


October 30, 2009

TO: Planning Commission Members

FROM: Christopher Leswing, PP, AICP, Assistant Director, Planning 

SUBJECT: **CONDITIONAL USE APPLICATION – 1400 Mill Creek Road, Gladwyne, Barker's Mill, LD/CU# 3634, Ward 2.**

Proposal

The applicant, 1400 Mill Creek Road Associates, L.P., is seeking to reconfirm a previously approved Conditional Use granted by the Board of Commissioners in September 2006 to convert the existing nonconforming, nonresidential Class 1 historic resources to multifamily use and to increase the building area of the site by up to 15%. Since the applicant did not record the final land development plan within one year of the grant of the conditional use approval, both approvals expired and must be reconfirmed. A copy of the conditional decision is attached, which also includes a detailed project description.

The conditional use public hearing is scheduled for November 11, 2009. Both the Planning Commission and the Historical Commission recommendations will be presented at the hearing. The Planning Commission's role is to review this application to determine if it is in compliance with the conditional use standards and criteria in the Zoning Code which are attached.

The proposed Conditional Use is essentially the same as the previously approved application with the following minor differences:

- Removal of a retaining wall at the south elevation of Building 3;
- Addition of three new windows at the south elevation of Building 3; and
- Relocation of the proposed sanitary sewer line.

Although not being considered at this time, the applicant also proposes to amend the approved Preliminary Land Development Plan by rerouting the proposed sanitary sewer line serving the development. The previous land development was approved by the Board of Commissioners in September 2006 and permitted the sewer line to traverse through Township parkland. The applicant now proposes to route the line down Mill Creek Road and connect into the recently installed public sanitary sewer system in River Road. Additional grading is also proposed at the south elevation of Building 3 due to the removal of the above mentioned retaining wall. The amendment to the Preliminary Land Development Plan will be on the December Planning Commission agenda.

The proposal is illustrated on the attached site plan dated February 18, 2005, last revised October 16, 2009 prepared by Momenee and Associates, Inc. Architectural elevations prepared by VLJBR dated July 10, 2006 were also submitted.

Background

The Historical Commission reviewed the applicant's request to reconfirm the conditional use at their October 22, 2009 meeting. The Commission reconfirmed their original approval of all elevations of Buildings 1 and 2 in accordance with the Secretary of the Interior's Standards nos. 2, 3, 4, 5, 7, 9 with the following notations, the first floor openings on the courtyard elevation of Building 2 shall be altered to an A B pattern from the existing ABC pattern subject to the review and approval of the Township's historic preservation consultant. The Commission also recommended acceptance of all material notations and



restoration schemes as provided in the VLJBR letter dated July 19, 2006 with the historic preservation consultant to review the exterior masonry specifications for Buildings 1 and 2. The Commission recommended approval of the changes to Building 3 including the revised side elevation and revised building footprint dated October 22, 2009. The Commission also recommended approval of the conditional use to convert the nonconforming nonresidential buildings to multifamily use. A conditional use condition of approval requires the applicant to provide a Declaration of Covenants, Easements and Restrictions guaranteeing the permanent protection of the historic resources.

Property Description

The property consists of 1.94-acres and contains two former mill buildings that most recently housed a variety of office/commercial uses. A single-family detached dwelling and an associated parking lot also exist. Access is via a bridge from Mill Creek Road. The property is bordered by Rolling Hill Park to the east, south and west and a large residential property to the north. The two mill buildings are Class 1 on the Historic Resource Inventory. The site is also in the Mill Creek Increase National Register Historic District.

The following table lists the relevant bulk and parking requirements for both the underlying RAA Zoning district and the Historic Resource Overlay District (HROD):

Zoning Requirements	Existing	Proposed
Minimum Net Lot Area	90,000 square feet	84,412 s.f. 33 units/84,412 s.f. 2,649 s.f. per family
Minimum Occupied Area/unit	1,250 s.f.	N/A 1,250 s.f.
Maximum Building Cover	15%	20,467 s.f.* 34.9% - 29,424 s.f.
Front Yard Setback	50'	38 feet 38 feet**
Side Yard Setback	25' each	>25' >25'
Rear Yard Setback	25'	8' 5'***
Impervious Surface	20%	46,327 s.f. (54.9%) 46,063 s.f. (54.6%)****
Building Height	35' or 3 stories	2 stories 4 stories*****
Required Parking	2 spaces per unit	33 units – 66 spaces required, 72 provided of which only 66 count towards requirement

(*) Existing building coverage is 20,467 square feet or 24%. The previous approval granted expansion up to an additional 15% under the provisions of HROD 155-151.B.f.2.

(**) The existing front yard setback varies but is nonconforming in one area. The proposal does not increase the existing nonconformity.

(***) The Zoning Hearing Board granted a variance to reduce the required rear yard setback to 5 feet. A variance to disturb steep slopes was also granted.

(****) The existing site contained 54.9% or 45,486 s.f. of impervious surface. This proposal results in a 264 s.f. reduction of impervious surface.

(*****) Check the proposed height.

Issues

1. Conditional Use Reconfirmation

Although the original application traversed an extremely complex and involved process including reviews by the Zoning Hearing Board, Planning Commission, Historical Commission and Board of Commissioners, for both land development and conditional use approval, the applicant must still meet their burden under the conditional use standards and criteria which are attached.



**TOWNSHIP
OF
LOWER MERION**

MONTGOMERY COUNTY



DEPARTMENT OF BUILDING AND PLANNING

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Ardmore, PA 19003-2376
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September 22, 2006

Mr. Michael Trio, AICP
Senior Vice President
1400 Mill Creek Associates, LP
2701 Renaissance Boulevard, 4th Fl.
King of Prussia, PA 19406

RE: 1400 Mill Creek Road, Barker's Mill, Gladwyne, CU# 3486, Ward 2.

Dear Mr. Trio:

On September 20, 2006, the Lower Merion Township Board of Commissioners considered a Conditional Use application to amend the previously granted approval to add six additional units.

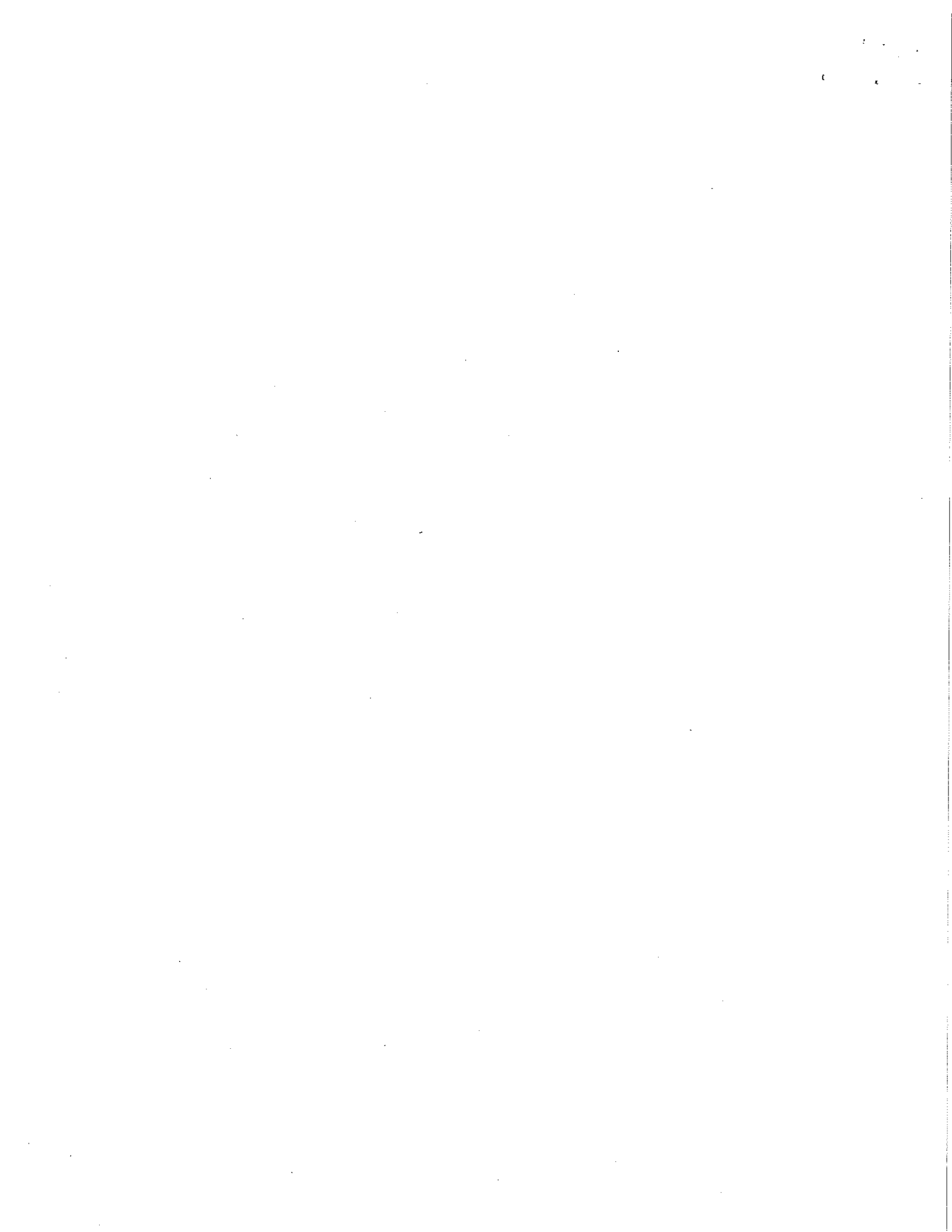
The Board reviewed and approved the Findings of Fact and Order for this Conditional Use Application as presented by the Township Solicitor. An executed copy is attached for your records.

Sincerely,

Christopher Leswing, PP, AICP
Assistant Director, Planning

/tr

c: Bob Duncan, Director of Building and Planning
Momenee & Associates





*Department of Building and Planning
Township of Lower Merion*

BEFORE THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF LOWER MERION

In Re: Application 1400 Mill Creek
Associates, L.P.

Property: 1400 Mill Creek Road

FINDINGS OF FACT, DISCUSSION AND ORDER

This is a second conditional use application filed by 1400 Mill Creek Associates, L.P. with respect to the referenced property. A prior application was approved in the fall of 2005 granting permission to convert a Class I historic building in a residential zoning district presently being put to a non-conforming, nonresidential use to a multi-family use for 27 residential condominium units. The current application requests that the prior grant be amended to allow conversion to 33 residential condominium units and to add 9 additional parking spaces. A hearing was held before the Board of Commissioners on August 2, 2006.

FINDINGS OF FACT

1. The 1400 Mill Creek property (the "Property") is a single tract of ground approximately 2.6 acres in size on Mill Creek Road in Gladwyne. The property is separated from the road by Mill Creek, thus access is gained over a bridge. The other three sides of the property are bounded by Rolling Hill Park, owned and maintained by the Township of Lower Merion.
2. The property is improved with three buildings, two of which are linked together by an elevated cross walk, and another structure, formerly a workers cottage. The largest and

most important structures are the two linked buildings referred to as the "Old Mill", a former grist and munitions mill dating back to the mid 1800's.

3. Both of the buildings used in conjunction with the mill operations are listed on the Township's Historic Inventory as Class I historic assets.

4. The Applicant previously received approval to renovate the two mill buildings and convert them to multi-family use. In addition a new building would be constructed to the rear of the property as viewed from Mill Creek Road. In total, 27 luxury condominium units were authorized to be created with 64 parking spaces, 61 of which will be underground.

5. In the current application to amend the previous approval, the applicant proposes to create 33 condominium units with 73 parking spaces. This will be accomplished by reducing the minimum size of the units from 1,500 sq.ft. to 1,250 sq.ft., increasing the building area from 34.2% to 34.7% and increasing the impervious surface from 53.2% to 54.8%. The justification for this amendment is based on a change in the applicant's marketing plan to offer smaller units than those previously proposed, resulting in a greater number of units in the project.

6. Both the Lower Merion Planning Commission and the Lower Merion Township Historical Commission considered the application and recommend its approval.

7. The Township staff reviewed the amended proposal and could not identify any significant on site impacts resulting from the amended proposal.

ORDER

AND NOW, this 20th day of September, 2006, the application of 1400 Mill Creek Road Associates, L.P. to amend its prior conditional use approval to convert the Class I historic buildings on the property at 1400 Mill Creek Road to multifamily use for 33 condominium units


with 73 parking spaces (rather than the previously granted permission for 27 condominium units with 64 parking spaces) pursuant to § 155-151(B)(1)(f)[2] of the Zoning Code of the Township of Lower Merion is granted. The Findings of Fact, Discussion, and Order of the previously granted Conditional Use application are incorporated herein by reference. This grant of Conditional Use is subject to the following conditions, some of which were also imposed in the prior Order:

1. To comply with the provisions of § 155-153(B)(4) of the Zoning Code, Applicant will submit a Declaration of Covenants, Easements and Restrictions to guarantee the permanent protection of the historical integrity of the exterior of the two Class I historic buildings on the site in a form satisfactory to the Township Solicitor, and will record that covenant in the Office for the Recording of Deeds, Norristown, PA.
2. Each dwelling unit shall have no fewer than 1,250 square feet of occupied area.
3. This grant of Conditional Use is based on the documents and plans submitted, all of which are incorporated by reference.
4. Should the Board of Commissioners subsequently agree to grant an easement to the Applicant and authorize utility improvements through Mill Creek Valley Park:
 - A. The exact location of the utility easement on the east side of Mill Creek Road through Mill Creek Valley Park shall be field located by the Township Engineer, the Director of Parks and Recreation and the Township Arborist. Final alignment shall be reviewed with Bridlewild Trails Association and the owner of 1485 Mill Creek Road. To the greatest extent possible the utilities shall be routed through the bed of the old, abandoned Hagy's Ford Road.
 - B. The applicant shall identify the route up from the east side of Mill Creek Road to the old abandoned Hagy's Ford Roadbed that has the least environmental impacts. If appropriate the applicant shall coordinate with the owner of 1485 Mill Creek Road to secure any necessary access and utility easements. The Township shall approve the final location and all easement documents.
 - C. The installation of utilities through Mill Creek Valley Park shall utilize best management practices approved by the Township Engineer, Director of Parks and Recreation and the Township Arborist. Installation shall be designed to minimize impacts to existing woodlands and slopes.
 - D. The applicant shall utilize restoration techniques to ensure the forest canopy regenerates and invasive plant species are controlled both in the utility

easement area and in the immediately adjacent area for a period of three years from the time of completion. The Director of Parks and Recreation shall approve these methods.

- E. Utility installation shall be done at such time as may be recommended by the Township Engineer to minimize erosion.
 - F. Trees lost and/or damaged in Mill Creek Valley Park due to installation of utilities shall be replaced at a 2-1 ratio with approval of the Director of Parks and Recreation and the Township Arborist. Newly planted and impacted trees shall be guaranteed and maintained for a period of 36 months from time of completion of easement construction. Maintenance shall include deer management and watering provisions.
 - G. A Reforestation Plan approved by the Township Arborist and Director of Parks and Recreation shall be prepared prior to the start of construction. The Reforestation Plan shall include provisions for replacement and or repair of forest areas impacted from construction activity within 50 feet of the proposed trench. The Reforestation Plan shall address repair and or protection of tree, shrub and herbaceous layers and include native species to the greatest extent possible.
 - H. The applicant shall provide reasonable pedestrian trail access from the Barkers Mill site, across Mill Creek Road to the Hagys Ford roadbed and incorporate this use into the utility easement. Access may include ramps and or steps where appropriate. The final location and construction details shall be approved by the Township Engineer and the Director of Parks and Recreation.
5. All of the conditions for land development no. 3486 are incorporated as conditions to the grant of this conditional use application.
 6. The applicant shall install an unobtrusive east-west trail connector between the Mill Creek trail and the old farm road in a style consistent with the park's trail system. It should be field-located to protect all mature trees, and the final location, engineering and style shall be approved by the Director of Parks and Recreation for Lower Merion Township, who shall consider the advice of the Bridlewild Trails Association and/or the Lower Merion Conservancy.
 7. The first floor openings of the courtyard elevation on Building two shall be altered to an AB pattern from the existing ABC pattern. The revision shall be subject to the review and approval of the Township's Historic Preservation consultant.
 8. The Township's Historic Preservation consultant shall review the exterior masonry specifications for Buildings one and two.

BOARD OF COMMISSIONERS
TOWNSHIP OF LOWER MERION

By: 
Matthew J. Comisky, President

ATTEST:


Eileen R. Trainer, Secretary

1400 Mill Creek Conditional use decision 9.11.06

