

ENT 765208 Bk 1023 Pg 501
DATE 13-JUL-2001 2:51PM FEE 0.00
MICHAEL L GLEED, RECORDER - FILED BY DP
CACHE COUNTY, UTAH
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 Smith's Food & Drug for consideration of design review of a 3,956 sq. ft. canopy and a 96 sq. ft. kiosk for a gas station and a boundary line adjustment to create an approx. 7.219 sq. ft. lot. Assigned docket number 01-007, the matter was brought to the City of Logan Planning Commission on February 22, 2001.

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, 105 East 400 North, is more particularly described the document attached as Exhibit B, Legal Description.

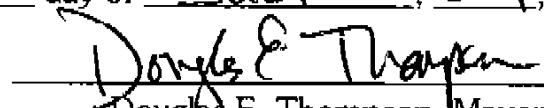
The Official Records of the Planning Commission are maintained in the Office of the Department of Community Development, City of Logan.

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 Smith's Food & Drug, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

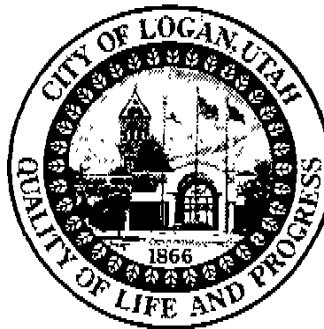
By my hand this 10th day of JULY, 2001,


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

Attest:



Lois Price
Recorder, City of Logan



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

BOUNDARY LINE ADJUSTMENT & DESIGN REVIEW PERMIT

At its meeting of February 22, 2001, the City of Logan Planning Commission conditionally approved PC# 01-007, Smith's Conoco Gas Station at 105 East 400 North, for design review of a 3,956 sq. ft. canopy and a 96 sq. ft. kiosk for a gas station and a boundary line adjustment to create an approx. 7.219 sq. ft. lot. 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 has been 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 plans.
8. The project shall not be used or occupied, by customer traffic, until a Certificate of Occupancy has been issued by the City.
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 City right-of-way or 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 application 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. Prior to the issuance of a building permit a landscaping plan shall be submitted and approved by the Department of Community Development including the common and botanical names of all species.
13. 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 which is required to be installed between November 1 of one year and May 1 of the following year may be satisfied to be installed 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.
14. All utilities shall be constructed and installed with the requirements of the City of Logan, or the public utility provided in effect at the time of construction, or as specified in the Development Agreement.
15. 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.

RECOMMENDED 'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. Prior to the 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. *Public Works Department — contact Mike Mecham 716-9160*
 - 1. The new deeds for the boundary line adjustment shall be submitted to the City Engineer prior to the issuance of building permits.
 - 2. Traffic shall be restricted to right in and right out only on 400 North Street.
 - 3. A storm water plan shall be submitted with the final construction drawings. On site drainage detention shall be provided for a 10 year one hour storm.
 - 4. A best management practice shall be installed prior to the storm drainage leaving the site to capture oils and heavy metals.
 - 5. The access from 400 North shall be 28' wide.
 - 6. New curb, gutter, and sidewalk shall be constructed as required.

- b. *Light and Power Department — contact Garth Turley 716-9741*
 - 1. Developer shall provide an underground power conduit from the new service station transformer to the relocated Handibank and convert service from overhead to underground.
 - 2. The developer shall be responsible for both primary and secondary conduit installation which must be installed and inspected according to the LCL&P specifications.
 - 3. Developer shall be responsible for all secondary connections (including lugs) in transformer (de-energized equipment only).
 - 4. Developer shall be responsible for a concrete transformer pad.
 - 5. Prior to a Certificate of Occupancy a "Request for Electrical Service Information" must be completed and submitted to LCL&P.
 - 6. Prior to a Certificate of Occupancy a digital copy of the site plan and electrical plan, in AutoCad or DXF format, must be submitted to LCL&P. **Refer to the attached sheet for site plan and electrical plan requirements.**

- c. *Fire Department — contact Liz Hunsaker 716 9515*
 - 1. Developer shall submit plans showing fuel tank location and tanks shall be placed underground.
 - 2. Prior to installation of fuel tanks permits shall be issued.

- d. *Environmental Health Department — contact Steve Larsen 716-9760*
 - 1. A dumpster enclosure shall be required if the service station requires their own refuse container.

- e. *Permits and Compliance Division — contact Lynn Miller 716-9286*
 - 1. Irrigation system shall have a backflow.
 - 2. There shall be no drains to the sewer.

 - 3. Prior to the issuance of a building permit a shared parking agreement between Smith's Conoco gas station and Smith's Food and Drug shall be submitted to the Department of Community Development.

 - 4. Prior to the issuance of a building permit the source or lens of the lights under the canopy shall be recessed to reduce visibility.

 - 5. A landscape berm on 400 North shall be raised to at least 2 1/2 feet.

6. The proponent shall use the revised elevations with the mansard roof.

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 Karl Ward**, with a second by **Commissioner Eldon Hooper**. The motion passed by a vote of **4, 0**.

This action will expire **one year** from the date of the **February 22, 2001** 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
Director of Community Development

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 action and if an extension of time is required, we must submit our request prior to the expiration date of one year 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:
Smith's Conoco Gas Station, by



Title Dir. of Comm.

Date: 4-9-01

Attachment: Copy of Legal Description, 06-041-0003

060410003, BEG AT SW COR LOT 2 BLK 48 PLAT A LOGAN CITY SVY E 4 RDS 11.5 FT
N 5 RDS 6.5 FT W 4 RDS 11.5 FT S 5 RDS 6.5 FT TO BEG ALSO 1/3 INT IN FOLL R/W--
BEG 6 RDS N OF SW COR LT 2 & TH E 4 RDS 5 FT TH S 6 RDS TH W 10 FT TH N 5 RDS
6.5 FT TH W 4 RDS 11.5 FT TO ST LN TH N 10 FT TO BEG

ENT 765208 Bk 1023 Pg 506