



Ent 824904 .Bk 1228 Pg 749  
Date 15-May-2003 2:20PM 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 Cory Andersen for consideration of a design review for an office/warehouse and a 20 lot subdivision on 4.1 acres in the Commercial General (CG) zone. Assigned docket number 02-102, the matter was brought to the City of Logan Planning Commission on October 24, 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. 300 North 1000 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 Cory Andersen, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 12<sup>th</sup> day of May, 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, SUBDIVISION & BOUNDARY LINE ADJUSTMENT

At its meeting of *October 24, 2002*, the City of Logan Planning Commission *conditionally approved* PC# 02-102, *Pinehurst Office/Warehouse at approx. 300 North 1000 West*, for a design review for an office/warehouse and a 20 lot subdivision on 4.1 acres in the Commercial General (CG) 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.
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.  
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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 submittal of the final plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.
15. 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.
16. 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.
17. The final plat map shall include the following information in the "Planning Commission approval" certificate: "This subdivision, entered into City Records as Planning Commission Docket #02-102 was heard before the Commission in a public hearing on the 24th day of October, 2002, and was approved in substantial conformance with the requirements and design show upon this plat map. Signed, Jay L. Nielson, AICP, Director of Community Development." The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.
18. Prior to the submittal of the final plat, the City Engineer shall receive an executed original copy of the Development Agreement for the subdivision.
19. All landscaping shall be in place prior to use or the issuance of a building permit, the Department 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.

20. Any existing irrigation rights shall remain intact and unimpaired by this project.

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

1. A performance landscape plan shall be submitted to the Department of Community Development for approval prior to the issuance of a building permit. The plans shall include street trees planted on 30 foot centers in an eight foot park strip along all 1000 West Street. Street trees planted on 30 foot centers behind the sidewalk on 950 West Street. The proponent shall contact the city forester to determine the street tree species. The performance landscape plan shall also include additional landscaping along the north and south property lines, which breaks up the mass of the building and berming with landscaping along 950 and 1000 West Streets.
2. The proponent shall obtain a sign permit before any signs are placed on site.
3. The proponent shall submit new east and west side elevations for approval by the Department of Community Development prior to the issuance of a building permit that show the canopy extending the entire length of the east/west walls and additional windows along the east/west sides.
4. The proponent shall submit new north and south side elevations for approval by the Department of Community Development prior to the issuance of a building permit that show additional architectural features such as windows or varied roof forms.
5. 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:

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- a. *Fire Department – contact Liz Hunsaker 716-9515*
  1. Fire hydrants shall be addressed.
- b. *Environmental Health Division – contact Steve Larsen 716-9760*
  1. The proponent shall see the City Standards manual for refuse dumpster enclosure requirements or contact our office for design approval.
  2. The proponent shall allow space for recycling containers if they are desired.
- c. *Public Works Department – contact Ron Johnson 716-9161*
  1. The curb shall be cut rather than a radius corner.
  2. The proponent shall ensure a 100 foot right of way is maintained along 1000 West Street.
  3. The proponent shall provide on-site storm water detention of a 10 year 1 hour storm and submit calculations.
- d. *Permits and Compliance Division – contact Lynn Miller*
  1. The proponent shall provide backflow for the irrigation system.
- e. *Light and Power Department – contact Garth Turley 716-9741*
  1. A 10 foot public utility easement shall be included around all sides of the property.
  2. The proponent shall contact LCL&P for Developer's responsibilities. Contact Garth Turley, 716-9741 for electrical layout and transformer site location and other clarifications.

**RECOMMENDED FINDINGS FOR APPROVAL**

1. Pinehurst Office/Warehouse 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. Pinehurst Office/Warehouse t 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. Pinehurst Office/Warehouse is compatible with existing land uses and zoning.
4. Pinehurst Office/Warehouse is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. Access to City streets are designed to be constructed in conformance with City Standards and Specifications.
6. The design permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
7. Pinehurst Office/Warehouse will result in development of a project that will enhance or maintain the neighborhood.
8. The streets providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.
9. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal Code.
10. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission.
11. Approval of the subdivision conforms to the requirements of Utah law.

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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 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 **October 24, 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.

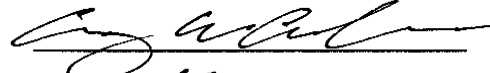
Attest:

  
Jay L. Nielson, AICP  
Director of Community Development

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.

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Accepted and agreed:

Pinehurst Office/Warehouse, by



Title Manager

Date: 4-15-03

Attachment: Copy of Legal Description, 05-094-0007, 0008, 0009, 05-062-0003

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

050940007, LOT 7 COPPER SPRINGS 3 COMMERCIAL PARK CONT 1.0 AC

050940008, LOT 8 COPPER SPRINGS 3 COMMERCIAL PARK CONT 1.0 AC

050940009, LOT 9 COPPER SPRINGS 3 COMMERCIAL PARK CONT 1.0 AC

050620003, BEG 18.28 CHS W OF A PT 4.10 CHS S OF A PT 6.29 CHS W OF SE COR OF NE/4  
SEC 32 12N R 1E N 492.28 FT W 1.47 CHS S 492.28 FT E 1.47 CHS TO BEG LESS THAT PORTION  
CONVEYED TO CACHE CO 1.10 AC

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