

**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2018.01.03.04**

IN RE: ZC Case 10-2017: Approval of the major modification to the approved revised preliminary plan for the Magic Castle site

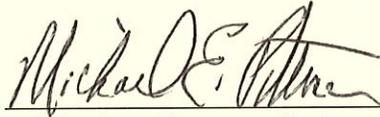
WHEREAS, Guttman Development Group, is requesting a major modification to an approved preliminary development plan under Article 5 of the Sugar creek Township Zoning Resolution for approval of a revised preliminary plan for the Magic Castle site; and,

WHEREAS, the Sugar creek Township Zoning Commission held a public hearing on December 5, 2017 deliberated on the application and made a recommendation that the major modification to the approved preliminary development plan be approved, subject to the following conditions:

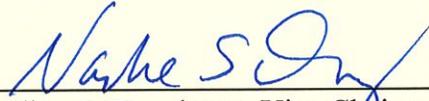
1. The Preliminary Plan, upon approval by the Township Trustees, shall become the Final Plan governing use of the property.
2. A landscaping plan for the Magic Castle parking area and open space area adjacent to Brown Road and the proposed private drive shall be required to be submitted for approval concurrently with the Final Development Plan for the adjacent multi-family site.
3. The plan shall be updated to meet the requirements of Section 10.08 regarding interior landscaping for parking areas and allow a maximum of 100 parking spaces.
4. The spaces along the main drive aisle within 30' of the right-of-way line shall be eliminated.
5. Any conditions attached to the Preliminary Plan shall also attach to the Final Plan.
6. The batting cage facility shall close no later than 10 p.m.
7. 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.
8. 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.
9. Any deviations from the approved plan shall be subject to the PUD modification process outlined in the Sugar creek Township Zoning Resolution.
10. 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).
11. All exterior lights will be turned off when the business is closed.
12. An access easement shall be provided over the private drive serving the proposed multi-family development to the north or the area deeded off fee simple to the multi-family property owner.
13. The following uses will 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 January 3, 2018, and deliberated on the application,

NOW THEREFORE BE IT RESOLVED, that this Board of Trustees does hereby approve a major modification to the approved preliminary development plan under Article 5 of the Sugarcreek Township Zoning Resolution for approval of a revised preliminary plan for the Magic Castle site subject to the conditions recommended by the Zoning Commission.



Michael E. Pittman, Chairperson



Nadine S. Daugherty, Vice Chairperson



Carolyn L. Destefani, Trustee



Theodore L. Hodson, Fiscal Officer