

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: 1400 Mill Creek Road, Gladwyne, Barker's Mill, Gladwyne, Ward 2, LD# 3634AA

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Date: May 4, 2018

I. Action To Be Considered By The Board:

Applicant request to reconfirm a prior Conditional Use approval and amend the following condition of approval that was imposed on the Preliminary Land Development Plan:

- The Final Plan, complying with all applicable requirements, shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Preliminary Plan approval.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners must review and render decisions on all requests to extend expired land development approvals and amend conditions of approval.

III. Current Policy Or Practice (If Applicable):

N/A

IV. Other Relevant Background Information:

A conditional use hearing to reconfirm the prior expired conditional use approval was conducted by the Township's Hearing Officer on April 12, 2018. The Hearing Officer's recommendation is attached.

In addition, since this application has a long history of prior approvals, many of which occurred prior to the tenure of many of the Building and Committee members, staff has provided a detailed history of those approvals, a description of the property and the history of the site, below.

In 2005 the applicant received Conditional Use and Preliminary Land Development Plan approval to convert the two existing mill buildings into condominiums and construct a new condominium building for a total of 27 new residential units. Conditional Use approval was granted 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%.

That approval expired pursuant to Zoning Code Section 155-153.A.6 since a building permit was not issued within one year from the date approval was granted.

In 2006, the Board of Commissioners granted conditional use approval for the same adaptive re-use of the historic resources with the addition of six units for a total of 33 residential units. That approval expired since a building permit to construct the project was not issued within one year from the date approval was granted.

In 2009, the Board of Commissioners granted conditional use approval for the same adaptive re-use of the historic resources with minor changes to the site plan including a rerouting of the proposed sanitary sewer line serving the development. That approval also expired since a building permit to construct the project was not issued within one year from the date approval was granted.

The chart below includes a timeline of the proposed approvals that have been issued by the Township for this property.

Approval Date	Application	Description
20-Oct-04	Tentative Sketch	Renovation and conversion of the two existing mill buildings and the construction of a new building with a 9,000-square foot footprint for 22 condominium units
16-Nov-05	Conditional Use	Convert a Class 1 building in a residential zoning district presently being put to a non-conforming, nonresidential use to a multi-family use
16-Nov-05	Preliminary Plan	Renovation and conversion of the two existing mill buildings and the construction of a new 9,000 square foot footprint building for 27 condominium units
20-Sep-06	Conditional Use	Amendment to the previously granted Conditional Use approval to add six additional units, for a total of 33 condominium units.
20-Sep-06	Amendment Plan	Amendment to the previously approved Land Development approval to add six additional units, for a total of 33 condominium units and the addition of 9 parking spaces.
16-Dec-09	Amendment Plan	Revision to the approved plan showing an altered path of the sanitary sewer line and revised grading at the south elevation of Building 3. Amendment to a condition of approval requiring the applicant to have filed the final plan complying with all applicable requirements within 12 months from the date of the Preliminary Land Development Approval.
	Conditional Use	Reconfirmation of the previously approved Conditional Use
2018	Amendment Plan	Amendment to a condition of approval requiring the applicant to have filed the final plan, complying with all applicable requirements, within twelve (12) months from the date of the Land Development approval
	Conditional Use	Reconfirmation of the previously approved Conditional Use

Property Description

The property at 1400 Mill Creek Road is a Class I historic resource on the Lower Merion Township Historic Resource Inventory (HRI), meaning that any application to develop or improve the property must be reviewed by the Historical Commission. The Commission's recommendation is forwarded to the Building & Planning Committee and Board of Commissioners, which has the authority to approve or deny an application involving a Class I resource.

The property consists of two historic mill buildings and a contributing tenant house. The property was deemed eligible for the National Register of Historic Places in 1994 and was deemed a contributing resource in the Mill Creek (Increase) National Register Historic District in 1996. The property's

eligibility as a Class I resource was made possible by both of these designations; it is rare for a property in Lower Merion's HRI to be both a contributing resource in a National Register district and deemed individually eligible for the National Register.

Site History (From the Historic Resource Inventory)

Histories indicate that a Nippes Mill building was constructed here in 1814, but it remains unclear whether this was an addition or reconstruction of an already existing mill that was begun around 1793. For over fifty years, the Nippes Mill was a manufactory of guns for the U.S. government and it was owned and operated by Samuel Nippes. By the 1860s, James Ledward had refitted the factory for carpet yarn manufacturing. In the 1860's a serious fire destroyed most of the plant and delayed them from starting their wool processing business. The structures were rebuilt by 1872 and operated as a mill until it was hit by the flood of 1894. Thanks to a newly-installed steam turbine (instead of a wheel), the mill was one of the few left standing when the waters subsided, and it was the only mill to rebuild and continue business. In the early 1920s, the brothers sold their shares to Barker's son, William Barker, who operated the mill into the 1950s. For approximately thirty years, the buildings sat vacant. During the 1980s and 1990s, the buildings were occupied by businesses and organizations. In the early 2000s, the building was bought by a new owner with plans to convert the complex into condominiums.

The stone and brick complex is comprised of several sections of varying sizes and is situated along Mill Creek, parallel to Mill Creek Road. The northern block has three stories, is four by four bays, and has a gently sloping gabled roof, with its gables facing east and west. Its windows have been partially bricked in to hold smaller casement windows. The next block has two stories, is around 13 bays long and three bays wide, and has a roof that is almost flat. It extends southward from the western end of the southern façade of the first block. It has double hung windows and small metal medallions on the exterior surface in between each window bay. Several smaller two- and three-story additions were constructed on the northern half of the south façade of the first block as well as on the west façade of the long block. Connected via a second-story overpass to the 13-bay block, is a two-story block. This one is eight bays long and three bays wide, has a gently sloping side gabled roof, and has large 24-pane windows on the upper level. Also on the property are ruins from earlier mill structures and a frame house that was one of a group of houses used to board mill workers.

Application History

On March 24, 2005, representatives of O'Neill Properties appeared before the Historical Commission seeking Conditional Use to restore the two existing mill buildings and convert them into condominiums, and to construct a new structure elsewhere on the site for a total of 27 units. The application was found to be incomplete and was tabled.

The applicant returned July 28, 2005 to provide additional details. The Director of Planning for O'Neill Properties said that in addition to the residential construction, the company was committed to stabilizing a historic stone ruin in adjoining Rolling Hill Park, including cleaning and repointing the structure. The Historical Commission voted to recommend approval of the application on that date.

The applicant amended their design and returned to the Historical Commission on July 20, 2006 with a request to increase the number of units from 27 to 33, and to address the conditions imposed by the Board of Commissioners with the original conditional use which was granted on November 16, 2005.

The Historical Commission recommended approval of the revised architecture, pending evaluation of certain architectural details and materials.

The applicant returned on October 22, 2009 with architectural changes. The Historical Commission voted to recommend approval of the architectural changes, and of the conditional use subject to the conditions previously requested.

On November 23, 2015, a potential new owner of the property appeared before the Historical Commission to discuss amending the previously approved plans for the property. The potential buyer presented a plan to alter the approved architecture of the new structure to a more modern style and to move it away from the hill to avoid disturbing steep slopes. The prior plan to construct a parking garage under the historic buildings was amended to instead go under the new building. The Commission generally favored the newly proposed architecture over the previous applications.

No progress was made following the 2015 presentation. The Township proceeded with enforcement action to address the lack of property maintenance to the historic buildings and on April 20, 2017, a hearing was held in which the Township contended that the owners of the property were neglecting the buildings, citing the Demolition by Neglect section in the Township Building Code. The Township and owner agreed to a fine. The owner has since performed maintenance on the buildings to comply with the Township's minimum maintenance standards.

V. Impact On Township Finances:

This application has no impact on Township finances.

VI. Staff Recommendation:

Since this project has been delayed numerous times in the past and the historic buildings have fallen into disrepair as a result, staff recommends that the Building and Planning Committee consider including additional conditions of approval to ensure that the buildings are adequately maintained and protected in the future until construction is complete.

Additionally, staff notes that the temporary construction easement to the north of the property contains ruins that are located on Township property. In order to ensure that the ruins are not damaged during construction, staff recommends the applicant submit a plan to demonstrate how the ruins will be protected.

Furthermore, many residents attended the conditional use hearing on April 12, 2018 to express concerns that the existing trail access points through this property into Rolling Hill Park be maintained. Therefore, staff recommends a condition of approval be imposed that requires the applicant to continue to provide public access through the site to the trails. In addition, the Ward Commissioner recommends the following additional condition be imposed: The conditions of use must require maintenance of the Bridlewild Trail adjacent to the property.

Staff recommends the Board approve the Amendment to the condition of approval. Staff also recommends the conditional use application be reconfirmed subject to the following additional conditions being included:

1. The applicant shall pay off all liens against the property including property maintenance violations, sanitary sewer extension and any other Township liens prior to recording the Final Plan.
2. The applicant shall continue to provide public access through the property to the existing ruins and trail on Township property until the public easement is recorded. The applicant shall ensure the maintenance of the Bridlewild Trail adjacent to the property.
3. The applicant shall document the need for a construction easement on Township property to the north of the site. The applicant shall submit a plan that demonstrates that the existing ruins on the Township's property will be protected from harm caused by construction vibrations and similar effects.
4. The applicant and any future owner of the property shall prevent demolition by neglect of the existing historic resources by stabilizing the property and submitting an annual inspection report and making repairs in a timely manner on an as needed basis. The applicant shall also post a financial guarantee with the Township to be used for stabilization of the historic resources until such time as the building permit is issued or construction has commenced.
5. The Applicant shall record the Final Plan and file for a building permit within one year of this approval.