

Ordinance 79-5

Long Term Health Care

8/15/1979

ORDINANCE # 79-5

A CURATIVE AMENDMENT OF THE TOWNSHIP OF HOPEWELL AMENDING HOPEWELL TOWNSHIP ZONING ORDINANCE 79-1, IN CONNECTION WITH 42 ACRES, MORE OR LESS, PRESENTLY OWNED BY ARTHUR D. TARQUINIO, ABUTTING KANE ROAD, MORE FULLY DESCRIBED BELOW, BEARING DESIGNATED ZONING CLASSIFICATION R-2-RESIDENTIAL, GRANTING PERMISSION FOR THE TRACT TO BE UTILIZED FOR THE SPECIFIC AND SOLE PURPOSE OF THE ESTABLISHMENT OF A LONG TERM HEALTH CARE FACILITY.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, and it is hereby ordained and enacted according to the power and authority granted under the "Pennsylvania Municipalities Planning Code" 53 P.S. 10609.1 et seq., as amended:

WHEREAS, the subject tract of land is presently located in a Zoning Classification designated R-2 Residential which does not permit the use of the land for long term health care facilities, and;

WHEREAS, a proposed Curative Amendment to the Hopewell Township Zoning Ordinance was submitted to the Hopewell Township Board of Commissioners by Leonard E. Price, Esquire, seeking approval to utilize a tract of land of approximately 42 acres abutting on Kane Road more fully described below, for the purpose of establishing a long term health care facility on said tract, and;

WHEREAS, pursuant to public hearing held in connection with the request and pursuant to a review of the reasons supporting the requested Curative Amendment by the Hopewell Township Board of Commissioners and its review agencies, it is deemed advisable to grant the proposed Curative Amendment, and;

WHEREAS, that the tract of land is fully described in Exhibit "A" which is attached hereto and made a part hereof as though fully set forth herein, and;

That the reasons supporting the requested Curative Amendment pursuant to Pa. Municipalities Planning Code 53 P.S. 11004 Subsection (C)

are contained in Exhibit "B" which is attached hereto and made a part hereof
as though fully set forth herein.

ADOPTED this 9th day of AUGUST, 1979.

ATTEST:

BOARD OF COMMISSIONERS
OF HOPEWELL TOWNSHIP

Emily Heade
Secretary

By: *Michael G. Parisi, Jr.*
President

ALL that certain tract or parcel of ground situate in the Township of Hopewell, County of Beaver and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of Kane Road, at the southeasterly corner of premises herein described, said point being at a corner common to land conveyed by Frederick Schmidt, et ux., to William McKinley Davie and Marie Esther Davie, his wife, by deed dated September 29, 1924, and recorded in the Recorder's Office of Beaver County in Deed Book Vol. 330, page 357; thence from said point of beginning and along land now or formerly of said Davie, North 35° 52' 50" East, a distance of 446 feet to a point on line of land now or formerly of Wallace; thence along said line, North 6° 22' 50" East, a distance of 1213.00 feet to a point; thence continuing along the same, North 81° 39' 40" East, a distance of 751.50 feet to a point; thence still continuing along the same, North 6° 45' 20" West, a distance of 446.35 feet to a point on line of land now or formerly of Schmidt; thence along line of land now or formerly of Schmidt by the following courses and distances, viz: South 80° 09' 40" West, a distance of 1519.19 feet to a point; South 4° 34' 40" West, a distance of 589.50 feet to a point; South 23° 29' 53" West, a distance of 668.50 feet to a point; thence South 44° 27' 54" East, a distance of 302.6 feet to a point in said Kane Road; thence by a line in said road, South 47° 47' 10" East, a distance of 363 feet to a point in the center line of said road; thence along said center line of Kane Road, South 50° 37' 10" East, a distance of 313.50 feet to the point of beginning.

CONTAINING 42.02 acres, more or less.

HAVING thereon erected a 2 story frame dwelling house and a 2 story bar .

UNDER and subject to a 60 foot right of way to The Manufacturers Light and Heat Company as set forth in Deed Book Vol. 884, page 389.

ALSO under and subject to rights of way granted to Duquesne Light Company as the same appear of record and to right of way for pipe line to The Peoples Natural Gas Company.

UNDER and subject to oil and gas leases and rights of way for pipe lines as excepted or reserved in instruments of record.

BEING the same property which Frederick Schmidt and Barbara Schmidt, his wife, by deed dated October 14, 1926, and recorded in the Recorder's Office of Beaver County, Pennsylvania, in Deed Book Vol. 355, page 467, granted and conveyed unto Fred Schmidt, Jr., the decedent hereinbefore named.

ATTACHED to the aforementioned legal description is a copy of Kane Heights Plan No. 1, comprised of seven (7) lots, recorded, as such in the Recorder of Deeds Office in Beaver County, Pennsylvania, which Plan is specifically excluded from the Curative Amendment as set forth in Ordinance 79-1. 79, said Kane Heights Plan No. 1 being in no manner affected by the within Curative Amendment.

EXHIBIT "B"

1. LOCAL AND REGIONAL NEEDS AS THEY RELATE TO THE PROPOSED USE.

The Health Systems Agency of Southwestern Pennsylvania is the governmental agency charged with, among other duties, the responsibility of setting out guidelines for the planning and development of adult long term institutional care.

In July, 1978, a study was promulgated by that agency. Attached are copies of pages 129-130 of that study which relate to the Beaver, Butler, Lawrence Subarea plan. Blocked out in red are Beaver County and underlined are the pertinent sections of recommendations. A quick glance will show that the projected need for Beaver County by 1985 for all levels of service reveals a present shortage of 742 beds. The HSA noted that the percentage of the population of citizens 65 and over rose from 8.3% to 9.4% in 1970. By 1980, citizens of that age group will total 10.2%.

An explanation of the levels of care referred to in this study would be appropriate:

- Level 1. Acute skilled care 30 days total stay.
- Level 2. Long range skilled care 30 to 240 days or more.
- Level 3. Intermediate or post acute care.

It can be seen by the recommendations that Beaver County is in substantial need of additional beds for all levels of care. It is submitted that the HSA study is conservative. It is also submitted that at this moment there is a dramatic shortage of beds for all levels of care in not only Beaver County but in all surrounding Counties as well. The local and regional needs requirements are satisfied by an examination of the HSA study. Apart from that it is common knowledge that many ill persons who need the care to be rendered by a long term health facility are unable to find a facility which would accept them because of the shortage of available beds. They are not receiving the care they need because of inability to secure a bed in a health care facility but must rely on "at home" skilled nursing service which at best is inadequate and is supplemented by the attention of members of the families who are unskilled. Even worse, many who need the care and attention provided by a long term health care facility must be attended to by members of the family, a substantial burden. Of significance to locating in Hopewell Township is that the need of the citizens of Beaver County for such a facility is clear and they should be able to receive proper care within the County where they reside and where family members reside. The reasons for this are obvious.

2. STATEMENTS OF HOW THE USE WILL PROMOTE THE TOWNSHIP COMPREHENSIVE PLAN.

The Township Comprehensive Plan, while well reasoned in its concept, was a massive overhauling of a Zoning Ordinance that went back to 1961. In 18 years Hopewell Township and its environs changed dramatically. Experience in other communities that have enacted comprehensive zoning plans shows that from time to time amendments should and must be made to accommodate needs and uses which perhaps were overlooked in the drafting of the comprehensive plan. The instant case would be an example.

Under 1961 Ordinance nursing homes were a permitted use on the ground in question. Under the new Ordinance that is not so. Unfortunately the Plan did not take into consideration the peculiar geographical layout of the ground in question. Only 1/4 or 1/3 of the ground could be developed with single family dwellings, leaving the rest of the ground, rugged in nature, undeveloped. This simple geographic fact makes impossible the development of the ground in a single family dwelling concept. A rule laid down must often yield to reason. The ground should be developed and yet a reasonable restraint must be placed on the use of the ground. An architecturally pleasing isolated structure placed on the brow of a hill overlooking Kane Road and landscaped grounds is the reasonable compromise.

Further, within a short distance of the ground in question, a

larger area is set aside for R--4 residential high, which would permit much more density of housing than R--2. Additionally, the ground in question is adjacent to large areas zoned R--1 and this way because of ruggedness of the terrain principally.

It is noted that nursing homes are permitted in R--3 Residential medium under the Special Uses Section of the Ordinance, Section 801. That section refers to Article XVIII for a consideration of standards and criteria governing the granting of a special exception. A careful study of 1800 General Standards and Criteria and Section 1801 Performance Standards reveals that the proposed use: a nursing home or Long Term Health Facility satisfies those requirements set forth in the construction of the building. Dealing with Section 1801 Performance and Standards, it should be noted that the design and construction of the building will be subject to strict requirements of the Department of Labor and Industry and the Health Systems Agency which are extremely rigid in connection with construction of this nature. Taking the standards in order A - J reveals that there should be no concern about the erection of a structure such as this:

- A. Fire Protection - The Building will be sprinklered.
- B. Electrical disturbances - Only simple lighting requirements, operation of an elevator and X-ray facility which will be shielded.
- C. Noise - The patients are typically elderly or rather ill people recovering from an injury or illness. There will be no outside activity to produce noise. There are open areas within the structure itself which permit outdoor activities by the patients and yet these areas are enclosed.
- D. Smoke - It is proposed to use gas for heating, air conditioning and cooking.
- E. Vibrations - There is no instrumentality capable of creating a vibration.
- F. Odors - Cooking and laundry facilities are located within the building and will be properly vented.
- G. Air Pollution - There is no source of air pollution.
- H. Glare - The only exterior lighting on the building will be that necessary to illuminate the structure itself and the relatively small parking lot.
- I. Erosion - Since the grounds will be landscaped, it is in the best interest of the facility itself to control water flow.
- J. Water Pollution - There will be no water pollution since the

only effluent will be the normal waste water from cooking, laundry and the sanitary facilities.

In dealing with Section 1800 (General Standards and Criteria) an examination of the topography of the ground reveals that only 1/4 or 1/3 of the ground can be utilized for single family dwellings. In constructing the building, only that same general area will be used. An examination of the plans reveals the pleasing architectural design of the building. Ingress and egress will constitute no problem because of the fact that traffic in and out of the facility will be limited to employees, occasional visitors and suppliers. The structure probably will have a beneficial impact on the neighboring areas, and may increase the value of the properties. An examination of the various subparagraphs (A-I), reveals no clash between the proposed use and existing adjacent uses.

3. PHYSICAL AND ECONOMIC CHARACTERISTICS OF THE SITE AS THEY RELATE TO EXISTING DEVELOPMENT IN THE AREA AND OTHER PERMITTED USES IN THE ZONING DISTRICT BEING CHALLENGED.

The physical characteristics of the site have been discussed before, but bear repeating. Arthur Tarquinio, an experienced real estate developer, laid out the Kane Heights plan on the property. It became apparent that because of the ruggedness of the terrain in the back of the property that it was not feasible to develop the acreage for single family housing. And so, in effect, the concept was abandoned. The site lends itself to the location of a structure such as the one envisioned. The economic characteristics are complex: Economically, the site cannot be developed into single family dwellings as the adjacent areas are. While the exact cost of the structure and appurtenant improvements have not been estimated, it is anticipated that substantial tax revenue will be paid to the County, the township, and the school district. Of interest to the school district is that the erection of this structure will not increase the burden on the school district since there will be no new students enrolled since there will be no children in the facility.

Further, the proposed use is a long term health care facility substantially different in concept than a hospital for instance. In a hospital the in-patient time is fairly short, the illness or injury dramatic and often unexpected, prompting frequent visiting by members of the family. The reverse is true in a long term health care facility. While the devotion of the members of the family and friends of the patient are equally sincere as in the case of a hospital stay, the admission to the facility is normally a planned one or an inevitable one. The heavy traffic simply does not exist, the visiting of the patient being limited to immediate members of the family.

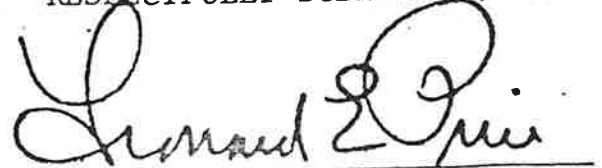
There would be substantial employment of Beaver County citizens in all levels ranging from the professions through maintenance. Relations will be established with local hospitals which need an outlet for the ill when home hospital stay is not a necessity and still you need skilled supervised nursing care. The facility will house physicians, dentists, medical lab, X-ray facilities, pharmacy, food preparation and foster education and social needs and interaction through community promotion, further provide training for local Community college and hospital students in the fields of medicine, occupational therapy, and social service. The location on Kane Road is ideal, being almost equally distant between the two main east-west roads in Beaver County, i.e., the Beaver Valley Expressway and Broadhead Road provide easy access to Beaver County citizens.

Approximately 84 to 94 jobs will be created in the community to provide care for patients requiring supervised professional care to skilled and residential type services. The facility will also form a linkage with acute care hospitals. It will have physicians, dentists, medical labs, X-ray labs, a pharmacy, maintenance, food preparation, educational and social needs and interactions through community promotion. It will also promote educational programs and training for local community colleges and hospital students in the medical field, occupational therapy and social services.

4. STATEMENTS OF THE APPROPRIATENESS OF THE PROPOSED USE

It is submitted that this Section has been addressed in the other 3 sections which have been set forth.

RESPECTFULLY SUBMITTED,



Leonard E. Price

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on 8/01

BEAVER NEWSPAPERS, INC.

STATE OF PENNSYLVANIA, }
COUNTY OF BEAVER, } SS:

By James R. Miller

Before me, a Notary Public in and for such county and state, personally known to me, JAMES R. MILLER, who being duly sworn according to law as

SECRETARY-TREASURER of BEAVER NEWSPAPERS, INC.; that neither said corporation is interested in the subject matter of the attached advertisement, nor that all of the allegations of the foregoing statement including those as to the true character of publication are true.

Sworn to and subscribed before me
this 15TH day of AUGUST 1979

Marvin L. Hayes

By Sh
The costs of advertising and proofreading has been paid.

Ordinances

NOTICE OF INTENT TO ADOPT AN ORDINANCE

NOTICE is hereby given that the Hopewell Township Board of Commissioners will consider the adoption of the following ordinance.

A CURATIVE AMENDMENT OF THE TOWNSHIP OF HOPEWELL AMENDING HOPEWELL TOWNSHIP ZONING ORDINANCE 79-1, IN CONNECTION WITH 42 ACRES, MORE OR LESS, PRESENTLY OWNED BY ARTHUR D. TARQUINIO, ABUTTING KANE ROAD, MORE FULLY DESCRIBED BELOW, BEARING DESIGNATED ZONING CLASSIFICATION R-2-RESIDENTIAL, GRANTING PERMISSION FOR THE TRACT TO BE UTILIZED FOR A SPECIFIC AND SOLE PURPOSE OF THE ESTABLISHMENT OF A LONG TERM HEALTH CARE FACILITY.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, and it is hereby ordained and enacted according to the power and authority granted under the "Pennsylvania Municipalities Planning Code" 53 P.S. 10609.1 et seq., as amended:

WHEREAS, the subject tract of land is presently located in a Zoning Classification designated R-2 Residential which does not permit the use of the land for long term health care facilities, and:

WHEREAS, a proposed Curative Amendment to the Hopewell Township Zoning Ordinance was submitted to the Hopewell Township Board of Commissioners by Leonard E. Price, Esquire, seeking approval to utilize a tract of land of approximately 42 acres abutting on Kane Road more fully described below, for the