



Ent 855154 Bk 1285 Pg 620  
Date 25-Feb-2004 4:25PM Fee \$0.00  
Michael Gleed, Rec. - Filed By TJ  
Cache County, UT  
For LOGAN CITY

# CITY · OF · LOGAN

## S T A T E · O F · U T A H

### CERTIFICATE ❖ OF ❖ DECISION

Whereas, the Planning Commission of the City of Logan did receive an application from Larry Miller for consideration of a design review for a canopy on 2.3 acres in the Industrial (IND) zone. Assigned docket number 04-006, the matter was brought to the City of Logan Planning Commission on January 8, 2004.

The Planning Commission held a duly noticed Public Hearing as required by Logan Municipal Code Titles 16 and 17. At the Hearing, the Commission considered the testimony both in favor and opposed to the proposal. The Commission did by majority vote conditionally approved the application.

A Record of Decision as issued by the Planning Commission is attached as Exhibit A and executed by the permit holder and the Director of Community Development and Ex-officio Executive Secretary of the City of Logan Planning Commission. If the Commission's action denied the application, the Record of Decision is executed solely by the Director of Community Development.

The subject property, 1020 West 200 North, is more particularly described in the document attached as Exhibit B, Legal Description.

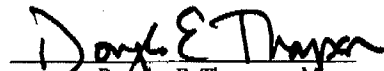
The Official Records of the Planning Commission are maintained in the Office of the Department of Community Development, City of Logan.

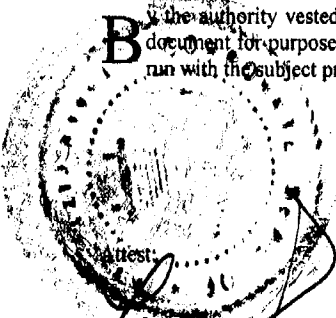
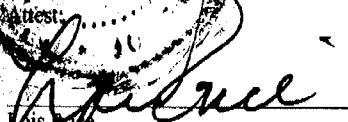
This decision runs with the land. If issued for a design review permit, conditional use permit, variance, or other construction permit, construction is required to commence within an established time frame set forth in Titles 16 and 17, Logan Municipal Code, that initiates with the action of the Planning Commission. Failure to initiate construction activities by establishing use or acquiring required building permits prior to the expiration date voids any approval or conditional approval. Abandoning or vacating a use or structure for a period of more than one year also voids this permit.

If the application was denied by action of the Planning Commission, the denial may only be reversed by an appeal overturning the Commission's action filed within an appropriate timeframe as established by Titles 16 and 17, Logan Municipal Code; or it may be subject to a different application submitted at a later time.

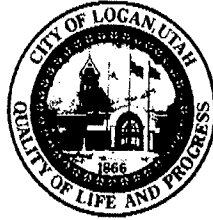
By the authority vested in me as Mayor and Chief Executive of the City of Logan, I do hereby affix my signature upon this document for purposes of granting from the City of Logan to Larry Miller, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 13<sup>th</sup> day of FEB, 2004

  
Douglas E. Thompson, Mayor  
City of Logan, State of Utah

  
Attest:  
  
This File  
Recorder, City of Logan

ORIGINAL



When recorded return to:  
Dept. of Community Development  
City Of Logan  
255 North Main  
Logan, UT 84321

## DESIGN REVIEW PERMIT

At its meeting of *January 8, 2004*, the City of Logan Planning Commission *conditionally approved* PC# 04-006, *L.W.'s Truck Stop at 1020 West 200 North*, for a design review for a canopy on 2.3 acres in the Industrial (IND) zone. The subject property is as described on the attached legal description.

This decision is based on compliance with the following conditions. These conditions are binding on the permit holder/subdivider and any subsequent purchaser of the property. If the property is rented or leased to another party, the record owner is still responsible for compliance with the conditions.

### RECOMMENDED STANDARD CONDITIONS OF APPROVAL

1. Any representations by the proponent or 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.
2. No site development activities, including grading, clearing, or vegetation removal, shall commence until an executed copy of the Record of Decision signed by the property owner is filed with the City.
3. Failure to comply with any conditions of approval shall void the permit and require a new Planning Commission hearing.
4. All improvements shall be constructed in substantial conformance with the approved site plan.
5. The proponent is responsible to ensure that any construction is appropriately inspected by the Building Inspection Division through timely scheduled inspections. Failure to obtain an inspection or to continue construction beyond points of inspection may result in an enforcement action by the Chief Building Official. Such action may include and is not limited to:
  - a. Issuance of a stop work order;
  - b. Filing of a complaint with the State Department of Commerce against the contractor licenses; and/or
  - c. Requirements for inspection by x-ray or by removing any covering or demolition of construction occurring beyond the point of inspection.
6. The proponent shall ensure that the contractor has current copies of the approved plans and amendments to plans onsite at all times during construction.
7. All physical construction shall conform to the approved building and site plans.
8. The project shall not be used or occupied by customer traffic until the City issues a Certificate of Occupancy.

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9. Improvements shall meet the City of Logan requirements for quality, performance, or other requirements as established in the City of Logan "Public Works Standards and Specifications" as approved by the Director of Public Works.
10. No work shall be undertaken within the public right-of-way without a permit issued by the City of Logan for a City right-of-way or the Utah Department of Transportation for work within the State right-of-way.
11. The subject property shall not be subdivided for purposes of sale, ground lease, or finance without obtaining approval from the City through an appropriate approval process. If a subdivision occurs without City approval, a building permit will not be issued for this property until the situation is resolved. If the subdivision without City approval occurs after the permit has been issued, the permit will be revoked.
12. All utilities shall be constructed and installed according to the requirements of the City of Logan, the public utility provided in effect at the time of construction, or as specified in the Development Agreement.
13. All streets, roads, and alleys shall be constructed to the standards of the City of Logan in effect at the time of construction, unless otherwise specified in the Development Agreement.
14. All signs shall receive a permit from the Department of Community Development before being placed on site.
15. Prior to the issuance of a building permit, a detailed performance landscaping plan shall be submitted and approved by the Department of Community Development including the common and botanical names of all species.
16. Prior to the issuance of a certificate of occupancy, the Director of Community Development shall approve the installation of landscaping in conformance with the approved landscaping plan. Landscaping required to be installed between November 1 of one year and May 1 of the following year may be approved by improvement security in conformance with Title 17 of the Logan Municipal Code to guarantee the installation of landscaping and irrigation systems for the project.
17. Existing water rights shall not be negatively impacted by this project.

**RECOMMENDED 'SITE SPECIFIC' CONDITIONS OF APPROVAL**

1. A performance landscape plan with plant quantity and species shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit. The plan shall include existing and proposed landscaping and shall include street trees along 200 North and 1000 West. The street tree species shall be determined by the City Forester.
2. Sidewalk shall be installed along the entire frontage of this property along both 1000 West and 200 North. A building permit for the canopy shall not be issued until the sidewalk has been installed or a bond equal to 125% of the materials and labor necessary to install it has been issued to the City. The proponent may enter into a delay agreement with the Public Works department subject to the approval of the City Engineer and consistent with current City policy. In no case shall the delay agreement extend beyond 2005.
3. Prior to the issuance of a building permit the proponent shall submit for approval of the Department of Community Development new elevations showing a muted color.

4. Prior to the issuance of a building permit and/or business license, 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. *Engineering Division – contact Ron Johnson 716-9161*
    1. The proponent shall provide storm water detention for a 10 year one hour storm. Submit calculations and show location and size of orifice for storm water release and show route-discharged storm water will take to City drainage system. The design shall incorporate drainage structures or devices that prevent water from discharging onto adjacent property owners except at approved discharge locations.
    2. The proponent shall provide an Erosion Control plan for the entire construction site. If greater than 1 acre is being impacted by construction, submit a Storm Water Pollution Prevention Plan and permit as required by state of Utah.
    3. The proponent shall repair curb and gutter in accordance with City standards and specifications.
  - b. *Geographic Information Systems Division – contact Chuck Shaw 716-9171*
    1. The proponent shall submit a digital copy of the final site plan in AutoCAD or ESRI compatible format (Preferably in ESRI compatible format), which is tied to the City's survey monuments, prior to the issuance of a building permit.
  - c. *Fire Department – contact Liz Hunsaker 716-9515*
    1. Fire code requires that the canopy be a minimum of 13 feet 6 inches in height.

#### **RECOMMENDED FINDINGS FOR APPROVAL**

1. The proposed project has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code (providing adequate but not excessive parking), the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. The proposed project is compatible with existing land uses and zoning and enhances the character of the neighborhood.
4. The design review permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
5. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
6. 200 North and 1000 West, the streets providing access and other infrastructure to the subject property, have adequate capacity, or suitable levels of service, for the proposed use.
7. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal Code.
8. The access closure is done in conformance with section 17.37.100 of the Logan Municipal Code.


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Some conditions are "ongoing." This means the holder/subdivider shall always be in compliance with the conditions. If you are unable to comply, you must return to the Planning Commission for consideration of an amendment to your approval. Failure to comply may result in an action by the City to revoke your permit.

The Planning Commission's action came on a motion by **Commissioner John Kerr**, with a second by **Commissioner Ray Robison**. The motion passed by a vote of 6,0.

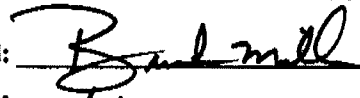
This action will expire **one year** from the date of the **January 8, 2004** Planning Commission's action if all conditions have not been met, unless an extension of time is requested and **approved in advance** of the expiration date. **The City does not send "reminder" notices or other notification of the pending expiration date.** The action to request an extension is the responsibility of the proponent.

Attest:

  
Jay L. Nielson, AICP  
Director of Community Development  
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We have reviewed the action of the Planning Commission and agree to the conditions and requirements of its action. We understand this project expires one year after the date of the Commission's action unless the Department of Community Development has issued a Building Permit. If an extension of time is required, we must submit our request prior to the expiration date from the Planning Commission action. The length of an extension of time is established in the Logan Municipal Code 17.58.020.

Accepted and agreed:  
L.W.'s Truck Stop, by

Signed:   
Title: owner  
Address: 1020 W. 200 N.  
City/State/Zip: Logan, UT 84321  
Date: 1/12/04

Attachment: Legal Description 05-064-0002

cc: Director of Public Works  
City Engineer  
Chief Building Official  
File

050640002, BEG 18 FT W OF NE COR LT 6 BLK 26 PLT E LOGAN FARM SVY & TH S 330  
FT TH W 312 FT TH N 330 FT TH E 312 FT TO BEG less COUNTY ROAD ON NORTH NET 2.3  
AC M/L

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