

**MINUTES OF PUBLIC HEARING  
BOARD OF COMMISSIONERS  
SPRINGFIELD TOWNSHIP**

The Board of Commissioners of Springfield Township met in public hearing on Wednesday evening, June 11, 2014 at 8:30 PM in the Springfield Township Building to consider a request by the owners of 9303 Ridge Pike, Philadelphia, to rezone their property and to consider amendments to the text portion of the Institutional and the AAA-AQ-1 zoning districts.

Mr. Garrity stated that the public hearing was being held in compliance with Section 609 of the Pennsylvania Municipalities Planning Code to consider a request by the owners of 9303 Ridge Pike, Philadelphia, to amend: (1) the Springfield Township Zoning Code Map by rezoning 7.1 acres of the Tecce tract, 9303 Ridge Pike, Philadelphia, from "A Residential" and "AA Residential" with the "AAA and AAA-AQ-1" overlays to the "Institutional" zoning district, and (2) the Zoning Code text within the "Institutional" zoning district, and (3) the Zoning Code text within the "AAA Age-Qualified -1" overlay zoning district.

Mr. Garrity noted the legal requirements associated with the public hearing procedure have been met by publishing a notice of public hearing in the May 25 and June 1, 2014 issues of the Springfield Sun. In addition, public hearing notices were posted in the Springfield Township Building and Library, on the premises of 9303 Ridge Pike, and in conspicuous places in the neighborhood of the subject property. Copies of the full text ordinance and descriptions of the subject property were available in the Springfield Township Building, the Free Library of Springfield Township, the office of Montgomery Publishing and the Montgomery County Law Library. Notices were also mailed to the property owner of 9303 Ridge Pike, and to nearby property owners.

Mr. Garrity provided a summary of the ordinances to amend the Springfield Township Zoning Code text and Zoning Code map as follows: (1) the proposed Zoning Code map amendments propose to change a certain parcel of land from "A" and "AA" Residential with "AAA" and "AAA Age Qualified-1" overlays to the "Institutional" zoning district, and may affect a 7.11 acre portion of Springfield Township Tax Map Block 2, Unit 3, parcel known as the Tecce tract, 9303 Ridge Pike, Philadelphia, bounded in part by Ridge Pike, the Masonic Home of PA, other portions of the Tecce tract, property of John and Nora Schwarz, and property of Federal Home Loan Mortgage Corporation, (2) the proposed Zoning Code text amendments to the Institutional zoning district propose to modify the front yard setback requirements for buildings exceeding thirty-five (35) feet in height, reduce the side yard setback for buildings adjacent to a residential zoning district from seventy-five (75) to fifty (50) feet, reduce the rear yard setback from seventy-five (75) to fifty (50) feet, add an alternate provision for traffic to have direct access to a secondary street or driveway so long as it is controlled by a traffic signal, clarify the need for loading areas to be effectively screened from residential and non-residential uses, permit corner lots more than one access on one of the two streets so long as the access is directed to a traffic signal, (3) the proposed Zoning Code text amendments to the AAA Age-Qualified-1 Residential zoning district

propose to increase the required open space in a development from 50 percent (50%) to sixty percent (60%) of the gross developable acreage.

Mr. Garrity outlined the procedural process for the public hearing which included: (1) a presentation from the property owner, (2) questions from the Board, and (3) questions from those in the audience. Following that, the neighbors will be provided an opportunity to make a presentation followed by (1) questions from the Board, and (2) questions from the property owner. If necessary, testimony will be accepted after the aforementioned process takes place. Mr. Garrity acknowledged Ross Weiss, Esq., of the Cozen O'Connor law firm, representing the Tecce family, and John Filice, of the Ruben Glickman Steinberg and Gifford law firm, presented himself as a representative of the neighbors.

Mr. Weiss provided a brief history of the Tecce property including an approved land development containing 52 age-restricted residences for the entire Tecce tract. He noted the involvement of the neighbors through that land development process at the various Planning Commission meetings. He also noted that the current proposal which includes the necessary zoning amendments to accommodate the Atria Senior Living facility for the front portion of the Tecce tract, and maintains with amendments a lesser number of age-qualified dwellings in the rear of the Tecce property. Mr. Weiss opined that it appeared that there was not as much concern for the Atria proposal, but more so with the balance of the property where the age-qualified housing would be constructed. He reviewed the history of the zoning map amendments and Institutional district text amendments as well as the history of the amendment increasing the open space for the AAA Age-Qualified zoning district. He believes that, to the extent the property owners received the requested rezoning, the next steps would include a subdivision of land to separate the two proposals and then the land development process for both of the uses. To the extent the rezoning requests are not approved, the property owner plans to move forward with the construction of the approved 52 age-restricted dwellings.

Mark Alexander, Senior Vice President of Development for the Atria Senior Living Corporation, stated that Atria is a nationwide company with representation in 27 states as well as Canada. Mr. Alexander discussed the number of units and number of employees maintained by the corporation. He suggested that the Atria Senior Living model is a "private pay" rental model as opposed to the "buy-in" style of senior living facilities. The facility includes independent living, assisted care living and living facilities for the memory impaired. Mr. Alexander stated that over the past month, Atria Senior Living and the Tecce family have entered into a written agreement for the future development of the facility. The facility proposed in Springfield Township is approximately 125,000 sq. ft. in size, with 125 living units. 100 units would be either independent or assisted care facilities, and the remaining 25 units would be for memory care residents. Several powerpoint slides were presented demonstrating the high-end nature of the amenities including the apartment units and residential dining areas. A summary of the market statistics created by Atria Senior Living was presented by Mr. Alexander with an explanation as to why there is a very strong market demand for additional assisted living and memory care units within a five and ten mile radius of the subject site.

Dennis Glackin, the professional land planner, indicated that he reviewed the Township Comprehensive Plan and in several locations found statements calling for the need for special needs housing and a variety of housing options to allow residents to remain in the community as they age. Mr. Glackin presented an aerial map of the Ridge Pike neighborhood and described various uses adjacent to the Tecce tract, and expressed an opinion that the proposed uses are consistent with the immediate neighborhood. In considerable detail, Mr. Glackin walked those present at the hearing through the three draft ordinances: (1) the zoning map amendments, (2) the text amendment in the Institutional zoning district specific to personal care facilities, and (3) the text amendment requiring the maintenance of 60% open space within the existing Age-Qualified residential overlay. A Township zoning code map was presented with all the Institutionally zoned or used properties highlighted on the map. Mr. Glackin also presented a composite sketch plan of the Tecce tract introducing both the Atria Senior Living use as well as 35 age-qualified residences. Within the overall sketch plan, 25.9 acres of land in Springfield Township are either open space or open lands and 2.6 acres in Whitmarsh Township are open space for a total of approximately 69% open space or open lands. Mr. Glackin also presented an exhibit outlining various revenues and possible expenditures of both the Township and School District as it relates to the proposed development. Mr. Glackin suggests that there may be a net \$1.3 million of revenue to be realized by both the Township and the School District together.

John Yurick, a traffic engineer, provided a highway plan and traffic service table outlining the existing number of travel lanes in each direction, as well as the existing traffic conditions. Overall, the level of service during the AM peak was an “E” and PM peak “F”. Mr. Yurick did note that Montgomery County has funded the reconstruction of Ridge Pike from Crescent Avenue to the City of Philadelphia. Generally, there will be two travel lanes in each direction with separate turning lanes on Ridge Pike at Manor Road and Barren Hill Road. The engineering, utilities and right of way acquisitions will begin in 2014 with construction anticipated to begin in 2017, and completed in 2018.

Two tables were presented with vehicular trip generation. Table 1 provided information on the current Atria proposal with 35 age restricted homes and table 2 took that data and compared that with the previously approved plan for 53 age restricted units. In summary, the current proposal will create 15 more trips during the AM peak hour, and 20 additional trips during the PM peak hour in comparison to the previously approved plan. Having said that however, Mr. Yurick noted that the traffic conditions along Ridge Pike will be significantly improved over current conditions given the planned improvements by Montgomery County as well as the improvements to the traffic signal at the intersection of Ridge Pike and Manor Road.

Richard Stoneback, a civil engineer, acknowledged the importance of stormwater management in this neighborhood, pointing to the existing flooding conditions along the Andorra Run. Mr. Stoneback summarized the various stormwater management opportunities at the Atria facility. Those opportunities included the use of the existing pond with possible expansion for use as a detention basin, the creation of stormwater swales and rain gardens, seepage beds under the proposed parking lots, and the use of roof drains and a rain water harvest tank to capture some of the water from the building.

Peter Schmidt, an architect, stated that his firm, EGA Architects, specializes in senior living facilities. The first step his firm takes is to study the vernacular of the immediate community in order that the new structure will enhance the neighborhood. His firm likes to create undulating building sizes with sloped roof lines. Mr. Schmidt provided several concept plans providing possible building elevations of the different angles of the proposed Atria structure.

Mr. Dailey inquired how long Atria had been working with Springfield Township - since February 2013. Mr. Dailey inquired whether their interest was waning or whether Atria was still committed to the project – they are still committed to the project, but do need a decision shortly. Mr. Dailey inquired as to the number of employees – 70 full time equivalents on three different shifts. Most of the shift changeover will take place during non-peak traffic hours. An inquiry was made as to how they understand there is a demand for the use – through a study of the occupancies of similar assisted living facilities, which at this time have a very high occupancy rate. Mr. Dailey asked if Atria would consider a building addition in the open area in the future – no, the proposal is consistent with their business plan.

Mr. Wilson asked if the traffic studies took into account the Masonic Home and their construction project – yes. Mr. Wilson asked what type of construction was perceived for the building – a steel structure with varying exterior finishes, and the building will be sprinklered. Mr. Wilson opined that the real estate tax presentation may have slightly over estimated the tax revenues.

Mr. Standish opined that there does not appear to be a significant issue with the Atria Senior Living proposal, but that there is more interest from the community in the remaining portion of the development. Mr. Standish asked why the owners are maintaining the age-qualified limitation on the housing type – they previously asked to have the restriction removed, but it was not removed and therefore the owners are working within the existing zoning requirements.

Mr. Gillies asked if the building would be LEED certified – the goal is to attain a silver LEED certification. Mr. Gillies asked if the restaurants are open to the general public – no, mainly the restaurants are for the visitors and the residents as an accessory use to the institution. Mr. Gillies highlighted that the Montgomery County Planning Commission recommended the Institutional rezoning and use, suggesting that it was appropriate for this area. He inquired as to the intent of the open space – this is a land development issue and will be discussed at that time. He inquired as to real estate tax information on the 52 approved age-restricted dwellings – that information is available but not at the meeting. Mr. Gillies asked what the peak traffic hours were – the four busiest consecutive 15 minute periods between the hours of 7:00 AM and 9:00 AM, and 4:00 PM and 6:00 PM. He inquired whether there is a posted maintenance regimen for the stormwater management facilities – yes, as a part of the MS-4 requirements for the property.

Mr. Harbison confirmed that if the age-restricted overlay district was repealed, the property owners still can proceed with their approved plan which includes an age restriction.

If the property owners found that the Township was more receptive to the AAA Residential zoning district, would they consider that style of development – at this point, the owners would remain with the approved age-qualified plan. Mr. Harbison asked how many residential lots were removed to create the additional open space required by the proposed amendment of 60% open space in the age-qualified residential zoning district - seven homes were removed to create the additional open space. Mr. Harbison asked if the definition of open space is the same in the transition from 50% to 60% - yes, and it does not include lot areas which are directly adjacent to the dwellings. Mr. Harbison asked if any of the 144 Atria facilities have been sold - yes, a few but their business plan is to maintain ownership. Mr. Harbison inquired as to the manner in which the construction will be funded - 40% equity, 60% construction loan. He inquired how a slip and fall or other accident within Atria would be addressed - 911 call. Mr. Harbison noted that many of the other institutional uses within the Township pay taxes, but most are tax exempt. Mr. Harbison asked if the application of the AAA residential zoning district and the AAA Age-Qualified residential zoning district would yield the same number of lots - yes, approximately 35 residences.

John Filice, Esq., addressed the Board of Commissioners on behalf of the neighbors of the Tecce tract. Mr. Filice noted that the neighbors were not necessarily opposed to the Atria Senior Living style facility, but the trade off of 125 Atria units for a reduction of age-qualified units in the rear modified from 52 units to 35 units is of concern.

Rick Collier, a professional land planner, also noted that the neighbors may not necessarily be opposed to the Atria Senior Living facility, but the combination of the two uses including the age restricted housing units in the rear is of concern. Mr. Collier provided a detailed description of the uses within the immediate neighborhood, including other institutional uses, low density housing, and various properties which are principally open space. Mr. Collier opined that an intense use such as Atria may be appropriate in the front portion of the property directly adjacent to Ridge Pike. Mr. Collier also discussed the general concept of cluster zoning, the process by which developers and municipalities work through a yield plan and, in some cases, a bonus yield for clustering the dwellings. He noted that Springfield Township did not provide a bonus for clustering. He also noted that development on the Tecce tract is important environmentally due to the fact that it is the headwaters of the Andorra Run, which is important for both the natural habitat and stormwater management. Mr. Collier provided a brief comparison of the AAA Residential density calculations as compared to the age-qualified density calculations, comparing the size of the lots, setbacks and the like, noting that the age-qualified requirements were not as stringent as the AAA Residential. Mr. Collier also reviewed the plan in comparison to the Township Comprehensive Plan noting that the Comprehensive Plan sets the goals to be achieved through the Zoning Code. He noted that the Comprehensive Plan calls for low density residential uses in the area as well as a need for more open space throughout the community. He also reviewed the Township Open Space Plan which also discussed the need to maintain low density housing in the area honoring the Township Comprehensive Plan. The Open Space Plan also suggests the need to balance development rights with the need to maintain open space, and acquiring open space. Mr. Collier believes the owners of the Tecce property were guided by the Township Planning Commission to consider low density housing, but they have since opted to pursue the immediate plan. He also briefly expressed an opinion

disagreeing with the manner by which the open space for the property was calculated by the owners. Next, Mr. Collier presented a proposal endorsed by the neighbors of the Tecce tract. In summary, the proposal would include the Atria Senior Living facility as presented, but in the rear portion of the property, five large lots would be created, including a lot for the manor house. In conjunction with the 5 lots in the rear, the neighbors would like to be provided a three year window to raise money to purchase the lots to retain the area as open space. Based on comparable property values, the neighbors believe they would need to raise approximately \$1.2 million for the five lots. With regard to maintenance of the open space, contact had been made with Natural Lands Trust and the Heritage Conservancy, both expressed a willingness to maintain the open space in the future. Mr. Collier also suggested that Atria might participate in the open space preservation as they did in a Massachusetts property which, over all, was very similar in land size and development type. He also noted that the neighborhood group had reached out to the Commonwealth of Pennsylvania for grant opportunities, and their proposed concept was viewed favorably. With regard to the open space to be maintained by the owner's proposal, Mr. Collier noted that the approved 52 age-restricted unit plan set aside approximately 52% open space and the current proposal by the property owner only sets aside 55% open space.

Brennan Preine, 275 Northwestern Avenue, indicated that the neighborhood group is a group of six property owners directly adjacent to the Tecce property, plus the Eagleview Development. He noted his dismay that the efforts by the neighbors to create a dialog with the Tecces was never embraced by the Tecces. Mr. Preine reviewed the financial assumptions for how the neighbors created a per-unit value for the Tecce property that was utilized by Mr. Collier and Mr. Preine's presentation. Mr. Preine expressed his general agreement with the assumptions put forth by Mr. Glackin on the real estate revenue that may be achieved by the Atria development. With that information in hand, he believes the community has a choice on whether to move forward with the additional 35 homes or take the opportunity to maintain the existing open space for the community. Mr. Preine discussed the potential real estate tax revenues in comparison to the land area on the Tecce tract, as well as the lack of liabilities for the public school system, indicating that the Atria development alone is a good net contributor to the community. Mr. Preine noted that the neighbors created a petition and received good support from the community for their development proposal. Mr. Preine wishes to clean up the petition for presentation to the Board. He noted that there were outside organizations supportive of the neighbors' proposal. Those organizations included the Friends of the Wissahickon, the Wissahickon Valley Watershed Association, and the Morris Arboretum. In closing, Mr. Preine suggested that the Tecces are merely acting to maximize their asset with their development proposal, whereas the neighbors' proposal provides a good stewardship of the land. He also put forth an offer from the neighbors to utilize a structured mediation with the Tecces to help create a responsible development of the property.

Mr. Wilson confirmed that the entire Tecce tract is approximately 41 acres. Of that, the neighbors would set aside 7 acres for the Atria Senior Living facility, and other approximately 21 acres set aside as open space.

Mr. Standish asked the following questions of the neighbors: (1) would the Township be involved in the proposed mediation process - no, the Township would not be obligated to

participate in mediation, (2) how would the three year period for the neighbors to purchase the rear portion of the Tecce tract be guaranteed - by an agreement under which the neighbors could then proceed with fundraising, (3) could there be a conflict in preserving open space if the senior living facility was responsible to secure and own the open space - no, Atria would secure the open space in the rear and permanently preserve/restrict the area as open space, (4) expressed his confusion as to why the new Comprehensive Plan did not take into consideration the existing approved 552-unit Tecce plan given the timing of that plan approval and the date of the Comprehensive Plan update.

Mr. Gillies asked the following questions: (1) what is low density housing – the number of lots per acre, but the concept of low density is subjective in nature, (2) what are the zoning restrictions on the number of dwellings per lot on the neighbors’ proposal to the rear of Atria - one house per lot, (3) are there other zoning restrictions anticipated for this same area – all other zoning restrictions would follow the existing Township regulations, (4) could the impact on stormwater management be increased through the neighbors’ proposal which does not have limitations on future improvements on the individual lots vs. the built-in limitations on an age-qualified development - no specific answer was provided, (5) with regard to state grants discussed during the proposal, who creates the funds for the grant - the State taxpayers, (6) Mr. Gillies opined that the open space proposed on the Tecce tract would also be good for the natural habitat and the quality of stormwater, (7) asked for a clarification on how the Institutional zoning district text amendments would be applied to other properties – it would only apply to the Institutional properties with a personal care use, (8) is there a law whereby the Township can require the sale of a private property – no.

Mr. Dailey asked the following questions: (1) asked for a definition of density from the neighbors – number of housing units per a specific area, usually per acre, (2) with mediation, what type of housing development is desired – difficult to pinpoint, currently the neighbors would be negotiating against themselves, therefore, the Tecces need to participate in the process, (3) asked what might occur on four of the five undeveloped lots desired by the neighbors after the three year period elapsed – each lot could be developed with one house.

Mr. Schaum asked how the AAA Residential density would be created in relation to the underlying AA Residential zoning district - the AA Residential density dictates density under the AAA zoning classification. It is believed that approximately 30 units could be constructed under AA Residential by right.

Mr. Harbison asked the following questions: (1) would the open space on the age-qualified portion of the tract be open to the general public – no, only to the age-qualified households, (2) opined that he would prefer to see a AAA Residential development on the property or a reduced number of age-qualified homes, furthermore, at this point he would prefer the 52 age-qualified residences on the entire tract vs. the Atria Senior Living proposal plus the proposed age-qualified development.

Bonny Davis, Springfield Township Tax Collector, stated that the tax assessment is a function of the County and property owners can appeal the assessments. The effect of the appeals are found in the actual taxes to be collected from varying properties.

David Sands, Lodges Lane, Oreland, encouraged the Board of Commissioners to review the development in light of the Township Comprehensive Plan thereby restricting the amount of development to take place on this property.

Nora Schwarz, 277 Northwestern Avenue, stated her general concern with the relaxation of the setbacks required for the Atria Senior Living Facility.

Adina Bernbaum, West Mill Road, suggested that the Commissioners consider the effect the 125 unit senior living facility may have on the area and consider concessions necessary from the development of the rear portion of the property.

Ginger Sabia, Andorra Road, suggested that the zoning concerns should not be addressed until the Ridge Pike project is completed. The zoning application was presented without regard to the existing traffic conditions, and again, perhaps the proposal should wait until those improvements are made.

Cindy Farrell, Ridge Pike, stated that currently there are traffic congestion and speed concerns along Ridge Pike. Those problems will be exacerbated by the proposed future development.

John Farrell, Ridge Pike, suggested that the Wissahickon Valley Watershed Association finds this area to be an important habitat and suggested that a natural resource inventory and an environmental assessment be completed for the property.

Mark Bower, Ridge Pike, opined that the planned development will negatively impact the value of the surrounding homes. He also wished to understand that the planned roadway improvements for Ridge Pike took into account the proposed development improvements at this location. He asked the Board of Commissioners to consider the plans set forth by the neighbors suggesting that the plans are a bold move for the area.

Gary Bromberg, 273 Northwestern Avenue, stated that initially the development proposals for the Tecce tract were all residential in nature. He believes the neighbors are willing to accept the Atria proposal but with concessions for the remaining portion of the property. He also believes that his real estate values will be reduced as a result of a future development. He believes the only motive for the Tecces and the development of this property is the financial value. In conclusion, he suggested that to the extent the Board of Commissioners changes the zoning on the property, the character of the existing neighborhood will also be changed.

Mara McCarthy, representing the Friends of the Wissahickon, discussed in detail the negative impact the loss of open space and natural habitat will have on the Wissahickon Creek as well as the negative stormwater impacts the development will have on the creek.

Walter Flamm, 249 Northwestern Avenue, discussed the need for the property owner and neighbors to negotiate a settlement for an appropriate development of the Tecce tract. He

believes the only way to require a settlement is if the Board of Commissioners denies the current rezoning request, thereby requiring Mr. Tecce to work with the neighbors.

John Filice, Esq. presented a closing statement suggesting that the goals of the neighbors were to: (1) provide senior living opportunities within the community, and (2) preserve open space within the immediate neighborhood. To the extent the Board of Commissioners finds the high density Atria Senior Living use appropriate, the Board should consider providing something in return to the immediate community. He expressed concern with the number of employees and the associated traffic with the entire development of the Tecce tract. The neighbors would like the opportunity to participate in the process of the development within their neighborhood and in order to do so, the Board of Commissioners may need to deny the request of the Tecces in order that they are compelled to participate in the planning process.

Ross Weiss, Esq. noted in his closing statement that the Tecces have been working with the Township for between 10 and 12 years and in the past did negotiate the approved plan for 52 age-restricted residential units. He remarked that there were six neighbors most affected by the proposed development on the Tecce tract, and opined that the Township has an opportunity to attract a senior living facility unlike any other in the Township. All said, he believes that Atria Senior Living appeared to be a good use for a portion of the Tecce property. The desire for creating open space is solely for the benefit of the immediate neighbors, and that the age-restricted housing units in the rear of the property meet the definition of a low density development of placing 34 units on 34 acres, which is indeed consistent with the Township Comprehensive Plan.

An announcement was made that the Board of Commissioners would take the testimony presented under advisement and that the hearing would be continued until the July 9, 2014 meeting of the Board of Commissioners. The Board of Commissioners then reconvened the regular June business meeting.

There being no further business, the public hearing was adjourned at 12:10 AM.

Respectfully submitted,

Donald E. Berger, Jr.  
Secretary