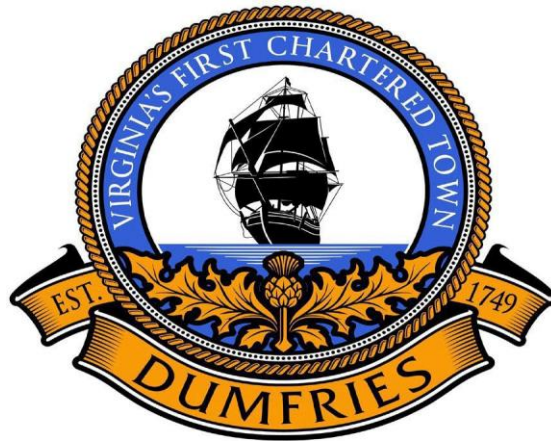


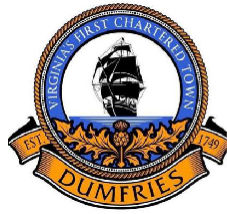
# Town of Dumfries Council Meeting Packet



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

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

October 17, 2023



## 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)

**DUMFRIES TOWN COUNCIL  
MEETING TUESDAY, OCTOBER 17, 2023  
AT 7:00 PM  
COUNCIL CHAMBERS**

- I. Call to Order and Roll Call
- II. Invocation
- III. Pledge of Allegiance
- IV. Adoption of Agenda
- V. Awards and Proclamations
  - A. Breast Cancer Awareness Month Proclamation – Vice Mayor Nickerson
  - B. Cybersecurity Awareness Month Proclamation – Mayor Derrick Wood
  - C. Community Clean-Up Month Proclamation – Mayor Derrick Wood
- VI. Approval of Minutes
  - A. Minutes of the October 3, 2023, Meeting
- VII. Citizen Comment Period
- VIII. Reports and Presentations
  - A. Boys & Girls Club Presentation – Judy Moore, Branch Director, Boys & Girls Club of Greater Washington - General Heiser Branch
  - B. Davenport Public Finance Presentation – Ben Wilson, Vice President, Davenport Public Finance
  - C. Town of Dumfries Strategic Planning Presentation – Jane Dittmar, Project Consultant, Virginia Institute of Government
  - D. 1<sup>st</sup> Quarter Budget vs. Actuals FY2024 – Stacey Jordan, Chief Financial Officer

E. Introduction of New Dumfries Police Officers – Vernon Gaylen, Chief of Police

F. Town Manager's Report – Tangela Innis, Town Manager

IX. Action Items (Public Hearing)

A. Public Hearing Authorizing the Issuance and Sale of General Obligation Bond Anticipation Notes – Stacey Jordan, Chief Financial Officer

B. Public Hearing on a Conditional Use Application, CUP23-002, Submitted by Dumfries Purchaser, LLC to Permit a Convenience Store with Gasoline Sales with Off Premise Wine and Beer Sales, Food Service and Electrical Vehicle Charging Stations as Accessory Uses at 3600 Pointe Center Court – Reginald Tabor, Director of Planning, Community, and Economic Development

C. Public Hearing on Proposed Zoning Text Amendments to Secs. 70-1, 70-14 and a New Section Relating to Sign Regulations in the B-1 Zoning District to Allow a Comprehensive Sign Plan Within the B-1 Zoning District – Reginald Tabor, Director of Planning, Community, and Economic Development

D. Public Hearing on an Ordinance Adopting a Town Code Chapter 70, Zoning, Section 70-22 Text Amendment Regarding Temporary Use – Reginald Tabor, Director of Planning, Community, and Economic Development

X. Adjournment



## BREAST CANCER AWARENESS MONTH PROCLAMATION OCTOBER 2023

**WHEREAS**, breast cancer is a disease that affects millions of individuals and their families, causing physical and emotional challenges that demand our attention and support; and

**WHEREAS**, Breast Cancer Awareness Month is observed annually in October, providing an opportunity for individuals, communities, and organizations to come together to raise awareness, promote early detection, and support those affected by breast cancer; and

**WHEREAS**, the importance of early detection through regular breast cancer screenings, such as mammograms and clinical breast exams, cannot be overstated, as it significantly increases the chances of successful treatment and survival; and

**WHEREAS**, research and advances in medical science continue to improve our understanding of breast cancer and its treatment, giving hope to those affected by the disease; and

**WHEREAS**, breast cancer is the second most common cancer in women and African American women have a 40% mortality rate, which is the highest of any United States race or ethnic group; and

**WHEREAS**, it is our duty to honor and remember those who have lost their lives to breast cancer, to support those currently battling the disease, and to celebrate the survivors who inspire us with their courage and resilience; and

**WHEREAS**, raising awareness about breast cancer and promoting education on risk factors, prevention, and available resources can save lives; and

**WHEREAS**, Dr. Vanessa Gattis, a survivor of breast cancer, is living proof that there is hope after the diagnosis.

**NOW, THEREFORE**, the Dumfries Town Council do hereby proclaim the month of October as **Breast Cancer Awareness Month**. We call upon all individuals, businesses, healthcare providers, and community organizations to join in raising awareness, supporting those affected by breast cancer, and promoting early detection.

Let us unite in the fight against breast cancer, working together to ensure that all individuals, have access to the information and resources they need to protect their health and wellbeing.

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By Order of the Town Council  
Derrick R. Wood, Mayor  
October 17, 2023





## **CYBER SECURITY AWARENESS MONTH PROCLAMATION OCTOBER 2023**

**WHEREAS**, the Town of Dumfries recognizes the critical importance of cybersecurity in safeguarding our community's digital infrastructure, personal information, and sensitive data; and

**WHEREAS**, the proliferation of digital technology and the intent has led to increased connectivity and convenience, but has also exposed individuals, organizations, and governments to cyber threats, which can result in financial loss, privacy breaches, and significant disruptions; and

**WHEREAS**, the Town of Dumfries is committed to promoting a culture of cybersecurity awareness among its residents, businesses, and employees to enhance the overall cybersecurity posture of our community; and

**WHEREAS**, October is recognized nationally as Cyber Security Awareness Month, providing an opportunity for individuals and organizations to come together to raise awareness about cybersecurity and educate our community about the importance of cyber hygiene, threat prevention, and incident response; and

**WHEREAS**, by fostering a better understanding of cybersecurity risks and best practices, we can empower our community to protect against cyber threats and contribute to the resilience and security of the Town of Dumfries.

**NOW, THEREFORE**, the Dumfries Town Council do hereby proclaim the month of October 2023 as **CYBER SECURITY AWARENESS MONTH** in the Town of Dumfries and urge all residents, businesses, schools, and organizations to join in this observance. I encourage you to participate in educational activities, engage in cybersecurity training, and take proactive steps to secure your digital presence.

Let us work together to create a safer, more secure digital environment for our community and future generations.

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By Order of the Town Council  
Derrick R. Wood, Mayor  
October 17, 2023



## COMMUNITY CLEAN UP MONTH PROCLAMATION OCTOBER 2023

**WHEREAS**, the Town of Dumfries takes pride in the beauty and cleanliness of our community; and

**WHEREAS**, maintaining a clean and litter free environment contributes to the overall well being, health, and safety of our residents; and

**WHEREAS**, a clean community promotes civic pride, economic development, and a sense of community among our residents; and

**WHEREAS**, the Town of Dumfries recognizes the importance of environmental stewardship and the preservation of our natural resources; and

**WHEREAS**, the Prince William Clean Community Council organized in 1982 as a spring clean up effort;

**WHEREAS**, in 2012, Prince William Cleanup Council became Keep Prince William Beautiful; and

**WHEREAS**, Keep Prince William Beautiful has partnered with the Town of Dumfries to offer a Fall and Spring Clean Ups to promote sustainable practices and reduce the environmental impact of litter and pollution in the Town of Dumfries; and

**WHEREAS**, the Town of Dumfries believes that active participation by residents and volunteers in our community clean up efforts can make a significant difference in the appearance and quality of life in our town.

**NOW, THEREFORE**, the Dumfries Town Council, do hereby proclaim the month of October 2023 as **COMMUNITY CLEAN UP MONTH** in the Town of Dumfries.

We call upon all residents, businesses, community organizations, and schools to join together with Keep Prince William Beautiful and the Dumfries Public Works Department in making a concerted effort to clean up our town during this month. Let us take pride in our community and work together to reduce litter, improve our environment, and enhance the quality of life for all.

Throughout this month, we encourage residents to organize clean-up events, participate in recycling initiatives, and take proactive steps to maintain a litter free and beautiful community.

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By Order of the Town Council  
Derrick R. Wood, Mayor  
October 17, 2023

**DUMFRIES TOWN COUNCIL  
MEETING MINUTES  
TUESDAY, OCTOBER 3, 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/watch?v=v8oMef0yrvw>*

**Call to Order and Roll Call**

At 7:02 PM, Mayor Derrick Wood called the meeting to order. The following members were recorded as present: Brown, Fields, Peet, Miles, Peterson, Nickerson, and Wood.

**Invocation**

The invocation was led by Pastor James R. Knill of Concordia Lutheran Church in Triangle, Virginia.

**Pledge of Allegiance**

Mayor Derrick Wood asked all to stand for the Pledge of Allegiance.

**Adoption of the Agenda**

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

**Awards and Proclamations**

The following proclamations were presented:

Prince William Community Foundation and World Food Day by Vice Mayor Nickerson.

Community Planning Month Proclamation by Mayor Derrick Wood.

Domestic Violence Awareness Month Proclamations by Chair Pro Tem Miles.

Prostate Cancer Awareness Month Proclamation by Councilman Brown.

## **Approval of Minutes**

Minutes of September 19, 2023, Regular Meeting and September 28, 2023, Special Meeting.

On a motion by Chair Pro Tem Miles, seconded by Vice Mayor Nickerson, to approve the Dumfries Town Council Meeting Minutes of the September 19, 2023, Regular Meeting and the September 28, 2023, Special Meeting. Vote 7-0-0 (Yes: Nickerson, Brown, Peterson, Fields, Peet, Miles, and Wood; No: N/A; Abstain: N/A).

## **Citizen Comment Period**

No citizens signed up or volunteered for the Citizen Comment Period.

## **Mayor and Council Comments**

The Mayor and Council provided their comments.

## **Reports and Presentations**

### Historic Dumfries

Abbigail Alm, Historic Dumfries Site Manager, presented the Historic Dumfries Virginia quarterly report.

### Proclamation

General Proclamation for Business Work in our Community Honoring Garold "Mo" Mobley of Mosaic Barbershop by Vice Mayor Nickerson.

### Chiropractic Presentation

Dr. Reza gave a presentation regarding chiropractic care.

After Dr. Reza's presentation, there was a stretch break between 8:32 PM and 8:42 PM. Councilman Peet came back to the dais at 8:45 PM.

## **Action Items (Public Hearing)**

Public Hearing to Amend the Zoning Text Ordinance to Chapter 70 (Zoning), Article I and V, of the Code of the Town of Dumfries to Update the Nonconforming Signs and Highway Realignment or Condemnation Sections to Comply with the Code of Virginia §33.2-1230 – Reginald Tabor, Director of Planning, Community, and Economic Development.

After the Public Hearing, on a motion by Councilman Peet, seconded by Councilman Fields, to amend the Zoning Text Ordinance to Chapter 70 (Zoning), Article I and V, of the Code of the Town of Dumfries to Update the Nonconforming Signs and Highway Realignment or Condemnation Sections to Comply with the Code of Virginia §33.2-1230. Vote 7-0-0 (Yes: Peterson, Brown, Fields, Peet, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

Public Hearing to Adopt the Resolution for the Naming of the Rescue Building – Jonet Prevost-White, Director of Public Works.

After the Public Hearing, on a motion by Chair Pro Tem Miles, seconded by Vice Mayor Nickerson, to Adopt the Resolution for the Naming of the Rescue Building to the Clyde N. Washington, Jr. Community and Recreation Center. Vote 7-0-0 (Yes: Peet, Miles, Nickerson, Brown, Peterson, Fields, and Wood; No: N/A; Abstain: N/A).

Public Hearing to Adopt an Ordinance Amending the Town Code Requiring Criminal Background Checks – Tangelia Innis, Town Manager.

After the Public Hearing, on a motion by Councilman Peet, seconded by Chair Pro Tem Miles, to Adopt an Ordinance Amending the Town Code Requiring Criminal Background Checks. Vote 7-0-0 (Yes: Nickerson, Brown, Peterson, Miles, Fields, Peet, and Wood; No: N/A; Abstain: N/A).

Resolution Authorizing the Scheduling of a Public Hearing on a Conditional Use Application, CUP23-002, Submitted by Dumfries Purchaser, LLC to Permit a Convenience Store with Gasoline Sales Off Premise Wine and Beer Sales, Food Service and Electrical Vehicle Charging Stations as Accessory Uses at 3600 Pointe Center Court (Public Hearing Scheduled for October 17, 2023).

On a motion by Councilman Peet, seconded by Vice Mayor Nickerson, to schedule a Public Hearing for a Resolution Authorizing the Scheduling of a Public Hearing on a Conditional Use Application, CUP23-002, Submitted by Dumfries Purchaser, LLC to Permit a Convenience Store with Gasoline Sales Off Premise Wine and Beer Sales, Food Service and Electrical Vehicle Charging Stations as Accessory Uses at 3600 Pointe Center Court for October 17, 2023. Vote 7-0-0 (Yes: Fields, Peet, Miles, Peterson, Brown, Nickerson, and Wood; No: N/A; Abstain: N/A).

Resolution Initiating Consideration of a Town Code Zoning Text Amendment to Allow Consideration of Comprehensive Sign Plan Within the B-1 Zoning District – Reginald Tabor, Director of Planning, Community, and Economic Development.

On a motion by Vice Mayor Nickerson, seconded by Councilman Fields, to adopt a Resolution Initiating Consideration of a Town Code Zoning Text Amendment to Allow Consideration of Comprehensive Sign Plan Within the B-1 Zoning District. Vote 7-0-0 (Yes: Miles, Peet, Fields, Peterson, Brown, Nickerson, and Wood; No: N/A; Abstain: N/A).

Emergency Ordinance to Extend Established Emergency Procedures for the Continuity and Operation of the Government Due to Severe Flooding and Tropical Storm Impacts – Tangela Innis, Town Manager.

Town Manager Innis informed Mayor Wood and the Council that the item was revised and inserted in their agenda packet to reflect edits by the Town Attorney before their meeting. On a motion by Chair Pro Tem Miles, seconded by Councilman Peet, to adopt the Emergency Ordinance to Extend Established Emergency Procedures for the Continuity and Operation of the Government Due to Severe Flooding and Tropical Storm Impacts that began on September 22, 2023, and ended on September 24, 2023. Vote 7-0-0 (Yes: Brown, Peterson, Peet, Fields, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

**Closed Session**

Two Personnel Matters Pursuant to Va. Code §2.2-3711. A. (1) Relating to a Discussion, Consideration, or Interview(s) of Prospective Candidates(s) for the Position of Town Attorney; and Discussion of the 90 Days Performance Review of the Town Manager.

On a motion by Mayor Wood, seconded by Vice Mayor Nickerson, the Council convened in Closed Session at 9:23 PM for Two Personnel Matters Pursuant to Va. Code §2.2-3711. A. (1) Relating to a Discussion, Consideration, or Interview(s) of Prospective Candidates(s) for the Position of Town Attorney; and Discussion of the 90 Days Performance Review of the Town Manager. Vote 7-0-0 (Yes: Peet, Fields, Miles, Nickerson, Brown, Peterson, and Wood; No: N/A; Abstain: N/A).

On a motion by Vice Mayor Nickerson, seconded by Councilman Peet, the Council concluded Closed Session and reconvened in Open Session at 10:43 PM, certifying that only the matters required in closed session were discussed. Vote 7-0-0 (Yes: Peet, Miles, Fields, Nickerson, Brown, Peterson, and Wood; No: N/A; Abstain: N/A).

On a motion by Mayor Wood, seconded by Vice Mayor Nickerson, to appoint Sandra Robinson as the Town Attorney. Vote 7-0-0 (Yes: Peterson, Brown, Nickerson, Miles, Peet, Fields, and Wood; No: N/A; Abstain: N/A).

On a motion by Vice Mayor Nickerson, seconded by Chair Pro Tem Miles, to increase the annual salary of the Town Manager Tangela Innis by \$5,000.00. Vote 7-0-0 (Yes: Peet, Brown, Fields, Peterson, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

### **Adjournment**

Mayor Wood adjourned the meeting at 10:46 PM.



**BOYS & GIRLS CLUBS**  
OF GREATER WASHINGTON

**Our Mission**

**Boys & Girls Clubs of Greater Washington mission is to help boys and girls of all backgrounds, especially those who need us most, build confidence, develop character and acquire the skills needed to become productive, civic-minded, responsible adults.**





## BGCGW 5 Key Elements

- Create a **SAFE**, positive environment
- Generate **FUN** and foster a sense of belonging
- Encourage **SUPPORTIVE RELATIONSHIPS** with peers and adults
- Provide **OPPORTUNITIES** and set expectations
- Offer **RECOGNITION** for positive behavior

# GREAT FUTURES START HERE

# FORMULA FOR

# IMPACT

**YOUNG PEOPLE  
WHO NEED US MOST**

**+**

**OUTCOME-DRIVEN  
CLUB EXPERIENCE**

**=**

**PRIORITY OUTCOMES**



**FIVE KEY ELEMENTS  
FOR POSITIVE YOUTH DEVELOPMENT**

•  
**HIGH-YIELD  
ACTIVITIES**

•  
**TARGETED  
PROGRAMS**

•  
**REGULAR  
ATTENDANCE**



Graduate from high school ready for college, trade school, military or employment



Be an engaged citizen involved in the community, register to vote and model strong character



Adopt a healthy diet, practice healthy lifestyle choices and make a lifelong commitment to fitness



## Demonstrating Our Positive Impact



### ACADEMIC SUCCESS

#### The Need

15% of young people in Prince George's County fail to graduate from high school on time.<sup>2</sup>

#### What We Do

BGGGW provides tutoring to each member and works closely with PGCPSC Community Support Coordinator to ensure youth academic needs are met.

#### Our Impact

BGGGW after-school enrichment saw a **26%** increase with students improving their grades.

## The Boys & Girls Clubs Partnership Benefits & Impact



### GOOD CHARACTER AND CITIZENSHIP

#### The Need

5% of high-school youth in Prince George's County were involved in a physical fight in the past year.<sup>3</sup>

#### What We Do

Programs such as Torch Club and Street Smart give our members the opportunity to demonstrate the positive impact youth can have in the community.

#### Our Impact

Members from Nicholas Orem Middle School helped prepare over 260 meals and made watercolor design quilts for First Responders.



### HEALTHY LIFESTYLES

#### The Need

16% of young people ages all in Prince George's County are overweight or obese.<sup>4</sup>

#### What We Do

BGGGW partnered with M-NCPPC to speak about daily healthy habits and demonstrate physical movements such as yoga and simple exercises.

#### Our Impact

**99%** of Club members ages 9 and older get at least an hour of physical activity five days a week.

# What We Do Well

Education

Leadership & Service

The Arts

Health & Wellness

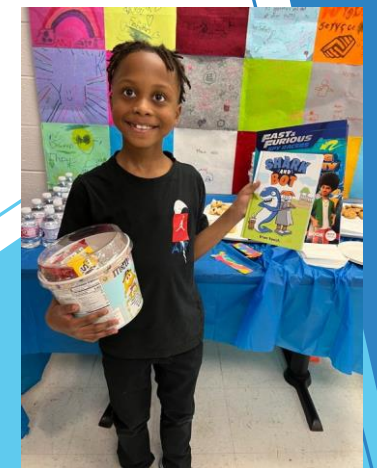
Sports & Recreation





## BGCGW Target Programs

- ▶ **Career Launch** prepares teens for our nation's workforce
- ▶ **Diplomas 2 Degrees** a college readiness program
- ▶ **Smart Moves** helps young people build the social-emotional skills to make healthy decisions and avoid risky behaviors
- ▶ **Money Matters** help youth expand their knowledge of money management
- ▶ **Youth of the Year** is a role model, leader and advocate for over 3.6 million youth served by Boys & Girls Clubs each year, and all of America's young people
- ▶ **STEM** advance STEM knowledge and increase interest in STEM-related careers.
- ▶ **Triple Play** improve the overall health of members by increasing their daily physical activity,
- ▶ **Power Hour** increase academic success to better prepare Club youth to enter the workforce and higher education institutions



# Discussion Materials | Bank RFP Results

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Town of Dumfries, Virginia



October 17, 2023

# Overview | Bank RFP Process



- On behalf of the Town, Davenport & Company LLC (“Davenport”) distributed a request for proposals (“RFP”) to over 100 local, regional, and national banks for two General Obligation Bond Anticipation Notes (the “2023 BANs”), as follows:
  - A Tax-Exempt \$5,250,000\* General Obligation Bond Anticipation Note, Series 2023A, (the “2023A BAN”) that would fund various Town capital improvement projects (including but not limited to the purchase of land and vehicles); and
  - A Taxable \$1,375,000\* General Obligation Bond Anticipation Note, Series 2023B (the “2023B BAN”) that would settle an existing lawsuit.
  
- The RFP requested proposals for five-year notes that only require payments of interest until the five-year term is complete.
  - A structure of this nature allows the Town time to begin realizing revenues associated with The Rose Gaming Resort before deciding to pay for these needs with cash or refinance the 2023 BANs over a longer period of time.

# Proposal Comparison



- On October 6, 2023, the Town received proposals from two banks:
  - Capital One Public Funding
  - M&T Bank
  
- A summary of the proposed interest rates and certain key terms and conditions is shown below.

|                        | Capital One   | M&T Bank                         |
|------------------------|---|----------------------------------|
| 2023A BAN (Tax-Exempt) |   |                                  |
| Proposed Interest Rate | 4.95%   | 4.94%                            |
| Annual Interest Cost   | \$259,875   | \$259,350                        |
| 2023B BAN (Taxable)    |   |                                  |
| Proposed Interest Rate | 6.75%   | 6.34%                            |
| Annual Interest Cost   | \$92,813  | \$87,175                         |
| Key Terms & Conditions |   |                                  |
| Prepayment             | Non-Callable until 1/15/26, then at par in whole any time and in part on a payment date | Whole/Part, Any Time, No Penalty |
| Other Fees             | None  | \$6,000 Legal Fees               |

(1) Indicative interest rate. Floats with the market until the Town notifies the bank of selection.





# Recommendation & Next Steps

- Davenport respectfully recommends that the Town move forward with the M&T Bank proposal because it meets all of the Town’s goals and objectives for the financing, including:
  - Lowest all-in cost of funding that is fixed until final maturity (interest rates can be locked in for the anticipated Closing in early November).
  - Flexibility to prepay the 2023 BANs, in whole or part, at any time without penalty.
  - Preferred structure of a 5-year note, providing time to begin realizing new revenues before needing to make a decision on the long-term funding for these needs.

| Timing                                | Action   |
|---------------------------------------|--|
| October 17                            | Town Council Meeting <ul style="list-style-type: none"><li>■ Davenport presents results of RFP process.</li><li>■ Town Council considers selecting winning proposer.</li><li>■ Public Hearing held for the issuance of the 2023 BANs.</li><li>■ Town Council considers authorizing resolution for the issuance of the 2023 BANs.</li></ul> |
| Balance of October/<br>Early November | Working Group coordinates to finalize documents and numbers.   |
| Week of November 6                    | Close on Direct Bank Loan.   |



The enclosed information relates to an existing or potential municipal advisor engagement.

The U.S. Securities and Exchange Commission (the "SEC") has clarified that a broker, dealer or municipal securities dealer engaging in municipal advisory activities outside the scope of underwriting a particular issuance of municipal securities should be subject to municipal advisor registration. Davenport & Company LLC ("Davenport") has registered as a municipal advisor with the SEC. As a registered municipal advisor Davenport may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Davenport to provide financial advisory or consultant services with respect to the issuance of municipal securities, Davenport is obligated to evidence such a financial advisory relationship with a written agreement.

When acting as a registered municipal advisor Davenport is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests. Davenport is not a fiduciary when it acts as a registered investment advisor, when advising an obligated person, or when acting as an underwriter, though it is required to deal fairly with such persons.

This material was prepared by public finance, or other non-research personnel of Davenport. This material was not produced by a research analyst, although it may refer to a Davenport research analyst or research report. Unless otherwise indicated, these views (if any) are the author's and may differ from those of the Davenport fixed income or research department or others in the firm. Davenport may perform or seek to perform financial advisory services for the issuers of the securities and instruments mentioned herein.

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The value of and income from investments and the cost of borrowing may vary because of changes in interest rates, foreign exchange rates, default rates, prepayment rates, securities/instruments prices, market indexes, operational or financial conditions or companies or other factors. There may be time limitations on the exercise of options or other rights in securities/instruments transactions. Past performance is not necessarily a guide to future performance and estimates of future performance are based on assumptions that may not be realized. Actual events may differ from those assumed and changes to any assumptions may have a material impact on any projections or estimates. Other events not taken into account may occur and may significantly affect the projections or estimates. Certain assumptions may have been made for modeling purposes or to simplify the presentation and/or calculation of any projections or estimates, and Davenport does not represent that any such assumptions will reflect actual future events. Accordingly, there can be no assurance that estimated returns or projections will be realized or that actual returns or performance results will not materially differ from those estimated herein. This material may not be sold or redistributed without the prior written consent of Davenport. Version 01.01.23 | SS | BW | RK | DR |



***DRAFT PLAN – This Strategic Plan is submitted to the Town Council of Dumfries Virginia for consideration and possible adoption on October 17, 2023. It is the product of two Council extended work sessions held in 2023, review of all significant Town documents and reports, and numerous interviews and meetings with individual Council members and Professional Staff. Please note: Goal Statements are not ranked in order of importance.***

**VISION STATEMENT:**

We envision a vibrant main street community with active citizens and a well-managed government.

**MISSION STATEMENT:**

Our mission is to transform Dumfries in to an inviting, diverse, and inclusive community for those who reside and visit.

**GOAL STATEMENT: Enhancing Public Safety in Dumfries**

Dumfries will provide the highest quality of public safety through police visibility and fostering a community where residents and officers work collaboratively to prevent crime and ensure the safety and wellbeing of all.

Objective: Increase Community Policing and Police Involvement: Expand community policing initiatives to strengthen officers’ involvement and visibility within neighborhoods including bike and foot patrols.

- Organize regular community engagement events to enhance police-community interactions.
- Continue innovative Police outreach strategies to foster positive relationships and trust.

Objective: Continue Annual Crisis Intervention and De-Escalation Training

- Provide specialized training to all officers in crisis intervention and de-escalation techniques.
- Develop response protocols specifically tailored to address situations involving individuals with disabilities and mental health issues, emphasizing empathy, and understanding.

Objective: Strengthen Relationships with Prince William County Policing Efforts

- Collaborate closely with Prince William County policing agencies to improve coordination and resource sharing.

Objective: Secure Modern Equipment for the Police Force

- Identify and secure funding opportunities to equip the police force with modern and efficient tools and technology that enhance safety, response times, and effectiveness in their duties.

Objective: Recruit and Retain a Professional Police Department

- Enhance strategies and implement a recruitment effort that is focused on attracting a diverse pool of candidates to the police force.
- Develop strategies to increase retention.

Objective: Launch Public Safety Education Initiatives:

- Enhance marketing efforts to increase attention or attendance for public safety education campaigns. Target residents, schools, and community organizations to raise awareness about crime prevention, safety measures and emergency preparedness.
- Promote community involvement in crime prevention efforts.

### **GOAL STATEMENT: Well Managed Government**

Foster a well-managed government that is accountable, transparent, and efficient to serve the best interests of Dumfries residents.

Objective: Implement policies that promote high service levels and accountability measures

- Clearly define the standards of procedure (SOP) for each service provided.
- Develop policies to enhance the quality and accessibility of services.
- Establish performance metrics and key performance indicators (KPIs) to measure the effectiveness of each function.
- Initiate reporting on performance and regularly evaluate effectiveness to make adjustments. Review progress with Town Council.
- Annually refresh, update tactics and other details in the 2024-2027 Strategic Plan.

Objective: Hire and retain a fully staffed Town government of qualified professionals

- Develop a workforce plan to prepare for growth.
- Conduct comprehensive recruitment efforts to attract skilled and dedicated individuals to Town government positions.
- Provide ongoing professional development opportunities to staff members.
- Implement retention strategies to ensure that qualified employees stay with the Town long-term.

Objective: Promote cooperation and collaboration among governing teams (Council and Staff)

- Foster an environment of open communication and mutual respect between Council and Staff.
- Encourage team-building activities and recognition programs to foster a positive workplace culture.
- Address workplace conflicts promptly and constructively.

Objective: Maintain a balanced budget

- Ensure the annual budget aligns with the Town's priorities and revenue sources.
- Monitor expenses and revenues regularly to ensure fiscal responsibility.
- Seek cost-saving opportunities while preserving essential services.

Objective: Keep ordinances up to date

- Conduct periodic reviews of Town ordinances and regulations.
- Propose necessary updates and revisions to reflect changing community needs and legal requirements.
- Ensure that residents are informed about any changes to ordinances.

Objective: Be known for integrity in the work of Professional Staff and Town Council

- Uphold the highest ethical standards in all government activities.
- Promote accountability, transparency, and honesty in decision-making processes.
- Establish a reputation for trustworthiness and ethical conduct.

### **Goal Statement: Economic Development and Infrastructure**

Foster a vibrant and resilient community that attracts businesses, supports job creation, improves quality of life, and ensures the long-term well-being of our residents.

Objective: Focus Town Plans and Processes on Economic Development

- Review and revise the Comprehensive Plan to prioritize economic development initiatives.
- Develop a Town-wide Master Plan focused on economic development.
- Ensure the plans include strategies for attracting new businesses, fostering job growth, and enhancing the local economy.
- Streamline permitting processes and other business friendly policies to make it easier for businesses to establish and operate in Dumfries.
- Encourage adaptive reuse projects that align with the Town's economic and community development goals.

Objective: Develop a Vibrant Mainstreet

- Revitalize the main commercial district to create a vibrant and pedestrian-friendly environment.
- Implement beautification efforts, support local businesses, and encourage community engagement in the Main Street area.

- Apply to the Virginia Department of Housing and Community Development to be designated as a Virginia Main Street Community.

**Objective: Ensure Beautiful Outdoor Spaces**

- Enhance the aesthetics and functionality of the Town’s public spaces.
- Promote activities, amenities, and attractions that draw residents and tourists to the Town’s community and commercial spaces.
- Implement landscaping, public art, and infrastructure improvements to create attractive and enjoyable spaces for residents and visitors.
- Develop a comprehensive gateway and wayfinding standards for Dumfries.
- Develop a small area plan for waterfront development, balancing economic opportunities with environmental preservation.
- Seek funding sources and collaborate with utility companies to develop a plan for burying powerlines to enhance the Town's aesthetics and increase resiliency during severe weather events.

**Objective: Ensure Residents Have Equitable Access**

- Help connect income-based residents to programs and services that address their needs and concerns.
- Create mixed income housing initiatives and services that improve the quality of life for all residents.
- Improve digital connectivity and affordability to enhance education, communication and facilitate remote work opportunities.

**Objective: Identify Funding Sources**

- Conduct a thorough assessment of potential funding sources, including grants, partnerships, local revenue streams and cost sharing opportunities.
- Identify diversified funding to support economic development and infrastructure projects.
- Develop strong relationships with other government partners to identify and successfully secure grants and other funding streams that require multi-jurisdictional applications.
- Explore establishing an Economic Development Authority (EDA) or partner with Prince William County’s EDA to attract investment and drive economic growth.

**Objective: Quarterly Updates on Projects**

- Provide regular and transparent updates on economic development and infrastructure projects to the Town Council.
- Keep residents and businesses informed about progress, challenges, and milestones.

**Goal Statement: Civic Engagement**

Create a stronger sense of community by fostering meaningful resident engagement, encouraging participation and collaboration in decision-making processes and community activities.

Objective: Encourage residents and businesses to collaborate on communication pathways and event programming

- Implement the GoGov app.

Objective: Celebrate and showcase community achievements

- Establish events and platforms that celebrate and highlight the accomplishments and talents of community members to foster community pride and unity.
- Build new and enhance existing relationships between the community and Town government through outreach programs and engagement opportunities.
- Make sure plans are presented with clear budgets and available resources for successful implementation.

Objective: Measure and track resident response to communication outreach and attendance at Town meetings and events

- Implement data-driven measurement tools to assess the effectiveness of communication outreach efforts.
- Track resident attendance and participation at Town meetings and events to gauge community engagement levels.
- Establish a reporting system to provide the Town Council with regular updates on the status and progress of approved projects.

Objective: Utilize digital and social media platforms

- Increase program content to better utilize the public access channel.
- Leverage digital and social media platforms to disseminate information, engage residents, and promote community events and initiatives.
- Maintain an active online presence to reach a broader and more diverse audience.
- Enhance relationships with traditional media to promote coverage of Town meetings and activities.

Objective: Partner with non-governmental organizations (NGOs) to leverage more program impact:

- Collaborate with NGOs and other community groups to pool resources and expertise in support of programs and services.
- Maximize the reach and effectiveness of support programs through strategic partnerships and shared goals.

## **Goal Statement: Affordability and Livability**

Create an inclusive and financially sustainable environment where residents of all ages and backgrounds have access to quality housing, essential services, employment, and recreational opportunities.

Objective: Create more transportation options for residents to increase access to Dumfries recreation opportunities and Town events

- Evaluate and expand public transportation services and alternative mobility options to connect residents with recreational facilities and Town events by collaborating with Potomac Rappahannock Transportation Commission (PRTC).
- Develop transportation initiatives that address the needs of diverse age groups and abilities within the Town.

Objective: Maintain a clean environment and well-kept public spaces

- Ensure regular maintenance schedules and environmental conservation efforts to ensure clean and well-maintained public spaces. Explore increasing maintenance activities especially in areas that need special attention due to higher usage (e.g., Ginn Park).
- Promote community engagement to help preserve Dumfries natural beauty.

Objective: Support workforce development for Town residents

- Establish workforce training programs and facilities within the Town to provide residents with access to skill development and job placement services at the regional one stop and other training centers.
- Collaborate with local businesses and educational institutions to create work-study opportunities and training partnerships.

Objective: Develop more affordable housing and senior living options

- Address the housing needs of the community by developing mixed income and affordable housing initiatives that cater to various income levels.
- Promote the development of senior living options to support the aging population and enable seniors to age in place comfortably.
- Engage in discussions with Prince William County to explore the potential benefits and implications of boundary line expansion. Evaluate the impact of expansion on services, resources, and future growth opportunities.

Objective: Develop summer programs for youth and seniors:

- Create engaging and enriching summer programs tailored to the needs and interests of both youth and seniors in the community of various physical and intellectual backgrounds.
- Promote intergenerational activities and events to foster connections within the community.
- Explore a greater focus on parks and recreation through the creation of a department with a special focus on the youth of Dumfries.
- Ensure the disability community has access to Town facilities and recreation opportunities.



Town of Dumfries  
Department of Finance  
Budget to Actuals FY24 1<sup>st</sup> QTR



# 1<sup>st</sup> QTR BUDGET TO ACTUALS

**TOWN OF DUMFRIES, VIRGINIA**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE**

**FOR THE PERIOD ENDED: SEPTEMBER 30, 2023**

| FUND |                               | REVENUE           |                   |                  |                  | EXPENDITURE      |                   |                  |                  | FUND BALANCE     |                   |                  |
|------|-------------------------------|-------------------|-------------------|------------------|------------------|------------------|-------------------|------------------|------------------|------------------|-------------------|------------------|
| FUND | DESCRIPTION                   | PRIOR YR          | BUDGET            | CURR YTD         | REMAIN           | PRIOR YR         | BUDGET            | CURR YTD         | REMAIN           | PRELIMIN-ARY BEG | CHANGE            | END              |
|      | ** General Fund Revenue **    | 9,701,515         | 9,468,843         | 1,132,007        | 8,336,836        | 7,658,183        | 9,468,843         | 3,487,322        | 5,981,521        | 6,307,153        | -2,355,315        | 3,951,838        |
|      | **Grant Fund Revenue**        | 49,696            | 49,600            | 4,414            | 45,186           | 59,198           | 49,600            | 27,188           | 22,412           | -                | -22,774           | -22,774          |
|      | ** Streets Fund Revenue **    | 325,788           | 354,714           | 88,678           | 266,036          | 287,138          | 354,714           | 7,741            | 346,973          | -                | 80,937            | 80,937           |
|      | ** Stormwater Fund Revenue ** | 139,510           | 199,130           | 5,195            | 193,935          | 79,432           | 199,130           | 17,377           | 181,753          | -                | -12,182           | -12,182          |
|      | <b>TOTAL</b>                  | <b>10,216,509</b> | <b>10,072,287</b> | <b>1,230,295</b> | <b>8,841,992</b> | <b>8,083,951</b> | <b>10,072,287</b> | <b>3,539,628</b> | <b>6,532,659</b> | <b>6,307,153</b> | <b>-2,309,333</b> | <b>3,997,820</b> |

**Notes:**

1. General Fund - 1st major revenue due date for the Town is December
2. General Fund - Unexpected Expense Litigation \$1.2M
3. Grants Fund - Award for FY24 DMV received September 30, 2023 - Reimbursable Grant
4. Stormwater - Additional fees to be collected with December RE

# 1<sup>st</sup> QTR BUDGET TO ACTUALS CONT.

## TOWN OF DUMFRIES, VIRGINIA

### STATEMENT OF REVENUES, EXPENDITURES, & CHANGE IN FUND BALANCE

#### GENERAL FUND

FOR THE PERIOD ENDED:

AS OF SEPTEMBER 30, 2023

|  | FY 2024          |                  |                  | %            |
|--|------------------|------------------|------------------|--------------|
| REVENUES                                 | BUDGET           | CURR YTD         | REMAIN           | REMAIN       |
| General Property Taxes                   | 1,380,000        | 9,973            | 1,370,027        | 99.3%        |
| Other Local Taxes                        | 3,784,081        | 865,727          | 2,918,354        | 77.1%        |
| Permits, Fees, Licenses                  | 200,000          | 131,286          | 68,714           | 34.4%        |
| Revenue from Other Governmental Entities | 3,160,451        | 1,129            | 3,159,322        | 100.0%       |
| Fines & Forfeitures                      | 195,000          | 11,951           | 183,049          | 93.9%        |
| Revenue-Use of Money/Prop                | 748,811          | 111,939          | 636,872          | 85.1%        |
| Misc. Revenue                            | 500              | 1                | 499              | 99.8%        |
| <b>TOTAL REVENUES</b>                    | <b>9,468,843</b> | <b>1,132,007</b> | <b>8,336,836</b> | <b>88.0%</b> |
| <b>TOTAL REVENUES/TRANS</b>              | <b>9,468,843</b> | <b>1,132,007</b> | <b>8,336,836</b> | <b>88.0%</b> |

# 1<sup>st</sup> QTR BUDGET TO ACTUALS CONT.

## ANALYSIS OF GENERAL FUND EXPENDITURES FOR THE PERIOD ENDED: AS OF SEPTEMBER 30, 2023

| DEPARTMENT                                | BUDGET           | CURR YTD         | REMAIN \$<br>AMOUNT | % REMAIN     | 3 MTH<br>COMPARISON | ON<br>TREND | EXPLANATION   |
|---|------------------|------------------|---------------------|--------------|---------------------|-------------|---|
| TOWN COUNCIL                              | 214,818          | 50,440           | 164,378             | 76.5%        | 53,705              | Y           |   |
| TOWN MANAGER                              | 1,252,392        | 540,763          | 711,629             | 56.8%        | 313,098             | N           | Workman's Comp Insurance payment \$137K full amount pd beginning of FY; Cancellation of Lobbying Services contract 4 months \$32K |
| FINANCE                                   | 623,591          | 114,103          | 509,488             | 81.7%        | 155,898             | Y           |   |
| TREASURER                                 | 480,173          | 90,810           | 389,363             | 81.1%        | 120,043             | Y           |   |
| ECONOMIC/PLANNING & COMMUNITY DEVELOPMENT | 381,688          | 70,773           | 310,915             | 81.5%        | 95,422              | Y           |   |
| TOWN ATTORNEY                             | 290,772          | 26,683           | 264,089             | 90.8%        | 72,693              | Y           |   |
| OFFICE OF CIVIC ENGAGEMENT                | 709,493          | 94,875           | 614,618             | 86.6%        | 177,373             | Y           |   |
| DEBT SERVICE                              | 673,963          | 418,559          | 255,404             | 37.9%        | 168,491             | N           | Paid three times a FY: Oct, Feb and April   |
| MUNICIPAL BUILDING                        | 240,000          | 45,256           | 194,744             | 81.1%        | 60,000              | Y           |   |
| NON DEPARTMENTAL SERVICES                 | 447,688          | 1,267,305        | -819,617            | -183.1%      | 111,922             | N           | Unanticipated Expense Litigation \$1.2M   |
| POLICE DEPARTMENT                         | 2,688,230        | 516,961          | 2,171,269           | 80.8%        | 672,058             | Y           |   |
| PUBLIC WORKS                              | 1,466,036        | 250,795          | 1,215,241           | 82.9%        | 366,509             | Y           |   |
| <b>TOTAL EXPENDITURES</b>                 | <b>9,468,844</b> | <b>3,487,322</b> | <b>,981,522</b>     | <b>63.2%</b> | <b>2,367,211</b>    | Y           |   |
| 30 CAPITAL PROJECTS FUND                  | 2,135,000        | 87,969           | 2,047,032           | 95.9%        | 533,750             | Y           |   |
| <b>TOTAL CAPITAL PROJECTS FUND</b>        | <b>2,135,000</b> | <b>87,969</b>    | <b>2,047,032</b>    | <b>95.9%</b> | <b>533,750</b>      |             |   |

# CONCLUSION

To address prior audit finding and adhere to providing transparency to the public the finance department has created monthly and quarterly reports that are provided to Town Council as well as posted to the Town's website.

The FY23 ACFR is due to be completed by December 15<sup>th</sup>. Robinson, Farmer and Cox onsite visit is scheduled for November 13<sup>th</sup>.



## **AGENDA ITEM REQUEST FORM**

### Item Type

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### Statement of Purpose

*To present to Council and the Public the Town of Dumfries 1<sup>st</sup> QTR FY24 Budget to Actual report.*

### Background/References

*The monthly Budget to Actuals are posted to the Town's website. A quarterly overview is provided to Council and the Public.*

### Fiscal Impact

*N/A*

### Suggested Motion

*N/A*

### Requested Meeting Date

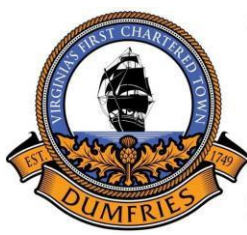
October 17, 2023

### Submitter's Name

*Stacey Jordan*

### Attachments:

- For awards and proclamations, please attach desired language



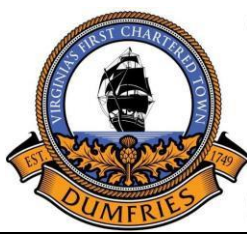
**Town Manager's Report**

October 11, 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 the Council. Please note the following updates by agency:

| Goal   | FY22 Target/Result  | FY23 Target/Result   | FY24 Target/Result   | September FY24 |
|--|---|--|--|----------------|
| <b>ADMINISTRATION</b>  |   |  |  |                |
| Receive GFOA Distinguished Budget Presentation Award   | YES/YES   | YES/YES  | YES/TBD  | TBD*           |
| Achieve 98% Collection Rate for Real Estate Taxes  | 98%/98%   | 98%/TBD  | 98%/TBD  | TBD            |
| Create and establish financial policies related to Unassigned Fund Balance, Rainy Day Fund, and Debt | Submitted and adopted by Town Council by March 30, 2022/ No | Submitted and adopted by Town Council by March 30, 2023/ Yes | Submitted and adopted by Town Council by March 30, 2024/ TBD | TBD            |
| Improve Average Customer Service Total Transaction Time  | 7 Minutes/YES   | 7 Minutes/Yes  | 7 Minutes/TBD  | 5 MINUTES      |
| Improve Accounts Payable Processing Time   | All payments will be processed within 21 days / Yes         | All payments will be processed within 21 days / Yes          | All payments will be processed within 21 days/ TBD           | 2 DAYS         |
| <b>PLANNING &amp; COMMUNITY DEVELOPMENT</b>  |   |  |  |                |
| Achieve Average Zoning Application Review Time   | 14 DAYS/YES   | 14 DAYS/YES  | 14 DAYS/TBD  | 1 DAY          |
| Achieve Average Land Use Application Review Time   | 14 DAYS/YES   | 14 DAYS/YES  | 14 DAYS/TBD  | N/A**          |



| Goal   | FY22<br>Target/Result       | FY23<br>Target/Result            | FY24<br>Target/Result       | September<br>FY24           |
|--|-----------------------------|----------------------------------|-----------------------------|-----------------------------|
| <b>POLICE</b>                                |                             |                                  |                             |                             |
| Host Regular Community Educational Workshops | 1 PER MONTH                 | 1 PER MONTH                      | 1 PER MONTH                 | 1 EVENT                     |
| Improve average response time                | TBD                         | TBD                              | TBD                         | TBD                         |
| Reduce property crime rate by 5%             | 161 total calls/<br>N/A     | 175 total calls/<br>8% increase  | TBD                         | TBD                         |
| Reduce violent crime rate by 5%              | 277 total calls/<br>N/A     | 240 total calls/<br>13% decrease | TBD                         | TBD                         |
| <b>PUBLIC WORKS</b>                          |                             |                                  |                             |                             |
| Achieve Average Permit Approval Time         | 14 DAYS/ TBD                | 14 DAYS/TBD                      | 14 DAYS/TBD                 | 3 DAYS                      |
| Increase Inspections on Private BMPs         | 50% PRIVATE/<br>100% PUBLIC | 50% PRIVATE/<br>100% PUBLIC      | 50% PRIVATE/<br>100% PUBLIC | 50% PRIVATE/<br>100% PUBLIC |

\*To Be Determined (TBD) – Anticipating Result.

\*\* Not Applicable (N/A) – Data or reporting not available.

### Community Concern

During the period of September 13, 2023 – October 12, 2023, the Town Manager’s Office did not receive any community concerns; however, below is an update on one of the unresolved concerns:

- Paving on Possum Point Road is not completed. When will it be finished? Paving is scheduled for October 23, 2023 – October 24, 2023.

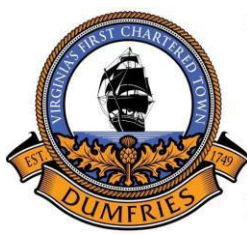
### Civic Engagement

- Dumfries Senior Club Meeting is Friday, October 20, 2023. Seniors have requested that an exercise component be added to their monthly meeting.
- Pink and Purple Brunch is Friday, October 27, 2023, at the Clyde N. Washington, Jr. Community and Recreation Center located at 3800 Graham Park Road. A total of 22 registered to date.
- Fall Festival is Saturday, October 28, 2023, at Garrison Park located at 17749 Main Street
- Movember “Men in Blue” is Wednesday, November 1, 2023, at the Clyde N. Washington, Jr. Community and Recreation Center located at 3800 Graham Park Road.
- Dumfries Christmas Tree Lighting is Friday, December 1, 2023, at Garrison Park 17749 Main Street
- Dumfries Holiday Fair is Saturday, December 2, 2023, at the Clyde N. Washington, Jr. Community and Recreation Center located at 3800 Graham Park Road.
- Dumfries Christmas Parade is Saturday, December 9, 2023
- Staff are considering a Holiday Movie Night for Friday, December 15, 2023.

### Finance/Procurement

The Town has received notification that we received the GFOA Distinguished Budgeting Presentation Award for a third consecutive year.





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

- Classification and Compensation Study - The Town has advertised its intent to award this contract to Evergreen Solution, LLC in the amount of \$35,500. The contracts are being drafted for the Town Attorney's review.
- Comprehensive Plan Review and Update – The Town has awarded this contract to Rhodeside & Harwell Inc. in the amount of \$119,990. This project has a 13-month timeframe for completion.
- Forensic Auditing Services - The Request for Proposals was advertised on October 11, 2023, with a closing date of November 13, 2023.
- Architectural and Engineering Design Services for the Adaptive Reuse of an Existing Rescue Station – The Request for Proposals was advertised on October 11, 2023, with a closing date of November 20, 2023.

### **Public Works**

- Fitness Court Ribbon Cutting – October 19, 2023 at Ginn Park
- Dumfries Fall Clean Up – October 21, 2023, at the Dumfries Community Center at 17757 Main Street from 8:30 am until 12:00 pm.

Respectfully submitted,  
*Tangela Innis*  
Town Manager

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE  
OF GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2023  
OF THE TOWN OF DUMFRIES, VIRGINIA, AND PROVIDING  
FOR THE FORMS, DETAILS AND PAYMENT THEREOF**

WHEREAS, the Town of Dumfries, Virginia (**the “Town”**) is a municipal corporation of the Commonwealth of Virginia (**the “Commonwealth”**), and pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (**the “Act”**) the Town Council of the Town (**the “Council”**) is authorized to contract debts on behalf of the Town and to issue, as evidence thereof, notes, bonds or other obligations payable from pledges of the full faith and credit of the Town;

WHEREAS, the Council has received a plan of financing from the Town’s Financial Advisor, Davenport & Company LLC (**the “Financial Advisor”**) and determined under such plan to issue (a) its general obligation bond anticipation note in a maximum amount of \$5,250,000 (**the “2023A Note”**) to provide proceeds for financing a portion of the costs of capital improvement projects for the Town, including, but not limited to vehicles and land for public purposes and related costs of issuance (**together, the “2023A Project”**), and (b) its taxable general obligation bond anticipation note in a maximum amount of \$1,375,000 (**the “2023B Note,” and, together with the 2023A Note, the “Notes”**) to finance reimbursement for payment of a final judgment against the Town as permitted under 15.2-2604(7) of the Act and related costs of issuance (**the “2023B Project,” and, together with the 2023A Project the “Projects”**);

WHEREAS, the Council has determined that (i) the Town is in need of funds to be used by the Town for financing the Projects, for costs of issuance of the Notes and for the payment of interest on the Notes, (ii) the obtaining of such funds will be for municipal purposes of the Town for the welfare of citizens of the Town for purposes which will serve the Town and its citizens, (iii) the most effective, efficient and expedient manner in which to provide such funds to finance the 2023A Project is by the issuance of the 2023A Note in the maximum principal amount of \$5,250,000 and the most effective, efficient and expedient manner in which to provide such funds to finance the 2023B Project is by the issuance of the 2023B Note in the maximum principal amount of \$1,375,000, the issuance of such Notes being within the power of the Town to contract debts, borrow money and make and issue evidence of indebtedness, and (iv) the issuance of the Notes is in the best interests of the Town and its citizens.

WHEREAS, pursuant to Section 15.2-2606 *et seq.* of the Act, the Town is authorized to issue bonds and notes to finance the Projects after a duly noticed public hearing has been held thereon under the provisions of the Act, and such public hearing has been held on the date hereof;

WHEREAS, the Town has received a written proposal dated October 6, 2023 (**the “Proposal”**) from Manufacturers and Traders Trust Company (**the “Bank”**) to purchase the Notes to finance the Projects, and the Town's Financial Advisor has recommended acceptance of such Proposal;

WHEREAS, there has been presented to this meeting copies of the Proposal and drafts of the forms of Notes and a Note Purchase Agreement between the Town and the Bank (the “**Note Purchase Agreement**”).

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF DUMFRIES, VIRGINIA:**

**1. Authorization of the Notes and Documents.** The Council hereby finds and determines that it is advisable and in the best interests of the Town to contract a debt and issue and sell its Notes for the purpose of financing the Projects and costs of issuing the Notes. The Council hereby authorizes the issuance and sale of the Notes in accordance with the Bank's Proposal. The form of the Note Purchase Agreement presented to this meeting is hereby approved, and the Town Manager is authorized and directed to execute and deliver the Note Purchase Agreement with such changes and amendments as the officer executing the same shall approve, such approval to be conclusively evidenced by his execution and delivery thereof. The Council elects to issue the Notes under the provisions of the Act. The Council intends to obtain long-term financing of all or a portion of the Projects.

**2. Details of the Notes.** (a) The 2023A Note is approved in substantially the form presented to this meeting, shall be dated the date of its issuance, shall be in the form of a single fully registered note without coupons registered as to both principal and interest in the name of the Bank, in a principal amount not to exceed \$5,250,000 and shall be numbered RA-1. Interest shall accrue on the 2023A Note at an interest rate per year-not to exceed 5.25% (subject to the final rate being designated by the Town Manager at closing along with such yield maintenance and default provisions as are agreeable to the Bank and set forth in the Note Purchase Agreement). Principal shall be payable in annual installments and interest shall be payable in semi-annual installments, and if not sooner paid all principal of and interest on the 2023A Note shall be due and payable no later than January 15, 2029 (subject to the final principal and interest payment date being designated by the Town Manager at closing). Interest on the 2023A Note shall be calculated on the basis of a 360-day year with twelve 30-day months.

(b) The 2023B Note is approved in substantially the form presented to this meeting, shall be dated the date of its issuance, shall be in the form of a single fully registered note without coupons registered as to both principal and interest in the name of the Bank, in a principal amount not to exceed \$1,375,000 and shall be numbered RB-1. Interest shall accrue on the 2023B Note at an interest rate per year-not to exceed 6.50% (subject to the final rate being designated by the Town Manager at closing along with such yield maintenance and default provisions as are agreeable to the Bank and set forth in the Note Purchase Agreement). Principal shall be payable in annual installments and interest shall be payable in semi-annual installments, and if not sooner paid all principal of and interest on the 2023B Note shall be due and payable no later than January 15, 2029 (subject to the final principal and interest payment date being designated by the Town Manager at closing). Interest on the 2023B Note shall be calculated on the basis of a 360-day year with twelve 30-day months.

**3. Pledge of Full Faith and Credit.** The Notes will be secured by the full faith and credit of the Town. For the prompt payment of the principal of, premium, if any, and interest on

the Notes as the same shall become due, the full faith and credit of the Town are hereby irrevocably pledged. Pursuant to Virginia Code Section 15.2-2624 and as provided hereafter, there shall be levied and collected an annual tax upon all taxable property in the Town subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on the Notes as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the Town to the extent other funds of the Town are not lawfully available and appropriated for such purpose.

**4. Execution and Delivery of the Notes.** The Town Manager is authorized and directed to execute the Notes. The Town Clerk and any Deputy Town Clerk, any of whom may act, are authorized and directed to execute the Notes, to affix the seal of the Town to the Notes, to attest the seal and the Town Manager or the Chief Financial Officer is authorized to deliver the Notes to the Bank upon payment of the purchase price of 100% of the principal amount of the Notes.

**5. Prepayment Provisions.** The Notes shall be subject to optional prepayment as set forth in the Note Purchase Agreement and the forms of the Notes.

**6. Tax Covenants.** (a) The Town covenants that it shall not take or omit to take any action the taking or omission of which would cause the 2023A Note to be an “arbitrage-bond” within the meaning of Section 148 of the Code and Treasury Regulations applicable to the 2023A Note, or otherwise cause interest on the 2023A Note to be includible in the gross income for federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the Town shall comply with any provision of law that may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the 2023A Note. The Town shall pay from its general fund any amount required to be rebated to the United States pursuant to the Code. The 2023B Note is being issued as a taxable obligation for federal income tax purposes.

(b) Such officers of the Town as may be requested are authorized and directed to execute appropriate certificates setting forth the expected use and investment of the proceeds of the 2023A Note and to make any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate shall be in such form as may be requested by bond counsel for the Town.

(c) The Town covenants that it will not permit the 2023A Project to be used in any manner that would result in (a) 5% or more of the gross proceeds of the 2023A Note being considered as having been used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, or (b) 5% or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the Town receives an opinion of nationally recognized bond counsel acceptable to the Bank that compliance with any such covenant is not required to prevent interest on the 2023A Note from being includible in the gross income for federal income tax purposes of the registered owners thereof under existing law, the Town need not comply with such covenant.

(d) The Town Council, on behalf of the Town, certifies by this resolution that it does not reasonably anticipate the issuance by it or its subordinate entities of more than \$10,000,000 in “qualified tax-exempt obligations” (excluding private activity bonds) during the calendar year 2023 and will not designate (excluding any bonds deemed designated pursuant to the provisions of § 265(b)(3)(D)(ii) of the Code), or permit the designation by any of its subordinate entities of any bonds during the calendar year 2023 which would cause the \$10,000,000 limitation of Section 265(b)(3)(D) of the Code to be violated, and hereby designates the 2023A Bond as a “qualified tax-exempt obligation” for the purpose of § 265(b)(3) of the Code.

**7. Other Actions.** All other actions of officers of the Town taken heretofore or hereafter in conformity with the purposes and intent of this Ordinance and in furtherance of the issuance and sale of the Notes are approved, ratified and confirmed. The officers of the Town are authorized and directed to execute and deliver all certificates, agreements and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Notes, including execution of any appropriate documents confirming the Town's acceptance of the Bank's Proposal. The Council hereby determines that it is in the best interests of the Town to participate in the Virginia State Non-Arbitrage Program in connection with the Notes should the Town Manager so elect, and the Town Manager and such officer or officers of the Town as the Town Manager may designate are hereby authorized to take such action as may be necessary for participation in the State Non-Arbitrage Program, at the discretion of such Town officials.

**8. Bond Counsel.** The Council hereby confirms the appointment of Sands Anderson PC to serve as Bond Counsel to the Town in connection with the issuance of the Notes.

**9. Limitation of Liability of Officials of the Town.** No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the Town in his or her individual capacity, and no officer of the Town executing the Notes shall be liable personally on the Notes or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the Town shall incur any personal liability with respect to any other action taken by him or her pursuant to this Ordinance, provided he or she acts to good faith.

**10. Filing of Ordinance.** A public hearing concerning this Ordinance was held in accordance with applicable law by the Council at its meeting on October 17, 2023. The Council hereby declares in the public interest that an emergency exists, that the Council dispenses with the second reading of this Ordinance pursuant to Sections 3.07 and 3.08 of the Town Charter, and that this Ordinance shall become effective upon its passage. A certified copy of this Ordinance shall be filed by the Town Clerk or Deputy Town Clerk with the Clerk of the Circuit Court of Prince William County, Virginia. The filing of this Ordinance with the Clerk of the Circuit Court of Prince William County, Virginia shall be deemed to be the filing of an initial resolution or ordinance with such Court for all purposes of the Act. Any ordinances or resolutions inconsistent herewith previously adopted by the Town Council are amended to be consistent with this Ordinance.

**12. Repeal of Conflicting Actions.** All resolutions, ordinances or parts thereof in conflict herewith are repealed.

**13. Effective Date.** This Ordinance and the provisions contained herein shall become effective immediately upon enactment.

Adopted this 17<sup>th</sup> day of October, 2023.

**CERTIFICATE OF ADOPTION**

The undersigned Town Clerk of the Town of Dumfries, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of an Ordinance adopted by the Town Council of the Town of Dumfries, Virginia on October 17, 2023. I hereby further certify that in accordance with Section 15.2-2607 the Ordinance was adopted at the meeting at which it was introduced, said meeting constituted a regularly scheduled meeting and during the consideration of the foregoing Ordinance a quorum was present. The vote of the members of the Council upon the foregoing Ordinance was as follows:

| <u>Member</u> | <u>Present/Absent</u> | <u>Vote</u> |
|---------------|-----------------------|-------------|
|---------------|-----------------------|-------------|

WITNESS MY HAND and the seal of the Town of Dumfries, Virginia, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Town Clerk, Town of Dumfries, Virginia

**EXHIBIT A**  
**FORM OF NOTE**

No. R[A][B]-1

\$ \_\_\_\_\_

**UNITED STATES OF AMERICA**  
**COMMONWEALTH OF VIRGINIA, TOWN OF DUMFRIES**  
**GENERAL OBLIGATION BOND ANTICIPATION NOTE**  
**[TAXABLE] SERIES 2023[A][B]**

**Registered Holder:** \_\_\_\_\_

**Dated:** \_\_\_\_\_, 2023

**Interest Rate:** \_\_\_\_\_ %

**Maturity Date:** \_\_\_\_\_, 20\_\_

**Principal Sum:** \_\_\_\_\_ **and 00/100 Dollars**

**KNOW ALL PERSONS BY THESE PRESENTS**, that the Town of Dumfries, Virginia (**hereinafter sometimes referred to as the “Town”**), a municipal corporation of the Commonwealth of Virginia, for value received hereby promises to pay to the registered holder (named above), or its assigns or legal representative (**the “Holder”**), in installments and on the Maturity Date (specified above), the Principal Sum, subject to prepayment or prior redemption as described herein, and to pay interest on the unpaid principal balance of this Note from the date hereof until payment of the entire principal, at the annual rate stated above, as set forth on the attached Schedule.

Both principal of and interest on this Note are payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

Interest is payable on the basis of a 360-day year consisting of twelve 30-day months.

Both principal of and interest on this Note are payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

**[FOR SERIES 2023A]** [Upon a Determination of Taxability (as defined below), the interest rate on this Note shall be automatically adjusted to the Taxable Rate (as defined below) from the Date of Taxability (as defined below). For purposes of this Note, the following terms have the following meanings:



"Date of Taxability" means the earliest date as of which interest on this Note shall have been determined to be includable in the gross income of the Noteholder pursuant to a Determination of Taxability.

"Determination of Taxability" means and shall be deemed to have occurred on the first to occur of the following:

(i) on that date when the Town files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability shall have in fact occurred;

(ii) on the date when the Noteholder notifies the Town that it has received a written opinion by an attorney or firm of attorneys of recognized standing on the subject of tax-exempt municipal finance to the effect that an Event of Taxability (as defined below) has occurred unless, within 180 days after receipt by the Town of such notification from such Noteholder, the Town shall deliver to the Noteholder (A) a ruling or determination letter issued to or on behalf of the Town by the Commissioner or any District Director of Internal Revenue (or any other governmental official exercising the same or a substantially similar function from time to time) or (B) a written opinion by an attorney or firm of attorneys of recognized standing on the subject of tax-exempt municipal finance to the effect that, after taking into consideration such facts as form the basis for the opinion that an Event of Taxability has occurred, an Event of Taxability shall not have occurred;

(iii) on the date when the Town shall be advised in writing by the Commissioner or any District Director of Internal Revenue (or any other government official or agent exercising the same or a substantially similar function from time to time) that, based upon filings by the Town, or upon any review or audit of the Town or upon any other ground whatsoever, an Event of Taxability shall have occurred; or

(iv) on that date when the Town shall receive notice from the Noteholder that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such Noteholder the interest on this Note due to the occurrence of an Event of Taxability;

provided, however, no Determination of Taxability shall occur under subparagraph (iii) or (iv) above unless the Town have been afforded the opportunity, at the sole expense of the Town, to contest any such assessment, and, further, no Determination of Taxability shall occur until such contest, if made, has been finally determined; provided further, however, that upon demand from the Noteholder, the Town shall immediately reimburse such Noteholder for any payments such Noteholder shall be obligated to make as a result of the Determination of Taxability during any such contest.

"Event of Taxability" means the taking of any action by the Town, or the failure to take any action by the Town, or the making by the Town of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of this Note which has the effect of causing interest paid or payable on this Note to become includable, in whole or in part, in the gross income of the Noteholder for federal income tax purposes.

"Taxable Rate" means the interest rate per annum that shall provide the Noteholder with the same after-tax yield that the Noteholder would have otherwise received had the Determination of Taxability not occurred, taking into account the increased taxable income of the Noteholder as a result of such Determination of Taxability. The Noteholder shall provide the Town with a written statement explaining the calculation of the Taxable Rate, which statement shall, in the absence of manifest error, be conclusive and binding on the Town.]

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in regular and due time, form and manner as required by law; that this Note does not exceed any constitutional, statutory or charter limitation of indebtedness; and that provision has been made for the payment of the principal of, and interest on, this Note, as provided in the Ordinance (as defined below).

This Note is in an original principal amount of [not to exceed] \$\_\_\_\_\_, and is issued under, pursuant to and in compliance with the Constitution and laws of the Commonwealth of Virginia, including Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended, the same being the Public Finance Act, the Town Charter of the Town and the Ordinance duly adopted by the Council on October 17, 2023 (**the "Ordinance"**).

This Note is transferable only upon the registration books kept at the office of the Town Treasurer who is appointed Registrar (**the "Registrar"**) by the registered holder hereof, or by his or her duly authorized attorney, upon surrender of this Note (together with a written instrument of transfer, satisfactory in form to the Registrar, duly executed by the registered holder or his or her duly authorized attorney, which may be the form endorsed hereon) and subject to the limitations and upon payment of the charges, if any, as provided in the Ordinance, and thereupon a new Note, in the aggregate principal amount and of the same series, interest rate and maturity as the Note surrendered, shall be issued in exchange therefor. The Town and the Registrar shall deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes whatsoever.

This Note is subject to redemption prior to the Maturity Date, at the option of the Town, in whole or in part, at any time upon fifteen (15) days written notice to the Holder, at a redemption price equal to 100% of the outstanding principal amount of the Note, plus interest accrued to the redemption date.

Notice of redemption shall be sent in writing by the Registrar to the registered Holder of the Note to be redeemed at his or her address as it appears on the registration books, provided that failure to give such notice, or any defect therein, shall not affect the validity of any proceedings for the redemption of the Note with respect to which no such failure has occurred.

**THIS NOTE IS A GENERAL OBLIGATION OF THE TOWN, FOR THE PAYMENT OF WHICH THE TOWN'S FULL FAITH AND CREDIT ARE IRREVOCABLY PLEDGED. THE COUNCIL IS AUTHORIZED AND REQUIRED TO LEVY AND COLLECT, ANNUALLY AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TAXES OF THE TOWN ARE ASSESSED, LEVIED AND COLLECTED, A TAX UPON ALL TAXABLE PROPERTY WITHIN THE TOWN, OVER AND ABOVE ALL OTHER TAXES AUTHORIZED OR LIMITED BY LAW AND WITHOUT LIMITATION AS TO RATE OR AMOUNT, SUFFICIENT TO PAY WHEN DUE THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON THE NOTE, TO THE EXTENT OTHER FUNDS OF THE TOWN ARE NOT LAWFULLY AVAILABLE AND APPROPRIATED FOR SUCH PURPOSE.**

Reference is hereby made to the Ordinance and to all of the provisions thereof to which any holder of this Note by his acceptance hereof hereby assents, for definitions of terms; the description of and nature and extent of the security for this Note; the conditions upon which the Ordinance may be amended or supplemented without the consent of the holder of this Note and upon which it may be amended only with the consent of the holder of this Note affected thereby; the rights and remedies of the holder hereof with respect hereto; the rights, duties and obligations of the Town; the provisions discharging the Ordinance as to this Note and for the other terms and provisions of the Ordinance.

**IN WITNESS WHEREOF**, the Town of Dumfries, Virginia, by its Council has caused this Note to be signed by the Town Manager and attested by the Clerk of said Town, by their manual or facsimile signatures, and its seal to be impressed or imprinted hereon, and this Note to be dated as set forth above.

\_\_\_\_\_  
Town Manager, Town of Dumfries, Virginia

(SEAL)

Attest:

\_\_\_\_\_  
Town Clerk  
Town of Dumfries, Virginia

**[FORM OF ASSIGNMENT]**

For value received, the undersigned hereby sells, assigns, and transfers unto

---

Please insert social security number or other tax identification number of assignee:

[ \_\_\_\_\_ ]

Name and address of assignee, including zip code: \_\_\_\_\_

\_\_\_\_\_ the \_\_\_\_\_ within-mentioned Note and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney-in-fact, to transfer the same on the registration books thereof maintained in the office of the within-mentioned Registrar with the full power of substitution in the premises.

**DATED:** \_\_\_\_\_

---

**NOTE:** The signature to this assignment must correspond with the name of the registered holder that is written on the face of the within Note in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

**SCHEDULE**

**TOWN OF DUMFRIES, VIRGINIA**  
**\$5,250,000 GENERAL OBLIGATION BOND ANTICIPATION NOTE,**  
**SERIES 2023A**  
**\$1,375,000 GENERAL OBLIGATION BOND ANTICIPATION NOTE,**  
**TAXABLE SERIES 2023B**

**NOTE PURCHASE AGREEMENT**

Dated as of October 1, 2023

Town Council  
Town of Dumfries  
17739 Main Street, Suite 200  
Dumfries, VA 22026

Ladies and Gentlemen:

Manufacturers and Traders Trust Company (**the “Bank”**), hereby agrees to enter into this Note Purchase Agreement with the Town of Dumfries, Virginia (**the “Town”**) for the purchase by the Bank and sale by the Town of its (a) \$5,250,000 principal amount General Obligation Bond Anticipation Note, Series 2023A (**the “2023A Note”**), dated as of the date of issuance thereof, and bearing interest from its date of issuance at a fixed rate of interest of \_\_\_% per annum, with interest accrued on the outstanding principal amount payable semiannually as set forth therein to maturity on \_\_\_\_\_, 202\_\_ and (b) \$1,375,000 principal amount General Obligation Bond Anticipation Note, Taxable Series 2023B (**the “2023B Note,” and together with the 2023A Note, the “Notes”**), dated as of the date of issuance thereof, and bearing interest from its date of issuance at a fixed rate of interest of \_\_\_% per annum, with interest accrued on the outstanding principal amount payable semiannually as set forth therein to maturity on \_\_\_\_\_, 202\_\_.

**Section 1.     TERMS AND CONDITIONS**

Upon the terms and conditions and upon the basis of the representations set forth herein, the Bank hereby agrees to purchase from the Town, and the Town hereby agrees to sell to the Bank, the Notes at the purchase price of 100% of the aggregate principal amount of such Notes (**the “Purchase Price”**) on the date of Closing referred to in Section 3 hereof. The Notes shall be as described in, and shall have the terms and conditions, including but not limited to the payment date for interest, principal, redemption or prepayment provisions, set forth in the forms of Notes attached as **Exhibits A-1 and A-2** hereto and incorporated by this reference. The 2023A Note shall be issued as a tax-exempt obligation for federal income tax purposes; the 2023B Note shall be issued as a taxable obligation for federal income tax purposes.

The Notes shall be issued and secured under and pursuant to an ordinance adopted by the Town Council of the Town (**the “Town Council”**) on October 17, 2023 (**the “Ordinance”**).

The Notes and all other documents providing for the issuance of and security for the Notes shall be in the forms heretofore delivered to us, with only such changes as shall be mutually agreeable to the Bank and the Town.

**Section 2.     REPRESENTATIONS AND WARRANTIES OF THE TOWN**

The Town represents, warrants and agrees with the Bank that:

(a) the Town is, and will be at Closing (as defined below), a municipal corporation of the Commonwealth of Virginia (**the “Commonwealth”**) duly chartered by the General Assembly of the Commonwealth, with the power and authority (1) to issue, sell and deliver the Notes to the Bank as provided herein and (2) to consummate all transactions contemplated by, and perform its obligations, under this Note Purchase Agreement, the Notes, the Ordinance, a Compliance Certificate (**the “Compliance Certificate”**) and a Non-Arbitrage Certificate (**the “Non-Arbitrage Certificate”**) to be executed by the Town;

(b) as of the Closing, the Town will have full power and authority to irrevocably pledge its full faith and credit to the payment of the principal of, premium, if any, and interest on the Notes;

(c) when delivered to, and paid for by the Bank at the Closing in accordance with the provisions of this Note Purchase Agreement and the Ordinance, the Notes will have been duly authorized, executed, issued and delivered and will constitute legal, valid and binding general obligations of the Town and entitled to the benefit and security of the Ordinance;

(d) the adoption of the Ordinance and the execution and delivery of this Note Purchase Agreement, the Notes, the Non-Arbitrage Certificate and the Compliance Certificate (**collectively, the “Documents”**) and compliance with the provisions thereof, under the circumstances contemplated hereby and thereby, do not and will not (1) violate the Constitution or laws of the Commonwealth, including, without limitation, the charter of the Town, Chapter 99 of the Acts of Assembly of 1994, as amended (**the “Charter”**), as applicable, the Virginia Public Finance Act, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended (**the “Act”**) or any other existing law, rule, regulation, order, writ, judgment, injunction, decree, or determination of any court, regulatory agency or other governmental unit by which the Town is bound, or (2) conflict with, result in a breach of, or constitute a default under, any existing resolution, the Ordinance, indenture of trust or mortgage, loan or credit agreement, or any other existing agreement or instrument to which the Town is a party or by which the Town may be bound;

(e) the Town has duly authorized, executed and delivered, and approved the performance by the Town of its obligations contained in the Documents;

(f) prior to the Closing, as defined below, all approvals, consents and orders, if any, of any governmental authority, board, agency or commission having jurisdiction over the Town

which would constitute a condition precedent to the performance by the Town of its obligations hereunder and under the Notes and the other Documents have been obtained;

(g) no suit, action, proceeding or investigation is pending nor, to the knowledge of the Town, threatened against or affecting any of the Town's properties, or against or affecting the Town, before any court or governmental department, commission, board, bureau, agency or instrumentality which involves or would materially affect any of the transactions contemplated hereby or by the other Documents, or which, if determined adversely, could have a material adverse effect on (i) the organization or existence of the Town, (ii) the execution and delivery by the Town of the Documents, (iii) the performance by the Town of its obligations under the Documents, (iv) the validity or enforceability of the Documents or the transactions contemplated thereby, (v) the title or authority of any Town officials executing the Documents or other documents relating to the transactions contemplated thereby, (vi) any authority or proceeding relating to the execution and delivery of the Documents on behalf of the Town;

(h) no set of facts exists that, either immediately upon execution and delivery of any of the Documents or with the passage of time or giving of notice, or both, thereafter, would cause or lead to a default or Event of Default under any of such Documents;

(i) as of the Closing, the Town will have complied with all the agreements and satisfied all the conditions on its part required to be performed or satisfied at or prior to the Closing other than those specified hereunder which have been waived by the Bank;

(j) the Town hereby assures the Bank that no material deterioration exists in the financial condition of the Town from that reported in fiscal year ending June 30, 2022; and

(k) the representations and agreements of the Town herein will be true and correct in all material respects as of the Closing.

### **Section 3. CLOSING**

At 1:00 p.m., Richmond, Virginia time, on October \_\_, 2023 or at such other time or date as the Town and the Bank shall mutually agree upon, the Town will deliver or cause to be delivered to the Bank, at the offices of Sands Anderson PC, Richmond, Virginia (**"Bond Counsel"**), or at such other place as the Town and the Bank may mutually agree upon, the Notes, in registered form, duly executed by the Town and the documents in subsection 4(b) hereof. Concurrently with the notification to the Bank that delivery of the Notes has been made (**the "Closing"**), the Bank will accept such delivery and will cause the payment to the Town, by immediately available funds, of the Purchase Price of the Notes as set forth in a closing memorandum prepared by the Town's financial advisor and approved by the Town Manager (**the "Closing Memorandum"**).



**Section 4. CONDITIONS PRECEDENT TO CLOSING**

The Bank has entered into this Note Purchase Agreement in reliance upon the Town's representations and agreements herein and the performance by the Town of its obligations hereunder, both as of the date hereof and as of the date of Closing. The Bank's obligations under this Note Purchase Agreement are and shall be subject to the following further conditions:

(a) at the time of Closing, the Documents and the Notes shall have been duly adopted or executed and delivered by the parties thereto and shall be in full force and effect and the Documents and the Notes shall not have been amended, modified or supplemented, except as may have been agreed to in writing by the Bank, and the Town shall have duly adopted and there shall be in full force and effect such resolutions or Ordinance as, in the opinion of Bond Counsel, shall be necessary in connection with the transactions contemplated hereby and thereby;

(b) at the Closing, the Bank shall receive in addition to the Notes and the Documents, the following:

(1) (A) the approving opinion, dated the date of Closing, in form and substance satisfactory to the Bank, of Bond Counsel; and

(2) Such additional legal opinions, certificates, proceedings, instruments, and other documents, as the Bank or Bond Counsel may reasonably request to evidence (A) compliance by the Town with legal requirements relating to the issuance of the Notes, or the representations set forth in the Compliance Certificate and the Non-Arbitrage Certificate in connection with the 2023A Note, (B) the truth and accuracy, as of the date of Closing, of all representations herein contained, and (C) the due performance or satisfaction by the Town at or prior to such date of all agreements then to be performed and all conditions then to be satisfied as contemplated under this Note Purchase Agreement.

If the Town shall be unable to satisfy the conditions to the Bank's obligations contained in this Note Purchase Agreement or if the Bank's obligations shall be terminated for any reason permitted by this Note Purchase Agreement, this Note Purchase Agreement shall terminate, and neither the Town nor the Bank shall have any further obligations hereunder, except that (i) the representations and warranties of the Town set forth in Section 2 herein (as of the date made), will continue in full force and effect.

**Section 5. EXPENSES AND COSTS**

The expenses and costs of the Town incident to the issuance of the Notes, including the fees and expenses of Bond Counsel and the Town's financial advisor, shall be paid from proceeds of the Notes by wire transfers from the Bank to the Town's Bond Counsel and the Town's financial advisor as set forth in the Closing Memorandum.

**Section 6. FINANCIAL STATEMENTS**

The Town agrees to provide the Bank a copy of the Town's audited financial statements for each fiscal year within 30 days of the Town's acceptance of such statements, but in any event within 270 days of the completion of such fiscal year. The Town also agrees to provide other financial information as the Bank may from time to time reasonably request.

**Section 7. OPTIONAL PREPAYMENT**

[The Notes may be prepaid in whole or in part at any time without penalty.]

**Section 8. RATE ADJUSTMENT FOR 2023A NOTE**

Upon a Determination of Taxability (as defined below), the interest rate on the 2023A Note shall be automatically adjusted to the Taxable Rate (as defined below) from the Date of Taxability (as defined below). For purposes of the 2023A Note, the following terms have the following meanings:

"Date of Taxability" means the earliest date as of which interest on the 2023A Note shall have been determined to be includable in the gross income of the Bank pursuant to a Determination of Taxability.

"Determination of Taxability" means and shall be deemed to have occurred on the first to occur of the following:

(i) on that date when the Town files any statement, supplemental statement or other tax schedule, return or document which discloses that an Event of Taxability shall have in fact occurred;

(ii) on the date when the Bank notifies the Town that it has received a written opinion by an attorney or firm of attorneys of recognized standing on the subject of tax-exempt municipal finance to the effect that an Event of Taxability (as defined below) has occurred unless, within 180 days after receipt by the Town of such notification from such Bank, the Town shall deliver to the Bank (A) a ruling or determination letter issued to or on behalf of the Town by the Commissioner or any District Director of Internal Revenue (or any other governmental official exercising the same or a substantially similar function from time to time) or (B) a written opinion by an attorney or firm of attorneys of recognized standing on the subject of tax-exempt municipal finance to the effect that, after taking into consideration such facts as form the basis for the opinion that an Event of Taxability has occurred, an Event of Taxability shall not have occurred;

(iii) on the date when the Town shall be advised in writing by the Commissioner or any District Director of Internal Revenue (or any other

government official or agent exercising the same or a substantially similar function from time to time) that, based upon filings by the Town, or upon any review or audit of the Town or upon any other ground whatsoever, an Event of Taxability shall have occurred; or

(iv) on that date when the Town shall receive notice from the Bank that the Internal Revenue Service (or any other government official or agency exercising the same or a substantially similar function from time to time) has assessed as includable in the gross income of such Bank the interest on this Note due to the occurrence of an Event of Taxability;

provided, however, no Determination of Taxability shall occur under subparagraph (iii) or (iv) above unless the Town have been afforded the opportunity, at the sole expense of the Town, to contest any such assessment, and, further, no Determination of Taxability shall occur until such contest, if made, has been finally determined; provided further, however, that upon demand from the Bank, the Town shall immediately reimburse such Bank for any payments such Bank shall be obligated to make as a result of the Determination of Taxability during any such contest.

"Event of Taxability" means the taking of any action by the Town, or the failure to take any action by the Town, or the making by the Town of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of the 2023A Note which has the effect of causing interest paid or payable on the 2023A Note to become includable, in whole or in part, in the gross income of the Bank for federal income tax purposes.

"Taxable Rate" means the interest rate per annum that shall provide the Bank with the same after-tax yield that the Bank would have otherwise received had the Determination of Taxability not occurred, taking into account the increased taxable income of the Bank as a result of such Determination of Taxability. The Bank shall provide the Town with a written statement explaining the calculation of the Taxable Rate, which statement shall, in the absence of manifest error, be conclusive and binding on the Town.

**Section 8. REPRESENTATION OF BANK**

The Bank represents and warrants to the Town that the purchase of the Notes is for its own account, with the present intent to hold the Notes until maturity, and not with a present view toward resale or distribution. The Bank and the Bank's corporate affiliates and related banking entities are either state or federally chartered banking corporations authorized to do business in the Commonwealth.

**Section 9. NOTICES**

Any notice or other communication to be given to the parties under this Note Purchase Agreement shall be in writing and shall be deemed delivered if delivered in person or sent by certified mail, return receipt requested, to the parties as follows: if to the Town at the address set

forth above; and if to the Bank, to \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, (Attn: \_\_\_\_\_).

**Section 10. LIMITED BENEFIT; SURVIVABILITY**

This Note Purchase Agreement is made solely for the benefit of the Town and the Bank (including the successor or assigns of the Bank), and no other person, partnership, association or corporation shall acquire or have any right hereunder or by virtue hereof. All representations and agreements by the Town in this Note Purchase Agreement shall remain operative and in full force and effect regardless of any investigation made by or on behalf of the Bank and shall survive the delivery of and payment for the Notes.

**Section 11. APPLICABLE LAW**

The rights and obligations of the parties to this Note Purchase Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Virginia, exclusive of its conflicts of laws provisions.

**Section 12. APPROVAL**

The approval of the Bank when required hereunder, or the determination of its satisfaction as to any document referred to herein, shall be in writing signed by the Bank and delivered to the Town.

**Section 13. ENTIRE UNDERSTANDING AND AMENDMENTS**

This Note Purchase Agreement expresses the entire understanding and agreement of the parties with respect to the Notes, superseding all prior agreements, whether oral or written, and may not be modified, except in writing, signed by the Bank and the Town.

**Section 14. COUNTERPARTS**

This Note Purchase Agreement may be executed in one or more counterparts, each of which shall be an original and all of which together shall constitute one and the same instrument.

[Signature page to follow]

Very truly yours,

**MANUFACTURERS AND TRADERS TRUST  
COMPANY**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**ACCEPTED AND APPROVED:**

**TOWN OF DUMFRIES, VIRGINIA**

By: \_\_\_\_\_  
Town Manager

Attest:

By: \_\_\_\_\_  
Town Clerk

**[Signature Page to Note Purchase Agreement]**

**EXHIBIT A-1**  
**FORM OF 2023A NOTE**

**EXHIBIT A-2**  
**FORM OF 2023B NOTE**



## **AGENDA ITEM REQUEST FORM**

### Item Type

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### Statement of Purpose

*Public Hearing authorizing the issuance and sale of general obligation bond anticipation notes, Series 2023.*

### Background/References

*Council has received a plan of financing from the Town's Financial Advisor, Davenport & Company LLC (the "Financial Advisor") and determined under such plan to issue (a) its general obligation bond anticipation note to provide a maximum amount of \$5,250,000 (the "2023A Note") of proceeds for financing a portion of the costs of capital improvements in the Town, including, but not limited to vehicles and land for public purposes and related costs of issuance (together, the "2023A Project"), and (b) its taxable general obligation bond anticipation note to provide a maximum amount of \$1,375,000 (the "2023B Note," and, together with the 2023A Note, the "Notes") to finance reimbursement for payment of a final judgment against the Town as permitted under 15.2-2604(7) of the Act and related costs of issuance (the "2023B Project," and, together with the 2023A Project the "Projects")*

### Fiscal Impact

*Revenues \$6,625,000*

*Debt \$6,625,000*

### Suggested Motion

*Approve the issuance and sale of GOB Anticipation Notes*

### Requested Meeting Date

*October 17, 2023*

### Submitter's Name

*Stacey Jordan & Davenport*

### Attachments:

- For awards and proclamations, please attach desired language



**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON  
October 17, 2023: ON A MOTION DULY MADE BY \_\_\_\_\_,  
AND SECONDED BY \_\_\_\_\_, THE FOLLOWING  
ORDINANCE 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, \_\_\_\_;

**ORDINANCE APPROVING A CONDITIONAL USE PERMIT APPLICATION,  
CUP23-002, SUBMITTED BY DUMFRIES PURCHASER, LLC TO PERMIT A  
CONVENIENCE STORE WITH GASOLINE SALES WITH OFF PREMISE  
WINE AND BEER SALES, FOOD SERVICE AND ELECTRICAL VEHICLE  
CHARGING STATIONS AS ACCESSORY USES  
AT 3600 POINTE CENTER COURT**

**WHEREAS**, a Conditional Use Permit application (CUP23-002) was filed by Dumfries Purchaser, LLC to permit a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses at 3600 Pointe Center Court; and

**WHEREAS**, the Town Council approved a resolution on October 3, 2023, scheduling a public hearing and consideration of CUP23-002 and forwarding the application to the Planning Commission for a public hearing and recommendation to Town Council; and

**WHEREAS**, after notice was given in accordance with law, at its meeting on October 16, 2023, the Planning Commission held a public hearing, considered the application, and recommended approval as conditioned; and

**WHEREAS**, after notice was given in accordance with law, the Town Council conducted a public hearing and deliberated upon CUP23-002; and

**WHEREAS**, the Town Council finds that the application, as conditioned, will not affect adversely the health, safety or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood; and that the application will conform to the Comprehensive Plan for the Town;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Dumfries does hereby approve conditional use permit application CUP23-002 to permit a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses at 3600 Pointe Center Court subject to the conditions included as the attached Exhibit A.

By Order of Council:

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Derrick R. Wood, Mayor

ATTEST:

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Tangi R. Hill, Town Clerk

**Exhibit A**

CONDITIONAL USE PERMIT CONDITIONS

Applicant/Owner: Dumfries Purchaser, LLC (the “Applicant”)

Prince William County GPIN: 8289-02-2144 (the “Property”)

Conditional Use Permit Area: ± 3.6 acres

Zoning: B-1, General Business

Date: June 23, 2023

The following conditions are intended to offset the impacts of the proposal and to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas. If the conditions of this Conditional Use Permit or the Conditional Use Permit Plan are in conflict with the Zoning Ordinance and/or any other applicable regulations, the more restrictive standards shall apply, except as specifically allowed by this conditional use permit. For purposes of these conditions, Applicant shall mean the Applicant, its successors and assigns.

The Applicant shall file a site plan within three (3) years of approval of this conditional use permit by the Town Council and shall have up to five (5) years from the date of final site plan approval to commence the proposed use. Issuance of an occupancy permit constitutes commencement of the use.

1. Site Development: The Property shall be developed in conformance with the conditional use permit plan entitled, “Conditional Use Permit for Wawa,” prepared by Bohler Engineer, dated June 23, 2023, (hereinafter, the “CUP Plan”) subject to minor modifications in connection with final site plan review or final engineering.
2. Use Parameters
  - a. Use Limitation: The use approved with this conditional use permit shall be limited to convenience store with gasoline sales and off-premises wine and beer sales with food service and electric vehicle charging stations as accessory uses. The uses permitted with this conditional use permit do not limit or restrict the by-right uses otherwise allowed on the Property.
  - b. Hours of Operation: Hours of operation may be twenty-four (24) hours per day, seven (7) days a week.
  - c. Cessation of Use: If the sale of motor vehicle fuel should cease for a period of more than one year, the Applicant or any subsequent owner of the Property shall notify the Town of the cessation of use and shall be required to submit a demolition plan to Building Development for the removal of the following structures within ninety (90) days of approval of the demolition plan:

- i. Underground fuel storage tanks;
- ii. Fuel dispensers;
- iii. Pump islands;
- iv. Overhead canopy;
- v. Air and water dispensers; and
- vi. Signage related to motor vehicle fuel sales.

In the event that all uses are discontinued and the site is vacant, the Applicant shall stabilize the site using erosion control measures acceptable to the Prince William County Division of Environmental Services.

### 3. Community Design

- a. Architecture: The design and building materials for the building, fuel station canopy, and trash enclosure, shall conform with the following architectural elevations:
  - i. "Wawa U59FB-L RT 1," prepared by HRA, and dated June 23, 2023; and
  - ii. "Wawa Stacked 8 Fuel Canopy – Trash Compound," prepared by HFA, and dated June 23, 2023 (collectively, the "Elevations").

The Elevations may be subject to modification approved by the Town in connection with site plan review. Additional changes to the design and materials may be made provided that any such changes are approved by the Planning Director or its designee prior to the issuance of a building permit release letter.

Conformance with the Elevations shall be limited to the building design and materials and shall not create an obligation to provide the signage shown thereon.

- b. Landscaping: Landscaping shall be provided in conformance with the CUP Plan.

### 4. Fire and Rescue

- a. Emergency Spill Contingency/Notification: Prior to final site plan approval, the Applicant shall prepare and submit an emergency spill notification contingency plan and shall have the same approved by the Prince William County Fire Marshal and posted on the premises before the issuance of any occupancy permits. The Applicant shall be responsible for notifying the Fire Marshal's Office immediately in the event of a spill of any petroleum or chemical waste on the Property. The Applicant shall assume full responsibility for the costs incurred in the cleanup of such spills.

- 5. Maintenance of Property: The Applicant shall maintain the site and shall pick up trash, litter, and debris on a daily basis.

- 6. Signage: All signage shall be in accordance with the Zoning Ordinance.

- 7. Transportation:

- a. Access: Access to the site shall be provided as shown on the CUP Plan.
  - b. Potential Right-Of-Way Dedication: If requested by Prince William County Department of Transportation (“PWCDOT”) and/or Virginia Department of Transportation (“VDOT”), the Applicant shall engage in negotiations regarding the dedication of right-of-way associated with the Route 1 Fraley Boulevard widening (UPC 119481). The Applicant shall also engage in related negotiations concerning any necessary temporary or permanent easements on the Property associated with the Route 1 widening.
8. Water & Public Sewer Connection: The Property shall connect to public water and public sewer.



WALSH COLUCCI  
LUBELEY & WALSH PC

Brian Prater  
(703) 680-4664 Ext. 5122  
bprater@thelandlawyers.com

June 23, 2023

**Via E-Mail & FedEx**

Nick Cicero  
Town Planner & Zoning Administrator  
Town of Dumfries  
17739 Main Street, Suite 200  
Dumfries, Virginia

Re: 3600 Pointe Center Ct. - Conditional Use Permit

Dear Mr. Cicero:

On behalf of Audeo Partners, LLC (the "Applicant"), enclosed please find the application materials regarding a Proffer Condition Amendment known as Aras on Main for the properties located on the south side of Main Street, as detailed in the submitted materials listed below.

1. An original, executed application form with the names and ownership information for all adjacent properties;
2. An original, executed Interest Disclosure Affidavit;
3. A check made payable to the Town of Dumfries in the amount of \$3,000, which represents the Conditional Use Permit Fee and Traffic Impact Analysis first submission fee;
4. A Statement of Justification dated June 23, 2023;
5. A copy of the proposed Conditional Use Permit Conditions dated June 23, 2023;
6. A copy of the Traffic Impact Analysis entitled "3600 Pointe Center Court Property," prepared by Gorove Slade, and dated June 21, 2023;
7. A copy of the building elevations entitled "Wawa U59FB-L - Rt. 1 Point Center Ct. Dumfries, VA," prepared by HFA Architects, and dated June 23, 2023;

ATTORNEYS AT LAW

703 680 4664 ■ WWW.THELANDLAWYERS.COM  
4310 PRINCE WILLIAM PARKWAY ■ SUITE 300 ■ WOODBRIDGE, VA 22192-5199

ARLINGTON 703 528 4700 ■ LOUDOUN 703 737 3633

Nick Cicero  
June 23, 2023  
Page 2

8. A copy of the canopy and trash enclosure elevations entitled "Wawa Stacked 8 Fuel Canopy - Trash Compound - Rt. 1 & Point Center Ct. Dumfries, VA," prepared by HFA Architects, and dated June 23, 2023; and
9. Five (5) full-size copies and one 8 ½" x 11" reduction of the conditional use permit plan entitled "Conditional Use Permit for Wawa," prepared by Bohler Engineering, and dated June 23, 2023.

Once you have an opportunity to review the application, together with the supporting documents, please contact me if any additional information is required. Thank you for your assistance in connection with this application.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

*Brian Prater*

Brian Prater

cc: Madi Ford, Esq., Dumfries Purchaser, LLC (via email only)  
Michael Meers, Dumfries Purchaser, LLC (via email only)  
Derek Reardon, Bohler (via email only)  
Michael Varga, Wawa (via email only)  
Susan Reardon, Wawa (via email only)



**Jolm Wilmer Porter Building**  
 17739 Main Street  
 Dumfries, Virginia 22026  
 (703)221-3400 ext. 115

date stamp

paid stamp

Taxes current O Yes D No

## APPLICATION FOR A CONDITIONAL USE PERMIT

*Please refer to the fee schedule for applicable application fee  
 The applicant is responsible for costs of public hearing advertisements (determined later)*

Name of Business or Organization: Dumfries Purchaser, LLC  
*If organization is a non-profit, please provide a copy of your 501(c)3*

Site address in Town: 3600 Pointe Center Ct.

I hereby submit this request for a Conditional Use Permit in accordance with Section 70-247(b)(3) & (10b) of the Town of Dumfries Zoning Ordinance, to:

Permit the use of 3600 Pointe Center Drive as a convenience store with gasoline sales with off premise  
wine and beer sales, food service and electrical vehicle charging stations as accessory uses.

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State specifically all activities and materials required by this proposed use, attach additional pages if necessary.

### Conditional Use Permit Type

Category A  
 Category 8

Category C  
 Category D



The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property to be used in conjunction with the Conditional Use Permit: (Attach additional pages if necessary)

Name: A\_li\_P\_a\_h\_la\_v\_an\_i\_T\_R Property Address: 17675 Fraley Blvd

Mailing Address: 8838 Ox Road, Lorton, VA 22079

GPIN #: 8289-02-0731

Name: Possum Point Properties, LLC Property Address: 3448 Canabell Blvd

Mailing Address: 3015 Libby Ter, Richmond, VA 23223

GPIN #: 8289-02-1513

Name: Virginia Concrete Co. Inc c/o FAS DEPT 1401-843 Property Address: 3450 Canal Road

Mailing Address: PO Box 385014, Birmingham, AL 35238

GPIN #: 8289-02-3007

Name: Aggregate Industries Land Company, Inc. c/o Ta.: Department Property Address: 3540 Canal Road

Mailing Address: 6211 N Ann Arbor Rd, Dundee, MI 48131

GPIN #: 8289-02-6414

Name: JJ Capital One, LLC Property Address: 17650 Possum Point Road

Mailing Address: 398 Portland Drive, Fredericksburg, VA 22405

GPIN #: 8289-02-6440

Name: William & Olenka Deza, Sury. Property Address: 17636 Overlook Road

Mailing Address: 17636 Overlook Road, Dumfries, VA 22026

Mailing Address: -----

GPIN #: 8289-02-9068

Name: Storage Equity I, LLC c/o CW Investments Property Address: 17625 Possum Point Road

Mailing Address: PO Box 332, Charlottesville, VA 22902-0332

GPIN #: 8289-02-7889

**Property List continues on next page.**

*I hereby certify that I have the authority to make the foregoing application on behalf of the named business or organization, that the information given is correct, that I have read and I understand the applicable zoning ordinances for the zoning district, and that this project will comply with all applicable Codes and Ordinances of the Town of Dumfries and the State of Virginia.*

Applicant

Name Please see next page for signature. Signature \_\_\_\_\_

Please Print

Address \_\_\_\_\_ Phone \_\_\_\_\_

\_\_\_\_\_ Email \_\_\_\_\_

The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property to be used in conjunction with the Conditional Use Permit: (Attach additional pages if necessary)

Name: Kadah Family LTD Partnership ATTN: Paul Spellman Property Address: 2525 Pointe Center Ct.

Mailing Address: 1125 Emancipation HWY #350, Fredericksburg, VA 22401

GPIN #: 8289-02-4475

Name: Liberty Village, LLC Property Address: 17608 Main Street, Dumfries, VA 22026-2359

Mailing Address: 17608 Main Street, Dumfries, VA 22026-2359

GPIN #: 8289-02-0582

Name: Liberty Village, LLC Property Address: 17608 N Main Street, Dumfries, VA 22026

Mailing Address: 17608 N Main Street, Dumfries, VA 22026

GPIN #: 8189-92-8977

Name: Hossein & Dana Ann Pahlavaninejad Surv. Property Address: 19891 Mattaponi Trail, Milford, VA 22514

Mailing Address: 19891 Mattaponi Trail, Milford, VA 22514

GPIN #: 8289-02-0056

Name: \_\_\_\_\_ Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

GPIN #: \_\_\_\_\_

Name: \_\_\_\_\_ Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

GPIN #: \_\_\_\_\_

Name: \_\_\_\_\_ Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

GPIN #: \_\_\_\_\_

I hereby certify that I have the authority to make the foregoing application on behalf of the named business or organization, that the information given is correct, that I have read and I understand the applicable zoning ordinances for the zoning district, and that this project will comply with all applicable Codes and Ordinances of the Town of Dumfries and the State of Virginia.

Name: Madi Ford, DOM fn1 Applicant Signature: [Signature]  
 Address: 17608 Main Street, Dumfries, VA 22026-2359 Phone: (802) (240) 630-2559  
 Email: madi@cadeopartners.com  
 20814

# INTEREST DISCLOSURE AFFIDAVIT

STATE OF MARYLAND,  
COUNTY OF MONTGOMERY

This 15<sup>th</sup> day of June, 2023

I, 111 Pttaplf /t/ tlf Lu- (Owner), hereby make oath that no member of the Town Council of the Town of Dumfries, Virginia, nor the Planning Commission of the Town of Dumfries, Virginia, has interest in such property, either individually, by ownership of stock in a corporation owning such land, or partnership, or as holder of ten (10) percent or more of the outstanding shares of stock in or as a director or officer of any corporation owning such land, directly or indirectly, by such member or members of his immediate household, except as follows:

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111 Pttaplf /t/ tlf Lu-  
Owner/ Purchaser/Author Agent 111 Pttaplf  
(circle one) JJLrC

STATE OF MARYLAND:  
County of Montgomery

Subscribed and sworn to before me this 15<sup>th</sup> day of June, 2023 in my  
County and State aforesaid, by the aforementioned Principal.

[Signature]  
NOTARY PUBLIC

My Commission Expires: gt4l .?-a)-'f':

If an attorney will represent you in all matters regarding this application, please fill out this

**Jose G. Ilagan**  
•Notary Public\*  
State of Maryland  
My commission expires Sept. 8th, 2025

**Statement of Justification  
Conditional Use Permit Application**

**3600 Pointe Center Court Wawa**

June 23, 2023

**Introduction.** Dumfries Purchaser, LLC (the "Applicant") is the owner of an approximately 3.6-acre property located at 3600 Pointe Center Court, identified as Prince William County GPIN 8289-02-2144 (the "Property"). The Property is located on the southern corner of the intersection of Route 1 (Fraley Boulevard) and Possum Point Road. The Property is zoned B-1, General Business and is designated as Mixed Use in the Town of Dumfries's (the "Town") Comprehensive Plan Future Land Use Map. The Property contains an office building with approximately 50,000 square feet of which nearly 44,000 square feet sits vacant.

With a non-existent market demand for office space, especially suburban office, the Applicant seeks to redevelop the Property into a tax revenue producing, market supported use that will benefit the Town, its residents, and its visitors, for years to come. Specifically, the Applicant has partnered with Wawa, Inc. to bring the Town its first prototypical Wawa store that includes fuel pumps, electric vehicle ("EV") charging stations, a retail/convenience store, and the popular readymade and made-to-order food options such as sandwiches, pizza, burgers, soups and salads - with options for delivery and catering (the "Proposed Use"). As is common with many convenience stores, including Wawa, beer and wine would be available for sale and off-premise consumption, subject to obtaining necessary approvals from the Virginia Alcoholic Beverage Control. The Applicant and Wawa are excited about the opportunity to bring the Town a vibrant and exciting use of the Property that also provides a retail amenity and 24-hour food service that will benefit the Town.

The Applicant pursues this Conditional Use Permit to allow the Proposed Use on the Property. As confirmed in a Zoning Determination letter issued by the Town's Zoning Administrator, and dated June 13, 2023, the Proposed Use constitutes a convenience store with gasoline sales with off-premises beer and wine sales, food service, and EV charging stations as accessory uses, which is permitted in B-1 with the approval of a conditional use permit. Specifically, the convenience store with gasoline sales and off-premises beer and wine sales requires the Conditional Use Permit sought by this application.

**Overview of the Proposal.** The Proposed Use, as outlined above, includes a convenience store building of approximately 5,915 square feet<sup>1</sup>, 8 double-sided fuel pumps (i.e., 16 fueling positions), EV chargers, and associated parking, which is proposed to more than double the Town's minimum parking requirements for this type of use. The Applicant intends to maintain the existing site access points, which includes two along Possum Point Road and one from the right-of-way known as Canal Road. The Applicant also reserves potential right-of-way dedication areas along Route 1 (Fraley Boulevard) and Canal Road that aligns with the Virginia Department of Transportation's ("VDOT") current plans for the Route 1 widening project. At the request of Prince William County Department of Transportation

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<sup>1</sup> Please note that food products, beverages, and other items are only sold in an approximately 3,482 square feet portion of the building with the remaining areas used for storage and other 'back-of-house' aspects of the operation.

and/or VDOT, the Applicant will engage in negotiations regarding the potential dedication of this right-of-way, in addition to any permanent or temporary easements that may be needed for the Route 1 widening project.

The Applicant proposes a 10-foot-wide Landscape Area around the perimeter which should enhance the on-site landscaping beyond what exists today. Approximately forty-one (41%) percent of the Property is proposed to be maintained as green space.

The proposal includes a freestanding sign at the corner of Route 1 (Fraley Boulevard) and Possum Point Road as well as building facade signage, shown generally on the submitted building renderings. The proposed signage will comply with the Town's applicable signage regulations.

Included with the application materials are illustrative renderings of the proposed fuel canopy, trash enclosure, and convenience store building. As demonstrated in the convenience store rendering, the proposal includes a first-rate architectural design with recesses along the building facades, variation in the roofline, and a mix of high-quality exterior building materials including, but not limited, to brick, wood, and metal finishes. The proposed canopy and trash enclosure includes similar building materials and design features as the convenience store building in an effort to provide a cohesive architectural theme throughout the development. Coupled with the enhanced landscaping, the proposed architectural elements will increase the visual appeal of the Property and improve the overall aesthetic of the Route 1 corridor within the Town.

**Comprehensive Plan.** The proposed Conditional Use Permit is compatible with the Dumfries Comprehensive Plan adopted July 8, 2014, as amended through November 2020. As noted previously, the Property is designated as Mixed-Use. On Page 82 of the Town's Comprehensive Plan, mixed-used areas are described as being designed to enhance the Town's non-residential tax base and create a walkable environment that weaves together land uses, jobs, housing options, restaurants and shopping within a compact area. The Proposed Use will contribute to the non-residential tax base and provide jobs within the community, which aligns with these stated goals.

Furthermore, the primary objectives for the land use recommendations of the Comprehensive Plan found on page 76 include a goal of providing aesthetic retail services near residential areas as an important amenity to residents. The Proposed Use provides a convenient food and shopping location for the nearby residences off Possum Point Road and the recently approved residential development known as Aras on Main. The Route 1 widening project includes pedestrian facilities in the immediate vicinity which will encourage different modes of transportation, will allow for a walkable environment, and will provide a desired amenity in close proximity to existing, and future, Town residents.

While the existing market conditions in and around the Town do not support the commonly envisioned, dense, vertical mixed-use development, it can achieve a mix of uses within a relatively compact area that can serve as an interim step in realizing the long-term goals of a vibrant mixed use town center. The Applicant suggests that this proposal along with some of the other exciting developments nearby (i.e., The Rose and Aras on Main) will create a strong foundation of commercial and residential uses near the Town's center that will spur future growth and development within the Town that aligns with its current and future goals.

It is also important to note that the Town is in the process of updating its Comprehensive Plan, which may change the above analysis; however, the Proposed Use should fit nicely into the existing and future plans for this corridor.

**Transportation.** Included with the application materials is a Traffic Impact Analysis ("TIA") that evaluates the potential impacts of the vehicle trips generated by the Proposed Use on the surrounding transportation network. The TIA accounts for the Route 1 widening project and concludes that the Proposed Use will not have a substantial impact on the surrounding transportation network. With the Proposed Use, there are two locations within the scoped study area that experience unacceptable levels of service; however, these circumstances are anticipated to be mitigated to an acceptable level of service through the improvements associated with the Route 1 widening project. For more detail, please see the TIA.

Additionally, as shown on the Conditional Use Permit Plan and proposed by Condition 7.b, the Applicant agrees to engage in negotiations related to dedication of right-of-way along the Property's Route 1 Fraley Boulevard frontage and Canal Road to account for the anticipated right-of-way needed for the Route 1 widening project. In addition, the Applicant agrees to engage in similar negotiations concerning temporary and/or permanent easements that may be necessary in connection with the widening.

**DRAFT**  
**CONDITIONAL USE PERMIT CONDITIONS**  
**Applicant/Owner: Dumfries Purchaser, LLC (the "Applicant")**  
**Prince William County GPIN: 8289-02-2144 (the "Property")**  
**Conditional Use Permit Area: ± 3.6 acres**  
**Zoning: B-1, General Business**

**Date: June 23, 2023**

The following conditions are intended to offset the impacts of the proposal and to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas. If the conditions of this Conditional Use Permit or the Conditional Use Permit Plan are in conflict with the Zoning Ordinance and/or any other applicable regulations, the more restrictive standards shall apply, except as specifically allowed by this conditional use permit. For purposes of these conditions, Applicant shall mean the Applicant, its successors and assigns.

The Applicant shall file a site plan within three (3) years of approval of this conditional use permit by the Town Council and shall have up to five (5) years from the date of final site plan approval to commence the proposed use. Issuance of an occupancy permit constitutes commencement of the use.

1. Site Development: The Property shall be developed in conformance with the conditional use permit plan entitled, "Conditional Use Permit for Wawa," prepared by Bohler Engineer, dated June 23, 2023, (hereinafter, the "CUP Plan") subject to minor modifications in connection with final site plan review or final engineering.
  
2. Use Parameters
  - a. Use Limitation: The use approved with this conditional use permit shall be limited to convenience store with gasoline sales and off-premises wine and beer sales with food service and electric vehicle charging stations as accessory uses. The uses permitted with this conditional use permit do not limit or restrict the by-right uses otherwise allowed on the Property.
  
  - b. Hours of Operation: Hours of operation may be twenty-four (24) hours per day, seven (7) days a week.
  
  - c. Cessation of Use: If the sale of motor vehicle fuel should cease for a period of more than one year, the Applicant or any subsequent owner of the Property shall notify the Town of the cessation of use and shall be required to submit a demolition plan

to Building Development for the removal of the following structures within ninety (90) days of approval of the demolition plan:

- i. Underground fuel storage tanks;
- ii. Fuel dispensers;
- iii. Pump islands;
- iv. Overhead canopy;
- v. Air and water dispensers; and
- vi. Signage related to motor vehicle fuel sales.

In the event that all uses are discontinued and the site is vacant, the Applicant shall stabilize the site using erosion control measures acceptable to the Prince William County Division of Environmental Services.

### 3. Community Design

- a. Architecture: The design and building materials for the building, fuel station canopy, and trash enclosure, shall conform with the following architectural elevations:

- i. "Wawa U59FB-L RT 1," prepared by HRA, and dated June 23, 2023;  
and
- ii. "Wawa Stacked 8 Fuel Canopy - Trash Compound," prepared by HFA, and dated June 23, 2023 (collectively, the "Elevations").

The Elevations may be subject to modification approved by the Town in connection with site plan review. Additional changes to the design and materials may be made provided that any such changes are approved by the Planning Director or its designee prior to the issuance of a building permit release letter. Conformance with the Elevations shall be limited to the building design and materials and shall not create an obligation to provide the signage shown thereon.

- b. Landscaping: Landscaping shall be provided in conformance with the CUP Plan.

### 4. Fire and Rescue

- a. Emergency Spill Contingency/Notification: Prior to final site plan approval, the Applicant shall prepare and submit an emergency spill notification contingency plan and shall have the same approved by the Prince William County Fire Marshal and posted on the premises before the issuance of any occupancy permits. The Applicant shall be responsible for notifying the Fire Marshal's Office immediately in



the event of a spill of any petroleum or chemical waste on the Property. The Applicant shall assume full responsibility for the costs incurred in the cleanup of such spills.

5. Maintenance of Property: The Applicant shall maintain the site and shall pick up trash, litter, and debris on a daily basis.
6. Signage: All signage shall be in accordance with the Zoning Ordinance.
7. Transportation:
  - a. Access: Access to the site shall be provided as shown on the CUP Plan.
  - b. Potential Right-Of-Way Dedication: If requested by Prince William County Department of Transportation ("PWCDOT") and/or Virginia Department of Transportation ("VDOT"), the Applicant shall engage in negotiations regarding the dedication of right-of-way associated with the Route 1 Fraley Boulevard widening (UPC 119481). The Applicant shall also engage in related negotiations concerning any necessary temporary or permanent easements on the Property associated with the Route 1 widening.
8. Water & Public Sewer Connection: The Property shall connect to public water and public sewer.

P1316952.DOCX

Traffic Impact Analysis

# 3600 Pointe Center Court Property

Town of Dumfries, Virginia

June 21, 2023



**Prepared for:**

Audeo Partners

4938 Hampden Lane #216

Bethesda, MD 20814

**GOROVE SLADE**  
Transportation Planners and Engineers

Prepared by:



1140 Connecticut Ave NW

Suite 1010

Washington, DC 20036

T 202.296.8625

4114 Legato Road

Suite 650

Fairfax, VA 22033

T 703.787.9595

225 Reinekers Lane

Suite 750

Alexandria, VA 22314

T 703.721.3044

4951 Lake Brook Drive

Suite 250

Glen Allen, VA 23060

T 804.362.0578

[www.goroveslade.com](http://www.goroveslade.com)

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## Executive Summary

This report presents the findings of a Traffic Impact Analysis (TIA) conducted for the proposed development site which is generally situated in on the east side of US Route 1 (Fraleley Boulevard) between Possum Point Road and Canal Road in the Town of Dumfries, Virginia.

This study was developed in accordance with the Virginia Department of Transportation (VDOT) and the Town of Dumfries (the Town) transportation impact analysis guidelines. The document was prepared in accordance with the best professional practice and standards that assess the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. Traffic Impact analysis involves the evaluation of anticipated roadway conditions with and without the proposed development and recommend transportation improvements to offset both the impacts of the increase in future traffic volumes and the changes in traffic operations due to the development. The analysis assists public officials and developers to balance interrelations between efficient traffic movements with necessary lane access.

### ***Description of Proposed Development***

The Site is situated across one parcel that can be identified on Prince William County Tax Mapper with the following GPIN: 8289-02-2144. The property totals approximately 3.67 acres and is currently zoned as B-1 (General Business).

The property currently has a 48,000 square foot (s.f.) medical office building and the Applicant is proposing to redevelop the parcel to construct a gas station with 16 fueling positions and a 6,100 s.f. convenience store in place of the current use. The Development is anticipated to be complete and in operation by 2027.

Access to the Site will be provided via two existing full-movement entrances along Possum Point Road and one proposed full-movement entrance along Canal Service Road.

### ***Principal Findings and Conclusions***

Discussions regarding the study assumptions and relevant background information were held with VDOT and Town staff during February 2023. A finalized scope was agreed upon and signed in June 2023. This scope details the study assumptions and relevant background information discussed in the meetings and correspondence. A copy of the scoping document is included in Appendix A.

The analysis contained herein presents the 2023 Existing Conditions, 2027 Future Conditions without Development, and 2027 Future Conditions with Development.

The analysis presented in this report supports the following assumptions and major findings:

#### ***Analysis Components***

- 2023 existing peak hour volumes were derived via turning movement counts collected at intersections within the study area in March 2023.
- As determined based on the discussions and scoping document with VDOT and the Town, an inherent regional growth of 1% per year was applied to the study intersections for the period between 2023 and 2027 to account for future conditions.
- Two approved background developments were included in the study.
- The trip generation associated with the Site was based on the Institute of Transportation Engineers' (ITE) [Trip Generation Manual](#), 11th Edition publication. The Site in total is expected to generate approximately 109 new trips during the AM peak hour, 22 new trips during the PM peak hour, 92 new trips during the SAT peak, 811 new daily trips on a typical weekday, and 1,719 new daily trips on a typical Saturday.
- Intersection capacity and queuing analyses were performed for all analysis scenarios at the study area intersections during the weekday morning (AM), weekday afternoon (PM), and Saturday (SAT) peak hours. *Synchro*, version 11, was used to

analyze the study intersections with results based on the Transportation Research Board's (TRB) Highway Capacity Manual (HCM) methodology and analysis guidelines provided in VDOT's Traffic Operations and Safety Analysis Manual (TOSAM) (version 2). The analysis herein includes the level of service (LOS), delay, and queue length comparisons for the turning movements analyzed.

## *Analysis Results*

### **2023 Existing Conditions**

- Based on the capacity analysis of the 2023 Existing Conditions, the signalized study intersection currently operates at overall acceptable levels of service during the AM, PM, and SAT peak hours.
- All approaches at all study intersections operate at acceptable levels of service during the AM, PM, and SAT peak hours except for the eastbound approach at the intersection of US 1 at Possum Point and the eastbound approach of US 1 at Canal Road.
- Based on the analysis of the 95th percentile queue lengths, all turning movements have queue lengths that were accommodated within the available storage length of the turn bays.

### **2027 Future Conditions without Development**

- Based on the capacity analysis of the 2027 Future Conditions without Development, the signalized study intersection is expected to operate at overall acceptable levels of service during the AM, PM, and SAT peak hours.
- All approaches at all study intersections are expected to operate at acceptable levels of service during the AM, PM, and SAT peak hours except for the eastbound and northbound approaches at the intersection of US Route 1 at Possum Point Road (Study Intersection 1) and the eastbound approach of US 1 at Canal Road (Study Intersection 2).
- Based on the analysis of the 95th percentile queue lengths, all turning movements are expected to have queue lengths that will be accommodated within the available storage length of the turn bays. However, there is excessive northbound queuing on US 1.

### **2027 Future Conditions with Development**

- Based on the capacity analysis of the 2027 Future Conditions with Development, the signalized study intersection is expected to operate at overall acceptable levels of service during the AM, PM peak hours and at an overall LOS E during the SAT peak hour. With the US 1 Fraley Boulevard widening project in place, the signalized intersection is expected to operate at acceptable levels of service during all peak hours.
- All approaches at all study intersections are expected to operate at acceptable levels of service during the AM, PM, and SAT peak hours except for the eastbound and northbound approaches at the intersection of US Route 1 at Possum Point Road (Study Intersection 1) and the eastbound and westbound approaches of US 1 at Canal Road (Study Intersection 2). The approach levels of service are similar in operation to the 2027 Future Conditions without Development.
- Based on the analysis of the 95th percentile queue lengths, all turning movements are expected to have queue lengths that will be accommodated within the available storage length of the turn bays except the southbound left turn movement at the intersection of US Route 1 at Possum Point Road (Study Intersection 1).

## *Overall Conclusion*

Based on the capacity and queueing analysis results, the proposed Development will not have a substantial impact on the surrounding transportation and roadway network. There are two locations that experience unacceptable levels of service; however, these are expected to be mitigated when the US 1 Fraley Boulevard widening project is complete. The widening project is anticipated to be completed in 2027 or 2028. Therefore, no improvements are recommended to mitigate the traffic generated by the proposed Development.



## Introduction

This report presents the findings of a Traffic Impact Analysis conducted for the proposed 3600 Pointe Center Court property (the Site / the Development / the Property) in the Town of Dumfries, Virginia. The proposed redevelopment plan is to replace the existing 48,000 s.f. medical office building with a 6,100 s.f. convenience store with 16 fueling positions, to be in operation by 2027.

The following tasks were completed as part of this study effort:

- Scoping discussions were held with VDOT and the Town staff on the parameters of this study as well as any relevant background information during February 2023. A finalized scope was agreed upon in May 2023. A copy of the scoping document is included in Appendix A.
- Existing conditions were observed in the field to verify roadway geometry, pedestrian and bicycle infrastructure, and traffic flow characteristics.
- In order to determine the weekday morning and afternoon peak hour turning movement traffic volumes, traffic counts were conducted on Thursday, March 9, 2023 and Saturday, March 11, 2023.
- The 2027 Future Conditions without Development scenario was projected based on the existing traffic volumes, an inherent growth to account for regional growth on the roadway network, approved background developments, and roadway improvements.
- Proposed site traffic volumes were derived based on the methodology outlined in ITE's Trip Generation Manual, 11<sup>th</sup> Edition, publication and were assigned to the road network based on the agreed-upon direction of approach discussed during the aforementioned scoping meeting.
- The 2027 Future Conditions with Development scenario was projected based on the existing traffic volumes, regional growth, approved background developments, roadway improvements, and plans for the proposed development.
- Intersection capacity and queuing analyses were performed for the identified study intersections for the 2023 Existing Conditions, 2027 Future Conditions without Development, and 2027 Future Conditions with Development scenarios during the weekday morning (AM), weekday afternoon (PM), and Saturday (SAT) peak hours.
- Intersection capacity and queuing analyses were performed using *Synchro*, version 11, with results based on the Transportation Research Board's (TRB) Highway Capacity Manual, Sixth Edition (HCM 6) methodology and in following VDOT's Traffic Operations and Safety Manual (TOSAM) (version 2).

Sources of data for this study include the Institute of Transportation Engineers (ITE), VDOT, the Town, and the office files and field reconnaissance efforts of Gorove Slade.

## Background Information: Proposed Development (Site & Nearby)

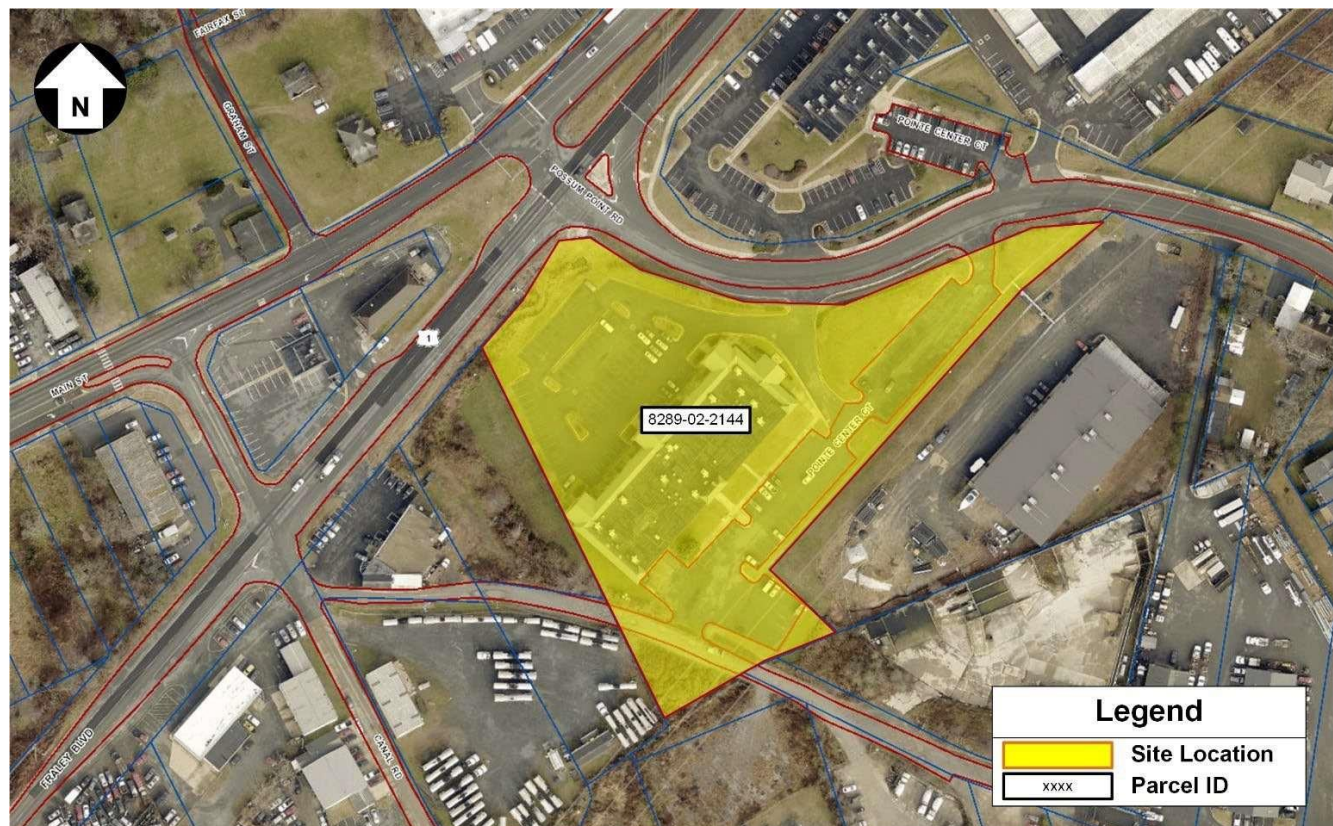
### Description of the Existing Site

#### Site Location and Description of the Parcel

The proposed development currently contains a 48,000 s.f. medical office building and is generally situated to the east of US Route 1 between Possum Point Road and Canal Service Road in the Town of Dumfries, Virginia. The proposed development consists of one parcel with the following GPIN: 8289-02-2144 and a total land area of 3.67 acres.

An aerial of the study vicinity of provided in **Figure 1**.

A description of the proposed development is provided in the *Introduction* section of this report.



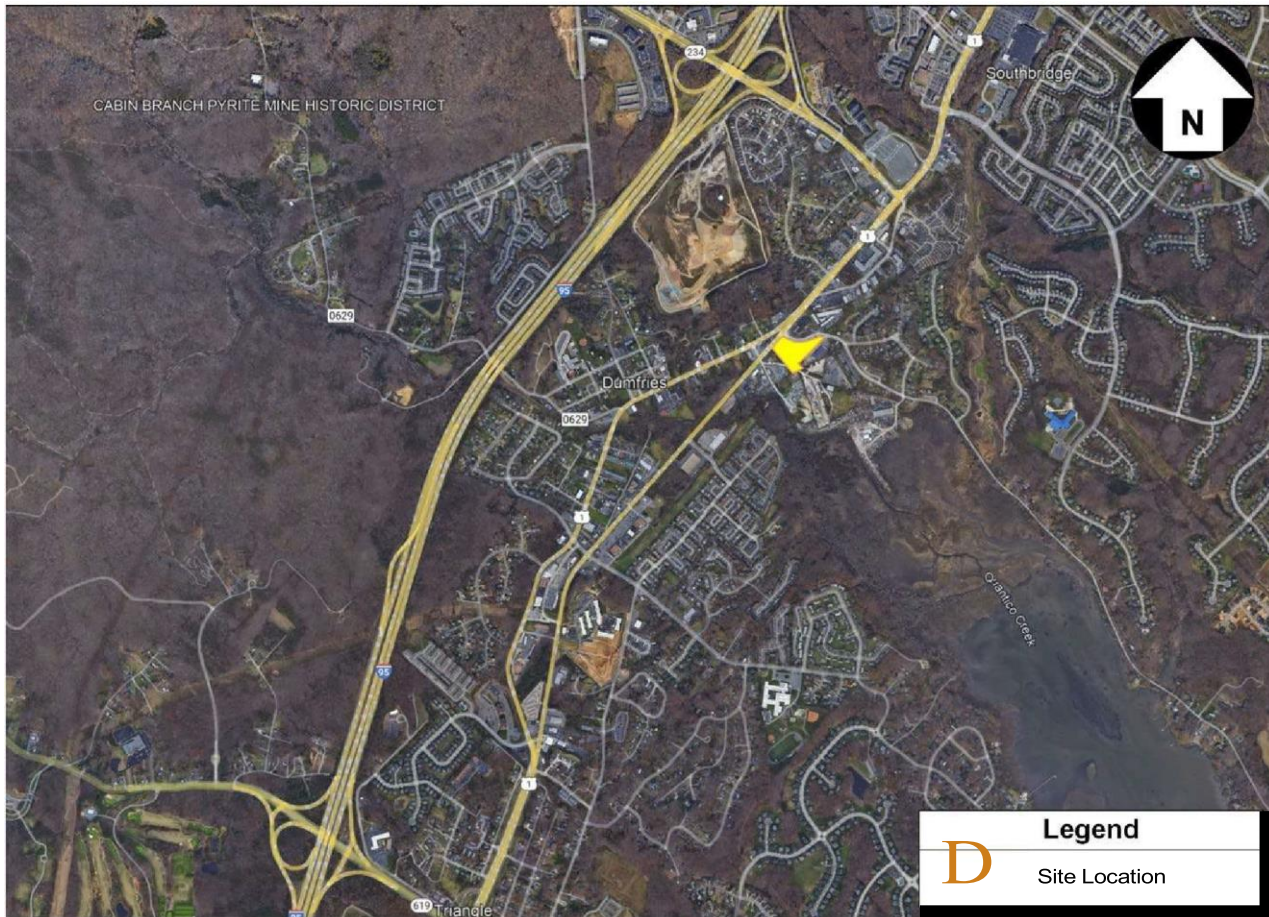
**Figure 1: Site Location and Parcel Map**

(Source: Prince William County Tax Mapper <https://gisweb.pwcva.gov/webapps/countymapper/>)



### *Location within Jurisdiction and Region*

The location of the site with respect to the surrounding area is presented in **Figure 2**.

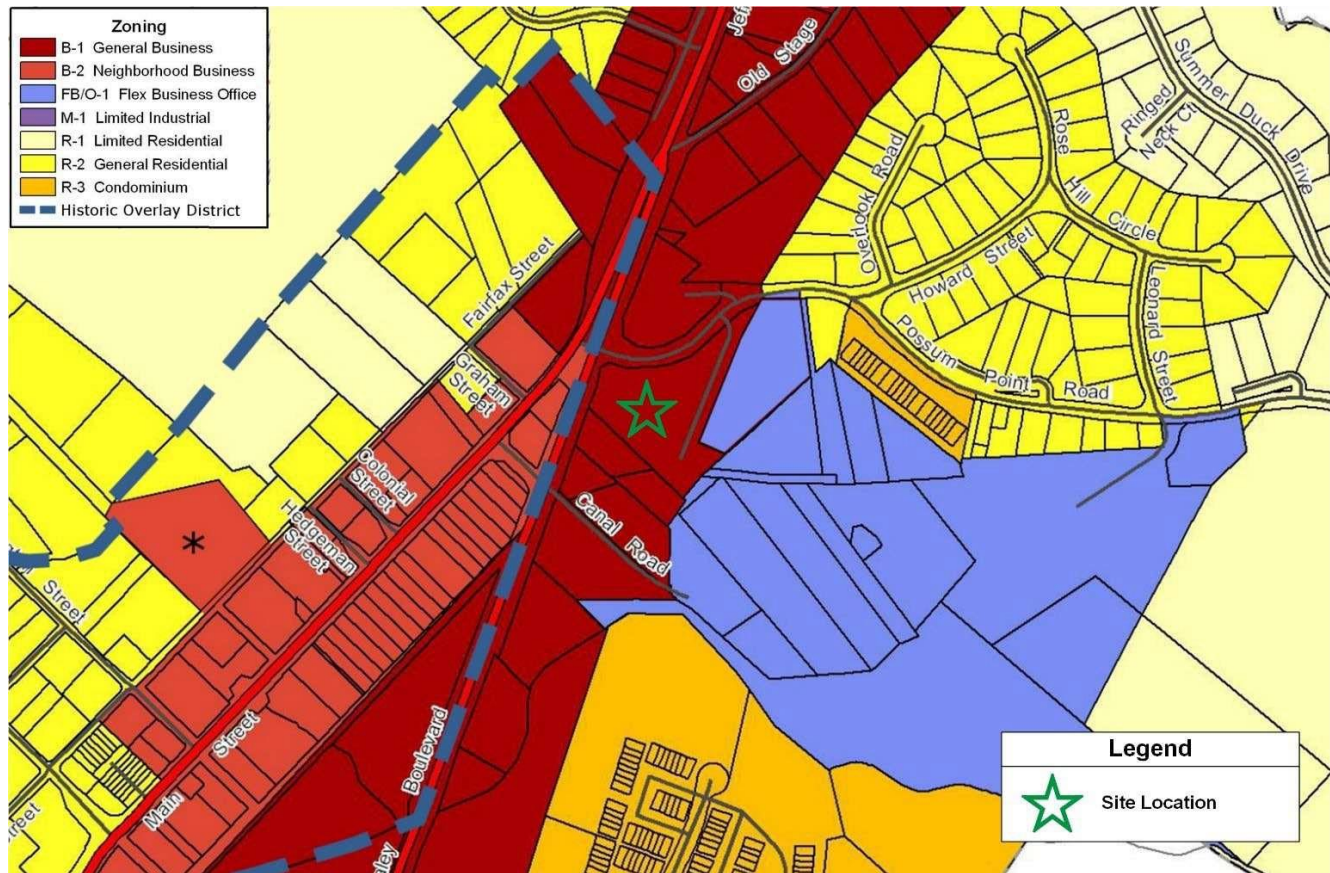


**Figure 2: Regional Location**

### Existing Zoning and Future Land-Use

The Site is currently zoned as B-1 (General Business) and the proposed development falls under the uses allowed in this zoning district.

The existing zoning is presented in **Figure 3**.



**Figure 3: Town of Dumfries Zoning Map**

(Zoning Source: <https://cms5.revize.com/revize/dumfriesva/Document%20Center/Business/Dumfries-Zoning-Map-as-of-3-20-12.pdf>)

### Descriptions of Geographic Scope of Study and Limits of the Study Area

The geographic scope of the study area was developed in accordance with VDOT and Town guidance. The vehicular study area includes the following 5 existing study intersections and 1 future study intersection. The study intersections are as follows:

- Intersection 1:** US Route 1 (Farley Boulevard) at Possum Point Road [existing full movement, signalized],
- Intersection 2:** US Route 1 at Canal Road [existing full movement, unsignalized],
- Intersection 3:** Canal Road at Commercial Driveways/ Canal Service Road [existing full movement, unsignalized],
- Intersection 4:** Possum Point Road at Western Access/ Storage Driveway [existing full movement, unsignalized],
- Intersection 5:** Possum Point Road at Eastern Access/ Vault Lane [existing full movement, unsignalized],
- Intersection 6:** Canal Service Road at Future Access [future full movement, unsignalized]

Study intersections 4, 5, and 6 provide a full movement access points to the development.

An aerial of the study intersections is provided in **Figure 4**.





Figure 4: Aerial of Study Boundaries (Study Intersections)

### Existing Roadway Network

A description of the major roadways within the study area is presented below in Table 1.

Table 1: Existing Roadway Network

| Roadway                 | RTE# | VDOT Classification | Lanes | Legal/Design Speed Limit (mph) | AADT (vpd) | Road Segment Between:                     | k-factor |
|-------------------------|------|---------------------|-------|--------------------------------|------------|---|----------|
| Fraleley Boulevard      | US 1 | Minor Arterial      | 4 div | 55                             | 11,000     | SCL Dumfries   1 Par near Possum Point    | 8.6%     |
| Jefferson Davis Highway | US 1 | Minor Arterial      | 4 div | 55                             | 27,000     | 1 Par Near Possum Point   NCL Dumfries    | 7.9%     |
| Main Street             | US 1 | Major Collector     | 2     | 45                             | 13,000     | SCL Dumfries   Fraley Blvd North Interse, | 9.8%     |
| Possum Point Road       | 1083 | Major Collector     | 2 div | 40                             | 690        | US 1   ECL Dumfries                       | 8.9%     |

Note: Based on VDOT Historical Traffic Data from 2021.

US Route 1 (Main street/ Fraley Boulevard) is generally a four-lane divided Principal Arterial with a posted speed limit of 35 mph within the vicinity of the Site. The 2021 VDOT ADT on US Route 1 is 27,000 vehicles per day (vpd) from Possum Point Road to the north county line and approximately 11,000 vpd from the south county line to Possum Point Road. Currently, US Route 1 is bifurcated with southbound traffic on Main Street and northbound traffic on Fraley Boulevard. For the purposes of this analysis, US Route 1 is assumed to be a north-south roadway.

Possum Point Road is a two-lane, undivided Minor Collector with a posted speed limit of 25 mph and a 2021 VDOT ADT of approximately 610 vpd. For the purposes of this study, Possum Point Road is assumed to be an east-west roadway.

Canal Road is a two-lane undivided local roadway. There is no posted speed limit or published 2021 VDOT ADT data. Canal Road serves as a connection to US Route northbound to US Route 1 southbound. For the purposes of this analysis, Canal Road is assumed to be an east-west roadway with a 25 mph speed limit.

### ***Analysis of 2023 Existing Traffic Volumes***

In order to determine the weekday morning (AM), weekday afternoon (PM), and Saturday (SAT) peak hour turning movement traffic volumes, turning movement counts (TMC) were collected at the study intersections on Thursday, March 9, 2023 and on Saturday, March 11, 2023. The referenced weekday turning movement counts were collected from the hours of 6:00 AM to 9:00 AM and 4:00 PM to 7:00 PM and the referenced Saturday counts were collected from the hours of 11:00 AM to 3:00 PM:

- o Study Intersection 1: US Route 1 (Farley Boulevard) at Possum Point Road
- o Study Intersection 2: US Route 1 at Canal Road
- o Study Intersection 3: Canal Road at Commercial Driveways / Canal Service Road
- o Study Intersection 4: Possum Point Road at Western Access / Storage Driveway
- o Study Intersection 5: Possum Point Road at Eastern Access / Vault Lane
- From the turning movement counts, the following system peak hours were determined.
  - o AM Peak Hour: 7:15 AM to 8:15 AM
  - o PM Peak Hour: 4:00 PM to 5:00 PM
  - o SAT Peak Hour: 12:30 PM to 1:30 PM

The 2023 existing road network configuration is presented in **Figure 5**. The existing AM, PM, and SAT peak hour traffic volumes for the existing study intersections are shown in **Figure 6**. The ADT volumes, depicted in **Figure 6** and in subsequent volume graphics, were calculated based on VDOT published k-factors from 2021, if available, or assumed k-factors per approach of 0.10 and the PM peak hour volumes. The raw existing traffic count data is provided in Appendix B.

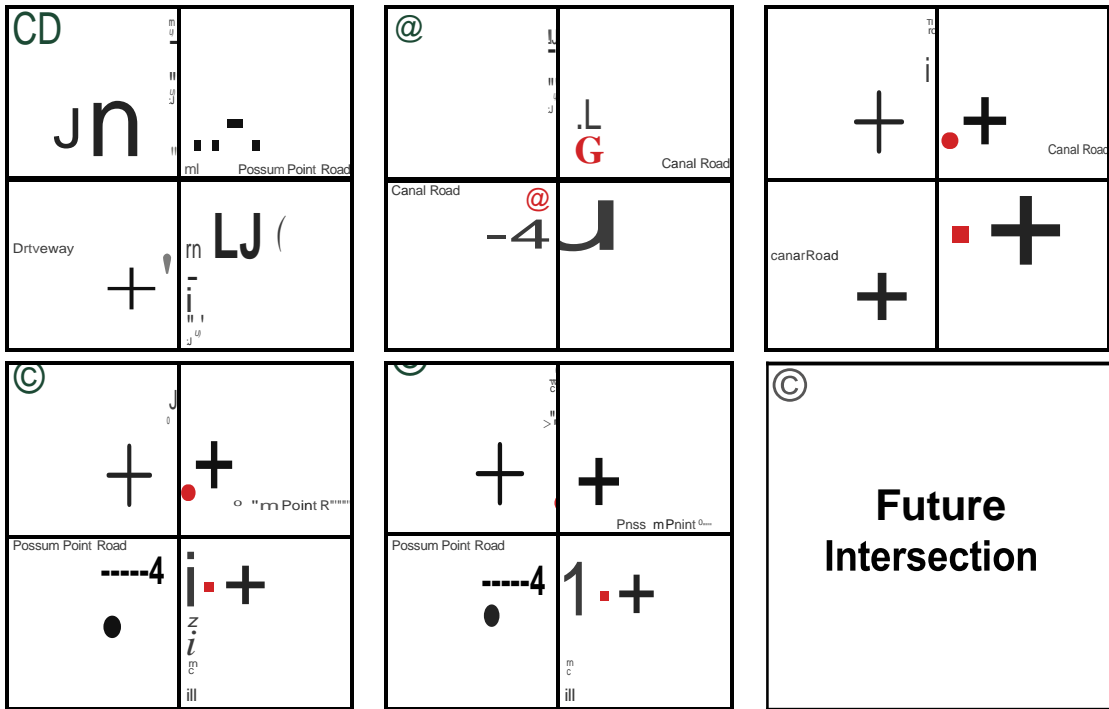
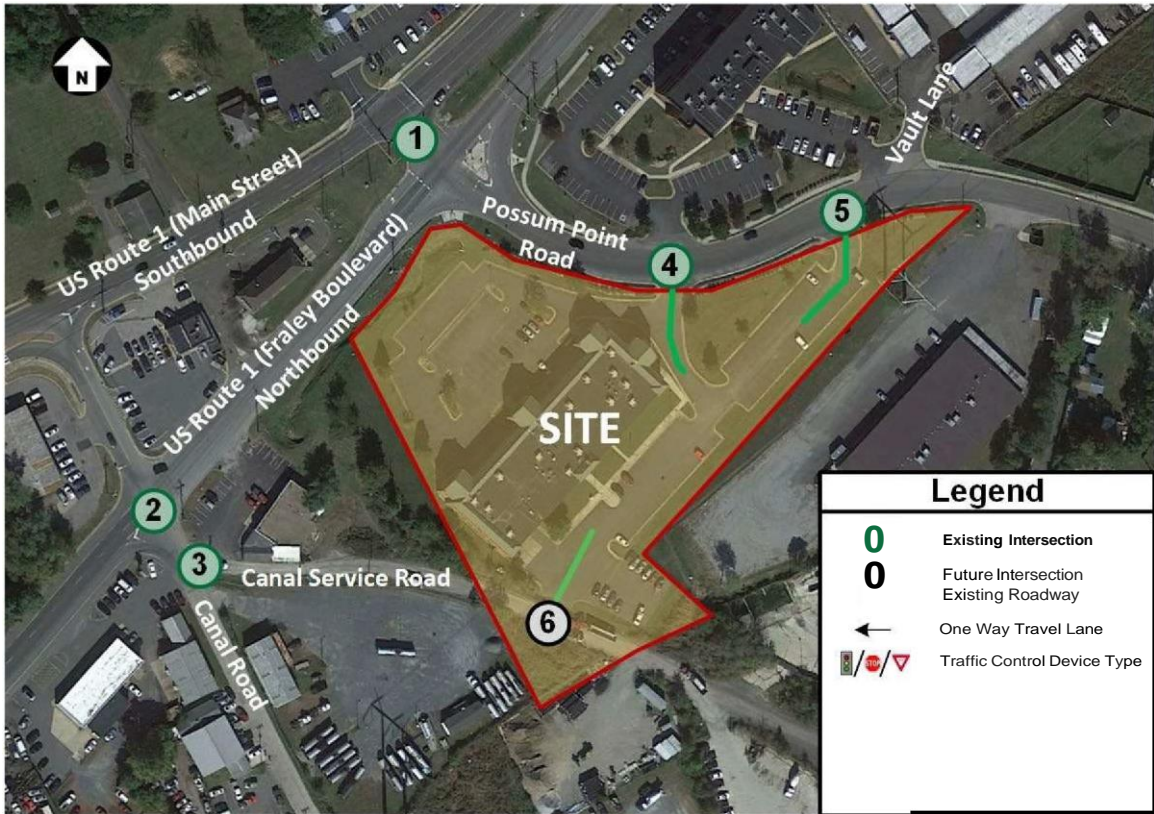
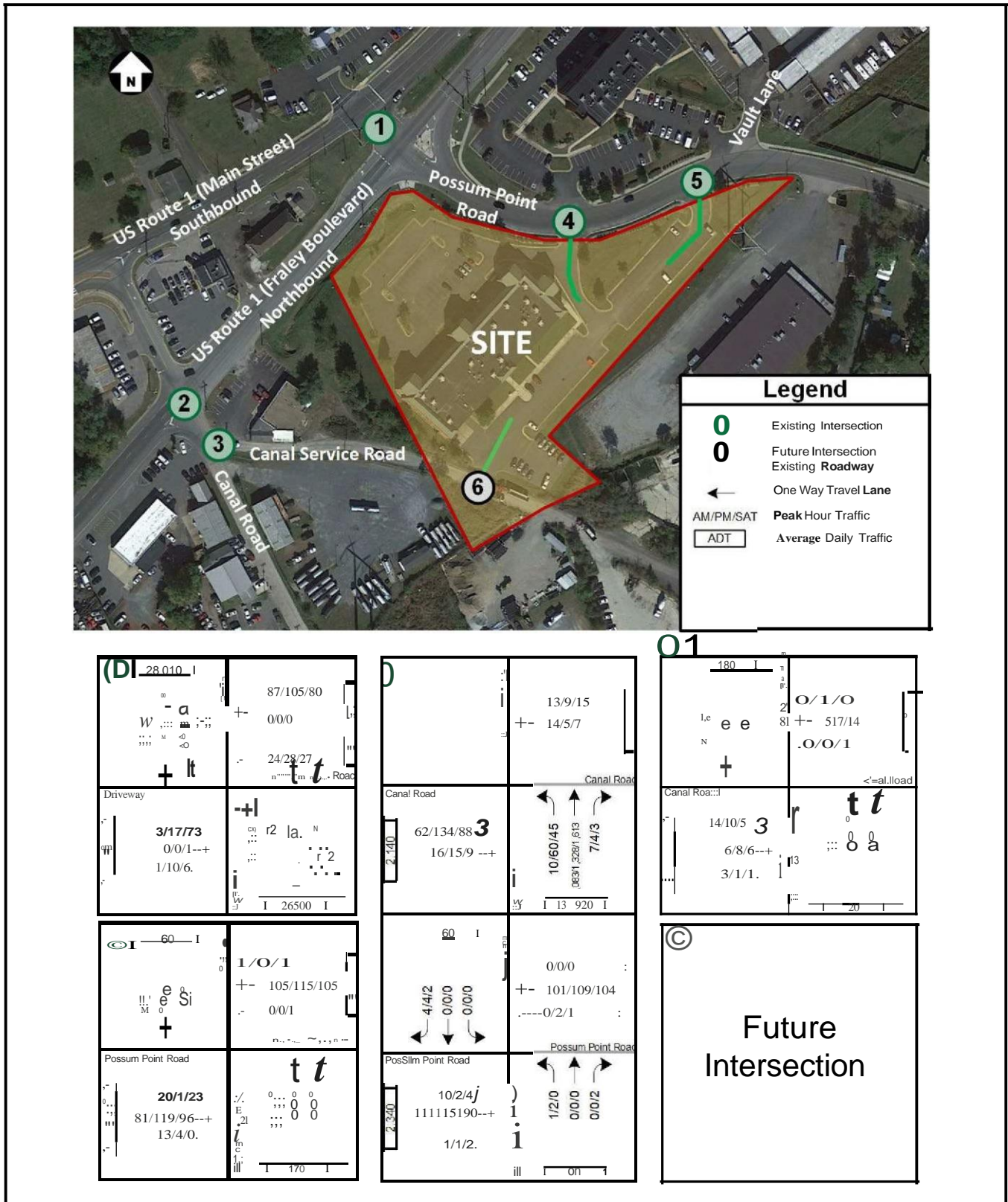


Figure 5: 2023 Existing Conditions - Roadway Network Geometric Configuration and Traffic Control Devices







### ***Existing Intersection Capacity and Queueing Analysis***

Intersection capacity and queueing analyses were performed for the 2023 Existing Conditions scenario at the study area intersections during AM, PM, and SAT peak hours, in accordance with VDOT's *TOSAM* (version 2) guidelines. *Synchro*, version 11, was used to analyze the study intersections with results based on the Transportation Research Board's (TRB) Highway Capacity Manual (HCM) 6<sup>th</sup> Edition methodology and include the level of service (LOS), delay, and queue length comparisons for the turning movements analyzed. Lane configurations at study intersections along the road network were field-verified, and the existing traffic volumes discussed in the aforementioned section as well as other relevant data were entered into the analysis models.

For this analysis, the existing peak hour factors (PHF) utilized in the analysis of existing conditions were based on the traffic count data collected and were modeled in the *Synchro* network on a by-intersection basis. PHF in the range of 0.85 to 1.00 were used for the existing scenario, consistent with VDOT analysis guidelines. The heavy vehicle percentages (HV%) utilized per movement were based on existing traffic count data for each individual lane group.

Per the scoping meeting with VDOT and the County staff, it would be considered acceptable to achieve an approach LOS D or better for traffic operations, using HCM methodology. The results of the intersection capacity from *Synchro* are presented in **Table 2** and graphically in **Figure 7**. The results are expressed in LOS and delay (seconds per vehicle) for overall signalized/all-way stop control intersections and per approach and lane group for all study intersections. Any overall signalized intersection or approach that operates at LOS E or F is displayed in red.

The 95<sup>th</sup> percentile queues were also determined from *Synchro* and are expressed in feet. The lane groups where the queue lengths exceeded the available storage lengths of future turn lanes are displayed in red.

The description of different LOS and delays are included in Appendix C. The detailed analysis worksheets of 2023 Existing Conditions are contained in Appendix D.

**Table 2: 2023 Existing Conditions - Intersection Capacity Analysis Results**

| No. | Intersection (Movement)   | Effective Storage Length (ft.) <sup>[1]</sup> | AM Peak Hour |                 |                   | PM Peak Hour |                 |             | SAT Peak Hour |                 |                   |
|-----|---|---|--------------|-----------------|-------------------|--------------|-----------------|-------------|---------------|-----------------|-------------------|
|     |   |   | LOS          | Delay (sec/veh) | 95th% Queue (ft.) | LOS          | Delay (sec/veh) | 95th% Queue | LOS           | Delay (sec/veh) | 95th% Queue (ft.) |
|     |   |   | Synchro      |                 |                   | Synchro      |                 |             | Synchro       |                 |                   |
|     | Possum Point Rd (E/W) at US Route 1 (N/S)<br>Overall Intersection (Signalized)                            |   | <b>B</b>     | <b>15.2</b>     |                   | <b>B</b>     | 17.3            |             | <b>B</b>      | <b>17.8</b>     |                   |
|     | <i>Eastbound Approach</i>   |   | <b>E</b>     | <b>57.1</b>     |                   | <b>E</b>     | <b>68.4</b>     |             | <b>E</b>      | <b>75.4</b>     |                   |
|     | Eastbound Left/Thru/Right   |   | E            | 57.1            | 17                | E            | 68.4            | 53          | E             | 75.4            | 34                |
|     | <i>Westbound Approach</i>   |   | <b>B</b>     | <b>11.5</b>     |                   | <b>B</b>     | <b>15.6</b>     |             | <b>B</b>      | <b>19.4</b>     |                   |
|     | Westbound Left/Thru   | 100   | D            | 50.9            | 54                | E            | 71.8            | 64          | E             | 75.6            | 64                |
|     | Westbound Right   |   | A            | 0.1             |                   | A            | 0.1             |             | A             | 0.1             | 0                 |
|     | <i>Northbound Approach</i>  |   | <b>B</b>     | <b>18.2</b>     |                   | <b>B</b>     | <b>19.7</b>     |             | <b>B</b>      | <b>19.7</b>     |                   |
|     | Northbound Left   | 85  | E            | 55.7            | 11                | E            | 75.8            | 43          | E             | 74.3            | 51                |
|     | Northbound Thru   |   | B            | 18.4            | 511               | B            | 19.2            | 718         | B             | 19.2            | 911               |
|     | Northbound Right  |   | B            | 11.4            | 0                 | B            | 10.5            | 0           | A             | 9.0             | 0                 |
|     | <i>Southbound Approach</i>  |   | <b>B</b>     | <b>11.1</b>     |                   | <b>B</b>     | <b>13.5</b>     |             | <b>A</b>      | <b>13.3</b>     |                   |
|     | Southbound Left   | 225   | D            | 43.8            | 109               | E            | 62.3            | 162         | E             | 68.4            | 153               |
|     | Southbound Thru   |   | A            | 8.1             | 235               | A            | 9.3             | 411         | A             | 7.9             | 281               |
|     | Southbound Right  | 250   | A            | 6.1             | 0                 | A            | 6.2             | 0           | A             | 5.9             | 0                 |
| 2   | Canal Rd (E/W) at US Route 1 (N/S)<br>Overall Intersection (TWSC)   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | <i>Eastbound Approach</i>   |   | <b>C</b>     | <b>23.0</b>     |                   | <b>F</b>     | <b>54.2</b>     |             | <b>F</b>      | <b>50.4</b>     |                   |
|     | Eastbound Left/Thru   |   | C            | 23.0            | 30                | F            | 54.2            | 115         | F             | 50.4            | 78                |
|     | <i>Westbound Approach</i>   |   | <b>D</b>     | <b>26.9</b>     |                   | <b>C</b>     | <b>23.9</b>     |             | <b>D</b>      | <b>29.8</b>     |                   |
|     | Westbound Right/Thru  |   | D            | 26.9            | 13                | C            | 23.9            |             | D             | 29.8            | 13                |
|     | <i>Northbound Approach</i>  |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Northbound Left   | 310   | A            | 0.0             |                   | A            | 0.0             |             | A             | 0.0             | 0                 |
|     | Canal Rd (E/W) at Daniels Auto Care/Select New & Used Tires And Auto (N/S)<br>Overall Intersection (TWSC) |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | <i>Eastbound Approach</i>   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Eastbound Left/Thru/Right   |   | A            | 7.7             |                   | A            | 7.7             |             | A             | 7.2             | 0                 |
|     | <i>Westbound Approach</i>   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Westbound Left/Thru/Right   |   | A            | 7.2             |                   | A            | 7.2             |             | A             | 7.2             | 0                 |
|     | <i>Northbound Approach</i>  |   | <b>A</b>     | <b>8.9</b>      |                   | <b>A</b>     | <b>8.8</b>      |             | <b>A</b>      | <b>8.8</b>      |                   |
|     | Northbound Left/Thru/Right  |   | A            | 8.9             |                   | A            | 8.8             |             | A             | 8.8             | 0                 |
|     | <i>Southbound Approach</i>  |   | <b>A</b>     | <b>9.1</b>      |                   | <b>A</b>     | <b>9.0</b>      |             | <b>A</b>      | <b>8.6</b>      |                   |
|     | Southbound Left/Thru/Right  |   | A            | 9.1             |                   | A            | 9.0             |             | A             | 8.6             | 0                 |
| 4   | Possum Point Rd (E/W) at TSI Dwy (N/S)<br>Overall Intersection (TWSC)                                     |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | <i>Eastbound Approach</i>   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Eastbound Left/Thru/Right   |   | A            | 7.5             |                   | A            | 8.6             |             | A             | 7.4             | 0                 |
|     | <i>Westbound Approach</i>   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Westbound Left/Thru/Right   |   | A            | 7.4             |                   | A            | 7.5             |             | A             | 7.4             | 0                 |
|     | <i>Northbound Approach</i>  |   | <b>B</b>     | <b>10.2</b>     |                   | <b>B</b>     | <b>10.5</b>     |             | <b>A</b>      | <b>9.7</b>      |                   |
|     | Northbound Left/Thru/Right  |   | B            | 10.2            |                   | B            | 10.5            |             | A             | 9.7             | 0                 |
|     | <i>Southbound Approach</i>  |   | <b>A</b>     | <b>9.6</b>      |                   | <b>A</b>     | <b>9.4</b>      |             | <b>A</b>      | <b>9.5</b>      |                   |
|     | Southbound Left/Thru/Right  |   | A            | 9.6             |                   | A            | 9.4             |             | A             | 9.5             | 0                 |
|     | Possum Point Rd (E/W) at Pointe Center Ct/Nault Ln (N/S)<br>Overall Intersection (TWSC)                   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | <i>Eastbound Approach</i>   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Eastbound Left/Thru/Right   |   | A            | 7.5             |                   | A            | 7.5             |             | A             | 7.4             | 0                 |
|     | <i>Westbound Approach</i>   |   |              |                 |                   |              |                 |             |               |                 |                   |
|     | Westbound Left/Thru/Right   |   | A            | 7.4             |                   | A            | 7.5             |             | A             | 7.4             | 0                 |
|     | <i>Northbound Approach</i>  |   | <b>A</b>     | <b>9.7</b>      |                   | <b>B</b>     | <b>10.1</b>     |             | <b>A</b>      | <b>9.5</b>      |                   |
|     | Northbound Left/Thru/Right  |   | A            | 9.7             |                   | B            | 10.1            |             | A             | 9.5             | 0                 |
|     | <i>Southbound Approach</i>  |   | <b>A</b>     | <b>9.3</b>      |                   | <b>A</b>     | <b>9.5</b>      |             | <b>A</b>      | <b>9.5</b>      |                   |
|     | Southbound Left/Thru/Right  |   | A            | 9.3             |                   | A            | 9.5             |             | A             | 9.5             | 0                 |

NOTES:  
 [1] Effective storage length is based on the storage length plus one-half of the taper length per TOSAM guidelines.

Based on the capacity analysis of 2023 Existing Conditions, the signalized study intersection is anticipated to operate at overall acceptable levels of service during the AM, PM, and SAT peak hours. All approaches at all study intersections operate at acceptable levels of service during all peak hours except for the following intersection, which has at least one approach that operates at LOS E or F during at least one peak hour:

- Study Intersection 1: US Route 1 at Possum Point Road
- Study Intersection 2: US Route 1 at Canal Road

Based on the queuing analysis performed for the 2023 Existing Conditions, all turning movements at the study intersections have 95th percentile queues that are accommodated within the available storage lengths of the turn bays.

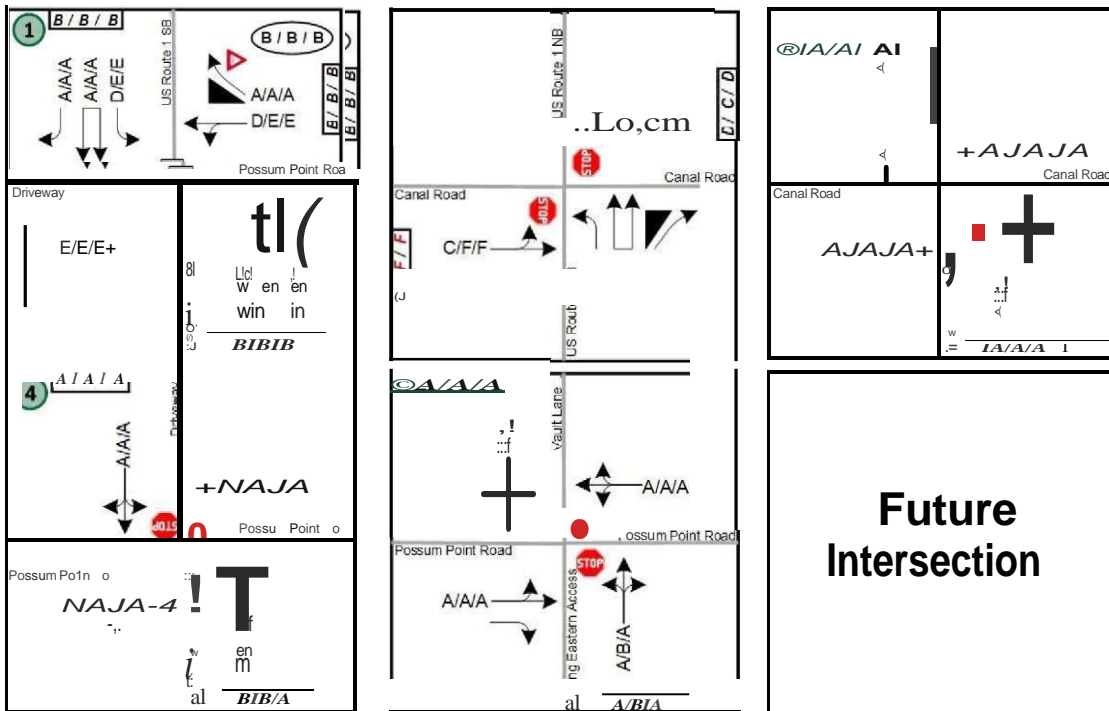
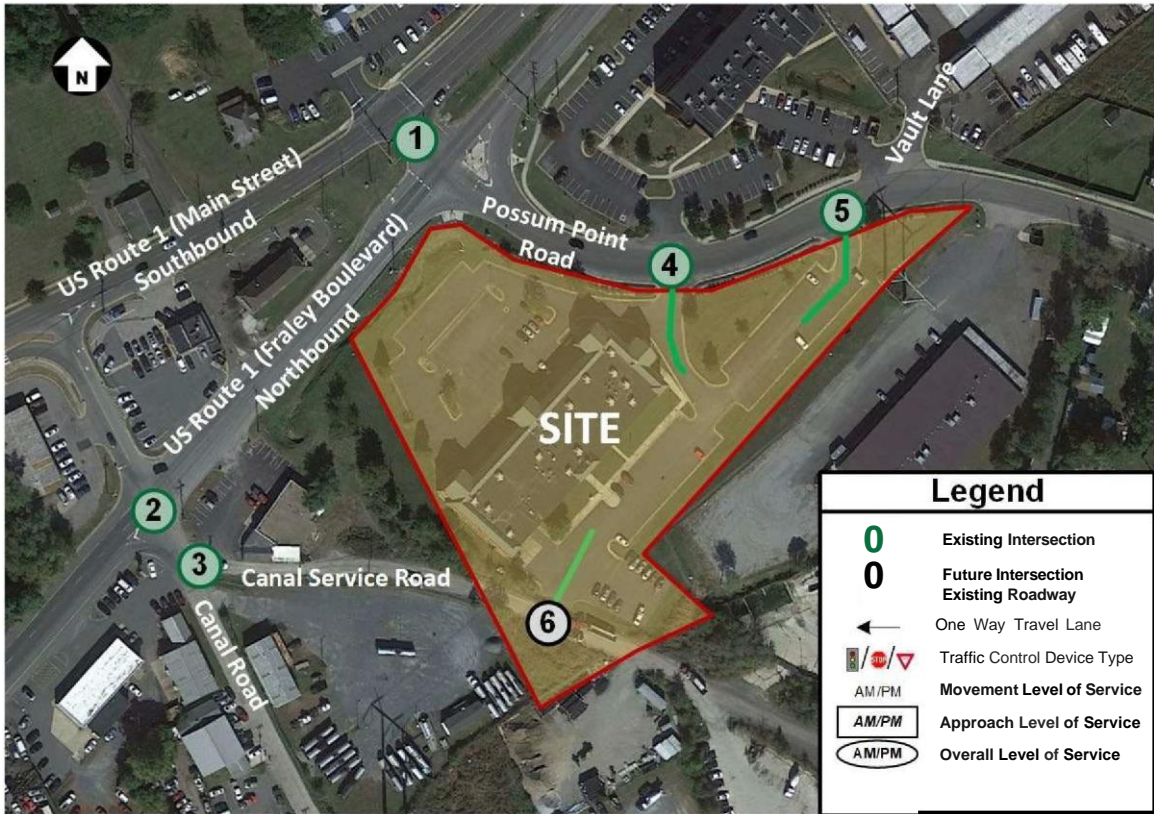


Figure 7: 2023 Existing Conditions - Level of Service Results

## Analysis of 2027 Future Conditions Without Development

For the purposes of this study, the Development is anticipated to be constructed by 2027; this scenario analyzes the future without development conditions for the year 2027.

### ***Future without Development Traffic Volumes***

The derivation of future without development traffic volumes was based on assumptions and parameters discussed with VDOT and the Town during the scoping process for this study. The future conditions include anticipated inherent regional growth, any potential background developments in the pipeline around the vicinity of the Site, and any anticipated roadway improvements.

### ***Inherent Regional Growth***

The development is anticipated to be complete in 2027. In order to account for the increased demand on the traffic network between 2023 and 2027, an inherent growth rate was applied to future scenarios. This inherent growth was anticipated to account for regional development within the at-large area, which would ultimately result in increased roadway demand. Furthermore, the inherent growth was anticipated to account for any potential background developments unaccounted for within the vicinity of the study area.

As agreed upon in the scope for this study, to account for 2027 future conditions, an inherent growth rate of 1.0%, (compounded annually) over a four-year period, between 2023 to 2027 (and totaling 4.06% growth of the existing volumes) was applied to the US Route 1 mainline through movements at the intersection of Us Route 1 at Possum Point Road. The growth volumes were carried as mainline through movements at subsequent study intersections along the road network where applicable.

The inherent regional growth volumes (for the period between 2023 and 2027) are illustrated in **Figure 10**.

### ***Potential Background Development(s)***

In addition to the applied inherent regional growth reflecting increased regional traffic demand, a total of two "background" developments within the vicinity of the site, with their locations depicted in **Figure 8**, were identified in the meeting with VDOT and the Town staff for inclusion in this study. The background developments included are as follows:

1. First Town Center (Aras on Main)
  - o Note that Aras on Main is the site of a project that was formerly named First Town Center. Aras on Main was recently approved to include 220 multifamily units and 60 townhomes or two-over-two units. Aras on Main will generate less trips than First Town Center. To be conservative, this TIA analysis uses First Town Center trips for this background development.
  - o Located generally east of the Development along Main Street between Canal Road and Whiskey Street, this site is anticipated to consist of approximately 282 apartment units and 25,736 square feet (s.f.) of commercial specialty retail space. When complete, this background development is expected to generate a total of approximately 152 net new trips during the AM peak hour, 229 net new trips during the PM peak hour, and 2,929 net new daily trips during a typical weekday.
  - o Based on a traffic impact study conducted for the site (titled *First Town Center*, conducted by Gorove Slade, and dated July 2020), the First Town Center site trips were distributed through the study network. There are no improvements at the study intersections that are associated with this background development.
2. Colonial Downs
  - o Located generally west of US Route 1, east of 1-95, and south of Dumfries Road (Route 234), this site is anticipated to be developed in two phases and consist of 1,800 wagering positions, 15,645 s.f. of high-turnover sit-down restaurant space, a 300 room resort hotel, a 3,450 s.f. quality restaurant, and a 1,500 seat indoor entertainment venue. When complete, this background development is expected to generate approximately



519 new trips during the AM peak hour, 1,351 new trips during the PM peak hour, 2,043 new trips during the SAT peak, 9,432 new daily trips on a typical weekday, and 15,218 new daily trips on a typical Saturday.

- o Based on a traffic impact study conducted for the site (titled *COG Mixed-Use Development*, conducted by Gorove Slade and Timmons Group, and dated June 2021), the Colonial Downs site trips were distributed through the study network. Based on the background TIA, the intersection of the eastbound approach of the US Route 1 at Canal Road intersection (Study Intersection 2 of this study) is proposed to be converted to left out only, while the westbound approach is proposed to be converted to right-in / right-out access. Additionally, there is a proposed extension of the northbound left turn lane at the intersection of US Route 1 at Possum Point Road (Study Intersection 1 of this study). For the purposes of this study, these improvements were not considered in the future conditions analyses.

In order to include the potential impacts of the background developments in the future scenarios, the anticipated trips and roadway improvements associated with these background developments were taken into consideration.

The assignment of the total background trips to the road network is depicted in **Figure 11**. Additional information, including the trips generated and the assignment of trips for each individual background development and the relevant, referenced background traffic impact studies are included in Appendix E.



**Figure 8: Location of Background Developments**

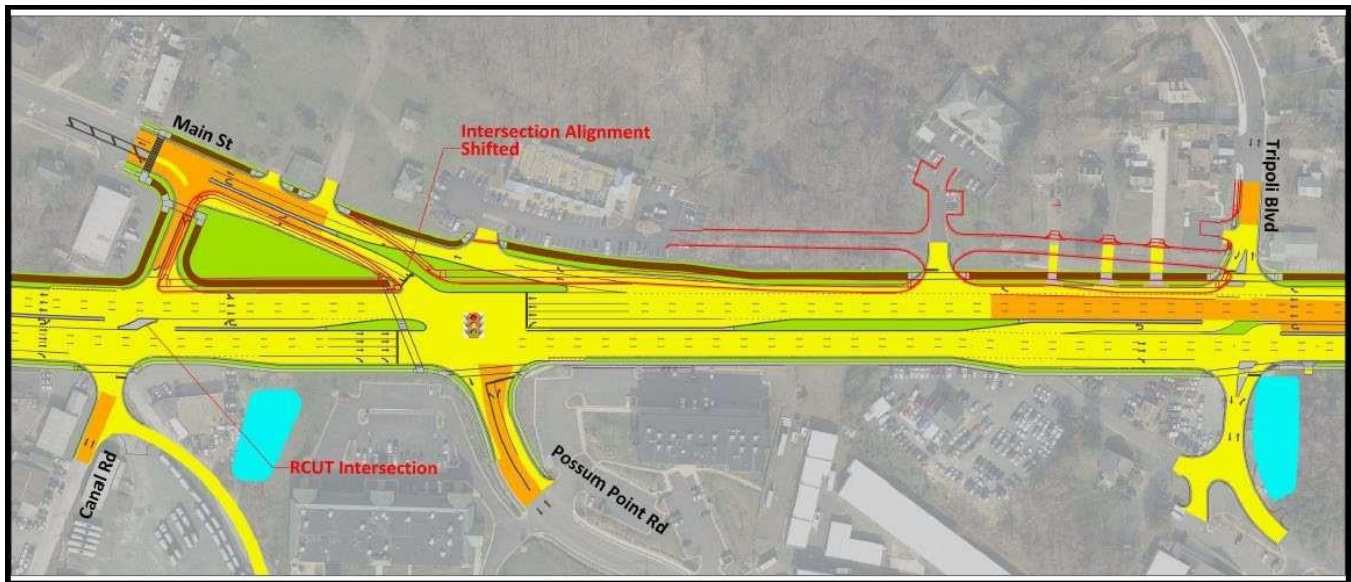
### *Potential Roadway Improvement(s)*

Prince William County is currently planning a road widening project on US Route 1 adjacent to the Site. The project will bring US Route 1 onto one roadbed and widen the roadway to three lanes in each direction between Bradys Hill Road and Route 234.

When complete, Main Street will become a two-way local roadway and will terminate in a cul-de-sac north of Quantico Gateway. Additionally, the intersection of US Route 1 at Canal Road (Study Intersection 2 of this study) will be converted to a restricted crossing U-turn (RCUT) intersection.

As discussed during the scoping meeting, the widening project is not anticipated to be completed prior to 2027. As such, the roadway improvements associated with the widening and reconfiguration project are not included in baseline future scenarios. However, as discussed in later sections of this report, the widening scenario was included with the 2027 volumes for comparison purposes only.

The roadway improvements associated with the US Route 1 widening and reconfiguration are illustrated in **Figure 9**.



**Figure 9: Roadway Improvement (US Route 1 Widening and Reconfiguration)**

### *Future without Development Traffic Volumes*

In order to forecast future roadway traffic volumes for the year 2027, the 2023 existing traffic volumes were combined with the inherent regional growth traffic volumes, background developments' traffic volumes, and associated background development roadway improvement traffic volumes. The 2027 Future without Development traffic volumes are illustrated in **Figure 12**.



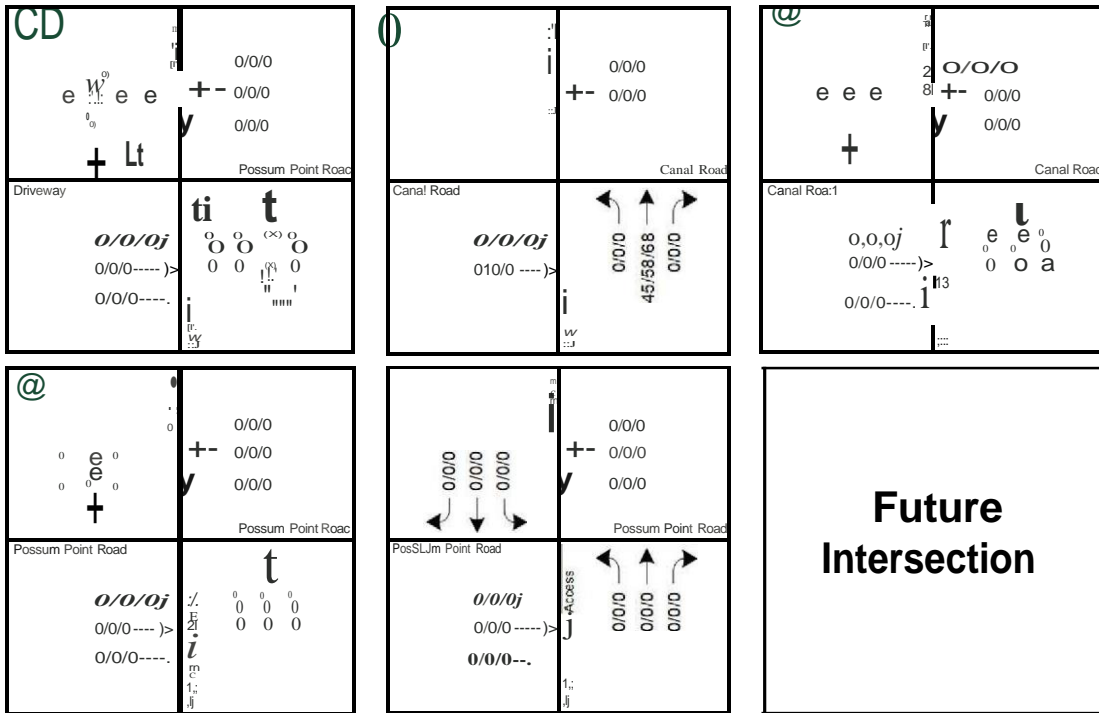
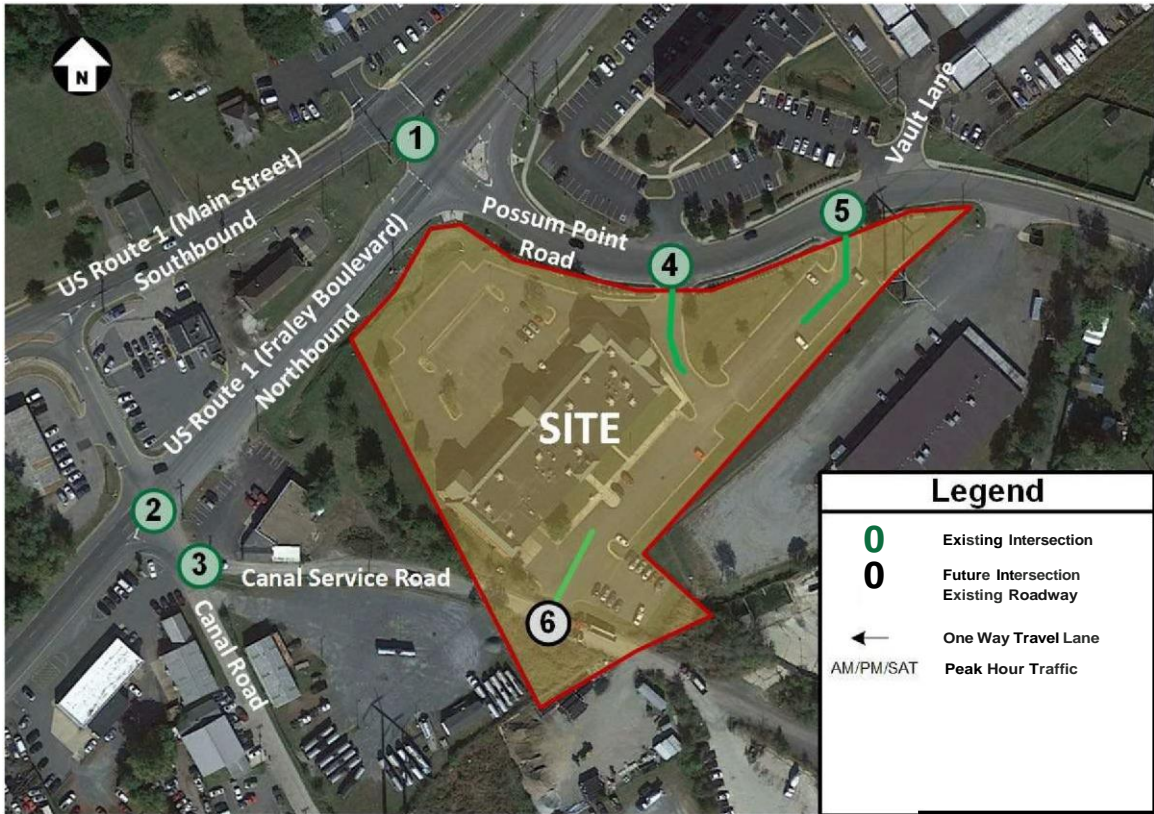


Figure 10: Projected Inherent Regional Growth Traffic Volumes (2023 to 2027)

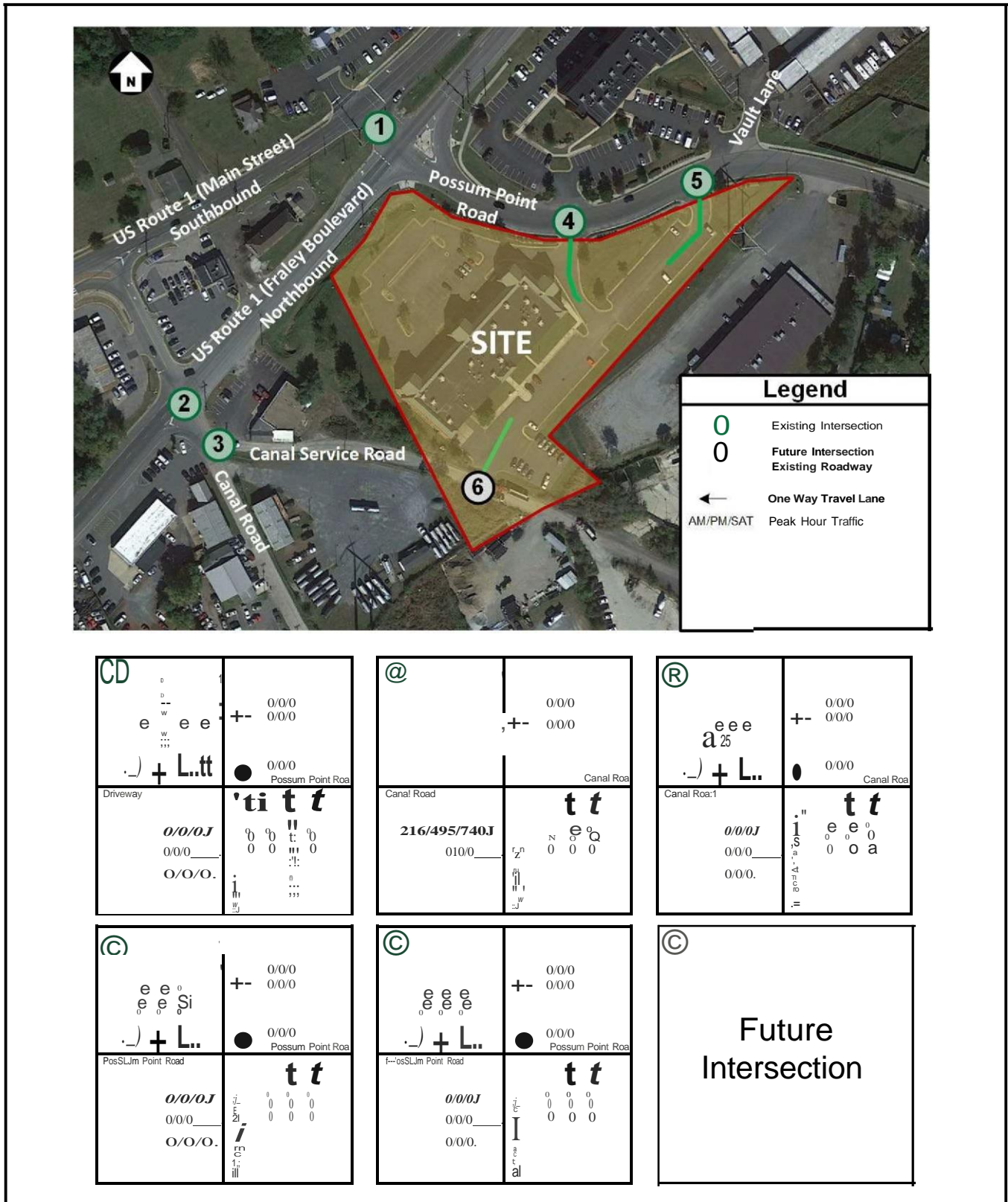


Figure 11: Combined Background Developments Traffic Assignment



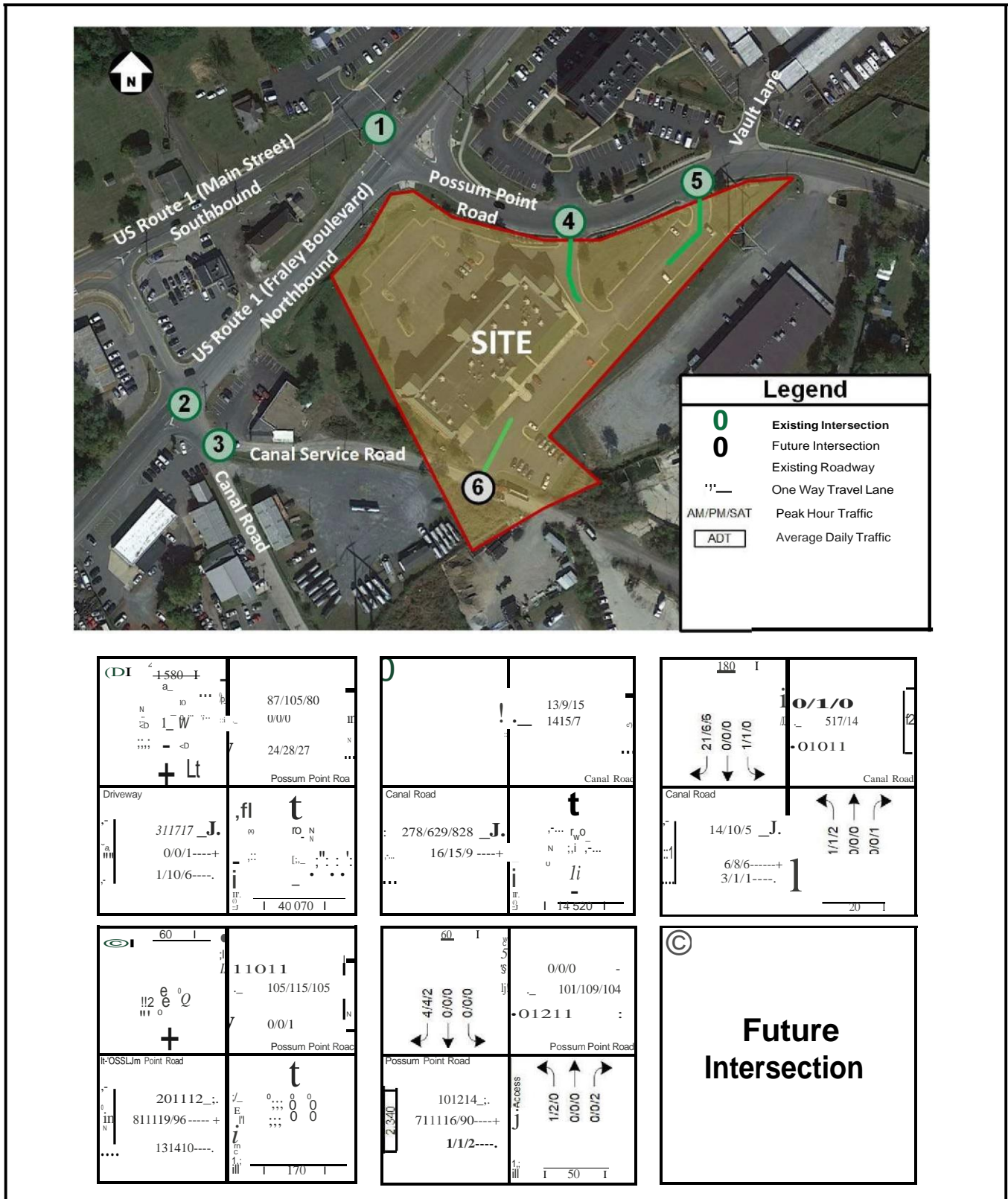


Figure 12: 2027 Future Conditions without Development- Vehicular Traffic Volumes

### ***Future without Development Intersection Capacity and Queuing Analysis***

Intersection capacity and queuing analyses were performed for the 2027 Future Conditions without Development scenario at the study area intersections during the AM, PM, and SAT peak hours, in accordance with VDOT's *TOSAM* (version 2) guidelines. *Synchro*, version 11, was used to analyze the study intersections with results based on TRB's HCM 6<sup>th</sup> Edition methodology and include LOS, delay, and queue length comparisons for the turning movements analyzed.

For this analysis, the intersection PHF utilized in the analysis of future conditions was determined based on the 2023 existing traffic counts, with a minimum of 0.92. The HV% were based on the existing traffic count data.

As mentioned previously, it would be considered acceptable to achieve an approach LOS D or better for traffic operations using HCM methodology. The results of the intersection capacity and queuing analyses from *Synchro* are presented in **Table 3** and graphically in **Figure 13**. The results are expressed in LOS and delay (seconds per vehicle) for overall signalized intersections and per approach and lane group for all study intersections. Any overall signalized intersection or approach that operates at LOS E or F is displayed in red.

The 95<sup>th</sup> percentile queues were also determined from *Synchro* and are expressed in feet. The lane groups where the queue lengths exceeded the available storage lengths of future turn lanes are displayed in red.

The detailed analysis worksheets of the 2027 Future Conditions without Development are contained in Appendix F.

**Table 3: 2027 Future Conditions without Development - Intersection Capacity Analysis Results**

| No. | Intersection (Movement)   | Effective Storage Length (ft.) [1] | AM Peak Hour |                   |                       | PM Peak Hour |                 |             | SAT Peak Hour |                   |                   |
|-----|---|------------------------------------|--------------|-------------------|-----------------------|--------------|-----------------|-------------|---------------|-------------------|-------------------|
|     |   |                                    | LOS          | Delay (sec / veh) | 95th% Queue (ft.) [3] | LOS          | Delay (sec/veh) | 95th% Queue | LOS           | Delay (sec / veh) | 95th% Queue (ft.) |
|     |   |                                    | Synchro      |                   |                       | Synchro      |                 |             | Synchro       |                   |                   |
|     | Possum Point Rd (E/W) at US 1 Main St (N/S)                               |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Overall Intersection (Signalized)   |                                    | B            | 14.6              |                       | C            | 27.1            |             | D             | 54.7              |                   |
|     | Eastbound Approach  |                                    | E            | 75.0              |                       | E            | 70.7            |             | E             | 76.6              |                   |
|     | Eastbound Left/Thru/Right   |                                    | E            | 75.0              | 20                    | E            | 70.7            | 53          | E             | 76.6              | 34                |
|     | Westbound Approach  |                                    | B            | 14.7              |                       | B            | 16.1            |             | B             | 19.7              |                   |
|     | Westbound Left/Thru   |                                    | E            | 65.3              | 63                    | E            | 74.2            | 64          | E             | 76.7              | 65                |
|     | Westbound Right   | 100                                | A            | 0.1               |                       | A            | 0.1             |             | A             | 0.1               | 0                 |
|     | Northbound Approach   |                                    | B            | 17.7              |                       | D            | 37.0            |             | F             | 87.1              |                   |
|     | Northbound Left   | 85                                 | E            | 70.1              | 12                    | E            | 78.6            | 43          | E             | 75.4              | 52                |
|     | Northbound Thru   |                                    | B            | 17.9              | 701                   | D            | 37.1            | #1360       | F             | 87.9              | #1926             |
|     | Northbound Right  |                                    | A            | 9.5               | 0                     | B            | 10.3            | 0           | A             | 8.9               | 0                 |
|     | Southbound Approach   |                                    | B            | 10.7              |                       | B            | 17.6            |             | B             | 17.7              |                   |
|     | Southbound Left   | 225                                | E            | 57.3              | 130                   | E            | 65.1            | 162         | E             | 69.5              | 153               |
|     | Southbound Thru   |                                    | A            | 7.7               | 382                   | B            | 15.2            | 1041        | B             | 15.5              | 1098              |
|     | Southbound Right  | 250                                | A            | 5.0               | 0                     | A            | 6.1             | 0           | A             | 5.8               | 0                 |
| 2   | Canal Rd (E/W) at Richmond Hwy (N/S)                                      |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Overall Intersection (TWSC)   |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Approach  |                                    | F            | 86.1              |                       | F            | \$ 874.1        |             | F             | \$ 1791.9         |                   |
|     | Eastbound Left/Thru   |                                    | F            | 86.1              | 260                   | F            | \$ 874.1        | 1438        | F             | \$ 1791.9         | 2255              |
|     | Westbound Approach  |                                    | D            | 28.6              |                       | D            | 25.4            |             | D             | 32.6              |                   |
|     | Westbound Right/Thru  |                                    | D            | 28.6              | 13                    | D            | 25.4            |             | D             | 32.6              | 13                |
|     | Northbound Approach   |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Northbound Left   | 310                                | A            | 0.0               |                       | A            | 0.0             |             | A             | 0.0               |                   |
|     | Canal Rd (E/W) at Daniels Auto Care/Select New & Used Tires And Auto(N/S) |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Overall Intersection (TWSC)   |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Approach  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Left/Thru/Right   |                                    | A            | 7.7               |                       | A            | 7.7             |             | A             | 7.2               |                   |
|     | Westbound Approach  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Westbound Left/Thru/Right   |                                    | A            | 7.2               |                       | A            | 7.2             |             | A             | 7.2               |                   |
|     | Northbound Approach   |                                    | A            | 8.9               |                       | A            | 8.8             |             | A             | 8.8               |                   |
|     | Northbound Left/Thru/Right  |                                    | A            | 8.9               |                       | A            | 8.8             |             | A             | 8.8               |                   |
|     | Southbound Approach   |                                    | A            | 9.1               |                       | A            | 9.0             |             | A             | 8.6               |                   |
|     | Southbound Left/Thru/Right  |                                    | A            | 9.1               |                       | A            | 9.0             |             | A             | 8.6               |                   |
| 4   | Possum Point Rd (E/W) at TSI Dwy (N/S)                                    |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Overall Intersection (TWSC)   |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Approach  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Left/Thru/Right   |                                    | A            | 7.5               |                       | A            | 8.6             |             | A             | 7.4               |                   |
|     | Westbound Approach  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Westbound Left/Thru/Right   |                                    | A            | 7.4               |                       | A            | 7.5             |             | A             | 7.4               |                   |
|     | Northbound Approach   |                                    | B            | 10.2              |                       | B            | 10.5            |             | A             | 9.7               |                   |
|     | Northbound Left/Thru/Right  |                                    | B            | 10.2              |                       | B            | 10.5            |             | A             | 9.7               |                   |
|     | Southbound Approach   |                                    | A            | 9.6               |                       | A            | 9.4             |             | A             | 9.5               |                   |
|     | Southbound Left/Thru/Right  |                                    | A            | 9.6               |                       | A            | 9.4             |             | A             | 9.5               |                   |
|     | Possum Point Rd (E/W) at Pointe Center Ct/Nault Ln (N/S)                  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Overall Intersection (TWSC)   |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Approach  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Eastbound Left/Thru/Right   |                                    | A            | 7.5               |                       | A            | 7.5             |             | A             | 7.4               |                   |
|     | Westbound Approach  |                                    |              |                   |                       |              |                 |             |               |                   |                   |
|     | Westbound Left/Thru/Right   |                                    | A            | 7.4               |                       | A            | 7.5             |             | A             | 7.4               |                   |
|     | Northbound Approach   |                                    | A            | 9.7               |                       | B            | 10.7            |             | A             | 9.5               |                   |
|     | Northbound Left/Thru/Right  |                                    | A            | 9.7               |                       | B            | 10.1            |             | A             | 9.5               |                   |
|     | Southbound Approach   |                                    | A            | 9.3               |                       | A            | 9.5             |             | A             | 9.5               |                   |
|     | Southbound Left/Thru/Right  |                                    | A            | 9.3               |                       | A            | 9.5             |             | A             | 9.5               |                   |

NOTES:

[1] Effective storage length is based on the storage length plus one-half of the taper length per TOSAM guidelines.

[2] S: Delays (reported from Synchro) exceed 300 seconds in TWSC.

[3] #: 95th percentile queues (reported from Synchro) exceed capacity; actual queues may be longer. Queues shown are based on the maximum after two cycles.

Based on the capacity analysis of 2027 Future Conditions without Development, the signalized study intersection is anticipated to operate at overall acceptable levels of service during the AM, PM, and SAT peak hours. All approaches at all study intersections operate at acceptable levels of service during all peak hours except for the following intersections, which have at least one approach that operates at LOS E or F during at least one peak hour:

- Study Intersection 1: US Route 1 at Possum Point Road
- Study Intersection 2: US Route 1 at Canal Road

Based on the queuing analysis performed for the 2027 Future Conditions without Development, all turning movements at the study intersections have 95th percentile queues that are accommodated within the available storage lengths of the turn bays.

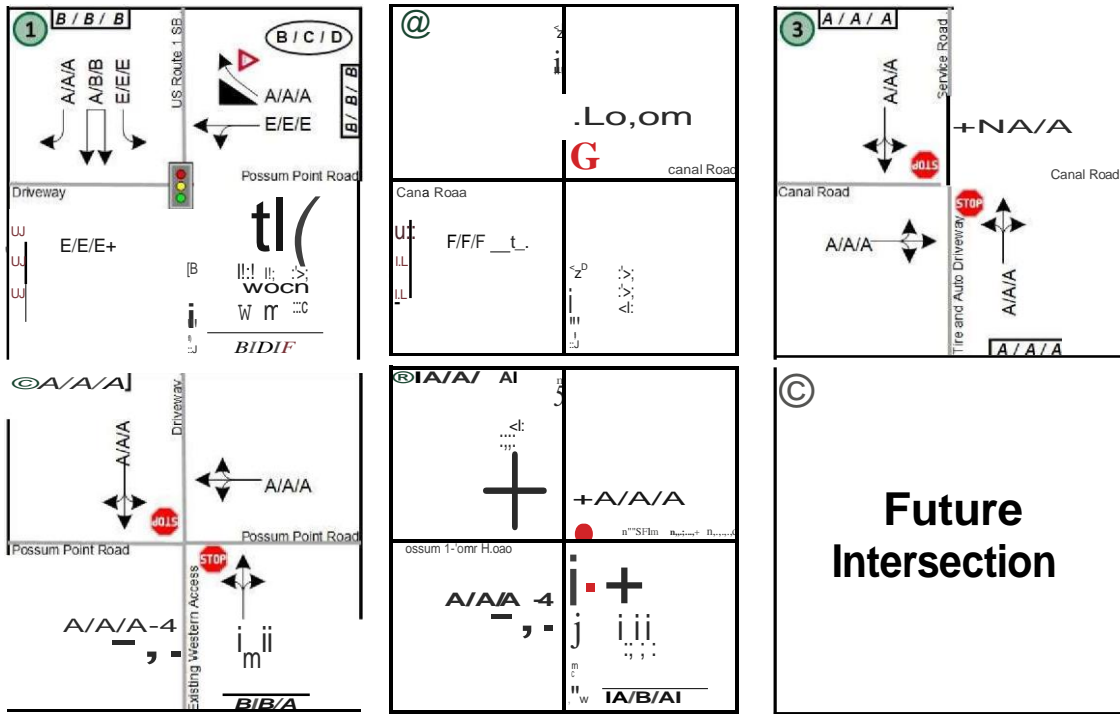


Figure 13: 2027 Future Conditions without Development- Level of Service Results



## Analysis of 2027 Future Conditions with Development

For the purposes of this study, the Development is anticipated to be constructed by 2027; this scenario analyzes the future with development conditions for the year 2027.

### Site Description

The Site is generally located in on the east side of US Route 1 (Fraleley Boulevard) between Possum Point Road and Canal Road in the Town of Dumfries, Virginia. The Site is situated across one parcel that can be identified on Prince William County Tax Mapper with the following GPIN: 8289-02-2144. The property totals approximately 3.67 acres and is currently zoned as B-1 (General Business).

The property currently has a 48,000 square foot (s.f.) medical office building and the Applicant is proposing to redevelop the parcel to construct a gas station with 16 fueling positions and a 6,100 s.f. convenience store in place of the current use. The Development is anticipated to be complete and in operation by 2027.

A conceptual plan for the Site is illustrated in **Figure 14**

### Proposed Site Access

Access to the site will be provided via two existing full-movement entrances along Possum Point Road and one proposed full-movement entrance along Canal Service Road.

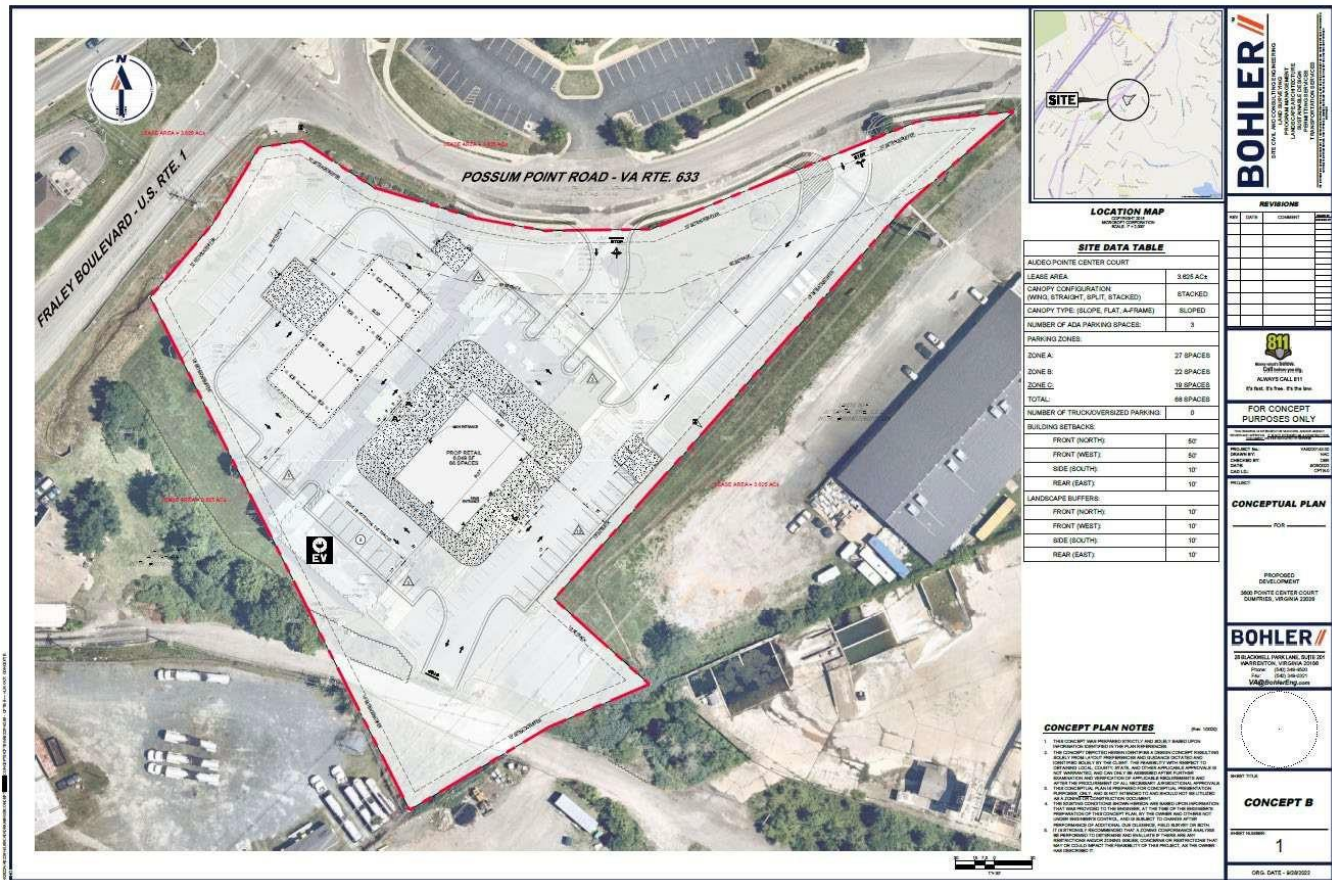


Figure 14: Conceptual Development Plan (For Informational Purposes Only)

### Projected Site Trip Generation

In order to calculate the trips generated by the proposed Development, the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11<sup>th</sup> Edition, publication was used to determine the total trips going into and out of the subject study site during the weekday AM, PM and Saturday (SAT) peak hours as well as the typical number of weekday and Saturday daily trips. The projected trip generation for the proposed development is depicted in **Table 4**. The proposed trips were subtracted from the trip generation potential of the existing 48,000 s.f. medical office building to determine the net new trips generated by the Site. Of note, as discussed in the scoping meeting, a 49% AM/50% PM/50% SAT pass-by reduction is applied to the convenience market with fueling stations. These rates are consistent with the Prince William County's Design & Construction Standards Manual (DCSM). There is no internal capture associated with this site.

**Table 4: Site Trip Generation (Peak Hour of the Adjacent Street; ITE 11<sup>th</sup> Ed.)**

| Land Use  | ITE Code | Size                   | Weekday      |      |       |              |      |       |             | Weekend     |              |                |                      |
|---|----------|------------------------|--------------|------|-------|--------------|------|-------|-------------|-------------|--------------|----------------|----------------------|
|   |          |                        | AM Peak Hour |      |       | PM Peak Hour |      |       | Daily Total | Saturday In | Saturday Out | Saturday Total | Saturday Daily Total |
|   |          |                        | In           | Out  | Total | In           | Out  | Total |             |             |              |                |                      |
| <b>Existing</b>   |          |                        |              |      |       |              |      |       |             |             |              |                |                      |
| Medical-Dental Office Building                            | 720      | 48.0 kSF of GFA        | 118          | 31   | 149   | 58           | 134  | 192   | 1,955       | 83          | 62           | 145            | 661                  |
| <b>Proposed</b>   |          |                        |              |      |       |              |      |       |             |             |              |                |                      |
| Convenience Store/Gas Station - GFA (5.5k-10k)            | 945      | 16.0 Fueling Positions | 253          | 253  | 506   | 215          | 215  | 430   | 5,532       | 233         | 243          | 476            | 4,760 <sup>11</sup>  |
| <i>Pass-By Reduction <sup>11</sup></i>                    |          |                        | -124         | -124 | -248  | -108         | -108 | -216  | -2,766      | -117        | -122         | -239           | -2,380               |
| <i>49%AM/50%PM/50%SAT/50% Daily</i>                       |          |                        | 129          | 129  | 258   | 107          | 107  | 214   | 2,766       | 116         | 121          | 237            | 2,380                |
| <b>Total (Proposed without Reductions minus Existing)</b> |          |                        | 135          | 222  | 357   | 157          | 81   | 238   | 3,577       | 150         | 181          | 331            | 4,099                |
| <b>Total (Proposed with Reductions minus Existing)</b>    |          |                        | 11           | 98   | 109   | 49           | -27  | 22    | 811         | 33          | 59           | 92             | 1,719                |

<sup>11</sup> Pass-by rates capped according to Prince William County DCSM.

<sup>12</sup> ITE does not provide a Saturday daily rate for Land Use C.Ode 945. I was assured the Saturday peak hour represents 10% of the Saturday daily.

As illustrated in the table above, the Site is expected to generate approximately 109 new trips during the AM peak hour, 22 new trips during the PM peak hour, 92 new trips during the SAT peak hour, 811 new daily trips on a typical weekday, and 1,719 new trips on a typical Saturday after reductions.

### Distribution and Assignment of Site Traffic

The distribution and assignment of the site generated trips were based on the existing traffic patterns, engineering judgment, the nature of the proposed development, and with the guidance and input from VDOT, Town and County staff. Of note, the location of currently existing gas stations and the proximity of the Site to the interchange. It was agreed that there would be a separate distribution for inbound and outbound trips. The site direction of approach and trip distribution is illustrated in **Figure 15**.





**Figure 15: Global Vehicular Direction of Approach (Site Trip Distribution)**

**Primary Trips**

In order to project future traffic volumes on the roadways in the vicinity of the development, trips generated from the development were assigned to the road network based on the previously mentioned direction of approach. The primary site traffic assignment is illustrated for the AM, PM, and SAT peak hours in **Figure 16**.

**Pass-By Trips**

Pass-by trip reductions consider site trips drawn from the existing traffic stream on an adjacent street, recognizing that trips drawn to a site would otherwise already traverse the adjacent street regardless of the existence of the site. The pass-by reduction rates utilized are as per Prince William County DCSM. **Figure 17**. shows the pass-by trip volume assignment.

**Future with Development Traffic Volumes - Without US Route 1 Widening Project**

As discussed in a later section, the 2027 Future Conditions with Development were analyzed with and without the roadway improvements associated with the Fraley Boulevard (US Route 1) widening project. The future with development traffic volumes was determined by adding the assigned site generated traffic volumes (Figure 16) and the pass-by trips (Figure 17) to the 2027 Future Conditions without Development traffic volumes. The 2027 future road network configuration without the widening project is presented in **Figure 18**. The 2027 Future Conditions with Development traffic volumes without the widening project are depicted in **Figure 19**.

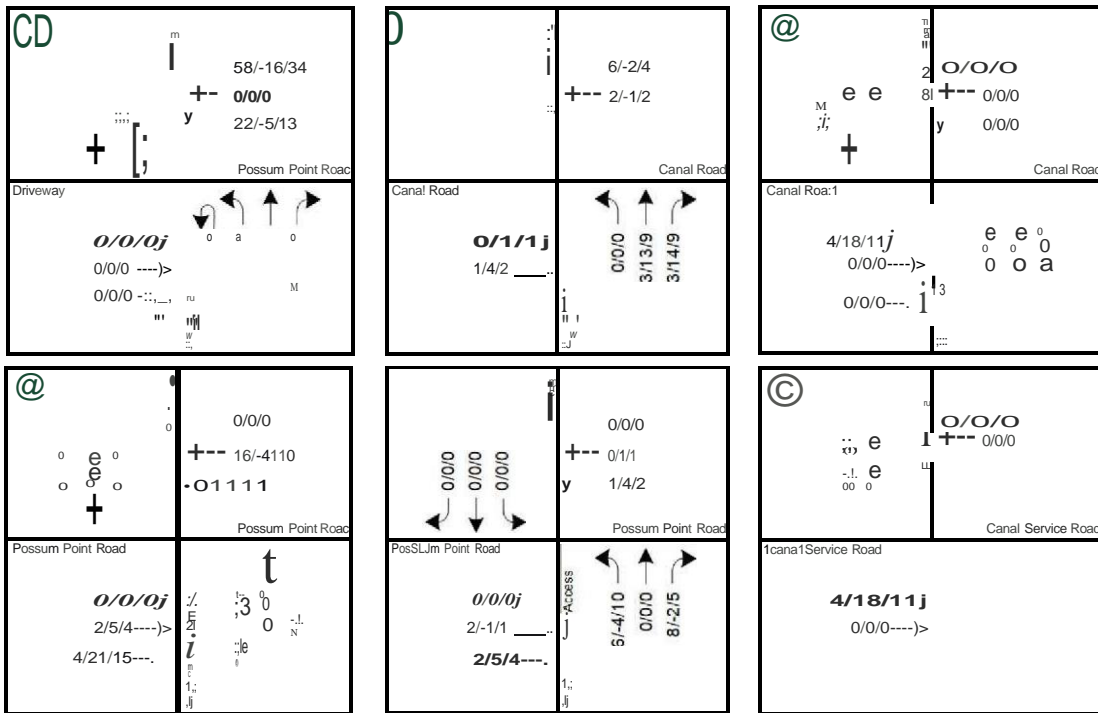
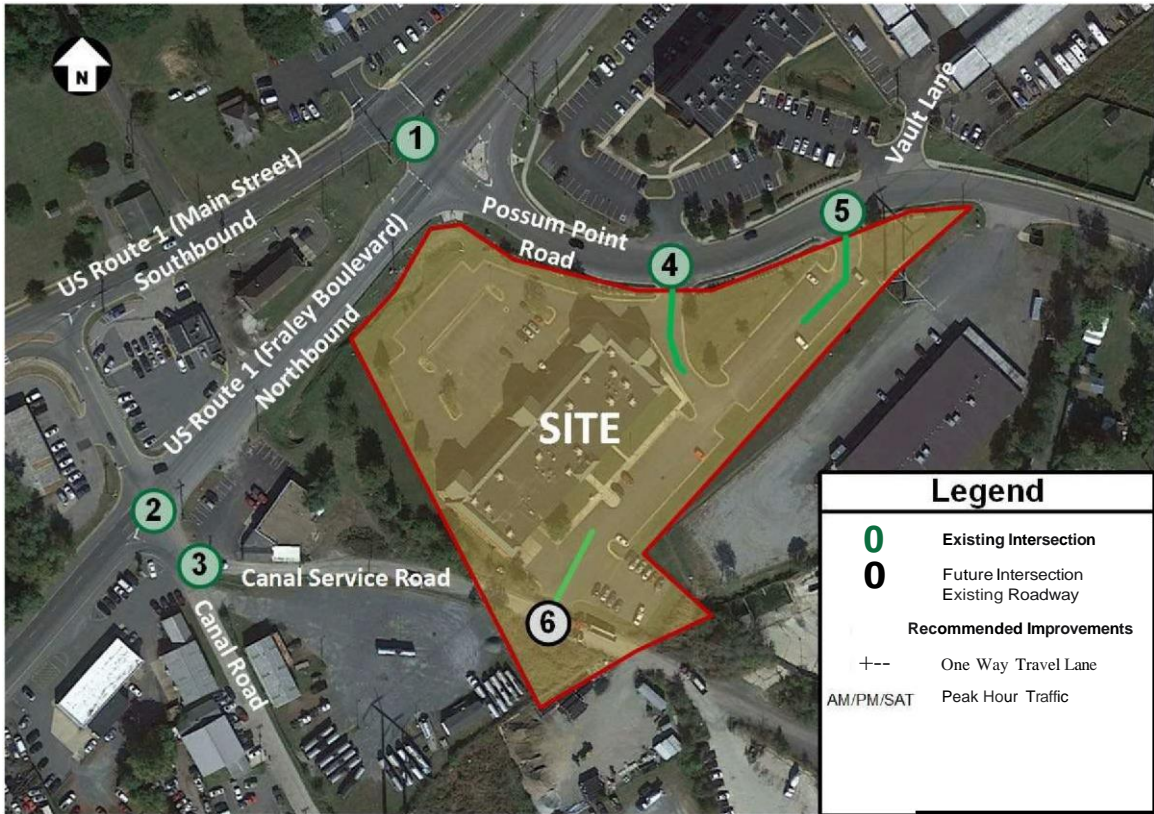


Figure 16: Site Generated Trip Assignment



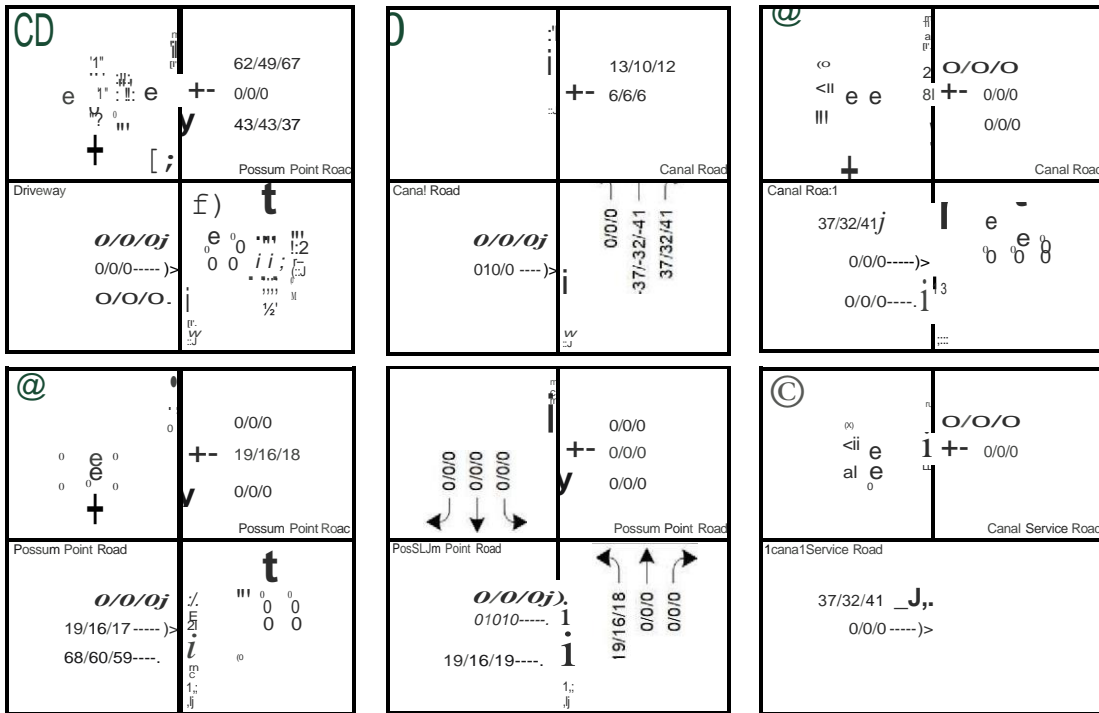
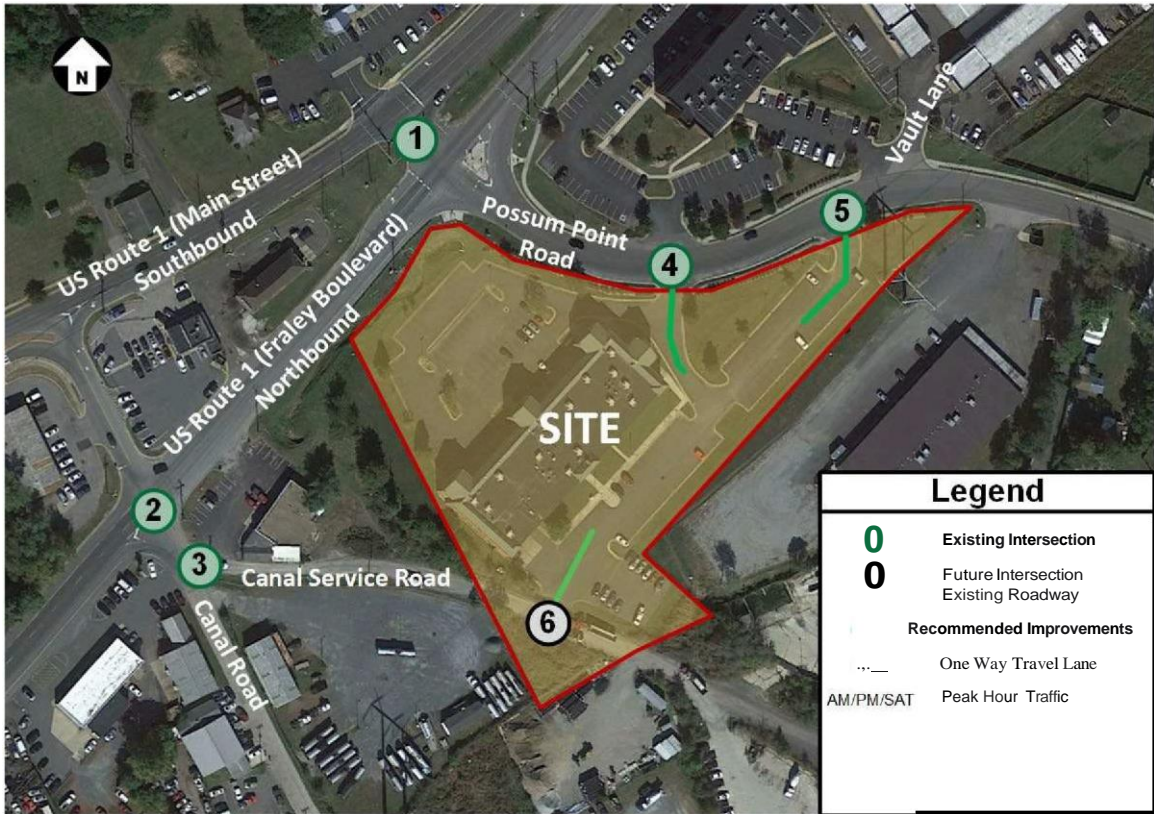


Figure 17: Assignment of Pass-By Trips

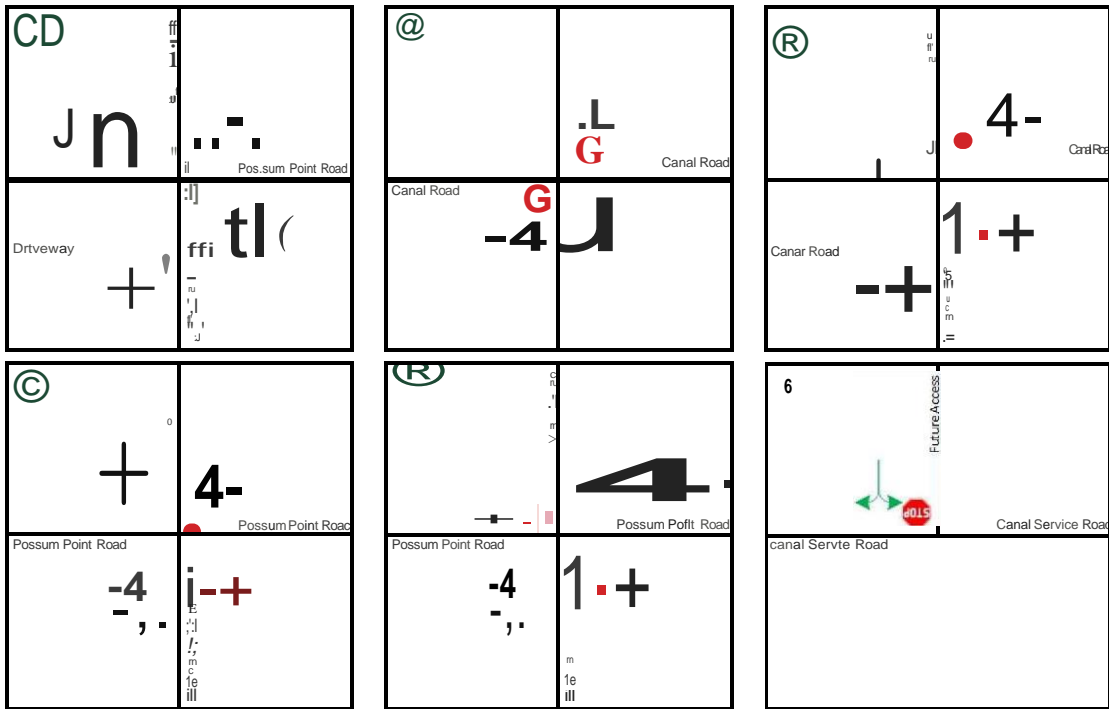
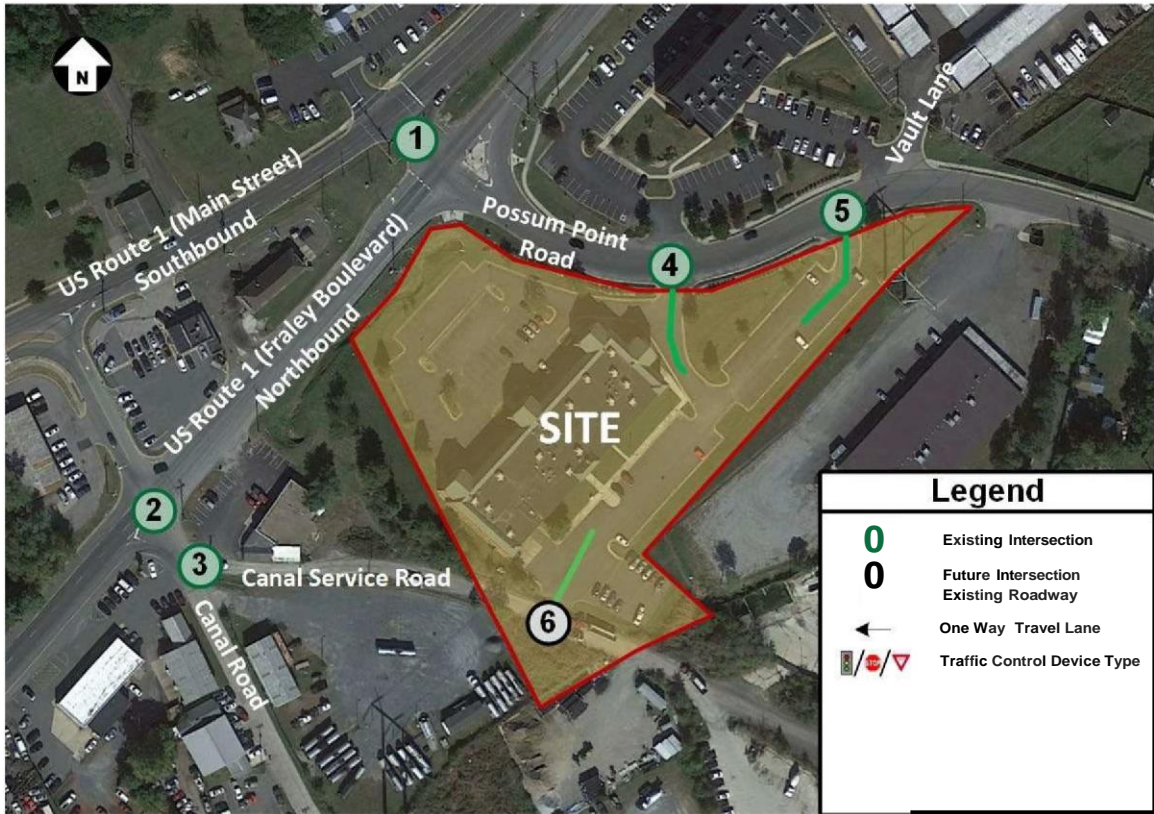


Figure 18: 2027 Future Conditions with Development (without US Route 1 Widening)- Roadway Network Geometric Configuration and Traffic Control Devices



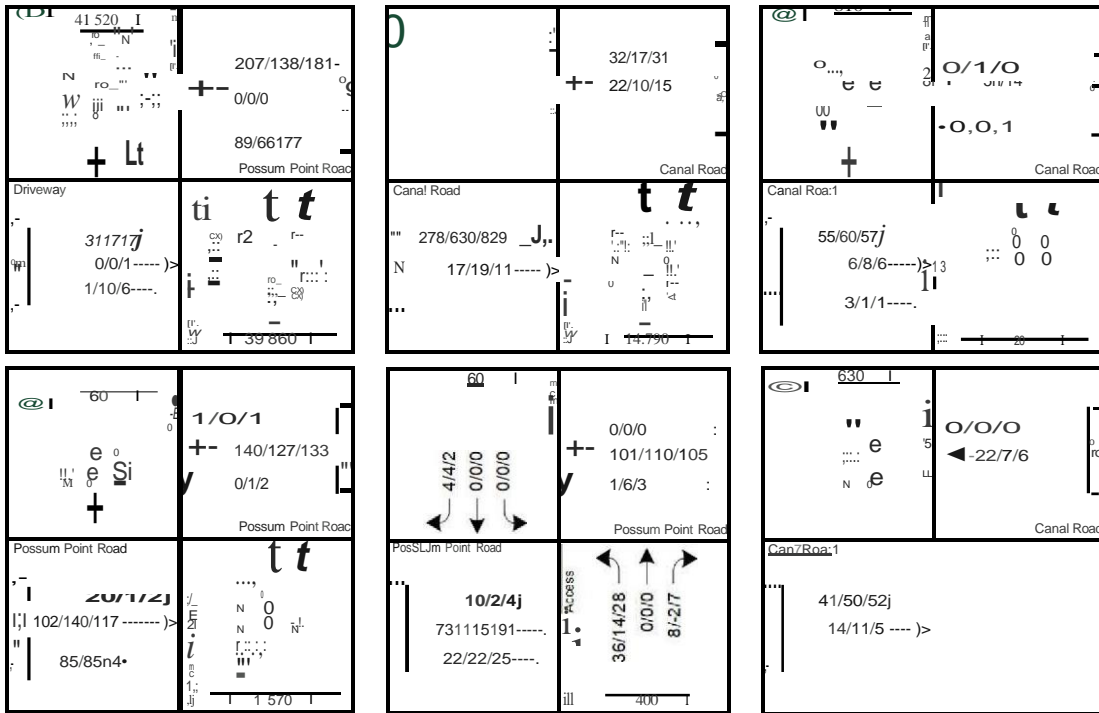
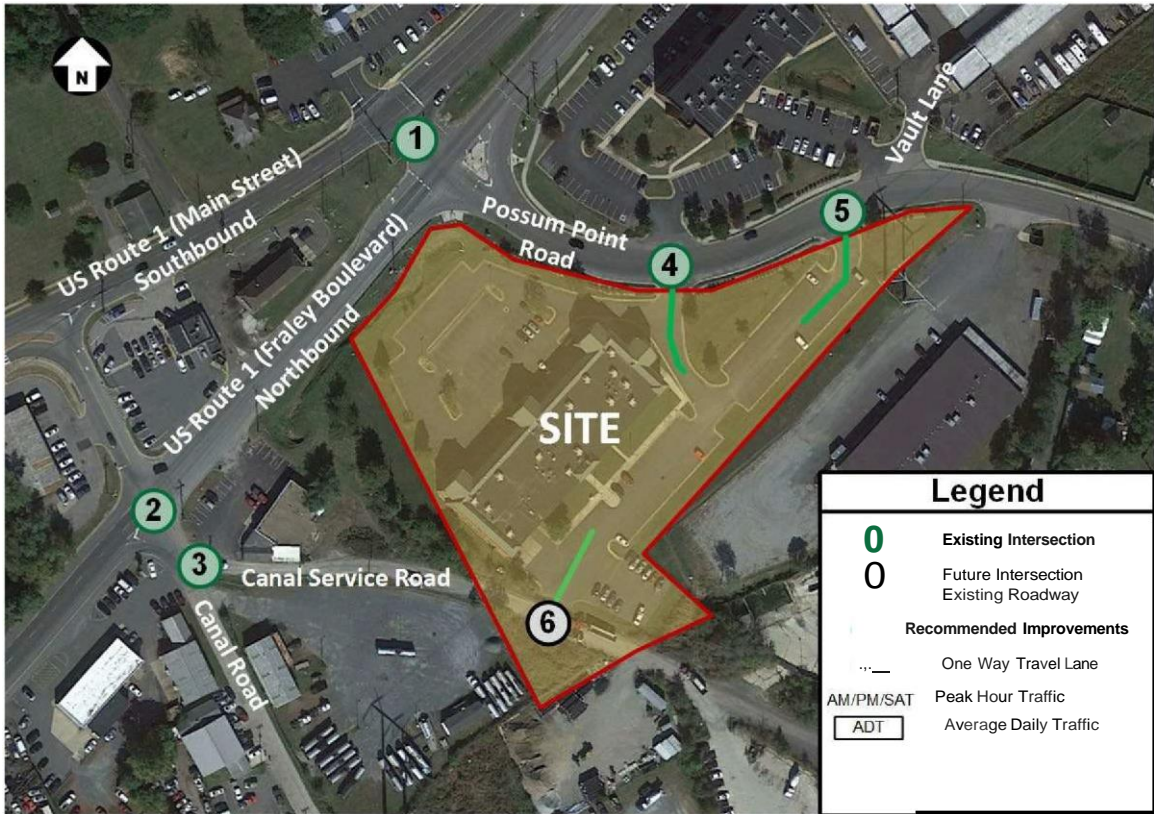


Figure 19: 2027 Future Conditions with Development -without Route 1 Widening Project

## ***Fraleley Boulevard (US Route 1) Widening Project***

Prince William County is currently planning a road widening project on US Route 1 adjacent to the Site. The project will bring US Route 1 onto one roadbed and widen the roadway to three lanes in each direction between Bradys Hill Road and Route 234. When complete, Main Street will become a two-way local roadway and will terminate in a cul-de-sac north of Quantico Gateway. Additionally, the intersection of US Route 1 at Canal Road (Study Intersection 2 of this study) will be converted to a restricted crossing U-turn (RCUT) intersection.

As discussed during the scoping meeting, the widening project is not anticipated to be completed prior to 2027. As such, the roadway improvements associated with the widening and reconfiguration project are not included in the baseline future scenarios. However, as discussed in later sections of this report, the widening scenario was included with the 2027 volumes for comparison purposes as the project will include major intersection reconfigurations at Study Intersections 1 and 2 and will be completed shortly after the development. The roadway improvements associated with the US Route 1 widening and reconfiguration are illustrated in the *Potential Roadway Improvement* section.

### ***Rerouted Traffic Volumes***

Consistent with the rerouting patterns in the Colonial Downs June 2021 TIA, the traffic was redistributed as follows:

- Rerouting of Point Possum Rd Commercial Development
  - With widening of Route 1, entrance to the commercial development along the west side of Route 1 will be closed to make way for the realignment of Main Street. Existing traffic associated with the commercial development was rerouted to the north via a new proposed intersection as per the Route 1 widening plan.
- Rerouting of Canal Road Traffic/ Main Street Realignment
  - Canal Road is anticipated to be restricted to allow for southbound right turning movements only onto Fraley as part of the realignment of Main Street. Traffic volumes in the surrounding area were rerouted to account for these conditions.
- Rerouting of SB Traffic from Main Street to Fraley
  - The widening of Route 1 would account for commuter traffic by-passing the Town of Dumfries. Based on an assessment conducted by FHWA and VDOT (Revaluation of Environmental Assessment: Route 1 Improvements - Project A, dated 7/2/19), Main Street would account for approximately 10% of the southbound traffic demand for the 2042 design year assessment. As such, the remaining existing southbound through movements just north of Canal Road under existing conditions were routed to match the 90%-10% split.
- Rerouting of Colonial Downs Site Trips
  - Canal Road is anticipated to be restricted to allow for southbound right turning movements only onto Fraley as part of the realignment of Main Street. All Colonial Downs site entrances are located along Main Street. All site trips previously making an eastbound left turn at Study Intersection 2 were rerouted as eastbound left turns at Study Intersection 1.
- Rerouting of First Town Center Site Trips
  - Canal Road is anticipated to be restricted to allow for southbound right turning movements only onto Fraley as part of the realignment of Main Street. All First Town Center site entrances are located along Main Street. All site trips previously making an eastbound left turn at Study Intersection 2 were rerouted as eastbound left turns at Study Intersection 1.

- Rerouting of Proposed Development Site Trips
  - Canal Road is anticipated to be restricted to allow for southbound right turning movements only onto Fraley as part of the realignment of Main Street. All site trips previously making a westbound through movement at Study Intersection 2 were rerouted to make a westbound left-turn at Study Intersection 1 followed by a southbound right turn at Study Intersection 2.

The combined rerouted trips are shown in **Figure 20**.

#### *Future with Development Traffic Volumes - With US Route 1 Widening Project*

The 2027 Future with Development traffic volumes with the US Route 1 widening project in place were determined by adding the 2027 Future Conditions with Development traffic volumes without widening. (Figure 19) to the total combined rerouted trips (Figure 20). The 2027 future road network configuration with the widening project is presented in **Figure 21**. The 2027 Future Conditions with Development traffic volumes and widening are depicted in **Figure 22**.

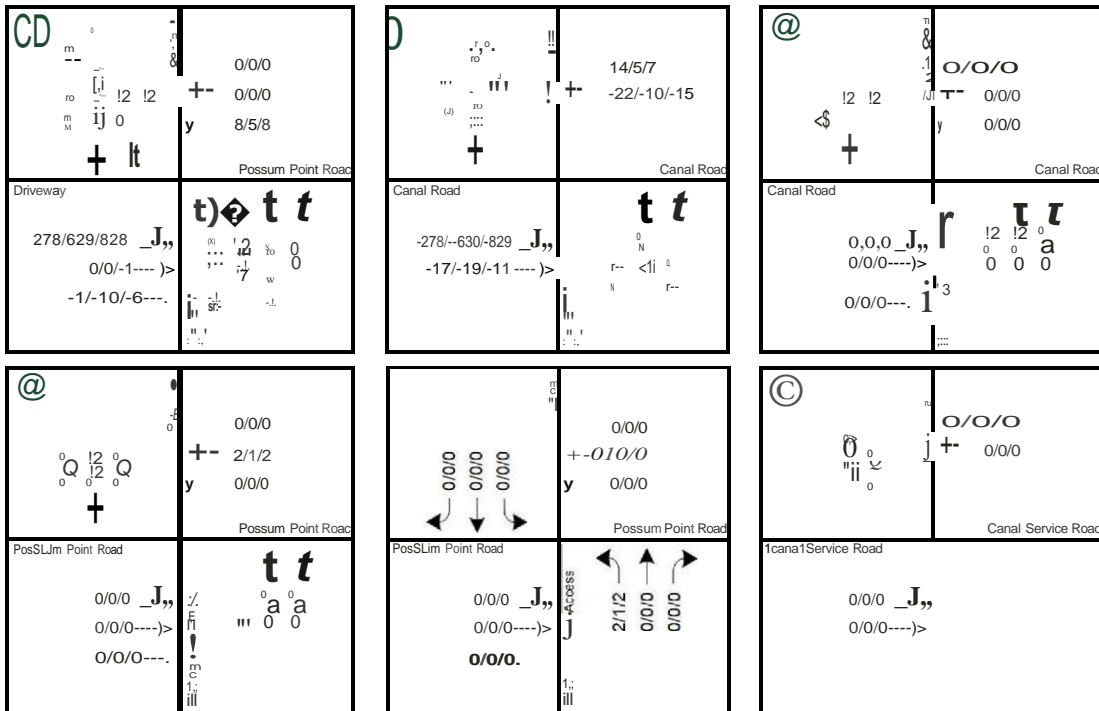


Figure 20: Total Rerouted Trips from US Route 1 Widening



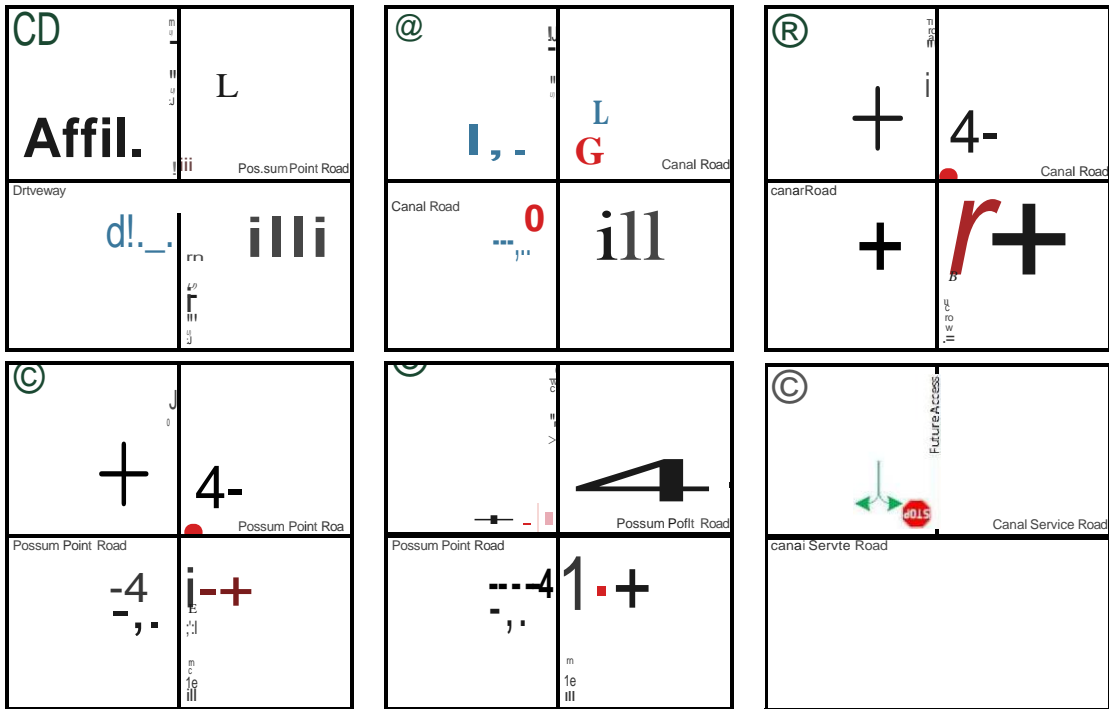


Figure 21: 2027 Future Conditions with Development (with US Route 1 Widening) - Roadway Network Geometric Configuration and Traffic Control Devices

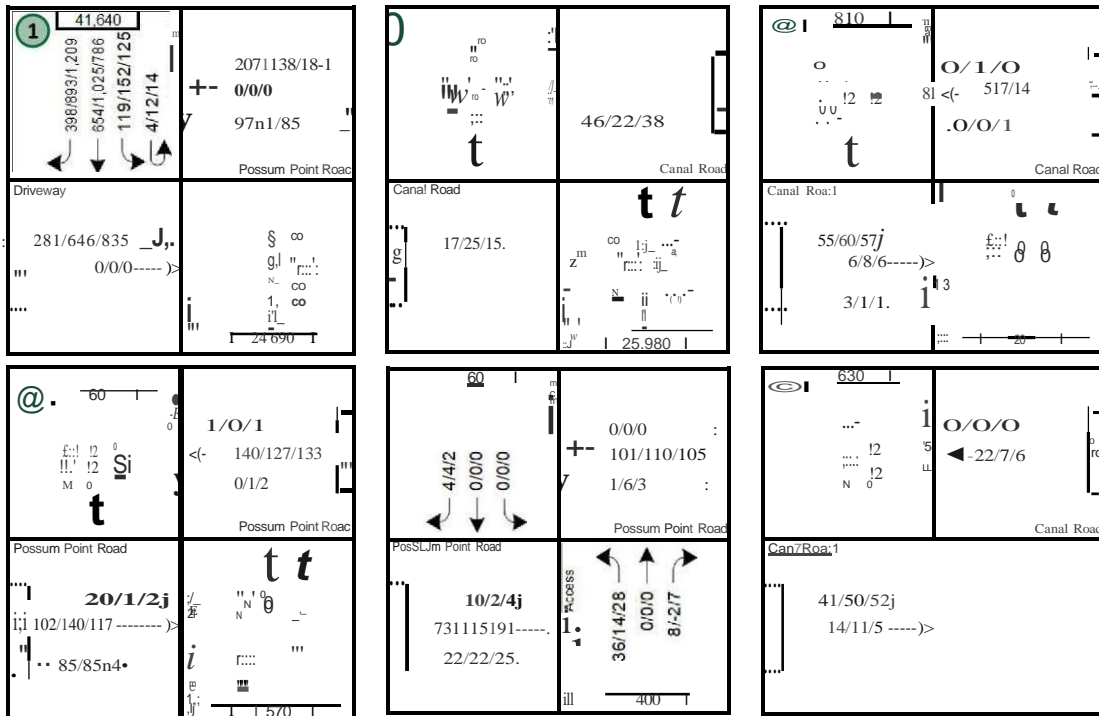
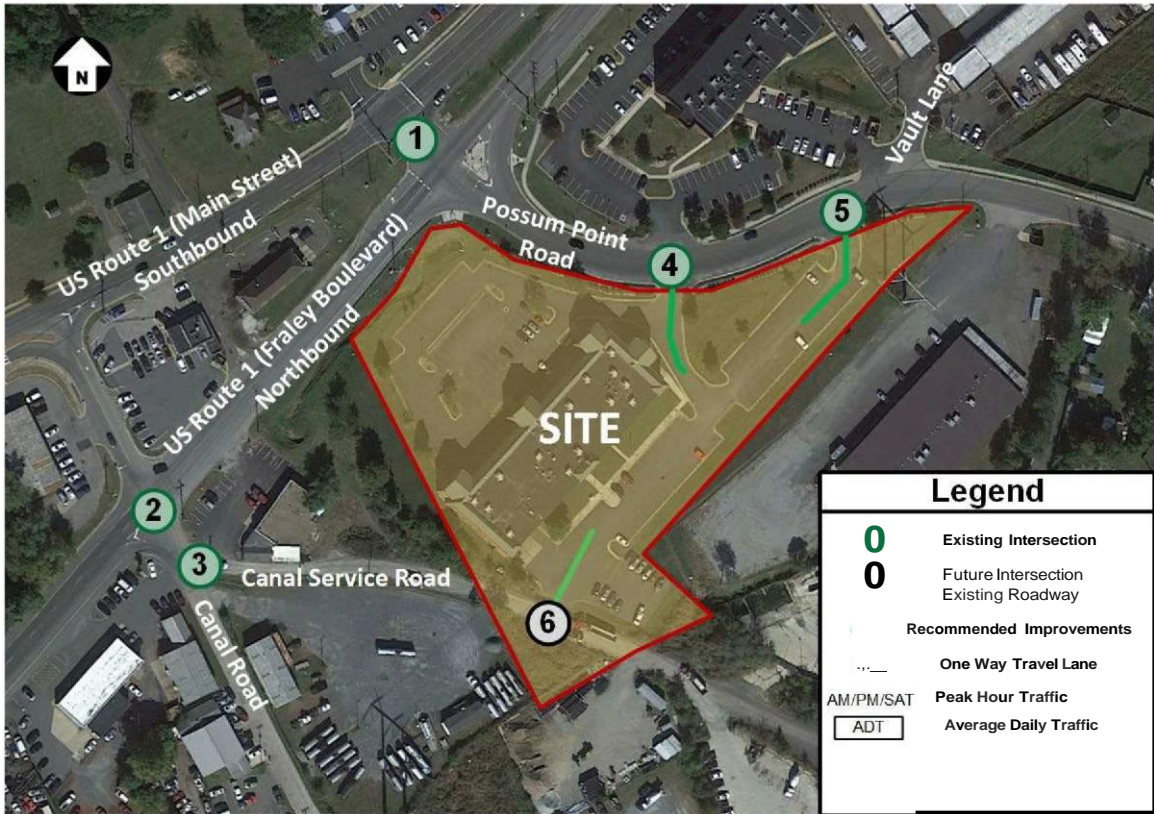


Figure 22: 2027 Future Conditions with Development - with Route 1 Widening Project



### ***Future with Development Intersection Capacity and Queuing Analysis***

Intersection capacity and queuing analyses were performed for the 2027 Future Conditions with Development scenario at the study area intersections during the AM and PM peak hours, in accordance with VDOT's *TOSAM* (version 2) guidelines. *Synchro*, version 11, was used to analyze the study intersections with results based on TRB's HCM 6<sup>th</sup> Edition methodology and include LOS, delay, and queue length comparisons for the turning movements analyzed.

For the purposes of this analysis, the intersection PHF utilized in the analysis of future conditions was determined based on the 2023 existing traffic counts, with a minimum of 0.92 as agreed to in the scoping document. The HV% were based on the existing conditions scenario, with any new approaches based on the existing counts and the Site truck trip generation.

As mentioned previously, it would be considered acceptable to achieve an approach LOS D or better for traffic operations using HCM methodology. The results of the intersection capacity and queuing analyses from *Synchro* are presented in **Table 5** and graphically in **Figure 23** and **Figure 24**. The results are expressed in LOS and delay (seconds per vehicle) for overall signalized intersections and per approach and lane group for all study intersections. The overall signalized intersections and any approaches that operate at LOS E or F are displayed in red.

The 95<sup>th</sup> percentile queues were also determined from *Synchro* and are expressed in feet. The lane groups where the queue lengths exceeded the available storage lengths of future turn lanes are displayed in red.

The detailed analysis worksheets of the 2027 Future Conditions with Development scenario are contained in Appendix G.

**Table 5: 2027 Future Conditions with Development- Intersection Capacity Analysis Results**

| No. | Intersection (Movement)                     | Effective Storage Length (ft.)<br>(1) | AM Peak Hour |                      |                             | PM Peak Hour |                    |                | SAT Peak Hour |                      |                      |
|-----|---|---------------------------------------|--------------|----------------------|-----------------------------|--------------|--------------------|----------------|---------------|----------------------|----------------------|
|     |   |                                       | LOS          | Delay<br>(sec / veh) | 95th%<br>Queue (ft.)<br>(3) | LOS          | Delay<br>(sec/veh) | 95th%<br>Queue | LOS           | Delay<br>(sec / veh) | 95th%<br>Queue (ft.) |
|     |   |                                       | Synchro      |                      |                             | Synchro      |                    |                | Synchro       |                      |                      |
|     | Possum Point Rd (E/W) at US 1 Main St (N/S) |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Overall Intersection (Signalized)           |                                       | <b>C</b>     | <b>22.9</b>          |                             | <b>D</b>     | <b>44.1</b>        |                | <b>E</b>      | <b>78.8</b>          |                      |
|     | Eastbound Approach                          |                                       | <b>E</b>     | <b>79.3</b>          |                             | <b>E</b>     | <b>75.4</b>        |                | <b>F</b>      | <b>81.0</b>          |                      |
|     | Eastbound Left/Thru/Right                   |                                       | E            | 79.3                 | 22                          | E            | 75.4               | 57             | F             | 81.0                 | 36                   |
|     | Westbound Approach                          |                                       | <b>B</b>     | <b>19.4</b>          |                             | <b>C</b>     | <b>23.0</b>        |                | <b>C</b>      | <b>22.2</b>          |                      |
|     | Westbound Left/Thru                         |                                       | E            | 63.3                 | 178                         | E            | 70.1               | 128            | E             | 73.7                 | 150                  |
|     | Westbound Right                             | 100                                   | <b>A</b>     | <b>0.3</b>           |                             | <b>A</b>     | <b>0.1</b>         |                | <b>A</b>      | <b>0.2</b>           | <b>0</b>             |
|     | Northbound Approach                         |                                       | <b>C</b>     | <b>28.4</b>          |                             | <b>E</b>     | <b>65.6</b>        |                | <b>F</b>      | <b>130.9</b>         |                      |
|     | Northbound Left                             | 85                                    | <b>E</b>     | <b>76.4</b>          | <b>13</b>                   | <b>E</b>     | <b>75.4</b>        | <b>47</b>      | <b>F</b>      | <b>80.0</b>          | <b>56</b>            |
|     | Northbound Thru                             |                                       | <b>C</b>     | <b>29.2</b>          | <b>866</b>                  | <b>E</b>     | <b>67.5</b>        | <b>#1513</b>   | <b>F</b>      | <b>134.6</b>         | <b>#2122</b>         |
|     | Northbound Right                            |                                       | <b>B</b>     | <b>15.8</b>          | <b>11</b>                   | <b>B</b>     | <b>15.4</b>        | <b>0</b>       | <b>B</b>      | <b>13.6</b>          | <b>0</b>             |
|     | Southbound Approach                         |                                       | <b>B</b>     | <b>17.0</b>          |                             | <b>C</b>     | <b>24.9</b>        |                | <b>C</b>      | <b>24.2</b>          |                      |
|     | Southbound Left                             | 225                                   | <b>E</b>     | <b>63.3</b>          | <b>227</b>                  | <b>E</b>     | <b>71.3</b>        | <b>254</b>     | <b>E</b>      | <b>76.0</b>          | <b>235</b>           |
|     | Southbound Thru                             |                                       | <b>B</b>     | <b>11.6</b>          | <b>434</b>                  | <b>C</b>     | <b>21.1</b>        | <b>1083</b>    | <b>C</b>      | <b>20.6</b>          | <b>1186</b>          |
|     | Southbound Right                            | 250                                   | <b>A</b>     | <b>7.7</b>           | <b>0</b>                    | <b>A</b>     | <b>8.7</b>         | <b>0</b>       | <b>A</b>      | <b>8.0</b>           | <b>0</b>             |
|     | Possum Point Rd (E/W) at US 1 Main St (N/S) |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | MIT: With Widening Project                  |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Overall Intersection (Signalized)           |                                       | <b>C</b>     | <b>30.3</b>          |                             | <b>D</b>     | <b>41.3</b>        |                | <b>D</b>      | <b>53.6</b>          |                      |
|     | Eastbound Approach                          |                                       | <b>D</b>     | <b>51.4</b>          |                             | <b>E</b>     | <b>61.8</b>        |                | <b>E</b>      | <b>74.0</b>          |                      |
|     | Eastbound Left                              |                                       | <b>D</b>     | <b>51.4</b>          | <b>236</b>                  | <b>E</b>     | <b>61.7</b>        | <b>544</b>     | <b>E</b>      | <b>73.9</b>          | <b>743</b>           |
|     | Westbound Approach                          |                                       | <b>D</b>     | <b>42.9</b>          |                             | <b>D</b>     | <b>54.8</b>        |                | <b>E</b>      | <b>73.7</b>          |                      |
|     | Westbound Left                              |                                       | <b>D</b>     | <b>51.4</b>          | <b>168</b>                  | <b>E</b>     | <b>68.1</b>        | <b>158</b>     | <b>F</b>      | <b>88.6</b>          | <b>192</b>           |
|     | Westbound Right                             | 100                                   | <b>D</b>     | <b>38.9</b>          | <b>219</b>                  | <b>D</b>     | <b>48.0</b>        | <b>155</b>     | <b>E</b>      | <b>66.8</b>          | <b>253</b>           |
|     | Northbound Approach                         |                                       | <b>C</b>     | <b>30.3</b>          |                             | <b>D</b>     | <b>43.3</b>        |                | <b>J</b>      | <b>52.3</b>          |                      |
|     | Northbound Thru                             |                                       | <b>C</b>     | <b>30.8</b>          | <b>423</b>                  | <b>D</b>     | <b>44.0</b>        | <b>637</b>     | <b>D</b>      | <b>53.1</b>          | <b>835</b>           |
|     | Northbound Right                            |                                       | <b>C</b>     | <b>23.6</b>          | <b>29</b>                   | <b>C</b>     | <b>31.1</b>        | <b>37</b>      | <b>C</b>      | <b>33.6</b>          | <b>32</b>            |
|     | Southbound Approach                         |                                       | <b>B</b>     | <b>17.8</b>          |                             | <b>C</b>     | <b>25.4</b>        |                | <b>C</b>      | <b>31.5</b>          |                      |
|     | Southbound Left                             | 225                                   | <b>D</b>     | <b>50.9</b>          | <b>194</b>                  | <b>E</b>     | <b>66.9</b>        | <b>282</b>     | <b>F</b>      | <b>89.0</b>          | <b>262</b>           |
|     | Southbound Thru                             |                                       | <b>B</b>     | <b>11.8</b>          | <b>155</b>                  | <b>B</b>     | <b>19.2</b>        | <b>325</b>     | <b>C</b>      | <b>22.3</b>          | <b>258</b>           |
| 2   | Canal Rd (E/W) at Richmond Hwy (N/S)        |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Overall Intersection (TWSC)                 |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Eastbound Approach                          |                                       | <b>F</b>     | <b>112.1</b>         |                             | <b>F</b>     | <b>\$ 962.5</b>    |                | <b>F</b>      | <b>\$ 2081.4</b>     |                      |
|     | Eastbound Left/Thru                         |                                       | <b>F</b>     | <b>112.1</b>         | <b>298</b>                  | <b>F</b>     | <b>\$ 962.5</b>    | <b>1493</b>    | <b>F</b>      | <b>\$ 2081.4</b>     | <b>2325</b>          |
|     | Westbound Approach                          |                                       | <b>D</b>     | <b>28.2</b>          |                             | <b>D</b>     | <b>26.7</b>        |                | <b>E</b>      | <b>37.4</b>          |                      |
|     | Westbound Right/Thru                        |                                       | <b>D</b>     | <b>28.2</b>          | <b>25</b>                   | <b>D</b>     | <b>26.7</b>        | <b>13</b>      | <b>E</b>      | <b>37.4</b>          | <b>30</b>            |
|     | Northbound Approach                         |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Northbound Left                             | 310                                   | <b>A</b>     | <b>0.0</b>           |                             | <b>A</b>     | <b>0.0</b>         |                | <b>A</b>      | <b>0.0</b>           | <b>0</b>             |
| 2   | Canal Rd (E/W) at Richmond Hwy (N/S)        |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | MIT: With Widening Project                  |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Overall Intersection (TWSC)                 |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Eastbound Approach                          |                                       | <b>B</b>     | <b>12.0</b>          |                             | <b>B</b>     | <b>14.3</b>        |                | <b>B</b>      | <b>12.7</b>          |                      |
|     | Eastbound Right                             |                                       | <b>B</b>     | <b>12.0</b>          |                             | <b>B</b>     | <b>14.3</b>        |                | <b>B</b>      | <b>12.7</b>          |                      |
|     | Westbound Approach                          |                                       | <b>C</b>     | <b>19.2</b>          |                             | <b>C</b>     | <b>19.8</b>        |                | <b>C</b>      | <b>21.0</b>          |                      |
|     | Westbound Right                             |                                       | <b>C</b>     | <b>19.2</b>          | <b>15</b>                   | <b>C</b>     | <b>19.8</b>        |                | <b>C</b>      | <b>21.0</b>          | <b>13</b>            |
|     | Northbound Approach                         |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Northbound Left                             |                                       | <b>B</b>     | <b>12.1</b>          |                             | <b>C</b>     | <b>18.1</b>        | <b>23</b>      | <b>B</b>      | <b>14.6</b>          | <b>15</b>            |
|     | Southbound Approach                         |                                       |              |                      |                             |              |                    |                |               |                      |                      |
|     | Southbound Left                             |                                       | <b>C</b>     | <b>16.8</b>          |                             | <b>C</b>     | <b>20.9</b>        |                | <b>D</b>      | <b>27.7</b>          |                      |

NOTES:

- (1) Effective storage length is based on the storage length plus one-half of the taper length per TOSAM guidelines.
- (2) \$: Delays (reported from Synchro) exceed 300 seconds in TWSC.
- (3) #: 95th percentile queues (reported from Synchro) exceed capacity; actual queues may be longer. Queues shown are based on the maximum after two cycles.

**Table 6 (Continued): 2027 Future Conditions with Development- Intersection Capacity Analysis Results**

| No. | Intersection (Movement)  | Effective Storage Length (ft.)<br>[1] | AM Peak Hour |                      |                             | PM Peak Hour |                    |                         | SAT Peak Hour |                    |                         |
|-----|--|---------------------------------------|--------------|----------------------|-----------------------------|--------------|--------------------|-------------------------|---------------|--------------------|-------------------------|
|     |  |                                       | LOS          | Delay<br>(sec / veh) | 95th%<br>Queue (ft.)<br>[3] | LOS          | Delay<br>(sec/veh) | 95th%<br>Queue<br>(ft.) | LOS           | Delay<br>(sec/veh) | 95th%<br>Queue<br>(ft.) |
|     |  |                                       | Synchro      |                      |                             | Synchro      |                    |                         | Synchro       |                    |                         |
|     | Canal Rd (E/W) at Daniels Auto Care/Select New & Used Tires And Auto (N/S)<br>Overall Intersection (TWSC)<br><i>Eastbound Approach</i> |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Eastbound Left/Thru/Right  |                                       | A            | 7.8                  |                             | A            | 7.8                |                         | A             | 7.3                |                         |
|     | <i>Westbound Approach</i>  |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Westbound Left/Thru/Right  |                                       | A            | 7.2                  |                             | A            | 7.2                |                         | A             | 7.2                |                         |
|     | <i>Northbound Approach</i>   |                                       | A            | 9.5                  |                             | A            | 9.5                |                         | A             | 9.6                |                         |
|     | Northbound Left/Thru/Right   |                                       | A            | 9.5                  |                             | A            | 9.5                |                         | A             | 9.6                |                         |
|     | <i>Southbound Approach</i>   |                                       | A            | 9.2                  |                             | A            | 9.1                |                         | A             | 8.6                |                         |
|     | Southbound Left/Thru/Right   |                                       | A            | 9.2                  |                             | A            | 9.1                |                         | A             | 8.6                |                         |
| 4   | Possum Point Rd (E/W) at TSI Dwy (N/S)<br>Overall Intersection (TWSC)<br><i>Eastbound Approach</i>                                     |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Eastbound Left/Thru/Right  |                                       | A            | 7.6                  |                             | A            | 8.6                |                         | A             | 7.5                |                         |
|     | <i>Westbound Approach</i>  |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Westbound Left/Thru/Right  |                                       | A            | 7.6                  |                             | A            | 7.7                |                         | A             | 7.6                |                         |
|     | <i>Northbound Approach</i>   |                                       | B            | 14.4                 |                             | B            | 12.2               |                         | B             | 12.5               |                         |
|     | Northbound Left/Thru/Right   |                                       | B            | 14.4                 | 35                          | B            | 12.2               | 13                      | B             | 12.5               |                         |
|     | <i>Southbound Approach</i>   |                                       | B            | 10.2                 |                             | A            | 9.8                |                         | B             | 10.1               |                         |
|     | Southbound Left/Thru/Right   |                                       | B            | 10.2                 |                             | A            | 9.8                |                         | B             | 10.1               |                         |
|     | Possum Point Rd (E/W) at Pointe Center CWault Ln (N/S)<br>Overall Intersection (TWSC)<br><i>Eastbound Approach</i>                     |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Eastbound Left/Thru/Right  |                                       | A            | 7.5                  |                             | A            | 7.5                |                         | A             | 7.4                |                         |
|     | <i>Westbound Approach</i>  |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Westbound Left/Thru/Right  |                                       | A            | 7.4                  |                             | A            | 7.5                |                         | A             | 7.5                |                         |
|     | <i>Northbound Approach</i>   |                                       | B            | 10.3                 |                             | B            | 10.6               |                         | B             | 10.2               |                         |
|     | Northbound Left/Thru/Right   |                                       | B            | 10.3                 |                             | B            | 10.6               |                         | B             | 10.2               |                         |
|     | <i>Southbound Approach</i>   |                                       | A            | 9.4                  |                             | A            | 9.5                |                         | A             | 9.6                |                         |
|     | Southbound Left/Thru/Right   |                                       | A            | 9.4                  |                             | A            | 9.5                |                         | A             | 9.6                |                         |
|     | Tire and Auto/ Canal (E/W) at Future Access (N/S)<br>Overall Intersection (TWSC)<br><i>Eastbound Approach</i>                          |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Eastbound Left/Thru  |                                       | A            | 7.3                  |                             | A            | 7.3                |                         | A             | 7.3                |                         |
|     | <i>Southbound Approach</i>   |                                       |              |                      |                             |              |                    |                         |               |                    |                         |
|     | Southbound Left/Right  |                                       | A            | 8.5                  |                             | A            | 8.5                |                         | A             | 8.5                |                         |

NOTES:

- [1] Effective storage length is based on the storage length plus one-half of the taper length per TOSAM guidelines.
- [2] S: Delays (reported from Synchro) exceed 300 seconds in TWSC.
- [3] #: 95th percentile queues (reported from Synchro) exceed capacity; actual queues may be longer. Queues shown are based on the maximum after two cycles.

Based on the capacity analysis of the 2027 Future Conditions with Development, the signalized study intersection is expected to operate at overall acceptable levels of service during the AM, PM peak hours and at an overall LOS E during the SAT peak hour. With the US 1 Fraley Boulevard widening project in place, the signalized intersection is expected to operate at acceptable levels of service during all peak hours.

All approaches at all study intersections are expected to operate at acceptable levels of service during the AM, PM, and SAT peak hours except for the eastbound and northbound approaches at the intersection of US Route 1 at Possum Point Road (Study Intersection 1) and the eastbound and westbound approaches of US 1 at Canal Road (Study Intersection 2). The approach levels of service are similar in operation to the 2027 Future Conditions without Development.

Based on the analysis of the 95th percentile queue lengths, all turning movements are expected to have queue lengths that were accommodated within the available storage length of the turn bays except the southbound left turn movement at the intersection of US Route 1 at Possum Point (Study Intersection 1).

There are two locations that experience unacceptable levels of service; however, these are expected to be mitigated when the US 1 Fraley Road widening project is complete. The widening project is anticipated to be completed in 2027 or 2028. Therefore, no improvements are recommended to mitigate the traffic generated by the proposed Development.

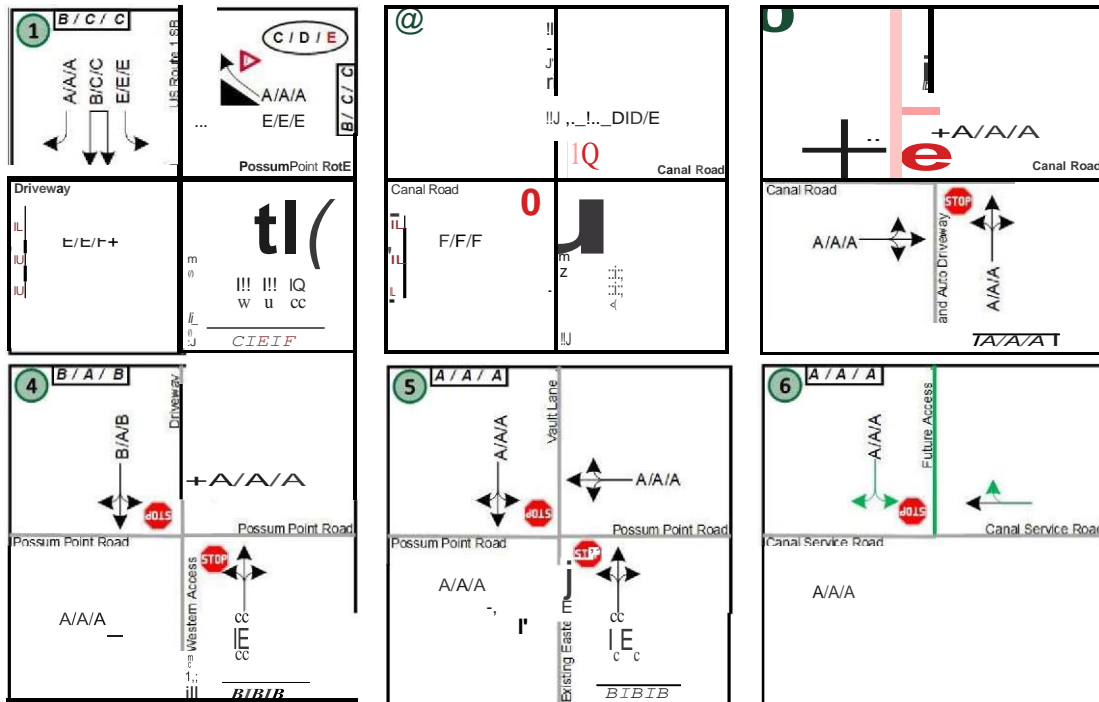
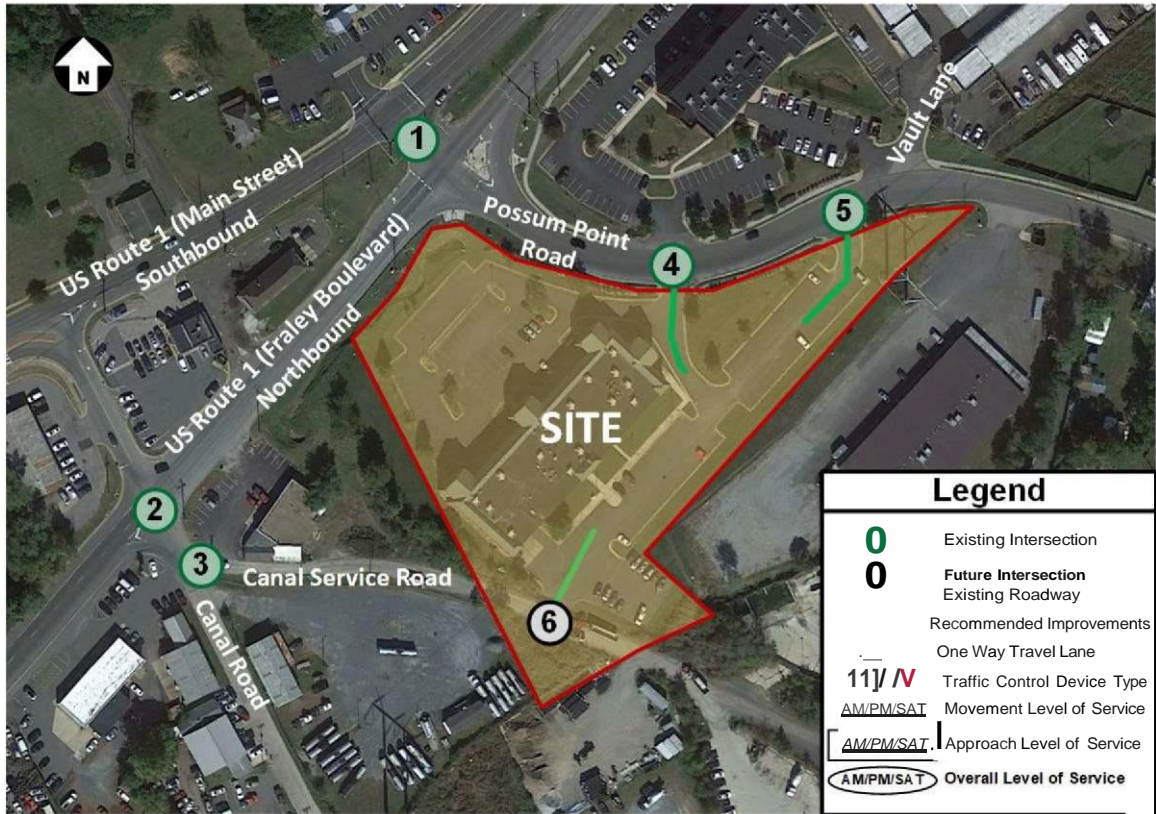


Figure 23: 2027 Future Conditions with Development without US Route 1 Widening - Level of Service Results



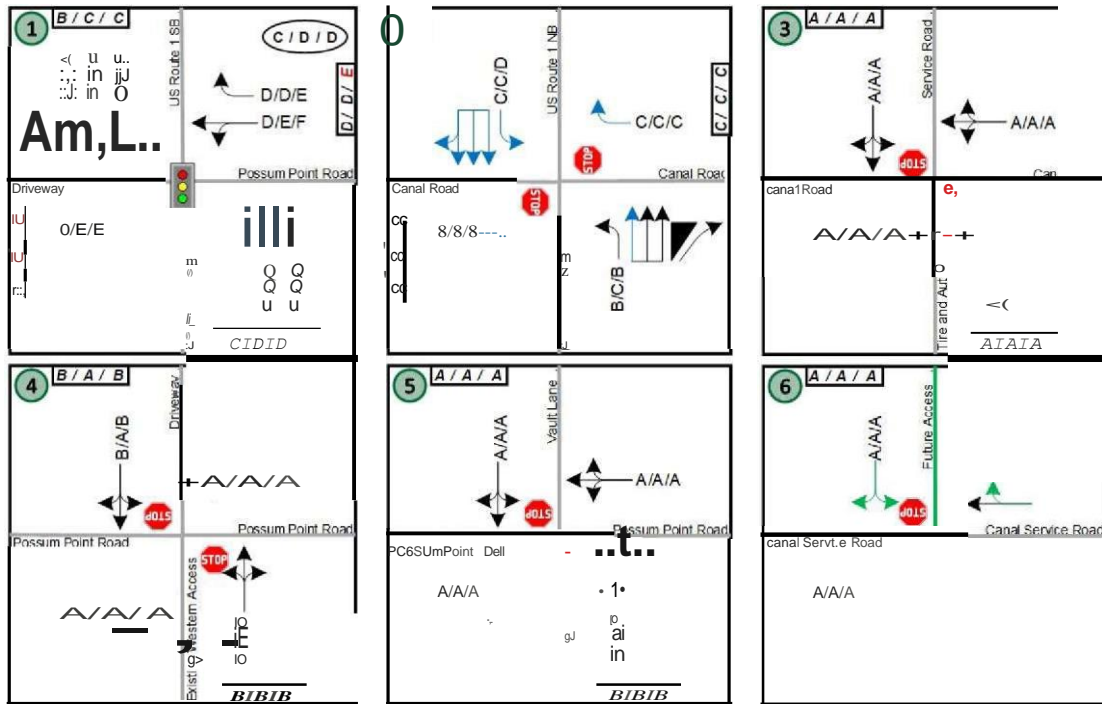
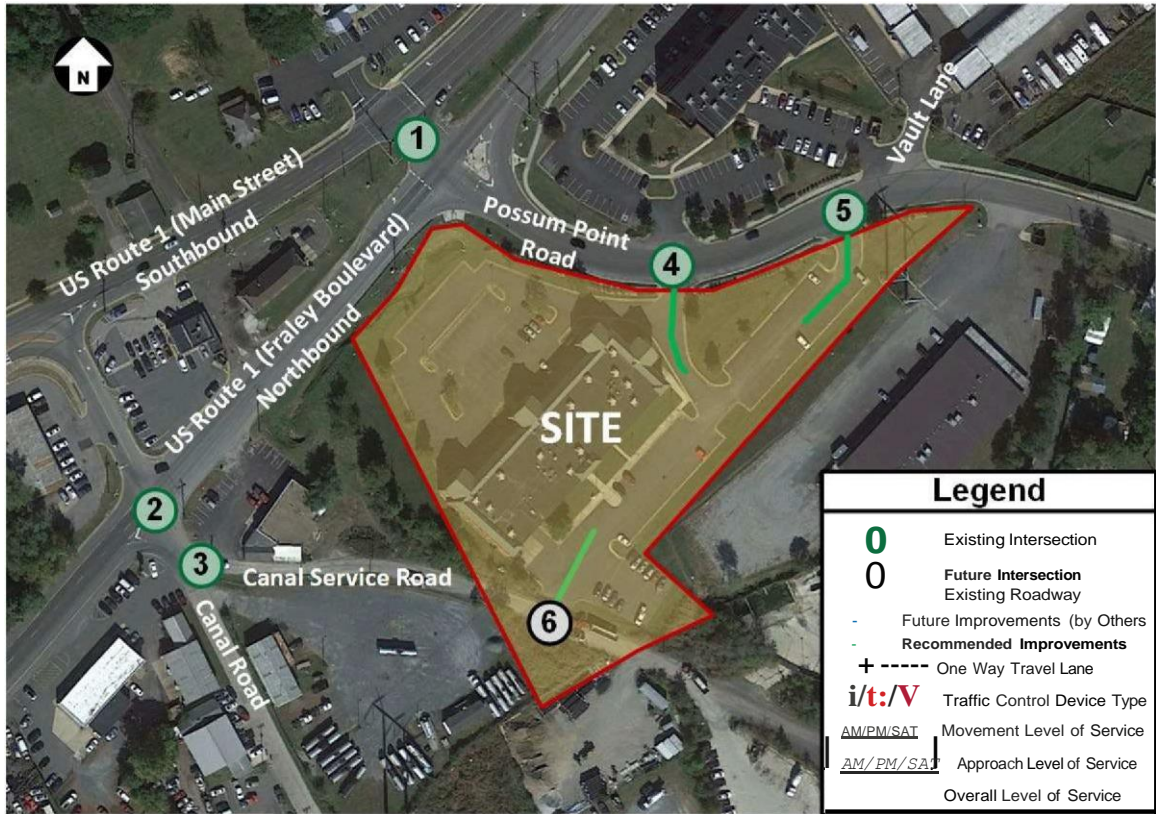


Figure 24: 2027 Future Conditions with Development with US Route 1 Widening - Level of Service Results

## Preliminary Left and Right Turn Lane Warrant Assessments

Left and right turn lane warrants are based off VDOT's Road Design Manual (ROM), Appendix F. In order to determine the need for exclusive left and/or right turn lanes or tapers at the study intersections, the traffic data and anticipated development program provided in the 2028 Future Conditions with Development scenario section were utilized.

Warrants for right-turn storage lanes on two- and four-lane highways at intersections are based on Figure 3-26 and Figure 3-27 in Appendix F of VDOT's ROM. These figures provide a graphical representation for determining the necessity of a right turn lane by comparing the total volumes of a given approach with their respective right turn volumes.

Warrants for left-turn storage lanes on two-lane highways at unsignalized intersections are based on Figure 3-5 to Figure 3-21 in Appendix F of VDOT's ROM. The figures provide graphical representations for determining the necessity of a left turn lane by comparing the advancing volumes of a given approach and the respective opposing volumes with respect to the percentage of left turning vehicles of the advancing volumes and the design speed of a given roadway.

If the turn lanes and / or tapers are not provided or would not meet the minimum requirements per VDOT's ROM, turn lane waivers requests would need to be submitted as separate documentation and be approved by VDOT.

A summary of the turn lane warrant analysis is presented in **Table 6**.

**Table 7: Summary of Turn Lane Warrant Analysis**

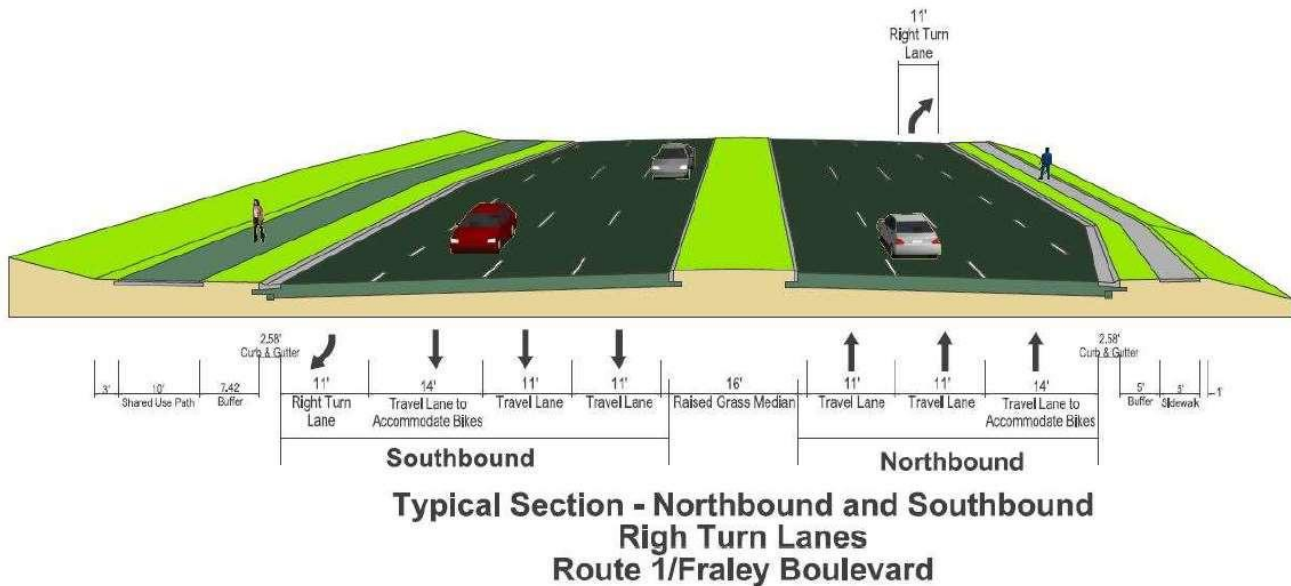
| Study Intersections                                       | Turn Lane Requirement per VDOT            |
|---|---|
| Study Intersection 4: Possum Point Road at Western Access | Westbound Left: No                        |
| Study Intersection 5: Possum Point Road at Eastern Access | Westbound Left: No                        |
| Study Intersection 6: Canal Service Road at Future Access | Eastbound Left: No<br>Westbound Right: No |

No turn lanes are warranted at the study intersections. Graphics and information regarding the methodology used to determine the turn lane warrants is provided in Appendix H.

## Bicycle and Pedestrian Accommodations

The property currently contains a sidewalk with a buffer across the Possum Point Road frontage. The existing sidewalk will be maintained with the proposed development. The US Route 1 widening project strives to establish a multimodal transportation network which enables the safe and efficient movement of people within the study area along US Route 1.

# Roadway Typical Section



**Figure 25: Proposed Street Section (Source: Fraley Boulevard Public Presentation)**

**Figure 25** shows the US Route 1 section that includes a 10-foot wide shared use path on the southbound travel way and a 5-foot wide sidewalk on the northbound travel way. As observed, the shared use path will be buffered from the vehicular traffic on US Route 1 and would operate as an exclusive facility for bicycle users and pedestrians.

## Preliminary Access Management Evaluation (Intersection Spacing)

The minimum spacing standards for the Commonwealth of Virginia are specified in VDOT's Road Design Manual (ROM). Appendix F of the ROM focuses primarily on access management practices. The minimum spacing standard are particularly specified in Table 2-2 through Table 2-4. Table 2-2 provides guidance on the minimum spacing standard for commercial entrances, intersections, and median crossovers, and are based on a roadway's speed limit and functional classification. Table 2-3 and 2-4 provide guidance for minimum spacing standards for the spacing between interchanges and intersections or commercial entrances.

Canal Service Road in the vicinity of the proposed development is classified by VDOT as a Local Roadway.

Per the guidance in VDOT' ROM Appendix F for local street spacing: *"No commercial entrance shall be allowed within the functional area of an intersection without prior approval from the Engineer at the Residency or District. For commercial entrances on local streets (not individual private entrance driveways to homes), a spacing distance of 50 feet between entrance radii is specified to assure a minimum separation between such entrances."*

**Figure 26** shows the intersection spacing requirements and the approximate measured intersection spacing relative to the new access proposed on Canal Service Road. It is to be noted that per guidance in VDOT's ROM Appendix F, intersection spacing is measured on the roadway centerline for unsignalized and signalized intersections. Spacing to/from roundabouts is measured



from outer edge of the roundabout's inscribed diameter. As shown, the intersection along Canal Service Road meets the VDOT spacing standards.

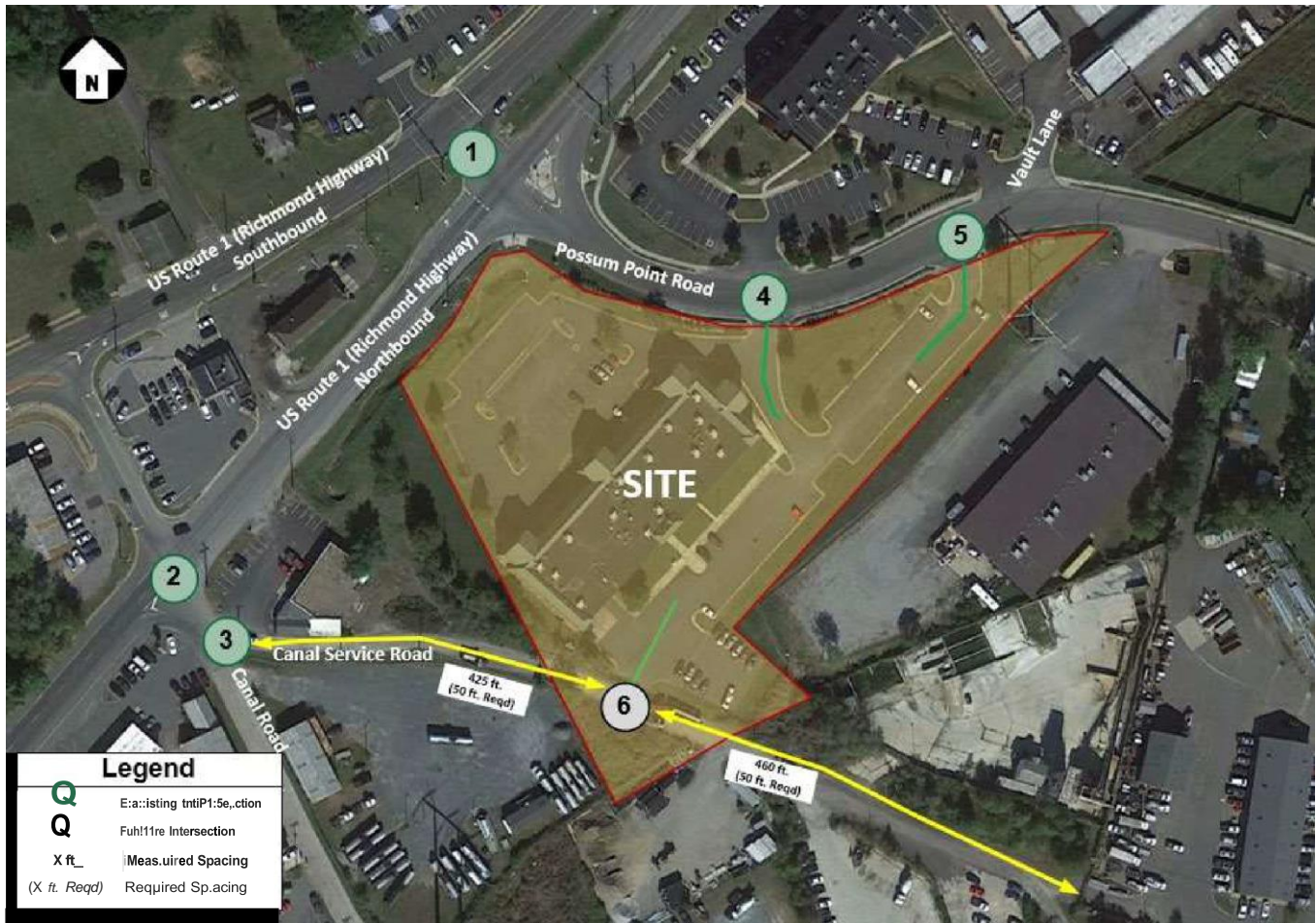


Figure 26: Proposed Intersection Spacing



## Conclusions

This report presents the findings of a Traffic Impact Analysis (TIA) conducted for the proposed development site which is generally situated in on the east side of US Route 1 (Fraleay Boulevard) between Possum Point Road and Canal Road in the Town of Dumfries, Virginia.

The Site is situated across one parcel that can be identified on Prince William County Tax Mapper with the following GPIN: 8289-02-2144. The property totals approximately 3.67 acres and is currently zoned as 8-1 (General Business).

The property currently has a 48,000 square foot (s.f.) medical office building and the Applicant is proposing to redevelop the parcel to construct a gas station with 16 fueling positions and a 6,100 s.f. convenience store. The Development is anticipated to be complete and in operation by 2027.

Access to the Site will be provided via two existing full-movement entrances along Possum Point Road and one proposed full-movement entrance along Canal Service Road.

### Analysis Components

- 2023 existing peak hour volumes were derived via turning movement counts collected at intersections within the study area in March 2023.
- As determined based on the discussions and scoping document with VDOT and the Town, an inherent regional growth of 1% per year was applied to the study intersections for the period between 2023 and 2027 to account for future conditions.
- Two approved background developments were included in the study.
- The trip generation associated with the Site was based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition publication. The Site in total is expected to generate approximately 109 new trips during the AM peak hour, 22 new trips during the PM peak hour, 92 new trips during the SAT peak, 811 new daily trips on a typical weekday, and 1,719 new daily trips on a typical Saturday.
- Intersection capacity and queuing analyses were performed for all analysis scenarios at the study area intersections during the weekday morning (AM), weekday afternoon (PM), and Saturday (SAT) peak hours. *Synchro*, version 11, was used to analyze the study intersections with results based on the Transportation Research Board's (TRB) Highway Capacity Manual (HCM) methodology and analysis guidelines provided in VDOT's Traffic Operations and Safety Analysis Manual (TOSAM) (version 2). The analysis herein includes the level of service (LOS), delay, and queue length comparisons for the turning movements analyzed.

### Analysis Results

#### 2023 Existing Conditions

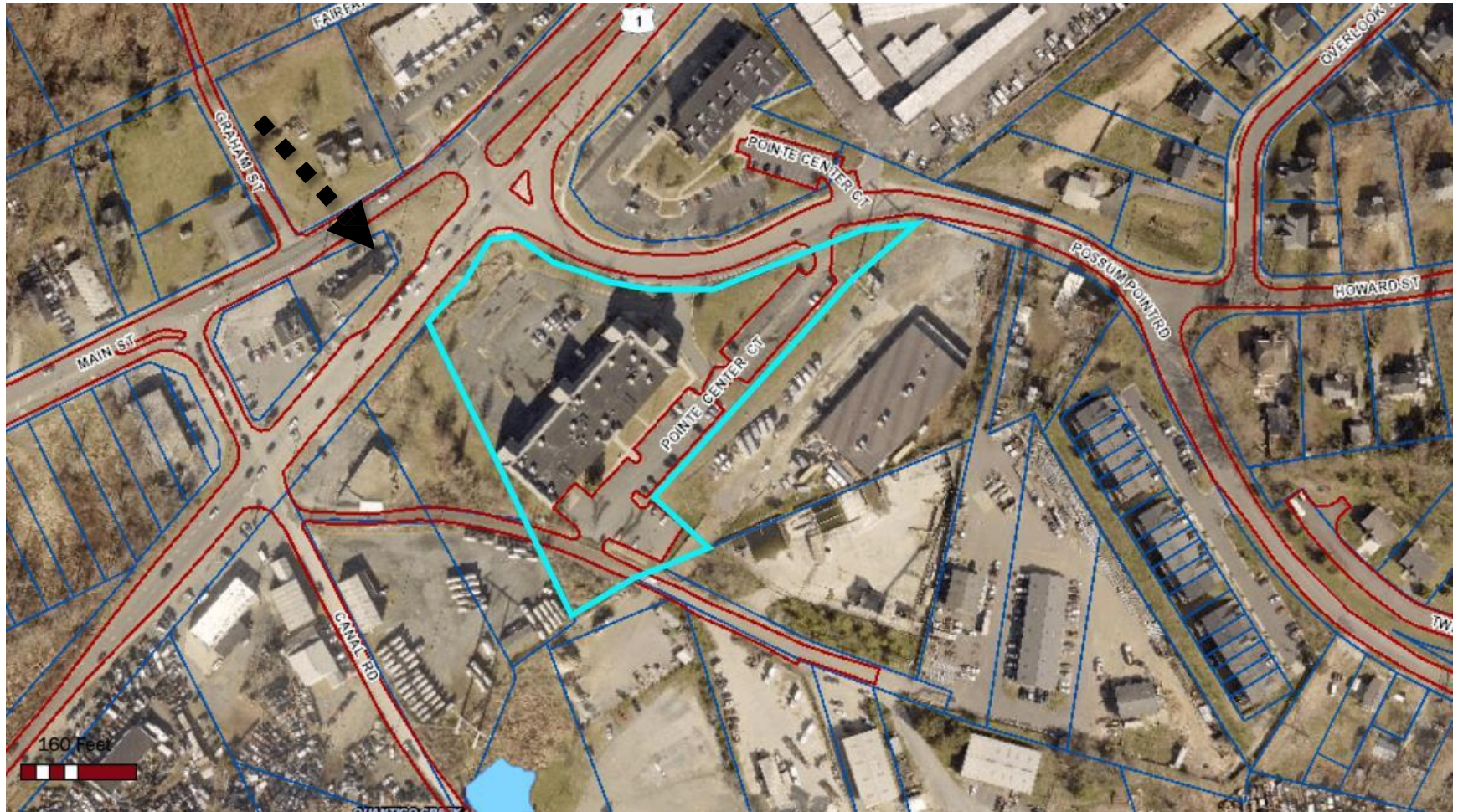
- Based on the capacity analysis of the 2023 Existing Conditions, the signalized study intersection currently operates at overall acceptable levels of service during the AM, PM, and SAT peak hours.
- All approaches at all study intersections operate at acceptable levels of service during the AM, PM, and SAT peak hours except for the eastbound approach at the intersection of US 1 at Possum Point and the eastbound approach of US 1 at Canal Road.
- Based on the analysis of the 95th percentile queue lengths, all turning movements have queue lengths that were accommodated within the available storage length of the turn bays.

#### 2027 Future Conditions without Development

- Based on the capacity analysis of the 2027 Future Conditions without Development, the signalized study intersection is expected to operate at overall acceptable levels of service during the AM, PM, and SAT peak hours.

# Aerial Photo

## 3600 Pointe Center Court





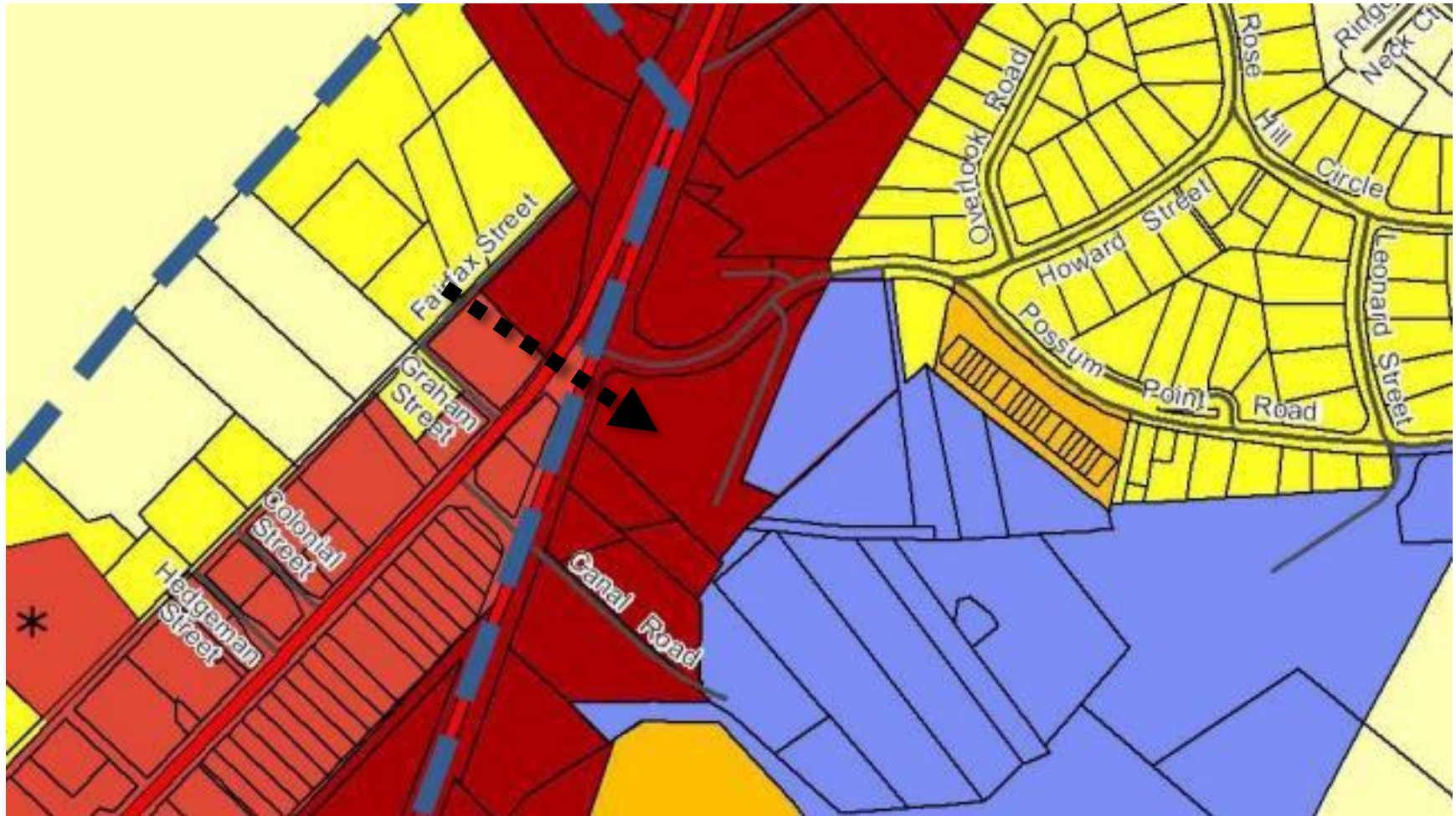
# Comprehensive Plan Future Land Use Map: Mixed-Use and Open Space

3600 Pointe Center Court



# Zoning Map: B-1 General Business District

3600 Pointe Center Court







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

### *Staff Report*

**To:** Town of Dumfries Town Council

**From:** Reginald Tabor, Department of Planning and Economic Development

**Date:** October 16, 2023

**Conditional Use Permit, CUP23-02:** An application for a Conditional Use Permit (CUP) at 3600 Pointe Center Court To permit a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses.

#### **BACKGROUND**

The Town of Dumfries received a Conditional Use Permit application from Dumfries Purchaser, LLC for a Conditional Use Permit to permit a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses at 3600 Pointe Center Court.

As outlined in Section 70-10 of the Town Zoning Ordinance, “Conditional Use Permits may be granted by the Town Council for any of the uses for which a CUP is required by the Zoning Ordinance. In granting any such CUP, the Council may impose any such conditions in connection therewith as will assure that the use(s) will conform with the requirements contained herein and will continue to do so and may require a guarantee or bond to ensure the conditions imposed are being and will continue to be complied with.

A CUP shall not be issued unless the Council shall find that:

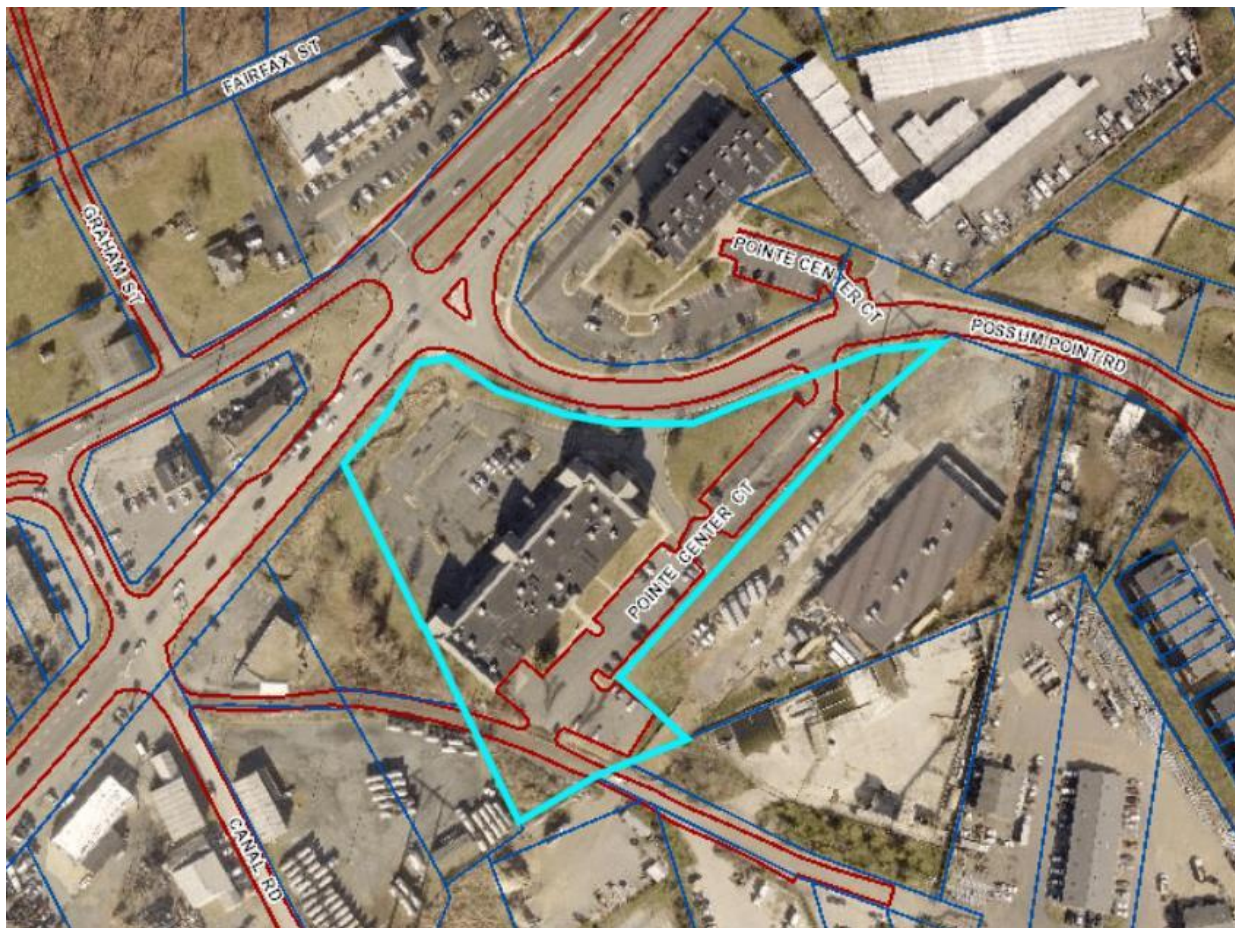
1. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.
2. The proposal as submitted or modified will conform to the Comprehensive Plan for the Town or to specific elements of such Plan, and the official policies adopted in relation thereto, including the purposes and the express intent of this chapter.”

A Conditional Use Permit is required in accordance with the Town Code Section 70-247(B). - Uses allowable pursuant to a conditional use permit, for Convenience stores and service establishments such as, but not limited to, automatic self-service laundries, and for Off-premises sales of beer and wine. The Town Code includes the following definition of Convenience Stores and service establishments,

Convenience store (with or without gasoline sales). A retail establishment with less than 5,000 square feet in floor area selling food products, beverages, and a limited selection of household items to customers who purchase only a few items (and possibly gasoline, if pumps are provided). Does not include or offer any motor vehicle repair services.

**1. Site Location**

The proposed location is 3600 Pointe Center Court, Parcel ID: 8289-02-2144. The parcel is 3.67 acres bounded by Fraley Boulevard/Route 1, Possum Point Road, and Pointe Center Drive, illustrated in the images below. The property currently includes a two (2) story office building, totaling 49,387 square feet constructed in 2004. The current structure would be demolished and replaced with the structures and facilities supporting the proposed use.







**2. The Comprehensive Plan**

The uses identified in the Future Land Use Map of the 2014 Comprehensive Plan designates the property as Mixed-Use and Open Space.

**3. Zoning**

The property is currently zoned B-1 General Business District.

**4. Adjacent Land Uses**

Currently, adjacent uses include industrial uses to the South and East, Office Use to the North, and Commercial to the West. The parcel will be impacted by the Route 1 widening project, which will impact current adjacent uses, and the footprint of this parcel.

**5. Current Use**

The current use is commercial office; however, Staff has been informed that due to current and foreseeable market conditions, most of the building has been vacant for an extended period of time.

**SUMMARY AND RECOMMENDATION**

Staff has determined that the proposed development is consistent with the goals of the Comprehensive Plan, Mixed-use designation. The proposed use will benefit the residents of the

Town of Dumfries by providing both fuel for gasoline and electric powered vehicles, convenience store offerings, including food, revenue from the sales of products and real estate tax assessments. The location is adjacent to a major roadway, which would provide access and the size of the property could accommodate adequate parking. A Site Plan would have to be reviewed and approved, as well as permits associated with demolition, construction and use, as well as illustration that adequate parking would be provided.

Staff recommends approval of the Conditional Use Permit CUP23-02, to allow the use of a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses at 3600 Pointe Center Court, subject to the conditions in the attached Exhibit A.

Attachments:

- Ordinance
- Exhibit A
- Application
- Maps



## **AGENDA ITEM REQUEST FORM**

### Item Type

Award       Proclamation       Resolution/Ordinance       Motion       Discussion

### Statement of Purpose

An Ordinance approving a Conditional Use Permit Application to permit a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses at 3600 Pointe Center Court.

### Background/References

The Town of Dumfries received a Conditional Use Permit (CUP) Application to permit a convenience store with gasoline sales with off premise wine and beer sales, food service and electrical vehicle charging stations as accessory uses at 3600 Pointe Center Court. This is an initiation of the review and approval process for a CUP.

### Fiscal Impact

Revenue from the proposed development if it is approved and when becomes operational.

### Suggested Motion

Staff recommends adoption of the ordinance.

### Requested Meeting Date

October 17, 2023

### Attachments

- Staff Report
- Ordinance
- Application
- Maps

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON OCTOBER 17, 2023: ON A MOTION DULY MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE DUMFRIES 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, \_\_\_\_\_;

**ORDINANCE ADOPTING ZONING TEXT AMENDMENTS TO SECS. 70-1 AND 70-14 TO ALLOW A COMPREHENSIVE SIGN PLAN IN THE B-1 ZONING DISTRICT**

**WHEREAS**, at its October 3, 2023, meeting, the Town Council initiated Zoning Text Amendments (“ZTAs”) to Chapter 70, Secs. 70-1, 70-14(e)(11)(the previously unnumbered new section) and (j)(5) to allow a Comprehensive Sign Plan, including electronic signs, to be considered for approval within the B-1 District, scheduled a public hearing and consideration of the amendments and forwarded the ZTAs to the Planning Commission for a public hearing and recommendation to Town Council; and

**WHEREAS**, pursuant to Va. Code § 15.2-2286(A)(7) the Town Council has the authority to amend Chapter 70 of the Town Code, the Town’s Zoning Ordinance; and

**WHEREAS**, after notice was given in accordance with law, at its meeting on October 16, 2023, the Planning Commission held a public hearing, considered the ZTAs and recommended approval; and

**WHEREAS**, after notice was given in accordance with law, the Town Council conducted a public hearing and deliberated upon the ZTAs; and

**WHEREAS**, pursuant to Sec. 70-646(a) of the Town Code the Town Council concluded that the public necessity, convenience, general welfare, or good zoning practice requires adoption of the ZTAs;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Dumfries does hereby adopt Zoning Text Amendments Secs. 70-1, 70-14(e)(11) and (j)(5) to the Town Code to allow a Comprehensive Sign Plan to be considered for approval within the B-1 District, as set forth in Attachment A.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Dumfries does hereby establish the Conditional Use Permit (CUP) process as defined in the

Zoning Ordinance will be the review and approval process for Comprehensive Sign Plans.

By Order of Council:

---

Derrick R. Wood, Mayor

ATTEST:

---

Tangi R. Hill, Town Clerk



**Attachment A**

Sec.70-1 Definitions

*Communications facilities, public.* Any land area, structure, and equipment affixed to land or structures, singly or in any combination, used in telecommunications, telephone, telegraph, radio or television operations, or other operations involving the transmitting, receiving or exchanging of information over wires, cables, fibers, light beams or by energy signals through the atmosphere; where without regard to actual ownership, such use is for any purpose other than private use as defined by this chapter in the term "private communications facilities."

Comprehensive Sign Plan- A graphic representation, with sign specifications, detailing a plan of all signage proposed for a particular structure, lot, or development.

*Comprehensive plan.* The comprehensive plan for the Town of Dumfries, Virginia including those maps, plats, charts, and descriptive matter that have been formally adopted by the Town Council and as amended.

\* \* \* \* \*

Sec. 70-14. – Signs.

\* \* \* \* \*

(e) Signs in B-1 district. The following signs are permitted in the B-1 district; and all signs shall be identifying signs:

\* \* \* \* \*

(11) Alternative Sign Regulations: Comprehensive Sign Plan (CSP). Alternative sign regulations for permitted signs may be approved with the submission of a Comprehensive Sign Plan which complies with all regulations set forth in Sec. 70-14. Signage in the PMUD Zoning District shall not require a certificate of appropriateness from the Architectural Review Board.

(a) Applications for approval of Comprehensive Sign Plans shall be made in accordance with the procedures for a Conditional Use Permit application as set forth in Sec. 70-10 except that the Issues for Consideration shall be as set forth in this Sec. 70-14(e)(11). The fee shall be that of a Category C Conditional Use Permit application as outlined in the Town Fee Schedule.

(b) An application for a Comprehensive Sign Plan shall include the following materials: A statement of justification, addressing whether and how each sign proposed by the Comprehensive Sign Plan would:

- i. Assist motorists, bicyclists or pedestrians in finding a location without difficulty or confusion;
- ii. Clearly identify places of business or communities, while avoiding unnecessary redundancy;
- iii. Demonstrate compatibility with, and be subordinate to, the structures and land uses referenced by the sign;
- iv. Address light pollution impacts with night- sky friendly equipment and operations;
- v. Incorporate energy efficient measures, where possible;
- vi. Provide a sufficient number of graphic messages or displays without creating competing demands for visual attention; and.
- vii. Minimize impacts on Historic Properties, if applicable to the site.

(c) Approval of revisions to approved Comprehensive Sign Plans may be requested and shall be limited to 1) addition of a sign category and/or individual use/user not addressed in the approved Comprehensive Sign Plan, or 2) revision to a sign category that was addressed in the approved Comprehensive Sign Plan. Such revisions shall be reviewed for consistency with the approved Comprehensive Sign Plan. Requests for revisions shall be submitted to the Planning Director or designee and shall be evaluated administratively by the standards set forth in Section 70-14(e)(11).

\* \* \* \* \*

(j) *Illumination*

- (1) The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related.
- (2) No colored lights shall be used at any location or in any manner so as to be confused with, or constituted as, traffic-control devices.
- (3) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (4) No exposed reflective-type bulbs and no strobe or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
- (5) Electronic display signs shall be permitted in the following ways:

- a. Electronic display signs require a sign permit as provided in Sec. 70-14(b) of this chapter.
- b. Electronic display signs are only permitted on public property and for public use, or as a part of an approved Comprehensive Sign Plan within the PMUD or B-1 Zoning Districts. All Electronic Display Sign Requirements shall apply to Comprehensive Sign Plans.
- c. Any electronic display signs shall contain only static messages, changed through subtle transitions that do not have the appearance of moving, scrolling, fading, flashing, or travelling text or images.
- d. Each message shall be displayed for a minimum of five (5) seconds between transitions.
- e. The electronic display sign shall contain a default mechanism that shall cause the sign to revert immediately to a black screen if the sign malfunctions.
- f. The background of the sign face of the electronic display shall not be white, off-white, or yellow.
- g. The electronic display shall include a photocell to control brightness and shall automatically dim at sunset to a nighttime level of 40-100 nits.
- h. Electronic display signs shall be permitted as freestanding signs, or as a building sign that is approved as part of a Comprehensive Sign Plan.
- i. Unless a Comprehensive Sign Plan is submitted, only one electronic display sign is allowed per lot, such that the electronic display portion of a freestanding sign shall not exceed 75 square feet and the electronic display portion of a building-mounted sign shall not exceed 1.5 times the building's linear frontage. Additional electronic signs with additional size maximums may be permitted as part of a Comprehensive Sign Plan.
- j. The area of the display screen or the portion of an electronic display sign that can otherwise change its content shall not exceed more than 50% of the maximum allowable area of that freestanding sign.
- k. When in the viewshed of residential community(s), the Comprehensive Sign Plan shall define the hours of operation of the electronic display sign.



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

### *Staff Report*

**To:** Town of Dumfries Town Council

**From:** Reginald Tabor, Department of Planning and Economic Development

**Date:** October 17, 2023

**Zoning Text Amendment, ZTA 2023-004:** To amend Chapter 70 of the Town Code, the Town of Dumfries Zoning Ordinance to: Add the Definition, Approval Process, and Regulations of a Comprehensive Sign Plan in the B-1 District to the Zoning Ordinance.

### **BACKGROUND**

On October 5, 2023, the Town Council initiated zoning text amendments (ZTA) to Chapter 70 of the Town Code and directed both staff and the Planning Commission to review the ZTA and provide recommendations. The ZTA includes amendments to Chapter 70, Secs. 70-1,70-14.

### **SUMMARY OF AMENDMENTS**

In 2022, the Town Council adopted an ordinance amending the Town Code regarding the definition and regulations for Comprehensive Sign Plans, as required per Sec. 70-535.15 of the Zoning Ordinance. The amendments established new regulations and processes to provide the Town with the basis for such sign regulations.

The new regulations allow for:

1. Flexibility from the existing Sign Ordinance.
2. Planning Commission and Town Council review through a conditional use permit process.
3. Streamlining of the Sign Permit approval process for large scale developments.

By following the same process as the Conditional Use Permit Process (Planning Commission and Town Council Public Hearings), citizens, council members and commissioners provide input and have an open dialogue with applicants regarding the following:

- Sign Number
- Sign Type
- Sign Size
- Sign Height
- Sign Location
- Sign Lighting

The applicant is also required to submit a Statement of Justification setting forth how each sign addresses the following:

- a. Assist motorists, bicyclists and/or pedestrians in finding a location without difficulty or confusion;
- b. Clearly identify places of business or communities, while avoiding unnecessary redundancy;
- c. Demonstrate compatibility with, and be subordinate to, the structures and land uses referenced by the sign;
- d. Address light pollution impacts with dark sky friendly equipment and operations.
- e. Incorporate energy efficient measures, where possible;
- f. Provide a sufficient number of graphic messages or displays without creating competing demands for visual attention; and
- g. Minimize impacts on Historic Properties if applicable to the site.

## **RECOMMENDATION**

Staff recommends that the Town Council adopts ZTA23-004 with Attachment A. This amendment will enable staff to regulate Comprehensive Sign Plans in the B-1 Zoning District while allowing both the Planning Commission and Town Council to provide input on the proposed signage of large development projects.

**STAFF CONTACT:** Reginald Tabor, Director, Department of Planning and Economic Development (703) 221-3400, ext. 121

Attachments:  
Attachment A







## **AGENDA ITEM REQUEST FORM**

### Item Type

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### Statement of Purpose

An Ordinance adopting a Town Code Zoning Text Amendment to allow consideration of a Comprehensive Sign Plan within the B-1 Zoning District.

### Background/References

The Town Council adopted an ordinance on October 5, 2022, allowing for consideration of a Comprehensive Sign Plan for properties within an approved Planned Mixed-Use District (PMUD). This proposed amendment would allow for a Comprehensive Sign Plan to be considered within the B-1 Zoning District.

### Fiscal Impact

N/A

### Suggested Motion

Staff recommends adoption of the ordinance with conditions.

### Requested Meeting Date

October 17, 2023

### Attachments

- Staff Report
- Ordinance
- Zoning Map

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON OCTOBER 17, 20223: ON A MOTION DULY MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:**

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

**ZONING TEXT AMENDMENTS TO SEC. 70-22, RELATING TO TEMPORARY USES – ROADSIDE FOOD VENDORS.**

**WHEREAS**, at its September 5, 2023, meeting, the Town Council initiated Zoning Text Amendments (“ZTAs”) to Chapter 70, Sec. 70-22, relating to Temporary Uses – Roadside Food Vendors, which were proposed by Councilman Fields, scheduled a public hearing and consideration of the amendments, and forwarded the ZTAs to the Planning Commission for a public hearing and recommendation to Town Council; and

**WHEREAS**, the Council also requested that staff review similar ordinances in other jurisdictions and make a recommendation to Council, and the Director of the Department of Planning and Economic Development has done so and recommended that the proposed ZTAs not be adopted; and

**WHEREAS**, pursuant to Va. Code § 15.2-2286(A)(7) the Town Council has the authority to amend Chapter 70 of Town Code, the Town’s Zoning Ordinance; and

**WHEREAS**, after notice was given in accordance with law, at its meeting on October 16, 2023, the Planning Commission held a public hearing, considered the ZTAs, and recommended that Council \_\_\_\_\_ the ZTAs; and

**WHEREAS**, after notice was given in accordance with law, the Town Council conducted a public hearing, considered the ZTAs; and

**WHEREAS**, pursuant to Sec. 70-646(a) of the Town Code, the Town Council has concluded that public necessity, convenience, general welfare, or good zoning practice requires [adoption of][that the Council not adopt] the ZTAs;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Dumfries does hereby [adopt][not adopt] the appended Zoning Text Amendments to Sec. 70-22, relating to Temporary Uses – Roadside Food Vendors, as proposed in Attachment A.

By Order of Council:

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Derrick R. Wood, Mayor

ATTEST:

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Tangi R. Hill, Town Clerk

## Exhibit A

### Sec. 70-22. - Temporary uses.

The following temporary activities, and activities of a similar nature, may be administratively approved in any zoning district by the zoning administrator through the issuance of a temporary use permit when, in the administrator's judgment, the public health, safety and welfare will not be impaired, and when the use is not so recurring in nature as to constitute a permanent use, and when the following enumerated conditions are met:

- (1) Roadside stands for the temporary retail sales of seasonal and holiday goods, excluding fireworks, for a period not to exceed 30 consecutive days, and provided that:
  - a. No structure of a permanent nature shall be constructed;
  - b. Removal of temporary structures shall be guaranteed in writing, and such structures shall be removed within 48 hours after permit expiration;
  - c. Written approval of the owner of the site shall be obtained. This approval shall identify the site address, owner's name, owner's mailing address, owner's telephone number, owner's acknowledgment of proposed activity and dates activity is to operate;
  - d. Adequate and safe ingress and egress, such that the normal traffic pattern shall not be disrupted, shall be provided;
  - e. Removal of all freestanding signs, trash, or debris from the site and the immediate vicinity, upon termination of the activity shall be guaranteed in writing, and accomplished within 24 hours after permit expiration;
  - f. Documentation or a letter of permission shall be provided stating the specific location of rest rooms that will be available to the applicant throughout the duration of the activity. Adequate sanitary facilities shall be provided at the site, if deemed necessary by the administrator, for the intended activity and, when necessary, shall be approved by the health department;
  - g. A bond, cash escrow or other suitable guarantee in the amount of \$100.00 shall be provided to insure that conditions of the permit will be met;
  - h. The bond or other guarantee, required by subsection (a)(1)g., of this section, shall be forfeited to the town if the site is not adequately cleared of all trash debris, signs and temporary structures, the activity remains on the site after expiration of the permit, or violations of this section or the conditions of the permit are established (but nothing in this forfeiture provision shall limit the town's ability to enforce this section in any manner provided by law);
  - i. No more than four such permits shall be issued for the same lot during a calendar year; and
  - j. Adequate parking for the activity intended, but no less than four parking spaces, shall be provided on-site. Parking or stopping in public rights-of-way shall be prohibited, unless approved by the state department of transportation and/or the town public works department.
- (2) Carnivals, circuses, craft fairs, concerts, flea markets, car shows, meetings, religious activities not held on church property, business catered events, and similar outdoor activities, for a period not to exceed 14 days, provided that:
  - a. All the standards of subsections (1)a. through (1)f., of this section shall be met;
  - b. Carnivals and circuses shall be sponsored by a town or the county nonprofit benevolent, religious, educational, patriotic, civic or charitable organization or recognized chapter thereof;
  - c. Adequate parking for the intended activity shall be provided on the site or on property immediately contiguous to the site. Parking or stopping in public rights-of-way shall be



prohibited unless approved by the state department of transportation and/or the town public works department;

- d. A bond, cash escrow or other suitable guarantee in the amount of \$250.00 shall be provided to insure that conditions of the permit will be met;
  - e. The bond, or other guarantee, required by subsection (2)d., of this section shall be forfeited to the town if the site is not adequately cleared of all trash, debris, signs and temporary structures, the activity remains on the site after expiration of the permit, or violations of this section or the conditions of the permit are established (but nothing in this forfeiture provision shall limit the town's ability to enforce this section in any manner provided by law; and
  - f. No more than six such permits shall be issued for the same lot during a calendar year.
- (3) Yard sale. The sale of used or unwanted household goods being personal items, held on private property. The temporary sale of goods will be allowed provided that they shall not be held on: Rt. 1, Main Street, Fraley Boulevard, Graham Park Road, and Rt. 234. Yard sales may be held, provided that:
- a. A permit is obtained from the town prior to the event, and will be issued free of charge;
  - b. Permits shall only be issued to property owner/s or to a tenant with written permission by the property owner/s;
  - c. No more than three permits will be issued per lot in a 12-month period;
  - d. All yard sale permits are temporary in nature and shall be valid for no longer than two days;
  - e. All merchandise and staging equipment must be removed at the conclusion of the sale;
  - f. A setback of ten feet must be maintained from any street, front, side, or rear yard;
  - g. Temporary signs may be allowed in accordance with section 70-14 of the Zoning Ordinance, however signs for yard sales may not be displayed longer than five days prior to the event, and must be removed once the sale is over;
  - h. This section shall not pertain to businesses displaying/selling wares outdoors on their property.
- (4) Temporary roadside food vendors. The purpose of this subsection is to reasonably control the activities of temporary roadside food vendors for the health, safety and well-being of the people residing in the town and the general public. The town council finds that solicitation of business by temporary roadside food vendors may on private property interfere with property owners and residents' right to privacy and peaceable and quiet enjoyment of their property. The town council also is committed to leaving open ample opportunities for legitimate temporary roadside food vendors, and prohibits any unlawful discrimination in the application of this chapter. Temporary roadside food vendors who sell food from a lunch wagon, truck, push cart, or vehicle from which food is sold on private property with legal access to a public right-of-way, no more than 12 hours a day, six days a week, may be issued an annual permit as provided by this section, provided that:
- b. Signs, trash, trash receptacles, debris or any other indicia of the vending business are prohibited to remain overnight and shall be removed from the permitted site(s) each day.
  - c. The food vending unit(s) are located in any district zoned B1, B2, FBO1 or M1.
  - d. In the interest of protecting the public health, safety and welfare the following conditions must also be met:
    - i. (1) A signed lease or rental agreement, or (2) Written approval of the owner of the property shall be obtained in advance of obtaining any permits under this section. This approval shall identify the property address, the property owner's:
      - 1. Name;
      - 2. Owner's mailing address;

3. Owner's telephone number;
  4. Owner's acknowledgment of the proposed vending activity; and
  5. Dates and times the food vending is to occur. A copy of this written approval must be in the possession of the vendor when operating pursuant to his/her roadside food vendor permit.
- v. Allowable hours of operation for food vending shall be dawn to dusk.
  - vi. Vendors are not permitted on publicly-owned property or public right-of-ways, except as specifically permitted by other town-sponsored events. Vendors may not be permitted to vend at their permitted locations(s) during town-sponsored events. Notice of the dates and times of town-sponsored events will be included with the annual permit.
  - vii. Adequate and safe ingress and egress, such that the normal traffic pattern shall not be disrupted, shall be provided as determined by the chief of police or his designee.
  - viii. Adequate parking for the vendor, employees and customers on site is required. A minimum of four parking spaces shall be provided for customers on-site. Parking or stopping in public rights-of-way is prohibited.
  - ix. A schematic site plan diagramming the area of operation, parking, placement of signs, and trash receptacles shall be furnished to and approved by the zoning administrator prior to issuance of a permit.
  - x. Signage shall not exceed 20 square feet in total area. Free standing signs are limited to sandwich board type signs no higher than four feet in height.
  - xi. A bond, cash escrow, or other suitable guarantee payable to the town in the amount of \$1,500.00 shall be provided to insure that conditions of the permit and this article will be met. Such guarantee in the amount of \$1,500.00 for each permitted vending location shall be required. Repeated violations of the conditions of the permit shall result in the forfeiture of the bond, payable to the town as stated in subparagraph (xv) below.
  - xii. Evidence of business liability insurance issued by a company licensed to do business in the Commonwealth of Virginia with coverage for claims of damage to property and bodily injury, including death, which may arise from the vending operations with a combined single limit of liability of not less than \$100,000.00 per occurrence shall be furnished to the zoning administrator prior to issuance of a permit. Said policy must include an endorsement naming the town as an additional insured and provide the town with at least 30 days' prior written notice before any cancellation or termination.
  - xiv. Removal of all freestanding signs, trash, or debris from the site and the immediate vicinity, upon termination of the activity shall be guaranteed by the vendor in writing and accomplished daily. Should trash, debris or signs remain overnight, the applicant will be subject to a verbal and a written warning (as confirmation of the verbal warning). Any subsequent violation shall result in revocation of the permit, meaning that the permit is void. The applicant will be subject to enforcement of this article pursuant to the terms of this article and any other applicable town codes. Vendors whose permit has been revoked shall be ineligible to apply for and obtain any additional (new or renewal) permit for a period of 12 months after the revocation.
  - xv. The bond or other guarantee, required by subsection (xi) of this section, shall be forfeited to the town if the site is not adequately cleared of all trash, debris, and signs daily, the activity continues or remains on the site after expiration of the permit, or if there are violations of this section or the conditions of the permit. (but nothing in this forfeiture provision shall limit the town's ability to enforce this section in any manner provided by law). All other applicable laws will be enforced.

- xvi. No more than two such permits shall be issued for the same property lot or GPIN at any time. It is expressly understood that every location may not be suitable for one or two roadside food vendors.
- xvii. No permit shall be issued unless the vendor has received and furnished evidence of a valid permit or certification from the Virginia Department of Health to prepare (if preparation or cooking is involved) and/or sell food.
- xviii. Vendors shall:
  - 1. Pay an annual permit fee of \$250.00; and
  - 2. Be required to pay meals tax pursuant to article V of chapter 58 of the Dumfries Town Code, as amended, from time to time.
- e. Enforcement. In addition to forfeiting the bond referenced in sections 70-22(4)(d)(xi) and (xv) above, vendors who violate the conditions of their permit or any provisions of this article shall be guilty of a Class IV misdemeanor, punishable by a fine of \$250.00. Each day that a violation of this article or the conditions of permit continue shall constitute a separate offense.

(Ord. of 8-1-1995, § 1(15-21); Ord. of 8-7-2007(1), § 1; Ord. No. O-2014-008, 9-9-2014; Ord. No. O-2018-011, 4-3-2018; Ord. No. O-2018-023, 9-4-2018)



*Staff Report*

**To:** Town of Dumfries Town Council  
**From:** Reginald Tabor, Department of Planning and Economic Development  
**Date:** October 17, 2023

**Zoning Text Amendment, ZTA 23-003:** A proposed amendment to the Code of the Town of Dumfries, Chapter 70 (Zoning), Article I, Section 70-22, relating to temporary uses – Roadside Food Vendors.

**BACKGROUND**

During the September 5, 2023, meeting, the Town Council voted to refer proposed amendment to the Code of the Town of Dumfries, Chapter 70 (Zoning), Article I, Section 70-22, relating to temporary uses – Roadside Food Vendors, to staff and the Planning Commission for review and to provide a recommendation regarding the proposed amendments.

**SUMMARY OF PROPOSED AMENDMENTS**

The proposed Code amendments are listed below:

| REGULATION  | TOWN OF DUMFRIES<br>CURRENT & PROPOSED AMENDMENT  |
|---|---|
| <b>PARKING TIME PERIOD OVERNIGHT SIGNAGE AND ITEM REMOVAL</b> | <p><del>a. Overnight parking of the food vending unit(s), and employee parking is prohibited.</del></p> <p>b. <del>Signs</del>, <del>T</del>trash, trash receptacles, debris or any other indicia of the vending business are prohibited to remain overnight and shall be removed from the permitted site(s) each day.</p> <p>d. In the interest of protecting the public health, safety and welfare the following conditions must also be met:</p> |

|                                |   |
|--------------------------------|---|
| <b>PROPERTY OWNER APPROVAL</b> | i. <del>(1) A signed lease or rental agreement, or (2) Wwritten</del> approval of the owner of the property shall be obtained in advance of obtaining any permits under this section. This approval shall identify the property address, the property owner's:<br>1. Name; 2. Owner's mailing address; 3. Owner's telephone number; 4. Owner's acknowledgment of the proposed vending activity; and 5. Dates and times the food vending is to occur. A copy of this written approval must be in the possession of the vendor when operating <del>pursuant to his/her roadside food vendor permit.</del> |
| <b>RESTROOMS</b>               | <del>6. No restrooms shall be provided for customers or the general public.</del>   |
| <b>NUMBER OF EMPLOYEES</b>     | <del>7. Vendors are limited to no more than five employees.</del>   |
| <b>PERMANENT STRUCTURES</b>    | <del>8. No permanent structures of any kind shall be allowed.</del>   |

The Town Council requested information about similar code regulations from other jurisdictions. Attached please find a Chart that compares the proposed amendments with Codes in Manassas, Alexandria and Fairfax County. The other jurisdictions establish a maximum of four (4) hours of operation per day, exclusive of setup and break-down). They also establish hours during which the businesses may operate, generally between 6:00 a.m. and 9:00 p.m.

**SUMMARY AND RECOMMENDATIONS**

Chapter 70 (Zoning), Sec. 70-4. - Chapter and zoning map adopted as zoning regulations of town; purposes., provides that, “For the purpose of promoting the health, safety, or general welfare of the public and further accomplishing the objectives of Code of Virginia, § 15.1-486, this chapter is adopted as the zoning regulations of the town, together with the zoning map.”

The proposed Town Code Text Amendments pertain to temporary uses. Within the Code, Chapter 70 – Zoning, Article I. In General, Section 70-1. Definitions, a Temporary Use is defined as follows:

Temporary use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. Such use shall include, but shall not be limited to, roadside stands for the temporary sale of seasonal goods, carnivals, car shows, circuses, concerts (outdoor), festivals, fairs, flea markets, and sports tournaments/competitions. Seasonal goods shall exclude fireworks and shall be considered items harvested and/or sold on a seasonal basis, such as, but not limited to, Christmas trees, pumpkins, summer vegetables and produce, fresh seafood, ice cream, and potted Easter plants.



Within the Town Code, Chapter 70, Temporary uses are generally defined as follows:

| Temporary Use  | Maximum Time of Operation   |
|--|---|
| 1) Roadside stands for the temporary retail sales of seasonal and holiday goods, excluding fireworks.  | for a period not to exceed 30 consecutive days, with additional provisions.   |
| 2) Carnivals, circuses, craft fairs, concerts, flea markets, car shows, meetings, religious activities not held on church property, business catered events, and similar outdoor activities, | for a period not to exceed 14 days, with additional provisions.   |
| 3) Yard sale   | for no longer than two days.”   |
| 4) Temporary roadside food vendors   | For no more than 12 hours a day, six days a week, may be issued an annual permit as provided by this section, with additional provisions. |

With the exception of Temporary roadside food vendors, the other temporary uses are permitted for a maximum of 30 days. Currently, the Town Code permits Temporary roadside food vendors to operate up to 12 hours per day, six days per week annually, generally the hours of non-temporary businesses.

**Issues**

- 1) The proposed amendment removing, “a. ~~Overnight parking of the food vending unit(s) and employee parking is prohibited,~~” is not consistent with Code language in other jurisdictions, and it would make the use no longer temporary.
- 2) The proposed amendment removing “b. ~~Signs, trash, trash receptacles, debris or any other indicia of the vending business are prohibited to remain overnight and shall be removed from the permitted site(s) each day.~~” is not consistent with Code language in other jurisdictions and would be more consistent with uses that are not temporary. Furthermore, sign permits are required for signage associated with uses that are not temporary, and the sign permit requirement is not included in the proposed amendment.
- 3) The proposed amendment adding “i. (1) A signed lease or rental agreement, or (2) Written approval of the owner of the property shall be obtained in advance of obtaining any permits under this section,” does not ensure that the property owner is aware of and approves the temporary use. However, the Property Owner has liability for issues related to the use, and

they would be included on the Permit.

- 4) The proposed amendment removing “~~6. No restrooms shall be provided for customers of the general public.~~” would make the temporary use more consistent with a use that is not temporary. For uses that are not temporary, restrooms must meet the requirements of Town, Building and other codes and laws. If restrooms are permitted, they will need to meet the requirements of all applicable codes and laws.
- 5) The proposed amendment removing “~~7. Vendors are limited to no more than five employees~~” does not address occupancy limits for structures or spaces in which employees work, it could also impact off-street parking capacity for employees of the temporary business.
- 6) The proposed amendment removing “~~8. No permanent structures of any kind shall be allowed~~” is not consistent with Code language in other jurisdictions and would be more consistent with uses that are not temporary.

As indicated above, the Town Code Chapter 70 – Zoning is established “For the purpose of promoting the health, safety, or general welfare of the public...” The concern of Staff is that the proposed amendments do not meet the established objective, therefore they are not recommended for approval. This report was reviewed by the Town’s Legal Counsel.

Attachments:

- Chart
- Ordinance

**STAFF CONTACT:** Reginald Tabor, Director, Department of Planning and Economic Development (703) 221-3400, ext. 121

## Comparison of Proposed Zoning Text Amendments and Regulations from other Jurisdictions

| REGULATION                               | TOWN OF DUMFRIES<br>CURRENT & PROPOSED<br>AMENDMENT   | MANASSAS   | ALEXANDRIA   | FAIRFAX COUNTY   |
|--|---|--|--|--|
| <b>PARKING TIME PERIOD<br/>OVERNIGHT</b> | <del>a. Overnight parking of the food vending unit(s), and employee parking is prohibited.</del>  | (1) Except as permitted by § 130-104(f), a food truck may only operate for a maximum of four hours (exclusive of setup and break-down) from 6 AM to 9 PM in any one day at any single property. The trucks and all accessory structures shall be removed each day. | Vending may take place between the hours of 7:00 a.m. and 8:00 p.m.<br>ii. A food truck may not vend for longer than four hours of continuous vending.   | (c) Food trucks may only operate for a maximum of four hours in any one day at any one location, including set-up and break-down, except as specified in subsection (i) below. |
| <b>SIGNAGE AND ITEM<br/>REMOVAL</b>      | b. <del>Signs, Trash</del> , trash receptacles, debris or any other indicia of the vending business are prohibited to remain overnight and shall be removed from the permitted site(s) each day.<br><br>d. In the interest of protecting the public health, safety and welfare the following conditions must also be met:   | No permanent signage shall be permitted. All temporary signage shall conform to Article IV of this chapter and removed daily upon termination of the activity.   | No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck.  |  |
| <b>PROPERTY OWNER<br/>APPROVAL</b>       | i. <del>(1) Assigned lease or rental agreement, or (2) Wwritten</del> approval of the owner of the property shall be obtained in advance of obtaining any permits under this section. This approval shall identify the property address, the property owner's:<br>1. Name; 2. Owner's mailing address; 3. Owner's telephone number; 4. Owner's acknowledgment of the proposed vending activity; and 5. Dates and times the food vending is to occur. A copy of this written approval must be in the possession of the vendor when operating <del>pursuant to his/her roadside food vendor permit.</del> | Written approval of the owner of the site shall be obtained. This approval shall identify the site address, owner's name, owner's mailing address, owner's telephone number, and owner's acknowledgment of proposed activity and date(s) activity is to operate.   | Vending may take place at the following locations:<br>A. On private property, if the food truck vendor is legally parked on the property and has received written permission from the property owner and displays such written permission upon request |  |

## Comparison of Proposed Zoning Text Amendments and Regulations from other Jurisdictions

| REGULATION           | TOWN OF DUMFRIES<br>CURRENT & PROPOSED<br>AMENDMENT                               | MANASSAS   | ALEXANDRIA  | FAIRFAX COUNTY |
|----------------------|---|--|---|----------------|
| RESTROOMS            | <del>6. No restrooms shall be provided for customers or the general public.</del> | N/A  | N/A   | N/A            |
| NUMBER OF EMPLOYEES  | <del>7. Vendors are limited to no more than five employees.</del>                 | N/A  | N/A   | N/A            |
| PERMANENT STRUCTURES | <del>8. No permanent structures of any kind shall be allowed.</del>               | The trucks and all accessory <b>structures</b> shall be removed each day. Food trucks shall be prohibited from making an electrical connection to any pole or similar <b>structure</b> used for parking lot lighting or other utilities. | Farmer's market. A building, <b>structure</b> , or place authorized by the city for use by vendors to sell, offer for sale or solicit orders for any products or crafts sold, grown, raised or produced by them. This shall include outdoor food and crafts markets as set forth in the zoning ordinance. | N/A            |



## **AGENDA ITEM REQUEST FORM**

### Item Type

Award     Proclamation     Resolution/Ordinance     Motion     Discussion

### Statement of Purpose

An Ordinance adopting a Town Code Zoning Text Amendments to the Temporary Uses – Roadside Food Vendors.

### Background/References

The Town Council adopted a motion on September 5, 2023, requesting review of proposed Code Amendments to the Temporary Uses – Roadside Food Vendors section.

The proposed amendment would add and remove certain sections of the Code section.

### Fiscal Impact

N/A

### Suggested Motion

Staff recommends that the Council does not adopt the ordinance.

### Requested Meeting Date

October 17, 2023

### Attachments

- Ordinance
- Staff Report
- Chart