

RESOLUTION NO. 2008-25

A RESOLUTION OF HOPEWELL TOWNSHIP, A FIRST CLASS TOWNSHIP OF THE COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA PROVIDING THE FINDINGS OF FACT, CONCLUSIONS AND DECISION OF THE BOARD OF COMMISSIONERS FOR THE TOWNSHIP OF HOPEWELL ON THE CONDITIONAL USE APPLICATION OF FIVE POINTS VETERINARY CLINIC AS PREPARED AND SUBMITTED BY RICHARD L. BELL AND PRESENTED AT THE PUBLIC HEARING HELD ON APRIL 28, 2008

CONDITIONAL USE APPROVAL WITH CONDITIONS

WHEREAS, Richard L. Bell, BSMS, DVM, of Five Points Veterinary Clinic, with an address listed as 2057 Brodhead Road, Aliquippa, PA 15001 (hereinafter referred to as "Applicant") has proposed to expand an existing veterinary practice located at 2057 Brodhead Road, Aliquippa, PA 15001, Tax Parcel No. 65-020-0709.000-01-1, located in the C-1 Commercial Highway District pursuant to the Hopewell Township Zoning Ordinance, Article XXIII, Section 3, BB (addressing expansion and/or establishment of an animal crematorium facility), and the general criteria for conditional uses of the Township of Hopewell; and

WHEREAS, on September 17, 2008 Applicant made a conditional use application pursuant to and in accordance with the plans he submitted at a public hearing on April 28, 2008 at which time an Ordinance was considered and approved amending the Hopewell Township Zoning Ordinance to add animal crematorium facilities as conditional uses in the C-1 Commercial Highway District and providing criteria and standards for animal crematorium facilities in said district; and

WHEREAS, pursuant to public notice and advertisement in the Beaver County Times, the Board of Commissioners for Hopewell Township held a public hearing at the Hopewell Municipal Building on April 28, 2008 to consider and hear comments on the Ordinance Amendment and all affected nearby property owners were notified to attend and be heard; and

WHEREAS, the Applicant, per his request dated September 17, 2008 (attached hereto and marked as Exhibit "A") requested that his conditional use request be considered by the Board of Commissioners for Hopewell Township based upon the evidence and plans presented at the Ordinance Amendment hearing on April 28, 2008 at which time Applicant submitted all of the details of his proposed conditional use (the transcript of the hearing is attached hereto and marked as Exhibit "B" and the plans for the crematorium facility are attached hereto and marked as Exhibit "C"); and

WHEREAS, this Resolution shall constitute the written decision of the Board of Commissioners for Hopewell Township on the above-referenced conditional use application pursuant to the aforementioned Hopewell Township Zoning Ordinance provisions and the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, it is hereby resolved and decided by the Board of Commissioners of the Township of Hopewell as follows:

FINDINGS OF FACT AND CONCLUSIONS

A. Application.

The Applicant submitted a Conditional Use request on September 17th 2008 to operate an animal crematorium facility at his property at 2057 Brodhead Road, Aliquippa, PA 15001 which is the current site of Five Points Veterinary Clinic. In support of his conditional use request, Applicant relied entirely upon the evidence, reports and documentation submitted to Hopewell Township on April 28th, 2008 at a duly advertised public hearing to consider and approve an Ordinance Amendment to allow animal crematorium facilities as a conditional use in the C-1 District. At that hearing, Applicant submitted specific information relative to his proposed conditional use. This Ordinance Amendment was approved and adopted at the conclusion of the public hearing. *See Exhibits A, B and C attached hereto.*

B. Planning Commission.

The Hopewell Township Planning Commission reviewed the information submitted relative to the proposed Ordinance Amendment and recommended approval by letter dated April 28, 2008. The Beaver County Planning Commission reviewed the information submitted relative to the proposed Ordinance Amendment and voiced no objection per it's letter dated April 16, 2008.

C. Public Hearing.

A Public Hearing on the Ordinance Amendment which formed the basis for Applicant's current conditional use request was held on April 28, 2008 and was properly advertised pursuant to public notice requirements of the Pennsylvania Municipalities Planning Code. The potentially affected properties within 200 feet of the subject property were posted and some neighbors appeared and were heard at the public hearing. No objections to the proposed use were made by any affected neighbor.

D. Proposed Development.

- 1) Five Points Veterinary Clinic wishes to add animal crematorium facilities to its current veterinary clinic in accordance with the evidence submitted at the public Ordinance Amendment hearing held on April 28, 2008. *See Exhibits A, B and C attached hereto.*
- 2) The proposal is a practical expansion of the existing use that is consistent with Township ordinances, and makes provision for adequate light, air, traffic circulation, water and sewage.
- 3) The proposed expansion shall be serviced by existing public water with no need for further expansion of water or sewage facilities.
- 4) The proposed expansion complies with all standards and conditions of the Township Zoning Ordinance, specifically Article XXIII, and the Pennsylvania Municipalities Planning Code, except as may be specifically noted herein, and preserves the community development objectives which are set forth in both the Zoning Ordinance of the Township of Hopewell and the Hopewell Township Comprehensive Plan.
- 5) The proposed expansion has a beneficial relationship to the neighborhood in which it is proposed to be established and it is consistent with the character of the neighborhood and adjacent properties.
- 6) Based on the evidence of record, the proposed expansion, with the conditions herein imposed, meets the public interest of Hopewell Township as defined by Pennsylvania Act 247, as amended, the Pennsylvania Municipalities Planning Code.

E. Stormwater.

In that no excavation or soil movement is anticipated, existing stormwater provisions satisfy Township requirements for stormwater management.

F. Streets.

No streets are proposed by this expansion.

G. Public Safety

During its use of the facility, Applicant will not cause any conditions that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, or moral or general welfare of the community or to any other person or property in the Township of Hopewell.

H. Landscaping.

The Applicant shall provide and maintain landscaping sufficient to meet the requirements of the Hopewell Township Zoning Ordinance, Article XXIII, Section 2304, Section BB.

DECISION

The Board of Commissioners of the Township of Hopewell hereby grants Conditional Use Approval with the following Conditions for Five Points Veterinary Clinic in accordance with the Findings and Conclusions above as well as the plans, reports and studies prepared, submitted and presented at the Public Hearing held on April 28, 2008 all of which are incorporated herein with the same force and effect as though fully set forth at length:

A. Conditions of Approval.

The Applicant shall comply with all representations set forth in it's conditional use request, the Performance Standards set forth in Section 2217 of the Township Zoning Ordinance, the General Standards and Criteria for Conditional Uses set forth in Section 2300 of the Township Zoning Ordinance, the requirements for establishing an animal crematorium facility pursuant to Article XXIII, Section 2304, BB of the Township Zoning Ordinance, the Lot and Area Requirements set forth in Section 1204 of Article XII (C-1 District) of the Township Zoning Ordinance and the Applicant shall submit land development plans for the proposed building construction to the Township of Hopewell prior to construction.

B. Developer's Agreement.

No Developer's Agreement shall be required for this proposed expansion due to the limited nature of the project

C. Compliance.

All conditions of the Pennsylvania Municipalities Planning Code, this Conditional Use Approval with Conditions, all ordinances of the Township of Hopewell and laws of the Commonwealth of Pennsylvania shall consistently be complied with during the construction of the expansion and the operation of the facility, except as is specifically noted herein.

D. Density.

The total expansion of the use shall be as submitted by the Applicant.

E. Phasing.

The expansion will be constructed in one (1) phase. The Applicant shall submit Final Land Development Plans within one (1) year of execution of this Conditional Use Approval. Revisions of this timing schedule will be at the discretion of the Township and may require separate action by the Board of Commissioners.

F. Utilities.

The proposed expansion shall be serviced by existing public water with no need for further expansion of water or sewage facilities.

- 1) The Applicant, prior to or as a part of the Final Land Development plan submittal, shall submit to Hopewell Township all required plans, specifications, permits, drawings, and signed easement agreements for any necessary off-site sewer and water line construction for review and approval.
- 2) All proposed utility lines and facilities shall be located underground.

G. Stormwater Management.

In that no excavation or soil movement is anticipated, existing stormwater provisions satisfy Township requirements for stormwater management.

H. Construction.

- 1) The Applicant shall comply with any restrictions regarding vehicular access to the premises by construction vehicles from certain public roads or portions thereof that the Township shall require or mandate.
- 2) The Applicant shall comply with and shall ensure compliance by all its contractors, subcontractors, and grantees with any and all restrictions of construction vehicles from Township roads or portions thereof. The Applicant shall be responsible to repair or reimburse the Township for any and all damages to Township roads or other property caused, directly or indirectly, by any construction activities related to the proposed expansion. All such repairs to Township roads shall be done to Township specifications in effect at the time such repairs are done. The Township reserves the right to require, as it deems necessary in its sole discretion,

the Applicant to post appropriate bonds to protect Township roads from potential damage during construction of the expansion.

- 3) The Applicant shall undertake no blasting operations in connection with the construction of the expansion without prior, written notice to the Township of Hopewell and the prior, written approval and receipt of all applicable permits from the Pennsylvania Department of Environmental Protection. All residents within the blast area are required to be notified by the Applicant per Pennsylvania DEP regulations.

I. Landscaping.

The Applicant shall provide and maintain landscaping sufficient to meet the requirements of the Hopewell Township Zoning Ordinance, Article XXIII, Section 2304, Section BB.

J. Permits.

Applicant and its assignees acknowledge that the Township of Hopewell may revoke any and all of its permits, refuse to issue additional permits of any kind relating to the proposed expansion, and additionally take any and all other legal or equitable remedies open to it should the Applicant violate in any way the terms and conditions of this Conditional Use Approval with Conditions or any other applicable local, state or federal law or regulation.

K. Conditional Use Approval.

This Conditional Use Approval with Conditions is granted to the Applicant as presented at the Public Hearing on April 28, 2008 and is non-transferrable and non-assignable to any other party or successor without the express written consent of the Township of Hopewell.

L. Terms.

The terms of this Conditional Use Approval with Conditions shall constitute Conditional Use Approval to Five Points Veterinary Clinic, as per the provisions of the Zoning Ordinance of the Township of Hopewell, the Pennsylvania Municipalities Planning Code and laws of the Commonwealth of Pennsylvania.

Resolution approved by the Board of Commissioners of the Township of Hopewell at their public meeting on 2008.

ATTEST:

TOWNSHIP OF HOPEWELL



Township Manager/Secretary

By: 

Chairman
Board of Commissioners

I, as Manager for the Township of Hopewell, County of Beaver, Commonwealth of Pennsylvania, certify that this document constitutes an official communication by the Hopewell Township Commissioners and accurately reflects their decision on the above-captioned matter which was voted on at a public meeting held on _____, 2008.




Gerald G. Orsini, Manager
Hopewell Township

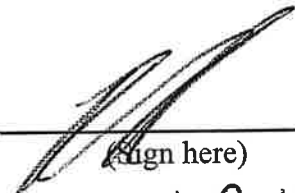
ACCEPTANCE BY APPLICANT OF THIS CONDITIONAL USE APPROVAL WITH CONDITIONS BY THE TOWNSHIP OF HOPEWELL FOR FIVE POPINTS VETERINARY CLINIC

I, Richard L. Bell, of Five Points Veterinary Clinic, in the Township of Hopewell acknowledge receipt of the foregoing Conditional Use Approval With Conditions and accepts all conditions contained herein on this 17 day of DECEMBER 2008.

ATTEST:



Corporate Secretary witness

By: 

(Sign here)
RICHARD L. BELL

(Print name here)
Richard L. Bell

(Applicant name)
Title: OWNER, PRESIDENT