

**TOWN OF OCCOQUAN, VIRGINIA PLANNING COMMISSION
RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION BY
MID-ATLANTIC REAL ESTATE INVESTMENTS, INC. FOR THREE
SPECIAL USE PERMITS FOR THE MILL AT OCCOQUAN DEVELOPMENT,
WITH STAFF REPORT'S CONDITIONS AND ADDITIONAL CONDITIONS**

WHEREAS, Mid-Atlantic Real Estate Investments, Inc. (the "Applicant") has applied for special use permits to allow residential use, modify the maximum permitted height, and modify the setback requirement at 401-411 Mill Street (the "Property") to permit the construction of the Mill at Occoquan project (the "Project"); and

WHEREAS, the Planning Commission of the Town of Occoquan has held a public hearing and received the views of the public regarding the advisability of granting the special use permits; and

WHEREAS, Virginia Code § 15.2-2286 (A) (3) authorizes local governments to grant special use permits "under suitable regulations and safeguards"; and

WHEREAS, Town Code § 157.240 provides for issuance of special use permits upon a finding by Town Council "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"; and

WHEREAS, The Planning Commission adopts the analysis in the Staff Report dated January 13, 2021 (the "Staff Report") of the special use permits' consistency with the Town's Comprehensive Plan, the zoning impacts of granting the special use permits, and the potential mitigation of those impacts by the imposition of conditions; and

WHEREAS, The Planning Commission finds that the conditions proposed in the Staff Report do not sufficiently mitigate the zoning impacts of granting the special use permits, and that granting the special use permits would not be detrimental to the character and development of the adjacent land and would be in harmony with the purposes of the town's plan of land use only if additional conditions are imposed; and

WHEREAS, Town Code § 157.242 (D) provides that, after closing its public hearing, the Planning Commission may require additional information from the applicant, recommend approval of the application as requested, recommend approval of the application with changes to the scope, duration or conditions, or recommend denial of the application.

NOW, THEREFORE, BE IT RESOLVED that the Town of Occoquan Planning Commission recommends that the Town Council grant the special use permits sought by the Applicant for the Project, subject to the conditions stated in the Staff Report except as modified by this Resolution:

1. Staff recommended condition #4 is replaced with the following: "The minimum commercial square footage shall be 15,050, including 3,000 square feet in the rooftop destination/observation deck."

2. Staff recommended condition #7 is replaced with the following: "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, except that the width of the River Walk shall be at least 12 feet and the

dimensions of each bump-out shall be at least (a) 24 feet in width and (b) 36 feet in length from the building side of the River Walk to the nose of the bump-out, not counting any encroachments related to tenants in the building. 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."

3. Staff recommended condition #12 is replaced with the following: "The Applicant will place at least eight (8) historic markers or plaques in consultation with the Occoquan Historical Society and the Town. Each marker or plaque shall contain photographs and/or text on at least ten square feet of its surface."

4. Staff recommended condition #13 is replaced with the following: "The rooftop destination/observation deck will deliver wide expansive views of the Town of Occoquan and a view down the river which will be virtually unobstructed. The rooftop destination will be open to the public during any hour that any restaurant in the building is open. If no restaurant has been open in the building for a period of seven calendar days, the rooftop destination 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, until a restaurant reopens with regular hours. The hours the rooftop destination is open shall be posted in the building lobby. The rooftop destination shall be part of one or more restaurants in the building and available to the public for food and drink and a venue for special event parties and catering."

5. Staff recommended condition #16 is replaced with the following: "Applicant shall, at time of Final Site Plan submission, show the use of vegetation and street furniture, including potted plants, street trees, flower window boxes, benches, trash receptacles, brick sidewalk, and lighting on a scale and design similar to existing facilities in the Town and at least as abundantly as shown in renderings provided by the Applicant to the Town."

Adopted by the Planning Commission of the Town of Occoquan, Virginia this 26th day of January, 2021.

MOTION: Commissioner Kisling

DATE: January 26, 2021
Planning Commission Meeting

SECOND: Commissioner Hawkins

Votes:

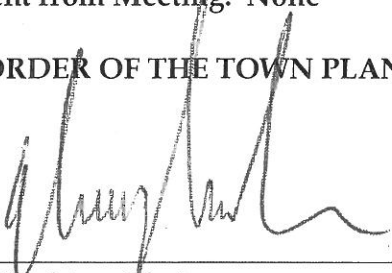
Ayes: Chairman Perkins; Commissioners Hawkins, Kisling, Somma

Nays: None

Absent from Vote: None

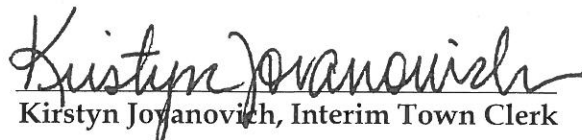
Absent from Meeting: None

BY ORDER OF THE TOWN PLANNING COMMISSION



Eliot Perkins, Chair

Attested:


Kirstyn Joyanovich, Interim Town Clerk