

# Town of Dumfries Council Meeting Packet



Derrick R. Wood, Mayor  
Monaé S. Nickerson, Vice Mayor  
Selonia B. Miles, Chair Pro Tem  
Tyrone Brown, Councilmember  
Brian K. Fields, Councilmember  
Shaun Peet, Councilmember  
Caetrina A. Peterson, Councilmember

Tangela Innis, Town Manager  
Sharon E. Pandak, Acting Town Attorney  
Tangi R. Hill, Town Clerk

June 20, 2023



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## DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town  
CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building  
17739 Main Street, Suite 200  
Dumfries, Virginia 22026  
Tel: 703-221-3400 / Fax: 703-221-3544  
[www.dumfriesva.gov](http://www.dumfriesva.gov)

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### **DUMFRIES TOWN COUNCIL MEETING TUESDAY, JUNE 20, 2023 AT 7:00 PM COUNCIL CHAMBERS**

- I. Call to Order and Roll Call
- II. Moment of Silent Prayer
- III. Pledge of Allegiance
- IV. Adoption of Agenda
- V. Awards and Proclamations
  - A. National Pollinator Month Proclamation – Mayor Derrick Wood
  - B. Pride Month Proclamation – Chair Pro Tem Selonia Miles
- VI. Approval of Minutes
  - A. Minutes of the June 6, 2023 Regular Meeting
- VII. Citizen Comment Period
- VIII. Reports and Presentations
  - A. Presentation of the Town of Dumfries Affordable Housing Funds to Prince William County Habitat for Humanities – Nick Cicero, Principal Planner
  - B. Presentation of the Prince William County Schools Strategic Plan – Dr. LaTanya McDade, Prince William County Schools Superintendent
  - C. Town Manager's Report – Tangela Innis, Town Manager
- IX. Action Items
  - A. Resolution Initiating Amendments to Chapter 54 of the Code of the Town of Dumfries Subdivision Ordinance (Public Hearing Date July 11, 2023) – Nick Cicero, Principal Planner
  - B. Resolution Initiating Amendments to Chapter 70 (Zoning), Article IV, of the Code of the Town of Dumfries (Public Hearing Date July 11, 2023) – Nick Cicero, Principal Planner

C. Continuation of the Resolution Authorizing the Town Manager to Advertise Public Hearing on the Conditional Use Amendment application, CUPA2019-003, for Colonial Downs Group, LLC (Public Hearing Date July 11, 2023) – Nick Cicero, Principal Planner

X. Closed Session

A. One Personnel Matter Relating to the Appointed Acting Town Attorney Pursuant to Va. Code §§2.2-3711.A.(1)

XI. Adjournment



## NATIONAL POLLINATOR MONTH PROCLAMATION

**WHEREAS**, the Town of Dumfries recognizes the invaluable contributions of pollinators and their vital role in supporting ecosystems, biodiversity, and food production; and

**WHEREAS**, National Pollinator Month, observed in June, provides an opportunity to raise awareness about the importance of pollinators and the need to protect and conserve their habitats; and

**WHEREAS**, pollinators, including bees, butterflies, birds, bats, and other insects and animals, facilitate the pollination process, enabling plants to reproduce and produce fruits, seeds, and other essential plant products; and

**WHEREAS**, the pollination process is fundamental to the reproduction of flowering plants, the diversity of plant species, and the production of the foods we rely upon for sustenance; and

**WHEREAS**, National Pollinator Month serves to educate the public about the critical role of pollinators, the challenges they face, and the actions we can take to protect them and their habitats; and

**WHEREAS**, sustainable agricultural practices that consider pollinator health are vital for the preservation of pollinators, emphasizing the importance of diversified crop rotations, reduced pesticide use, and other eco-friendly approaches; and

**WHEREAS**, the Town of Dumfries is committed to promoting awareness, education, and action to safeguard pollinators and their habitats within our community.

**NOW, THEREFORE**, be it proclaimed by the Town Council of Dumfries that the month of June is hereby designated as National Pollinator Month. We urge all residents, businesses, community organizations, and educational institutions to join in recognizing the importance of pollinators, raising awareness about their significance, and taking steps to protect and support these vital creatures.

**FURTHERMORE**, we encourage the creation of pollinator-friendly habitats, the adoption of sustainable agricultural practices, active participation in citizen science initiatives, and advocacy for policies that prioritize pollinator protection.

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Derrick R. Wood, Mayor  
Town of Dumfries  
June 20, 2023



## **LBTQ+ PRIDE MONTH PROCLAMATION**

**WHEREAS**, we are a nation founded upon and guided by the principles of equality, justice and freedom for all; and

**WHEREAS**, the Prince William County Board of Supervisors resolved to proclaim June as LGBTQ+ Pride Month in 2018 and 2019;

**WHEREAS**, the Town of Dumfries' Lesbian, Gay, Bisexual, Transgender, Questioning and More (LGBTQ+) residents are a vital part of our community and contribute greatly to the economic and social wellbeing of our community; and

**WHEREAS**, the Town of Dumfries is strengthened by and thrives upon the rich diversity of ethnic, cultural, racial, gender and sexual identities of its residents; and

**WHEREAS**, the Center for Disease Control recognizes that negative perceptions of the LGBTQ+ community result in increased risk of experiences of violence, mental health and substance abuse against and amongst its members; and

**WHEREAS**, the Town of Dumfries added protections in its Equal Opportunity Employment policy based on gender and sexual orientation in 2018; and

**WHEREAS**, June is widely recognized in the United States as LGBTQ+ Pride Month; and

**WHEREAS**, the Town of Dumfries recognizes the importance of equality and freedom from discrimination; and

**WHEREAS**, the Town of Dumfries believes that our power lies in our diversity and acceptance of all;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Dumfries hereby proclaims the month of June to be Lesbian, Gay, Bisexual, Transgender, Questioning and More Pride month.

By Order of Council:

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Derrick R. Wood, Mayor  
Town of Dumfries  
June 20, 2023

**DUMFRIES TOWN COUNCIL  
MEETING MINUTES  
TUESDAY, JUNE 6, 2023**

**MEETING HELD IN COUNCIL CHAMBERS**

*A video recording of this meeting is available on the Town's Website  
at [www.dumfriesva.gov](http://www.dumfriesva.gov) and YouTube Channel at  
<https://www.youtube.com/live/8ldtvthNdxY?feature=share>*

**Call to Order and Roll Call**

At 7:00 PM, Mayor Wood called the meeting to order. The following members were recorded as present: Brown, Fields, Miles, Nickerson, Peet, Peterson, and Wood.

**Invocation**

The invocation was led by Dr. Chrystal M. Woodard, Pastor of Dumfries United Methodist Church, Dumfries, Virginia.

**Pledge of Allegiance**

Mayor Woods asked all to stand for the Pledge of Allegiance.

**Adoption of the Agenda**

On a motion made by Councilman Brown, seconded by Vice Mayor Nickerson to adopt the agenda as presented. Vote 7-0-0 (Yes: Brown, Fields, Miles, Nickerson, Peet, Peterson, and Wood; No: N/A; Abstain: N/A)

**Awards and Proclamations**

The following proclamations were presented:

Proclamation Honoring the Life of Mrs. Elsie Garrison – Mayor Derrick Wood

Small Cities Proclamation – Mayor Derrick Wood

Black Music Appreciation Month for Tony Craddock Proclamation– Mayor Derrick Wood

National Soul Food Month Proclamation – Mayor Derrick Wood

Juneteenth – Freedom and Equality Day Proclamation – Mayor Derrick Wood

Gun Violence Awareness Month Proclamation – Councilman Tyrone Brown

## **Approval of Minutes**

Minutes of the May 16, 2023 Regular Meeting

On a motion made by Chair Pro Tem Miles, seconded by Vice Mayor Nickerson to approve the Dumfries Town Council Meeting Minutes of the May 16, 2023, Regular Meeting. Vote 6-0-1 (Yes: Brown, Fields, Peterson, Miles, Nickerson, and Wood; No: N/A; Abstain: Peet).

## **Citizen Comment Period**

There were no citizen comments heard.

## **Mayor and Council Comments**

The Mayor and Council provided their comments.

## **Reports and Presentations**

Retail Strategies Presentation – Lacy Beasley, President; Mead Silsbee, COO; and Hannah Simmons, Portfolio Director

Retail Strategies provided the Council with an update of their search for potential retailers to be located in Dumfries. Questions were addressed.

## **Action Items**

Ordinance Appointing Town Manager Tangela Innis, Acting Town Attorney Sharon Pandak, Town Clerk Tangi Hill, Town Treasurer Kiran Uppal, Zoning Administrator Nick Cicero, Building Official Eric Clark, Planning Board Member Robert Borka, Architectural Review Board Members Larry Nickerson and Bill Larson

On a motion made by Vice Mayor Nickerson, seconded by Councilman Peet to adopt the Ordinance to Appointing Town Manager Tangela Innis, Acting Town Attorney Sharon Pandak, Town Clerk Tangi Hill, Town Treasurer Kiran Uppal, Zoning Administrator Nick Cicero, Building Official Eric Clark, Planning Board Member Robert Borka, Architectural Review Board Members Larry Nickerson and Bill Larson. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Reappointment of Diane Knez, Larry Nickerson, Kelvin Noye, and Phillip Beisel to the Dumfries Planning Commission

On a motion made by Vice Mayor Nickerson, seconded by Chair Pro Tem Miles to adopt the Resolutions Reappointing Diane Knez to the Dumfries Planning Commission. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

On a motion made by Vice Mayor Nickerson, seconded by Chair Pro Tem Miles to adopt the Resolutions Reappointing Larry Nickerson to the Dumfries Planning Commission. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

On a motion made by Vice Mayor Nickerson, seconded by Chair Pro Tem Miles to adopt the Resolutions Reappointing Kelvin Noye to the Dumfries Planning Commission. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

On a motion made by Vice Mayor Nickerson, seconded by Chair Pro Tem Miles to adopt the Resolutions Reappointing Phillip Beisel to the Dumfries Planning Commission. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Oath of Office for Town Manager Tangela Innis; Acting Town Attorney Sharon Pandak; Town Clerk Tangi Hill; Town Treasurer Kiran Uppal; Zoning Administrator Nick Cicero; Building Official Eric Clark; Planning Board Members Robert Borka, Larry Nickerson, Kelvin Noye, and Philip Beisel; Architectural Review Board Members Larry Nickerson and Bill Larson

Prince William County Clerk of Court Jacqueline Smith administered the oath of office to Town Manager Tangela Innis; Acting Town Attorney Sharon Pandak; Town Clerk Tangi Hill; Town Treasurer Kiran Uppal; Zoning Administrator Nick Cicero; Building Official Eric Clark; Planning Board Members Robert Borka, Larry Nickerson, Kelvin Noye, and Philip Beisel; Architectural Review Board Members Larry Nickerson and Bill Larson.

Amendment to the Town Manager's Employment Agreement

On a motion made by Councilman Brown, seconded by Vice Mayor Nickerson to adopt the Amendment to the Tow Manager's Employment Agreement. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A;



Abstain: N/A).

Adoption of the Dumfries Town Council Meeting Schedule July 1, 2023 – June 30, 2024

On a motion made by Chair Pro Tem Miles, seconded by Vice Mayor Nickerson to adopt the Dumfries Town Council Meeting Schedule for July 1, 2023 through June 30, 2024. Vote 7-0-0 (Yes: Brown, Fields, Miles, Nickerson, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Resolution Authorizing the Town Manager to Advertise Public Hearing on the Conditional Use Amendment Application, CUPA2019-003, for Colonial Downs Group, LLC (Public Hearing Date June 20, 2023)

On a motion made by Vice Mayor Nickerson, seconded by Councilman Peet to adopt the Resolution Authorizing the Town Manager to Advertise Public Hearing on the Conditional Use Amendment Application, CUPA2019-003, for Colonial Downs Group, LLC, setting the Public Hearing date for June 20, 2023. Vote 7-0-0 (Yes: Brown, Fields, Miles, Nickerson, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Consideration of Approval of an Extension of Land Purchase Agreement for the Community Housing Initiative and Pillar Church at 17956 Curtis Drive

On a motion made by Vice Mayor Nickerson, seconded by Councilman Peet to approve the Extension of Land Purchase Agreement for the Community Housing Initiative and Pillar Church at 17956 Curtis Drive. Vote 7-0-0 (Yes: Brown, Fields, Peet, Peterson, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

**Adjournment**

Mayor Wood adjourned the meeting at 9:02 pm.



**Town Manager's Report**

June 15, 2023

Mayor Wood, Vice-Mayor Nickerson, Honorable Councilmembers,

My team and I, continue to persevere to ensure that the core functions of our government continue and that we meet or even exceed the strategic goals established by Council. Please note the following updates by agency:

Goal	FY21 Target/Result	FY22 Target/Result	FY23 Target/Result	May FY23
<b>ADMINISTRATION</b>				
<b>Receive GFOA Distinguished Budget Presentation Award</b>	YES/YES	YES/YES	YES/YES	YES/YES
<b>Achieve 98% Collection Rate for Real Estate Taxes</b>	98%/98%	98%/98%	98%/98%	YES
<b>Create and establish financial policies related to Unassigned Fund Balance, Rainy Day Fund, and Debt</b>	Submitted and adopted by Town Council by March 30, 2021/ No	Submitted and adopted by Town Council by March 30, 2022/ YES	Submitted and adopted by Town Council by March 30, 2023/ YES	YES
<b>Improve Average Customer Service Total Transaction Time</b>	7 Minutes/ N/A	7 Minutes/7 Minutes	7 Minutes/TBD	5 MINUTES
<b>Improve Accounts Payable Processing Time</b>	N/A	All payments will be processed within 21 days / YES	All payments will be processed within 21 days / TBD	4 DAYS
<b>PLANNING &amp; COMMUNITY DEVELOPMENT</b>				
<b>Achieve Average Zoning Application Review Time</b>	14 DAYS/ 14 DAYS	14 DAYS/ 14 DAYS	14 DAYS/ TBD	2 DAYS
<b>Achieve Average Land Use Application Review Time</b>	N/A	14 DAYS/ 14	14 DAYS/ TBD	N/A

Goal	FY21 Target/Result	FY22 Target/Result	FY23 Target/Result	May FY23
<b>POLICE</b>				
Host Regular Community Educational Workshops	N/A	1 PER MONTH	1 PER MONTH	0
Improve average response time	N/A	TBD	TBD	TBD
Reduce property crime rate by 5%	N/A	TBD	TBD	19
Reduce violent crime rate by 5%	N/A	TBD	TBD	24
<b>PUBLIC WORKS</b>				
Achieve Average Permit Approval Time	N/A	14 DAYS/ 14 DAYS	14 DAYS/ TBD	2 DAYS
Increase Inspections on Private BMPs	N/A	50% PRIVATE/ 100% PUBLIC	50% PRIVATE/ 100% PUBLIC	50% PRIVATE/ 100% PUBLIC

\*Creating and establishing financial policies- I'm assuming that this is a part of the adopted budget? If so, this was submitted to the council back in March 2023. Please be aware that the Finance Department is still in the developing stage for implementing more policies that will be presented to the council within the next few months by our advisors.

### Recruitment Update

Interviews for the Chief Financial Officer position will be held on Wednesday, June 21, 2023. We anticipate the selection of a final candidate by the second week of July. Recruitment for the Planning and Community Development Director is underway. However, the town recruitment company has not scheduled interviews at this time as we are awaiting additional applicants. We are anticipating the recruitment of the HR Coordinator and the Senior Accountant after the Chief Financial Officer is selected.

### Request for Proposals Update

The Town is currently soliciting Requests for Proposals for the following:

- Comprehensive Plan Review and Update. Proposals are due to be received by the Town on July 17, 2023 at 2:00 p.m.
- Classification and Compensation Study. Proposals are due to be received by the Town on July 6, 2023 at 2:00 p.m.

The Town Manager is currently developing a scope of work to solicit a request for information for a new financial management system.

Respectfully submitted,

*Tangela Innis*  
Tangela Innis  
Town Manager

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JUNE 20, 2023 ON A MOTION DULY MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE TOWN COUNCIL WITH THE FOLLOWING VOTE:**

Tyrone A. Brown, \_\_\_\_\_;  
Brian K. Fields, \_\_\_\_\_;  
Selonia B. Miles, \_\_\_\_\_;  
Monae S. Nickerson, \_\_\_\_\_;  
Shaun R. Peet, \_\_\_\_\_.  
Caealina A. Peterson, \_\_\_\_\_;;  
Derrick R. Wood, \_\_\_\_\_;

**RESOLUTION INITIATING AMENDMENTS TO CHAPTER 54 OF THE CODE OF THE TOWN OF DUMFRIES, THE SUBDIVISION ORDINANCE, TO REVISE THE TOWN COUNCIL’S AGENT FOR THE REVIEW AND APPROVAL OF SUBDIVISION APPLICATIONS.**

**WHEREAS**, at its June 20, 2023, meeting, the Town Council discussed whether to replace the Director of Planning & Community Development with the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator in Chapter 54, of the Subdivision Ordinance, as the Town Council’s agent for the review and approval of subdivision applications and related actions, (“the proposed amendments”); and

**WHEREAS**, pursuant to Va. Code § 15.2-2253, the Town Council has the authority to amend the Town’s Subdivision Ordinance; and

**WHEREAS**, the Town Council wants to consider this proposed amendment; and

**WHEREAS**, the Town Council desires the Planning Commission to review and make recommendations on these proposed amendments to Chapter 54 of the Town Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Dumfries does hereby initiate the appended amendments to Chapter 54 of the Town Code that would:

1. Change the Director of Planning & Community Development to the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator as the Town Council’s Agent for the Review and Approval of Subdivision Applications.

**AND BE IT FURTHER RESOLVED** that the proposed amendments are hereby referred to the Town of Dumfries Planning Commission for its review, conduct of a public hearing, and recommendation, and thereafter for scheduling of a public hearing and action by the Town Council.

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

Attest:

\_\_\_\_\_  
Tangi Hill, Town Clerk

## **PROPOSED AMENDMENTS TO SUBDIVISION ORDINANCE**

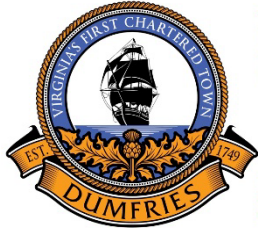
Chapter 54 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 54-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means ~~the~~ at town official serving as planning director or, in the absence of the planning director, the zoning administrator, who is the town council's appointee to process, review, and approve subdivision applications, subdivision plats and related actions under this ordinance ~~Director of the Town's Department of Planning & Community Development, who is hereby authorized to act on the behalf of the council with respect to this ordinance.~~



## DUMFRIES, VIRGINIA

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### **Staff Report**

**Code Text Amendment:** To amend Chapter 54 of the Town Code, The Town of Dumfries Subdivision Ordinance to: revise the Town Council's agent for the review and approval of Subdivision applications.

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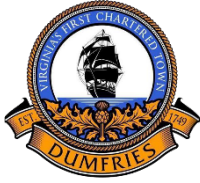
#### **PURPOSE**

On June 20, 2023, the Town of Dumfries' Town Council adopted a resolution to initiate amendments to Chapter 54, The Town of Dumfries Subdivision Ordinance. The proposed amendments, if approved, will enable the Town of Dumfries to approve subdivision applications. Currently the Director of Planning and Community Development is the approval agent for all subdivisions, however with this position vacant since the departure of the former Town Manager/Acting Director of Planning and Community Development no subdivision applications may be approved. The proposed amendments allow the Town Council to appoint a Town Employee to process, review, and approve subdivision plats. Currently, the definition is too stringent and has led to delays in approving current subdivision applications. The agent for review and approval would now be the Town Official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator.

#### **SUMMARY & RECOMMENDATION**

The proposed amendments will allow council to appoint an employee to be the approval agent of Subdivision applications, ensuring that there is no lapse in the Town's ability to approve these applications. As such, staff recommends the Town Council approve the amendments to Chapter 54 (Subdivision) of the Town Zoning Code.

**STAFF CONTACT:** Nick Cicero, Principal Planner- 703-221-3400 x 140.



## **AGENDA ITEM REQUEST FORM**

### **Item Type**

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### **Statement of Purpose**

RESOLUTION INITIATING AMENDMENTS TO CHAPTER 54 OF THE CODE OF THE TOWN OF DUMFRIES, THE TOWN OF DUMFRIES SUBDIVISION ORDINANCE

### **Background/References**

This code amendment will allow the Zoning Administrator, in absence of a Planning Director, to approve subdivision applications. Currently only the Director of Planning and Community Development may approve subdivisions.

### **Fiscal Impact**

N/A

### **Suggested Motion**

Move to Initiate a Code Amendment to the Town Subdivision Ordinance as referenced in the resolution attached.

### **Requested Meeting Date**

July 11, 2023

### **Attachments**

- Resolution

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON JUNE 20, 2023 ON A MOTION DULY MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE TOWN COUNCIL WITH THE FOLLOWING VOTE:**

Tyrone A. Brown, \_\_\_\_\_;  
Brian K. Fields, \_\_\_\_\_;  
Selonia B. Miles, \_\_\_\_\_;  
Monae S. Nickerson, \_\_\_\_\_;  
Shaun R. Peet, \_\_\_\_\_.  
Caetrina A. Peterson, \_\_\_\_\_;;  
Derrick R. Wood, \_\_\_\_\_;

**RESOLUTION INITIATING AMENDMENTS TO CHAPTER 70 (ZONING), ARTICLE IV, OF THE CODE OF THE TOWN OF DUMFRIES TO CHANGE THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT TO THE TOWN OFFICIAL SERVING AS PLANNING DIRECTOR OR, IN THE ABSENCE OF THE PLANNING DIRECTOR, THE ZONING ADMINISTRATOR FOR THE REVIEW AND APPROVAL OF SITE PLAN APPLICATIONS AND RELATED ACTIONS**

**WHEREAS**, at its June 20, 2023, meeting, the Town Council discussed Chapter 70 (Zoning), Article IV, of the Town Code, regarding whether to replace the Director of Planning & Community Development with the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator for the review and approval of site plan applications and related actions; and

**WHEREAS**, the Town Council wants to consider this proposed amendment; and

**WHEREAS**, Sec. 70-646 (a) of the Town Code gives Town Council the authority to adopt amendments to the Zoning Ordinance by ordinance whenever the public necessity, convenience, general welfare, or good zoning practice require; and

**WHEREAS**, the Town Council desires the Planning Commission to review and make recommendations on these proposed amendments to Chapter 70, Article IV, of the Town Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Dumfries does hereby initiate the appended amendments to Chapter 70, Article IV, of the Town Code that would:

1. Change the Director of Planning & Community Development to the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator as the Town Council's Agent for the Review and Approval of Site Plan Applications and Related Actions; and
2. Repeal Sec. 70-547. – Waiver of Requirements, which is inconsistent with current Va. Code §15.2-2286.



**AND BE IT FURTHER RESOLVED** that the foregoing proposed amendments are hereby referred to the Town of Dumfries Planning Commission for its review, conduct of a public hearing, and recommendation, and thereafter for scheduling of a public hearing and action by the Town Council.

By Order of Council:

\_\_\_\_\_  
Derrick R. Wood, Mayor

Attest:

\_\_\_\_\_  
Tangi Hill, Town Clerk

### **PROPOSED AMENDMENTS TO ZONING ORDINANCE**

Zoning Ordinance ARTICLE IV. - SITE PLAN

\* \* \*

Sec. 70-540. - Contents.

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

- (1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the director of planning's approval.
- (2) The north point, scale, date, and vicinity map.
- (3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- (4) The present use of all contiguous or abutting property.
- (5) The boundaries of the property involved by bearings and distances.

- (6) All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features, such as watercourses, waterways, or lakes on adjoining properties, need only be shown in approximate scale and proportion.
- (7) Topography of the project area with contour intervals of two feet or less.
- (8) The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.
- (9) The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site, so as to provide adequate facilities for all types of vehicles for solid waste collection.
- (10) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 150 feet or the length of connections, whichever is the greater distance.
- (11) The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- (12) The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed.
- (13) The location, height, type, and material of all existing and proposed fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- (14) The location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building; and the number, size, and type of dwelling units where applicable.
- (15) Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the town, indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to the existing drainage system.
- (16) Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with chapter 26, article II.
- (17) Proposed finished grading by contour supplemented, where necessary, by spot elevations.
- (18) One hundred-year floodplain limit studies as required by the at town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~.
- (19) The location, character, size, height, and orientation of proposed signs.

- (20) The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- (21) Any necessary notes required by the town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~ to explain the purpose of specific items on the plan.
- (22) The town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~ may request additional information other than what has previously been stated when deemed necessary to protect the health, safety and general welfare of the citizens of the town.
- (23) On all site plans, the Resource Protected Area (RPA) and Resource Management Area (RMA) boundaries shall be depicted, including the requirement to retain an undisturbed and vegetated 100-foot-wide buffer area per the Chesapeake Bay Preservation Area (CBPA) Act requirements.
- (24) Per CBPA Act requirements, the list of required information shall include a notation on site plans indicating that permitted development in RPA (including the 100-foot-wide vegetated buffer) is limited to water dependent facilities or redevelopment.
- (25) As required by 9VAC 10-20-190 A 5 of the Regulations, all site plans shall include the requirement for a notation on plans indicating the delineation of the buildable areas on each lot, based on the performance criteria, local front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage.

Sec. 70-541. - Improvements; standards.

The following improvements and minimum standards, as applicable, shall be required and provided for in a site plan:

- (1) *Street and highway construction and geometric design standards.* All street and highway construction standards and geometric design standards shall be in accordance with those specified by the state department of transportation.
- (2) *Vehicular travel lanes.* The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than 22 feet in width for two-way traffic and 12 feet for one-way traffic.
- (3) *Cul-de-sacs.* Cul-de-sacs shall be designed and constructed in accordance with the street standards specified by the state department of transportation and may not be construed or employed as a parking area.
- (4) *Utility easements.* The minimum utility easement width shall be 20 feet unless specifically reduced as specified by that town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~. Where multiple structures or pipes are

installed, the edge of the easement shall be five feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.

- (5) *Sidewalks and pedestrian walkways.* Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one building to another within the site and to adjacent sites.
- (6) *Screening.* All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.
- (7) *Unnecessary destruction of trees.* In order to preserve the character and natural environment and to provide visual and noise buffering, the town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The said town official ~~Director of Planning & Community Development~~ may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of eight-inch diameter or larger at the DBH, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition.
- (8) *Street/space lighting.* Street/space lighting shall be required in all zones.

Sec. 70-542. - Procedures.

- (a) The town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ is responsible for checking site plans, preliminary and final, for general completeness and compliance with such administrative and legislative requirements as may be established by routing copies thereof to appropriate reviewing departments, and outside agencies.
- (b) All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, other town ordinance requirements, utilities, and drainage, and to consider preliminary features of the proposed development as they relate to this article.
- (c) Sufficient copies, as may be required by the town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~, of the final site plan shall be submitted to the town official~~Director of Planning & Community Development~~.
- (d) Upon receipt of the first review comments from the reviewing agencies, the town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ shall transmit review comments to the applicant for correction or implementation.
- (e) The applicant shall then return to the town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning~~

~~& Community Development~~ revised plans addressing all concerns and noting all changes. ~~Theat town official~~Director of Planning & Community Development shall then distribute and coordinate all further comments in the same manner until the final plan conforms with all technical requirements of all applicable codes.

- (f) ~~Theat town official~~ serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ shall the site plan, determine whether it meets the applicable requirements of this Ordinance, and then either approve or disapprove the site plan. In the event ~~theat town official~~Director of Planning & Community Development disapproves the site plan, all of the reasons for that disapproval shall be stated in writing.

Sec. 70-543. - Termination; extension.

- (a) An approved site plan shall be valid for a period of five (5) years after the date of final approval or for such longer period as ~~theat town official~~ serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- (b) Upon application of the developer, ~~Theat town official~~ serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ may grant an one or more extensions of up to one year of the approval of a final site plan as ~~theat town official~~Director may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for the extension.

Sec. 70-544. - Amendments to approved site plan.

If it becomes necessary for an approved site plan to be changed, ~~theat town official~~ serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this article.

Sec. 70-545. - Site plan prerequisite to issuance of permits; agreement bond and fees.

- (a) No building permit shall be issued to construct, erect, or alter any building or structure, nor shall any permit or authorization be granted to improve or develop land subject to the provisions of this article, unless a site plan has been submitted and approved.
- (b) Prior to the issuance of permits for construction, there shall be executed by the owner or developer, and submitted to the town with an approved site plan, an agreement to construct such required physical improvements as are located within the public rights-of-way or easements or as connected to any public facility, in form and substance as approved by the town, together with a corporate surety bond

(section 70-8) acceptable to the town attorney and approved by ~~the~~ at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~, in an amount of 100 percent of the estimated cost of the required physical improvements listed in the unit price list for performance bonds on file in the office of ~~the~~ at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~. Such agreement with the town council shall provide for completion of all work covered thereby within the time to be determined by ~~the~~ at town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~ upon written justification by the owner or developer, signed by all parties (including sureties) to the original agreement.

- (c) The council may grant the periodic partial and final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section pursuant to the terms and provisions of section 70-8.

\* \* \*

Sec. 70-547. – Waiver of Requirements. REPEAL

(a) — ~~If, through no fault of the applicant a project cannot satisfy a particular requirement of this Ordinance, upon written request of the applicant for a waiver of any of the requirements of this Ordinance, Director of Planning & Community Development may approve a waiver of said requirement if all of the following requirements have been satisfied:~~

~~—— (1) the need for the waiver is not attributable to any action or decision of the applicant;~~

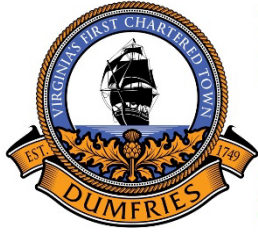
~~—— (2) the applicant has acted in good faith with respect to the need for the waiver;~~

~~—— (3) the waiver requested by the applicant is the minimum necessary under the circumstances;~~

~~—— (4) the approval of the waiver will not cause any harm to any other property; and~~

~~(5) the approval of the waiver does not conflict with the purpose and intent of the Ordinance.~~

(b) — ~~Any waiver request must fully explain in writing the applicant's compliance with each of the standards set forth above.~~



## DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building

17739 Main Street, Suite 200

Dumfries, Virginia 22026

Tel: 703-221-3400/Fax: 703-221-3544

[www.dumfriesva.gov](http://www.dumfriesva.gov)

### **Staff Report**

**Zoning Text Amendment:** To amend Chapter 70, Article IV of the Town Zoning Code to: Replace the Director of Planning & Community Development with the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator for the review and approval of site plan applications and related actions.

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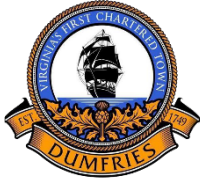
#### **PURPOSE**

On June 20, 2023, the Town of Dumfries' Town Council adopted a resolution to initiate zoning text amendments to Chapter 70, Article IV (Site Plan) of the Town Zoning Code. The proposed zoning text amendments, if approved, will enable the Town of Dumfries Department of Planning and Community Development to approve site plans. As it currently stands, the Director of Planning and Community Development serves as the approval agent, however with this position vacant since the former Town Manager/ Acting Director of Planning and Community Development resigned no site plans can be formally stamped and approved. The proposed amendments would change the review and approval agent of site plans to the Town Official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator. Included in the amendment is also the recommendation to repeal Sec. 70-547. – Waiver of Requirements, as it is inconsistent with current Va. Code §15.2-2286.

#### **SUMMARY & RECOMMENDATION**

The approval of zoning text amendments to Chapter 70, Article IV (Site Plan) of the Town Code will allow the Zoning Administrator to approve site plans if there is no Planning Director on staff. This enables there to always be an approval agent for such applications, as the role of Director of Planning and Community Development has changed titles over time depending on the organizational layout of the Town Manager. As such, staff recommends that the Town Council approve these zoning text amendments as referenced in the approval resolution.

**STAFF CONTACT:** Nick Cicero, Principal Planner- 703-221-3400 x 140.



## **AGENDA ITEM REQUEST FORM**

### **Item Type**

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### **Statement of Purpose**

RESOLUTION INITIATING AMENDMENTS TO CHAPTER 70 (ZONING), ARTICLE IV, OF THE CODE OF THE TOWN OF DUMFRIES.

### **Background/References**

These amendments will allow the Planning Director and Zoning Administrator approve site plans.

### **Fiscal Impact**

N/A

### **Suggested Motion**

Move to Initiate Zoning Text Amendment ZTA2023-001 as referenced in the resolution attached.

### **Requested Meeting Date**

July 11, 2023

### **Attachments**

- Resolution



**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON ON JUNE 20, 2023: ON A MOTION DULY MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:**

Tyrone A. Brown, \_\_\_\_;  
Brian K. Fields, \_\_\_\_;  
Selonia B. Miles, \_\_\_\_;  
Monae S. Nickerson, \_\_\_\_;  
Shaun R. Peet, \_\_\_\_.  
Caetrina A. Peterson, \_\_\_\_;;  
Derrick R. Wood, \_\_\_\_;

**RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADVERTISE PUBLIC HEARINGS FOR CONDITIONAL USE PERMIT AMENDMENT APPLICATION, CUPA 2019-003, TO ALLOW UP TO TEN ADDITIONAL GAMING MACHINES, NOT TO EXCEED 160 TOTAL MACHINES, TO THE EXISTING GAMING FACILITY AT 18059-18139 TRIANGLE SHOPPING PLAZA.**

**WHEREAS**, Colonial Downs Group, LLC submitted a Conditional Use Permit Amendment application, CUPA 2019-003, to the Town of Dumfries Department of Planning and Community Development; and

**WHEREAS**, the Town Council desires the Department of Planning and Community Development to provide a staff report and recommendation to the Planning Commission and to the Town Council for CUPA2019-003; and

**WHEREAS**, the Town Council desires CUPA2019-003 be forwarded to the Planning Commission for public hearing, review, and recommendation to Town Council; and

**WHEREAS**, pursuant to the requirements in the Town Code and all other applicable laws, the Town Council further desires to deliberate upon and review CUPA2019-003 and provide the public with the opportunity to be heard on the application.

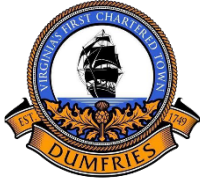
**NOW, THEREFORE, BE IT RESOLVED** by Town Council that the Town Manager is authorized to advertise for public hearings to consider an action on conditional permit application CUPA2019-003 before the Planning Commission and Town Council, respectively.

**By Order of Council:**

\_\_\_\_\_  
Derrick R. Wood, Mayor

**ATTEST:**

\_\_\_\_\_  
Tangi Hill, Town Clerk



## **AGENDA ITEM REQUEST FORM**

### **Item Type**

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### **Statement of Purpose**

RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADVERTISE PUBLIC HEARINGS ON THE CONDITIONAL USE AMENDMENT APPLICATION, CUPA2019-003, for Colonial Downs Group, LLC.

### **Background/References**

Colonial Downs Group LLC has submitted an application to amend the previously approved Conditional Use Permit. The only substantive change is the allowance of up to 10 more gaming machines in the existing facility, for a total not to exceed 160 machines.

### **Fiscal Impact**

N/A

### **Suggested Motion**

Approve resolution to authorize public hearing for CUPA2019-003 on July 11, 2023

### **Requested Meeting Date**

June 20, 2023

### **Attachments**

- Resolution

**MOTION:**

**MEETING DATE: June 20, 2023**

**SECOND:**

**RE: AUTHORIZE CLOSED MEETING**

**WHEREAS**, the Town Council of the Town of Dumfries desires to discuss in closed meeting the following matter:

1. One personnel matter relating to the appointed Acting Town Attorney pursuant to Va. Code §§2.2-3711.A.(1);

**WHEREAS**, pursuant to Va. Code § 2.2-3711.A(1) discussion of such personnel matter may occur in closed meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Dumfries does hereby authorize discussion of the aforesated matter in closed meeting.

**VOTE**

**AYES:**

**NAYS:**

**ABSTAIN:**

**ABSENT:**

**MOTION:**

**MEETING DATE: June 20, 2023**

**SECOND:**

**RE: CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Town Council of the Town of Dumfries has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Va. Code §2.2-3712 requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Dumfries hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

**VOTE**

**AYES:**

**NAYS:**

**ABSTAIN:**

**ABSENT:**