CONDITIONAL USE PERMIT LIST OF CONDITIONS FOR THE FAMILY DOLLAR STOR PROJECT

Description of Project

The property upon which the Family Dollar Store ("the Project") will be located is a 1.05 acre parcel described as Assessor's Parcel Number I-SB-76-A ("the Property") and is located on the southeast corner of 400 South and 200 East. The Property is owned by T & N Ivins LLC, a Utah Limited Liability Company ("Owner" \"). The Application for Conditional Use Permit was submitted by T & N Properties LC, a Utah Limited Liability Company ("Applicant").

As stated in Applicant's Narrative submitted as part of the Application for Conditional Use Permit, Applicant is a contractor for Family Dollar Stores, Inc. and proposes to construct a new 8,000 square foot retail store on the Property. The store will be located on the Southerly side of the Property and face North with parking on the North side of the store front. The Project will be constructed in a single phase and will take from 90 – 120 days to complete. The Project will consist of two parallel schedules of construction. The Building Schedule will begin first and will consist of constructing the foundation and framing up of the building. At that point, the Site Work Schedule will begin with installing the site utilities, then onsite concrete and paving, along with the required off-site improvements along 200 East and 400 South streets.

Standard Conditions

1. The Project shall comply with the Ivins City Standard Specifications for Design and Construction.

2. The Project shall comply with all applicable requirements of the Ivins City Zoning Ordinance (Title 16 of the Ivins City Code), particularly chapters 11 (General Development Standards), 12 (Supplementary Development Standards), 19 (Site Plan and Building Design Requirements), 20 (Off Street Parking and Loading), 21 (Signs), 22 (Landscaping and Outdoor Lighting), and 26 (Building Code and Building Permits).

3. The Project shall comply with all applicable Building and Construction Codes as adopted by Ivins City in Title 14 of the Ivins City Code.

4. Before any grading begins or is allowed on the Property, a Grading Permit must first be obtained from the Ivins City Public Works Department and all conditions thereof must be strictly followed and complied with throughout the duration of such permit.

5. The Project must comply with all City Master Plans, including Transportation, Culinary Water, Secondary Water (Irrigation), Sewer, Storm Drain, Parks and Public Safety.

6. Applicant shall pay the City all applicable Impact Fees, unless some credit therefore is expressly set forth in Conditions Specific to this Project.

Conditions Specific to this Project

1. Incorporation of Presentation Materials. Owner/Applicant provided the Planning Commission and City Council with a set of Improvement Plans dated August 24, 2014 (which included a Site Plan, Grading Plan, Utility Plan, Landscape Plan, and Detail Sheets) as recently supplemented with the attached Elevations, Floor Plan, Signage Plans, and Electrical Site Light Plan (hereinafter collectively referred to as "Presentation Materials") which are all incorporated herein by this reference. The Presentation Materials contain Owner/Applicant's representations to the Planning Commission, City Council and the public about what the Project will look like and what it will consist of. The Planning Commission relied upon the representations made in the Presentations Materials in making its recommendation to the City Council and the City Council relied upon the representations made in the Presentation Materials in granting a Conditional Use Permit for the Project. Except as modified by conditions expressly set forth herein, the Project shall be constructed in substantial compliance with the Presentation Materials, including the materials and colors represented therein.

2. Off-Site Improvements to 200 East / On-Site Detention. The Project is allowed to provide off-site improvements on 200 East to connect curb and gutter to where it exists in front of Lightfoots. If Applicant elects to do these off-site improvements to 200 East, Applicant will be entitled to a credit against street impact fees for the money actually spent on installing those off-site improvements. Applicant must provide the City with approved construction drawings for such off-sight 200 East improvements. Once the City Engineer has had the opportunity to review accurate drainage studies for the Project, some on-site detention of storm water might still be required. If Applicant elects not to do such 200 East off-site improvements, then on-site storm water detention will definitely be required and credits toward street impact fees will not be given.

3. Perimeter Walls. Ivins City requires commercial projects to install a six foot (6') block wall between the project and adjoining residential property. Since Applicant proposed to raise the rear of the Property will fill dirt, then a retaining wall is required on the Property to retain all fill dirt, with the required six foot (6') block wall on top of that. Applicant may negotiate with adjoining residents and could agree to replace, or add to, their existing walls up to a height agreed upon with the adjoining resident. In any event, however, any fill dirt must be retained by a retaining wall so as not to damage an adjoin resident's current wall.

4. Sewer. Sewer must be extended to the manhole located on 500 South Street.

5. Curb, Gutter & Sidewalk. The existing curb, gutter and sidewalk adjacent to the Project on 400 South and 200 East must all be replaced since it does not meet City standards. All sidewalks shall be five feet (5') wide, with the exception of the most eastern portion of the sidewalk on 400 South which may be tapered to meeting existing sidewalk at the Project's northeastern boundary.

6. Street Pavement. The pavement on 200 East must be patched with asphalt between the new gutter and the existing pavement. Applicant must perform core sampling of 400 South to determine if the existing street was paved with the required amount of asphalt or if it is a chip seal covered with a slurry. If it is asphalt, then a patch between the new curb and existing asphalt will be sufficient as with 200 East. If it chip seal, then for the required minimum road width the chip seal must be replaced with asphalt.

7. Power Pole. The power pole at the northeast corner of the Property must be removed and the power run underground to the next closest power pole to the east on 400 South.

8. Painted Exterior Doors. Applicant shall paint all exterior doors and frames to a color that matches or at least blends with the exterior building color.

9. Roof Color. The roof membrane, including any other visible items on the roof, shall be colored to blend with building colors. In no event shall any such materials be white.

Recordation

This List of Conditions shall run with the land, and shall be binding upon all heirs, successors and assigns of the Owner (and the term "Owner", as used herein, shall include all such successors and assigns). This List of Conditions shall not be recorded in the Office of the Washington County Recorder, but the City or the Owner may record a notice of the existence of the Conditional Use Permit for the Project, advising interested third parties that additional information regarding the CUP and this List of Conditions may be obtained from Ivins City, and including the appropriate contact information for the City.

Breach of Conditions

Any failure of the Owner to comply with any of the foregoing conditions shall entitle the City to withhold further permits for the Project until such conditions have been fully satisfied, modified by the City Council, or the City Council accepts a detailed plan to remedy the breach of the condition. This would be in addition to any other legal or equitable remedies the City may have.