

**ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Application No. Z-12-2016

Applicant: Doylestown Hospital, d/b/a Doylestown Health
595 W. State Street
Doylestown, PA 18901

Anchor Health Development, LLC
1300 N. Grant Avenue, Suite 209
Wilmington, DE 19806

Owner: Doylestown Hospital, d/b/a Doylestown Health
595 W. State Street
Doylestown, PA 18901

Subject Property: Tax Parcel Nos. 9-9-32-3, 9-9-32-7 and 9-9-33 which are collectively located at the address of the Owner set forth above.¹

Requested Relief: The Applicants propose the expansion of the existing hospital building, the construction of a two-story office building, and the addition of off-street parking spaces and, in order to do so as proposed, request the following relief from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. a special exception, pursuant to §175-112.B.3 to increase an existing nonconformity to the 100 foot special setback for a hospital use;²
2. a variance from 175-23.A.1, to permit parking spaces to be 10' x 18' in size, instead of the required 10' x 20';
3. variances from §175-23.B.2 and §175-23.C.13, to permit a parking area to encroach into the front yard in addition to the permitted 50% of the distance of the front yard setback from

¹Applicant’s counsel clarified, at the outset of the hearing, that Tax Parcel No. 9-9-32-8 is also part of the Subject Property. She indicated that Tax Parcel Nos. 9-9-32-3, 9-9-32-8 and 9-9-33 have been consolidated by a deed of merger. That deed was not presented at the hearing. According to counsel, Tax Parcel No. 9-9-32-7 remains a separate parcel but still part of the Doylestown Hospital campus.

² The request for the special exception, pursuant to §175-112.B.3, was withdrawn by the Applicant at the outset of the hearing.

an arterial road. This variance is requested for the parking area intended to serve Pavilion III medical office building at the State Street frontage of the property;

4. a variance from §175-23.B.3, to eliminate the requirement that 10 feet wide parking islands be constructed between each row of parking in the parking area intended for the Pavilion III medical office building;
5. a variance from §175-77.3.A, in the alternative to the special exception request, to permit a hospital building addition to encroach into the required 100 foot special setback distance required for a hospital use at a location adjacent to the Route 611 bypass. The existing building presently encroaches into the 100 foot setback by approximately 8 feet and the request is to increase that encroachment to 30 feet; and
6. a variance from §175-77.3.A to permit an impervious surface coverage ratio of greater than the maximum permitted 60%.

**Hearing
History:**

The application was filed in Doylestown Township on November 14, 2016. The hearing was held on December 19, 2016 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances:

Applicants by: Kellie A. McGowan, Esq.
Eastburn and Gray, P.C.
60 E. Court Street
P.O. Box 1389
Doylestown, PA 18901

Mailing Date: January 23, 2017

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. Applicant, Doylestown Hospital, is the Owner of the Subject Property and Applicant, Anchor Health Development, LLC, is the Lessee pursuant to a valid Lease. Accordingly, both Applicants are possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the C-4, Office and Medical Professional Zoning District of Doylestown Township. The Subject Property is developed as Doylestown Hospital, a hospital and medical office campus fronting on State Street in Doylestown Township. Doylestown Hospital has provided emergency and medical services to the Central Bucks County community for over 75 years; it has been at its present location since approximately 1975.

4. The Doylestown Hospital campus includes the following uses: a hospital, defined at §175-16.C-12; a daycare service, defined §175-16.C-10; and medical offices, defined at §175-16.D-2. All current and proposed uses are permitted by right in the C-4 Zoning District.

5. Doylestown Hospital proposes an expansion of the existing hospital building for the purpose of increasing its cardiac services with an intensive care unit. The expansion will include a renovation of the existing cardiac intensive care unit, construction of private rooms³, and an addition of 7 new intensive care unit beds.

6. In cooperation with Doylestown Hospital, Anchor Health proposes the construction of a medical office building to support its orthopedic services.

7. The Applicants also propose the construction of an additional 163 off-street spaces as part of the expansion.

8. Exhibit A-2, a “Zoning Variance Rendering Plan” prepared by Boucher & James, Inc., dated December 16, 2016 (the “Plan”), depicts a portion of the Subject Property that contains the proposed improvements.

9. Jim Brexler, the President and CEO of Doylestown Hospital, testified that, as a result of 4 years of planning, the Applicants have developed a master campus facility plan and that the improvements proposed in this application are consistent with that plan.

10. Brexler credibly established that both the cardiac services, known as the Reif Heart Institute, and Doylestown’s orthopedic services, have been ranked among the top 100 facilities for such services in the country.

11. As a result of that, expansion of the service area for the hospital has occurred. The Hospital’s natural expansion further dictates the need for the provision of additional services and facilities to meet demand.

12. The addition to the heart institute is proposed to be attached to the existing cardiac unit in the hospital on the southwest corner of the Subject Property as depicted on the Plan. This addition is proposed to be 25,612 square feet in size and will permit Doylestown Hospital to consolidate all of its cardiac services into one area within the facility.

³ The Pennsylvania Department of Health now requires private rooms with any hospital expansion.

13. Brexler established that cardiac treatment and services are situated in different locations throughout the hospital and that the proposed addition will permit the consolidation of those services into one area. Richard Lang, the hospital's Chief Information Officer, who is responsible for its plants and facilities, established that the cardiac addition is located as proposed so as to co-locate patients with similar medical issues, improving patient safety and outcomes.

14. The size of the additions have been determined, during the planning stages, to be necessary to meet the increased demand for the medical services provided at the hospital.

15. The proposed orthopedic office building is to be located as depicted on the Plan between the existing parking garage and the proposed parking field that fronts on W. State Street. Its footprint is to be 30,000 square feet and it will accommodate approximately 52,000-55,000 square feet of floor area on two or three levels.

16. Architectural plans for the structures have not yet been designed, however, the Applicants testified that the new structures will be complementary to and consistent with the existing hospital structures.

17. The new office building is designed to house physician offices, surgical suites, and orthopedic rehabilitation service areas. If constructed as proposed, it will result in a similar consolidation of orthopedic services to one area on the campus as suggested for the cardiac addition.

18. Jon Tresslar, a civil engineer with Boucher & James, Inc., prepared the Plan and testified regarding its impact. Mr. Tresslar was qualified to testify as an expert in the field of civil engineering. According to the Plan, the gross site area of the Subject Property is 63.71 acres. Its net buildable site area is 49.20 acres.

19. As depicted on the Plan, the improvements propose the addition of two parking fields that will result in a net increase of 163 parking spaces on the Subject Property.

20. Tresslar credibly established, and the Plan confirms, that with the additions proposed, the total number of required off-street parking spaces for the campus, after development, will be 2,043 spaces. 2,060 off-street parking spaces are proposed on the Subject Property.

21. In order to complete the expansion as proposed, the Applicants have requested, and require, dimensional variances from six Ordinance provisions.

22. The first variance sought is from §175-23.A.1, which requires parking stalls to be 10' x 20' in size. The parking stalls proposed are 10' x 18' in size.

23. Tresslar established that, if the parking spaces in the parking field located between the proposed office building and W. State Street are required to comply with these dimensions, it will require an expansion of the parking lot by 12 feet which would result in parking spaces being located immediately contiguous to existing

sidewalks and closer to the four roadways that surround it. Compliance with this dimensional parking stall requirement would entail, according to Tresslar, an unnecessary increase in impervious surface coverage on the property and would create safety issues by locating the spaces so close to the sidewalks.

24. The Board notes further, with regard to this variance request, that it has, on two previous occasions, granted relief to the hospital in order to allow the parking stalls of sizes less than required.

25. The evidence establishes that there have been no adverse impacts that have resulted from the reduced size of parking stalls that have been permitted on the Subject Property by variances from this Board.

26. Variances are also sought from §175-23.B.2 and §175-23.C.13 to permit this parking field to encroach into the front yard setback distance more than the permitted 50% of the front yard setback distance required from an arterial road. West State Street is classified as an arterial road.

27. Collectively, these Ordinance sections require that parking lots and areas for off-street parking or for the storage or movement of motor vehicles shall be separated from the ultimate right-of-way line no less than 50% of the front yard setback requirement applicable to the Subject Property. The special setback distance from an arterial highway required is 65 feet. Accordingly, these parking features may be located, consistent with the Ordinance, at a 32.5 foot setback distance from the ultimate right-of-way line of W. State Street.

28. The setback distance proposed for the parking field adjacent to W. State Street is 20 feet, which encroaches an additional 12.5 feet into the permitted front yard setback distance.

29. Tresslar established that it was not possible to construct a conforming parking lot within easy pedestrian access to the proposed office building in compliance with this Ordinance requirement.

30. The Board accepts Tresslar's testimony as credible that compliance with these Ordinance sections would require the location of parking spaces at a distance from the proposed office building that is not conducive to patients with restricted mobility.

31. Tresslar established that the additional parking spaces proposed will include handicapped accessible spaces, in full compliance with the Americans with Disabilities Act.

32. Tresslar testified that the Applicants will comply with buffer and landscaping requirements of the Ordinance for the parking areas at the time of land development.

33. §175-23.B.3 requires that 10 feet wide parking islands be constructed between each row of parking in the area intended for the proposed new office building. The application proposes the construction of 2 feet wide parking islands as depicted on

Exhibit A-3, a “Parking Lot Rendering Plan”, prepared by Boucher & James, Inc. dated December 16, 2016. Again, Tresslar credibly established that compliance with this Ordinance section would require additional unnecessary impervious surface coverage and the relocation of parking spaces to areas not convenient to the office building.

34. The Board notes that it has approved 2 foot wide parking islands in other parking fields on the Subject Property in the past. Tresslar established that the proposed parking layout is efficient, provides the required number of off-street parking spaces, and meets the intent of the Ordinance regarding parking space separation.

35. A variance is sought from §175-77.3.A to permit the cardiac addition to encroach into the 100 foot special setback distance required for a hospital use. The Board notes that this special setback distance is from the ultimate right-of-way line of an access ramp to the Route 611 bypass. The existing hospital structure encroaches into this 100 foot setback distance by approximately 8 feet, resulting in a 92 foot setback distance. The Applicants agreed that this nonconformity exists, not due to its existence prior to the enactment of applicable Ordinance provisions or as a result of any zoning or land use approvals.

36. The proposed addition will result in an encroachment of 30 feet into the 100 foot special front yard setback distance, resulting in a 70 foot setback.

37. The Board finds that the existing nonconformity has had no impact upon surrounding properties or uses and that the proposed reduction in the front yard setback distance, from the Route 611 bypass access ramp, will also have no negative impact.

38. The final variance sought is from §175-77.3.A, to permit an impervious surface coverage ratio of up to 62%. That Ordinance section provides a maximum impervious surface coverage ratio, in the C-4 District, of 60%.

39. The impervious surface coverage ratio of 62% proposed, this Board finds, represents a minor deviation and adjustment to the maximum permitted impervious surface coverage ratio. The Board finds this variance request to be de minimis in impact and mitigated by the construction of an underground stormwater management facility to control the rate of runoff, and a series of small rain gardens to provide water quality control.

40. The Subject Property is surrounded on all sides by commercial and/or institutional uses. The Board finds that no residential properties will be impacted by the proposed expansion.

41. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The Subject Property has been developed and used as is permitted by right in the C-4 Zoning District.
2. Doylestown Hospital provides needed emergency and medical services to residents of the Central Bucks County area and beyond.
3. Doylestown Hospital has achieved a level of success and reputation that requires expansion and consolidation of its cardiac and orthopedic services.
4. The cardiac addition and office building proposed are necessary to meet the demand for these services.
5. The provision of the additional cardiac and orthopedic services proposed cannot be satisfactorily accomplished without the grant of the dimensional variances requested.
6. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.
7. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.
8. The variances sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
9. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.
10. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief to the Applicants and the Subject Property as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the following relief from the Doylestown Township Zoning Ordinance in order to permit the expansion of the cardiac unit and construction of an office building and off-street parking areas as depicted on the Plan:

1. a variance from 175-23.A.1, to permit parking spaces to be 10' x 18' in size, instead of the required 10' x 20';
2. variances from §175-23.B.2 and §175-23.C.13, to permit a parking area to encroach into the front yard in addition to the permitted 50% of the distance of the front yard setback from an arterial road with a resultant front yard setback distance from W. State Street of 20 feet;
3. a variance from §175-23.B.3, to permit the construction of 2 foot wide parking island between each row of parking in the parking area intended for the proposed office building use, instead of the 10 foot width required;
4. a variance from §175-77.3.A, to permit the proposed cardiac addition to encroach into the required 100 foot special setback distance adjacent to the access ramp to the Route 611 bypass that will result in a 70 foot setback distance from the ultimate right-of-way line of that roadway; and
5. a variance from §175-77.3.A, to permit an impervious surface coverage ratio of up to 62%.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ William J. Lahr
William J. Lahr, Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Vice Chairman

/s/ Richard K. Gaver
Mitchell Aglow, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.

DOYLESTOWN TOWNSHIP ZONING HEARING BOARD
BUCKS COUNTY, PENNSYLVANIA

RE: Application of Michael V. Tulio :
And Ruth Marie Pavlica : DOCKET NO: Z-13-2016

STIPULATION AND WAIVER AGREEMENT

THIS STIPULATION AND WAIVER AGREEMENT is made the 23rd day of January, 2017, by Michael V. Tulio and Ruth Marie Pavlica ("Applicants") by and through their attorney, Fox Rothschild LLP, and the Zoning Hearing Board of Doylestown Township, by and through its Solicitor, William J. Bolla, Esq.

BACKGROUND

A. The Applicants are the owners of Tax Parcel No. 9-4-83-22, located at 8 Greenway Drive in Doylestown Township, Bucks County, Pennsylvania, the ("Subject Property").

B. The Subject Property is located in the R-2b, Residential Zoning District of Doylestown Township.

C. On or about November 14, 2016, the Applicants filed an application to the Zoning Hearing Board of Doylestown Township, docketed to No. Z-13-2016. The application requested the following variances from the Doylestown Township Zoning Ordinance:

1. from §175-54, to exceed the maximum permitted impervious surface coverage ratio;

2. from §175-16.H.3.c.3, to permit a fence and retaining wall to be located within existing easements on the Subject Property; and

3. from §175-16.H.3.f, to permit a portion of a proposed bocce ball court to be located at a side yard setback distance of less than the required 15 feet.

D. The hearing on the above application was held before the Doylestown Township Zoning Hearing Board on December 19, 2016.

E. At the conclusion of the hearing, the Zoning Hearing Board publically voted to grant variances to exceed the maximum permitted impervious surface coverage ratio and to permit the location of a fence and retaining wall within existing easements, but denied the variance request to permit a portion of the proposed bocce ball court to be located within the side yard setback distance.

F. The Applicants have determined to relocate the proposed bocce ball court to an ordinance conforming location, however, in order to do so, must increase the impervious surface coverage on the property to enable the construction of a retaining wall to support it.

G. Accordingly, the Applicants propose to reopen the hearing in order to provide the Zoning Hearing Board with the newly required impervious surface coverage ratio calculations and have agreed to waive the requirement of the

Pennsylvania Municipalities Planning Code that the Zoning Hearing Board issue its written decision within forty-five (45) days of the close of the record of the hearing.

H. Based upon the foregoing, the Applicants and the Zoning Hearing Board of Doylestown Township desire to set forth their agreement in this Stipulation and Waiver Agreement.

NOW, THEREFORE, in consideration of the facts set forth in the Background to this Agreement and in consideration of the mutual covenants and agreements contained herein, the parties hereto, intending to be legally bound hereby, agree as follows:

1. The Applicants request that the hearing record be reopened to allow the Zoning Hearing Board to consider the revised impervious surface coverage ratio necessitated by the relocation of the proposed bocce ball court.

2. The Applicants waive the requirement of the Pennsylvania Municipalities Planning Code that the Zoning Hearing Board of Doylestown Township issue its decision on or before February 2, 2017.

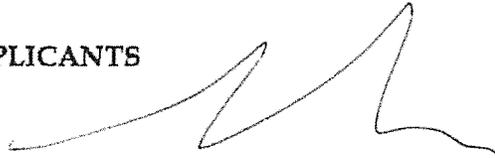
3. The Zoning Hearing Board of Doylestown Township agrees to reschedule the hearing to allow the record to be reopened to present revised impervious surface coverage ratio calculations.

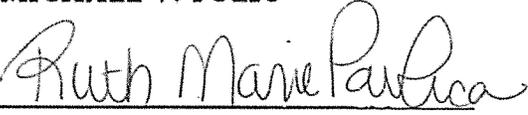
4. On the date of execution of this Agreement by the Applicants, they shall submit the sum of Five Hundred Dollars (\$500.00) to Doylestown Township as a continuance fee to be held in escrow by the Township to cover expenses permitted by the Municipalities Planning Code.

5. This Agreement may be signed in counterparts.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

APPLICANTS

By: 
MICHAEL V. TULIO

By: 
RUTH MARIE PAVLICA

DOYLESTOWN TOWNSHIP
ZONING HEARING BOARD

By: 
WILLIAM J. BOLLA, ESQ.
SOLICITOR