


FROM	NAME & TITLE	LAURIE FEINBERG, ACTING DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0289 / PLANNED UNIT DEVELOPMENT – DESIGNATION – MT. VERNON MILL		

TO

DATE:

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

October 19, 2018

At its regular meeting of October 18, 2018, the Planning Commission considered City Council Bill #18-0289, for the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #18-0289 and adopted the following resolution; eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0289 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Josh Taylor, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services
 Mr. Al Barry, AB Associates



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

October 18, 2018

REQUEST: City Council Bill #18-0289/ Planned Unit Development – Designation – Mt. Vernon Mill:

For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso, AICP

PETITIONER: Mt. Vernon Mill, LLC, c/o Alfred W. Barry, AB Associates

OWNER: Mt. Vernon Mill, LLC

SITE/GENERAL AREA

Site Conditions: These I-MU zoned properties are bordered by I-83 to the southwest, and are mostly on the south side of Falls Road, between Wyman Park Drive on the southeast, and the Falls Road ramp from I-83 (Exit 8) to the northwest. Most of the buildings on this site are from a historic mill operation, and date from the late 19th Century.

General Area: These properties are within the Jones Falls area. Portions of the site are within the floodplain. One of the buildings is located between the Jones Falls and I-83 without direct street access to that portion of the property. The Stone Hill historic community is located immediately to the north, within the Hampden neighborhood.

HISTORY

- Ordinance #10-374, dated October 21, 2010, established this Planned Unit Development (PUD).
- Ordinance #12-72, dated 5 Dec 2012, granted three perpetual easements over the Jones Falls for the benefit of Mt. Vernon Mill, LLC, between the properties of 3000 and 3030 Falls Road.
- On August 8, 2013, the Planning Commission approved a Revised Final Design for a revised signage package.
- On February 11, 2016, the Planning Commission approved a Revised Final Design for a new identification sign for a restaurant.
- On March 31, 2016, the Planning Commission approved a Revised Final Design for outdoor seating for that restaurant.

ANALYSIS

Background: This Planned Unit Development (PUD) #149 was created in 2010, in order to allow for the renovation and reuse of this historic mill property for a mix of uses that included residential, office and retail. These buildings are not located within a historic district, nor are they formally designated landmarks; the buildings range in date from 1840 (Picker Building), 1873-1881 (Mill building), and 1918 (concrete building). Still, the desire to preserve these buildings was a primary purpose in the designation of the PUD.

Creation of Planned Unit Developments

Authorization and General Requirements: The creation and modification of PUDs are found in Article 32 – *Zoning*, Title 13. This bill proposes a repeal and replacement of the existing PUD, so while there is a logical continuation in the purpose, it is a new creation, and must follow the requirements in Title 13. These properties are located within the I-MU district, which is eligible for the creation of a PUD, and the properties together contain 9.78± acres (i.e. more than the two acre minimum).

Approval Standards: The conditional use standards under §5-405(a) and §5-406 apply, as well as additional standards under §13-203.

Conditional Use: Per §5-406 {“Approval standards”} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

As this is a replacement of an existing PUD, the Council may rely on its previous findings in Ord. #10-374 that the proposed replacement PUD will again meet the criteria for conditional uses above. The proposal will not be detrimental, is not precluded by any other law, is in the public’s interest, and is in harmony with the purposes of the Zoning Code, most specifically through the preservation of historic buildings.

Below is the staff’s review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*. We find that our analysis for the existing PUD created by Ord. #10-374 remains fundamentally the same:

- (1) Considering the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures, the proposed PUD is reasonable, as it has allowed for the flexible re-use of these buildings that are otherwise impaired in meeting the requirements of a modern industrial tenant.
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading
The traffic patterns in the immediate area have not been negatively impacted to date by the prior PUD, and should not be negatively impacted in the future. Parking was increased as part of the redevelopment of the site, which created an overall

improvement. No further construction is planned at this time, so the demand for parking should not increase.

- (3) In considering the nature of the surrounding area, this PUD is not likely to impair the present or future development of surrounding properties.
- (4) There are no other dwellings, churches, schools, public structures, or other places of public gathering immediately close to this PUD.
- (5) This site is accessible by police and fire protection, and egress from 3030 Falls Road has since been provided by way of a connecting bridge.
- (6) This development will not impact accessibility of light and air to the property and to the property in the vicinity, as the properties within the PUD will retain their current configuration.
- (7) There are adequate utilities in the immediate area and sufficient access to the road network is available.
- (8) The proposed PUD will aid in the preservation of these historic buildings that may otherwise be targeted for demolition or neglect. The renovation of the buildings has already occurred under the existing PUD, returning them visually to the appearance they had in the 1920s.
- (9) The character of the neighborhood will remain unchanged following the replacement of the PUD.
- (10) This PUD will continue to support the City's Comprehensive Master Plan, specifically, Goal 2: *Elevate the Design and Quality of the City's Built Environment*, Objective 4: *Protect and Enhance the Preservation of Baltimore's Historic Buildings and Neighborhoods*.
- (11) These properties are not located within an Urban Renewal Plan area.
- (12) The existing buildings within the proposed PUD will remain. They were built well before the current Zoning Code, or the prior Zoning Code (originating in 1971), and so they may not adhere to the requirements of the current Zoning Code. As existing buildings they may continue to exist as noncomplying structures.
- (13) For the intent and purpose of the Code, see the discussion below on §13-204.
- (14) It is in the City's best interest to allow for the continued productive use of these historic buildings.

Additional Factors: In addition to the considerations for conditional uses above, there are additional factors under §13-203(a)(2) that must be considered:

- (i) **whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;** The proposed PUD is in general conformance with the Comprehensive Master Plan, in that it seeks to enhance and preserve historic buildings. No further development of these properties is proposed at this time.
- (ii) **whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;** These properties are unique in the City, in that one of the buildings is located on an island within the Jones Falls River, and

is only accessible by an enclosed footbridge. The buildings have this arrangement as a result of having been originally used as a mill property. The properties are also partly within the floodplain, and in their renovation were required to comply with appropriate flood protection measures.

- (iii) whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;** The properties within the proposed PUD will not adversely affect future development or the value of neighboring areas. The buildings already exist, no further development is proposed, and the adaptation to productive uses has prevented them from being abandoned.
- (iv) whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;** These properties will be provided the same level of protection from fire, health hazards, and other dangers, as their renovation and approval for occupancy has already been inspected by the City. An additional bridge was built to provide adequate access to 3030 Falls Road, which had previously been isolated.
- (v) whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and** The adaptive reuse of these historic buildings has already been completed under the existing PUD, and will continue under the proposed PUD.
- (vi) whether the planned unit development is compatible with any nearby industrial district.** This PUD will remain compatible with the adjacent I-MU zoned Mill Centre to the north, as well as the OIC zoned Steiff Silver campus to the east. There are no other adjacent industrially-zoned properties (other than the bed of the Jones Falls itself).

Required Findings: Per §13-203(b), the planned unit development may be approved only if there are findings that:

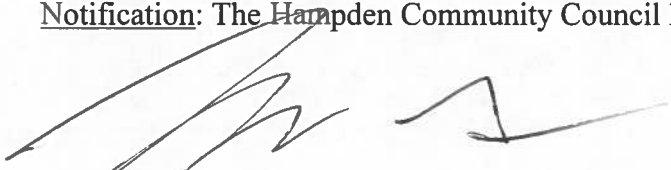
- (1) the use is compatible with the surrounding neighborhood;
- (2) the use furthers the purpose of the proposed classification; and
- (3) the PUD master plan developed under § 13-304 {"PUD master plan"} of this title ensures that there will be no discordance with existing uses.

The proposed PUD is located in the Jones Falls valley, and is separated from the nearby residential neighborhood. The adaptive reuse of the former mill buildings in this stretch of the valley starting around the time the existing PUD was created has been successful, allowing for the reuse of the buildings, thereby preventing their demolition. The proposed PUD will continue the purpose of that strategy in this area. The PUD master plan proposed is in this case an existing conditions plan, as the renovation of the buildings have already occurred, and no further development of the properties is proposed.

Exceptions from district regulations: In determining whether to grant an exception from district regulations, the Planning Commission and City Council must make certain considerations under §13-204. In this case, the buildings within the existing and proposed PUD predated both this and the prior Zoning Codes, and to any extent that they do not strictly adhere to the requirements of the underlying district, are now considered lawful nonconforming structures (*i.e.* “grandfathered”).

Proposed Uses: The uses proposed within the PUD are those as allowed in the underlying I-MU district, with a couple of specific additions. A few specific uses have been carried over from the prior PUD: Outdoor table service accessory to a restaurant (subject to Planning Commission approval), a limit of two liquor licenses within the property as may be authorized by the Board of Liquor License Commissioners, the existing general advertising sign (which must be removed by December 31, 2036), and the existing rooftop sign that may be modified. As an added use over the prior PUD, one banquet hall may be established within 2980 Falls Road, subject to certain conditions as outlined in the bill, and subject to a MOU to be recorded between Mt. Vernon Mills, LLC and the Hampden Community Council. Staff understands that while it is referenced in the bill, enforcement of the MOU would be by civil action, and not through zoning enforcement.

Notification: The Hampden Community Council has been notified of this action.



Laurie Feinberg
Acting Director