



# CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

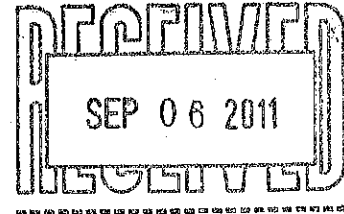
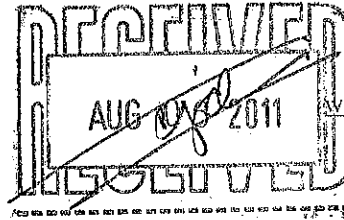
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September 2, 2011

Abraham R. Atiyeh  
Bethlehem Manor Village, LLC  
1177 6<sup>th</sup> Street  
Whitehall, PA 18052

RE: **(11-002LD&S) --BROOKSIDE DRUG, ALCOHOL AND PSYCHIATRIC FACILITY LAND DEVELOPMENT PLAN, 1838 CENTER STREET, Ward 14, Zoned I, Plans dated December 20, 2010 and last revised January 12, 2011**

Dear Mr. Atiyeh:

At its August 18, 2011 meeting, the City of Bethlehem Planning Commission voted unanimously to DENY the above-referenced plan. Section 508.1 of the Municipalities Planning code requires that the "decision of the Planning Agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address no later than 15 days following the decision. Please consider this to be the City's response in keeping with Section 508.1 of the MPC.

The decision to deny the plan as submitted was based on the following Subdivision and Land Development Ordinances, Zoning Ordinances, and/or MPC provisions:

1. SALDO Section 1341.02.9 – The plan does not protect the general health, safety, and welfare of the residents of the City. Inadequate information was provided by the applicant regarding use of the property and safety and security measures within the proposed facility to prevent patients from leaving the facility and entering the surrounding residential neighborhoods. This is especially so, given credibility concerns in light of Applicant's previous testimony that apartments were the only possible use of the property.
2. SALDO Section 1347.14 – Additional information regarding the trip generation calculation, i.e. the land use category description, and other pertinent information used to develop the calculation, was not submitted to determine if a traffic impact study is required.
3. Zoning Ordinance Article 1309.02(b)- A hospital use planned in an institutional district may be permitted not by right, but only following a review and recommendation by the Planning Commission in accord with the provisions of Article 1322. The purpose of an Article 1322 review is because of the "considerable aesthetic, traffic, and overall land use impact that these land uses make on a community."

In reviewing a hospital under these provisions, the Planning Commission is charged with certifying that the use complies with the site plan review criteria in Article 1321.03 of the Zoning Ordinance, and all other applicable provisions of the Zoning Ordinance Article 1322.04. This plan does not meet several articles in the Zoning Ordinance.

4. Zoning Ordinance 1321.03(b)- The proposed use is not harmoniously or efficiently organized in relation to views within and beyond the site, the size and shape of the site, the character of adjoining property and the size of the buildings. The surrounding area where this use is proposed consists mostly of residential communities, parks, recreation fields, school buildings and a cemetery. The existing topography is largely open space. The proposed four story hospital would detract from the character of the adjoining property and would not be in keeping with its surroundings.
5. Zoning Ordinance Article 1321.02(9)- No statement of intent was included on the Site Plan. A detailed description of any proposed commercial operation must be provided to determine the effects that operation would have in producing noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards.
6. Zoning Ordinance Article 1302.80 and or 1302.82- Rehabilitation Facility and/or Residential Treatment facility is defined and specifically provided for in C-B, C-G and R-R, R-S, R-G, R-T, R-M and R-RC Districts respectively. Based upon the information provided, the proposed facility should properly be considered a Rehabilitation Facility or a Residential Treatment Facility which are both defined and provided for in the City Zoning Ordinance, but are not permitted in the Institutional District where your proposed. Under the "more specific definition" approach used in AWACS, Inc v. Warwick Township Zoning Hearing Board, 656 A.2d 608, (1995), the Planning Commission has determined that while your use may possibly fit under both a hospital and rehabilitation facility/residential treatment facility the clearer defined use is that of a rehabilitation or residential facility. When a use may fit two definitions the more specific definition approach chooses the use that more closely tracks the intent of the Zoning Ordinance. The City Zoning Ordinance clearly intended on defining a space for a Rehabilitation Facility and a Residential Treatment Facility, and it is not in an Institutional District.

For the reasons stated above, the plan has been denied as submitted.

Sincerely,



Darlene L. Heller, AICP  
Director of Planning & Zoning

cc: M. Dorner  
C. Cooper, Esquire  
J. Kelly  
A. Bauer  
D. Harte P.E.  
B. Marles, Esquire