Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT

Thomas J. Stosur
Director

October 3, 2013

REQUEST: City Council Bill #13-0246/ Planned Unit Development – Designation – Whitehall Cotton Mill:

For the purpose of approving the application of Terra Nova Ventures, LLC, contract purchaser of certain property located at 3300 Clipper Mill Road, to have that property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

RECOMMENDATION: Amendment and approval, with the following amendments:

- On page 2, after line 41, insert "Warehousing and storage"
- On page 3, strike lines 14 and 35, and on page 4, strike line 24
- On page 5, after line 5, insert a new subparagraph (6): "(6) Dwelling units are permitted above the ground floor only." renumbering the following subparagraph.

STAFF: Eric Tiso

PETITIONER: Terra Nova Ventures, c/o Alfred W. Barry

OWNER: KOMAR Properties II Limited Partnership

SITE/GENERAL AREA

Site Conditions: 3300 Clipper Road is located on the south side of the street, approximately 300' east of the intersection with Ash Street. This M-2-1 industrially-zoned property is currently improved with a two-story historic mill building, and a two-story out-building, once known as the Whitehall Cotton Mill. The Jones Falls River forms the southern boundary of the site.

General Area: This property is located in the Jones Falls Area, north of the I-83 corridor, west of Falls Road, and between the communities of Hampden to the north and east, and Druid Hill Park beyond I-83 to the south and west.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

COMPREHENSIVE PLAN

This proposal is compatible with the Comprehensive Master Plan's LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, specifically, Objective 5: Increase the City's Population by 10,000 Households in 6 Years.

ANALYSIS

Project: The applicant proposes to renovate the property for a mixed-use development, including office, retail and residential uses. The proposed Planned Unit Development (PUD) provides the best mix of potential use options, preservation of the building, and sensible site design.

Flood plain: One of the most significant considerations in the staff's review of this proposal is that the property is located in the flood plain. More significantly, the building also straddles the boundary of the flood way, which is where velocity waters are present in a flood event. In most cases, development within the flood way is not permitted. However, there is an exception that provides for a reasonable amount of redevelopment for historic buildings located in the flood way, through the approval of a waiver. Without this waiver provision, redevelopment of this site would not be permitted. This proposal will balance the public goals of historic preservation while minimizing risks to public safety. Since the proposed PUD includes 27 apartment units, staff has required that they be located above the ground floor, and that an egress bridge is provided that will lead to safety outside of the flood plain.

PUD Standards: This proposal must satisfy the requirements of the governing standards for PUDs per §9-112 of the Zoning Code. Among the several concerns, staff finds that:

- This proposal, with certain amendments, is reasonable and will be compatible with the City's Master Plan.
- The proposed PUD will not be a detriment to the character and nature of existing and potential future development in the vicinity.
- The PUD will respect the topography and natural features of the land, in that it will address the flood plain concerns, and the applicant is interested in assisting the City with stream bank restoration and removal of previously unapproved berms that were added along the Jones Falls.
- Staff believes that the proposal will not negatively impact property values in the area, and will not impair future use of those properties.
- Since the existing building will be renovated, non-historic portions of the building will be removed, and no other new buildings are proposed, there will not be any impact to the availability of light, air, open space, and street access.
- The proposed egress bridge will secure for its residents and neighboring residents substantially the same protection as would be provided by application of the basic district regulations with respect to fire, health hazards, and other dangers.

Building Program: This project will include the following features:

- The existing out-building will be used for a carpentry and machine shop.
- The first floor of the main mill building will have 25 interior parking spaces in the eastern end of the building that will complement the 137 exterior parking lots on the north and south sides of the building. The former boiler house area will be used for a restaurant. Retail space will fill the balance of the western half of the building. The small wing protruding from the northern wall of the building will be used for office space.
- The second floor will have apartment units (mix of loft studios and one-bedroom) in the eastern half, and office or retail use in the western half of the floor.
- There will be a mezzanine level that will continue the loft spaces from the second floor.
- The partial third floor will have one-bedroom apartment units.

Uses: The proposed PUD ordinance permits a specific list of industrial and business uses, as enumerated in the bill. The applicants have requested the addition of warehousing and storage as well as the removal of a few listed uses (these are reflected in the first two staff amendments above). In addition to the listed uses, there are a few additional controls proposed, including the requirement that accessory outdoor table service and live entertainment are to be approved by the Board of Municipal and Zoning Appeals (BMZA). Some of the uses are limited by area and/or location, such as restaurants and taverns (each including live entertainment) are permitted on the ground level only, and that they will not exceed 3,000 sqft of area per individual tenant. Food and grocery stores are likewise limited to 3,000 sqft of floor area. Drive-through restaurants are expressly prohibited. Finally, a maximum of one Class B restaurant alcoholic beverages license and one Class B tavern alcoholic beverages license are allowed, subject to approval by the Board of Liquor License Commissioners. Staff recommends an additional land use restriction on residential uses, to only allow them above the ground floor.

Plans Review: As part of the review of this proposal, staff considered the following:

- Forest Conservation – This project triggers the Forest Conservation program requirements. Additionally, no trees are permitted to be planted in the floodway (*i.e.* the southern half of the site), and so the landscaping plan makes the best use of small to mid-size plantings, and concentrates the trees into the northern half of the site.
- Flood plain – This site is located within the flood plain and flood way, and will comply with those regulations. Among other requirements, an egress plan for life safety is required, and will be approved by the City prior to issuance of occupancy permits. A second-floor emergency egress bridge will be built, providing access to the hill on the north side of Clipper Mill Road, out of the flood plain. The specific design of this bridge will return to the Planning Commission for final design review and approval at a later date. The first floor will be flood-proofed to protect people and materials.
- Elevations – The building will have non-historic prior additions removed, and the elevations will be restored. A central tower element will be reconstructed, to return the building to its previous appearance. New aluminum clad windows with simulated divided lites will be installed on upper floors. The applicant has expressed interest in the use of historic tax credits, but has not applied for them to date.
- Bridge & Signage – the proposed bridge design and signage package require additional study, and will return to the Planning Commission for final design review and approval at a later date.
- This project was reviewed and approved by the Site Plan Review Committee on September 27, 2013. The site plans are reasonable, and make the best use of the property, while preserving its historic character.

Staff has notified: the Hampden Community Council, the Hampden Village Merchants Association, and the Mill Valley Community Coalition of this action.

Thomas J. Stosur
Director