EXHIBIT NO.

Docket Item #13 SPECIAL USE PERMIT #2007-0110

Planning Commission Meeting December 4, 2007

ISSUE:	Consideration of a request for a special use permit for a temporary sales/information trailer.
STAFF:	Jeffrey Farner, Development, Division Chief Jeffrey.Farner@alexandriava.gov Katye Parker, Urban Planner
	Katye.Parker@alexandriava.gov
APPLICANT:	Van Metre Residential Investments LLC by M. Catharine Puskar, attorney
LOCATION:	1023 Duke Street
ZONE:	CL/Commercial Low

<u>PLANNING COMMISSION ACTION, DECEMBER 4, 2007</u>: On a motion by Mr. Jennings, seconded by Ms. Lyman, the Planning Commission voted to <u>recommend approval</u> of SUP #2007-0110, subject to compliance with all applicable codes, ordinances, and staff recommendations with an amendment to condition #3. The motion carried on a vote of 7 to 0.

<u>Reason:</u> The Planning Commission agreed with the staff analysis. The Planning Commission amended Condition #3 to require the removal of the trailer within two years from the date of installation.

## Speakers:

John Griffin, 1021 Duke Street, spoke in support of the request, but requested that the structural impact on his property with the construction of the trailer be evaluated as part of building permit review. Second, he was concerned that trailer visitors will use the alley as a short-cut rather than following the directions which will route patrons to King Street.

Cathy Puskar, attorney, representing the applicant.



## I. OVERVIEW

## A. REQUEST

The applicant is requesting a special use permit for the operation of a temporary sales and information trailer located at 1023 Duke Street. The sales trailer is intended for the 58 unit

residential development that is currently under construction 2 blocks west at 1300 Duke Street. The project at 1300 Duke Street was by approved the Planning Commission in January 2006 under DSP # 2005-0016 and a condition of approval permitted a temporary sales trailer subject to the approval of the Director of Planning and Zoning. However, given that the proposed location for the sales trailer is not on site or immediately adjacent to the site, the proposal requires approval of a special use permit.



Figure 1: Location of Development Site and Proposed Trailer Site

Generally, sales trailers are placed on the site or in close proximity to the development it supports. With the 1300 Duke Street project, the underground garage encompasses most of the site, which means construction activity is occurring on the entire property and no room is available for a sales trailer to be located on site. West of the site across West Street is the Shiloh Baptist Church and parking lot. This site has already received approval for a parking reduction, leaving no additional parking spaces available for a temporary trailer and customer parking. East of the site across Payne Street is the Fannon Oil property, which still operates as an oil distributor. Locating a trailer on the adjoining property is not feasible given the nature of the site and business. The applicant has stated that they have explored locating the sales office within office space in the area for the temporary sales use, but have been unsuccessful in finding an appropriate location that would meet their needs. Therefore, they are requesting approval of a temporary trailer at the northeast corner of Duke Street and South Henry Street.

## **B.** SITE DESCRIPTION

The proposed site for the temporary sales trailer is one lot of record with approximately 32 feet of frontage on Duke Street and 88 feet of frontage on South Henry Street, for a total lot area of 2,743 sq. ft. The site is currently owned by Coal Yard, LLC and is a vacant lot. The property owner has agreed to allow Van



Figure 2: Site

SUP#2007-0110 1023 Duke Street Temporary Sales Trailer

Metre the use of the property to operate the temporary sales trailer. Access to the property is from an existing curb cut for an alley off of South Henry Street at the north end of the site (Makeley Alley).

The surrounding area is occupied by a mix of residential, office, and commercial uses. To the north, across the alley, to the west, across South Henry Street, and to the south, across Duke Street are office and commercial uses. Immediately east of the site is a residential use, with office use interspersed through the remainder of the block.

## C. PROPOSAL

The proposed trailer anticipated to be on the site approximately 1 ½ years. The proposed temporary sales trailer will be used daily as a sales office by one or two Van Metre employees, providing potential homeowners with information on the project.

Hours of Operation:	Daily – 10:00AM - 7:00PM
Number of Customers:	5-10 per day
Employees:	1 Monday – Friday, 2 Saturday – Sunday
Noise:	Noise generated will be general office noise that will be confined within the trailer. The only exterior noise will be vehicles arriving and exiting the property.
Trash/Litter:	Office paper will be generated - approximately one cubic yard per week. Trash will be collected once per week.

## II. STAFF ANALYSIS

## A. CIRCULATION

The proposed site for the temporary sales trailer is in an area that has several circulation constraints. South Henry Street, which is the street the site is accessed from, is a one-way street going south. Driving east on Duke Street past the development site, a driver will not be able to make a left turn at South Henry to get to the trailer. Additionally, Prince Street, which is one street north of Duke Street, is also one way going east. A driver coming from the south will have to cross Prince Street, turn left onto King Street and left again onto South Henry Street.



Figure 3: Circulation

Staff was initially concerned with the location of the temporary trailer at this intersection and the temptation for a driver to want to make a left into oncoming one-way traffic. However, the applicant anticipates most of their visitors will come from the beltway and they will be directed north on South Patrick Street, west on King Street, and then south on South Henry Street. The applicant will provide very detailed directions and maps on their website, which City Staff will review, to help get visitors to the site. For visitors going east on Duke past the site, the applicant has agreed to have copies of directions and maps for any people that stop at the site looking for more information. Signage will not be permitted on Duke Street or at the portion of the structure closest to the intersection. This will require the applicant to have detailed directions and reduce the potential for a driver to pass the site and want to turn in. In addition, while the existing alley is narrow, the proposed paved parking will widen the alley

## B. PARKING

According to Section 8-200 (A)(18) of the Zoning Ordinance, an office use in Parking District 1 requires one parking space for every 500 square feet. The 768 square foot temporary sales trailer would require a minimum of two off-street parking spaces. The applicant is providing three off-street parking spaces (two standard spaces and one handicap space) to be located to the front of the sales trailer for customers. Two additional off-street



Figure 4: Off-Site Parking Lot

SUP#2007-0110 1023 Duke Street Temporary Sales Trailer

parking spaces across South Henry Street have been reserved during the week and seven spaces are reserved on the weekend. Employees will park in these spaces to make the on-site spaces available to customers. The applicant will add detailed directions to this parking area in the event all three on-site spaces are occupied when an additional customer comes to the trailer.

## C. STREETSCAPE IMPROVEMENTS

This corner of the Duke Street/South Henry Street intersection is the only corner without a complete streetscape. There is a brick sidewalk along Duke Street, but no sidewalk is in place along South Henry Street from the corner to the alley entrance. With this application, staff is recommending that the applicant install a brick sidewalk along South Henry Street with street trees. Trees and other landscaping are also recommended along Duke Street in front of the trailer. The installation of this streetscape will continue to benefit the City after the temporary sales



Figure 5: Lack of Sidewalk on South Henry St.

## D. COMPATIBILITY WITH ADJACENT BUILDINGS

There has been some concern about locating a trailer at the corner of two well traveled roads. However, the applicant is proposing an architectural shell to surround the trailer on three sides (north, south, and west) to screen the view of the trailer. The architectural shell will be designed to be compatible with the buildings on either side of the property.

## **III. RECOMENDATION**

trailer is removed.

Staff recommends **approval** of the request for a special use permit for a temporary sales trailer.

<u>STAFF:</u> Faroll Hamer, Director, Department of Planning and Zoning; Jeffrey Farner, Development Division Chief; and Katye Parker, Urban Planner.

## **IV. CONDITIONS**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

- 1. The special use permit shall only be granted to the applicant or to any corporation in which the applicant has a controlling interest. (P&Z)
- 2. The hours of operation for the sales trailer shall be limited to between 10:00AM 7:00PM daily. The applicant shall post the hours of operation at the entrance of the trailer. (P&Z)
- 3. [CONDITION AMENDED BY PLANNING COMMISSION] The temporary sales trailer and the asphalt installed for the parking lot shall be removed prior to issuance of the final occupancy permit for the development project at 1300 Duke Street (approved by DSP 2005-0016) or two (2) years from the date the trailer is installed, whichever occurs first. (P&Z) (PC)
- 4. The applicant shall provide a plot plan that includes the following:
  - a. A 14 foot wide brick sidewalk shall be installed from the existing curb cut on South Henry Street and to the existing brick sidewalk on Duke Street. The sidewalk shall consist of 4 ft. x 10 ft. wide tree wells and a 10 ft. wide unobstructed sidewalk. The sidewalks shall be installed prior to certificate of occupancy for the trailer.
  - b. The existing planter boxes on South Henry Street shall be removed.
  - c. The applicant shall plant two 2.5" caliper street trees in standard City tree wells along South Henry Street.
  - d. Additional planting beds shall be installed along the structure facing Duke and South Henry Streets. The beds shall contain ornamental trees, shrubs, and seasonal color to the satisfaction of the Director of RP&CA.
  - e. Areas that are not hardscape or in use as planting beds shall be sodded.
  - f. All landscaping shall be maintained in good condition and replaced as needed.
  - g. The applicant shall be required to control weeds within 12 feet of their front property line in compliance with City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1 (P&Z) (RP&CA)
- 5. Freestanding signage shall be prohibited. (P&Z)
- 6. Prior to issuance of an occupancy permit for the temporary trailer, the applicant shall work with P&Z staff to develop detailed maps and directions which shall be posted on the applicant's website and available in the construction trailer at the 1300 Duke Street development site. (P&Z)

- 7. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a Larceny Awareness program for all employees and a security survey for the trailer as soon as it is in place. (Police)
- 8. The Director of P&Z shall review the special use permit after it has been operational for six months, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

<sup>&</sup>lt;u>Staff Note:</u> In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

SUP#2007-0110 1023 Duke Street Temporary Sales Trailer

## **IV. CITY DEPARTMENT COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

## **Transportation & Environmental Services:**

C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

## Code Enforcement:

- R-1 The proposed trailer will be located on property belonging to another owner. The applicant shall submit authorization from the property owner permitting the use of the temporary sales trailer on the subject property.
- C-1 The proposed construction shall conform with the Virginia Uniform Statewide Building Code.
- C-2 Handicapped accessibility shall be provided to the trailer.
- C-3 The trailer shall bear a seal showing compliance with the Virginia Industrialized Building Code.
- C-4 A building permit is required for the proposed work. Submit five sets of drawings with the permit application.

## Health Department:

F-1 No comment.



## APPLICATION

# **SPECIAL USE PERMIT**

SPECIAL USE PERMIT # 2007-0110

ZONE:

PROPOSED USE: Request for temporary information and sales trailer

[]**THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia,

[ ]**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[]**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ]**THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Van Metre Residential Investments LLC

By: M. Catharine	Puskar	In. Cathanne Pust	evr high 9/25/07
Print Name of Applicant or Walsh, Colucci,	Agent Lubeley, Emrich & W	Signature Signature	Date
2200 Clarendon B		(703) 528-4700	(703) 525-3197
Mailing/Street Address		Telephone #	Fax #
Arlington, VA	22201	<u>cpuskar@arl.thela</u>	andlawyers.com
City and State	Zip Code	Email a	address
	and a second		ander and space of the second
ACTION-PLANNING	COMMISSION:	DATE:	
ACTION-CITY COUR	(CIL:	DATE:	

SUP #2007-0110

PROPERTY OWNER'S AUTHORIZATION P	lease	see	attached	Letter	of	Authorization
As the property owner of						, I hereby
(Property Address)						
grant the applicant authorization to apply for the				<u> </u>		use as
	(use)					ĺ
described in this application.						
Name:			Phone			
Please Print						
Address:			Email:			
_						
Signature:			Date: _			
				<u> </u>		

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

[X] Required floor plan and plot/site plan attached.

[] Requesting a waiver. See attached written request.

- 2. The applicant is the (check one):
  - [] Owner
  - [] Contract Purchaser
  - [x] Lessee or
  - [] Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Please see attached.

September 25, 2007

SUP2007-0110

Via Hand Delivery

Faroll Hamer, Director Department of Planning & Zoning City of Alexandria 301 King Street Suite 2100 Alexandria, VA 22314

> Re: Special Use Permit Application - Property Owner Authorization 1023 Duke Street – Tax map Reference # 74.01-08-2

Dear Ms. Hammer:

On behalf of Coalyard LLC, the property owner of 1023 Duke Street (Tax Map Reference # 74.01-08-2), I hereby grant the Applicant authorization to apply for the information and sales trailer use as described in the application.

Very truly yours,

Coalyard LLC

By: Ryan P. Fannon Its: Partner

SUP2007-0110

## ATTACHMENT

Van Metre Residential Investments LLC:

Van Metre Family Trust – 50% c/o Van Metre Homes 5252 Lyngate Court Burke, VA 22015

Richard J. Rabil – 20% c/o Van Metre Homes 5252 Lyngate Court Burke, VA 22015

Kenneth A. Ryan – 10% c/o Van Metre Homes 5252 Lyngate Court Burke, VA 22015

W. Brad Gable – 10% c/o Van Metre Homes 5252 Lyngate Court Burke, VA 22015

Albert G. Van Metre, Jr. – 10% c/o Van Metre Homes 5252 Lyngate Court Burke, VA 22015

SUP #2007-()//()

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia? N/A

[] Yes. Provide proof of current City business license

[] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

## NARRATIVE DESCRIPTION

**3.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The Applicant, Van Metre Residential Investments LLC, requests approval of

a temporary information and sales trailer to be located at 1023 Duke

Street to serve their approved 58-unit condominium development project at

1300-1320 Duke Street (DSUP-2005-0016). The information and sales center

will be used to greet patrons and introduce them to the project. Due to

the constraints of on-site construction work and materials storage, it

was not possible to locate the trailer on the project site. Therefore,

the Applicant has been able to lease nearby property (approximately 22

blocks from the condominium project) for the information and sales

trailer.

Per Section 8-200(A) of the Zoning Ordinance, two standard spaces and one

handicapped accessible parking space for visitors to the sales center

will be accommodated on-site. It is anticipated that the terms of the

sales trailer will be approximately from February 2008 through August

2009.

SUP # 207-0110

## USE CHARACTERISTICS

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[X] a [] a [] a	proposed special use permit request is for <i>(check one):</i> a new use requiring a special use permit, an expansion or change to an existing use without a special use permit, an expansion or change to an existing use with a special use permit, other. Please describe:
Plea	ase describe the capacity of the proposed use:
A.	How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).
	5-10 per day
 В.	How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
	Approximately (1) employee Monday through Friday and (2)
e	employees Saturday and Sunday.
	ase describe the proposed hours and days of operation of the proposed use:
Day	: Hours: <u>Daily 10:00 a.m. ~ 6:00 p.m.</u>
Plea	ase describe any potential noise emanating from the proposed use.
A.	Describe the noise levels anticipated from all mechanical equipment and patrons.
	N/A
В.	How will the noise be controlled?
	N/A

SUP #2007-011

	cribe any potential odors emanating from the proposed use and plans to control them:
	N/A
Plea	ase provide information regarding trash and litter generated by the use.
A.	What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
	Normal office trash.
<u>—</u> В.	How much trash and garbage will be generated by the use? (i.e. # of bags or pounds day or per week)
<del>, -</del>	l cubic yard per week.
	How often will trash be collected?
	Once per week.
D.	How will you prevent littering on the property, streets and nearby properties? Staff will monitor the site for trash.
	any hazardous materials, as defined by the state or federal government, be handled, store
org	enerated on the property? Yes. [x] No.
lf ve	s, provide the name, monthly quantity, and specific disposal method below:

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11.	Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing
	solvent, be handled, stored, or generated on the property?

SUP #200/-011

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

Applicant will contact Crime Prevention Unit to conduct security survey.

## ALCOHOL SALES

13,

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

[] Yes 🕅 No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

SUP #2007-011

## PARKING AND ACCESS REQUIREMENTS

14.

Α.

2	Standard spaces
	Compact spaces
	Handicapped accessible spaces.
	Other.
	Planning and Zoning Staff Only
	paces for use per Zoning Ordinance Section 8-200A <u>1</u> space/400 square feet = 2 spaces
Does the application	neet the requirement?
B. Where is re	equired parking located? (check one)
[ <sub>X</sub> ] on-site	
[ ] off-site	

How many parking spaces of each type are provided for the proposed use:

If the required parking will be located off-site, where will it be located?

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

[ ] Parking reduction requested; see attached supplemental form

- **15.** Please provide information regarding loading and unloading facilities for the use:
  - A. How many loading spaces are available for the use? <u>N/A</u>

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	Planning and Z	oning Staff Only	
			COLL CONTRACTOR STATE
Required number of l	oading spaces for use per 7	Coning Ordinance Section 8	200 0
Required fidibles of h	sading spaces for use per z	coming ordinance decision o	-200
		NT / A	
Does the application i	meet the requirement?	N/A	
	[ ] Yes	[ ] No	a substant
		THE REPORT OF STREET, S	전 전화 영상 전 문화 영화 전 전 전 전 전 전 전 전 전 전 전 전 전 전 전 전 전 전

SUP #2007-0110

В.	Where are off-street loading facilities located? <u>N/A</u>		
C.	During what hours of the day do you expect loading/unl	oading operatio	ons to occur?
D.	How frequently are loading/unloading operations expec as appropriate?	ted to occur, pe	er day or per week,
	N/A		
		eet improvemer	nts, such as a new
	Access from the street is adequate.		
		[] Yes	[X] No
Do yo	ou propose to construct an addition to the building?	[] Yes	kj No
How	large will the addition be? $\underline{N/A}$ square feet.	Sales Tr	
What	will the total area occupied by the proposed use be?		
0	sq. ft. (existing) + <u>768</u> sq. ft. (addition if any) =	= <u>768 </u> sq.	ft. (total)
[]a []a []a []a []a	stand alone building house located in a residential zone warehouse shopping center. Please provide name of the center:		
	D. Is struturnir CH/ Will t Do yo How What  The p []a []a []a []a []a	N/A      D. How frequently are loading/unloading operations expect as appropriate?      N/A      Is street access to the subject property adequate or are any streturning lane, necessary to minimize impacts on traffic flow?      Access from the street is adequate.      CHARACTERISTICS      Will the proposed uses be located in an existing building?      Do you propose to construct an addition to the building?      How large will the addition be?    N/A	N/A      D. How frequently are loading/unloading operations expected to occur, peras appropriate?      N/A      Is street access to the subject property adequate or are any street improvement turning lane, necessary to minimize impacts on traffic flow?      Access from the street 1s adequate.      CHARACTERISTICS      Will the proposed uses be located in an existing building?    [] Yes      Do you propose to construct an addition to the building?    [] Yes      Temporar    Temporar      How large will the addition be?    N/A      Square feet.    Sales Tr      What will the total area occupied by the proposed use be?

## End of Application

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### STORIMATER RUNOFF INFORMATION

(AUNOFT ANALSIS UTILIZING RATICINAL METHOD)

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- POST DEVELOPMENT PEAK FLOW CHANGES 0+ DECREASE + 0.008 CFS Q+ DECREASE 0.011 CFS MININUM STORIMATER STORAGE VOLUME REQUIRED . 0 CU.FT.

### WATER QUALITY CALCULATIONS

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  RADCUT PROFOSE LESS HAVE 7.500 SG. FT. OF ON-SITE DISTURBANCE THEREFORE NO BAR'S ARE REQUADD.
- WORKSHEET C: COMPLANCE PRAJECT PROPOSES LESS THAN 2,500 SQ. FT. OF ON-SITE DISTURBANCE THEREFORE NO BUP'S ARE REQUIRED.

### PROJECT DESCRIPTION (FANNON SALES TRAILER)

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0.0		0.0
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HARVECT PROPOSES LESS THAN 2,500 SQ. FT. OF ON-SITE DISTUR THEORE NO BUP'S ARE REQUIRED.

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#### STORMWATER NARRATIVE:

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