

**Before the Board of Supervisors of  
Tredyffrin Township,  
Chester County, Pennsylvania**

**IN RE** : **Application**  
**APPLICATION OF LINDEN LANE CAPITAL PARTNERS** : **C-01-2016**  
**FOR CONDITIONAL USE APPROVAL** :

**DECISION AND ORDER**

AND NOW, this 5<sup>th</sup> day of December, 2016, the Board of Supervisors of Tredyffrin Township hereby grants, subject to the conditions specified hereinbelow, the application of Linden Lane Capital Partners (“Applicant”) for conditional use approval made pursuant to §208-71 and Section 208-117 of the Tredyffrin Township Zoning Ordinance of 1939, as amended (the “Zoning Ordinance”) of the Code of the Township of Tredyffrin (the “Code”) for properties known as 37 N. Valley Road, 9 E. Central Avenue and 37 E. Central Avenue as identified by APN numbers 43-9L-213, 43-9M-92.1 and 43-9L-214 (collectively, the “Property”) and enters the following factual findings, conclusions and discussions of reasoning in support of the grant of the Application.

**I. Background of the Application**

By written application filed March 18, 2016 (the “Application”), Applicant requested approval by the Board of Supervisors of Tredyffrin Township (the “Board” and the “Township” respectively) for conditional use approval to authorize modification of the provisions and requirements of § [208-70B](#), [C](#) and [H](#) above regulating building lot area per dwelling unit, building footprint and building height. The Property is located in the Town Center District pursuant to the Zoning Ordinance (the “TCD”). The TCD, via §208-71, authorizes and enables the Board to grant certain zoning bonuses subject to a pending conditional use approval if, among other specified criteria, an application for development is deemed to be in compliance with the spirit of the Zoning Ordinance and the Tredyffrin Township Comprehensive Plan and advances the goals and objectives described therein.

The Applicant’s project, as presented in the Application and described in Applicant’s exhibits during the Conditional Use Hearing, contemplates the construction of three buildings, each containing four (4) floors, 153 residential apartment units divided among the three buildings, one unit in each building for office use, 151 garage/structured parking spaces with 151 surface parking spaces and additional features described more fully in the exhibits.

Additionally, the Application seeks conditional use approval pursuant to §208-71 and §208-117 (Conditional Uses) of the Code to benefit from the following zoning bonuses: a decrease in the maximum lot area per dwelling unit from 2,100 square feet to 1,800 square feet; an increase in the gross floor area of the ground floor from a maximum of 15,000 square feet up to a maximum of 18,500 square feet for the largest of the three buildings; and an increase in the maximum height of the buildings from 42 feet up to a maximum of 48 feet. The aforementioned zoning bonuses listed in §208-71.D are referred to herein collectively as the “TCD Zoning Bonuses.”

Notice of the scheduling of a public hearing beginning July 18, 2016 was published in the Daily Local News, a newspaper of general circulation in the Township, on June 29, 2016 and July 6, 2016. Notice of the hearing was posted conspicuously on the Property on June 30, 2016. Notice of the hearing was mailed to all required parties under §208-147 of the Zoning Ordinance on July 1, 2016.

On July 18, 2016, the hearing was duly commenced and conducted as advertised. The hearing was continued on the following dates: August 29, 2016, October 3, 2016, October 17, 2016 and November 1, 2016. At the conclusion of the hearing on November 1, 2016, the Board closed the record. On the date hereof, the Board is granting approval of the Application subject to the conditions set forth below.

The record in this matter consists of the transcribed notes of testimony taken at the public hearing conducted on the dates set forth in the prior paragraph, together with the documentary exhibits marked for identification and admitted into the record by the Board in Application No. C-01-13. This Decision and Order is promulgated pursuant to Zoning Ordinance §208-117.A. and the enabling provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10101 et seq. (the “MPC”).

## **II. Findings of Fact**

1. The Applicant is Linden Lane Capital Partners, the equitable owner of the Property.
2. The Property is situated in the Town Center District as defined in the Zoning Ordinance.
3. On March 18, 2016, the Applicant filed the Application to secure the TCD Zoning Bonuses described in §208-71 in connection with Applicant’s plan to construct three buildings, each containing four (4) floors, 153 residential apartment units divided among the three buildings, one unit in each building for office use, 151 garage/structured parking spaces with 151 surface parking spaces and additional features described more fully in the exhibits (all of the foregoing, the “Project”).
4. Notice of the scheduling of a public hearing beginning July 18, 2016 was published in the Daily Local News, a newspaper of general circulation in the Township, on June 29, 2016 and July 6, 2016.
5. Notice of the hearing was posted conspicuously on the Property on June 30, 2016.
6. Notice of the hearing was mailed to all required parties under §208-147 of the Zoning Ordinance on July 1, 2016.
7. The Applicant and the Township agreed to all necessary extensions of the deadlines imposed by the Pennsylvania Municipalities Planning Code and the Township Ordinance.

8. A public hearing on the Application was duly commenced and conducted as advertised before the Board on July 18, 2016, and was continued on the following dates: August 29, 2016, October 3, 2016, October 17, 2016 and November 1, 2016 (collectively, the “Hearing”).

9. At the conclusion of the hearing on November 1, 2016, the Board closed the record.

10. The Applicant presented the testimony of the following individuals: James Palmer, one of the current owners of the Property; Michael Wachs, a principal of the Applicant; Robert H. Plucienik, P.E., Applicant’s civil engineer; Neil B. Liebman, Applicant’s architect; Michael J. Acquaro-Mignogna, Applicant’s appraiser; Gui DiMartino, Applicant’s traffic engineer.

11. The Applicant also submitted documentary exhibits (Exhibits A-1 through A-17) which are described on “**Exhibit “A”**” attached hereto.

12. Applicant’s Exhibit A-7(A. through G.) is a detailed set of plan documents prepared by Chester Valley Engineers, entitled “Site Plan for Station Square” comprising 8 pages dated April 7, 2016 and revised July 15, 2016 (the “Plan”).

13. The Township presented testimony from Christopher Williams, of McMahon Associates, the Township’s traffic engineer; Stephen Burgo, Tredyffrin Township Engineer; and Matthew Baumann, Assistant Township Manager and the Township Director of Planning and Zoning.

14. The Township also submitted documentary exhibits (Exhibits T-1 through T-7) which are described on Exhibit A attached hereto.

15. The following persons were granted status as parties to the hearing: Frederick J. Verhage, Janet Rich, Delaware Valley Friends School, Brian Clason, Patricia L. Uberti, and Andrew Weetenkamp (collectively, the “Intervening Parties”).

16. No Intervening Parties were represented by counsel.

### ***The Property & the Project***

17. The Property has frontage on N. Valley Road and E. Central Avenue.

18. The Property comprises 7.478 gross acres and has a net lot area of 6.511 acres, or 283,576 square feet.

19. The Property is currently improved with four (4) stand-alone office buildings, which are to be demolished if Applicant constructs the project described in the Application.

20. The uses proposed for the Property – multifamily apartments and office – are permitted uses in the TCD pursuant to §208-69.A.(3) and C.

21. The §208-71 of the TCD enables the Board, pursuant to certain conditions, to grant the TCD Zoning Bonuses if the Board is persuaded to do so by offers of “reciprocal actions” offered by the Applicant.

22. The TCD provides that the TCD Zoning Bonuses may be authorized as a conditional use, pursuant to §208-71.B.

23. The minimum lot area per dwelling unit for multifamily dwellings (apartment houses) permitted by Section 208-70.B of the TCD is 2,100 SF, with the availability, subject to Board approval, of a TCD Zoning Bonus which decreases the minimum lot area per dwelling unit to 1,800 SF per Section 208-71.D.(1).

24. The number of residential units proposed by the Applicant is 153, resulting in a lot area per dwelling unit equal to approximately 1,853 SF.

25. For residential or mixed-use buildings the maximum gross floor area of the ground floor shall be 15,000 square feet pursuant to Section 208-70.C of the TCD, with the availability, subject to Board approval, of a TCD Zoning Bonus which increases the maximum gross floor area of the ground floor 25,000 square feet per Section 208-71.D.(2).

26. In connection with the Project, the Applicant proposes the construction of three (3) buildings, each having a gross floor area of the ground floor in excess of 15,000 square feet, up to a maximum of 18,500 square feet.

27. The maximum height of any building constructed in the TCD is 42 feet, with the availability, subject to Board approval, of a TCD Zoning Bonus which increases the maximum height of mixed-use buildings to 56 feet per Section 208-71.D.(3), subject to the following conditions:

a. a building setback of an additional 15 feet shall be made for that portion of the building that exceeds 42 feet in height and faces a street;

b. except for first floor/ground floor use, the windows for all buildings shall be all vertical in orientation or all horizontal in orientation and shall not be arranged such that vertical and horizontal orientation is mixed; and

c. the building is at least 100 feet from the property line of any property in the R-1, R-2 or R-3 Residential Zoning District.

28. The three buildings proposed by the Applicant, as shown on the Plan, have a maximum height of 48 feet.

29. The three buildings, as depicted in the Plan, will have setbacks in excess of that required by the TCD as required by §208-71.D.(3)(a) and (c).

30. The three buildings, as depicted in the architectural drawings included with Exhibit A-8, contain windows oriented as required by the TCD §208-71.D.(3)(b).

31. Each of the three buildings, as depicted in Applicant's Exhibit A-10, proposes both a residential use and a non-residential use, thereby satisfying the definition of "mixed use" under §208-6 of the Zoning Ordinance.

### ***PennDOT's Proposed Projects***

32. The Pennsylvania Department of Transportation ("PennDOT") has announced its intention to undertake a project that would extend Darby Road northward across Lancaster Avenue, over the train tracks via a bridge to be constructed by PennDOT then to a connection with N. Valley Road continuing in a northerly direction (the "Darby Road Bridge Project").

33. As part of the Darby Road Bridge Project, PennDOT also plans to make improvements to mitigate traffic issues around the intersections of East Central Avenue, North Valley Road and West Central Avenue to create one intersection for North Valley Road and East / West Central Avenue. The possible traffic improvements under consideration by PennDOT include, among others: rerouting East Central Avenue and/or West Central Avenue so that both intersect North Valley Road at one intersection; and constructing a "roundabout" serving East Central Avenue, West Central Avenue and North Valley Road ("East/West Central Avenue Improvements").

34. The Darby Road Bridge Project, along with the East/West Central Avenue Improvements, may require that PennDOT take a portion of the Property.

35. PennDOT has not made public the timing of when it will determine what amount of the Property, if any, it will require in connection with the Darby Road Bridge Project and the East/West Central Avenue Improvements, nor has PennDOT indicated what amount of the Property may be required in order for PennDOT to implement either project.

36. Applicant is aware of these intended PennDOT projects, has acknowledged, and has resolved to assume, the risks to the Property and the Project posed thereby, and acknowledges that it is not relying on any statement, act or omission by the Township in connection with its assumption of the risks posed by PennDOT's projects.

37. The Board's decision to grant the TCD Zoning Bonuses is conditioned upon its determination that an application for development is deemed to be in compliance with the spirit of the Zoning Ordinance and the Tredyffrin Township Comprehensive Plan and advances the goals and objectives described therein.

### ***Analysis of the TCD and Applicant's Request for Zoning Bonuses***

38. §208.68 of the TCD reads, "Purpose. Town Center Districts are intended to be consistent with Article VIIA of the Pennsylvania Municipalities Planning Code (Act 247) and are designed to improve the aesthetic quality and walkability of the area and streetscape, support the economic viability of the area, and promote opportunities for mixed-use buildings which permit residential and nonresidential uses above or behind nonresidential uses."

39. The Township Comprehensive Plan dated March 16, 2009 (Township Exhibit T-7) at Section 3.2, encourages mixed use planning and development in and around the Paoli Train

Station that provides safe and convenient access to transit, and expanded opportunities for pedestrian activity, including adequate sidewalks.

40. The Comprehensive Plan at Section 3.5, encourages mixed uses in the vicinity around the Paoli Train Station, including higher density residential components and multifamily apartment housing and encourages environmentally friendly redevelopment.

41. The Comprehensive Plan at Section 4.2, encourages mixed use settings within the vicinity of the Paoli Train Station for living, working, shopping and recreating.

42. The Project is situated within walking distance to the Paoli Train Station, retail, personal service and other businesses on Lancaster Avenue and other community amenities, like the Paoli Library, Woodbine Park and the soon-to-be-constructed walking and bicycle path along the southern boundary of East Central Avenue between N. Valley Road and Bear Hill Road.

43. Applicant has offered to construct a sidewalk along Property's frontage on E. Central Avenue, which will connect to the walking and bicycle path to be constructed by the Township in connection with a PennDOT grant.

44. Applicant has offered to construct a sidewalk on private property along the Property's frontage on Fennerton Road from E. Central Avenue to the parking lot owned by SEPTA abutting the south side of the Property, and to open that sidewalk to public access.

45. Applicant has proposed no publicly accessible recreational amenities in connection with its Application.

46. Applicant has demonstrated that the Project complies with the spirit of the Zoning Ordinance and the Tredyffrin Township Comprehensive Plan and advances the goals and objectives described therein

47. The Board may grant the TCD Zoning Bonuses only in return for specific reciprocal action on the part of the Applicant which, by determination of the Board, furthers the objectives and general planning concepts of the Town Center District and the Comprehensive Plan.

48. During the Hearing, in furtherance of the Application, Applicant offered to perform, as "reciprocal actions" contemplated by the TCD, those actions described in the Township Planning Commission's recommendation letter dated May 19, 2016 (attached hereto as **Exhibit "B"**) as well as those actions listed on **Exhibit "C"** attached hereto and incorporated herein by reference (all of the foregoing, "Reciprocal Actions").

49. One specific Reciprocal Action offered by the Applicant is the offer of 1.1 acres of land, shown in the appraisal report identified as Exhibit A-17, to the Township or, at the direction of the Township, to PennDOT, in order to facilitate the Darby Road Bridge Project and the East/West Central Avenue Improvements.

50. The Board hereby determines that the Applicant has demonstrated that the Reciprocal Actions further the objectives and general planning concepts of the Town Center District and the Comprehensive Plan.

51. Applicant agreed to be bound by all of the conditions recommended by the Planning Commission as set forth on Exhibit B.

### **III. Conclusions of Law**

The Board has jurisdiction of this Application for conditional use approval.

The public hearing dates were properly published and all required notices have been provided in accordance with the Township Ordinance and the Municipalities Planning Code.

All deadlines imposed by the Township Ordinance and the Municipalities Planning Code have been satisfied as of the date of this Decision and Order.

The Applicant has met its initial burden of compliance with the specific requirements of the Zoning Ordinance with respect to the Application, the Plan, and the other requirements thereunder.

Approval of the Application, as conditioned herein, is consistent with the evidence of record and complies with the criteria and standards specified in Section 208-117 of the Zoning Ordinance if, and only if, Applicant complies with the conditions as stated below.

### **IV. Conditions of Approval**

The following conditions are imposed and attached pursuant to Section 603(c)(2) of the Municipalities Planning Code and Zoning Ordinance Section 208-117.B. Except where a different deadline is expressly noted, or unless the context clearly dictates otherwise, all conditions shall be satisfied prior to preliminary land development approval. For the purpose of this Decision and Order, and specifically the following conditions, the term "Applicant" shall include the Applicant's successors and assigns and interests with respect to the Property and the Application:

1. The Applicant shall offer for dedication to the Township, or, at the election of the Township, dedication to PennDOT, the 1.1 acres of ground on the Property described in the appraisal report identified as Exhibit A-17 to accommodate current/future PennDOT planning and engineering design plans for the Darby Road Bridge Project and the East/West Central Avenue Improvements.

2. The Applicant shall notify PennDOT of its filing of an application for land development approval for the Project and shall send a copy of said application, with the attendant plan, to the PennDOT representative having oversight of the Darby Road Bridge Project and the East/West Central Avenue Improvements.

3. The Applicant shall install the streetscape improvements, including a sidewalk, at a minimum of five (5) feet in width, and related curbing, designed in conformity with the

Township's East Central Avenue walking and bicycle path improvements, and the sidewalk on North Valley Road from the intersection with East Central to the Paoli Train Station, all of the foregoing described in the Paoli Road Improvement Feasibility Study dated March 24, 2015.

4. Applicant shall provide a buffer of green space, at a minimum width of 40 feet for the length of the Property's border along East Central Avenue to the east of their access driveway, and at a minimum width of 25 feet for the length of the Property's border along East Central Avenue to the west of their access driveway. These areas shall be used to create sidewalks and landscaped berms of no less than 5 feet in height. The berms shall be planted to provide a full visual screen from headlights at the time of planting for the property owners surrounding the Property.

5. The top floor of the northern side of "Building B" shall be stepped back 10 feet horizontally and shall not exceed 40 feet in height from finished grade to the highest point of the stepped back façade. The remaining height of Building B, and the maximum height of Buildings A and C shall not exceed 48 feet in height from finished grade to the highest point of the Building.

6. A concrete sidewalk shall be provided along the Fennerton Road frontage of the property, connecting East Central Avenue to the SEPTA parking lot that abuts the south side of the Property, and shall be opened to public access.

7. Applicant shall install storm water BMP's in the form of green roofs which shall contain minimum surface area equal to 50% of the gross square footage of the aggregate footprint of the three buildings proposed with the Project. For the sake of clarity, Applicant may allocate the area of the green roofs among the three buildings as it determines, in its discretion, provided that the minimum requirement is satisfied.

8. Stormwater management facilities, including green roofs on all three buildings, shall meet the full requirements of the Tredyffrin Township Stormwater Management Ordinance (Chapter 174).

9. The Applicant shall demonstrate to the satisfaction of the Township that they have the legal right, through easement or otherwise, to use the private portion of Fennerton Road for an access driveway to the Property.

10. The Applicant shall pay the Township's full costs to complete the 30 percent preliminary design plans for the selected alternative for the East/West Central Avenue Improvements. The findings of this study shall be accommodated in the grant of right-of-way dedicated to the Township, per Condition #1 above, and shall accommodate current/future PennDOT planning and engineering design plans for the Darby Road Bridge Project. In the event PennDOT implements the realignment of the intersection between North Valley Road and East / West Central Avenue and pays for all of the design and construction costs involved with the same, the Township may waive all or part of this condition.

11. The grant of the TCD Zoning Bonuses herein shall be limited to the specific bonuses requested by the Applicant, as shown on the Plan and consistent with the testimony offered by Applicant and its witnesses during the Hearing.

12. Prior to the final approval of a Land Development Plan for the project, Applicant shall commission a full traffic study and shall construct, at its own cost, any traffic improvements which, in the opinion of the Township Engineer, are required to mitigate the traffic impacts from the project identified in the traffic study which shall include, at a minimum, a turning lane for vehicles making right turns from East Central Avenue on to North Valley Road. In the event PennDOT implements the realignment of the intersection between North Valley Road and East / West Central Avenue pursuant to a design which, in the Township Engineer's opinion, eliminates the need for any of the traffic improvements otherwise required under this Condition, the Township may waive all or part of this requirement.

13. The Applicant shall, at its own cost (including design and construction), make the following improvements to Woodbine Park:

- a. Applicant shall resurface the basketball court with asphalt; and
- b. Applicant shall construct a pavilion covering approximately 2,400 square feet, to be situated in a location within the Park designated by the Township.

The Applicant shall consult with the Township regarding the specifications for the foregoing improvements, and the Township shall have the right to review and approve such design specifications prior to construction thereof.

14. Conditional Use approval is granted herein only for the TCD Zoning Bonuses. Nothing in this Decision and Order shall be interpreted as approval for the general layout of roads, buildings, parking, and stormwater management facilities, regardless of whether such improvements are depicted on the Plan or other Exhibits. Any features of a future land development plan submitted for the Project, which, in the opinion of the Township, result in noncompliance with any of the criteria required for the Conditional Use approval granted hereunder (specifically including the conditions set forth in the TCD) or result in violation of a condition imposed herein, shall nullify this approval.

15. It is understood that the approval granted herein is not approval of the specific quantities of measurement referenced in the Plan and other Exhibits (for, example, impervious coverage percentages, square footage of buildings, and similar measurements) and Applicant shall be required to prove the satisfaction of all requirements of land development approval under the MPC and/or third party approval and permitting processes.

16. The Applicant shall be responsible for the reasonable cost of repair of any physical damage to residential structures located on properties proximate to the Property, if and to the extent caused by impacts directly resulting from the Applicant's construction.

17. The Applicant shall obtain approval from the Planning Commission for the land development of the Property in the location and in the manner generally depicted in the Plan and its other submissions included in the hearing record, consistent with this Decision and Order, and with testimony offered.

18. The Applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the Property and stipulating the terms and conditions of this approval and shall consent to the recording by the Township in the office of the Recorder of Deeds of Chester County within thirty (30) days following the expiration of the appeal period, or, if Applicant appeals this Decision and Order, within 30 days following a resolution of the appeal.

19. The Applicant shall secure all PADOT HOP and Traffic Signal Permits, as necessary, prior to the recording of the approved Land Development Plan. Copies of all PADOT permits shall be provided to the Township, as well as noted on the Final Plans to be recorded.

20. The Applicant shall provide the Township with copies of all stormwater permits and approvals from third party agencies, such as Chester County Conservation District, PA Department of Environmental Protection, ACOE, etc. prior to the recording of the approved Land Development Plan. All permit data shall be noted on the Final Land Development Plans that are to be recorded in Chester County.

## **V. Order**

On the basis of the evidence of record and following the resolution of all conflicts in the said evidence, the Board grants the Application subject to the conditions specified herein above. The Board finds and concludes that the Application, subject to the conditions specified herein, will meet all of the specific standards and regulations for eligibility specified in the Zoning Ordinance.

In so conditionally granting the Application, the Board has relied upon the testimony, plans, and other exhibits presented by the Applicant and the said testimony, plans, and other exhibits are hereby incorporated as additional conditions of approval, the Applicant (including for the purposes of the conditions imposed and attached herein, the Applicant's successor(s) in interest to the Property) being strictly bound by all of the representations made therein whether or not express reference thereto is contained herein. The Property shall be developed in compliance with all of the testimony, plans and other exhibits presented by the Applicant and admitted into the record, unless modified by the enumerated conditions herein above.

The additional conditions described above are imposed and attached subject to the following general principles. Unless a different mechanism is expressly required, compliance with these conditions shall ordinarily be established in the context of the subsequent applications for preliminary and final land development approvals. All conditions shall be complied with to the satisfaction of the Township. Any aspect of the said application or any revision thereto materially inconsistent with these conditions will require re-application to and re-hearing by the Board prior to land development approval. Any violation of the conditions during or following construction will be treated as a violation of the financial security agreement or the Zoning Ordinance, as the case shall be, subject to the enforcement mechanisms specified in MPC §§511 and 616-617, 53 P.S. §§10511 and 10616-10617. Improvements, whether public, quasi-public, or common private, required by these conditions shall be depicted in the land development submission and their construction secured as required by MPC §509, 53 P.S. §10509.

Most fundamentally, this Decision and Order grants only zoning, conditional use approval in accordance with their express terms for the Project as requested in the Application and by the testimony and Exhibits. Nothing contained in this Decision and Order shall be construed to abrogate or limit the obligation of the Applicant to comply with the applicable requirements of the Township's Subdivision and Land Development Ordinance ("SLDO"). Except as expressly augmented and clarified by these conditions, review of the land development application shall be in accordance with all of the otherwise applicable standards, ordinances (specifically including, without limitation, the SLDO, the Stormwater Ordinance at Chapter 174, and the provisions of the TCD, which, by their nature are intended to govern land development requirements) specifications, and regulations of the Township and of all other agencies with jurisdiction over the Property, the development, or any aspect thereof. Except where revisions are permitted or contemplated by this Decision and Order, any proposed development or use of the Property different in any aspect from the Applicant's proposal will require conditional use application to and approval from the Board.

*Signature page follows*

**ADOPTED AND ORDERED** this 5<sup>TH</sup> day of December, 2016.

**BOARD OF SUPERVISORS  
TREDYFFRIN TOWNSHIP**

\_\_\_\_\_  
Reeves C. Lukens, III Chair

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Sean Moir, Vice Chair

\_\_\_\_\_  
Paul W. Olson

\_\_\_\_\_  
Evelyn J. Richter

\_\_\_\_\_  
Mark L. Freed

\_\_\_\_\_  
Murph Wysocki

\_\_\_\_\_  
Heather Greenberg

**Attest:**

\_\_\_\_\_  
William F. Martin  
Township Manager & Secretary

**DATE OF DECISION: December 5, 2016**

## **EXHIBIT A**

### Hearing Exhibits

#### **Exhibits**

##### *Township:*

- T-1 CU Application
- T-2 PC Recommendation of Approval with Conditions
- T-3 Extension letter
- T-4 Proofs of Publication
- T-5 Proofs of Required Notice
- T-6 Township Ordinance (by reference)
- T-7 Tredyffrin Township Comprehensive Plan

##### *Applicant:*

- A-1 CU Application
- A-2 Redacted Agreement of Sale and Deeds
- A-3 Preliminary Zoning Opinion Letter from Tredyffrin Township
- A-4 Proof of Publication of Preliminary Zoning Opinion
- A-5 Planning Commission Recommendation Letter
- A-6 Letter from Applicant to Neighbors – invitation to Community Meeting
- A-7 Plan Sheets prepared by Chester Valley Engineers
- A-8 Renderings / Drawings prepared by Bernardon Architects
- A-9 Building Cross Sections prepared by Bernardon Architects
- A-10 Floor Plans prepared by Bernardon Architects
- A-11 Photographs
- A-12 Trip Generation Letter prepared by Traffic Planning & Design
- A-13 CV – Robert Plucienik
- A-14 CV – Neil Liebman, Architect
- A-15 CV – Peter Spisszak, Traffic Planning & Design
- A-16 CV – Michael Acquaro – Mignogna, Appraiser
- A-17 Appraisal Report

**EXHIBIT "B"**

Letter of Planning Commission, May 19, 2016 (attached)

## EXHIBIT "C"

### **Additional Reciprocal Actions offered by Applicant**

(excerpted from email from Applicant counsel dated July 13, 2016)

- \* Proposing less density than would otherwise be permitted on the site
- \* Utilizing structured parking
- \* Reserving 25% of proposed parking as green space
- \* Proposing development that furthers the goals and objectives of the Comprehensive Plan:
  - \* Section 3.2 - Redevelopment of office property for residential purposes. The Comprehensive Plan discourages big box retail, office or other business uses that require large single-floor selling or working space
  - \* Section 3.2 - proposing development that accommodates attractive redevelopment and economic opportunity while preserving the character of the Township
  - \* Section 3.2 - proposing development along transportation corridor thereby increasing access to public transportation
  - \* Section 3.2 - proposing residential uses within walking distance of community uses and commercial services
  - \* Section 3.4 - supporting multi-modal transportation through redevelopment along with improved roadways and trail systems. As part of the redevelopment, Linden Lane is committed to working with the township to provide the ability to include traffic calming measures, crosswalks and landscaping to improve safety and increase pedestrian comfort
  - \* Section 3.4 - proposing to continue Township trail and sidewalk system across site to support bicycle and pedestrian friendly travel. Linden Lane is proposing to continue sidewalks and trails along the perimeter of the property (including Fennerton Road).
  - \* Section 3.4 - working with Township to remedy an identified roadway segment that is deficient
  - \* Section 3.4 - encouraging public transportation by providing higher density residential adjacent to public transportation hub

\* Section 3.5 - proposing higher density residential in the "Rail Station Mixed-use Center near the Paoli station", an area designated by the Comprehensive Plan as a suggested location for "development of high density residential uses"

\* Section 3.6 - utilizing BMPs for storm water management

\* Linden Lane is proposing to fund in total the 1/3 design plan for the East Central traffic improvements

\* Linden Lane has agreed to increased landscaping along East Central

\* Linden Lane has agreed to donate to the Township sufficient area to allow the Township, in conjunction with PennDOT, to complete traffic improvements along East Central/Central as well as along North Valley. The value of the gift is in excess of \$1,000,000.