Camden County Recorder's Office; thence leaving the aforesaid easterly face of the existing sea wall, N89°18'22"W, along said common property boundary, 105.59 feet to the easterly line of a public road right-of-way known as Jefferies Road; thence, along the easterly line of said Jefferies Road right-of-way, the following courses: N7°00'38"E, 194.26 feet; thence N27°00'38"E, 220.03 feet to a point on the south boundary of the aforesaid 19 Mile Point subdivision; thence S89°59'25"E, along the south boundary of said 19 Mile Point subdivision, 1.11 feet to the southwesterly corner of Lot No. 14 thereof; thence N1°29'01"W, along the westerly boundary of said Lot Nos. 14 and 13 thereof, 199.87 feet to the POINT OF BEGINNING. Containing 3.42 acres:

Except any part of the above described property that lies beneath contour elevation line 662.00.

