

Craig R. Lewis

Direct Dial: (610) 941-2584 Direct Fax: (610) 684-2021 Email: rlewis@kaplaw.com www.kaplaw.com

December 11, 2025

<u>VIA HAND DELIVERY</u> <u>& EMAIL (jrowe@plymouthtownship.org)</u>

Joel Rowe, Zoning and Planning Officer 700 Belvoir Road Plymouth Meeting, Pennsylvania 19462

RE: KH PLY MTG, LLC – 640 Fountain Drive Zoning Hearing Board Application

Dear Joel:

My firm represents KH PLY MTG, LLC ("Applicants"), owners of the property at 640 Fountain Drive, Plymouth Meeting, PA 19462 ("Property") further identified as TMP 49-00-04927-00-1. Enclosed is an application to the Plymouth Township Zoning Hearing Board seeking a special exception pursuant to Section 3200.F of the Zoning Code to permit use of the Property for an apartment house/multiple dwelling as a use of the same general character as a permitted use in the Planned Office Campus Zoning District ("Application").

In support of the Application, I have enclosed the following:

- 1. 25 copies of an executed¹ and notarized Plymouth Township Form Application as well as narrative/addendum to the Application attaching the following exhibits:
 - A. Deed to the Property; and
 - B. Survey Plan²;
- 2. A check in the amount of \$1,000.00 representing the required application fee.

Also enclosed is an additional copy of the Application. Please have this additional copy time-stamped and returned to me with my messenger as proof of filing.

¹ The executed original Application will be delivered under separate cover.

² Application includes 15 full sized copies of the plot plan.

If you have any questions or require any further information, please contact me at your earliest convenience.

Sincerely,

Craig R. Lewis

w/enclosures

cc via email: KH PLY MTG, LLC

APPLICATION/APPEAL TO THE ZONING HEARING BOARD

PLYMOUTH TOWNSHIP 700 BELVOIR ROAD PLYMOUTH MEETING, PA 19462

	DATE: December 12, 2025
Applicant/Appellant's Name and Address: $\underline{ ext{KH PLY MT}}$	G LLC
10645 N. Tatum Blvd., #200-53, Phoenix, AZ 85028	PHONE NO.: (775) 690-2882
Owner's Name and Address: Same as Applicant	
	PHONE NO.:
_essee's Name and Address: N/A	
lf Applicable) .ocation of Premises: <u>640 Fountain Drive, Plymouth Me</u>	eeting, PA
Dimensions of Lot: 7.93 acres - irregular	
Present Zoning Classification of Premises: Planned Off	fice Campus
The improvements thereon are: 6-story, 253-Unit Suites	Hotel.
See attached for further description	· ,
and the present use of the land and/or building is \underline{Forn}	ner Double Tree Suites Hotel
Section 3200.F If this is an appeal from a decision of the BUILDING II From the terms of the PLYMOUTH TOWNSHIP ZONING SECTIONS OF THE ORDINANCE as to which the VARIANCE	G ORDINANCE check here [] and state the specific
The (SPECIAL EXCEPTION) (VARIANCE) requested is	as follows: See Attached Addendum.
Describe what is proposed of real estate in question:	See Attached Addendum.
There must be attached hereto a <u>plot plan</u> , accurate indicating the location and dimensions of the tract a proposed to be erected. <u>ALL PLANS MUST BE</u>	nd improvements erected thereon as well as those

(13)	thereto a nonrefundable-filing fee	of TWO HUNDRED DOLLARS (\$200.00) and for all other structures a HOUSAND DOLLARS (\$1,000.00). PLEASE MAKE CHECK PAYABLE TO
STATE	OF PENNSYLVANIA:	
COUN	TY OF MONTGOMERY:	
	haina	
	ant above named and that the fac	g duly sworn/affirmed according to law, deposes and says that he is the is set forth in the foregoing application/appeal and all documents or correct to the best of his knowledge, information and belief.
		KHPLYMIC-UC
APPLI	CANT/APPELLANT	
	RN : MED AND SUBSCRIBED TO : RE ME THIS DAY OF :	SEE ATTACHED FOR NOTAIZIZATION
- A	122	
(OWN	ER'S SIGNATURE - IF APPLICABLE)	
		SPECIAL INSTRUCTIONS
SUPPO TWEN THE Z	ORTING PAPERS, OR FOR <u>COMME</u> TY-FOUR (24) COPIES OF THE AP CONING OFFICER, ZONING OFFICE	IGINAL AND FIFTEEN (15) COPIES OF THE APPLICATION AND ALL RCIAL, INDUSTRIAL, MULTI-FAMILY APPLICATIONS - ORIGINAL AND PLICATION AND ALL SUPPORTING PAPERS SHALL BE FILED WITH PLYMOUTH TOWNSHIP, 700 BELVOIR ROAD, PLYMOUTH MEETING, ATION/APPEAL NEED BE VERIFIED BY AFFIDAVIT.
		IMPORTANT NOTICE
OF THENTIR WRITI MUST ZONIN UNLES MORE	HE PLYMOUTH TOWNSHIP ZONING E CASE AT THIS MEETING. ANY NG, AND YOU MUST GIVE THE REBE RECEIVED BY THE ZONING OF HEARING. NO APPLICATIONS IS THE APPLICANT APPEARS BEFORTHAN ONE REQUEST FOR A CONTRACT.	ED FOR A HEARING AT THE NEXT REGULARLY SCHEDULED MEETING HEARING BOARD. YOU MUST BE PREPARED TO PRESENT YOUR APPLICATION FOR CONTINUANCE OF THE HEARING MUST BE IN ASONS FOR THE REQUEST. THE APPLICATION FOR CONTINUANCE FICER NO LATER THAN 3:00 P.M. ON THE THURSDAY BEFORE THE FOR CONTINUANCE WILL BE ACCEPTED AFTER THAT DEADLINE ORE THE ZONING HEARING BOARD TO APPLY FOR A CONTINUANCE. ITINUANCE ON ANY APPLICATION MUST BE MADE IN PERSON, AND BE GRANTED UNLESS THERE ARE SPECIAL CIRCUMSTANCES.
	DC	NOT WRITE BELOW THIS LINE
	CER	TIFICATION OF ADVERTISEMENT
	oove application/appeal was advertise following dates:	
DATE	POSTED ON PREMISES	ZONING OFFICER
	FUUTED OR FINEWINGER	LUMING OFFICER

INDIVIDUAL ACKNOWLEDGMENT	
State/Commonwealth of ATIZMA	1
Manicos	ss.
County of	– J
On this the 5th day of December	
A I Day D Mont	th Year
Adeline Savague Clos	, the undersigned Notary Public,
Name of Notary Public	
personally appeared HYTTNGYW M C	Name(s) of Signer(s)
O	Nume(s) or signer(s)
	personally known to me – OR –
	ightharpoonup proved to me on the basis of satisfactory evidence
	to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me
	that he/she/they executed the same for the purposes
	therein stated.
	WITNESS my hand and official seal.
	the King
ADELINE BARAJAS RIOS Notary Public - Arizona Maricopa County Commission # 630966 My Comm. Expires Jul 7, 2026	Signature of Notary Public
Place Notary Seal/Stamp Above	Any Other Required Information (Printed Name of Notary, Expiration Date, etc.)
OPT	IONAL
	IONAL
Completing this information can deter alterat	ormed in Arizona but is optional in other states. ion of the document or fraudulent reattachment nintended document.
Description of Attached Document	
Title or Type of Document: Zoning H	polication
Title or Type of Document: Zoning H Document Date: 12/5/25	Number of Pages: 2
	· · · · · · · · · · · · · · · · · · ·

Attorney for Applicant

Craig R. Lewis, Esquire
Kaplin Stewart Meloff Reiter & Stein, PC
Union Meeting Corporate Center
910 Harvest Drive7
Post Office Box 3037
Blue Bell, PA 19422
(610) 941-2584
rlewis@kaplaw.com

BEFORE THE ZONING HEARING BOARD OF PLYMOUTH TOWNSHIP MONTGOMERY COUNTY, PENNSYLVANIA

In the Matter of:

KH PLY MTG, LLC Parcel ID No. 49-00-04927-00-1

KH PLY MTG, LLC ("KH PLY MTG" or "Applicant") by and through its attorney, Craig R. Lewis, Kaplin Stewart Meloff Reiter & Stein, hereby files this addendum to their Application ("Application") to the Plymouth Township Zoning Hearing Board seeking a special exception in accordance with Section 3200.F of the Plymouth Township Zoning Ordinance ("Zoning Ordinance") to permit use of the Property for multiple dwelling/apartment house as a use of the same general character as a permitted use (herein defined), and in support thereof states as follows:

- 1. <u>Name and Address of Applicant</u>. In accordance with a Deed, dated April 27, 2022, and recorded on May 11, 2022, in Montgomery County Deed Book 6281 Page 01137 ("**Deed**"), Applicant is the legal owner of the property located at 640 Fountain Drive, Walton Road, Plymouth Meeting, Pennsylvania 19462. A copy of the Deed is attached hereto as <u>Exhibit "A"</u>.
- 2. <u>Description of Property.</u> The Property that is the subject of this Application is located at 640 Fountain Drive, Plymouth Meeting, Pennsylvania 19462 ("Property") and is more particularly identified as Montgomery County Tax Parcel No. 49-00-04927-00-1. As

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detailed on the ALTA/NSPA Land Title Survey, prepared by Charles E. Shoemaker, Inc. dated December 22, 2021, last revised April 22, 2022 ("Survey Plan"), the Property is an approximately 7.93 acre (+/-) irregularly shaped parcel located along Fountain Drive near its intersection with Hickory Road. A copy of the Survey Plan is attached hereto as <u>Exhibit "B"</u>. As detailed on the Survey Plan, the Property is improved with a six-story, approximately 38,000 s.f. masonry building ("Existing Building"). The Existing Building was developed and has been continuously occupied as an all-suites style hotel ("Hotel Use"). The Hotel Use consists of 253 individual suites as well as common amenities spaces.

- 3. **Zoning.** Pursuant to the Plymouth Township Zoning Code ("Code") and Plymouth Township Zoning Map, the Property is located in the Planned Office Campus Zoning District ("POC District") of Plymouth Township ("Township").
- 4. **Proposed Use.** The Applicant proposes to convert the Hotel Use to a multiple dwelling consisting of 173 apartments ("**Proposed Use**"). The Proposed Use will be comprised of 40 two-bedroom units and 173 one-bedroom or studio units.
- 4. Analysis of Zoning Code & Request for Relief. As noted above, in accordance with the Code and Plymouth Township Zoning Map, the Property is located in the POC District of the Township. Use of property in the POC District is governed by Article XXXII. The Proposed Use is not a specifically permitted use in the POC District. However, Section 3200.F provides that any property in the POC District may be used as follows:

Any use of the same general character as any of the above permitted uses when authorized as a special exception by the Zoning Hearing Board, provided that such use shall be permitted subject to such reasonable restrictions as the Zoning Hearing Board shall impose.

Section 3200.E provides that the Property may be used for a "Hotel". The Code defines a "Hotel" as "a facility offering transient lodging accommodations to the general public and

providing additional services such as restaurants, meeting rooms and recreational facilities." As an all-suites facility, the Hotel Use has been characterized by extended-stays where guests reside for a period of time in a manner more consistent with a residence. The Code defines an "apartment" as a dwelling unit in an apartment house arranged, designed, used occupied, or intended to be used and occupied as a housekeeping unit." An Apartment House is defined as "a multiple dwelling with common outside access. The Code defines a Multiple Dwelling as "a building not a single-family, duplex, twin, townhouse, triplex or quadraplex dwelling designed for and occupied primarily for dwelling purposes by three or more families living independently of one another."

Whether a use is "of the same general character" as permitted uses is a question of law. Cook v. Zoning Hearing Bd. of Twp. of Ridley, 408 A.2d 1157, 1158-59 (Pa. Cmwlth. 1979). The Commonwealth Court has held that, where an ordinance requires that a proposed use be of the "same general character," the ordinance "does not require the [p]roposed [use] to have the 'same character, 'but rather a similarity to other uses permitted...." MarkWest Liberty Midstream & Res., LLC v. Cecil Twp. Zoning Hearing Bd., 102 A.3d 549, 558 (Pa. Cmwlth. 2014). Under Pennsylvania law the principles of statutory construction require that the broadest interpretation of the Zoning Ordinance must be applied so that the property owner may have the benefit of the least restrictive use of its land. Hafner v. Zoning Hrg. Bd. of Allen Tp., 974 A.2d 1204 (Pa. Cmwlth. 2009); Burgoon v. Zoning Hrg. Bd. of Charlestown Tp., Chester County, 277 A.2d 837, 841 (Pa. Cmwlth. 1971).

As will be demonstrated by exhibits and testimony in this matter, the Proposed Use is of the same general character as the Hotel Use; a permitted use in the POC District. A special exception is a use that is expressly permitted under the zoning ordinance absent showing of a detrimental effect on the community. <u>Manor Healthcare Corp. v. Lower Moreland Twp. Zoning Hearing Bd.</u>, 590 A.2d 65 (Pa.Cmwlth. 1991). As a matter of law, an applicant has an absolute right to a special exception, unless it is injurious to the public health, safety and welfare. <u>Id.</u> An applicant for a special exception bears the initial burden of proving that the proposed use complies with the objective requirements of the Zoning Ordinance. <u>Mann v. Lower Makefield Twp.</u>, 634 A.2d 768 (Pa.Cmwlth. 1993). Once an applicant for a special exception proves that the proposed use complies with the specific objective standards in the ordinance, the special exception may not be denied unless objectors have carried their burden proving that the applicant's proposed use would be more detrimental to the public health than would normally be expected from the same use. <u>In re Martin</u>, 529 A.2d 582 (Pa.Cmwlth. 1987).

The Code does not provide any specific objective standards for a use "of the same general character" as a permitted use in the POC District.

As will be demonstrated by testimony and evidence at the hearing in this matter, the Proposed Use is of the same general character as the Hotel Use and is therefore a legislatively permitted special exception use of the Property. Thus, unless an objector to the Proposed Use demonstrates that the Proposed Use will cause greater injury to the public health

safety and welfare than would the Hotel Use, the requested special exception in accordance with §3200.F must be granted.

Respectfully Submitted,

CRAIG R. LEWIS, ESQUIRE

Attorney for Applicant

Date: December 12, 2025

EXHIBIT "A" Deed





RECORDER OF DEEDS MONTGOMERY COUNTY Jeanne Sorg

One Montgomery Plaza Swede and Airy Streets ~ Suite 303 P.O. Box 311 ~ Norristown, PA 19404 Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 6281 PG 01137 to 01141

INSTRUMENT #: 2022052823

RECORDED DATE: 05/11/2022 08:52:47 AM



MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE Transaction #:

6580570 - 4 Doc(s)

JSorg

Page 1 of 5

Document Type: Deed **Document Date:** 04/27/2022

Reference Info:

RETURN TO: (Simplifile)

Commonwealth Land Title Philadelphia Commercial -

1700 Market St Ste 2100 PA 19103

1700 MARKET ST STE 2110 PHILADELPHIA, PA 19103

(215) 568-9690

Document Page Count: Operator Id:

> PAID BY: COMMONWEALTH LAND TITLE PHILADELPHIA

COMMERCIAL - 1700 MARKET ST STE 2100 PA 19103

* PROPERTY DATA:

Parcel ID #: Address:

49-00-04927-00-1

640 FOUNTAIN RD

PA

Municipality:

Plymouth Township (100%)

School District:

Colonial

* ASSOCIATED DOCUMENT(S):

CONSIDERATION/SECURED AMT:

TAXABLE AMOUNT:

\$22,332,000.00

\$22,332,000.00

FEES / TAXES:

Recording Fee: Deed

\$86.75

State RTT

\$223,320.00

Plymouth Township RTT

\$111,660.00

Colonial School District RTT

\$111,660.00

Total:

\$446,726.75

DEED BK 6281 PG 01137 to 01141

Recorded Date: 05/11/2022 08:52:47 AM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in

Montgomery County, Pennsylvania.



Jeanne Sorg Recorder of Deeds

Rev1 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes. *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION Prepared by and return to:

David M. Scolnic, Esquire Hangley Aronchick Segal Pudlin & Schiller One Logan Square, 27th Floor Philadelphia, PA 19103

UPI/Tax Parcel No. 49-00-04927-00-1

PHI 213274 (1)

THIS INDENTURE made the 27th day of April, 2022.

Between

CRVI DTS PLYMOUTH SUB HOLDCO, LLC, a Delaware limited liability company ("Grantor" hereinafter), party of the first part,

AND

KH PLY MTG LLC, a Nevada limited liability company ("Grantee" hereinafter), party of the other part,

Witnesseth That the said Grantor for and in consideration of the sum of Twenty-two Million, Three Hundred Thirty-two Thousand Dollars (\$22,332,000.00), and other valuable consideration, lawful money of the United States of America, unto it, well and truly paid by the said Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns,

All That Certain parcel of land Situate in the Township of Plymouth, County of Montgomery, Commonwealth of Pennsylvania, being known as 640 Fountain Road (formerly known as 640 Germantown Pike) as more particularly described in Exhibit "A" attached hereto and made a part hereof.

Being designated as Parcel No. 49-00-04927-00-1 on the Tax Map of Montgomery County, Pennsylvania.

Under and subject to certain easements, conditions and restrictions of record.

Together with all and singular the buildings, ways, waters, water-courses, driveways, rights, liberties, hereditaments and appurtenances whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the

estate, right, title, interest, property, claim and demand whatsoever of Grantor in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

To have and to hold the said hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns to and for the only proper use and behoof of the said Grantee, its successors and assigns forever.

Under and subject as aforesaid.

And the Grantor, for itself and its successors, does covenant, promise and agree, to and with the said Grantee, its successors and assigns, by these presents, that it, the said Grantor and its successors, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor and its successors, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them or any of them, shall and will, subject as aforesaid, WARRANT and forever DEFEND.

In Witness Whereof, the Grantor has hereunto set its hand and seal. Dated the day and year first above written.

CRVI DTS PLYMOUTH SUB HOLDCO, LLC,

a Delaware limited liability company

By:_____ Name:/ Title:

Steve Towle
Authorized Signatory

STATE OF CACIFOZNIA:
COUNTY OF LOS ANGELES:
This record was acknowledged before me on April 27, 2022, by Signature of notarial officer This record was acknowledged before me on April 27, 2022, by as Attwored Signature, who represents that he/she is authorized to act on behalf of CRVI DTS PLYMOUTH SUB HOLDCO, LLC, a Delaware limited liability company. Signature of notarial officer
Stamp GABRIEL L. WILLEY Notary Public - California Los Angeles County Commission # 2347478 My Comm. Expires Feb 17, 2025
Title of office Notary Public
My commission expires: 2-17-285
The undersigned certifies that the address of the within-named grantee is: 369 Modific Ville Lane, Gardner ville, NV 89460 On behalf of the Grantee

Exhibit "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN tract of land situated in the Township of Plymouth, County of Montgomery, Commonwealth of Pennsylvania, bounded and described in accordance with a plan thereof made by R. Douglas Stewart and Associates and Chambers Associates, Inc., dated 07-07-1985, last revised 10-17-1985, recorded in the Office of the Recorder of Deeds of Montgomery County in Plan Book A-47 page 45 as follows, to wit:

BEGINNING at a point on the Northerly right of way line of Hickory Road (60 feet wide) said point being located North 76 degrees 28 minutes 50 seconds East, 888.87 feet from the point of intersection of the Northerly right of way of Hickory Road with the point of intersection of the radius at the intersection of Germantown Pike with Hickory Road; thence extending from said point of beginning the following four courses and distances along Lot #6 of the Plymouth Meeting Executive Campus; (1) North 04 degrees 57 minutes 10 seconds West, 439.81 feet (2) North 68 degrees 57 minutes 10 seconds West, 71.50 feet (3) North 32 degrees 27 minutes 10 seconds West, 145.56 feet (4) North 18 degrees 18 minutes 43 seconds East, 691.39 feet to a point on the Westerly right of way line of Pennsylvania Turnpike; thence extending the following three courses and distances along said Westerly right of way line of the Pennsylvania Turnpike; (1) South 32 degrees 31 minutes 55 seconds East, 93.15 feet to a point of curvature (2) thence extending along the arc of a circle curving to the left having a central angle of 02 degrees 46 minutes 09 seconds and with a radius of 4,698.75 feet an arc distance of 227.10 feet to a point (3) South 35 degrees 03 minutes 51 seconds East, 32.30 feet; thence extending along lands of The Linpro Company South 04 degrees 57 minutes 10 seconds East, 874.38 feet to a point on the Northerly right of way line of Hickory Road; thence extending along said Northerly right of way line of Hickory Road South 76 degrees 28 minutes 50 seconds West, 300.16 feet to the first mentioned point and place of beginning.

BEING known as 640 Fountain Road (formerly 640 Germantown Pike).

Tax ID / Parcel No. 49-00-04927-00-1

Being the same premises which Sean P. Kilkenny, Sheriff of the County of Montgomery, by Deed dated January 29, 2021 and recorded February 8, 2021 in Montgomery County in Deed Book 6212 Page 02427, as Instrument 2021013989 conveyed unto CRVI DTS PLYMOUTH SUB HOLDCO, LLC in fee.

EXHIBIT "B" Survey

