

RESOLUTION NO. 05 - 2011

**RESOLUTION APPROVING A TIME LIMIT EXTENSION FOR THE
PRELIMINARY DEVELOPMENT PLAN PREVIOUSLY APPROVED FOR
CASE #01-08 THE OAKS OF WEST CHESTER TO RHEIN GUNDLER LLC**

WHEREAS, on July 8, 2008, the West Chester Township Board of Trustees approved a Zoning Map Amendment for 85.011 acres of land from "A-1" to "R-PUD" and simultaneous Preliminary Development Plan approval for a 114 single-family residential lot subdivision with a clubhouse, pool and reserved open space areas (Trustee Resolution 20-2008); and,

WHEREAS, the West Chester Zoning Resolution specifies that the approval of a Preliminary Development Plan shall expire after three years if construction is not started on the first section; and,

WHEREAS, a letter was submitted by Bob Garlock requesting a three-year extension for the Preliminary Development Plan that was approved on July 8, 2008, which would commence on July 8, 2011. Mr. Garlock cited the present state of the economy and the market conditions for housing preventing the accomplishment of the previously approved plan within the allowed time limits. No changes are proposed to the plan; and,

WHEREAS, on January 24, 2011, the West Chester Township Zoning Commission conducted a public hearing for said Preliminary Development Plan Time Limit Extension and recommended approval of the proposed request for a two year extension (not the requested three year extension); and,

WHEREAS, by advertisement, a public hearing for the aforesaid Preliminary Development Plan Time Limit Extension was conducted before the West Chester Township Board of Trustees on March 8, 2011 as applied for by Bob Garlock, on behalf of Rhein Gundler LLC; and,

WHEREAS, all those present for the hearing who wished to be heard voiced their opinions with respect thereto.

NOW THEREFORE, BE IT RESOLVED that on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby modify the recommendation of approval of the West Chester Township Zoning Commission and does hereby approve the proposed Time Limit Extension for the previously approved Preliminary Development Plan for the aforesaid application with the following conditions:

SECTION 1. The Preliminary Development Plan that was approved on July 8, 2008, shall not expire on July 8, 2011. Instead, the time limit for the Preliminary Development Plan shall be extended an additional three years to July 8, 2014.

SECTION 2. No changes to the Preliminary Development Plan are approved with this Resolution and all conditions of approval as stated in Trustee Resolution 20-2008 shall apply.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated into this approval.

Adopted this 22nd day of March, 2011.

<u>Catherine Stoker</u> Catherine Stoker, President	<u>YES</u> Yes / No
<u>Lee Wong</u> Lee Wong, Vice President	<u>Yes</u> Yes / No
<u>George Lang</u> George Lang, Trustee	<u>YES</u> Yes / No

ATTEST:

Patricia Williams
Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:

Donald L. Crain
Donald L. Crain, Law Director