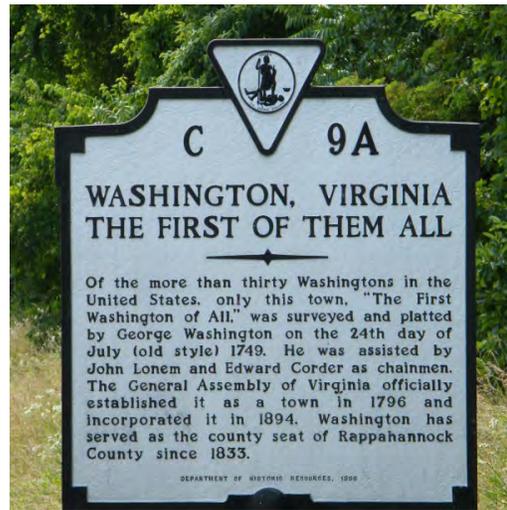
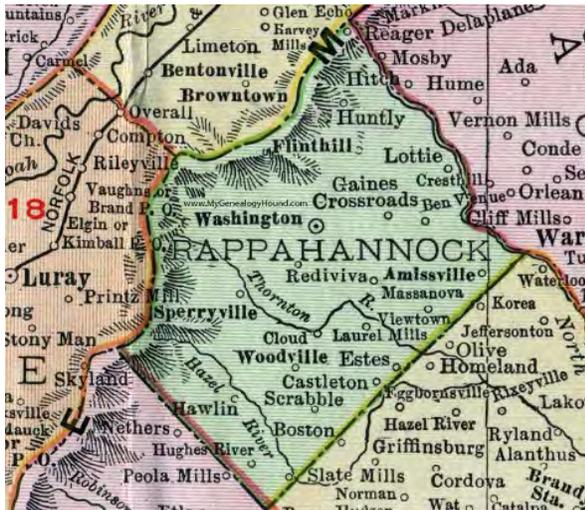




Rush River Commons

A place of Common Ground for the residents of the Town of Washington and Rappahannock County, Virginia



Submitted: April 23, 2021 by Black Kettle, LLC

Prepared by:



Introduction

This Special Use Permit Narrative provides background and information in support of a Request by Black Kettle, LLC, (hereinafter BK) for the development of the Rush River Commons project (hereinafter RRC) in the Town of Washington, Virginia.

RRC will consist of both a commercial and residential area with vehicular access provided by Leggett Lane. BK is applying under the Town's Planned Unit Development (PUD) Ordinance which will allow a creative design that is responsive to the existing site conditions and the innovative proposal presented in this application.

Development Character and Vision

As stated in the Town's Comprehensive Plan; *"Today, the Town of Washington is a village with a unique blend of village/agricultural character and historic significance: it is truly a real place with deep roots."*

Washington's economy is predominantly service based and is an international tourist destination. It also serves as the County seat and is a community and cultural center for its residents and the surrounding County.

The Town is however, challenged by a decreasing population and the need to provide community services to its residents and space for public services. New development that meets current and future needs should encourage the retention, and modest growth of, a diverse population.

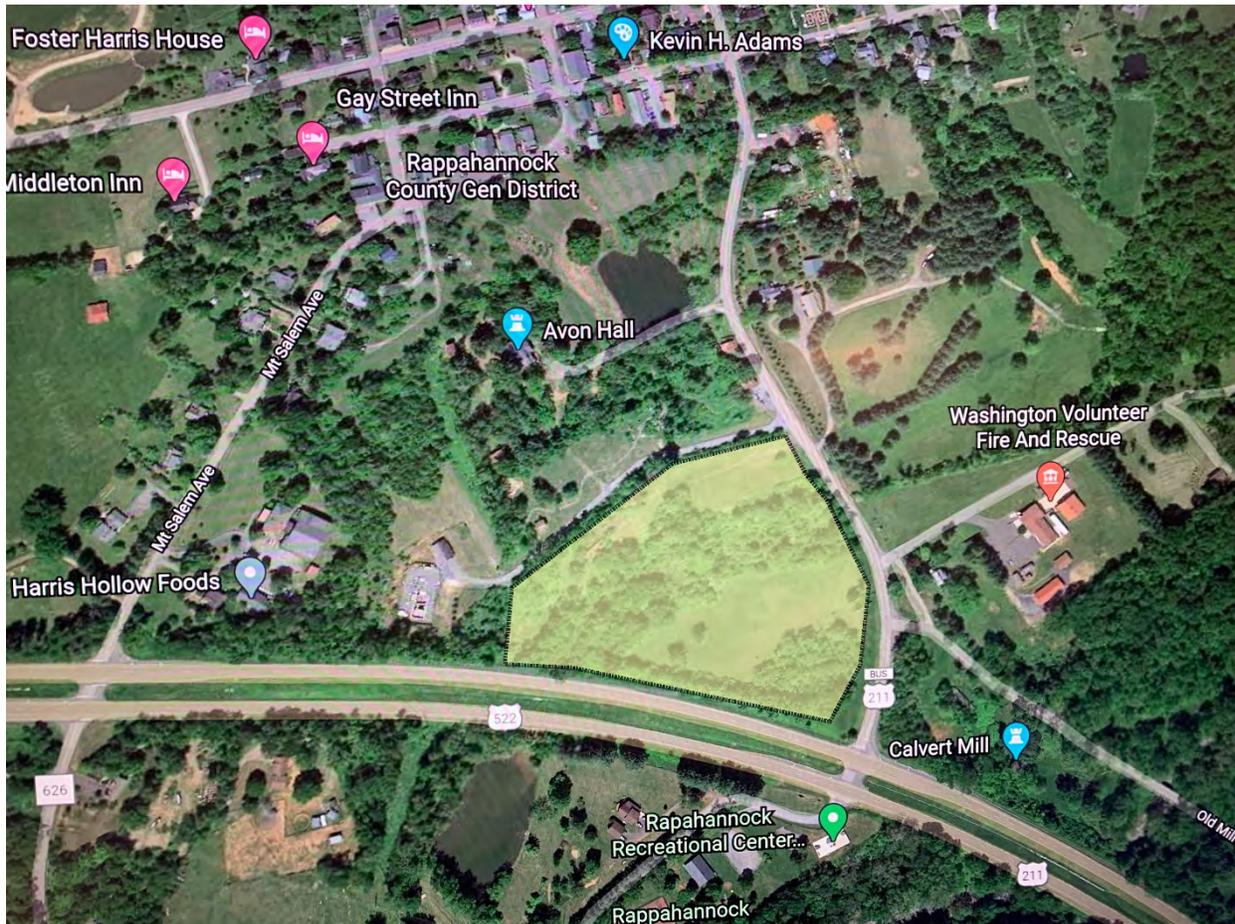
To achieve this, the Town benefits from having public water and sewer, high-speed internet, and a scale and a community fabric that allows residents and visitors to easily walk around Town. It also possesses a diversity of architectural styles and a character that is protected by the Historic District Ordinance and the oversight of the Architectural Review Board and a vigilant Town Planning Commission and Town Council.

With these observations in mind, the Rush River Commons project vision is to honor the character of the community and *"To create a place of Common Ground for the residents of the Town of Washington and Rappahannock County, Virginia."*

Rush River Commons is intended to make a positive and lasting contribution to the community. The project's design respects the natural environment, and its potential impact on its neighbors. New structures will add to the historic character of a place that has existed for centuries and that has become the Washington that exists today.

There are two principal areas in the Town portion of the project. Its commercial component will provide space for much needed community services and is planned first to include a new location for the Rappahannock Food Pantry. There will also be office space for non-profit organizations, health providers and service agencies. The residential area will provide attractive and affordable housing options for the community that can help reverse the decline in Town population and add life to the project itself. The project will also add customers to the water and sewer system and provide resources for the Town's significant investment in this community infrastructure.

Property Location and Adjacent Uses



The location of the property is shown above in the yellow highlighted area. It is at one of the primary entrances to the Town and has frontage on Route 211, Warren Avenue, Leggett Lane, and Route 522.

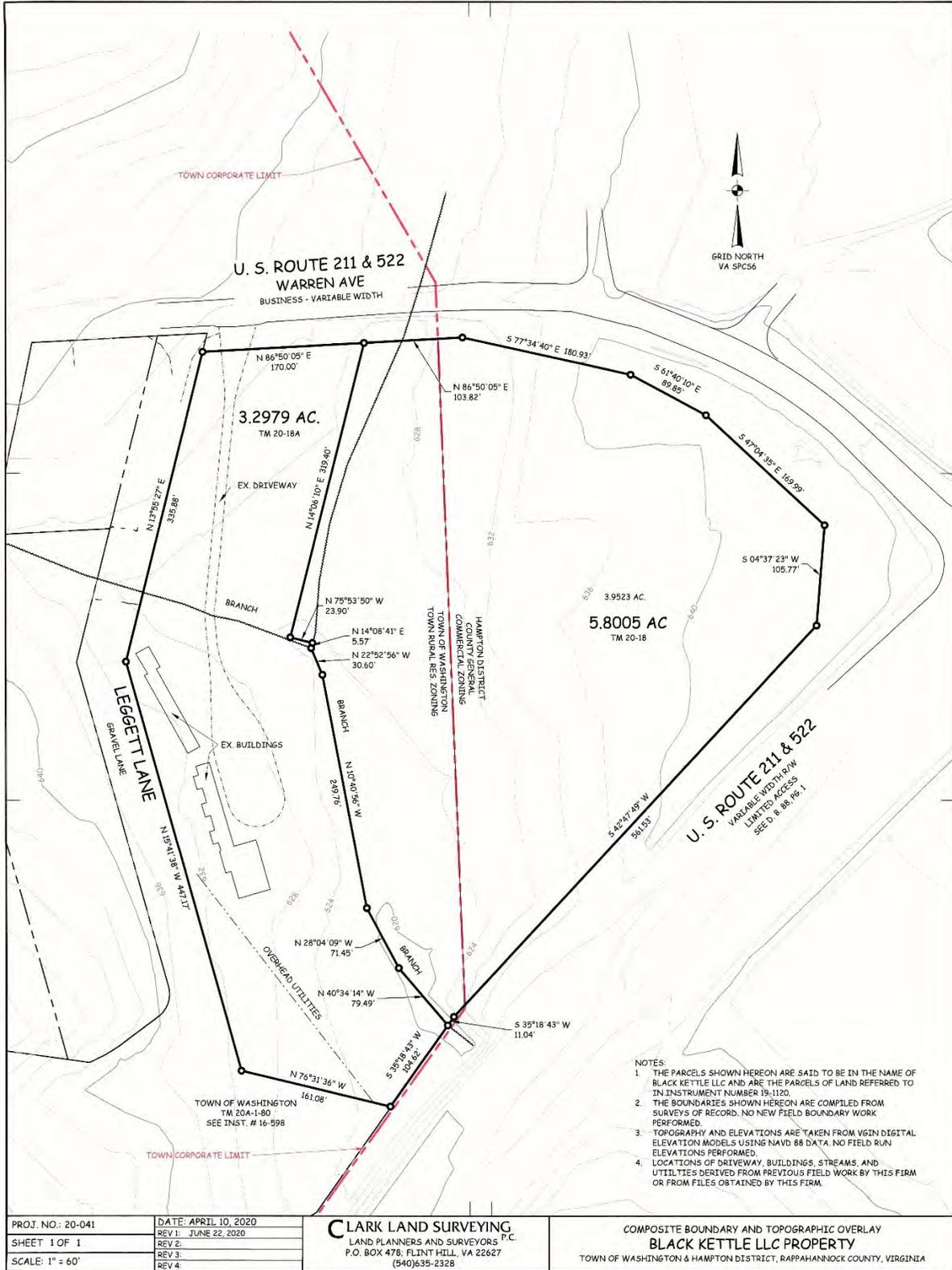
It is adjacent to the Town wastewater treatment plant on the south and Avon Hall on its west. The new U.S. Post office is adjacent to the property at the intersection of Warren Avenue and Leggett Lane. Across Warren Avenue is the Fire and Rescue Company and a private residence.

Parcel Information

The property owned by BK is comprised of two parcels, one that is about 3.3 acres in size and the other about 5.8 acres, a total of about 9.1 acres. The 3.3-acre parcel is located entirely within Town limits. The larger parcel resides both in the Town and County, and the portion of this parcel that is within the Town is about 1.8 acres.

The total area owned by BK within the Town limits, and that is the subject of this Special Use Permit application is about 5.1 acres.

RUSH RIVER COMMON SPECIAL USE PERMIT NARRATIVE



Property Characteristics

The portion of the property within the Town is a mixture of open field and wooded areas. The predominant features of the site include the ruins of the former motel and an existing unnamed stream that runs roughly from north to south.



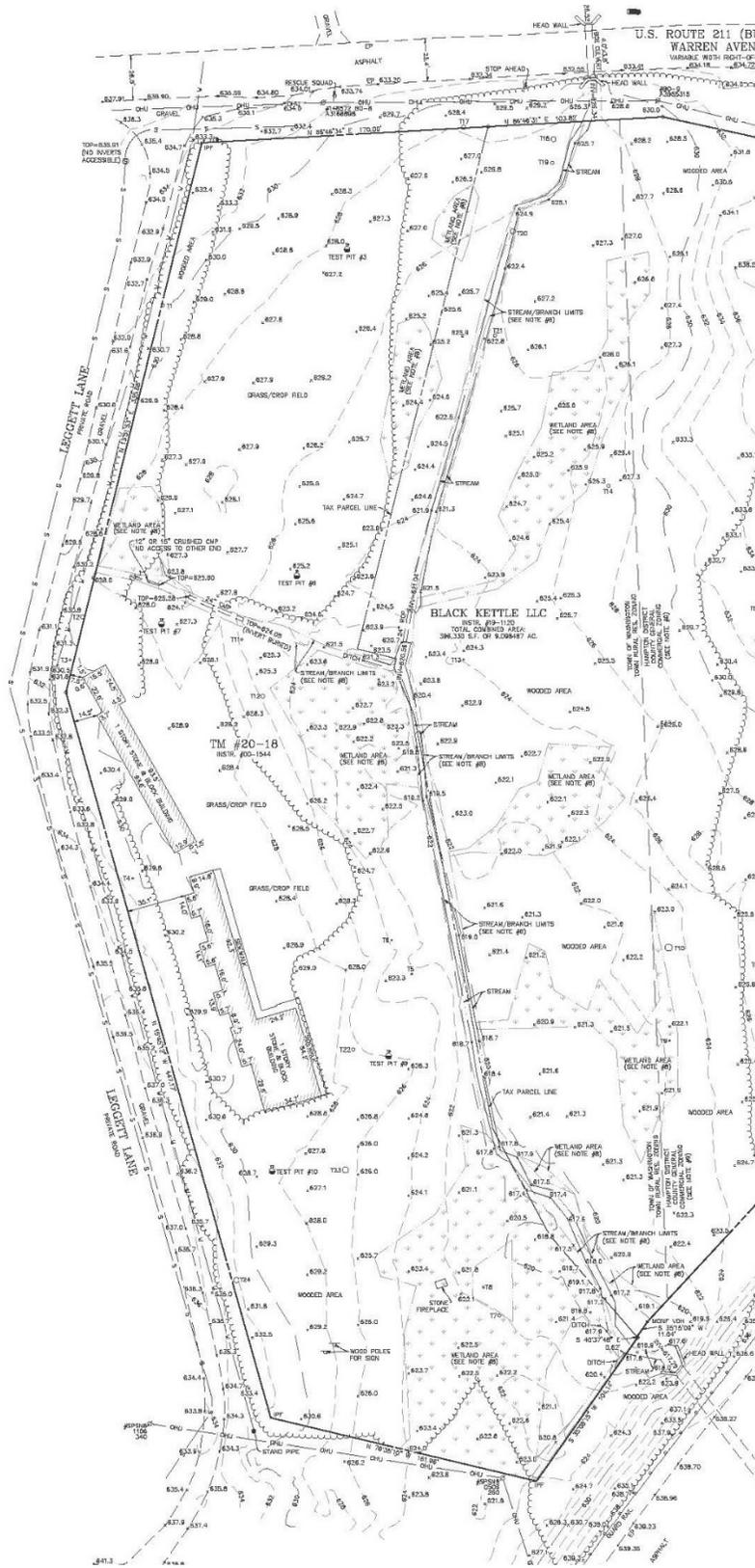
The unnamed stream is fed by a culvert running under Warren Avenue at its north end and exiting the site through a large diameter culvert under Route 522. There is existing, identified, wetland areas adjacent to the stream and there is another channel of the stream that runs to the west and is fed by the outfall from the existing pond on the Avon Hall property.



Site topography is flat to gently sloped and there are several larger trees on the site that have been identified in the site survey, shown on the following page.



RUSH RIVER COMMON SPECIAL USE PERMIT NARRATIVE



Recently completed site topographic survey.

Development Plan Description

The Development Plan required by the PUD Ordinance is shown below and is comprised of two general areas, a commercial “community cluster” at the intersection of Warren Avenue and Leggett Lane, and a “residential cluster” to the south and along Leggett Lane. The existing north to south stream will be protected and enhanced and left in permanent open space. Many of the large existing trees, as is practical, will be saved and protected.



In the commercial cluster, two structures are shown, one whose long axis fronts Warren Avenue and the other more internal to the site. The former structure is intended as commercial office space with a small retail component. It would be two stories in height with a small plaza area on its west end. The second structure is currently planned as the new location for the Rappahannock Food Pantry, which is familiar with the proposal.

The two commercial buildings will have vehicular access from an upgraded Leggett Lane. There are two connection points, one that aligns with the new U.S. Post Office driveway and the other further to the south. Parking for the two buildings will be shared and an appropriate number of handicap parking spaces will be provided. The Food Pantry will have a pad area to the south of its building that will serve as an area for loading, trash, and recycling containers.

In the residential cluster, three structures are planned around a central green park space. The building closest to Leggett Lane will be a townhome style structure with units that are two to three stories in height. The other two buildings will be stacked flats that are two stories in height. Parking is provided at both ends of the residential cluster and the northern parking area shares an access point with the commercial area off Leggett Lane. The southern parking area has its own access point on Leggett Lane. The two clusters are linked by a paved pathway that is planned to connect to the Town’s pedestrian trail system.



The above is a conceptual aerial view of the overall planned development. Leggett Lane is at the bottom of the drawing and Warren Avenue is to the left. The uses and structures shown on the far side of the stream are not included in this Special Use Permit application and will be addressed at a future date.



The above is a conceptual rendering of the community cluster with the commercial office building on the left and the Food Pantry building on the right.

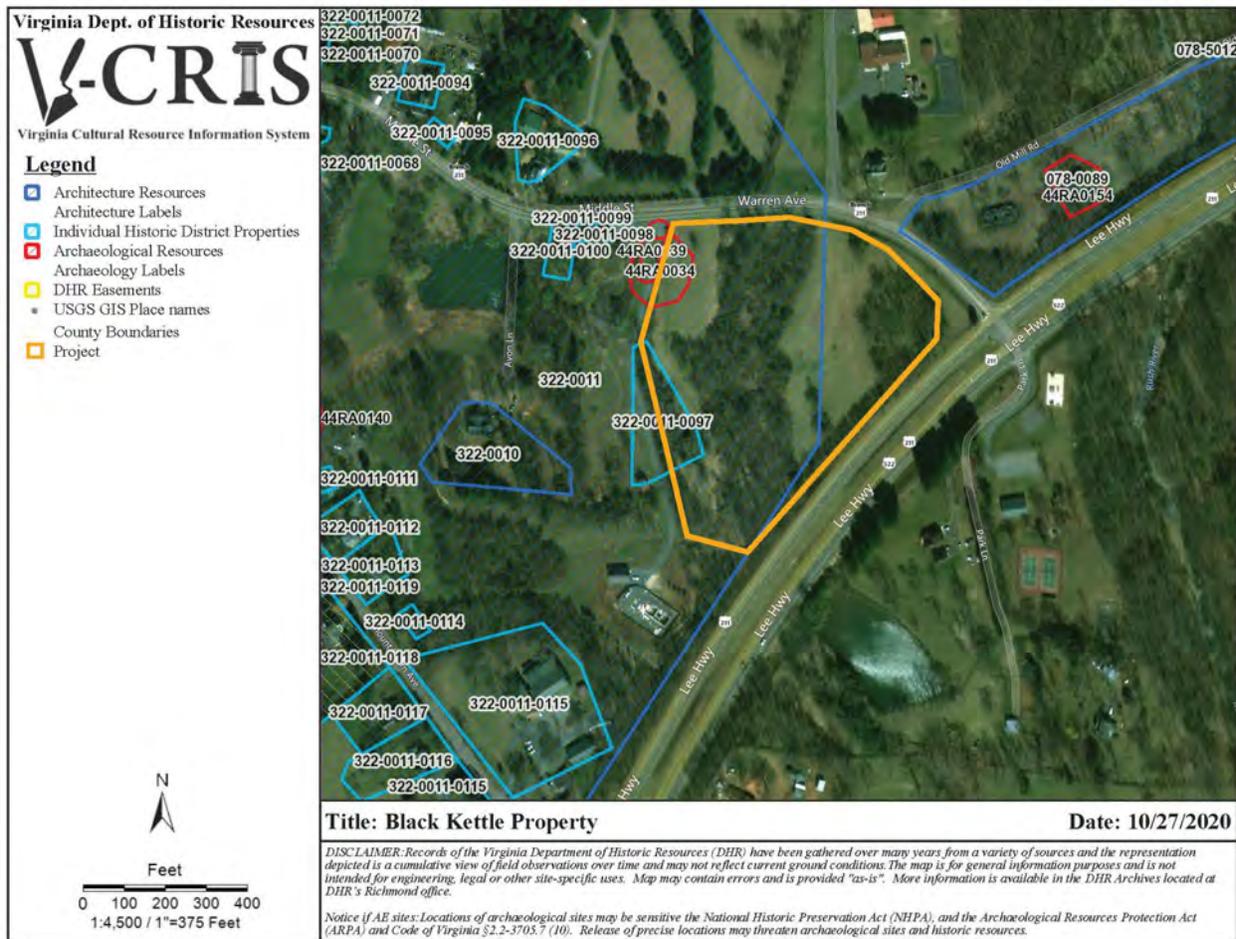
The Special Use Permit

BK is requesting a Special Use Permit (SUP) under the Town PUD Ordinance for the development of the project. This purposely flexible Ordinance allows the Applicant to be creative and responsive to actual and challenging site conditions. To this end, the Applicant has prepared a set of draft Condition of a Special Use Permit for the Town’s consideration.

Site Conditions and Characteristics

Historic and Cultural Resources:

The potential for the presence of archeological sites, architectural resources, and historic districts on or in the vicinity of the property was evaluated using the Virginia Department of Historic Resources (DHR) Virginia Cultural Resource Information System (V-CRIS) which is an extensive state database of previously recorded sites, resources, and districts.



V-CRIS identified one archeological resource, one historic district, and individual historic district resource within the property, and one archeological site located just off the property as follows:

The Washington Historic District (DHR ID 322-0011) is listed on the National Register of Historic Places (NRHP) and the Virginia Landmarks Register (VLR), and overlaps onto the western portion of the Property that is within the Town limits. No contributing resources to this Historic District are identified on the Property. Any proposed development and building construction within this District will be subject to the Town's Historic District Design Guidelines and approval by the Town's Architectural Review Board.

The Black Kettle Motel & Restaurant (DHR ID 322-0011-0097) is located along the southwestern Property boundary and described as circa 1960 motel buildings. This resource has not been evaluated for individual inclusion on the NRHP. While this resource is located within and associated with the Washington Historic District, it is considered a non-contributing resource given that it was constructed after the period of significance for the Historic District.

DHR ID 44RA0034 just overlaps onto the Property along the northwestern boundary and is described as a prehistoric village/town site. While this resource has not been evaluated by DHR for inclusion in the NRHP, the gravel access road (Leggett Lane) for the wastewater treatment plant to the south on the adjacent property transects the resource from north to south and resulted in its disturbance. Therefore, the proposed development activities for the Property are not anticipated to adversely affect this archaeological resource.

DHR ID 44RA0139 is located just offsite from the northwestern property corner and is identified as a trash scatter. This resource has been determined not eligible for inclusion on the NRHP by DHR, and the gravel access road (Leggett Lane) for the wastewater treatment plant to the south on the adjacent property transects the site from north to south. Therefore, the proposed development activities for the Property are not anticipated to adversely affect this archaeological resource.

Threatened and Endangered Species:

Property specific information was obtained from the U.S. Fish and Wildlife Service, the Virginia Department of Conservation and Recreation, and Virginia Department of Wildlife Resources. The information was then evaluated to determine the likelihood of identified listed species to occur on, or near the RRC property. Potential federally listed species identified included the northern long eared bat and the yellow lance (mussel).

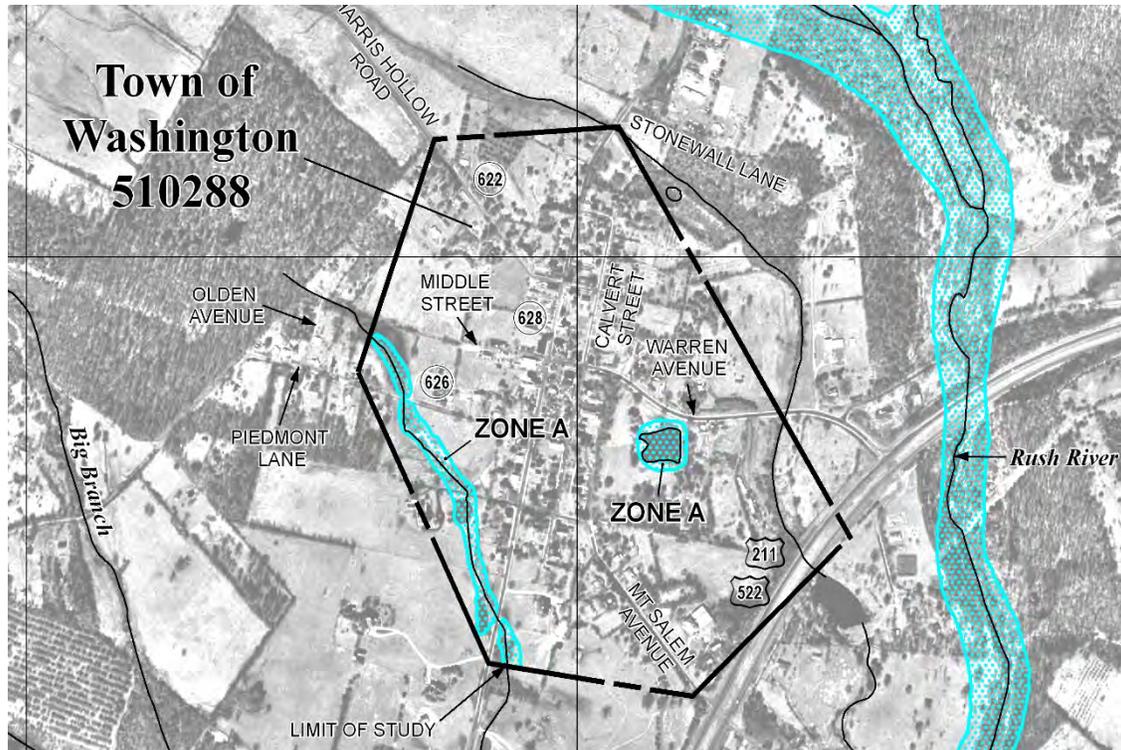
There is not suitable winter habitat (caves and mines) for the bat on or near the property. Summer habitat is typically found in cavities/cervices in larger live or dead trees. There are no known roost trees in Rappahannock County and thus no likelihood of bats occurring on the property.

The yellow lance habitat is freshwater streams and rivers with stable stream beds and oxygenated water that is free of pollutants. The database indicated no suitable yellow lance habitat on or within two miles of the property.

Potential state listed species include the loggerhead shrike (bird). Their habitat is typically open pastures and grasslands with abundant perching sites. This species was confirmed within two miles of the property to the northwest of the Town in an area with large tracts of open fields. Given the site vegetative conditions and its proximity to buildings and major roads, the shrike is unlikely to occur on the RRC property.

Floodplain and Stormwater Management

The image shown is a portion of the January 5, 2007, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Rappahannock County, map #51157C0110D.



The Zone A areas labeled on the image indicate areas that have a 1% annual chance flood (aka the 100-year flood). The project has no designated flood areas.

Public Service Issues

Fire and Rescue:

To be provided by the Washington Volunteer Fire Department. Since it is located directly across Warren Avenue; response time will be minimal. Discussions with the Fire Chief indicate they have adequate equipment and resources to provide protection for this project.

Police Protection:

Provided by Rappahannock County. Proximity to the County Complex should provide good response time.

Schools:

Provided by Rappahannock County. The limited scope of the residential portion of the project will generate minimal school age children.

Library:

Provided by Rappahannock County, located in the Town.

Recreation:

The County has an excellent facility on the east side of Route 211/522 that includes a range of play facilities, trails, and river access.

Passive recreation amenities are planned for the PUD project.

Town Comprehensive Plan Compliance Review

The following is the Applicants review of its compliance with Town Comprehensive Plan:

III Vision for the Town of Washington***A) Town Guiding Principles******1. Maintain the Unique Character of the Town:***

RRC would contribute to the fabric of Town with a compatible scale of development, that is walkable and would serve a wide cross section of Town and County residents.

2. Ensure the Human Vitality of the Town:

New housing units at RRC will help increase and retain Town population. The affordable nature of the homes will create housing opportunities for a challenged segment of the market.

3. Celebrate diversity in Architectural Style and Scale:

The design of all structures at RRC will be subject to the Town Historic District Ordinance and Architectural Review Board process. The buildings at RRC will be designed to maintain the integrity and character of the Town's diverse architectural heritage.

4. Retain a Sense of Totality for the Various Town Parts:

Connectivity and integration with the Town fabric are part of the design and essential to the success of RRC. Residents in the housing section of the project will need walkable access to the core of the Town, its businesses and to County services. RRC will solidify the eastern edge of the Town in an integrated manner.

5. Incorporate County Planning into the Process:

RRC recognizes and incorporates County Planning goals in the provision of residential opportunities within Town limits. The commercial buildings will provide needed services that benefit residents of both the Town and the County.

6. Appreciate the Impact of the Inn at Little Washington:

Like the Inn, RRC will provide a positive impact for the Town by providing much needed housing and community services. The new construction will use Town water and sewer services and provide new customers for the utility.

7. Recognize the Town of Washington as a “Brand”:

RRC will be complementary and collaborative to the image and historic nature of the Town. Its philanthropic theme and uses will reflect the values and character of its residents.

B) Vision

Both town and county residents helped formulate the Town vision as “...a good place to live, a welcoming community of diverse interests and backgrounds, with a common center in the historic Town of Washington.”

The vision of RRC is to create a place of common ground for the residents of the Town of Washington and Rappahannock County. Our mutual visions are intrinsically aligned.

The proposed development will improve Town infrastructure, walkability and add essential services and amenities. Project architecture will be respectful of the historic context of the Town and will be well designed and maintained. Town water and sewer services would be utilized, and affordable housing will be provided in a clustered setting with green space, and preservation of the stream corridor on the site.

The Town’s Comprehensive Plan states: “A community is wealthier if it has a population with different viewpoints, different means, and different backgrounds.”

The proposed uses and services to be provided by RRC will certainly enrich the Town.

IV Components of the Town

A) Population

The Town’s population has been in steady decline since the 1980’s. This had resulted from a number of factors that include aging out of children in the home, conversion of housing stock to alternative uses, and limited infill opportunities for new housing.

The new housing proposed by BK will help reverse that decline. Assuming an average of 2.5 residents per unit, the project could add about 50 persons to the Town’s population. The new housing would not be for sale but will be for rental. Rents will be controlled and will address a need in the Town and County for modern and high-quality housing that is well designed, affordable, and healthy.

B) Business and Governmental Agencies

As the County Seat, governmental activities bring many people to Town on a frequent basis for services and employment. Town merchants provide a variety of goods and services for the local community and the tourist trade. The Inn at Little Washington provides significant employment opportunities and Town revenue.

RRC will be complementary to current Town business and government uses. The commercial uses at the project will provide space for public services and agencies that benefit residents. New housing opportunities will provide potential employees, walkable to job opportunities, and as customers for Town merchants.

C) Visitor and/or Resident User Friendliness

The Town wishes to maintain and enhance a safe, user-friendly environment for residents and visitors alike. Improvements are needed to Town infrastructure such as signage, walks and lighting.

RRC will address “friendliness” by providing infrastructure for the project that is well designed, safe, and environmentally sensitive. Exterior lighting will respect “dark sky” guidelines. Signage and landscaping will be tasteful and understated. RRC’s goal is to be a seamless extension of the Town grid, respecting its scale and historic character.

D) Environment of Town & Surrounding Region

The Town is in a rural county dominated by forestry and agriculture. The Town has experienced gradual, continuous change. There is pressure for some growth in population to sustain resident services. Little development has occurred at the edges of Town and land use in these areas will have a significant impact on the visual character of the Town.

BK fully understands and respects the Town’s location and position as a gateway to the Shenandoah National Park and Skyline Drive. The RRC project location on the eastern border of the Town and its visibility and frontage along Warren Avenue makes it part of the first impression for visitors to the Town and the region. The architecture of the commercial buildings close to Warren Avenue will be designed to preserve the character of the Town’s Historic District.

E) Economy and Employment

The Town Comprehensive Plan states that the local economy is based on three key elements: its role at County Seat, the tourist industry, and as the cultural and entertainment center of the County. There is limited diversity in terms of employment and revenue generation in the Town, and the tourist industry is subject to changes in the national economy.

The uses proposed at RRC will improve diversity by providing commercial space for much needed service providers, which also brings employment opportunities. Providing residential space, complements and balances the addition of commercial space. An added benefit is that the residential space will provide much needed reasonably priced housing within the Town.

F) Finance

The Town has a challenging financial structure. Per the Comprehensive Plan, more than 90% of its operating budget comes from the local meals and lodging tax. The major expense of the Town is its maintenance of the water and wastewater systems.

The RRC project will add new and permanent customers to the water and wastewater utility base. Connection fees for the new buildings will provide immediate, significant contributions to the Town budget. New construction will add to the County tax base for real property and personal property. Although not a direct benefit to the Town, this tax base will help support County services and facilities located in the Town.

G) Natural Features

The Town has tremendous vistas of the surrounding Blue Ridge Mountains and its foothills. These are an attraction for both residents and visitors to the Town. Per the Comprehensive Plan: *“These viewsheds are evident from many points within the Town and along five of the six entryways. Warren Avenue is the one entryway that does not have these view, due to its lower elevations and surroundings.”*

The RRC project location is along an entryway to the Town and must be sensitive to its natural features. RRC intends to preserve the stream corridor that runs north to south through the center of the site and to preserve many of the significant existing trees on the site.

The project will use Town water and wastewater services and will not rely on well or septic systems. Stormwater management devices will be provided to address water quality and water quantity concerns, and these will be designed in accordance with State Department of Environmental Quality standards.

H) Land Use

Most land in the Town is in agriculture or open space, this is not typical of most modern towns. Virtually all residents acknowledge the need for an increase in resident population in the Town. The County has taken steps in its ordinances to limit dense residential development in areas adjacent to villages and encourages development within the villages. With new development, the creation of rational geographic/visual boundaries is needed so that a clear sense of the Town as place is maintained.

The RRC project site is currently in open space and a portion of the site was the former location of a motel. The proposed project is located on the eastern edge of Town and is adjacent to the new U.S. Post Office, Avon Hall, and Town owned land which includes the wastewater treatment plant. Proposed commercial uses are located close to Warren Avenue and are appropriate along the entryway to the Town core. The proposed residential use is located away from Warren Avenue and closer to Avon Hall and the Town owned land. The residential use is supported by the County Comprehensive plan, which calls for this use to be in one of the six villages of the County including Washington.

I) Zoning

Like other Towns in the Commonwealth, Washington has a Zoning and Subdivision Ordinance to provide a framework for development within the Town. To preserve the historic fabric of the Town, the entire Town is a state designated Historic District with an ordinance that include guidelines and a review process for new construction and changes to existing structures. The Town recognizes that achievement of its goals is not accomplished by static development and zoning standards. It encourages creative uses and reuses by responsible adjustments to its ordinances that are consistent with and further the historic character and fabric of the Town.

The RRC project site is in the Town RR (Rural Residential) zoning district. More than half of the Town has this zoning district designation. This district is primarily residential but allows for a wide range of agricultural activities. Per the Comprehensive Plan, the Town regulations; “...are Euclidean zoning standards and do not necessarily match the actual existing development patterns of the historic streets and structures in terms of setbacks, lot sizes and uses.”

To allow for greater flexibility, creativity, responsiveness to site conditions, and the mixed-use nature of the development, the RRC project requests the use of the recently enacted Town “Planned Unit Development” ordinance (PUD).

J) Housing

The Town Comprehensive Plan goal for housing is to: “Create a Town with a strong sense of community built on diverse housing costs, mixed income levels and a welcoming resident population.” Specific recommendations include encouraging a greater diversity of housing options, for different age groups.

The RRC project would provide housing for a much needed and underserved segment of the market. Combined with the services provided in the commercial area of the project, it would create a unique and welcoming environment for project residents.

K) Transportation Services

A goal of the Town is to improve transportation options for Town residents. The Town is committed to be pedestrian friendly and to develop “...intelligent, rational parking policies” and to “Consider designated parking spaces or increased public parking”.

The RRC project is designed to be walkable, pedestrian friendly and connected to Town. A shared parking program is proposed for the development. This will allow sufficient parking for the mix of uses on the project and will avoid the creation of an excessive amount of parking spaces that can consume open space and add to the amount of impervious surface for the project.

L) Community Facilities and Services

The Town has an overall goal to: “Assure that community facilities and services are adequate, timely and responsive.” The Town’s major services provided are production and distribution of water and collection and treatment of wastewater.

The County provides solid waste disposal stations and recycling programs, public education, and public safety. Fire and rescue are provided by volunteer companies. The Town has no recreation facilities but is served by the close by County Park just east of Route 211.

Specific Town goals that are addressed by the RRC project include creation of recreational opportunities, use of public trails, placing existing overhead wiring underground and efficient and dark sky sensitive street lighting. The RRC project will include open space and recreational equipment in the residential portion of the project. The central stream corridor will be preserved and enhanced with plantings and a trail system.

PUD Ordinance Compliance

The Town PUD Ordinance has ten minimum standards for its application. The following is the Applicant's review of its compliance with the minimum standards as follows:

1. The entire parcel is within the Sewer Service District and is served by Town sewer and otherwise in accord with the Town's sewer ordinance.

The RRC project is in the Town's Secondary Service area. As part of this Application BK requests that the project area be included in the Current Sewer Service Area.

2. The minimum parcel size is two acres.

The RRC project area is 5.14 acres.

3. The requirements of Article 5. General Provisions are waived in any one or more particulars excepting Article 5-3, Additional Height Regulations, as all these Additional Standards and other provisions of the Ordinance are met and furthered, except as otherwise further explicitly waived, so as to create additional housing and residential options which may be combined with appropriate mixed uses, consisting of limited commercial, office and similar low intensity uses, mixed with such residential use, notwithstanding that such uses are not permitted, except by these PUD provisions, within the zoning district in which the PUD is located.

The Development Plan for the RRC project includes a listing of General Provisions in a similar manner as presented in Article 5 of the Zoning Ordinance.

It is acknowledged that there will be no change to Article 5-3 Additional Height Regulations per the PUD minimum standards. Maximum building height, by right will be 35 feet. Height is not formally defined in the Town Zoning Ordinance. The RRC General Provisions will define height as the measurement of distance from the finish first floor elevation of a structure to the midpoint of its roof, if the roof is sloping in nature, or if the roof is flat, height will be measured from the finish first floor elevation to the top of the highest parapet of the roof structure.

4. Notwithstanding the fact such PUD many contain only residential uses, it shall nevertheless conform to the provision of Article 2, as if a non-residential use, by submitting the required information and Development Plan and other provisions as set forth in Article 2. Such Development Plan's approval as set forth in Article 2-1-4c shall be subject not only to the approval of the Zoning Administrator but shall be further submitted to the Planning Commission for review and recommendation to be made within 90 days after the Zoning Administrator certifying to the Planning Commission approval of the Development Plan, and by Town Council contemporaneously with or within 120 days after receiving the recommendation of the Planning Commission.

The Development Plan for the project as well as this Rezoning Narrative and the proposed SUP Conditions provide the information requested in Article 2 of the Town Zoning Ordinance.

5. The PUD consists of single detached, semi-detached, attached, or clustered structures or combinations thereof which are part of a Development Plan which harmonizes with the surrounding areas.

A portion of the proposed project will include attached housing units that are organized into a cluster around a community green space.

6. The PUD is set forth within a Development Plan as set forth in Article 2, which has been proffered and is legally binding upon the development of the area set forth herein.

A Development Plan is part of the submission package for the rezoning request.

7. All new structures meet the design standards with the most recent addition of the Architectural Review Board's "Guidelines for new Construction".

It is acknowledged that all new structures will meet Town design standards. At this time however, only conceptual plans for the structures are included in the Application. The time and expense of preparing final architectural designs and building plans for the commercial and residential structures is not justifiable at the Special Use Permit stage of entitlements. As part of the final site plan process, detailed plans will be submitted to the Architectural Review Board for approval.

8. The Zoning Administrator has certified all necessary information requested by the Zoning Administrator has been submitted so as to allow mature consideration by the Planning Commission and Town Council.

It is acknowledged that the review and certification of the completeness of the submission package for the Application shall be by the Town Zoning Administrator.

9. The PUD is integrated in the surrounding areas as well as the overall layout of the Town, while recognizing that certain developments may have limited entrance and public and private street frontage when sound planning does not require adherence to the strict grid of the streets of the Town as they are presently constituted.

The RRC project is planned to be an extension of the Town's layout and will use existing Leggett Lane as its means of vehicular access.

10. If there is common area, open space, shared facilities, private streets, or other common shared facilities or amenities, ongoing provisions have been made for their ownership, establishment, management, maintenance, repair, and replacement, on the ongoing financial resources to accomplish the same.

The RRC project will have areas of open space, shared facilities, and private streets. Such areas are designated on the Development Plan. Provisions will be made for their ownership and maintenance and this will be documented as part of the final site plan process.

STORMWATER MANAGEMENT NARRATIVE

SITE CONDITIONS
 THE SITE IS LOCATED AT THE BORDER OF THE TOWN OF WASHINGTON AND RAPPAHANNOCK COUNTY WITH WARREN AVENUE TO THE NORTH AND LEGGETT LANE TO THE WEST. THE EXISTING CONDITIONS INCLUDE: WETLAND AREAS AND STREAMS THAT CROSS THROUGHOUT THE ENTIRE SITE, TWO STONE AND BLOCK BUILDINGS, AND A MIXTURE OF TURF AND WOODED AREA COVER. THE SITE ALSO COMPRISES OF "A" AND "D" SOILS. THE PROPOSED DEVELOPMENT WILL ONLY DISTURB THE AREAS WEST OF THE MAIN STREAM AND WILL INCLUDE A COMMERCIAL DEVELOPMENT IN THE NORTHERN HALF OF THE SITE AND A RESIDENTIAL DEVELOPMENT IN THE SOUTHERN HALF OF THE SITE. IN THE PRELIMINARY STORMWATER MANAGEMENT CALCULATIONS, THREE STUDY POINTS WITH FOUR WATERSHED AREAS WERE ANALYZED.

SUBAREAS
 STARTING FROM THE NORTH, THE FIRST DRAINAGE AREA DRAINS TO STUDY POINT #1 AT THE NORTHERN HALF OF THE MAIN STREAM. THE EXISTING AREA INCLUDES WETLAND AREAS AND TURF AND WOODED AREA COVER. THE AREA IS PRIMARILY "D" SOILS SO THAT WAS USED IN THE PRELIMINARY STORMWATER MANAGEMENT CALCULATIONS. THE PROPOSED AREA INCLUDES A COMMERCIAL BUILDING. THE BYP PRACTICE PROPOSED FOR THIS AREA IS A BIOTENTION FACILITY.

THE NEXT TWO DRAINAGE AREAS DRAIN TO STUDY POINT #2 AT THE BRANCH STREAM THAT ULTIMATELY DRAINS INTO THE MAIN STREAM. THE EXISTING AREA INCLUDES WETLAND AREAS AND TURF AND WOODED AREA COVER. IT ALSO INCLUDED 1.5 OF THE STONE AND BLOCK BUILDINGS MENTIONED BEFORE. DRAINAGE AREA 2 IS PRIMARILY "D" SOILS AND DRAINAGE AREA 3 IS PRIMARILY "A" SOILS. THAT WAS ACCOUNTED FOR IN THE PRELIMINARY STORMWATER MANAGEMENT CALCULATIONS. THE PROPOSED PRACTICES FOR THESE AREAS ARE ONE UNDERGROUND STORMTECH CHAMBERS EACH.

THE LAST DRAINAGE AREA DRAINS TO STUDY POINT #3 AT THE SOUTHERN HALF OF THE MAIN STREAM. THE EXISTING AREA INCLUDES WETLAND AREAS AND TURF AND WOODED AREA COVER. IT ALSO INCLUDES THE OTHER HALF OF THE STONE AND BLOCK BUILDING MENTIONED BEFORE. DRAINAGE AREA 4 IS PRIMARILY "A" SOILS SO THAT WAS USED IN THE PRELIMINARY STORMWATER MANAGEMENT CALCULATIONS. THE PROPOSED AREA INCLUDES RESIDENTIAL UNITS AND A PARKING LOT. THE BYP PRACTICE PROPOSED FOR THIS AREA IS AN UNDERGROUND STORMTECH CHAMBER FACILITY.

WATER QUALITY
 THREE UNDERGROUND STORMTECH CHAMBERS AND ONE BIOTENTION FACILITY ARE PROPOSED TO MEET THE REQUIRED TOTAL LOAD REDUCTION FOR WATER QUALITY PURPOSES. ANY ADDITIONAL LOAD REQUIRED WILL BE SATISFIED BY PURCHASING WATER QUALITY CREDITS.

CHANNEL & FLOOD PROTECTION
 CHANNEL & FLOOD PROTECTION WILL BE ANALYZED WITH FINAL ENGINEERING DESIGN TO MEET STATE REQUIREMENTS.

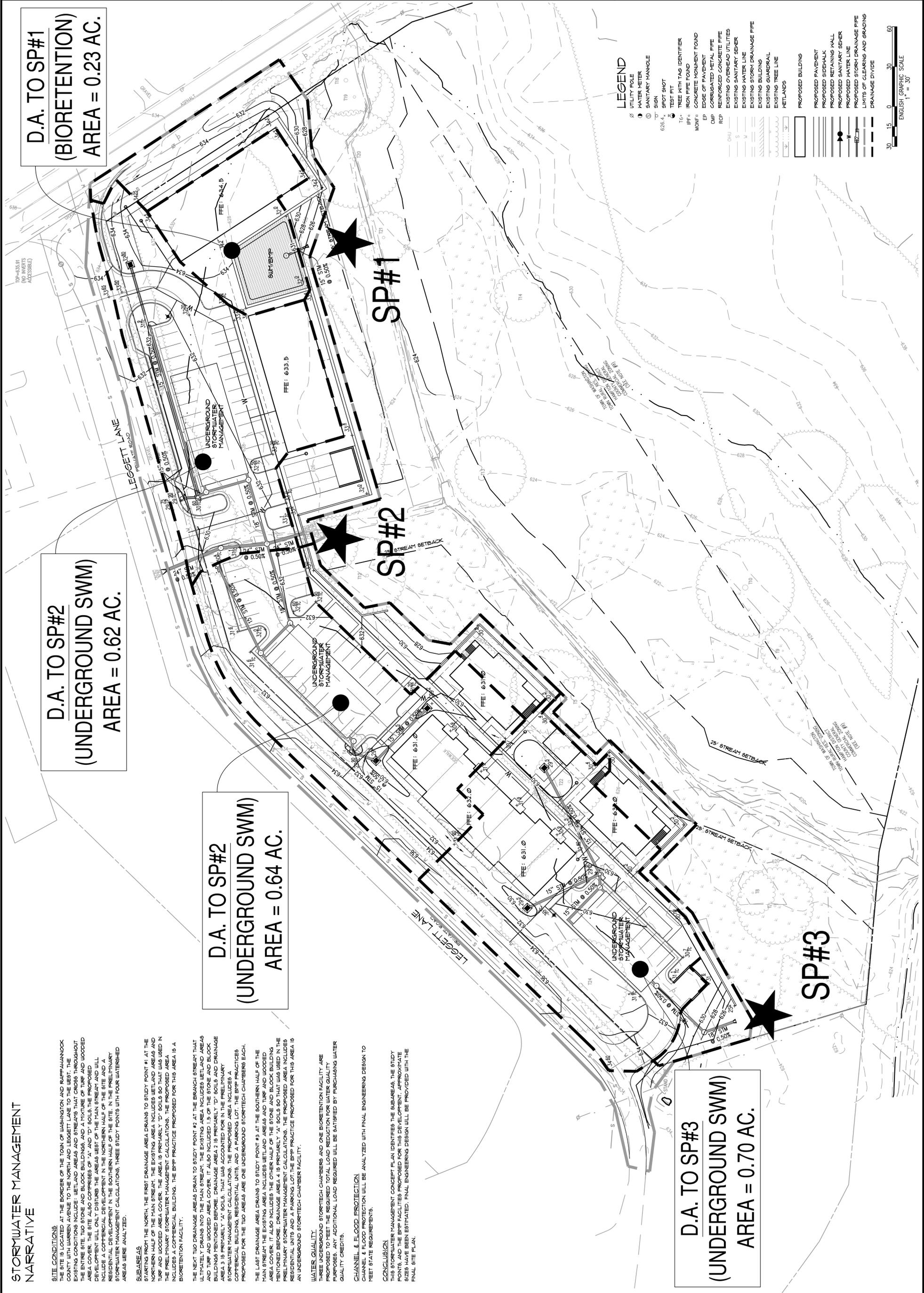
CONCLUSION
 THIS STORMWATER MANAGEMENT CONCEPT PLAN IDENTIFIES THE SUBAREAS, THE STUDY POINTS, AND THE BYP FACILITIES PROPOSED FOR THIS DEVELOPMENT. APPROXIMATE SIZES HAVE BEEN ESTIMATED. FINAL ENGINEERING DESIGN WILL BE PROVIDED WITH THE FINAL SITE PLAN.

**D.A. TO SP#2
 (UNDERGROUND SWM)
 AREA = 0.62 AC.**

**D.A. TO SP#2
 (UNDERGROUND SWM)
 AREA = 0.64 AC.**

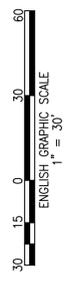
**D.A. TO SP#3
 (UNDERGROUND SWM)
 AREA = 0.70 AC.**

**D.A. TO SP#1
 (BIOTENTION)
 AREA = 0.23 AC.**



LEGEND

- UTILITY POLE
- WATER METER
- SANITARY MANHOLE
- SIGN
- TEST PIT
- TEST PIT
- TREE WITH TAG IDENTIFIER
- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- EDGE OF PAVEMENT
- CORROGATED METAL PIPE
- REINFORCED CONCRETE PIPE
- EXISTING OVERHEAD UTILITIES
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- EXISTING STORM DRAINAGE PIPE
- EXISTING BUILDING
- EXISTING GARDRAL
- EXISTING TREE LINE
- WETLANDS
- PROPOSED BUILDING
- PROPOSED PAVEMENT
- PROPOSED SIDEWALK
- PROPOSED RETAINING WALL
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- PROPOSED STORM DRAINAGE PIPE
- LIMITS OF CLEARING AND GRADING
- DRAINAGE DIVIDE



FILE PATH: V:\140163 - Black Kettle Ropp Co\140163-03-001 (PLN) - Black Kettle (Mx)\Planning\SUP\conceptual grading and SWM.dwg

RUSH RIVER COMMONS

Proposed Conditions of a Special Use Permit

Special Use Permit: SUP \

CURRENT ZONING: RR (Rural Residential)

REQUESTED ZONING: Planned Unit Development

RECORD OWNER: Black Kettle, LLC

TOTAL ACREAGE: 5.14 Acres, more or less Town of Washington, Virginia
(the "Property")

APPLICANT: Black Kettle, LLC

Date: May 3, 2021

CONDITIONS OF THE SPECIAL USE PERMIT

The following conditions are applicable to the Property at the time of approval of this Special Use Permit, and on all future owners, heirs, assigns and successors in interest unless and until they are amended or revoked.

1. The Property will be developed in substantial conformance with the Development Plan (as defined in Article 2 of the Town Zoning Ordinance), prepared by Bowman Engineering, dated April 23, 2021, incorporated herein by reference as they have been approved by Town Zoning Administrator, Planning Commission, and Town Council, and as provided for a Planned Unit Development Special Use Permit in The Town of Washington Zoning Ordinance, Article 6-1-2 L (4).

2. Minor adjustments to the Development Plan may be made with the approval of the Zoning Administrator, in connection with the review and approval of a Plan of Development for any residential or nonresidential structure as required by § 2-1-2 of the Zoning Ordinance, or upon final engineering, subdivision of the Property, or any associated construction documents that may be required. These minor adjustments may include, but are not limited to, modifications to road locations; open space boundaries; utility lines as necessary to accommodate topography, drainage, vehicular or pedestrian circulation; aesthetic considerations; or regulatory requirements, subject to approvals as provided in Article 6-1-2 L (4). Any change other than a minor adjustment as set out in this condition will require amendment to the Development Plan as required by § 2-1-5 (a) of the Zoning Ordinance.

3. All infrastructure improvements depicted on the Development Plan to be constructed or otherwise provided by the Applicant will be provided at the time of development of that portion of the Property immediately adjacent thereto, except as may be specifically provided in these conditions.

4. All structures will be connected to the Town’s public sewer and water systems. Absent written agreement with the Town to the contrary, commercial buildings may have a single water connection and a master meter, and residential buildings may have the option of a single water connection and a master meter, or individual connections and meters. Each commercial building will employ an individual grinder pump for conveyance of sewage, and residential buildings will have the option of a single or multiple grinder pumps. Flows will be transported by a pressurized force main to a designated location at the existing Town wastewater treatment plant. Additional fire hydrants will be installed as requested by the Town.

5. All utilities on the Property must be underground.

6. Residential development of the Property may consist of not more than 24 dwelling structures in the location depicted on the Development Plan. The dwelling units therein will be made available for rent and not for sale. The dwelling structures may be single-family detached, single-family semi-detached, single-family attached, clustered, multi-family, or stacked townhouses (known as 2 over 2s), any number of which may be Housing for Older Persons (so long as qualified therefor under federal and state law). The Applicant may construct these dwellings such that they contain differing numbers of individual types of dwelling units, so as to increase the diversity and affordability of unit types available.

7. Travel trailers and recreational vehicles will not be stored or used on the Property.

8. The following nonresidential uses are permitted on the Property.

- a. Artisan and craft uses
- b. Coffee shop¹
- c. Coworking space²
- d. Farmers’ market
- e. Food pantry
- f. Home occupation

¹ For the purposes of these Conditions, a “coffee shop” is defined as a store whose principal business is the sale of coffee of various types, e.g., espresso, latte, cappuccino, and food such as light snacks, sandwiches, muffins, fruit, or pastries.

² For the purposes of these Conditions, “coworking” is an arrangement in which workers of different agencies or organizations share an office space, and agree to the use of common infrastructure, such as equipment, utilities, receptionist and custodial services, and parcel acceptance services.

- g. Makerspaces³
- h. Medical clinics
- i. Museum
- j. Offices
- k. Parking lots and public parking
- l. Quasi-public uses as defined in the Zoning Ordinance
- m. Retail stores and shops totaling not more than 1,000 square feet
- n. Temporary and permanent displays and galleries

9. Open space will be provided as shown on the Development Plan.

10. Subject to the receipt of appropriate approvals from the United States Army Corps of Engineers, the Applicant may employ the wetlands that presently exist on the Property as preserved parkland, with pedestrian trails and enhanced features, as depicted on the Development Plan.

11. Stormwater management, including both water quantity controls and water quality devices, and erosion and sediment control measures, will be provided in general conformance with the Development Plan.

12. The Applicant will provide additional landscaping as depicted on the Development Plan.

13. The Property will be subject to the Town's Historic District Ordinance, and the design of all structures and the demolition of the former motel will be submitted to the Architectural Review Board for Certificates of Appropriateness.

14. In accordance with the provisions of § 1-5-5 of the Zoning Ordinance, no external amplified sound or music will be allowed without a separate special use permit.

15. The Applicant will access the site from Leggett Lane, which will remain a Town-owned street constructed to standards depicted on the Development Plan and which will be not less than 20 feet in width. Improvements will be made to Leggett Lane to pave its surface to a width of not less than twenty feet. The road cross section will have gravel shoulders and an open ditch section for drainage. Internal streets within the Property shall be private streets not less than 20 feet in width. There will no road improvements made to Warren Avenue.

16. All lighting will meet the IDA Dark Sky Friendly lighting standards in locations as generally depicted on the Development Plan.

³ For the purposes of these Conditions, a "makerspace" is a collaborative workspace inside a library or separate structure for making, learning, exploring, and sharing that uses high tech to no tech tools, open to any user, with a variety of maker equipment that may include, among other things, 3D printers, laser cutters, computer numerical control machines, soldering irons, sewing machines, and similar devices and equipment.

17. The Applicant will submit a comprehensive sign package to the Architectural Review Board for its approval prior to final Site Plan approval.

18. The Applicant will use best, good faith, and commercially reasonable efforts to preserve, protect and enhance natural resources on the site.

19. The Applicant, or one or more property owners' association(s) hereafter created for the purpose, and for other purposes customarily assigned to such association(s), will be responsible for the continuing maintenance of Leggett Lane and any commonly held property that may be created. The Applicant will ensure that the documents creating such association(s) contain provisions for the adequate funding of the functions assigned thereto. Such documents will be subject to the review and approval of the Town Attorney.

20. The requirements of Article 5, General Provisions, are waived or modified as set forth herein.

20.1. Structures may not exceed 35 feet in height, unless a special use permit is obtained for a height of 45 feet. Notwithstanding this provision, a governmental building, church, or library may be erected to a height of 45 feet from grade without recourse to a height exception, provided that the required front, side and rear yards shall be increased one foot for each foot in height over 35 feet. "Height of structures" means the measurement of distance from the finish first floor elevation of a structure to the midpoint of its roof, if the roof is sloping in nature, or if the roof is flat, height will be measured from the finish first floor elevation to the top of the highest parapet of the roof structure.

20.2. Notwithstanding the provisions of § 5-8 of the Zoning Ordinance, all parking for the Property will be in the numbers, and in the locations, depicted on the Development Plan, and the Applicant may employ shared parking where compatible uses with differing operational requirements and differing hours of operation can effectively and efficiently use the same parking spaces.

20.3. There will be no minimum lot sizes, side, rear or front yard, lot width, frontage, or setback requirements, for either residential or commercial uses, in order to permit a fluid and integrated development scheme as depicted on the Development Plan, and no distinction will be made as to corner lots with respect thereto. Notwithstanding the foregoing, all buildings must be set back a minimum of 25 feet from any perennial stream or Federal Emergency Management Agency designated floodplains.

20.4. Containers will be provided for domestic waste and recycling and will be screened from view from public roads using evergreen vegetation, fences, gates, or a combination of such devices.

20.5. An internal paved pedestrian path system will be provided to link all the proposed buildings on the Property. Stubs and extensions will be provided to connect the internal trails and walkways on the Property to existing or planned Town extensions of its pedestrian system.

20.6. The provisions of § 5-9 of the Zoning Ordinance are hereby waived.

21. All structures must have VDOT or Town road frontage, or a permanent access easement to a VDOT or Town road.

22. Accessory structures, if any, may constructed in the locations as shown on the Development Plan.

23. All structures on the property must obtain a building permit, and upon substantial completion, an occupancy permit, according to law.

24. Approval of the Development Plan for the Property will be considered equivalent to the approval of a Preliminary Site Plan.

25. One or more site plans must be prepared for the development of the Property in accordance with the Town Subdivision and Site Plan Ordinance.