



**PLANNING COMMISSION MEETING
JANUARY 18, 2023 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND IN PERSON, OR:

Click the link to join the webinar: <https://us02web.zoom.us/j/83675261921> Webinar ID: 836 7526 1921

Or Telephone Dial: 1 669 900 9128 or 1 253 215 8782 or 1 346 248 7799 or +1 646 558 8656

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Chairman Thomas

Invocation or Thought: Commissioner Webb

Pledge of Allegiance: Vice Chairman Mason

1. Roll Call
2. Minutes Consideration:
 - a. Consideration and action to approve the November 2, 2022 Planning Commission Meeting minutes
 - b. Consideration and action to approve the November 16, 2022 Planning Commission Meeting minutes
3. Ex parte communications or conflicts of interest to disclose
4. Public comments for items not on the agenda*

ADMINISTRATIVE ITEMS

5. SUB 2022-10 Consideration and action on an administrative application, final plat approval of the Majestic Views Townhomes Subdivision, located at approximately 2050 North Washington Boulevard
Presenter: Scott Hess, Planning Director
6. CUP 2014-05 Amendment - Consideration and action on an administrative application for amendments to an approved Conditional Use Permit and Site Plan request for the Cottages at North Ogden Senior Living, an assisted living center at approximately 204 East 1700 North
Presenter: Scott Hess, Planning Director
7. Public comments*
8. Remarks - Planning Commissioners
9. Report - Planning Director
10. Remarks - City Manager/Attorney
11. Adjournment

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 12th day of January, 2023 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2023 meeting schedule was also provided to the Standard Examiner on December 16, 2022.

The Planning Commission at its discretion, may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance and Council Policy, one or more Planning Commission Members may be connected via speakerphone.
Susan L. Nance, MMC, City Recorder

Public Comments During Meetings

- Time is made available for anyone in the audience to address the Commission concerning matters pertaining to City business.
- Before each agenda item begins, City staff will give a report. After the staff report, the applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 5 minutes. The applicant has final rebuttal time of up to 5 minutes.
- Any materials that are displayed or referenced, e.g., pictures or written materials, are part of the record and must be left with the Commission.
- Speakers are required to have signed in at the door and will state their name and City residing before beginning their remarks. If you agree with a previous speaker, state your agreement to avoid repetitious remarks.
- Speakers shall address the Commission from the podium or microphone and shall address all comments to the Planning Commission.
- Please silence your phone.



NORTH OGDEN CITY

SETTLED 1851

NORTH OGDEN PLANNING COMMISSION & CITY COUNCIL JOINT WORK SESSION MINUTES November 2, 2022

The North Ogden Planning Commission & City Council convened in a work session meeting on November 2, 2022, at 6:02 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission & City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on October 28, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

COMMISSIONERS:

Eric Thomas	Chairman	
Brandon Mason	Vice-Chairman	
Scott Barker	Commissioner	excused
Alan Lunt	Commissioner	
Nicole Nancarrow	Commissioner	
Johnson Webb	Commissioner	
Cody Watson	Commissioner	

CITY COUNCIL:

S. Neal Berube	Mayor	
Ryan Barker	Council Member	
Blake Cevering	Council Member	excused
Jay D Dalpiaz	Council Member	via Zoom
Charlotte Ekstrom	Council Member	excused
Phillip Swanson	Council Member	via Zoom

STAFF:

Scott Hess	Planning Director	
Brandon Bell	Associate Planner	
Kai Johnsen	Planning Tech	via Zoom
Nate Davis	Building Inspector	via Zoom

VISITORS:

Brad Dee
Stefanie Casey
Kevin Burns

Chris Pulver
Susan Kilborn

Sandy Cochran
Brenda Ashdown

Chairman Thomas called the meeting to order at 6:02 p.m. Vice Chairman Mason offered the invocation and Commissioner Webb led the Pledge of Allegiance.

1. ROLL CALL

Chairman Thomas conducted roll call and indicated Commissioner Barker, Council Member Ekstrom, and Council Member Covering were excused.

2. MINUTES CONSIDERATION

Consideration and action to approve the September 21, 2022 Planning Commission Meeting minutes.

Commissioner Nancarrow made a motion to approve the September 21, 2022 Planning Commission Meeting minutes. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Barker	absent
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye
Commissioner Watson	aye

The motion carried.

3. OPENING MEETING STATEMENT

Chairman Thomas read the opening meeting statement.

4. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

Chairman Thomas asked if any Commissioner had ex parte communications or conflicts of interest to disclose. No disclosures were made.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

LEGISLATIVE ITEMS

6. ZTA 2022-09 DISCUSSION AND/OR RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO REVISE THE RETAINING WALL STANDARDS TO ADD CLARIFYING LANGUAGE IN TITLE 11 GRADING AND DRAINAGE STANDARDS

Planning Director Hess explained that the Planning Commission and City Council have both held public hearings and meetings to hear information from staff and the public on retaining wall standards for North Ogden City. The Planning Commission forwarded a positive recommendation on ordinance language to the City Council regulating issues of safety analysis and overall retaining wall heights. The City Council requested a joint work session with the Planning Commission to discuss potential retaining wall height alternatives prior to deciding on the proposed ordinance. It is staff's understanding that the Planning Commission and City Council agree in regard to the additional liability language for retaining walls that may require a safety analysis if there is an increased potential for loss of life or property. For this reason, the staff report below will not discuss that portion of the proposed ordinance. Staff has developed three options to guide the Work Session discussion. Those options are:

1. Move forward with the Staff and Planning Commission recommendation as-is.
2. Decide on a reasonable overall height standard for retaining walls and modify the proposed ordinance.
3. Consider a nuanced approach. This could include using an average wall height, adding landscaping regulations, permitting walls that neighbors agree with, or developing separate standards for uphill and downhill retaining walls to determine who has the most impact.

He summarized staff's analysis of each of the three options, concluding staff recommends the Council and Planning Commission discuss options and provide staff with direction to bring ordinance language back to the Council for adoption. He noted staff feels strongly that Land Use decisions that stand on their own merit are typically best, and ordinances that have clarity in administration and enforcement are the most likely to be effective. He and Chairman Thomas facilitated discussion among the group regarding the most appropriate maximum height for retaining walls; they debated whether walls taller than eight feet in height can be made aesthetically pleasing by landscaping or other design elements, such as terracing. They also focused on the need to craft the ordinance in a way that it is easily understandable by the general public and staff that is responsible to administer it. Council Member Swanson stated that there are existing retaining walls in the City that do not comply with the ordinance; some are part of new construction that was recently inspected and approved, though the heights exceed eight feet. There have not been complaints from others in the City about these walls and he wondered if the City is creating an issue where there is not one.

Chairman Thomas invited input from resident Brad Dee, who has been impacted by a decision made regarding the height of a retaining wall on his property. Mr. Dee stated that some of the things that have been said about him are untrue and he is very upset by the record of discussions that have taken place regarding his situation; one statement made by the City Manager was that Mr. Dee knowingly violated the ordinance. He stated that is not true and he would never do that. He lived in St. George at the time that he bought his property; he hired a contractor to build his home and they dug the footings and installed the retaining wall. The only portion of the wall that is out of compliance is the portion that is on a neighboring property and the rest is terraced down below eight feet. He will take the responsibility for omission, but he will not concede that he willingly violated the ordinance.

Mayor Berube stated that Mr. Dee was relying upon his contractor; he has been told that the building plans for the home indicate that at completion no more than eight feet of wall will be visible. Mr. Dee stated that he did not know that was stated on his plans and once he learned of it, he contacted the Mayor. He apologized for that omission, but the wall has been engineered and it is safe. He stated that he has a packet of information for the Council and Commission that includes photos of existing walls in the City that are well in excess of eight feet, some upwards of 40 feet. Some have been safe, but others have failed. In all cases the homeowners have received an occupancy permit. He stated he cannot understand why his wall has become an issue for the City. He stated that he will work with his neighbors to address any aesthetic concerns associated with the wall heights.

Chris Pulver stated that he lives next to Mr. Dee, and he discussed the topography of the area in which they have built their homes; the area is so steep and retaining walls are necessary. Unless someone completely terraces their entire backyard, there is no way to comply with the City ordinance. He stated he feels that safety/engineering of the wall should be of utmost importance to the City rather than simple building height. He stated he would prefer an engineered wall over a rock wall because such walls eventually become unsightly. He suggested that the City employ a waiver system that would allow walls in excess of a certain height so long as neighboring property owners agree to allow the wall. He stated that Mr. Dee's wall is aesthetically pleasing, and he is not concerned about it remaining in place.

Nate Davis, Building Inspector, stated the City has already required one property owner to stop construction of a retaining wall because it exceeded the maximum height of eight feet. This was in The Cove Subdivision and the wall was 14 feet tall. Another was just built without a permit on another lot. He stated he is communicating this because he wants to assure Mr. Dee that his property is not the only one that has been held to the City's ordinance. He stated that as an inspector in the City, it is his job to ensure that projects comply with the ordinance. He is not trying to be punitive. He asked that the Commission and City Council focus on creating an ordinance that is enforceable.

Commissioner Nancarrow addressed Mr. Davis; she discussed the history of the ordinance and asked if the current ordinance is enforceable. Mr. Davis stated that he feels it is enforceable, but the problem is that the City sometimes bends to residents who complain about enforcement actions that have been taken against them. Commissioner Nancarrow stated that she feels Mr. Davis is asking for support from the City when he enforces the ordinance. Mr. Davis stated that is correct. Commissioner Nancarrow asked Mr. Davis if he feels the ordinance clearly spells out

how a retaining wall height will be measured. Mr. Davis answered yes and expounded briefly on the manner in which heights are measured.

The Commission and Council then continued their discussion and debate of the issue; Council Member Swanson stated that his proposed solution is that the City consider the materials that can be used to cover the bottom of a wall so that just eight feet of a wall is visible. The group debated this concept with a focus on the party that would be responsible to maintain the material that may be used to cover the bottom of the wall so that only eight feet is visible. Mayor Berube stated that he feels that more important than aesthetics is safety of a wall; he suggested the City develop a list of engineers that are approved for stamping building plans that include retaining walls. This can help to ensure that such engineers are familiar with and understand the City's ordinance and are willing to comply with it in development and review of engineering plans for retaining walls.

Debate among the Council and Commission continued. There was a focus on the difficulty in legislating beauty or aesthetics; Chairman Thomas emphasized that due to the topography of many areas of the City in which development is occurring, some builders find themselves in a situation where they must incorporate taller retaining walls in their project in order to make them viable. Mayor Berube agreed and noted that it is very difficult to legislate aesthetics; he reiterated that safety should be of utmost importance, and he asked that the Commission and staff work to develop an ordinance that is understandable and enforceable. This led the group to refocus on safety and engineering of walls, with Council Member Swanson noting that the ordinance that has caused this problem was adopted two years ago and it may be time for the City to evaluate whether the ordinance is having the desired effect; if it is not, it may be time for the City to reevaluate and possibly eliminate the ordinance. If there were not problems with retaining wall heights before the ordinance was adopted and there are many functional retaining walls that are in excess of eight feet, it may be appropriate to eliminate the ordinance that is creating the problem. Chairman Thomas agreed and stated that in relation to wall height, it may be appropriate to simply include a height requirement, that if exceeded would trigger a requirement for the wall to be engineered. Vice Chairman Mason expressed concern about those residents who have complied and been forced to alter their retaining walls, only to learn that the City may now eliminate the ordinance. Chairman Thomas agreed but noted that if the City has found that the ordinance is not appropriate or not accomplishing the intended outcome, the responsible thing to do is change it.

Chairman Thomas then asked the group if they are comfortable recommending that the ordinance be amended to allow taller retaining wall heights but require engineering over a certain height. The Commission answered yes. Chairman Thomas noted the International Building Code (IBC) requires engineering for anything above four feet and he polled the group to determine their opinions regarding the maximum height they are comfortable with. The group settled on a height between eight and 12 feet. Chairman Thomas stated based on that feedback, the ordinance could be amended to state that a retaining wall can be up to 11 feet tall above engineered grade, if it is engineered properly. He suggested that a maximum terraced wall height of 24 feet be included in the ordinance.

Commissioner Lunt made a motion to forward a recommendation to the City Council that the maximum height of retaining walls be increased to 11 feet, which also includes boulder walls, and that the ordinance provide a maximum height for terraced wall or a maximum of three terraces on a given wall.

Vice Chairman Mason expressed concern that the decisions that have been made tonight are not based upon concrete evidence; he will be voting no on the recommendation.

Commissioner Watson asked if the requirement for anything above four feet to be engineered is already included in the ordinance. Mr. Hess answered yes.

Commissioner Watson seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	nay
Commissioner Barker	absent
Commissioner Lunt	aye
Commissioner Nancarrow	nay
Commissioner Webb	aye
Commissioner Watson	aye

The motion carried with a 4-2 vote.

Council Member Swanson asked that staff review the ordinance before it is presented to Council to determine if there is a requirement relating to fencing or a railing on top of a retaining wall above a certain height. Associate Planner Bell stated that he believes the IBC includes a requirement for fencing or a railing upon a retaining wall of a certain height.

The Mayor and City Council were excused from the meeting at 8:10 p.m.

7. ZTA 2022-10 PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION ON A LEGISLATIVE AMENDMENT TO REVISE THE LANGUAGE RELATING TO PUBLIC IMPROVEMENT GUARANTEES IN TITLE 11, CHAPTER 23 OF NORTH OGDEN CODE

Associate Planner Bell explained that as part of a recent zoning code update, multiple sections of the code regarding improvement guarantees were consolidated. However, the text that remained after the consolidation of these sections relating to public improvement guarantees was not fully/correctly amended; this application would correct the remaining text in the current code, to reflect the initially desired result regarding public improvement guarantees. This proposed amendment also removes one option for improvement guarantees from the same section dealing with lien agreements. Staff recommends approval of the proposed text amendment, as a means of adjusting City Code to ensure that improvement guarantees are required for all public improvements approved as part of new development. Staff further recommends that the Planning Commission consider if there are any appropriate adjustments to the proposed ordinance and if they are in support of the proposed adjustment.

a. Chairman Thomas opened the Public Hearing at 8:26 p.m.

There were no persons appearing to be heard.

Commissioner Lunt made a motion to close the Public Hearing. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Barker	absent
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye
Commissioner Watson	aye

The motion carried.

The Public Hearing was closed at 8:27 p.m.

b. Consideration and recommendation

Vice Chairman Mason made a motion to forward a positive recommendation to the City Council regarding application ZTA 2022-10, legislative amendment to revise language relating to public improvement guarantees in Title 11, Chapter 23 of the North Ogden Code, based upon the findings and subject to the conditions listed in the staff report. Commissioner Webb seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Barker	absent
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye
Commissioner Watson	aye

The motion carried.

8. PUBLIC COMMENTS

There were no public comments.

9. REMARKS – PLANNING DIRECTOR & PLANNING COMMISSIONERS

Vice Chairman Mason stated that he appreciates the debate and differing points of view regarding the topic of retaining wall heights.

Chairman Thomas stated that an additional thought he had regarding retaining walls is that it may be appropriate to include some regulation that requires a certain distance between retaining walls and public rights of way. Specifically, he does not want situations where there may be an 11-foot wall next to a sidewalk. He asked staff to raise that point when discussing the ordinance with the City Council.

Commissioner Watson added he feels strongly that staff and the Council need to consider a requirement for a fence or railing on top of a very tall wall; he is concerned about safety of children playing near the edge of a wall if there is no barrier preventing them from falling over the wall.

Chairman Thomas stated that he also appreciates the Commission’s careful consideration of the retaining wall issue and the debate about the matter.

10. REMARKS – MAYOR/CITY COUNCIL/STAFF

Mr. Hess reviewed the meeting schedule for the remainder of 2022; meetings in December have been canceled.

Associate Planner Bell reported this will be his last meeting as a member of North Ogden City staff; he has accepted a position with Pleasant View City as their Planning and Zoning Administrator. The Commission thanked Mr. Bell for his service to the City and indicated they have enjoyed working with him.

11. ADJOURNMENT

Commissioner Webb made a motion to adjourn the meeting. Vice Chairman Mason seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Barker	absent
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye
Commissioner Watson	aye

The motion carried.

The meeting adjourned at 8:37 p.m.

Eric Thomas
Planning Commission Chair

Joyce Pierson
Deputy City Recorder

Date Approved

Not approved



NORTH OGDEN CITY

SETTLED 1851

NORTH OGDEN PLANNING COMMISSION MEETING MINUTES November 16, 2022

The North Ogden Planning Commission convened in a regular meeting on November 16, 2022, at 6:01 p.m. The meeting was also held on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on November 10, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

COMMISSIONERS:

Eric Thomas	Chairman	
Brandon Mason	Vice-Chairman	
Scott Barker	Commissioner	
Alan Lunt	Commissioner	
Nicole Nancarrow	Commissioner	
Johnson Webb	Commissioner	via Zoom
Cody Watson	Commissioner	excused

STAFF:

Jon Call	City Manager/Attorney
Scott Hess	Planning Director
Kai Johnsen	Planning Tech

VISITORS:

Chris Pulver	Merrill Sunderland	Pat Burns
Stefanie Casey		

Chairman Thomas called the meeting to order at 6:01 p.m. Commissioner Lunt offered the invocation and Vice Chairman Mason led the Pledge of Allegiance.

1. ROLL CALL

Chairman Thomas conducted roll call and indicated Commissioner Watson is excused and Commissioner Webb is participating via electronic means.

2. OPENING MEETING STATEMENT

Chairman Thomas referred to the opening meeting statement posted on the City's website.

3. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

Chairman Thomas asked if any Commissioner had ex parte communications or conflicts of interest to disclose. No disclosures were made.

4. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

ADMINISTRATIVE ITEMS

5. SUB 2022-14 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR PRELIMINARY APPROVAL OF THE MOUNTAIN VALLEY VILLAS SUBDIVISION, PHASE 4 (1 LOT) LOCATED AT APPROXIMATELY 800 EAST 2700 NORTH

Planning Technician Johnsen explained the applicant is requesting preliminary approval of the Mountain Valley Villas subdivision phase 4, a 1 lot subdivision located at approximately 800 East 2700 North. The property is vacant. The property to the north is in agricultural use and the remaining three sides have single family residential. The property for this proposed subdivision is located on approximately .44 acres and is in the R-1-8 zone. The R-1-8 zone requires a minimum lot size of 8,000 square feet for interior lots and 9,000 square feet for corner lots, with a lot width requirement of 80 feet. The City Engineer has submitted a report dated November 9, 2022. The applicant provided a geotechnical report for the previous phases of this subdivision and needs to provide a will-serve letter for sewer and secondary irrigation. The proposed lot meets the lot width requirements. The lot meets the square footage requirements. The applicant is proposing a one-foot protection strip along the north end of Burns Lane, this property will need to be included in the street dedication, or the applicant must reach an agreement with the City Council regarding the disposition of this property. Additionally, the road must be completed, or guarantee the improvements through a bond, escrow, letter of credit, or lien agreement. This must be put in place to ensure the road is completed within two years of the final plat recordation as outlined in City Code.

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential. The General Plan map shows this area as: Low Density Residential and is on the eastern edge of the Old Town Neighborhood.

Staff recommends preliminary approval of the Mountain Valley Villas Subdivision subject to the conditions in the Staff report.

The Commission briefly discussed the adjustments to the road cross sections in the project; Planning Director Hess indicated that this is preliminary approval and all issues that have been discovered on the plat will be addressed before staff recommends final approval of the plat.

Chairman Thomas invited input from the applicant.

Pat Burns stated that he actually owns lot 22 in the subdivision and his personal home will be built there; the reason for this application is that he wants to build a barn on lot 28 and the City would not issue a building permit unless he pursued the subdivision. He stated he feels this process is unreasonable.

Mr. Hess stated that the subject property is an acre in size and Mr. Burns could have built a barn on the property without subdividing it were not for the fact that his land is zoned R-1-10. There is no real appreciable farming occurring on a 16,000 square foot lot so the barn becomes a primary structure. The zoning code does not allow a secondary use without a primary use, so that is why Mr. Burns was required to subdivide. Mr. Burns stated that lot 22 is his personal home and he feels he should have been allowed to build his barn on lot 28. Mr. Hess reiterated that lot 28 would not have a primary use, which was why a secondary use is not allowed. Mr. Burns added that he is also concerned about the requirement to place money in escrow for the construction of a new road to serve the area; the road will only serve the barn, which is next to his home. Chairman Thomas stated that staff is simply following City ordinances regarding these types of projects. Mr. Hess stated that staff will continue to discuss these issues with Mr. Burns before presenting the final plat application to the Commission.

Chairman Thomas asked City Manager/Attorney Call to address the requirement to place money in escrow for the road. Mr. Call stated that staff has been evaluating requirements in State Code and City Code to determine the requirement to extend utilities and infrastructure to the boundaries of a property that is being developed; he is not sure the City would require the extension of utilities to other properties that may have development potential in the future.

Mr. Hess noted that he can continue to discuss the ordinance requirements with Mr. Burns; it may be possible to change the application if the secondary structure includes bathroom and kitchen facilities to classify it as a primary structure; however, if it will strictly be used as a barn, it will be defined as secondary in nature and there must be a primary use associated with it.

The Commission considered whether there may be another zoning option that would help Mr. Burns accomplish his desired development of the property. They ultimately concluded to act upon the current application but advised staff to continue to explore options with Mr. Burns. Mr. Hess stated he will continue to work with Mr. Burns but asked the Commission to consider the

unintended consequences of an action that would accomplish the construction of a secondary structure without a primary use on a lot.

Chairman Thomas invited public input. There were no persons appearing to be heard.

Commissioner Nancarrow made a motion to grant approval of SUB 2022-14, application for preliminary approval of the Mountain Valley Villas Subdivision, Phase 4 (1 lot) located at approximately 800 East 2700 North, with removal of the one-foot protection strip, based on the findings and subject to the conditions listed in the staff report. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	aye	
Vice Chairman Mason	aye	
Commissioner Barker	aye	
Commissioner Lunt	aye	
Commissioner Nancarrow	aye	
Commissioner Webb	aye	(via text)
Commissioner Watson	absent	

The motion carried.

6. PUBLIC COMMENTS

There were no public comments.

7. REMARKS - PLANNING COMMISSIONERS:

There were no additional remarks from Planning Commissioners.

8. REPORT - PLANNING DIRECTOR:

Mr. Hess reviewed the meeting calendar for the remainder of 2022, reminded the Commission of the upcoming holiday party, and thanked the Commission for completing required training this year.

9. REMARKS – CITY MANAGER/ATTORNEY

There were no additional remarks from the City Manager/Attorney.

10. **ADJOURNMENT**

Commissioner Lunt made a motion to adjourn the meeting. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Webb	aye
Commissioner Watson	absent

The motion carried.

The meeting adjourned at 6:34 p.m.

Eric Thomas
Planning Commission Chair

Joyce Pierson
Deputy City Recorder

Date Approved

North Ogden Zoning Ordinance 11-2-9 (Site Plan Review)
North Ogden Zoning Ordinance 11-9F (Multi-Family Residential Zone R-4)
North Ogden Zoning Ordinance 11-9F-3 (Site Development Standards)

TYPE OF DECISION

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved the Planning Commission if the application demonstrates compliance with the approval criteria.

BACKGROUND

The applicant is requesting an amendment to an approved Conditional Use Permit for The Cottages at the North Ogden Senior Living, an assisted living center. The City Council on May 13, 2014 approved the rezoning of this property to R-4 to allow this use on a portion of the applicant's property. A development agreement was approved requiring this property to only be developed for an assisted living center. There are no further stipulations in the development agreement outlining numbers of units, architectural requirements, or approval standards beyond the standard R-4 Zone. If the property is not used as assisted living, then it must revert back to the previous Commercial C-2 zoning.

At the time of approval the R-4 zone required this use obtain a conditional use permit. Because this approval was originally under a Conditional Use with a Site Plan, staff is looking at this Site Plan revision as an update to that original Conditional Use Permit approval.

In the time since the original approval, the North Ogden City Code has been amended. The R-4 Zone no longer requires a Conditional Use for this type of development, and it now refers to these types of uses as Residential Care Facilities. There are development standards outlined for Residential Care Facilities. All other requirements such as setbacks, landscaping requirements, and development standards are like those when the project was originally approved.

REVIEW AGENCY COMMENTS

Compliance with development agreement

Technical review comments

ZONING ORDINANCE COMPLIANCE

11-7H (Multi-Family Residential Zone R-4) Original Ordinance

11-9F (Multi-Family Residential Zone R-4) 2023 Ordinance

The property is in an R-4 zone; nursing homes / assisted living centers were a conditional use at the time of approval. The current ordinance permits Residential Care Facility as a permitted use.

The proposal consists of a main building that includes living quarters, support facilities including an office, cooking facilities, and eating area (The Lodge). Surrounding the main building were originally 23 patio homes in single family units and two-family units. The current proposal retains the originally proposed thirteen structures, but each are now two-family units making up a total of 26 units (See Exhibit A).

The site plan has a walking trail on the west side that connects to the city trail system. The site plan will need to be revised so that the internal trail system connects to the city trail system. This includes paving

the connection of the trail to 150 east, as well as modifying the trail to the north where it will eventually connect to Village at Prominence Point. The connection of these trail facilities were required in the original approval, and will be listed as a condition of approval for the current proposal with additional units.

The assisted living center building is 115,939 square feet and occupies 17% of the site. The building is a combination of one and two stories with the highest point being 31 feet (maximum is 35 feet). The building materials consist of cementitious panel siding, wood trim, vinyl windows, decorative wood trim, simulated stone chimneys and columns, and asphalt shingles. The colors are a two tone brown.

The 26 two-family units are single story with common walls. The architecture and materials are similar to the assisted living center.

The site development standards for the R-4 zone regarding exterior setbacks have been met. The separation between some of the patio homes is a concern. They range from the narrowest separation of 10 feet to the largest at 31 feet. The smaller separation is somewhat accounted for by some of the building angles that provide a wider separation at the rear or front of the dwellings depending on their orientation. The reduced setbacks closely match the original approval, and in staff's opinion meet the intent of the original design.

The area requirement has been met; there are 145 projected residents in the main building and 52 potential residents in the patio homes for a total of 197 residents. The minimum area requirement for Residential Care Facility is 500 square feet per resident, or a total of 98,500. The assisted living facility is over 115,000 square feet alone. The area requirement by expected population has been met, even with the addition of the three requested units.

11-14-1: PURPOSE AND INTENT: (From the original approval)

The purpose and intent of conditional uses permits is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. (Ord. 2002-07, 5-28-2002)

A conditional use shall be approved if reasonable conditions are proposed, or can be proposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

If the reasonable anticipated effects of a proposed conditional use cannot be mitigated by the proposal of the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (Ord. 2006-08, 9-5-2006)

11-14-5: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community. (Staff comment: The assisted living facility provides an additional housing choice for the community.)

- B. Such use will not, under the circumstances of the particular case and the condition imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures. (Staff comment: This report addresses some needed changes to the site plan. As a whole the plan is compatible with surrounding uses.)
- C. The proposed use will comply with the regulations and conditions specified in this title for such use. (Staff comment: The proposal can be made to comply with city ordinances with the recommended changes.)
- D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city. (Ord. 2002-07, 5-28-2002) (Staff comment: The proposal is consistent with the North Ogden General Plan.)

~~11-10-11~~ 11-9L-7: Fence Height Regulations) Fencing will need to be more clearly defined on the plan. All fences must meet the standards in this code section and clearly shown on the site plan. (Fencing has been completed per the original approval)

~~11-10-13~~ 11-11-6: EXTERIOR LIGHTING: In addition to the full list of lighting regulations, staff wants to emphasize that any exterior lighting must be zero cut off and downward facing.

~~11-10-25~~ 11-11-10: TRASH ENCLOSURES: There are no identified trash enclosures shown on the site plan. If a trash enclosure is needed for the Cottages, this will need to be shown on the site plan and meet the code standard.

~~11-17~~ 11-19: (Parking and Loading; Traffic Access)

The Fire Marshall has provided a letter for the street design and cul-de-sac on the southeast side of the development. The private street network has been approved as designed, and the Fire Department feels that adequate fire protection can be provided for the current design (See Exhibit B).

11-17-2: GENERAL REGULATIONS (Original Approval)

The parking requirement is 1 space per 4 beds for the assisted living center and 2 spaces per patio home. The main building has a total of 145 beds. At one stall per 4 beds the requirement is 37 spaces. The 26 units within the two-family area requirement is 52 spaces. The total required is 89 spaces. The site has a total of 104 spaces.

The 26 patio homes have 1 parking stall per unit with access to the excess parking surrounding the main building. The driveways to the patio homes should be 20 feet in depth. Seven of the structures have driveways that do not meet this requirement. The original approval permitted some reduced driveways, and with the overall parking on site, staff has limited concern that parking will become an issue for these units.

CONFORMANCE TO THE GENERAL PLAN

The above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- Does the proposed use meet the requirements of the applicable City Ordinances including meeting the basis for a conditional use permit?

- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval; and if so, what are the appropriate conditions?
- Have the various Staff comments been addressed to the satisfaction of the Planning Commission?
- Are the architecture and building materials appropriate?

CONDITIONS OF APPROVAL

- Compliance with North Ogden Zoning Ordinance.
- Compliance with the Fire Marshall letter dated 12-23-2022
- Submit a plan showing the trail systems being connected to 150 East and north to Village at Prominence Point. Completion of the Trail paving will be required before final occupancy of the two-family dwelling units.
- Submit a landscape plan outlining the landscape improvements for the remainder of the site.
- Show a buffer or fencing along the east west trail on the north boundary. To include existing fencing that meets these requirements.
- Clearly identify all fenced areas.
- Locate trash enclosures and submit a design plan.
- Parking lighting will need to be shown as to the location, brightness, light pole and fixture design

STAFF RECOMMENDATION

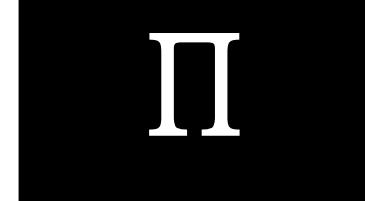
Staff recommends approval of the modifications of the Conditional Use Permit and Site Plan application subject to the conditions of approval.

EXHIBITS

- A. Conceptual Site Plan dated 12-19-2022
- B. Fire Marshall Letter 12-23-2022
- C. Development Agreement – The Lodge and Cottages

AREA MAP





pi architects
 6010 Balcones Dr, Suite 200
 Austin, TX 78731
 P: (512) 231-1910
 www.piarch.com

architecture + master planning
 interiors + landscape architecture

GREGORY P. HUNTEMAN
 Architect Registration:
 1297968-0301
 Date: 12/19/2022

Not for regulatory
 approval, permitting, or
 construction

MEDCORE
COTTAGES AT NORTH OGDEN SENIOR LIVING
 204 EAST 1700 NORTH ST.
 NORTH OGDEN, UT 84414

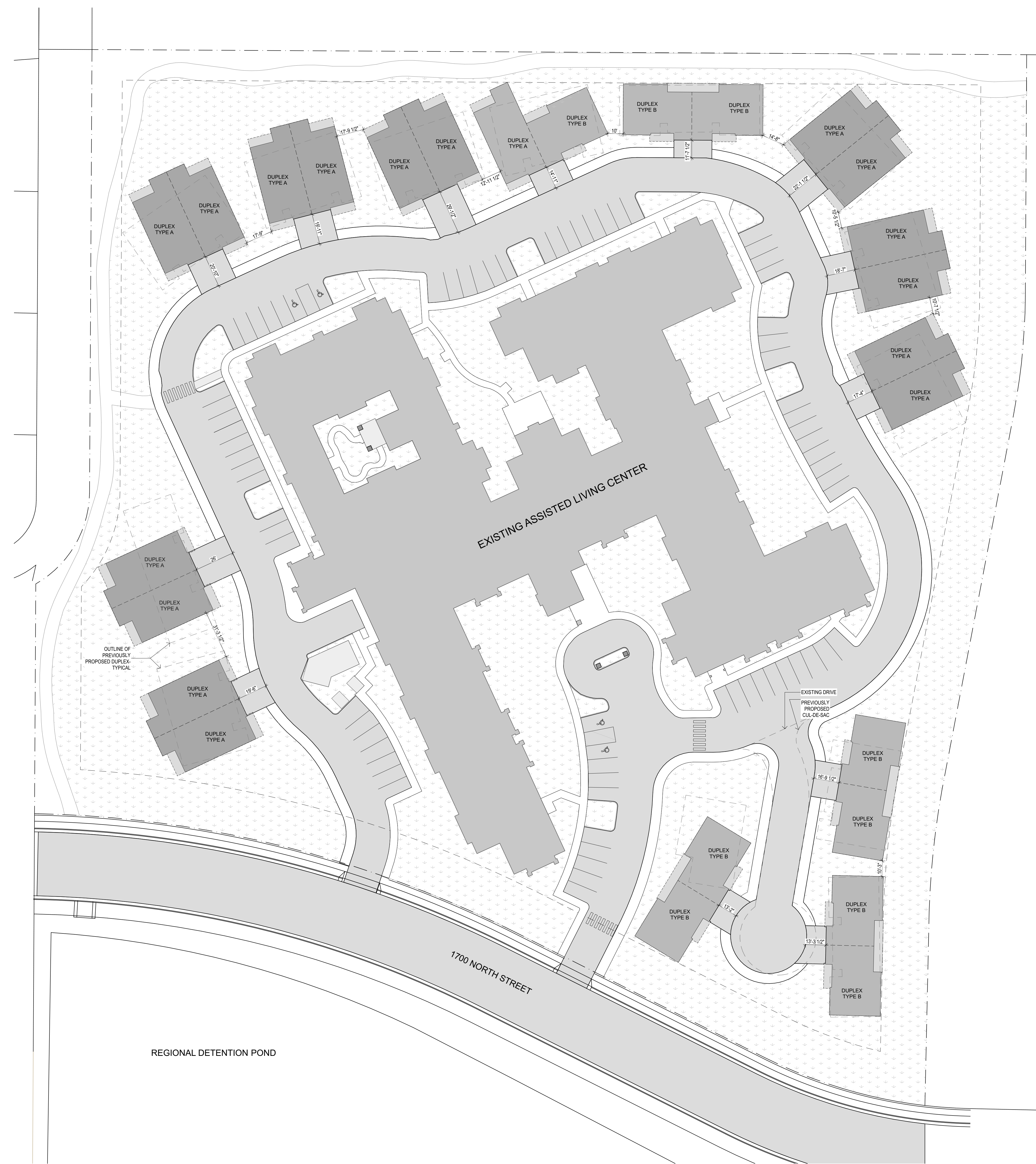
ISSUE:
 CONCEPTUAL
 PLANNING
 PROGRESS SET

©2022 PI ARCHITECTS &
 ENGINEERS, INC.

REVISIONS:

DATE:
 12/19/2022
 PROJECT NUMBER:
 22019
 SHEET TITLE:
 ARCHITECTURAL
 SITE PLAN

SHEET:
SK1

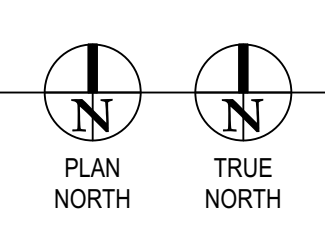


COTTAGES ONLY OUTSIDE EXIST CONCRETE SIDEWALK

LAND USE CHART

COTTAGES	40,521 S.F.	23.8%
ASPHALT PAVING	4,540 S.F.	2.7%
ASPHALT TRAIL EXIST	10,078 S.F.	5.9%
CONCRETE	11,288 S.F.	6.6%
LANDSCAPING	104,063 S.F.	61.0%
PROJECT TOTAL	170,490 S.F.	100.00%
	3.914 ACRES	

SD ARCHITECTURAL SITE PLAN
 SCALE: 1" = 30'



BIMbaud: PI-BIM-2022 - BIMbaud Basic for Archbaud 25/22/2019 NCSL North Ogden UT | Ver. 25.02 | Tuesday, December 20, 2022 12:41 PM

NORTH VIEW FIRE DISTRICT

315 East 2550 North

North Ogden, UT 84414

Phone: 782-8159

Fax: 782-3532

December 23, 2022

RE: Majestic View Townhomes

As the Authority Having Jurisdiction (AHJ), I have reviewed the site plans for the Majestic View Townhomes located at approx. 2050 North 325 East, North Ogden UT. Based on the International Fire Code 2018 edition, the following designs to the plans are acceptable:

1. Emergency Access around the site is acceptable as designed. The proposed hammer head turn-around meets the requirements of the International Fire Code.
2. No additional fire hydrants will be required for this next phase, the proposed townhomes are within the acceptable distances from the fire hydrant already installed.

The site plan is accepted as designed and as North View Fire District has no further requirements or corrections.

Every effort has been made to provide a complete and thorough review of these plans. However, nothing in this review is intended to relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards.

Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.



Ryan Barker
Fire Marshal
North View Fire District

 COPY

AGREEMENT # A12-2014

THE VILLAGE AT PROMINENCE POINT
DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, hereinafter (“Agreement”), is made and entered into this 27th day of May, 2014, by and among SBE2, LLC, an Alaskan limited liability company, (hereinafter “Developer”) as the owner and developer of certain real property located in North Ogden City, Weber County, Utah, at approximately 1750 North 200 East, and NORTH OGDEN CITY, (hereinafter “the City”), a Utah Municipal Corporation. Developer and the City shall hereinafter be collectively referred to as “Parties” and sometimes individually as a “Party”.

RECITALS:

- A. Developer is the owner of approximately 8.08 acres of real property (“Parcel A”) located in North Ogden City, Weber County, Utah, which it intends to develop as a Assisted Living Center/Nursing Home. A legal description of the property is attached hereto as Exhibit “A”.
- B. Developer also owns property neighboring Parcel A which will be improved with roads in accordance with the City ordinances to provide access to Parcel A.
- C. The Parties jointly agree that the City will benefit from all aspects of this proposed Assisted Living Center/Nursing Home.
- D. The Parties desire to enter into terms relevant to Developer’s final approval of the rezoning of Parcel A as required for the Assisted Living Center/Nursing Home.

NOW THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and The City hereby agree as follows:

1. Recitals. The above recitals are incorporated herein by reference and made a part hereof.
2. Rezone. The City agrees to rezone only Parcel A as described in the legal description in Exhibit A from C-2 to R-4.
3. Intended Use. The Developer agrees the only R-4 use which is allowed or authorized under the terms of this Agreement or on Parcel A is the construction of an Assisted Living Center/Nursing Home facility. Developer agrees and acknowledges that any application for development of Parcel A other than for an Assisted Living Center/Nursing Home will not be accepted, processed, approved, vested or otherwise obtain any rights under current City, State, and Federal laws.
4. Parcel A – 8.08 Acre – Assisted Living Center /Nursing Home – (Residential R-4 Zoning). The Assisted Living Center will consist of the following uses which will be allowed under this development agreement as a “Conditional Use” in the R-4 zone subject to Site Plan and Design Review by North Ogden City Staff and Planning Commission.
5. Future Development Parcels – It is understood by all parties that any property not utilized for the Assisted Living Center/Nursing Home remain zoned C-2, or in the case of the 8.08 acres any remaining portion of Parcel A shall revert back to C-2 zoning should the Assisted Living Center/Nursing home not be constructed or fully utilize the entirety of Parcel A. The neighboring parcels owned by Developer will remain zoned Commercial C-2 at this time. Nothing herein shall be construed to prevent Developer from seeking rezone on the other properties.
6. Development Terms. The following constitutes terms for development of Parcel A.
 - a. Concept Approval. The North Ogden City Council has entered into this

agreement to facilitate the Developer to submit an application to construct an Assisted Living Center/Nursing Home on Parcel A. The Developer will in the near future submit an application and proposed plat for the development based upon compliance with the North Ogden City ordinances. As consideration for the granting of the zone change from C-2 to R-4 for the development of an Assisted Living Center/Nursing Home, Developer has agreed and does now agree to the provisions hereof and all other ordinances of North Ogden City.

- b. Compliance with Subdivision Standards. Developer agrees to comply with all of the conditions of preliminary approval and the ordinances, rules, regulations, requirements and standards of the City with respect to the preparation, submission, and recording of subdivision applications, all preliminary and final plats, and the construction and completion of said Assisted Living Center/Nursing Home, and particularly to installation and completion of all required subdivision improvements and the provision of the financial guarantee guaranteeing completion of such improvements (the "Subdivision Guarantee") consistent with current City Ordinances.
- c. 1700 North. City shall work with Developer to create a reimbursement agreement for costs associated with road improvements for 1700 North.

7. Vesting.

- a. The Developer shall have the vested right to develop and construct the Assisted Living Center/Nursing Home in accordance with the R-4 zoning and other ordinances of North Ogden City as established on the date of this Agreement, provided that the Developer:

- i. Makes application for the Assisted Living Center/Nursing Home on or before March 31, 2015.
 - b. Developer acknowledges that this Agreement does not vest any rights relating to any property owned by the Developer now or at any point in the future. This Agreement relates only to the 8.08 (Parcel A) acres upon which Developer proposes to construct an Assisted Living Center/Nursing Home. The City acknowledges that this Agreement does not prevent Developer from seeking rezone on other properties.
 - c. If the Planning Commission does not approve Developer's proposed concept plan, Developer is not obligated to construct the Assisted Living Center/Nursing Home.
 - d. Any portion of the 8.08 acres (Parcel A) which is not included in the Assisted Living Center/Nursing Home final development shall automatically revert back to the original C-2 zoning, and shall retain no vesting under this Agreement.
8. Building Permits. The City will process building permits in accordance with established policy. The City shall not unreasonably delay issuance of building permits.
 9. Other Conditions. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be modified by writing of both parties to conform the law. Should the parties be unable to agree upon a modification of the condition, covenant, or provision the contract becomes voidable by either party.
 10. Successors and Assigns.

- a. Binding Effect. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.
 - b. Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement, and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the Mayor of the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement. The City recognizes that Parcel A will be developed by North Ogden I, LLC, Manager Ron Ziebart.
11. General Terms and Conditions.
- a. No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.
 - b. Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of

competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

- c. Attorneys Fees. If this Development Agreement or any of the exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breeching party.
- d. Counterparts. This Agreement and any originals of exhibits referred to herein may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed) shall be an original, but all of which shall constitute one and the same instrument.

12. General Terms and Conditions.

- a. Construction of Agreement. This Agreement shall be construed so as to effectuate the public purpose of implementing long-range planning objectives, obtaining public benefits, and protecting any compelling countervailing public interest.
- b. State/Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be amended in writing by both



parties. Should the parties be unable to agree upon a modification of the condition, covenant, or provision the contract becomes voidable by either party.

- c. Relationship of Parties and No Third-Party Rights. This Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto nor, unless otherwise stated, create any rights or benefits to third parties.
- d. Laws of General Applicability. Where this Agreement refers to laws of general applicability to the Project, this Agreement shall be deemed to refer to other laws of North Ogden City and the State of Utah.
- e. Integration. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto.
- f. Applicable Law. This Agreement is entered into under and pursuant to and is to be construed and enforceable in accordance with the laws of the State of Utah.
- g. Arbitration. All disputes under this Agreement shall be resolved through binding Arbitration. If the City and Developer are unable to resolve an issue through discussions, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator they shall each, within ten (10) business days, appoint their own

individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Developer shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the City's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator may order the City to pay the arbitrator's fees.

- h. Notices. Any notices, requests or demands required or desired to be given hereunder shall be in writing and shall either be delivered personally or by certified mail or express courier delivery to the parties at the following addresses:

If to the City:

BAT 505
North Ogden City
S. Annette Spendlove, City Recorder
515 E. 2600 N.
North Ogden, Utah 84414

If to SBE2, LLC

5/13/14 *[Signature]*
Jack Barrett
~~205 E. Dimond, #515~~ *34806 No 80th way*
~~Anchorage, Alaska 99515~~ *Scottsdale, AZ 85266*

WITH A COPY TO:

M. Darin Hammond
Smith Knowles, P.C.

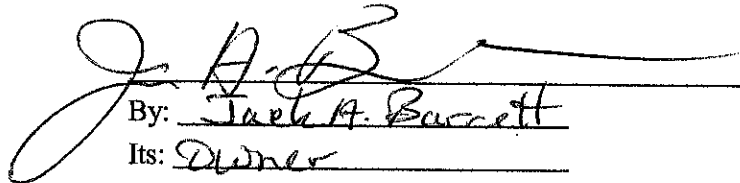
 **COPY**

2225 Washington Blvd., Suite 200
Ogden, UT 84401

Any party may change their address by giving written notice to the other party in accordance with the provisions of this section.

DATED this 13th day of May, 2014

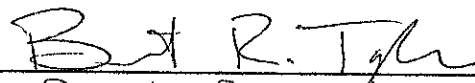
SBE2, LLC


By: Jack A. Barrett
Its: Owner

DATED this 27th day of May, 2014

NORTH OGDEN CITY




By: Brent R. Taylor
Its: Mayor

S Annette Spendlove
Attest: S. Annette Spendlove

EXHIBIT A

**"PARCEL A" LEGAL DESCRIPTION
APPROXIMATELY 200 E. 1825 N.
NORTH OGDEN CITY, WEBER COUNTY, UTAH**

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S89°47'35"W 2387.91 FEET AND S00°12'25"E 309.38 FEET FROM THE NORTHEAST CORNER OF SECTION 5; THENCE SOUTH 290.79 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 73.30 FEET, A RADIUS OF 70.00 FEET, A CHORD BEARING OF S30°00'00"W, AND A CHORD LENGTH OF 70.00 FEET; THENCE SOUTH 151.02 FEET; THENCE S89°03'50"E 2.75 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 325.39 FEET, A RADIUS OF 733.00 FEET, A CHORD BEARING OF S76°20'48"E, AND A CHORD LENGTH OF 322.73 FEET; THENCE S63°37'45"E 183.19 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 110.68 FEET, A RADIUS OF 317.00 FEET, A CHORD BEARING OF S73°37'53"E, AND A CHORD LENGTH OF 110.12 FEET; THENCE N00°56'10"E 127.98 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 80.02 FEET, A RADIUS OF 480.00 FEET, A CHORD BEARING OF N05°42'42"E, AND A CHORD LENGTH OF 79.92 FEET; THENCE N10°29'14"E 252.64 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 76.88 FEET, A RADIUS OF 420.00 FEET, A CHORD BEARING OF N05°14'37"E, AND A CHORD LENGTH OF 76.77 FEET; THENCE NORTH 158.70 FEET; THENCE WEST 614.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 352,104 SQUARE FEET OR 8.083 ACRES