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November 6, 2013

Brian L. Nagle

West Bradford Township  
Board of Supervisors  
c/o Tommy Ryan, Township Manager  
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**Re: Embreeville Complex Redevelopment Project; West Bradford Township  
Chester County, Pennsylvania**

Dear Members of the Board,

I enclose for your review and consideration Embreeville Redevelopment, L.P.'s updated land use plan, planning statement, and proposed draft ordinance that would allow for the clean-up and beneficial redevelopment of the Embreeville site. In developing this proposal, my client, with the assistance of numerous professional consultants, has considered virtually all aspects of accepted planning principals.

We look forward to your continued consideration of our proposal and to discussing additional details of this proposal at one of your upcoming public meetings. My client is excited by the redevelopment opportunities at the Embreeville site and would appreciate your support of its proposal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "BNagle", is written over a light blue horizontal line.

Brian L. Nagle

Enclosure/cfg

cc: West Bradford Township Planning Commission w/ enclosures (8 sets)  
Chester County Planning Commission w/ enclosures (9 sets)  
Ronald T. Bailey, Executive Director, Chester County Planning Commission w/enclosures  
David D. Ward, Assistant Director, Chester County Planning Commission w/enclosures  
John E. Good, Esquire w/ enclosures  
Embreeville Redevelopment, L.P.  
Dennis F. Glackin, AICP, PP  
Erik W. Hetzel, AICP, PP, LEED AP

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# Memorandum

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To: West Bradford Township Board of Supervisors

From: Erik W. Hetzel, AICP/PP, LEED AP

Date: November 5, 2013

Re: Embreeville Redevelopment - Zoning Amendment and Land Use Plan

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Embreeville Redevelopment, LP is proposing a zoning ordinance amendment that would allow for the redevelopment of the 200-plus gross acre portion of the former Embreeville State Hospital property in West Bradford Township with a mix of residential housing types at varying densities, along with active recreation, open space and appurtenant village commercial uses. The property is currently zoned "IM-Institution/Mixed Use", which allows for several uses, including ones that have historically occupied the site.

The Embreeville site has an institutional legacy dating back to the late 1700's when it was a County almshouse for the poor. By the mid-1900's it was home to a Commonwealth-run psychiatric hospital with more than 1,000 patients plus attendant medical staff and facility employees. Following the closure of the hospital, the site has been used for various institutional, residential, educational and penal uses until the buildings were largely vacated by 1998 and almost entirely vacated by 2008. Since then, the buildings have become quickly dilapidated due to abandonment and neglect. The aging structures are dangerously contaminated with asbestos-containing materials, mold and lead paint, piping and glass. It is estimated that the cost to remediate, demolish, and recycle the site is upwards of \$13 million; financing such a cleanup will require an incentive for adequate return on that investment if the site is to be restored as a community-friendly site that also contributes to the tax rolls. Redevelopment of the property as proposed presents a unique opportunity to remove this blight on West Bradford's landscape, and would involve the Township in an inclusive master planning process to shape the future of Embreeville.

Located along West Strasburg Road and Telegraph Road, the property is ideally situated to accommodate the proposed mix of uses. Its size, shape, and the location of existing developed areas in relation to the site's environmental features and terrain allow for a land plan that would leave 50% of the property in open space. If the proposed mix

of residential densities is permitted, the significant active recreational amenities that currently occupy the southern portions of the site can be preserved and improved for continued enjoyment by surrounding Township residents.

The proposal makes good community planning sense at this location in the Township. The former land use on the site was relatively high intensity in character, and included residential components. The proposed use is consistent with the historic residential use of the property, and much of the infrastructure and services required to service it are already in place. Remediation and redevelopment would occur primarily on the previously-developed portions of the site, and any new development areas would be compact in form to maximize open space and minimize new land disturbance. Decaying infrastructure would be replaced by modern site improvements that will be required to meet the performance standards of current local, state and federal regulations. The site is already served by all major utilities, and would not require the extension of sewer or water service into remote, undeveloped areas of the Township that could lead to inefficient, "leap-frog" sprawl-type future development patterns. Site planning and architecture will be designed to blend with the character of the community, and significant investments will be made in site amenities that will serve both the future residents of the development and the Township overall.

In accordance with the land planning reasons described herein, the applicant is submitting for the Township's consideration the enclosed zoning ordinance amendment, which would add the "Unified Development Area-2 (UDA-2)" district to the Township's Zoning Ordinance. The proposed UDA-2 district contains provisions similar to those of the UDA district that already exists in the Township, so we believe there is precedent in the Township for such zoning. Included along with the proposed amendment is a revised conceptual land use plan that expresses an overall vision for the future development of the property that could be afforded by the UDA-2 district.

## DRAFT FOR DISCUSSION

### AN ORDINANCE AMENDING THE WEST BRADFORD TOWNSHIP ZONING ORDINANCE BY ADDING ARTICLE V-A UNIFIED DEVELOPMENT AREA-2 DISTRICT AND ADDING CERTAIN DEFINITIONS TO SECTION 450-7

Section 1. Section 450-7 of the West Bradford Zoning Ordinance is hereby amended to add the following definitions:

**CONTINUING CARE RETIREMENT COMMUNITY.** A residential community designed to provide independent and assisted living arrangements for persons aged 62 years and older through the use of fee-for-service contracts to provide lifelong care in exchange for monthly service payments and/or refundable entrance deposits. Such a facility may also provide for dementia care and skilled nursing units, physical therapy facilities, auditoriums, recreation facilities, dining, on-site service shops, and other ancillary services customary for such a use.

**MIXED-USE AREAS.** An area within a Unified Development Area-2 containing a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, entertainment and recreation uses.

**COURTYARD TOWNHOUSES.** More than three, but no more than ten dwelling units in a building, each dwelling unit accommodating one family; dwelling units may be attached side by side and located one over the other.

Section 2. Add Article V-A as follows:

#### **ARTICLE V-A – UNIFIED DEVELOPMENT AREA-2 DISTRICT**

##### **Section 450-A.1 PURPOSE**

The Unified Development Area-2 District (“UDA-2”) has been established for the following purposes:

A. To provide for the redevelopment of the property formerly used by the Commonwealth of Pennsylvania as the Embreeville Center, and adjacent land, in a manner that will facilitate its environmental rehabilitation, preserve open space and existing recreational uses, and provide a mixed use community developed according to a comprehensive Land Use Plan (“Land Use Plan”);

B. To provide for a combination of uses, including residential, commercial, and retail with varied densities and intensities of uses that provide opportunities for residential use areas, job creation, and economic development;

C. To provide for a variety of residential housing types with building design, layout and building height that adapt to the existing characteristics, natural features and topography of the property;

D. To provide for commercial development along West Strasburg Road, a minor arterial collector road, as well as residentially scaled commercial uses within the residential use areas to allow services that support the everyday needs of occupants of the residences;

E. To provide flexibility in design and use of the former Embreeville Center with internal circulation patterns that promote connectivity of the land use areas and interaction among the land use areas; and

F. To conserve existing active recreational uses and provide opportunities for passive recreational use of other common open space areas.

**Section 450-A.2 ZONING OVERLAY CONCEPT AND ELIGIBILITY FOR UDA-2 DEVELOPMENT**

A. The UDA-2 District shall be deemed an overlay district on the IM-Institution/Mixed Use District. Said overlay, and the use areas designated in an approved Land Use Plan, shall become affixed to the land as the zoning for the property (and the official Zoning Map of the Township shall be amended accordingly) upon approval of the Land Use Plan by the Board of Supervisors.

B. In order to be eligible for UDA-2 development as shown on a Land Use Plan approved pursuant to this Section 450-A.2, the following criteria shall be met:

1. The property proposed for UDA-2 development (hereinafter "the Tract") shall have a contiguous gross tract area of not less than 175 acres and have frontage along a minor arterial collector road as designated by the Township Comprehensive Plan.

2. The Tract shall be held in single ownership, or, if the Tract is not held in single ownership, all of the owners of the Tract must join in the application and agree to develop the Tract pursuant to the Land Use Plan.

3. Central water and sanitary sewer facilities are required.

4. Not less than fifty percent (50%) of the Tract shall be common open space. The common open space requirement of this Section shall supersede and be in lieu of all other Township ordinances requiring the designation of common open space or community facilities. Common open space outside of West Bradford Township may be included as part of the common open space, but may not be counted as part of the Tract Area for density calculation purposes.

### **Section 450-A.3 APPLICATION CONTENT**

Applications for approval of a Land Use Plan for the UDA-2 District shall meet all procedural requirements for a zoning map amendment as required by the Pennsylvania Municipalities Planning Code and the Zoning Ordinance of West Bradford Township, and shall include the submission of a Land Use Plan and the following supporting data for the Tract:

#### **A. Land Use Plan**

The Land Use Plan shall be drawn at a scale of not less than one (1) inch equals two hundred (200) feet and shall be supplemented with additional information sufficient to assess the impact of the proposed development of the Tract, including, but not limited to, the following:

1. The boundaries of each of the use areas within the entire Tract, including, but not limited to:

a. The location and type of land use proposed in each use area; and

b. Total building area being proposed, represented by the total square footage of office and commercial buildings and the number of total residential dwellings or buildings.

2. The location and proposed use and disposition made of common open space and other common areas and facilities, including the proposed schedule for imposition of restrictions upon the open space or dedication thereof to the Township.

3. The general vehicular and non-vehicular circulation pattern for the Tract, including points of access to the Tract, and the location, dimensions and rights-of-way of the roads that will link use areas.

4. The proposal for provision of water to the Tract and the method of sewage treatment and disposal.

B. Environmental Impact Assessment Report

An Environmental Impact Assessment Report shall be submitted with the Land Use Plan and shall comply with Appendix A of the Subdivision and Land Development Ordinance.

C. Additional Information

The following additional information shall accompany the Land Use Plan and be made part of the application:

1. A narrative describing how the proposed development complies with each of the purpose statements under Section 450-A.1.

2. A narrative generally describing proposed covenants, restrictions and development standards for the UDA-2 development.

3. A narrative description of existing zoning and land uses on, and adjacent to, the Tract.



4. An inventory of historical resources and existing open space and recreation areas on the Tract.

#### **Section 450-A.4 PROCEDURES**

The following procedures shall apply to the designation of a UDA-2 District and the underlying sub-districts:

A. Review of Land Use Plan

The Land Use Plan shall be submitted to the Board of Supervisors, together with such fee and such forms as may be prescribed by the Board, which shall, within thirty (30) days of submission of a complete application, refer the application to the County and Township Planning Commissions. Not later than ninety (90) days, but not earlier than thirty (30) days after such referral, the Board shall hold a public hearing to consider the application, pursuant to public notice and posting of the Tract as required by the MPC for a zoning map change. The Board, within thirty (30) days following the conclusion of the public hearing, shall, by written notice to the Applicant:

1. Grant approval to the Land Use Plan as submitted;
2. Grant approval to the Land Use Plan, subject to specified conditions not included in the Land Use Plan as submitted; or
3. Deny approval of the Land Use Plan.

Failure of the Board of Supervisors to timely approve or deny the Land Use Plan as provided above shall be deemed to constitute a denial of the application for Land Use Plan approval.

B. Criteria for Land Use Plan Review

The following criteria shall be considered by the Board of Supervisors when evaluating the Land Use Plan application submitted under the provisions of this Article V-A:

1. The natural environment of the Tract, with particular reference to preservation of streams, wetlands, Pennsylvania Natural Diversity Index Sites, woodlands, and

slopes in excess of twenty percent (20%), protections against soil erosion and water contamination, and provision for flood and storm water runoff control.

2. Location of sub-districts, infrastructure, and common open space shall take into account the following:

- a. Suitability with respect to topography and drainage.
- b. Compatibility with surrounding land uses.
- c. Preservation of significant natural features and vegetation.
- d. Preservation of significant visual resources.
- e. Preservation of water quantity and quality.

3. Consideration of traffic improvements designed to alleviate potential vehicular traffic congestion resulting from implementation of the Land Use Plan, including any off-site improvements demonstrated to be required as a result of the UDA-2 development.

4. Provisions for the ownership, public access, and restrictions of the proposed open space, which will secure property maintenance and preservation thereof for open space purposes.

5. Preservation of historic sites and structures, if any.

6. Determination of compliance with each of the purpose statements under Section 450-A.1.

C. Submission of Subdivision and Land Development Plans

Approval of the Land Use Plan shall not constitute a subdivision or land development plan approval of any part of the Tract, and the applicant, or any successor to the applicant, for all or any portion of the UDA-2 shall comply with all subdivision and land development application requirements except as expressly modified in this Article V-A. The application for approval of the Land Use Plan may include a subdivision and/or land development plan for the first phase of the UDA-2. Approval of the Land Use Plan by the Board of Supervisors shall be in lieu of any conditional use or special exception approval otherwise

required with respect to any of the uses provided for in the underlying IM – Institution/Mixed Use District, so long as such uses or any aspect of the development otherwise requiring conditional use or special exception approval are identified in the materials submitted pursuant to Section 450-A.2 and reviewed and approved by the Board of Supervisors as a part of the Land Use Plan.

D. Vested Right to Proceed

The applicant, or any successor to the applicant, for all or any portion of the UDA-2, shall have a vested right to proceed according to the Land Use Plan, and no subsequent change or amendment to the zoning, subdivision and land development ordinance, or any other governing ordinance or regulation, shall be applied to affect adversely the right of the applicant, or any successor, to commence or complete any aspect of the approved Land Use Plan, or materially increase the amount of site improvements or the projected cost of construction of buildings and site improvements, for a period of twenty-five (25) years from the date of approval of the Land Use Plan.

E. Amendment of the Land Use Plan

The Board of Supervisors may permit amendment of the Land Use Plan upon application for amendment by an applicant or applicants representing the entirety of the UDA-2 by following the procedures and criteria outlined in Section 450-A.2.

**Section 450-A.5 USE AREAS/PERMITTED USES**

The UDA-2 shall be organized by Use Areas shown on the Land Use Plan as follows:

A. Residential Use Area – an area of the UDA-2 comprised of residential buildings. Permitted uses within the Residential Use Area shall be single family detached dwellings; single family semi-detached dwellings; two-family detached dwellings; single family attached dwellings (townhouses); courtyard townhouses; quadraplex; multiple family dwellings and garden apartments.



B. Mixed Residential Use Area – areas of the Tract developed with a combination of the residential uses permitted in the Residential Use Area and permitted commercial uses.

C. Commercial Use Area – areas of the Tract may be used for commercial uses. Permitted uses within the Commercial Use Areas shall be retail shops including but not limited to convenience stores, general or country stores and hardware stores; growers' markets; day-care centers; eating establishments; professional offices; financial institutions; personal service establishments; health spa or fitness center; medical/dental office; multi-family dwellings on the second floor; municipal uses, and uses of the same general character as the foregoing uses.

D. Recreational Use Area – areas of the Tract used for active or passive recreation purposes including recreational amenities such as tot lots, playground, ball fields and trails.

E. Storm water management facilities and other usual and customary facilities shall be permitted in every Use Area.

F. Usual and customary accessory uses that are clearly subordinate and customarily incidental to any of the permitted principal uses shall be permitted in every Use Area.

#### **Section 450-A.6 PERFORMANCE STANDARDS**

A. The overall residential density within the UDA-2 shall not exceed five (5) dwelling units per gross acre of Tract area excluding Commercial Use Areas. Density shall be lower at the periphery of the Tract and may be more intense in the interior or where redevelopment of existing built areas will occur. Every UDA -2 District shall contain a minimum of three housing types.

B. Building area coverage over the entire Tract shall not exceed 30%.

C. Impervious area coverage over the entire Tract shall not exceed 45%.

D. All buildings shall be set back from any external Tract boundary line or external street right of way a distance of at least 50 feet.

E. Along each external Tract boundary line, which directly abuts a residential district or use, a buffer area of not less than 20 feet in width shall be provided. Such buffer may be within any required yard or Tract setback.

F. Sidewalks and walking trails are an integral part of the development and, as such, sidewalks are required on at least one side of all streets in the development.

G. Within the UDA-2, building height shall not include flat rooftop solar energy panels and/or mechanical equipment.

H. Common open space for purposes of this Article V-A shall mean land meeting the following criteria:

(1) There shall be sufficient open space to retain or relocate any athletic fields that currently exist on the Tract; said open space shall either be made subject to a perpetual easement preserving the use as athletic fields, or be dedicated to the Township or other entity approved by the Township with the condition that the said open space shall remain available for use as athletic fields or a similar use;

(2) There shall be an area of common open space improved by a facility to provide for the recreational needs of the residential use areas, which facility may, but shall not be required to, include a swimming pool, tot lots, playgrounds, basketball court or tennis courts, trails and other similar uses;

(3) The balance of the common open space shall be located so as to retain a substantial portion of the Tract in its natural state provided, however, that trails and other forms of passive recreation shall be permitted;

(4) Appropriate areas of common open space shall be provided within residential use areas to provide opportunities for passive recreation and to foster a sense of community, such as, but not limited to, central lawns or greens, tot lots, and the like.

(5) Common open space may include steep slopes, land covered with water, storm water management facilities, land subject to easements for spray irrigation disposal of effluent, drip irrigation or similar land application sewage treatment or management control;

(6) Common open space must be restricted to preserve its character as common open space by suitable documents in recordable form such as: Homeowner or Condominium Association Declarations; Covenants, Conditions and Easements; or like documents that provide the Township or another entity with the right to enforce the use, maintenance and management restrictions contained therein.

#### **Section 450-A. 7 AREA AND BULK REGULATIONS**

A. Single Family Residential Units:

- (1) Minimum Lot Area: 6,500 square feet
- (2) Minimum Lot Width: 60 feet
- (3) Minimum front yard: 25 feet
- (4) Minimum rear yard: 20 feet
- (5) Minimum side yard: 7.5 feet
- (6) Maximum height: 35 feet

B. Single-family semi-detached; townhouses and courtyard units.

- (1) No unit shall be less than 20 feet in width.
- (2) A minimum building separation distance of at least 10 feet shall be provided.
- (3) The maximum height shall be no more than 35 feet or three stories, whichever is more, except for courtyard buildings which may be 45 feet in height.



(4) No more than 8 townhouses shall be permitted in any one building.

(5) No more than 10 courtyard units shall be permitted in any one building.

C. Apartments and multi-family dwelling units

(1) Setback to curb lines shall be a minimum of 15 feet.

(2) Building to building separations shall be a minimum of 40 feet.

(3) Building height shall be no more than 5 stories or 65 feet, provided that any building over 3 stories is located at least 300 feet from the Tract boundary line or existing public street.

(4) No building may contain more than 50 residential units.

D. Commercial Uses:

(1) Maximum Use Area: 10% of the gross Tract area.

(2) No unit shall be less than 20 feet in width.

(3) Minimum building separation: 10 feet.

(4) Maximum height: Three stories or 40 feet, whichever is greater.

(5) Building side and rear yard setbacks shall be 25 feet from any internal lot or parcel lines established.

(6) Building setback from internal streets or drives: 15 feet.

E. Continuing Care Retirement Community ["CCRC"]

A CCRC shall be permitted within the Residential Use Area and shall comply with the development standards of this Section 450-A.7:

1. A CCRC shall be designed to serve its residents and their guests only except that nonresidents may receive care in the medical building.

2. The CCRC shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner.

3. A CCRC shall be operated by an entity holding a Certificate of Authority from the Commonwealth of Pennsylvania Insurance Department pursuant to 40 P.S. §3201 *et seq.*

4. The CCRC may provide dwelling units in any combination of housing types permitted in the Residential Use Area.

5. A CCRC may include any of the following uses:

- a. Independent living units; assisted living units; and skilled nursing facilities.
- b. Dining Facilities, including central kitchens for on-site preparation of meals and restaurants or taverns;
- c. Medical facilities, providing treatment, nursing and convalescent care;
- d. Recreational facilities, including activity rooms, auditoriums; lounges and libraries;
- e. Office and retail service facilities, including gift shops, coffee shops, barber or beauty shops, banks, and pharmacies;
- f. Health care facilities, including physical therapy facilities and services, exercise rooms/equipment, swimming pools, and the like;
- g. Day Care facilities for the supervision of children and adults;
- h. Tennis courts, including indoor courts;
- i. Running/walking tracks, including indoor tracks;
- j. Indoor storage for vehicles and property of residents; and
- k. Indoor storage of maintenance and other equipment used in the operation and maintenance of the CCRC.

6. The following development standards shall apply to a CCRC:

a. Maximum Use Area Density: 12 independent living units/acre. Three Assisted Living beds shall each equal one independent living unit. Five Nursing beds shall each equal one independent living unit.

b. Minimum Use Area (acres): 25 acres.

c. Maximum Height – Principal Structure: 5 stories or 60 feet.

d. Accessory Structure: 50% of the height of the tallest principal structure.

e. Minimum setbacks from parking and interior access drives: Building face to common parking area and interior access drives: 10 feet.

f. Minimum Principal Structure setbacks from Use Area perimeter:

From other like-zoned tracts: 50 feet

From any residential zoning district boundary line: 100 feet

From any other zoning district boundary lines: 50 feet

g. Minimum accessory structure setbacks:

From Use Area perimeter (excluding street frontages): 25 feet.

7. A CCRC shall be marketed and maintained so as to qualify for the exemption to the prohibition against discrimination in housing of the United States Fair Housing Act, 42 U.S. C. § 3601 *et seq.*