



Ent 834252 Bk 1249 Pg 1312
Date 1-Aug-2003 2:06PM Fee \$0.00
Michael Gleed, Rec. - Filed By CL
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 Stan Checketts for consideration of a family fun center on 19.17 acres in the Commercial Entryway (CE) zone. Assigned docket number 03-038, the matter was brought to the City of Logan Planning Commission on May 8, 2003.

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, approx. 1850 South 800 West, 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 Stan Checketts, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 17th day of July, 2003

Attest:

Lois Price
Recorder, City of Logan

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

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 *May 8, 2003*, the City of Logan Planning Commission *conditionally approved PC# 03-038, S & S Family Fun Center at approx. 1850 South 800 West*, for a family fun center on 19.17 acres in the Commercial Entryway (CE) zone. The subject property is as described on the attached legal description.

Ent **834252** Bk **1249** Pg **1313**

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, 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.

Ent **834252** Bk **1249** Pg **1314**

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 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.

16. Existing irrigation and water drainage rights shall not be negatively impacted by this project.

RECOMMENDED 'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. The Municipal Council shall approve the rezone prior to any construction activities occurring on site.
2. The proponent shall add additional architectural features to the arcade building. The Director of Community Development and the Planning Commission chair, prior to the issuance of a building permit shall approve the new features. The new features may include, a wainscot, providing the first floor windows with a square form rather than a rectangular form, enhancing the entranceways further by increasing the scale of the portico features to match the building and or using an exterior building material that is not corrugated metal.
3. The proponent shall narrow the 36 foot wide drive lane to 30 feet to allow for additional landscaping on the north side property line. The proponent shall submit a final site plan with this change prior to the issuance of a building permit.
4. The proponent shall submit a performance landscape plan for approval to the Department of Community Development prior to the issuance of a building permit. The plan shall include street trees in an eight foot park strip along 800 West Street, landscaping within the developed portions of the park, landscaping along the north side property lines that screen the parking areas, and all parking lot landscaping. The parking lot landscaped islands shall be increased to a minimum of 20 feet wide.

5. All signs shall require a sign permit prior to installation.
6. All lighting within the park and on the towers shall be approved by the Department of Community Development and shall be designed in conformance with the Dark Sky Ordinance prior to the installation of any lighting.
7. The proponent shall record the Boundary Line Adjustment prior to the issuance of a Business License and/or the Certificate of Occupancy.
8. The proponent shall install a six-foot tall chain link fence along the south property line prior to the issuance of a Business license or a Certificate of Occupancy.
9. 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:

Ent **834252** Bk **1249** Pg **1315**

a. Public Works Department — contact Bill Young 716-9160

1. The proponent shall dedicate 16 ½ feet of right of way on 800 West Street for a future development of 800 West to City Standards for a 66 foot right of way.
2. The proponent shall provide on site storm water drain detention or retention for a 10 year one hour event. The proponent shall provide storm water calculations and construction details prior to beginning any site work.
3. The proponent shall construct curb, gutter, pavement to the existing asphalt and sidewalk per City of Logan Standards and Specs' on 800 West and Highway 89/91.
4. The developer shall provide construction drawings and erosion control plan for engineering review and approval.
5. The proponent shall coordinate the design of sewer and water connections to City of Logan main lines with the Engineering Department.
6. Provide electronic files of all approved construction drawings at beginning of project and electronic file of project at completion of as built drawings.
7. 800 West is a County road. All permits for access to the site shall be through the County. (Jay Nielson to verify this per annexation documentation)

b. Light and Power Department — contact Garth Turley 716-9741

1. The developer shall contact the Utah Power and Light for the developer's responsibilities, for electrical layout, and transformer site location and other clarifications.
2. The proponent shall provide public utility easements.

c. Fire Department — contact Liz Hunsaker 716-9515

1. Fire hydrant location shall be addressed.
2. Buildings may be required to be fire sprinklered and have a fire alarm system installed depending on the use.
3. The proponent shall address fire department access road along 800 West Street.

d. Geographic Information Systems Division — contact Shawn Beecher 716-9170

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 recordation of the final plat.

e. Environmental Health Department — contact Steve Larsen 716-9760

1. The trash collection site is too far away from the main access to the site. The proponent should relocate the site to the west end of the parking lot. Need minimum 60 foot turn-around space and a 20 foot wide hard surface roadway.

f. Permits and Compliance Division – contact Lynn Miller 716-9286

1. Irrigation systems shall have a backflow.

Ent **834252** Bk **1249** Pg **1316**

RECOMMENDED FINDINGS FOR APPROVAL

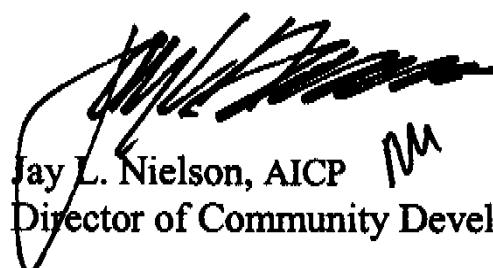
1. The proposed project has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. The proposed project conforms to the requirements of Title 17 of the Logan Municipal Code.
4. The proposed project is compatible with existing land uses and zoning.
5. The design permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
6. The design of the project provides architectural style and character that is complementary to the characteristics of other structures in the area and is consistent with General Plan goals to enhance neighborhood character and appearance and the Design Guidelines, Objectives and Policies.
7. The street providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.
8. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal Code with a shared parking agreement.

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 Gene Kartchner**. The motion passed by a vote of **5,0**.

This action will expire **one year** from the date of the **May 8, 2003** 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

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 a building permit has been issued by the Department of Community Development. 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:
S & S Family Fun Center, by



Title *Owner*

Date: *6-24-03*

Attachment: Copy of Legal Description, 03-006-0006, 0007

Ent **834252** Bk **1249** Pg **1317**

Distribution:

- Original #1 with signatures to the County Recorder
- Original #2 with signatures to applicant

Copies to:

- Director of Public Works
- City Engineer
- Chief Building Official
- File

Cache County Corporation
Tax Roll Information

Friday, August 01, 2003

For 03-006-0006

11:49AM

| | |
|---|---|
| <p style="text-align: center;">Owner Name & Address</p> <p>Parcel 03-006-0006 Entry 736247</p> <p>Name STAN CHECKETTS PROPERTIES LLC,</p> <p>C/O Name</p> <p>Address 1 P.O. BOX 55</p> <p>Address 2</p> <p>City State Zip PROVIDENCE UT 84332</p> <p>District 128 MOSQUITO ABATEMENT DI:</p> <p>Year 2003 Status TX</p> <p style="text-align: center;">Property Address</p> <p>Address</p> <p>City</p> <p>Tax Rate 0.008498</p> | <p style="text-align: center;">Owners List</p> <p>1 STAN CHECKETTS PROPERTIES LLC,</p> <p style="text-align: center;">736247 939/189</p> <p style="text-align: right;">Ent 834252 Bk 1249 Pg 1318</p> |
|---|---|

***** PROPERTY INFORMATION *****

| | | 2002 | | 2003 | |
|----------------------|--------------|--------|---------|--------|---------|
| | UNITS/ ACRES | MARKET | TAXABLE | MARKET | TAXABLE |
| LG LAND GREENBELT | 2.51 | 13,805 | 880 | 13,805 | 1,005 |
| Totals | | 13,805 | 880 | 13,805 | 1,005 |

***** BUILDING & TAX INFORMATION *****

| | | | |
|-------------------|--------------|------|--------|
| Square Footage: 0 | Taxes for: | 2002 | 7.61 |
| Year Built: 0 | Taxes for: | 2003 | 8.54 |
| Building Type: | Special Tax: | | 0.00 |
| | Abatements: | | 0.00 |
| | Payments: (| | 0.00) |
| | Balance Due: | | 8.54 |

***** GREENBELT INFORMATION *****

| CLASS | ACRES | MARKET | TAXABLE |
|-------|-------|--------|---------|
| IT | 2.51 | 13,805 | 1,005 |
| | 3 | 13,805 | 1,005 |

***** BACK TAX SUMMARY *****

NO BACK TAXES

CACHE COUNTY TREASURER/DEPUTY

Signature

***** LEGAL DESCRIPTION *****

Property Address:

Current Year:

BEG AT SW COR OF NE/4 OF NE/4 SEC 17 T 11N R 1E N 537 FT E 204 FT S 537 FT W 204 FT TO BEG 2.51 AC B1040B

Next Year:

**Cache County Corporation
Tax Roll Information**

Friday, August 01, 2003

For 03-006-0007

11:49AM

| | | | |
|----------------------|----------------------------|-------------|----------------------------|
| Owner Name & Address | | Owners List | |
| Parcel | 03-006-0007 | Entry | 683195 |
| Name | STAN CHECKETTS PROPERTIES, | 1 | STAN CHECKETTS PROPERTIES, |
| C/O Name | | | 683195 809/225 |
| Address 1 | P.O. BOX 55 | | |
| Address 2 | | | |
| City State Zip | PROVIDENCE UT 84332 | | |
| District | 128 MOSQUITO ABATEMENT DI: | Ent | 834252 Bk 1249 Pg 1319 |
| Year | 2003 | Status | TX |
| Property Address | | | |

Address
City
Tax Rate 0.008498

***** PROPERTY INFORMATION *****

| | | 2002 | | 2003 | |
|--------|----------------|--------|---------|--------|---------|
| | UNITS/ ACRES | MARKET | TAXABLE | MARKET | TAXABLE |
| LG | LAND GREENBELT | 16.66 | 91,630 | 5,830 | 0 |
| LV | LAND VACANT | 16.66 | 0 | 0 | 91,630 |
| Totals | | | 91,630 | 5,830 | 91,630 |

***** BUILDING & TAX INFORMATION *****

| | | |
|-------------------|-----------------|--------|
| Square Footage: 0 | Taxes for: 2002 | 50.44 |
| Year Built: 0 | Taxes for: 2003 | 782.92 |
| Building Type: | Special Tax: | 0.00 |
| | Abatements: | 0.00 |
| | Payments: (| 0.00) |
| | Balance Due: | 782.92 |

***** GREENBELT INFORMATION *****

| CLASS | ACRES | MARKET | TAXABLE |
|-------|-------|--------|---------|
| IT | 0.00 | 0 | |

***** BACK TAX SUMMARY *****

NO BACK TAXES

CACHE COUNTY TREASURER/DEPUTY

Signature

***** LEGAL DESCRIPTION *****

Property Address:

Current Year:

BEG 2 RDS W OF SE COR NE/4 OF NE/4 SEC 17 T 11N R 1E W 1083 FT N 537 FT E 176 FT N
170 FT E 58.19 RDS S 41.27 RDS TO BEG 16.66 AC B1040