



**TOWN OF OCCOQUAN**  
*Circa 1734* ☐ *Chartered 1804* ☐ *Incorporated 1874*  
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**TOWN MANAGER**  
Kirstyn Jovanovich

## STAFF REPORT

**DATE:** January 13, 2021

**APPLICANT:** Mid-Atlantic Real Estate Investments, Inc.

**PROJECT NAME:** The Mill at Occoquan

**PLAN NUMBER(S):** Preliminary Site Plan - PSP2018-01  
Special Exception - SE2018-01 (residential in B-1)  
SE2018-02 (setback from right of way)  
SE2018-03 (building height)

**PREPARED BY:** Bruce A. Reese, Town Engineer  
Sara R. Fila, Zoning Administrator

*B. A. Reese*  
*Sara R. Fila*

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### A. EXECUTIVE SUMMARY

Mid-Atlantic Real Estate Investments, Inc. (Applicant) proposes redevelopment of 401, 403, 405, 407, and 411 Mill Street (GPINs 8393-64-5688, 8393-64-5191, 8393-64-4995, 8393-65-4100, 8393-65-3507) as a seven (7) story mixed-use project, which includes two (2) full stories of below ground parking, one (1) level of commercial with parking, four (4) levels of residential, plus a penthouse and an observation deck.

Such development would entail the demolition of the existing building(s) and steel structure on the site. This Staff Report evaluates the proposed application as it pertains to Town ordinances for conformity.

## B. DESCRIPTION OF PETITION

The Applicant requests approval of the Preliminary Site Plan and three (3) Special Use Permits for uses permitted only as special exceptions, as follows:

Special Exception Request	Code Reference
80 multifamily residential units within the B-1 District	§157.121 (B) (4)
Proposed average building height to a maximum of 79 feet	§157.124
Location of the proposed building to the right of way line of Mill St.	§157.123

## C. APPLICABLE REGULATIONS

1. Chapter 150 – Buildings and Building Regulations
2. Chapter 151 – Floodplain Management
3. Chapter 152 – Erosion and Sediment Control
4. Chapter 153 – State Stormwater Management Program
5. Chapter 155 – Site Plan
6. Chapter 157 – Zoning
7. Other Town Code Sections that may be applicable through construction and occupancy
8. Town of Occoquan Comprehensive Plan (for Special Exception requests)

Excerpt from Chapter 157, Zoning:

### SPECIAL USE PERMITS

#### § 157.240 GENERALLY.

Special use permits, as specified in this chapter, may be authorized by the Town Council in the district indicated, upon a finding that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purposes of the town’s plan of land use. (1998 Code, § 66-301) (Ord. passed 9-5-2017)

#### § 157.242 REVIEW AND APPROVAL PROCESS.

(D) The Zoning Administrator shall report to the Planning Commission regarding the application before the opening of the public hearing and provide a recommendation, citing appropriate principles of zoning practice and applicable provisions of the Comprehensive Plan; however, failure of the Zoning Administrator to perform this duty shall not affect the authority of the Planning Commission or Town Council to take action or the validity of that action.(...)

## D. ANALYSIS

### 1. ANALYSIS OF EXISTING CONDITIONS

- a. Site Area: ±0.9494 acres (±41,355 square feet)
- b. Use: Mixed Use including residential and mercantile
- c. Zone: B-1
- d. Location: North side of Mill Street between Ellicott Street and cul-de-sac
- e. Buildings: Three structures and metal scaffolding (formerly for boat storage)
- f. Access: VDOT right of way (Mill Street)
- g. Overlay Districts: Old and Historic District  
NOVA Arts and Cultural District  
Chesapeake Bay Preservation Overlay District

On September 22, 2017, the Zoning Administrator made the determination that 403, 405, 407, and 411 are not listed in the "Historic Occoquan Landmarks" (Section 157.177), and therefore do not require the approval of the Architectural Review Board (ARB) for demolition. As 401 Mill Street is marked as vacant in the 1983 National Register of Historic Places Inventory of the Town of Occoquan, on which the Historic Occoquan Landmarks' is based, it will not require ARB approval for demolition.

### 2. IMPACT ANALYSIS

The application for the Special Use Permits did not analyze the impacts that granting the special exceptions would cause, nor did it indicate how those impacts would be mitigated, other than through the design of the building with its step-backs, social corners, and other design features. This report therefore analyzes the impacts of each requested Special Exception generally, before a more particularized analysis based on the Comprehensive Plan.

- a. The proposed increase in height would have several effects on the immediately adjoining properties and the Town as a whole. The largest of these impacts would be to change the scale of the Town by creating a building significantly taller than any other structure in the Town. Future requests for Special Exceptions to that height, if granted, would further change the look and feel of the Town and especially of Mill Street. Compared to a by-right development at 35 feet height, the proposed structure would block views of the river for more residents. The proposed structure would also block light and air for pedestrians and motorists on Mill Street; an analysis of these effects would be helpful. Although the variety of facades would create the appearance of separate buildings, the building as a whole would be noticeably different from the existing landscape of individual buildings

- of differing sizes, ages, and styles, thus changing the character of the area.
- b. The proposed residential use above the ground floor would tilt the character of Mill Street away from commercial and toward residential uses. Once the residential units are built, it is unlikely that the space they occupy would be available for commercial use for the lifespan of the building. Adding 100 or more new residents would create additional demand for Town services of about ten percent (10%), based on the current estimated population of 1,086 (census.gov 2019 estimate). The Applicant has provided an estimate of tax revenue to the Town of \$54,000 per year in real estate taxes (based on a building valuation of \$48,000,000) and \$75,000 to \$90,000 per year in meals tax (based on gross revenue from the restaurant of \$2,500,000 to \$3,000,000), but did not provide a detailed pro forma to support those estimates.
  - c. The proposed setback reduction along portions of the frontage would affect the character of Mill Street and compound the effect of the proposed height increase. It would also reduce the comfort and convenience of the sidewalks due to pedestrian and vehicle traffic having less (or no) setback area available for ingress and egress.

### 3. ANALYSIS OF PROPOSED PRELIMINARY SITE PLAN

The proposed development will consist of:

Use	Floor Area of Use	Unit Type	Parking Required Chapter 157.195-199	Parking Provided
Commercial	3,050 square feet	Retail	3 spaces	54 spaces**
Commercial	9,000 square feet	Restaurant	0 spaces^	0 spaces
Amenity	3,000 square feet	Observation Deck	0 spaces	0 spaces
Residential	138,410 square feet	80 residential units	202 spaces	157 spaces
<b>Total</b>	<b>210,738 square feet**</b>		<b>205 spaces</b>	<b>211 spaces*</b>

\*Includes nine (9) ADA spaces and eight (8) Compact spaces per plan. The Zoning Ordinance requires a total of 205 parking spaces, so code requirements are met with Staff’s count. The ADA requirement is met and the compact spaces do not exceed the allowable count.

^The Town Code allows for no parking spaces for restaurants with less than 50 seats within the Old and Historic Occoquan District.

\*\*Includes parking.

\*\*Sheet 05 Parking Computations identifies these spaces as ‘shared commercial/public/residential parking.’

As part of the Preliminary Site Plan, the Applicant is requesting approval of three (3) Special Exception requests to allow:

Residential use within the B-1 zone (see sheet 09 for residential unit layout).  
[SE2018-01]

Relief from the required five-foot setback from the right-of-way. The proposed building is located on the right of way along Mill Street. [SE2018-02]

Allowance of a maximum height of 79 feet. The proposed height exceeds the 35-foot height allowed under the B-1 zoning. [SE2018-03]

#### Future Action Required

Because the proposed project is located within the Old and Historic District overlay District in the historic downtown, review and approval of a Certificate of Appropriateness by the Architectural Review Board (ARB) will be required (Sections 157.177; 157.179).

Because the proposed project is located in the floodplain, a Special Exception request is required for development occurring within any floodplain district (Section 151.10). This Request would be processed concurrently with the Final Site Plan process for the project.

#### **4. STAFF AND OUTSIDE AGENCY ANALYSIS**

a. Town staff recommends incorporation of the following at Final Site Plan submission:

1. A demolition permit will be required prior to removal of any structures on site.
2. The Final Site Plan will be reviewed by the Prince William County Fire Marshall's office.
3. The property is located within the Special Flood Hazard Area (including development in the Floodway) and will require review and approval of a Letter of Map Change to be submitted to FEMA for review and approval. All sections of the Town's Floods ordinance (Chapter 151) must be met. Approval of the Preliminary Site Plan does not guarantee approval by FEMA or allowance for development in the floodplain as inferred by Projective Narrative note four (4) on the cover sheet.
4. At the time of development, the Applicant shall meet all requirements outlined in the Town's Erosion and Sediment Control ordinance (Chapter 152) and shall install a super silt fence and/or a turbidity curtain along the Occoquan River. Additional measures may be required with subsequent

review of the Final Site Plan and based on field observations.

5. Requirements for the Town's State Stormwater Management Program ordinance (Chapter 153) shall be met. Phosphorus credits may be used if available in accordance with DEQ guidelines. Any stormwater quantity or quality facilities will be privately owned and maintained.
6. Requirements for the Town's Site Plan ordinance (Chapter 155) shall be met. Landscaping in accordance with that section of the Town ordinances must be accommodated.
7. All aspects of the Town's Zoning ordinance (Chapter 157) shall be accommodated, including, but not limited to, compliance with the Chesapeake Bay Preservation Overlay District, which includes submitting a Major Water Quality Impact Assessment (MWQIA) at the time of Final Site Plan review.

It is noted on sheet 04, General Note 3 a request for an exemption from the buffer requirements for properties contained wholly within designated Intensely Developed Areas has been received with this Preliminary Site Plan. A similar request must be made when the Final Site Plan and MWQIA are submitted, as required by the ordinance

As this property is within the Town's Old and Historic Occoquan District, it must comply with that portion of the Zoning Ordinance.

Staff recommends the parking tabulations be checked with the submission of the Final Site Plan. In the response letter from the applicant dated December 28, 2020, the Applicant indicated some spaces may be converted to "Compact" spaces.

In addition, the allowance for no parking spaces for restaurants within the Old and Historic Occoquan District is applicable to restaurants with less than 50 seats. Per the Applicant's December 28, 2020 response, the proposed 9,000 square foot restaurant will have 180 seats, necessitating 17 parking spaces. This will bring the total number of spaces required to 222, 11 more than currently shown. The final site plan will have to rectify this discrepancy by adding spaces or reducing the need.

Staff also observed a total of eight (8) compact spaces. While this is still under the allowed 30 percent compact space allotment, the Final Site Plan will be checked against the final layout.

A lighting plan will be required with the Final Site Plan.

8. If required in connection with Final Site Plan process, the Applicant will submit a Geotechnical Report to the Town Engineer.
  9. All fill materials and their subgrade must be approved by the Applicant's Geotechnical Engineer prior to placement of fill or backfill materials.
  10. Temporary Seeding shall be applied where exposed soil surfaces are not to be graded for a period longer than ten (10) days.
- b. Comments from the Prince William County Service Authority (PWCSA) and the Virginia Department of Transportation (VDOT) are provided for information and shall be addressed when the Final Site Plan is submitted for review.

PWCSA Comments:

1. No oils, fuels, anti-freeze, solvents or other pollutants or flammable substances shall be discharged into the public sewer system.
2. Applicant shall size, design and install a Service Authority (or PWC) approved grease trap on-site, if required by the Service Authority. The applicant shall properly maintain the grease trap to prevent grease build-up in the force main or gravity sewer.
3. Fire sprinkler systems shall incorporate a county approved backflow prevention device and be designed to eliminate water hammer.
4. Grinder pumps in the sanitary sewer system may be required.
5. The applicant shall install a county approved, adequately sized backflow prevention device on the water service line. This device shall be on the customer side of the water meter and before any point of use fixture of the on-site plumbing system.
6. For any proposed landscape irrigation system, the applicant shall demonstrate to the Service Authority that there is no detrimental effect on the Service Authority's water distribution system and service pressure to the community. Irrigation systems shall be represented as a collective maximum hour demand for the hydraulic modeling of the proposed water system, both with and without a simultaneous fire flow event.
7. All on-site and off-site water system improvements necessary to mitigate the impact of the proposed irrigation system demands shall be the responsibility of the applicant.
8. The Service Authority has an existing 12-inch water main located in Mill Street. All connections to the public water system shall be in accordance with the Service Authority's USM requirements and restrictions.
9. The Service Authority has an existing 8-inch gravity sewer main located in Mill Street. All connections to the public sewer system shall be in accordance with the Service Authority's USM requirements and restrictions.

10. Depending on the final configuration of any proposed on-site water mains, additional water main extensions may be required by the Service Authority to provide adequate fire protection or satisfy water quality requirements.
11. The applicant shall design and construct all new on-site and off-site water and sanitary sewer utility improvements necessary to develop the subject property and the above listed requirements in accordance with the Service Authority's USM, and County and State requirements, standards and regulations. The sizing and configuration of on-site and off-site utility system improvements will be determined during the preliminary and final plan review process, based on existing and proposed zonings of surrounding properties and the policies of the County Comprehensive Plan and Service Authority planning documents. The design shall be supported by appropriate engineering analysis/modeling of affected existing utility systems and the proposed new facilities.
12. Approval of a Special Use Permit or the rezoning of a property does not guarantee or assure water and sanitary sewer capacity availability for development of said property. Available utility system capacities are allocated on a first-come-first-served basis to zoned properties having approved final site/subdivision plans upon filing the required application and full payment of all associated utility fees/charges.

VDOT Comments:

1. Where the sidewalk is placed adjacent to the curb, its width shall be eight (8) feet minimum from the back of curb to allow vehicle doors to open and people to exit from the vehicle without blocking the pedestrian access route.
2. Typical sections for Mill Street should be shown with above mentioned dimensions noted under comment #3.03 & 3.04.
3. Label the curb return radii at the entrances (25 ft. min.).
4. Proposed entrances should meet the minimum width of 30' as per VDOT commercial entrance standards.
5. Provide a note on the plans for the maintenance responsibility of the proposed sidewalk and ramps.
6. Show detectable warning surface at the entrances a per Std. CG-12 details.

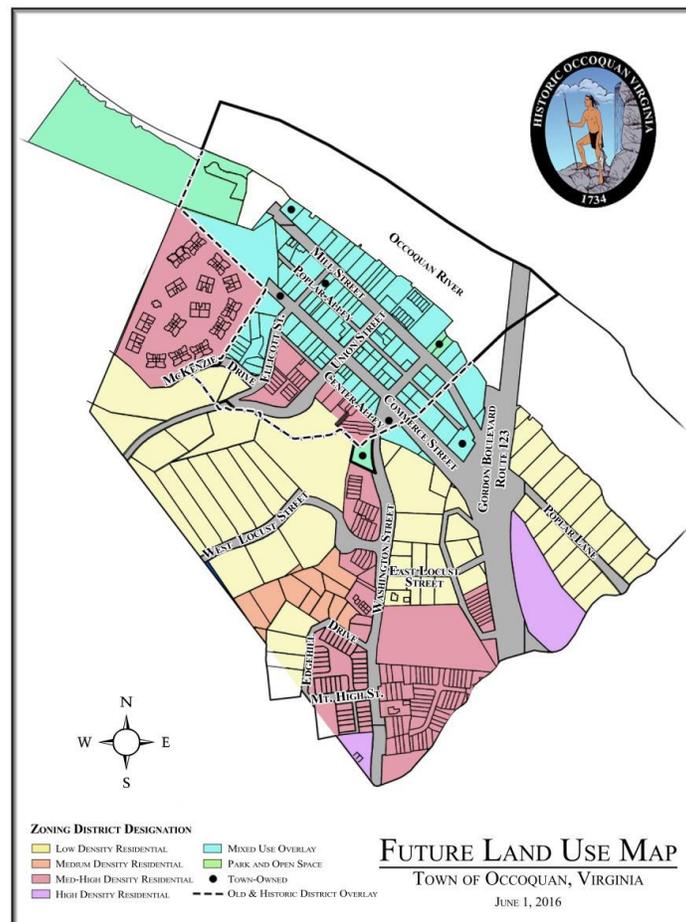
## E. COMPREHENSIVE PLAN REVIEW - SPECIAL EXCEPTION REQUESTS

There are three special exceptions requested with this application:

- SE2018-01 (residential in B-1)
- SE2018-02 (setback from right of way)
- SE2018-03 (building height)

As noted above in § 157.242 REVIEW AND APPROVAL PROCESS, paragraph (D), the Zoning Administrator shall “...provide a recommendation, citing appropriate principles of zoning practice and applicable provisions of the Comprehensive Plan.” This portion of the Staff Report will review the Comprehensive Plan and ways the proposed Special Exception Requests either fit within the provisions of the Comprehensive Plan or can be mitigated to comply with those provisions.

The Future Land Use Map from the Comprehensive Plan is shown below and indicates the subject site is recommended for “Mixed Use.”



The Town's current Comprehensive Plan (Town of Occoquan Adopted 2016-2026 Comprehensive Plan, Vision 2026) was adopted by the Town Council on August 2, 2016 and amended October 18, 2016. The Comprehensive Plan (hereafter Plan) was developed after considerable community dialogue and input. The Plan includes a wide range of discussions regarding options to maximize opportunities, including taking advantage of the many assets within Town. With regard to waterfront property along the Occoquan River, the Plan states (emphasis added):

There are several waterfront properties located within the Historic District that have potential for redevelopment and revitalization. Three issues are associated with the redevelopment of these properties, (1) connection to the Occoquan Riverwalk, (2) providing the necessary flexibility and incentives to make development economically viable, and (3) the actual zoning designation of the land. In particular, the Town must specify how any future uses will link to the Riverwalk. This is critical to ensure an adequate number of public access points and that building design takes into account and encourages the use of the Riverwalk. Use type is critical in that uses should lend themselves to Riverwalk activities. If the Town is silent on what kind of uses it would like to see, then it may lose an opportunity to influence the decision-making process. *Finally, the Town needs to address whether current zoning restrictions placed on waterfront properties, such as the 35-foot height requirement, need to be more flexible in order to encourage redevelopment of the type desired.*

The Plan further identifies the subject property, specifically:

Near the new park, a large parcel is for sale that has the potential for redevelopment and further enhancing the Town's business district, should it be developed with a balance of business and residential uses. *New projects must be planned in harmony with the surrounding areas and projects, while at the same time maintaining the eclectic mix of residential and business activities already found within the Town's historic business district.*

The Plan outlines five major goals for the Town:

1. Community Character & Community Life

To guide Occoquan's continued physical development *so as to maintain a mix of land uses – residential, commercial, and public – reflecting the town's historic identity and image while enhancing the social and economic well-being of its residents, merchants and visitors alike.*

2. Circulation & Mobility

To create and maintain a safe and efficient Town-wide mobility and transportation network that is interconnected, multi-modal and reflects a pedestrian-friendly land use pattern.

### 3. Economic Vitality & Diversity

To promote proactive and sustainable economic development and redevelopment actions in the Occoquan Business and Historic District that *respects the District's unique character*, balances residential density, and protects its ecological setting, while encouraging a diversity of economic activities in selected target areas of Occoquan.

### 4. Environmental Stewardship

To provide for the harmonious use of land that meets the needs of Occoquan, while enhancing the area's environmental quality.

### 5. Regional Coordination

To continue to build upon and enhance partnerships with Prince William and Fairfax Counties to generate a shared border area, land use planning and zoning that reflects and advances Occoquan's vision and desired future.

These goals are intended to be implemented through the application of 58 Action Items from Chapter 9, beginning at page 52 of the Comprehensive Plan, among other methods.

#### **SE2018-01 (residential in B-1)**

The project, as proposed, includes 80 residential units as part of a mixed-use development on the property. Any residential use in the B-1 district is limited to floors above the ground floor and requires a Special Use Permit.

#### **SE2018-02 (setback from right of way)**

The right-of-way line along Mill Street is also the outer edge of the sidewalk. The Preliminary Site Plan shows the sidewalk having a variable width, from 6.3 to 9.85 feet. The project requests there be no setback between the building and the right way. The code calls for a five (5) foot setback unless the Council reduces the permissible setback by Special Use Permit.

#### **SE2018-03 (building height)**

With two exceptions, the maximum building height allowed in the B-1 District is 35 feet per the Town definition of building height, which measures the vertical distance from the average elevation ten feet out from the finished grade adjoining the building on all exterior walls to the highest point of the roof for a flat roof, or to the mean elevation between the main eaves and highest ridge or point of other type of roof, excluding false mansard or parapet walls to screen rooftop mechanical equipment or housings (Town Code § 157.008). The exceptions are (1) a 60-foot maximum height for public and semipublic buildings, subject to increasing the front, side and rear setbacks in an amount equal to the increase in height over 35 feet and (2) by special use permit. As proposed, the height for the Mill at Occoquan, as it faces Mill Street, ranges from 66.8 feet at the northwest corner to 77.3 feet at the southwest corner. The approximate

height of Gaslight Landing as it faces Mill Street is between 43 and 46 feet. The proposed overall building height for the Mill at Occoquan, as defined by Section 157.008, is 79.0 feet.

The requested building height for the Mill at Occoquan exceeds the maximum 60 feet anticipated for public or semipublic buildings as described in Section 157.124 (A) of the B-1 District standards. The additional height allowed for public and semipublic buildings is contingent on increased setbacks, "one foot for each foot in height over 35 feet." The project, as it is currently proposed, does not increase the building set back (five feet), but rather proposes to eliminate it.

While the building height is significant, recent construction of a four-story single-family detached home on the opposite side of Mill Street set a precedent for height above Mill Street. Those buildings, while within the 35-foot height limit based on the Town definition, rise above the street level to a height of approximately 45 feet.

**Impact Assessment and Mitigation Options Tables**

For each of the Special Exception applications, the following tables will assess the impacts and possible mitigation options for the five main Plan Goals and their sub-categories.

Table Legend

C indicates SE request is in compliance with Plan.

N indicates SE request is NOT in compliance with Plan as proposed.

Blank indicates SE request has no applicable relationship to Plan.

Conditions listed in table refer to suggested conditions proposed by Staff, following table.

Plan Goals	SE2018-01 (residential in B-1)	SE2018-02 (setback from right of way)	SE2018-03 (building height)	Mitigation of Identified Impacts/Explanation
<b>Community Character &amp; Community Life (Action items 2-6, 8-9, 13-16, 18-20, 23, 25-26, 37-39, 41-42, 44-53, and 55-58)</b>				
Housing and Housing Affordability				Addition of multifamily adds diversity and option for affordability. - No mitigation required.

Plan Goals	SE2018-01 (residential in B-1)	SE2018-02 (setback from right of way)	SE2018-03 (building height)	Mitigation of Identified Impacts/Explanation
<b>Community Character &amp; Community Life <i>Continued</i> (Action items 2-6, 8-9, 13-16, 18-20, 23, 25-26, 37-39, 41-42, 44-53, and 55-58)</b>				
Neighborhood Preservation and Revitalization	C	C	N	The Plan calls for “continued recognition of the Town’s unique character combining residential and commercial development...” as well as access to the Occoquan River. – See Section D.2. (a) above, and conditions 2, 3, 4, 5, 6, 7, 8, 9, 10 and 17 below
Community Services and Facilities	C		N	“It is a priority to develop the infrastructure along the riverfront as a means of encouraging both residents and nonresidents alike to make the Town a unique destination to enjoy.” - See Section D.2. (a) above, and conditions 7, 8, 9, 10, 12, 13, 19, and 20 below
Parks, Open Space and Public Space	N		N	“It has been a priority to promote the expansion of the Town’s current Parks and Open Spaces...” The addition of a Riverwalk component affords public access to the River while maintaining the opportunity to extend the Riverwalk along the Town’s entire river frontage. - See Section D.2. (a) and (c) above, and conditions 6, 7, 8, 9, 13, 16, and 17 below

Plan Goals	SE2018-01 (residential in B-1)	SE2018-02 (setback from right of way)	SE2018-03 (building height)	Mitigation of Identified Impacts/Explanation
<b>Circulation and Mobility (Action Items 1-21, 39, 43-44, 51-53, and 58)</b>				
Traffic	N	N		While this development will not have an impact on cut-through traffic from Northern Virginia to Lake Ridge it will generate its own traffic – See Section D.2. (b) and (c) above, and conditions 2, 10, 14, and 15 below
Parking	C			All parking for this project will be self-contained within the building, with minimal loss of parking on Mill Street.
Sidewalks	C	N		“The most significant effort is the Occoquan Riverwalk, which will significantly increase access to the Town’s waterfront.” In addition, “Continued expansion and maintenance of brick sidewalks are recommended on all main and connecting streets of the Historic District.” – See Section D.2. (c) above, and conditions 5, 7, 8, 9, 16, and 17 below
Gateways				This coordination effort is Town-wide and not necessarily project-specific
Emergency Evacuation Planning				

Plan Goals	SE2018-01 (residential in B-1)	SE2018-02 (setback from right of way)	SE2018-03 (building height)	Mitigation of Identified Impacts/Explanation
<b>Economic Vitality &amp; Diversity (Action Items 1, 3, 5-6, 8-11, 13-16, 19, 37-38, 41, 43-47, 53-55, and 58)</b>				
Commercial Areas	N			“The Town also hosts the semi-annual Arts and Crafts Show, which draws more than 10,000 people to the Town.” – See Section D.2. (b) above, and condition 11 below
Economic Catalyst Sites				“Maintaining and expanding a mix of retailers that will appeal to and draw in outside visitors is also of concern to the Town as well as the Town’s business community.” The addition of the observation deck, along with the River Walk river access will promote a draw to the business district.
Historic Preservation and Appearance			N	“It is recommended that funding should be sought to expand, promote, protect, and enhance current historical landmarks including the Mill House Museum/Merchant’s Mill and Rockledge Mansion, as well as invest in the Occoquan Riverwalk project in an effort to bring the Town back to its river-oriented origins.” – See Section D.2. (a) above, and conditions 7, 8, 9, 12, 17, and 19 below

Plan Goals	SE2018-01 (residential in B-1)	SE2018-02 (setback from right of way)	SE2018-03 (building height)	Mitigation of Identified Impacts/Explanation
<b>Environmental Stewardship (Action Items 2, 6, 10-11, 14-16, 18-20, 22-38, 50, and 55-58)</b>				
Chesapeake Bay and the River Connection	C			The Final Site Plan will be required to accommodate the Town’s Code for development, which includes erosion control, flood control, and site and subdivision requirements. This project will be a redevelopment of an existing use and will therefore meet the current requirements for redevelopment.
Trees and Landscaping	N		N	This site is not a “forested area,” but will be required to meet the Town’s landscape requirements. – See Section D.2. (a) and (b) above, and conditions 6 and 16
Solid Waste Disposal and Recycling	N			The proposed construction will increase solid waste creation above by-right uses if not mitigated. – See Section D.2. (b) above and condition 14 below.
Green Building, Noise and Lighting				Multiple uses within the same building structure promote energy efficiency not otherwise achievable. However, the building is not intended to be LEED certified or otherwise minimize environmental impact, reduce noise, or address street lighting.

Plan Goals	SE2018-01 (residential in B-1)	SE2018-02 (setback from right of way)	SE2018-03 (building height)	Mitigation of Identified Impacts/Explanation
Regional Coordination (Action Items 5, 8, 13, 17, 20-21, 27, 32, 37-42, and 58)				
Shared Border Area Plans - Prince William County				This coordination effort is Town-wide and not necessarily project-specific.
Shared Border Area Plans - Fairfax County				
Shared Border Area Plans - LRPA				

Without the approval of the first Special Exception Request (SE2018-01), the remaining requests may be moot, as the project depends on the residential component to be a mixed-use development. Further, all three Special Exceptions are interdependent.

## F. CONCLUSION

Staff has proposed mitigation measures to be imposed as conditions on the Special Use Permits. If the Planning Commission and Town Council find that these conditions sufficiently mitigate the impacts of the Special Exceptions as identified in Section D.2. and detailed in the table above in this Staff Report, then they should approve the application.

If the conditions do not sufficiently mitigate those impacts, then the application(s) should be denied.

## Recommended Conditions

1. An Occupancy Permit for residential use must be granted within 78 months of the approval of SE2018-01 to avoid the excessive passage of time and the possible changes to surrounding properties which could be impacted by the development. The Final Site Plan application is to be submitted within six months per § 155.043. The Special Use Permits will expire if such occupancy permit has not been granted.
2. The total unit count is limited to 80 units in whatever bedroom count that can be parked within the proposed parking structure, in accordance with the Zoning Ordinance.

3. The building height shall not exceed 79 feet as building height is defined in the Zoning Ordinance.
4. The minimum commercial square footage shall be 12,050.
5. The building design shall minimize those portions which intrude into the five-foot setback from Mill Street, but in no case shall the intrusion be more than that distance shown on the Preliminary Site Plan, nor closer to the property line than the existing wall adjacent to the sidewalk.
6. The building façade shall be stepped back as shown on the “Building Section and Average Grade” sheet from the Preliminary Site Plan, or to a greater extent.
7. The River Walk shall be constructed by the Applicant and developed simultaneously with the development of the remaining site and be completed and opened to free public access before the occupancy of 75 percent of the residential units. The width and length, along with the observation points shall be as generally shown on the Preliminary Site Plan. The materials for construction shall be pressure treated wood for use near water or “no-maintenance” composite approved by the Town Manager and Architectural Review Board.
8. Free public access shall be afforded to the River Walk, except as permitted by the Town Manager with good cause shown.
9. The River Walk shall be maintained in an easement granted to the Town as part of the first plat recorded with the Final Site Plan. The Town shall be responsible for the maintenance of any pedestrian walkway constructed within such easement. The Town shall have the right, for purposes of construction, reconstruction, and maintenance of any walkway constructed within such easement: (i) to enter upon the said easement, (ii) to utilize the Emergency Access, and (iii) to use, from time to time on a temporary basis, such portions of the subject property which are adjacent to the said easement as are reasonably necessary to permit the Town to construct, reconstruct, and maintain any such walkway.
10. On-street parking along Mill Street will be maintained to the greatest extent possible, including during construction.
11. Construction will be temporarily suspended at the request of the Town Manager for annual Town events as identified in advance by the Town Manager.
12. Historic plaques shall be erected in consultation with the Occoquan Historic Society and Town in at least three (3) locations.
13. The observation deck on top shall be available for free public access for no less than four (4) hours per day between the hours of 10:00 AM and 10:00 PM, 365 days per year.
14. Trash pickup and general deliveries shall be timed to minimize the impact on daily traffic flow along the frontage of Mill Street. A plan for trash removal and general deliveries shall be presented in a plan approved by the Town Manager prior to the first occupancy of the project. This plan shall include provisions for recycling and waste reduction.

15. Residential and Commercial parking shall be identified on the Final Site Plan, as well as on the individual parking spaces in the garage to assure adequate off-street parking for the Commercial uses.
16. Applicant shall, at time of Final Site Plan submission, show the use of vegetation and street furniture, including potted plants, street trees, benches, trash receptacles, brick sidewalk, and lighting on a scale and design similar to existing facilities in the Town.
17. The sidewalk shall be “Occoquan brick” as evidenced along Mill Street and shall be maintained in perpetuity by the owners of the property to the satisfaction of the Town through an agreement to be established prior to the issuance of a building permit for the project. This agreement may also involve VDOT and will be consistent with other tri-party agreements within the Town for third party maintenance of sidewalk within the Town.
18. A turbidity curtain, along with additional erosion control measures will be required for development along the Occoquan River.
19. Applicant will create architectural features acceptable to the Architectural Review Board on the water side in order to improve the sight line and break up the monolithic 200 feet of the lower garage levels.
20. Applicant shall construct a hand launch boat/kayak ramp for public use in the location generally shown at the northwest end of the River Walk on the Preliminary Site Plan.