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VIA E-MAIL AND FIRST CLASS MAIL
 (mbaumann@tredyffrin.org)

Mr. Matthew Baumann
 Director of Planning and Zoning
 Tredyffrin Township
 1100 Duportail Road
 Berwyn, PA 19312-1079

**Re: Zoning Opinion
 Linden Lane Station Square**

Dear Matt:

As you are aware, Saul Ewing LLP represents Linden Lane Capital Partners (“Linden Lane”) with respect to the proposed development of the property located at North Valley Road and East Central Avenue in Paoli. As we discussed with Township staff, Linden Lane proposes to develop the subject property with multi-family residential use in three buildings, with accompanying structured and surface parking.

The subject property is located within the Town Center District, as established pursuant to Article XVIII of the Tredyffrin Township Zoning Ordinance. Pursuant to Section 208-69, the subject property may be used for a variety of stand-alone as well as mixed uses. Such uses include, among others, multi-family dwellings, structured parking facility, public or private club or lodge, retail, office and professional services. Pursuant to Section 208-71, the Board of Supervisors may grant certain “zoning bonuses” through the conditional use process. In accordance with Subsection (d) of that section, additional height “up to a maximum of 56 feet for mixed use buildings” may be granted.

As we have discussed, Linden Lane desires to utilize the property for what it believes to be mixed use purposes. Specifically, in *each* building Linden Lane will include designated space that will be offered for rent to the general public, as well as residents of the property, for parties and/or other social and club use functions. In addition, each building will include rental space that will be openly marketed for office, personal service or retail use. The buildings, along with the publicly available rental/club space and office/retail space, shall be served by structured

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parking. Please note that the structured parking located on the property will be used to serve both residential uses as well as the public use of the rental space. While final design of the structured parking is not complete, each facility shall include non-reserved parking spaces that will be designed to accommodate the rental use in each building.

Based upon the foregoing, we believe that the collection of uses across the subject property meets the spirit and intent of the zoning ordinance with respect to zoning bonuses. We believe that each building will be used for "mixed use" purposes based upon the fact that each building shall have space publicly available space designated for as well as structured parking to serve both the public use as well as the residential use. Accordingly, we believe that each building should be considered a "mixed use" building as set forth in the Township Zoning Ordinance.

In accordance with Section 916.2 of the Pennsylvania Municipalities Code, we respectfully request a formal opinion from your office confirming that the proposed buildings on the subject property are, as described above, "mixed use buildings" for purposes of Section 208-71 of the Zoning Ordinance. Please be assured that we are aware that a positive determination from your office does not, in and of itself, entitle Linden Lane to any zoning bonuses as set forth in Section 208-71, but instead simply provides Linden Lane with the ability to seek the necessary conditional use approval to obtain such bonuses based upon the determination that the proposed uses for each building meet the qualifying criteria to establish each as a "mixed use building."

Should you have any questions or require additional information in order to render your opinion, please do not hesitate to contact me.

Very truly yours,

David J. Falcone

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