



Ent 819594 Bk 1217 Pg 72
 Date 3-Apr-2003 3:48PM Fee \$0.00
 Michael Bleed, Rec. - Filed By CL
Cache County, UT
 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 Icon Health & Fitness for consideration of a design review for a parking lot and a conditional use permit for outdoor truck storage on 2.67 acres in the Industrial (IND) zone. Assigned docket number 02-092, the matter was brought to the City of Logan Planning Commission on September 26, 2002.

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. 1600 South Park Avenue, 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 Icon Health & Fitness, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 29th day of MARCH, 2003

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

Attest:
Lois Price
 Lois Price
 Recorder, City of Logan

ORIGINAL



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

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DESIGN REVIEW AND CONDITIONAL USE PERMIT

At its meeting of *September 26, 2002*, the City of Logan Planning Commission *conditionally approved PC# 02-092, Icon Parking Lot at approx. 1600 South Park Avenue, for a design review for a parking lot and a conditional use permit for outdoor truck storage on 2.67 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 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.
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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 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. 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 Certificate of Occupancy a performance 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. Any existing irrigation rights shall remain intact and unimpaired by this project.

RECOMMENDED 'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. The proponent shall submit a performance landscape plan to the Department of Community Development. The plan shall be approved by the Department of Community Development prior to the commencement of any site work and shall include the following:
 - a. Street trees placed on 30' centers in the park strip. The City Forester shall determine the species;
 - b. Landscaping located within the 30 foot setback area between the property line and the pavement along Park Avenue including berming to screen the parking lot; and

- c. Landscaping located within the 10 foot setback area between the property line and the beginning of the parking area.
2. 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. *Logan City Light and Power – contact Garth Turley 716-9741*
 1. The developer shall provide a 10 foot public utility easement around all sides of the property. The developer shall also provide a 20 foot public utility easement (10 feet on either side) through southeast portion of the property to include the existing power line, which continues south to the roadway and turns southeast.
 - b. *Public Works Department – contact Ron Johnson 716-9161*
 1. The proponent shall provide on site detention for a ten year one hour storm and submit calculations.

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RECOMMENDED FINDINGS FOR APPROVAL

1. The Icon Parking Lot 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 Icon Parking Lot 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 Icon Parking Lot is compatible with existing land uses and zoning.
4. The design permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
5. The street providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.
6. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal 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 Eugene Kartchner**, with a second by **Commissioner John Kerr**. The motion passed by a vote of **4,0**.

This action will expire **one year** from the date of the **September 26, 2002** 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.

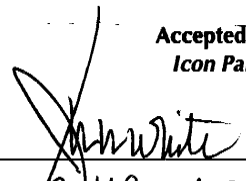
Attest:


 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 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:
Icon Parking Lot, by


 Title Sr V.P. of Mfg
 Date 10/29/2002

Attachment: Copy of Legal Description, 02-083-0006

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

020830006, BEG W 116.07 FT & N 27.68 FT FRM E/4 COR SE/4 SEC 8 T 11N R 1E &
TH N 47°53'53" W 623.53 FT TO S LN OF 1600 S ST TH ALG ST N 89°4'31" E 144.79 FT
TH ALG CURVE TO LEFT 204.34 FT TH N 79°24'16" E 79.71 FT TH ALG CURVE TO RIGHT
31.42 FT TO W LN OF PARK AVENUE TH S 10°35'44" E 237.83 FT TH ALG CURVE TO LEFT
136.91 FT TH S 46°31' W 117.96 FT TO BEG 2.65 AC BEING PT OF LT 4 LOGAN RIVER
BUSINESS PARK..

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