

**SUGARCREEK TOWNSHIP  
RESOLUTION NO. 2016.10.17.04**

IN RE: Approval of the Preliminary Development Plan for parcel L32000100010011900,  
5.4165 Acres with location as part of 4990 Wilmington Pike

WHEREAS, Craig Fanning has submitted an application for the approval of the Preliminary Development Plan under Article 5 of the Sugarcreek Township Zoning Resolution for the Magic Castle site. The subject property contains 5.4165 total acres, identified as parcel L32000100010011900, with location as part of 4990 Wilmington Pike; and,

WHEREAS, the Greene County Regional Planning and Coordinating Commission has reviewed the applicant's request and has recommended that it be considered for approval; and,

WHEREAS, the Sugarcreek Township Zoning Commission held a Public Hearing on October 4, 2016, deliberated on the application, and has recommended approval of the Preliminary Development Plan for the Magic Castle site, subject to the following conditions:

1. The Preliminary Plan, upon approval by the Township Trustees, shall become the Final Plan governing use of the property.
2. Any conditions attached to the Preliminary Plan shall also attach to the Final Plan.
3. The batting cage facility shall close no later than 10 p.m.
4. The entire Family Game Center (miniature golf, inside amusement) shall close no later than 10 p.m. on Sunday-Thursday and no later than 11 p.m. on Friday and Saturday.
5. Special events that take place outside of normal operating hours (after proms, etc.) may be approved by the Director of Planning and Zoning on a case by case basis.
6. The 5,000 SF Proposed Office may be approved and used for office use via the Zoning Certificate approval process without additional BZC or Trustee oversight.
7. Any deviations from the approved plan shall be subject to the PUD modification process outlined in the Sugarcreek Township Zoning Resolution.
8. The applicant shall dedicate right-of-way (30' total from centerline is proposed but right-of-way will be set no closer than 1' from any existing improvements based on an as built survey).
9. All exterior lights will be turned off when the business is closed.
10. The following uses will not be prohibited should redevelopment of the site be proposed in the future and a revised Preliminary Development Plan be submitted for approval:
  - a. Automotive Body Repair, Automotive Fuel Sales, Automotive Sales or Rental, Automotive Service or Repair, Automotive Washing Facility, Restaurant Fast-Food, Drive Through Facility and Motel.

WHEREAS, the Sugarcreek Township Board of Trustees held a Public Hearing on October 17, 2016, and deliberated on the application.

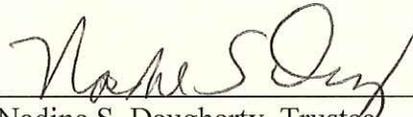
NOW THEREFORE BE IT RESOLVED, that this Board of Trustees does hereby approve the Preliminary Development Plan for the Magic Castle site with no changes to the conditions recommended by the Zoning Commission.



Michael E. Pittman, Chairperson



Carolyn L. Stefani, Vice Chairperson



Nadine S. Daugherty, Trustee



Theodore L. Hodson, Fiscal Officer