

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 design review permit for a new restaurant on 16.66 acres in the Multi-Family Medium (MFM) zone. TIN #03-006-0007 Assigned docket number PC #05-077, the matter was brought to the City of Logan Planning Commission on October 27, 2005.

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, 1903 South 800 West, is more particularly described in the document attached as Exhibit B, Legal Description.

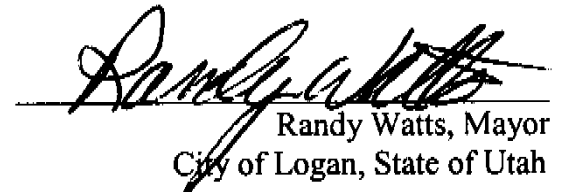
The Official Records of the Planning Commission are maintained in the Office of the Department of Community Development, City of Logan.

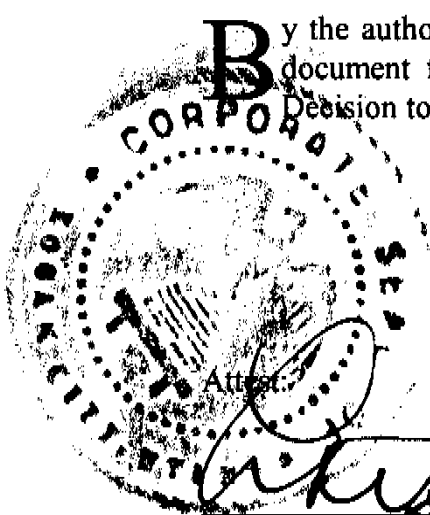

This decision runs with the land. If issued for a design review permit, conditional use permit, variance, or other construction permit, construction is required to commence within an established time frame set forth in Titles 16 and 17, Logan Municipal Code, that initiates with the action of the Planning 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 7 day of NOV, 06.


Randy Watts, Mayor
City of Logan, State of Utah



Lois Price
Recorder, City of Logan

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Date 9-Nov-2006 1:09PM Fee \$0.00
Michael Gleed, Rec. - Filed By SP
Cache County, UT
For CITY OF LOGAN

ORIGINAL₂



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

DESIGN REVIEW PERMIT

At its meeting of *October 27, 2005*, the City of Logan Planning Commission *conditionally approved PC #05-077, The Hangout Restaurant at 1903 South 800 West*, for a design review permit for a new restaurant on 16.66 acres in the Multi-Family Medium (MFM) zone. TIN #03-006-0007. 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

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 is 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 the City issues a Certificate of Occupancy.

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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 a City right-of-way or the 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 approval 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 according to the requirements of the City of Logan, 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. All signs shall receive a permit from the Department of Community Development before being placed on site.
15. Prior to the issuance of a building permit, a detailed performance landscaping plan shall be submitted and approved by the Department of Community Development including the common and botanical names of all species.
16. 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 required to be installed between November 1 of one year and May 1 of the following year may be approved 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.
17. Existing water rights shall not be negatively impacted by this project.

'SITE SPECIFIC' CONDITIONS OF APPROVAL

1. The proponent shall install curb, gutter, and sidewalk, along the complete frontage of the Fun Center along 800 West. The improvements shall conform to City Standards and Specifications.
2. The proposed service drive will be equipped and perpetually operated with an electronic service gate sufficiently back from the roadway to allow all service vehicles to stop at the gate without protruding into the travel of 800 West.
3. The proponent shall obtain a sign permit prior to the installation of any signs.
4. Prior to the issuance of a building permit, a new site plan shall be submitted to the Department of Community Development for approval that includes required parking designated for the restaurant and a signed cross access agreement between the Family Fund Center and the proprietors of the restaurant delineating the maintenance, access, and other issues pertinent to the continued operation of both entities.

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5. The proponent shall submit a performance landscaping plan with plant quantity and species to the Department of Community Development for approval prior to issuance of building permits. The plan should include street trees on 30-foot centers in an eight-foot park strip along the complete frontage of the Fun Center along 800 West. The City Forester shall determine the species. It should also include trees and shrubs around the building. Screen planting shall be included to significantly reduce visibility of the service area against 800 West.
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. This building shall install fire sprinklers.
 2. The proponent shall address fire hydrants.
 - b. *Light and Power Department — contact Garth Turley 716-9741*
 1. Currently, electrical service for this site is located on the west side of S & S Family Fun Center. The developer shall be responsible for all costs to extend service to restaurant.
 - c. *Engineering — contact Bill Young 716-9160*
 1. The proponent shall install curb, gutter and sidewalk along the west frontage of 800 West.
 2. The proponent shall install curb markers on curb for water and sewer service lines.
 3. Water shares necessary to support the new development shall be deeded to Logan City in accordance with paragraph 17.36.150 of the Land Development Code.
 4. Each lot/unit shall have its own water and sewer hookups, unless water service is by a master meter.
 5. The proponent shall provide Public Works with the maximum daily sewer flows from the development at total build out.
 6. The proponent shall provide Public Works with water flow requirements for meter(s) sizing.
 7. The proponent shall provide storm water detention for a 100 year one hour storm. Calculations must be submitted and the location and size of orifice for storm water release must be shown along with the route discharged storm water will take to the City drainage system.
 8. The proponent shall provide Storm Water Pollution Prevention Plan for entire construction site.
 9. Based on recent comments by canal companies at annual meetings approval for storm water discharge to irrigation canals or irrigation ditches may be required.
 10. The proponent shall construct pavement between new curb and gutter and existing pavement in such a manner as to ensure drainage from road center line to toe of curb without ponding.
 11. The proponent shall construct curb, gutter, and sidewalk in accordance with City standards and specifications.
 12. Only one access per 300 feet of frontage is permitted.
 13. The proponent shall provide a Development Agreement and surety of 110% of infrastructure and storm water improvements, 10% of which will be held for a 2 year warranty period from time of acceptance by City.
 14. The proponent shall address all issues associated with property hazards. These include but are not limited to wetlands, high water table, soil liquefaction, flood plain and steep slope.

15. Utah requires a construction water discharge permit if water will discharge into waters of the state. The proponent shall provide the City a copy of this permit and associated documentation, if required, for City files.
- d. *Environmental Division—contact Steve Larsen 716-9760*
 1. No parking is allowed in front of the dumpster enclosure. A 50 foot unobstructed straight approach to the dumpster is required to ensure refuse will be collected.
 - e. *Permits and Compliance Division — contact Lynn Miller 716-9286*
 1. The proponent shall install a grease interceptor for pretreatment and backflow for the main building line and irrigation system. Contact Lynn Miller for sizing requirements.
 - f. *Geographic Information Systems Division – contact Chuck Shaw 716-9171*
 1. The proponent shall submit a digital copy of 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 issuance of a building permit.

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 (providing adequate but not excessive parking), the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.
3. The proposed project is compatible with existing land uses and zoning and enhances the character of the neighborhood.
4. The design review permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.
5. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
6. Main Street, 2500 North, and 2400 North, the streets providing access and other infrastructure to the subject property, have adequate capacity, or suitable levels of service, for the proposed use.
7. 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 Becky Morgan**, with a second by **Commissioner Paul Morgan**. The motion passed by a vote of **6, 0**.

This action will expire **one year** from the date of the **October 27, 2005** 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 *JLN*
 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 the Department of Community Development has issued a Building Permit. 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:
The Hangout Restaurant, by

Signed: _____
Print Name: _____
Title: _____
Address: _____
City/State/Zip: _____
Date: _____

Legal Description 03-006-0007

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

030060007, 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

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