

RESOLUTION NO. 29 - 2010

**RESOLUTION APPROVING A ZONING MAP AMENDMENT FROM
"R-1A" TO "SP-PUD" AND PRELIMINARY DEVELOPMENT PLAN
FOR CASE #ZMA 03-10 WEST CHESTER ACTIVITY CENTER**

WHEREAS, on October 12, 2010, an application (ZMA Case 03-10) was submitted to the West Chester Township Zoning Commission by Evan Eagle, on behalf of Partners in Prime, for a Zoning Map Amendment for 3.6 acres of land from "Suburban Residence District" (R-1A) to "Special Purpose Planned Unit Development" (SP-PUD) and simultaneous Preliminary Development Plan approval for an activity center and a commercial tenant space; and,

WHEREAS, the subject property is owned by West Chester Township and being leased and operated by Partners in Prime as an activity center; and,

WHEREAS, on November 9, 2010, the Butler County Planning Commission conducted a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the proposed request; and,

WHEREAS, on November 15, 2010, the West Chester Township Zoning Commission conducted a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the proposed request with conditions; and,

WHEREAS, by advertisement, a public hearing for the aforesaid Zoning Map Amendment and Preliminary Development Plan was conducted before the West Chester Township Board of Trustees on December 7, 2010 as applied for by Evan Eagle, on behalf of Partners in Prime; 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 concur with the recommendation of approval of the West Chester Township Zoning Commission and does hereby approve the proposed Zoning Map Amendment from "R-1A" to "SP-PUD" and Preliminary Development Plan for the aforesaid application with the following conditions:

SECTION 1. Permitted Uses shall be limited to Section 18.027 of the O-1 District, which shall specifically include an activity center. In addition, the following uses of the O-1 and O-2 Districts (as modified by this Resolution) shall be permitted and limited to the 3,015 sq. ft. interior tenant space as it is shown on the approved plan: 18.021, 18.022, 18.023 (including adult day care centers), 18.025, 18.026 (including for profit schools and learning centers), 18.027, 19.026. Furthermore, any use that involves the sale of retail goods or products to customers may be permitted in the 3,015 sq. ft. interior tenant space, which may include restaurants, drug stores, barber and beauty shops, gift shops, medical device shops, arts and crafts users, or other compatible retail or service providers. Limited retail sales (bake sales, arts and craft sales, etc.) and program related services (daily meals, barber, beauty, manicure, massage, health screenings, etc.) may be permitted in the entire building if they are incidental and integral to the principally permitted activity center use.

SECTION 2. At the Final Development Plan stage, detailed building elevations shall be provided illustrating any changes that are proposed, including the new entrance for the tenant space.

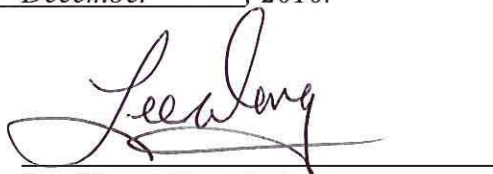
SECTION 3. A Final Development Plan shall be required for future exterior uses, such as the storage shed, picnic shelter soccer field, etc. At that time, details shall be provided for each improvement/use.

SECTION 4. One freestanding sign may be permitted, which shall be limited to 48 sq. ft. in size, 8' in height and shall be setback a minimum of 10' from the right-of-way. Building signage shall be limited to 8% of the front building elevation, which may be distributed between the principal use and the tenant. A building sign for the tenant may be allowed on the front elevation that faces Cox Road if desired. Any signage illustrated on the plan shall only be approved if it is consistent with the aforementioned requirements.

SECTION 5. The storage shed shall be located in the "alternate location" at the rear of the property by the existing garbage dumpsters and not in the location south of the building. The Final Development Plan that includes the shed shall reflect this accordingly.

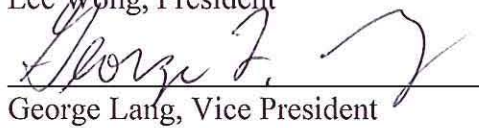
BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated into this approval.

Adopted this 21st day of December, 2010.



Lee Wong, President

Yes
Yes / No



George Lang, Vice President

YES
Yes / No



Catherine Stoker, Trustee

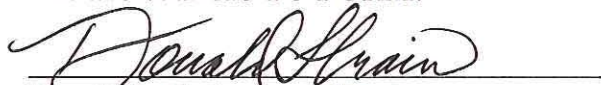
YES
Yes / No

ATTEST:



Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director