



Ent 938809 Bk 1452 Pg 792
Date: 13-Mar-2007 04:23 PM Fee \$0.00
Cache County, UT
Michael Glead, Rec. - Filed By SP
For CITY OF LOGAN

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 Architectural Nexus for property owned by A. Spencer Raymond for consideration of design review permit for commercial building supply office and storage area and a subdivision permit for a six lot subdivision on 10.16 acres in the Commercial General (CG) zone; TIN #05-062-0011, -0012, -0013. Assigned docket number PC #07-005, the matter was brought to the City of Logan Planning Commission on January 11, 2007.

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, 1000 W 200 N, 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 A. Spencer Raymond, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 7 day of MAR, 07.

Attest:

Handwritten signature of Lois Price.

Lois Price
Recorder, City of Logan

Handwritten signature of Randy Watts.

Randy Watts, 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

ORIGINAL

DESIGN REVIEW AND SUBDIVISION PERMIT

At its meeting of *January 11, 2007*, the City of Logan Planning Commission *conditionally approved PC #07-005, Capitol Building Supply/Raymonds Commercial Subdivision at 1000 W 200 N*, for a design review permit for commercial building supply office and storage area and a subdivision permit for a six lot subdivision on 10.16 acres in the Commercial General (CG) zone; TIN #05-062-0011, -0012, -0013, -0015. 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.

STANDARD CONDITIONS OF APPROVAL

All standard conditions of approval will be recorded with the Record of Decision and are available in the Community Development Department.

'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. The proponent shall submit a performance landscape plan that includes size, species, and quantity for all of the following:
 - a. Street trees shall be planted in the parkstrips at 30 foot centers along all streets; the City forester shall approve size and species.
 - b. A minimum 3 ½ foot berm with a mix of deciduous and evergreen trees and tall-growing year-round shrubs to provide a visual screen of the large open yard area. A solid decorative fence/wall can be substituted for the berm.
 - c. All other landscaping as shown on the preliminary landscape plan.
 2. The proponent shall receive a wetland 404 permit from the Army Corps of Engineers or a letter stating the wetlands are not jurisdictional prior to the final recordation of the plat. If it is determined the wetlands are jurisdictional the proponent shall submit a plan for mitigation prior to the recordation of the final plat. Additionally, the proponent shall submit proof that a 404 permit has been obtained or is not required for any construction on the site prior to the issuance of any permits or the installation of any infrastructure.
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3. UDOT permits for work in the right-of-way are required prior to any site work.
 4. No outdoor storage is permitted in this subdivision, since it is prohibited in the Commercial General zoning district.
 5. Any site lighting, decorative, accent, etc. shall be reviewed by staff prior to installation. All lighting shall be night-sky friendly.

6. 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. *Fire Department – contact Liz Hunsaker 716-9515*
 1. Will need to address fire flow and location of fire hydrants.
 2. Buildings may be required to have fire sprinkler and alarm systems.
 3. Will need to address fire department access and turnarounds.
 - b. *Public Works Department – contact Bill Young 716-9160*
 1. Dedicate ROW for 1100 West and 250 North (width to be worked out with City Engineer). 1100 West dedication to extend along the west side of Lots 3 and 4, and to be constructed along Lot 4.
 2. For all other standard Engineering comments related to this project, please see the Community Development Staff or Bill Young, City Engineer.
 - c. *Light and Power Department – contact Garth Turley 716-9741*
 1. Possible conflict with existing overhead power lines. Developer is responsible for all relocation costs.
 2. 10 foot public utility easement required along 1000 West and 200 North and 5 foot PUE along all other property lines.
 - d. *Environmental Compliance—contact Joshua May 716-9763*
 1. Wetland documentation needed.
 - e. *City Forester—contact Joe Archer 716-9749*
 1. All street trees must be approved as to size and species prior to planting/installation.
 - f. *GIS Administrator—contact Chuck Shaw 716-9171*
 1. The proponent shall submit a digital copy of the final plat in AutoCAD or ESRI compatible format (Preferably in ESRI compatible format), which is tied to at least two of the City's survey monuments, prior to the recordation of the final plat. Your digital copy can be e-mailed to cshaw@loganutah.org. For more information or for other options call Chuck Shaw at 435-716-9171.

FINDINGS FOR APPROVAL

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1. Capitol Building Materials Industrial Park 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. Capitol Building Materials Industrial Park 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 Design Review Permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
4. The location of the proposed parking to the side of the proposed structure is in compliance with the Design Review Guidelines (DRG 3.33).
5. Capitol Building Materials Industrial Park is compatible with surrounding land uses and will not interfere with the use of adjoining or area properties.
6. 1000 West, the street providing access and other infrastructure to the subject property, has adequate capacity, or a suitable level of service, for the proposed use.
7. As conditioned, the proposed use provides adequate, but not excessive off-street parking in conformance with Title 17 of the Logan Municipal Code.
8. The proposed/conditioned landscaping around the proposed structure and parking areas, as submitted, will provide some visual interest to the property.


9. The proposed project has been conditioned to comply with all applicable setbacks of the Land Development Code.

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 Gene Kartchner**, with a second by **Commissioner Maggie Hinckley**. The motion passed by a vote of **5, 0**.

This action will expire **one year** from the date of the **January 11, 2007** Planning Commission's action if all conditions have not been met and the final plat has not been recorded or a building permit has not been issued. If the project involves a subdivision, an extension of time must be requested in writing and received by the Director of Community Development prior to the expiration date. If the project involves a Conditional Use Permit or a Design Review Permit an extension of time may be granted by the Director of Community Development consistent with findings and requirements in Chapter 17.58 of the Logan Municipal Code. **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
JLN

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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 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 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 by:

A. Spencer Raymond, Property Owner of Capitol Building Supply/Raymonds Commercial Subdivision

Signed: A. Spencer Raymond
Print Name: A. SPENCER RAYMOND
Title: OWNER
Address: 462 NORTH MAIN
City/State/Zip: LOGAN, UTAH 84321
Date: 2/27/07

Legal Description 05-062-0011, -0012, -0013, -0015

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
255 NORTH MAIN STREET, LOGAN, UTAH 84321 • 435-716-9020 • FAX 435-716-9001

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, or as may be amended by the Planning Commission.

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. **Ent 938807 Rk 1452 Pg 796**
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.



DEPARTMENT OF COMMUNITY DEVELOPMENT

255 NORTH MAIN STREET, LOGAN, UTAH 84321 • 435-716-9020 FAX 435-716-9001

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. 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.
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. 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.
15. 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.
16. Prior to the submittal of the final plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.
17. The final plat map(s) shall be submitted with all owner, lien-holder, beneficiaries of easements, and public utility signatures appropriately notarized (where required) and affixed to the vellum or mylar. The City Engineer, upon approval of the final plat map, shall obtain necessary City signatures and shall cause the plat map to be recorded with the Cache County Recorder.
18. Prior to the submittal of the plat map, the Director of Community Development shall receive a copy of the deed covenants, conditions, or restrictions to be imposed upon the subdivision. Following approval of the covenants, conditions, and restrictions, the Director of Community Development shall forward the original copy to the City engineer for recordation with the plat map.
19. Existing irrigation rights shall not be negatively impacted by this project.

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