

ORIGINAL

Ent 1207738 Bk 2046 Pg 1791
Date: 9-Nov-2018 01:34 PM Fee 4.00
Cache County, UT
Michael Gleed, Rec. - Filed By JA
For CITY OF LOGAN



When recorded return to:
Community Development
City of Logan
290 North 100 West
Logan, UT 84321

DESIGN REVIEW PERMIT

At the September 27, 2018 meeting the Logan City Planning Commission conditionally approved **PC 18-033 Niederhauser Retail** for a 4,800 SF multi-tenant commercial building located at approximately 730 South Main Street in the Commercial (COM) zone; TIN 02-065-0011.

These conditions are binding on the property owner and any subsequent purchaser of the property. If the property is rented or leased to another party, the recorded owner is still responsible for compliance with the conditions.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The building shall have 30% transparency, which could include spandrel windows, on the west facade and have similar architectural features, articulation and details that are found on the east facade containing the primary entrance.
3. The sidewalk connecting the building to Main Street along the north property line shall have curb cuts and paint delineation across the drive thru aisle.
4. All public pedestrian entrances shall have weather protection provided above.
5. A minimum of 22 parking stalls, 8 stacking positions within the drive-thru isle and a bike rack shall all be provided.
6. No open storm-water detention basins shall be placed in the yard between the building and the adjoining street unless it's less than 2' deep in relation to the street sidewalk and landscaped with grass, trees and shrubs.
7. A Performance Landscaping Plan, prepared in accordance with LDC §17.39, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
 - a. Street trees along all adjacent streets provided every 30' on center unless otherwise noted by the City Forrester.
 - b. Open and usable outdoor areas shall total a minimum of 7,753 SF.
 - c. A total number 17 trees and 44 shrubs, perennials and grasses shall be provided. 25% of the trees shall be evergreen.
 - d. The drive-thru shall be buffered and screened from Main Street with shrubs and flowers.
8. All dumpsters shall be visually screened or buffered from public streets by using fencing, walls and landscaping.
9. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
10. Exterior lighting, including gas canopy lighting, shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
11. Standard streetscape improvements will be required along Main Street with driveway access being limited to the joint access agreements located to the north of this site.

12. No signs are approved with this permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
13. No fences are approved with this permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
14. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Environmental
 - i. Minimum 60' straight on clear access is required. Minimum inside measurement for a double enclosure without gates is 22' wide x 10' deep and it is 24' wide with gates.
 - b. Water
 - i. Each unit's water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters that unit before any branch offs or connections. Landscape irrigation connected to Logan City water must have a high-hazard backflow assembly installed and tested. Backflow assemblies must be tested within 10 days of turning in water to them.
 - ii. Fire suppression systems connected to Logan City water must have a minimum DC (ASSE1015) installed and tested. Fire risers and B/F assemblies must be installed as per Logan City standards.
 - iii. All points of use of water must comply with the 2015 IPC and State of Utah Amendments, during and after construction. Ent 120773B Bk 2046 Pg 1792
 - c. Engineering
 - i. Storm water design shall be in accordance with City design standards. This includes the use of Low Impact Design and the retention of the 90% storm event onsite.
 - ii. Provide water shares or in-leu fees for increased demand to City system.
 - iii. Public Works is working with developer/owner regarding proposed utilities.
 - iv. Property line adjustment required (in work at present).
 - v. Provide utility and storm water agreements.
 - vi. Provide public utility easements on all property lines (5' internal and 10' frontage).
 - vii. Access to development shall be from existing access on US 89/91.
 - viii. Provide street improvements to State road as required by UDOT.
 - d. Fire
 - i. Access from Main Street to rear of the building.
 - ii. Fire hydrant FH00639 is located at 750 South Main. Hydrants shall be within 400' of all areas around the exterior of the buildings and within 150' of any FDCs.
 - iii. FH00693 flows 9,605 gpm at 20 psi.
 - iv. A-2 Restaurant Occupancies require fire sprinklers and fire alarms when the occupant load is 100 or more.

FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, site layout, materials, landscaping and setbacks.
2. The project conforms to Logan Municipal Code Title 17 requirements.
3. The project provides adequate open and usable outdoor space in conformance with Title 17.
4. The project provides adequate off-street parking
5. The project meets the goals and objectives of the Commercial (COM) designation within the Logan General Plan by providing services near high-capacity roads and is designed in a way for easy circulation for vehicles and pedestrians.
6. The project complies with maximum height, density and building design standards and is in conformance with Title 17.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
8. Main Street provides access and is adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.

The Planning Commission's decision came on a motion by Commissioner Roylan Croshaw with a second by Commissioner Eduardo Ortiz. The motion passed by a vote of 7-0.

This action will expire **one year** from the date of **September 27, 2018** if all conditions have not been met. An extension of time must be requested in writing and received by the Community Development Department prior to the expiration date. **The City does not send reminder notices or other notification of the pending expiration date. The action to request an extension is the responsibility of the proponent.**

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We have reviewed the decision of the Planning Commission and agree to the conditions and requirements. We understand this project expires one year from the date of the Commission's action unless the final plat has been recorded, or the Department of Community Development has issued a building permit. If an extension of time is required, we must submit our written request prior to the expiration date of the Planning Commission's action. The length of an extension of time is established in the Logan Land Development Code (LDC) Chapter 17.58.

**Accepted and agreed by:
Property Owner or Agent for Niederhauser Retail**

Signed: [Signature]
Print Name: Ryan W. Forsyth
Address: 1835 S. Hwy 89
City/State/Zip: Perry, Utah 84302
Date: 10/10/2018

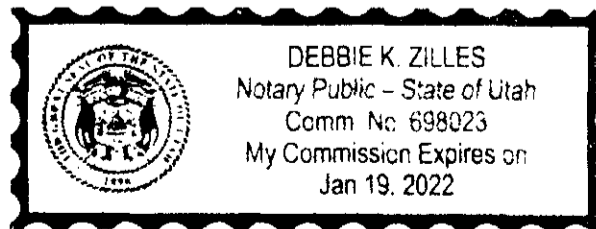
By the authority vested in me as the Logan City Director of Community Development, I affix my signature upon this document for the purpose of granting a permanent and recorded Planning Commission Permit to run with the subject property in perpetuity.

[Signature]
Michael A. DeSimone, AICP
Community Development Director
City of Logan

State of Utah)
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County of Cache)

On this 15 day of October, 2018, before me, Debbie K. Zilles, a notary public, personally appeared Michael A. DeSimone, Community Development Director for the City of Logan, who is personally known to me and who signed the above permit.

[Signature]
Notary Public



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Logan City Planning Commission STANDARD CONDITIONS OF APPROVAL

This project is subject to the proponent or property owner agreeing to comply with the following standard conditions as written.

1. The staff report is an analysis of the application based on adopted City documents, standard City development practices and available information. The report is used to review and consider the merits of the application prior to and during the Planning Commission meeting. Additional information may be revealed by participants at the Commission meeting which may modify the report and become part of the approved Permit. The Director of Community Development reserves the right to supplement the material in the written report with additional information at the Planning Commission meeting.
2. Any representations by the proponent or authorized agent at the Planning Commission hearing shall be incorporated into the final action as conditions of approval and shall be binding upon the proponent as modifications to the approved project. *"If you show it, you do it."*
3. No site development activities, including grading, clearing, or vegetation removal shall commence until an executed copy of the applicable permit, signed by the property owner or authorized agent, has been filed with the City.
4. Failure to comply with **any** conditions of approval shall void the permit and require a new Planning Commission hearing. Ent 1207738 Bk 2046 Pg 1794
5. All improvements shall be constructed in substantial conformance with the approved site plan and/or to the satisfaction of the entity with jurisdiction over the improvement.
6. No work shall be undertaken within the public right-of-way without a *Right-of-Way Permit*. These permits are issued by either Logan Public Works Department for City right-of-way or the Utah Department of Transportation (UDOT) for work within a State right-of-way.
7. Some projects require adoption of deed covenants, conditions, and restrictions (CC&Rs) along with a Home Owners Association (HOA) to be imposed upon the project to ensure proper maintenance and delegation of responsibilities. Any required CC&Rs and HOAs shall be approved by City staff prior to recordation.
8. Street trees shall be placed on 30' centers in the park strip on all roads. The City Forester shall determine the size and species. Occupancy for the final home or building in each phase shall not be granted until all the street trees for that phase have been installed or a bond equal to 110% of the materials and labor necessary to install the street trees has been issued to the City.
9. All projects shall comply with the City Standards and Specifications.
10. All rooftop mechanical equipment shall be screened from view from adjacent public rights-of-way.
11. Commercial exterior light fixtures shall not exceed 32' in height (18' when adjacent to residential zoning) and residential exterior light fixtures shall not exceed 12' in height.
12. No signs are approved with this Permit. All signs must be approved through the Sign Permit process.
13. If not initially indicated and detailed on the approved site plan, fences shall receive a separate fence permit from the Department of Community Development prior to construction.
14. Project construction noise shall not create a disturbance across residential property boundaries between 9:30 PM and 7:00 AM and all day on Sundays and holidays.
15. Dust shall be controlled inside site boundaries and construction debris shall be properly disposed so that negative impacts on neighboring properties are minimized.
16. Public streets and rights-of-way shall not be used as project material storage or staging areas.

Parcel #02-065-0011 in 2018 - Cache County CORE

Owner(s)

[History](#)

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NIEDERHAUSER, GERALDINE J TR (01/15/2004 - Present) (Vesting: 1194814)

Addresses

Property Address

780 SOUTH MAIN
LOGAN

Current Owner Mailing Address

1474 MAPLE DR
LOGAN, UT 84321-3631

Property Details

- i** Tax District: LOGAN SOUTH MAIN RDA A-3 (327)
- i** Tax Status: **Taxable**
- i** Parcel History: REMAINDER 9/86; COMB W/02-065-0012 9/91 MLG; COMB W/PT 0013 & 0014 9/03; CORR AC 9/12;

- i** Building Type: Comm
- i** Square Feet: 3750
- i** Year Built: 1947
- i** Acres: 4.31
- i** Legal Description: BEG N 0*14'12" E 1207.1 FT SD PT BEING N 0*14'12" E 996.1 FT ALG RECORD W LN OF GATEWAY BUSINESS PARK SUBD FROM INTERSEC OF N LN OF GOLF GOURSE ROAD & W LN OF SD SUBD & N 11*52'03" E 3206 FT OF NE COR LT 6 BLK 34 PLT A PROVIDENCE FARM SVY & TH S 89*45'36" W 696.91 FT TO E LN OF MAIN ST TH 158.16 FT ALG MAIN ST ON CURVE TO RIGHT 831.47 FT TH N 1*12'43" E 101.79 FT ALG ST TO PT BR E 8.5 FT, S 1*30' W 21.68 CHS & W 8 CHS OF NE COR SE/4 SEC 4 T 11N R 1E TH S 89*26'43" E 762.7 FT TO SE COR BIRCH WOOD SUBD TH S 5*9'24" W 119.73 FT TH S 32*14'41" W 51.22 FT TH S 11*52'03" W 88.27 FT TO BEG CONT 4.31 AC M/B CORR 9/12;

- Abstract
- Plats

- GIS
- Images

Tax Summary

Taxation Term	Value
2017 Taxes	\$19,696.25
i Market Value	\$1,502,949.00
LAND COMMERCIAL	\$1,501,949.00
BUILDING COMMERCIAL	\$1,000.00
i Taxable Value	\$1,502,950.00
i Tax Rate	<u>x 0.013426</u>
i Tax Amount	\$20,178.61
i Last Payment Date	04/09/2018

Tax Payment Breakdown

Category	Amount
i Principal	\$20,178.61