
BEFORE THE WHITPAIN TOWNSHIP BOARD OF SUPERVISORS

Applicant:
ACTS Retirement-Life Communities, Inc.

Property:
Normandy Farms Estates
9000 Twin Silo Drive

Parcel No.:
66-00-04102-00-8

Application No.: 43-21

CONDITIONAL USE DECISION

FINDINGS OF FACT

1. On June 15, 2021, a hearing was held before the Board of Supervisors of Whitpain Township (“Supervisors”) pursuant to an application for Conditional Use approval to construct a porte cochere on the property located at 9000 Twin Silo Drive, Whitpain Township, Montgomery County, Pennsylvania, further identified as Montgomery County Tax Map Parcel Number 66-00-04102-00-8 (the “Property”), pursuant to § 160-69.C(2) of the Whitpain Township Zoning Ordinance (the “Ordinance”).
2. Applicant is ACTS Retirement-Life Communities, Inc. (“Applicant”), having an address of 1936 West Point Pike, West Point, Pennsylvania.
3. The Property is located in the R-6 Agricultural/Rural Residence District.
4. The proposed use is permitted by conditional use approval pursuant to § 160-69.C(2).
5. Notice of the public hearing was published in The Times Herald on May 25, 2021 and June 1, 2021.
6. Notice of the public hearing was mailed by the Township to all surrounding properties in accordance with § 160-240 of the Ordinance.
7. Notice of the public hearing was posted on the Property on June 2, 2021.

8. The following documents were offered by the Township, marked as indicated, and received into evidence:

- T-1 Conditional Use Application
- T-2 Advertisement Pursuant to the Municipalities Planning Code (MPC)
- T-3 Mailing Labels for Letter to Neighbors
- T-4 Certification of Posting, dated June 2, 2021.

9. At the hearing, the following documents were offered by Applicant, marked as indicated, and received into evidence:

- A-1 Conditional Use Application with Attachment
- A-2 Curriculum Vitae of Joseph P. Hanna, P.E. of Chambers Associates, Inc.
- A-3 Record Plan prepared by Chambers Associates, Inc. dated March 9, 2021
- A-4 Assisted Living Entrance Porte Cochere Plan prepared by Chambers Associates, Inc. dated March 9, 2021, last revised May 3, 2021
- A-5 Board of Assessment Printout, Deed, and Pennsylvania Department of Corporations Information
- A-6 Montgomery County Planning Commission Letter dated May 19, 2021
- A-7 Rendering for the Porte Cochere

10. No individuals and/or businesses presented opposition to the application.

11. The Applicant was represented by Ms. Bernadette Kearney, Esquire of Hamburg, Rubin, Mullin, Maxwell, and Lupin.

12. At the June 15, 2021 hearing, the Supervisors heard the testimony of Joseph P. Hanna, P.E. on behalf of the Applicant. The testimony can be summarized as follows:

- a. The Applicant is proposing the porte cochere to provide a covering at the main entrance to the assisted living facility.
- b. The porte cochere is 29 feet wide and 42 feet long in order to cover the existing driveway.
- c. There would be no impact on storm water as the roof drainage is collected and connected to the existing storm system which feeds into the existing basin.
- d. The porte cochere is over existing macadam, so there would be no impact on impervious coverage.
- e. The porte cochere is an amenity to the residents of the assisted living facility because it would protect them from the weather when they walk into the building

- f. The porte cochere is consistent with the goals for age-restricted communities and would not adversely affect public health, safety, or welfare.

13. The Applicant has previously received Conditional Use approval for the use and prior improvements on the Property.

14. The Applicant has also requested a waiver of land development under the Subdivision and Land Development Code.

15. The Supervisors found the testimony and documentary evidence presented credible.

CONCLUSIONS OF LAW

- 1. Pursuant to § 160-69.C(2) of the Ordinance, retirement communities are permitted by Conditional Use, subject to certain conditions.
- 2. The Supervisors considered the factors identified §§ 160-69.C(2), 160-74, and 160-78 of the Ordinance and determined that Applicant has sustained its burden of proof with respect to these factors.
- 3. An Applicant for conditional use has the burden to demonstrate compliance with the specific criteria of the ordinance. In re Thompson, 896 A.2d 659 (Pa. Commw. Ct. 2005).
- 4. Applicant sustained its burden of proof that its Application met the specific criteria of the Whitpain Township Zoning Ordinance.
- 5. All use and development allowed by any granted application shall conform to the exhibits and testimony presented at the hearing unless inconsistent with these conditions in which case these conditions take precedence.
- 6. Approval of the Application is subject to the Applicant's compliance with any requirements from any agency having jurisdiction over the matter in addition to all applicable codes and ordinances, including but not limited to the Whitpain Township Zoning Ordinance, the Whitpain Township Subdivision and Land Development Ordinance, and the Whitpain Township Building Code.
- 7. Approval of the Application is subject to Applicant agreeing to reimburse the Township for all fees and costs associated with the review of this plan account, including engineering and attorney fees, and to become current with all financial obligations to the Township.
- 8. Approval of the waiver of land development is conditioned upon the review and approval of the site plan by the Township Engineer. Should the Township Engineer determine that land development is required, such waiver is rescinded.

CONCLUSION

Based on the testimony and documentary evidence, the Board of Supervisors of Whitpain Township unanimously voted to approve the Conditional Use application and hereby grants a waiver of land development consistent with the conditions above.



Frederick R. Conner, Jr.
Secretary

July 20, 2021

Dated



Michele Minnick
Chair

July 20, 2021

Dated