



# DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town  
CHARTERED 1749 INCORPORATED 1961

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July 6, 2016

## STAFF REPORT

### REZONING REZ 2016-001

<b>Applicant:</b>	Orange Fields, LLC
<b>Existing Zoning:</b>	R-2: General Residential District
<b>Proposed Zoning:</b>	Planned Mixed Use District (PMUD)
<b>Parcels (GPIN):</b>	8188-78-8257, 8188-77-5398, 8188-78-5384, and 8188-78-8432
<b>Site Acreage:</b>	28.58 acres
<b>Future Land Use Map:</b>	Mixed Use (maximum 1.25 FAR); Open Space
<b>Proposal:</b>	To construct a mixed use development with vehicular access points on Fraley Boulevard and Graham Park Road consisting of townhouses, multi-family residential buildings, 20,000 square feet of commercial space, and a shared-use trail
<b>Staff Recommendation:</b>	Staff recommends approval of REZ 2016-001, subject to the execution of proffers consistent with those found in Appendix 1.



## **APPLICANT'S REQUEST**

The applicant, Orange Fields, LLC, has requested a Rezoning to develop 28.58 acres generally bounded by Graham Park Road on the north, Old Triangle Road on the east, Fraley Boulevard on the west, and Orange Street on the south. The property would be developed in the following manner:

- 230 multifamily dwellings
- 40 multifamily dwellings restricted to occupants aged 55 and older
- 105 single family attached dwellings (townhouses)
- 20,000 square feet of commercial space distributed among three separate buildings, one of which would also have multifamily dwellings above
- 1.5 acres set aside and dedicated to the Town of Dumfries for a new police station or other public facility
- An 8-foot wide shared use trail linking Graham Park Road to Fraley Boulevard.

The future police station site and the age-restricted multifamily building would be accessed from Graham Park Road, while the rest of the site development would be accessed from Fraley Boulevard.

The applicant's proffer statement (Appendix 1) commits to developing the property in substantial conformance with the site layout shown on Sheets 3 and 4 of the associated Master Zoning Plan (MZIP - Appendix 2). The proffer statement also includes commitments to design standards for the proposed buildings, the shared use trail, a new bus shelter for Graham Park Road, and sound attenuation construction materials for dwellings within close proximity to Fraley Boulevard.

## **STANDARD OF REVIEW (§70-646)**

Amendments to the Official Zoning Map, otherwise known as rezonings, may be granted by the Town Council "whenever the public necessity, convenience, general welfare, or good zoning practice require." Any such amendment may be initiated by resolution of the council, or by motion of the planning commission, or by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed rezoning.

Any owner of real property who is an applicant for a rezoning may, as a part of his application, proffer reasonable conditions concerning the use and development of his property, including also offsite improvements that may serve or benefit his property and the public welfare.

## **LOCATION AND CHARACTER**

The subject property is an assemblage of vacant parcels with no site improvements other than electrical transmission lines running through the northwestern portion of the property. The electrical transmission lines are within a 200-foot wide easement. The property also has a gas line running from the northwest to the southeast that is 50 feet wide.

The applicant has identified an existing stream and existing wetlands on site, shown on Sheet 2 of the MSP. The sloping topography on the site creates a high point of 156 feet above sea level and a low point of 62 feet above sea level at the corner of Old Triangle Road and Graham Park Road.

The property is bordered on the northwest by a Bank of America financial institution and a 7-Eleven convenience store. The Triangle Shopping Center lies across the street to the west, while the Williamstown neighborhood is across Graham Park Road to the north. The Connie's Mart convenience store, an office building, a manufactured home park, and four single family detached residences are located across Old Triangle Road from the property. To the south, the property is adjacent to five single family detached dwellings and the Quantico Collision Center.

## ZONING ORDINANCE PROVISIONS

### PMUD Standards (Appendix 3)

**Master Zoning Plan (§70-535.4):** The MZP identifies the location of property lines, wooded areas, existing roads and known easements associated with and located on the subject property. The required Land Bay delineations, land uses within each Land Bay, residential densities, principal street systems, recreation areas, and public uses are identified on Sheet 3 of the MZP. The general layout of the street system, its connection to the surrounding streets, and the location of utilities are found on Sheet 4.

**Permitted Uses (§70-535.5-70-535.7):** The applicant has identified residential densities and land uses on the MZP in accordance with those available in the PMUD zoning district. The PMUD High designation allows for multifamily residential development at a maximum of 15 dwelling units per acre. While the proffer statement identifies maximum dwelling unit counts, the MZP indicates that the dwelling counts could be more or less than the indicated numbers. The applicant should coordinate the proffer statement with the MZP to ensure they are closely aligned.

The applicant has selected two of the four Land Bays for nonresidential uses, with B-1 uses located along Fraley Boulevard and B-2 uses located along Graham Park Road. The applicant has yet to identify prospective tenants for the commercial spaces shown on Sheet 4. Such uses would be required to conform to the allowable uses for these districts found in the Zoning Ordinance.

**Performance Standards (§70-535.9-535.10):** The proposed development shall be required to meet the yard requirements, lot sizes, and lot coverage provisions during site plan review. The applicant has identified on Sheet 4 the location and width of the 15-foot wide landscaped perimeter buffer encircling the subject property.

**Parking (§70-535.11):** The PMUD provisions contain alternative parking standards from those specified in §70-13 of the Zoning Ordinance. Most commercial uses are required to provide one space for every 350 square feet of floor area. The applicant's proposed 20,000 square feet of commercial space would equate to approximately 57 parking spaces. The MZP indicates that the applicant intends to provide 80 spaces for the commercial tenants.

The applicant has displayed 23 parking spaces on the MZP for the future police station. The parking requirements for future Town facilities at this location would be subject to a needs assessment. The

applicant's assumption of an 8,000 square foot facility should not be construed as an assumed site layout or structure size for the future facility.

The 105 townhouses would be required to have two parking spaces per dwelling. The applicant has indicated that 720 parking spaces would be provided for the entirety of the residential development on site. This would leave 510 parking spaces for the remaining 270 dwelling units, of which 40 would be the age-restricted units accessed from Graham Park Road. The PMUD parking standards are calculated based on the number of bedrooms in each dwelling unit. The applicant should clarify the bedroom mix to ensure that the proposed 720 parking spaces can meet the minimum PMUD standards.

## **RECOMMENDATION**

The applicant's proposal meets the applicable provisions of the Zoning Ordinance, and conforms to the future land use recommendations in the Comprehensive Plan. The applicant should endeavor to address the following matters previously discussed in the staff report prior to the Town Council's public hearing:

1. Coordinate the use tabulations specified in the proffer statement with those shown on the MZP
2. Clarify the number of multifamily units which will have each type of bedroom count to ensure that the minimum parking standards can be met during site plan review

In addition, the applicant has indicated to staff that the topographical challenges with the subject property, coupled with the market requirements for the townhouses, prevented the site's design to allow for an access point on to Old Triangle Road. This concentration of vehicular activity on U.S. Route 1, without relief or access to the rest of the surrounding streets, conflicts with the Comprehensive Plan's goals for connectivity for all users in the Town's transportation network. Staff strongly encourages the applicant to incorporate alternatives within the development proposal that would allow such connectivity to occur in the future.

### **Attachments:**

1. Draft Proffer Statement
2. Reduced Copy of Master Zoning Plan
3. PMUD District Standards
4. Applicant's Narrative Statement

**Proffer Statement**

**REZONING #2016-001**

**REZONING FROM R-2 TO PLANNED MIXED USE DISTRICT (PMUD)**

**PROJECT:** TOWNSQUARE AT DUMFRIES  
**APPLICANT:** TOWNSQUARE OF DUMFRIES, LLC  
**OWNER:** ORANGE FIELDS, LLC  
**PROPERTY:** TAX MAP PARCELS 8188-78-5384, 8188-77-5398,  
8188-78-8432 and 8188-78-8257  
(The “Property”)

**DATE:** June 6, 2016

**REVISED:** [July 8, 2016](#)

Townsquare of Dumfries, LLC (the “Applicant”), is seeking a rezoning of the above-referenced parcels (the “Property”), as further detailed in the plans described in below, from the Town’s R-2 zoning classification to Town’s Planned Mixed Use District (PMUD) as further detailed herein. The development shall be known as **Townsquare at Dumfries** (the “Project”).

The undersigned Owner of the Property, comprising approximately 28.6 acres (the “Property”), hereby proffers that the use and development of the property shall be in substantial conformance with the following conditions, which shall supersede all other proffers with respect to the Property made prior to this submission, if any. In the event this proffer statement is not accepted in connection with the rezoning as applied for by the Applicant, it shall be deemed withdrawn and void.

“Final Rezoning” as the term is used herein shall be defined as that zoning that is in effect on the day following the last day upon which the Dumfries Town Council (the “Council”) decision approving this rezoning may be contested in the appropriate court or, if contested, the day following the entry of a final court order affirming the decision of the Council that has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings on the proffers set forth below have been prepared for convenience and reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of these proffers.

The term “Applicant” as referenced herein shall include Townsquare at Dumfries, LLC, and all future owners, and successors in interest to the Property that is subject to these Proffers.

**I. LAND USE, DEVELOPMENT, AND OPERATIONS:**

1. The Property shall be developed with a mix of residential and commercial uses, employing two separate and distinct entrances at Jefferson Davis Highway ~~(Route 1)~~ /Fraley Boulevard and Graham Park Road, consistently with Sheet 2 of the Master PMUD Zoning Plan (“MZP”) as further proffered herein.
2. Commercial development on the Property shall be limited to a maximum of 20,000 gross square feet.
3. Not more than 105 townhouse units and 270 multifamily units of which 40 will be age-restricted to persons 55 and older may be constructed on the Property. Accessory uses and home occupations, including business centers inside the residential buildings, shall be permitted. The Applicant may construct service, resident amenity, and storage uses in the cellar space of each building, if provided, in multifamily buildings.
4. The Applicant shall provide recreational facilities and amenities to serve the residents of homes constructed on the Property, including indoor and outdoor recreation facilities that may include exercise rooms, meeting rooms, and media centers, as generally shown on the MZP.

**II. MASTER ZONING PLAN:**

1. Development of the Property shall be in substantial conformance with the Master PMUD Zoning Plan entitled “Master PMUD Zoning Plan for Townsquare,” prepared by The Engineering Groupe, dated March 25, 2016, as revised June 3, 2016 consisting of the following:
  - a. Land Bay Plan (sheet 3 of 4) (the “Land Bay Plan”) and
  - b. Illustrative Plan (sheet 4 of 4) (the “Illustrative Plan”)
2. Notwithstanding the foregoing, the proffered elements of the MZP shall be the entire plan set as it relates to (i) points of access, (ii) the maximum number and type of dwelling units that may be constructed, (iii) the square footage of non-residential uses, (iv) building heights, (v) the amount and location of open space, (vi) the location of the limits of clearing and grading, (vii) uses, (viii) setbacks from peripheral lot lines, and (ix) the general location and arrangement of the buildings and parking.

3. The exact locations of buildings, amenities, road alignment, and the like are shown as general in nature and will be subject to final design and engineering criteria in concert with the Virginia Department of Transportation (“VDOT”) and any design elements required by Town or other agencies with jurisdiction. The Applicant may modify the physical layout of uses shown on the Illustrative Plan, but may not increase the total number of dwelling units or non-residential square footage authorized herein.
4. The Applicant shall maintain the existing landscaping as generally shown on the MZP along the northern boundary of the Property behind the rear lots of homes to be built. Such landscaping area may be variable in width, and tapered to conform to the lot plan at the northeast quadrant of the Property. Additional trees shall be planted within the naturally occurring open spaces along said boundary in areas adjacent to existing housing.

### III. DESIGN ELEMENTS OF THE PROJECT:

- a. **MIXED USE DESIGN:** The final building and site design (including but not limited to the total actual number of dwelling units, and the configuration of parking, landscaping, etc.) shall be determined at the time of final site/subdivision plan review. Apartment units in two, three, or four stories shall be permitted above commercial uses. Freestanding commercial and apartment uses shall also be permitted.
- b. **TOWNHOUSE DESIGN:** Townhouse units may or may not have garages. If they have garages, they may have either front or rear-entry garages. Two and three story townhouses shall be permitted. The number of floors in the townhomes shall be determined by the Applicant at the time of final building plan submittal.
- c. **FREE STANDING MULTIFAMILY DESIGN:** All multifamily buildings shall be developed as “garden-style” buildings either with or without corridors and/or elevators. Two, three, and four story apartment buildings shall be permitted. The final building and site design (including but not limited to the total number of dwelling units, number, and configuration of parking, landscaping, etc.) shall be determined at the time of final site/subdivision plan review.
- d. **SIDEWALK CONNECTIVITY:** All residential and commercial buildings will provide for interconnectivity between and among the buildings by means of sidewalks and for access to any external sidewalks or trails.
- e. **ARCHITECTURAL ELEMENTS:** All buildings on the Property shall incorporate exterior front elevations that include a combination of brick and/or stone with vinyl and/or hardi-plank style siding. All buildings featuring a front-

siding elevation shall incorporate a water table of brick or stone across the front elevation, to include the area of the “return” of the side of the home, where the home is offset beyond the front plain of an adjacent unit. Any “box” or “bow” window structures shall be trimmed in a material other than siding and painted in the unit’s trim color(s) or a complimenting color(s). Flat and/or pitched roofs shall be permitted. All exterior mechanical units shall be screened from public roads with either landscaping materials or hardscape lattice made from durable materials unless the mechanical equipment is mounted on the roof of any multifamily building, in which case, the Applicant will make every effort to conceal their presence from the street view.

- f. **ENGINEERING DETAIL:** Subject to the cap on residential and non-residential development as proffered herein, the final building and site design (including but not limited to the total number of dwelling units, number, and configuration of parking, landscaping, etc.) for each residential unit type shall be determined at the time of final site/subdivision plan review.

#### IV. **CREATION OF PROPERTY AND HOMEOWNERS’ ASSOCIATIONS:**

- a. **PROPERTY OWNERS ASSOCIATION:** A community property owners’ association shall be created that shall be responsible for the operation and maintenance of the non-residential buildings, common area landscaping, recreational, and open space.
- b. **HOMEOWNERS’ ASSOCIATION:** A homeowner’s association shall be created for the townhome community that shall be responsible for the ownership, operation and maintenance aspects of the private roads, landscaping, hardscaping, and open space within the town home portion of the Townsquare community. The homeowner’s association shall be a member of the community property owners’ association.
- c. **MULTIFAMILY ASSOCIATION.** The multifamily rentals and multifamily buildings will be professionally managed and maintained. The ownership entity of the multifamily rentals shall be a member of the community property owners’ association.

- V. **CONSTRUCTION OF A BUS SHELTER:** No later than the issuance of the occupancy permit for the 200th residential unit in the Project, a three-sided public bus shelter will be constructed at the current bus stop location at the northern property line of the Property, along Graham Parkway and Old Triangle Road.

- VI. **TRANSPORTATION ACCESS:** The Project is designed to be accessed by two entrances, one from Jefferson Davis Highway-[/Fraleay Bouelvard \(Route 1\)](#) as depicted on

the Land Bay Plan and the second from Graham Park Road, also as depicted on the Land Bay Plan. These entrances shall be located and constructed in accordance with applicable Virginia Department of Transportation (“VDOT”) criteria for such entrances.

- a. A right turn lane from Jefferson Davis Highway (Route 1) shall be constructed in substantial conformance with Land Bay Plan, or as may be determined on final engineering.
- b. The entrance design from Jefferson Davis Highway ~~(Route 1)~~ Fraley Boulevard shall include an entry boulevard, enhanced by trees to establish a sense of arrival for patrons, residents and their guests.
- c. The entrance design from Jefferson Davis Highway ~~(Route 1)~~ Fraley Boulevard will be a public street with six foot (6’) sidewalks and landscaping, aligned with Jefferson Davis Highway ~~(Route 1)~~ Fraley Boulevard in accordance with proposed Richmond Highway improvements to be undertaken by the Virginia Department of Transportation (“VDOT”).
- d. The second point of access to Land Bay 4 shall be on the northern side of the property and shall connect a portion of the property to Graham Park Road, generally as shown on the Land Bay Plan.

**VII. LAND DEDICATION FOR A POLICE STATION:** At the time of approval of the first final subdivision or site plan for the development of the Property, the Applicant shall dedicate to the Town approximately 1.5 acres of the Property fronting Graham Park Road exclusively for the Town’s construction of a Police Station or other public facility as it may determine in its sole discretion, as generally depicted on the Illustrative Plan. The Applicant shall have no obligation to pay costs of design, site preparation, infrastructure or construction of a Police Station. The Town will not use any portion of the land so dedicated as a car or truck impound yard, jail, or gun range. A wall with landscaping shall be erected to surround and screen from public view any areas where vehicles or materials are stored. No outdoor speakers or heavy vehicle storage will be permitted.

**VIII. EXTERIOR LIGHTING:** The development of the Property shall include street lighting along the Jefferson Davis Highway ~~(Route 1)~~ Fraley Boulevard entrance that employs lighting fixtures designed to project the light downward (“full cut-off” fixtures). Any pole-mounted fixtures installed within fifty (50) feet of adjacent residential properties or streets will incorporate fixtures with directional reflector systems to allow the lighting to be cast inward toward the Property.

**IX. NOISE MITIGATION.** In order to reduce interior noise for residential dwellings anticipated to be impacted by traffic noise from ~~Richmond Highway~~ Jefferson Davis

Highway/Fraley Boulevard, residential dwellings located within 100 feet from ~~Richmond Highway~~ Jefferson Davis Highway/Fraley Boulevard shall include sound attenuating construction methods and/or materials to help reduce interior noise to a one hour average level not to exceed 45 DBA.

**X. PROFFERS SPECIFICALLY APPLICABLE AGE-RESTRICTED HOUSING UNITS**

- a. The Applicant shall construct an age-restricted multifamily residence in the location generally shown on the MZP.
- b. Not more than 40 such residential units may be constructed.
- c. These residential units shall constitute an age-restricted community compliant with the requirements for Housing for Older Persons under federal and state law.
- d. For the purposes of these Proffers and in order to conform to the requirements of state and federal law with respect to age-restricted residential occupancy, such residential units shall be occupied in accordance with the following:
  - i. Except to the extent otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Amendments Act, or other applicable federal, state, or local legal requirements, 100 percent of the age-restricted dwelling units designated on the MZP shall be restricted to “Housing for Older Persons” as defined in Va. Code Ann. § 36-96.7 and 42 U.S.C. § 3607 for persons aged 55 and older, or by a surviving spouse as provided herein, as those statutes are in effect or may be amended hereafter, and pursuant to any state or federal regulations promulgated thereunder..
  - ii. All other residents of such dwellings than those specified above must be a spouse, a cohabitant, or one who provides primary physical or economic support to the person who is 55 years of age or older. No children under the age of 18 shall be permitted to reside permanently in such a home.
  - iii. Notwithstanding the foregoing limitation, any person hired to provide live-in, long term or terminal health care to a person 55 years of age or older for compensation may also occupy a dwelling during the time such person is actually providing such care.
  - iv. Guests under the age of 55 are permitted to reside in a unit for periods not to exceed thirty (30) days total for each such guest in any rolling twelve-month period.
  - v. If such units are subjected to a condominium regime under Virginia law and sold as opposed to rented, title to any lot or unit shall become vested

in any person under the age of 55 by reason of descent, distribution, foreclosure, or operation of law, the age restriction covenant shall not work a forfeiture or reversion of title, but rather, such person thus taking title shall not reside in such unit until he or she shall have attained the age of 55. Notwithstanding this, the surviving spouse of a qualifying person shall be allowed to continue to occupy a dwelling unit without regard to age.

- vi. The homeowners' association for age-restricted dwellings shall have responsibility for the enforcement and administration of these requirements and for compliance with state and federal regulations pertaining thereto, without limitation as to the authority of the Town of Dumfries to enforce these proffers. These occupancy restrictions shall be deemed amended from time to time without further action by the Town, if required to conform to applicable state and federal law and regulations governing such age-restricted housing.

SIGNATURES APPEAR ON FOLLOWING PAGES

Orange Fields LLC

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Proffer Statement**

**REZONING #2016-001**

**REZONING FROM R-2 TO PLANNED MIXED USE DISTRICT (PMUD)**

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**APPLICANT:** TOWNSQUARE OF DUMFRIES, LLC  
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**DATE:** June 6, 2016  
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The undersigned Owner of the Property, comprising approximately 28.6 acres (the “Property”), hereby proffers that the use and development of the property shall be in substantial conformance with the following conditions, which shall supersede all other proffers with respect to the Property made prior to this submission, if any. In the event this proffer statement is not accepted in connection with the rezoning as applied for by the Applicant, it shall be deemed withdrawn and void.

“Final Rezoning” as the term is used herein shall be defined as that zoning that is in effect on the day following the last day upon which the Dumfries Town Council (the “Council”) decision approving this rezoning may be contested in the appropriate court or, if contested, the day following the entry of a final court order affirming the decision of the Council that has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings on the proffers set forth below have been prepared for convenience and reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of these proffers.

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2. Commercial development on the Property shall be limited to a maximum of 20,000 gross square feet.
3. Not more than 105 townhouse units and 270 multifamily units of which 40 will be age-restricted to persons 55 and older may be constructed on the Property. Accessory uses and home occupations, including business centers inside the residential buildings, shall be permitted. The Applicant may construct service, resident amenity, and storage uses in the cellar space of each building, if provided, in multifamily buildings.
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3. The exact locations of buildings, amenities, road alignment, and the like are shown as general in nature and will be subject to final design and engineering criteria in concert with the Virginia Department of Transportation (“VDOT”) and any design elements required by Town or other agencies with jurisdiction. The Applicant may modify the physical layout of uses shown on the Illustrative Plan, but may not increase the total number of dwelling units or non-residential square footage authorized herein.
4. The Applicant shall maintain the existing landscaping as generally shown on the MZP along the northern boundary of the Property behind the rear lots of homes to be built. Such landscaping area may be variable in width, and tapered to conform to the lot plan at the northeast quadrant of the Property. Additional trees shall be planted within the naturally occurring open spaces along said boundary in areas adjacent to existing housing.

### III. DESIGN ELEMENTS OF THE PROJECT:

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siding elevation shall incorporate a water table of brick or stone across the front elevation, to include the area of the “return” of the side of the home, where the home is offset beyond the front plain of an adjacent unit. Any “box” or “bow” window structures shall be trimmed in a material other than siding and painted in the unit’s trim color(s) or a complimenting color(s). Flat and/or pitched roofs shall be permitted. All exterior mechanical units shall be screened from public roads with either landscaping materials or hardscape lattice made from durable materials unless the mechanical equipment is mounted on the roof of any multifamily building, in which case, the Applicant will make every effort to conceal their presence from the street view.

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#### IV. **CREATION OF PROPERTY AND HOMEOWNERS’ ASSOCIATIONS:**

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- b. **HOMEOWNERS’ ASSOCIATION:** A homeowner’s association shall be created for the townhome community that shall be responsible for the ownership, operation and maintenance aspects of the private roads, landscaping, hardscaping, and open space within the town home portion of the Townsquare community. The homeowner’s association shall be a member of the community property owners’ association.
- c. **MULTIFAMILY ASSOCIATION.** The multifamily rentals and multifamily buildings will be professionally managed and maintained. The ownership entity of the multifamily rentals shall be a member of the community property owners’ association.

- V. **CONSTRUCTION OF A BUS SHELTER:** No later than the issuance of the occupancy permit for the 200th residential unit in the Project, a three-sided public bus shelter will be constructed at the current bus stop location at the northern property line of the Property, along Graham Parkway and Old Triangle Road.

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the Land Bay Plan and the second from Graham Park Road, also as depicted on the Land Bay Plan. These entrances shall be located and constructed in accordance with applicable Virginia Department of Transportation (“VDOT”) criteria for such entrances.

- a. A right turn lane from Jefferson Davis Highway (Route 1) shall be constructed in substantial conformance with Land Bay Plan, or as may be determined on final engineering.
- b. The entrance design from Jefferson Davis Highway/Fraley Boulevard shall include an entry boulevard, enhanced by trees to establish a sense of arrival for patrons, residents and their guests.
- c. The entrance design from Jefferson Davis Highway/Fraley Boulevard will be a public street with six foot (6’) sidewalks and landscaping, aligned with Jefferson Davis Highway/Fraley Boulevard in accordance with proposed Richmond Highway improvements to be undertaken by the Virginia Department of Transportation (“VDOT”).
- d. The second point of access to Land Bay 4 shall be on the northern side of the property and shall connect a portion of the property to Graham Park Road, generally as shown on the Land Bay Plan.

**VII. LAND DEDICATION FOR A POLICE STATION:** At the time of approval of the first final subdivision or site plan for the development of the Property, the Applicant shall dedicate to the Town approximately 1.5 acres of the Property fronting Graham Park Road exclusively for the Town’s construction of a Police Station or other public facility as it may determine in its sole discretion, as generally depicted on the Illustrative Plan. The Applicant shall have no obligation to pay costs of design, site preparation, infrastructure or construction of a Police Station. The Town will not use any portion of the land so dedicated as a car or truck impound yard, jail, or gun range. A wall with landscaping shall be erected to surround and screen from public view any areas where vehicles or materials are stored. No outdoor speakers or heavy vehicle storage will be permitted.

**VIII. EXTERIOR LIGHTING:** The development of the Property shall include street lighting along the Jefferson Davis Highway/Fraley Boulevard entrance that employs lighting fixtures designed to project the light downward (“full cut-off” fixtures). Any pole-mounted fixtures installed within fifty (50) feet of adjacent residential properties or streets will incorporate fixtures with directional reflector systems to allow the lighting to be cast inward toward the Property.

**IX. NOISE MITIGATION.** In order to reduce interior noise for residential dwellings anticipated to be impacted by traffic noise from Jefferson Davis Highway/Fraley Boulevard,

residential dwellings located within 100 feet from Jefferson Davis Highway/Fraleay Boulevard shall include sound attenuating construction methods and/or materials to help reduce interior noise to a one hour average level not to exceed 45 DBA.

**X. PROFFERS SPECIFICALLY APPLICABLE AGE-RESTRICTED HOUSING UNITS**

- a. The Applicant shall construct an age-restricted multifamily residence in the location generally shown on the MZP.
- b. Not more than 40 such residential units may be constructed.
- c. These residential units shall constitute an age-restricted community compliant with the requirements for Housing for Older Persons under federal and state law.
- d. For the purposes of these Proffers and in order to conform to the requirements of state and federal law with respect to age-restricted residential occupancy, such residential units shall be occupied in accordance with the following:
  - i. Except to the extent otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Amendments Act, or other applicable federal, state, or local legal requirements, 100 percent of the age-restricted dwelling units designated on the MZP shall be restricted to “Housing for Older Persons” as defined in Va. Code Ann. § 36-96.7 and 42 U.S.C. § 3607 for persons aged 55 and older, or by a surviving spouse as provided herein, as those statutes are in effect or may be amended hereafter, and pursuant to any state or federal regulations promulgated thereunder,.
  - ii. All other residents of such dwellings than those specified above must be a spouse, a cohabitant, or one who provides primary physical or economic support to the person who is 55 years of age or older. No children under the age of 18 shall be permitted to reside permanently in such a home.
  - iii. Notwithstanding the foregoing limitation, any person hired to provide live-in, long term or terminal health care to a person 55 years of age or older for compensation may also occupy a dwelling during the time such person is actually providing such care.
  - iv. Guests under the age of 55 are permitted to reside in a unit for periods not to exceed thirty (30) days total for each such guest in any rolling twelve-month period.
  - v. If such units are subjected to a condominium regime under Virginia law and sold as opposed to rented, title to any lot or unit shall become vested in any person under the age of 55 by reason of descent, distribution,

foreclosure, or operation of law, the age restriction covenant shall not work a forfeiture or reversion of title, but rather, such person thus taking title shall not reside in such unit until he or she shall have attained the age of 55. Notwithstanding this, the surviving spouse of a qualifying person shall be allowed to continue to occupy a dwelling unit without regard to age.

- vi. The homeowners' association for age-restricted dwellings shall have responsibility for the enforcement and administration of these requirements and for compliance with state and federal regulations pertaining thereto, without limitation as to the authority of the Town of Dumfries to enforce these proffers. These occupancy restrictions shall be deemed amended from time to time without further action by the Town, if required to conform to applicable state and federal law and regulations governing such age-restricted housing.

SIGNATURES APPEAR ON FOLLOWING PAGES

Orange Fields LLC

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

# MASTER PMUD ZONING PLAN

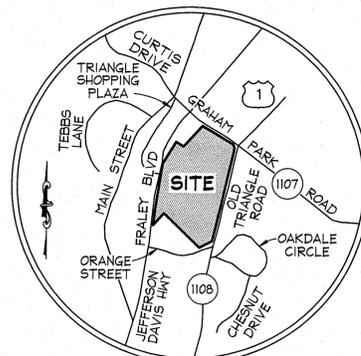
## FOR TOWNSQUARE THE TOWN OF DUMFRIES, VIRGINIA

### SUBJECT PROPERTIES TO BE REZONED:

THE SUBJECT PROPERTIES ARE IDENTIFIED BY THE FOLLOWING GPINS:

	RECORD OWNER	AREA	CURRENT ZONING
8188-78-5384	ORANGE FIELDS LLC	13.24 AC	R-2
8188-77-5396	ORANGE FIELDS LLC	10.18 AC	R-2
8188-78-8432	ORANGE FIELDS LLC	0.84 AC	R-2
8188-78-8257	ORANGE FIELDS LLC	4.31 AC	R-2

**TOTAL AREA TO BE REZONED: ±28.57 AC**



VICINITY MAP  
SCALE: 1"=2,000'

### SHEET INDEX:

TITLE	SHEET NO.
COVER SHEET . . . . .	1
EXISTING CONDITIONS PLAN . . . . .	2
LAND BAY PLAN . . . . .	3
ILLUSTRATIVE PLAN . . . . .	4

### OWNER/APPLICANT:

ORANGE FIELDS LLC  
504 BROADWAY STREET  
QUANTICO, VA 22134

COMMUNITY HOUSING PARTNERS  
4915 RADFORD AVENUE, SUITE 300  
RICHMOND, VA 23220  
(804) 343-7201

### LAND USE ATTORNEY:

WALSH, COLUCCI,  
LUBELEY & WALSH, P.C.  
4310 PRINCE WILLIAM PARKWAY  
WOODBRIDGE, VA 22192  
(703) 680-4664  
(703) 690-6067 (FAX)

### ENGINEER:

THE ENGINEERING GROUPE, INC.  
13580 GROUPE DRIVE, SUITE 301  
WOODBRIDGE, VA 22192  
(703) 670-0985  
(703) 670-7769 (FAX)

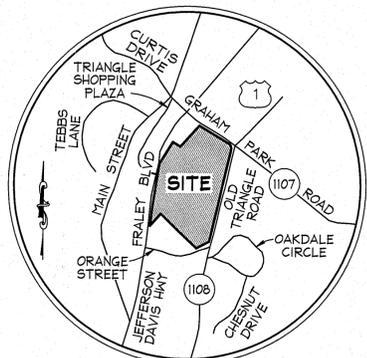
COVER SHEET  
TOWNSQUARE  
ORANGE FIELDS PROPERTIES  
TOWN OF DUMFRIES  
VIRGINIA

The Engineering Groupe  
Inc.  
Engineers | Surveyors | Planners  
www.enggroupe.com  
Central Office  
13580 Groupe Drive, Suite 301  
Woodbridge, VA 22192  
PH 703.670.0985 FX 703.670.7769  
South Office  
4936 Southpoint Parkway  
Fredericksburg, VA 22407  
PH 540.710.5987 FX 540.710.5988

NO.	DATE	COUNTY REVISIONS



ENGINEERING GROUPE PROJECT STATUS	DATE: MARCH 25, 2016
	SCALE: 1"=60'
	DESIGNER: DA/SO
	DRAFTSMAN: DMB
	FILE NO. M-3209
6/3/16 REVISED PER COUNTY COMMENTS	SHEET 1 OF 4
DATE	ACTION



VICINITY MAP  
SCALE: 1"=2,000'

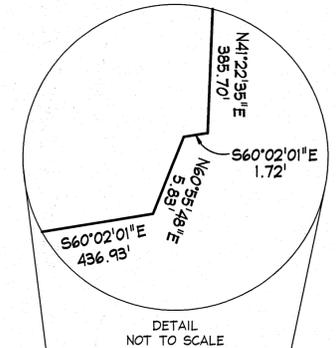
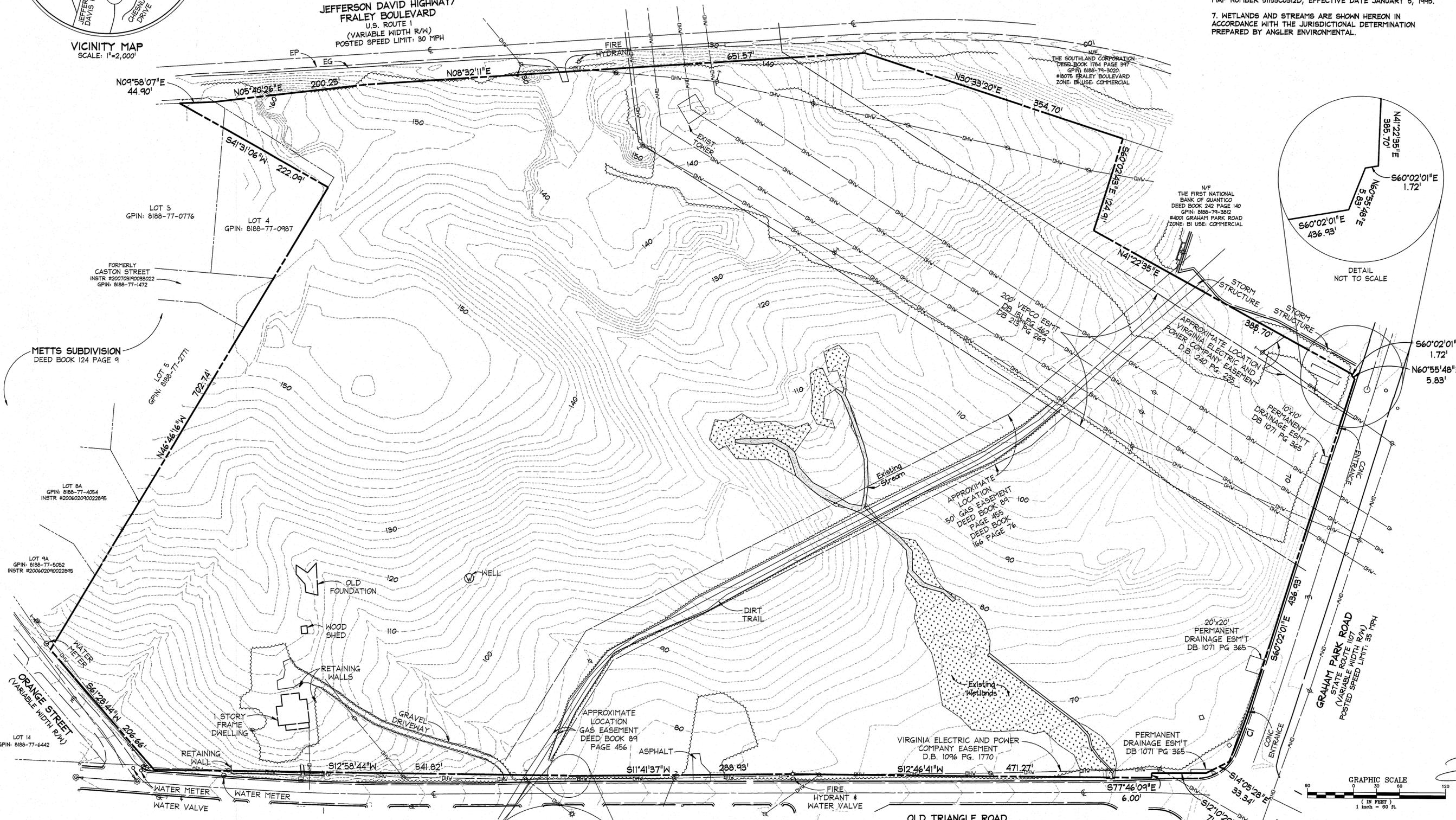


JEFFERSON DAVID HIGHWAY/  
FRALEY BOULEVARD  
U.S. ROUTE 1  
(VARIABLE WIDTH R/W)  
POSTED SPEED LIMIT: 30 MPH

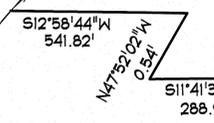
NOTES:

1. THE PROPERTIES DELINEATED ON THIS PLAN ARE REFERENCED ON THE PRINCE WILLIAM COUNTY TAX ASSESSMENT MAP DESIGNATED AS GPIN: 8188-77-5398, 8188-78-5384, 8188-78-8257 AND 8188-78-8432 AND ARE ZONED: R-2, GENERAL RESIDENTIAL DISTRICT.
2. OWNER: ORANGE FIELDS, LLC  
504 BROADWAY STREET  
QUANTICO, VA 22134  
  
APPLICANT: DAVID SCHULTZ  
COMMUNITY HOUSING PARTNERS  
4915 RADFORD AVENUE, SUITE 300  
RICHMOND, VA 23220

3. TITLE COMMITMENT FURNISHED BY STEWART TITLE GUARANTY COMPANY, FILE NO. 00104-1087, EFFECTIVE DATE: APRIL 29, 2015, HOWEVER ALL EASEMENTS AND ENCUMBRANCES MAY NOT BE SHOWN ON THIS PLAN.
4. THE EXISTING BOUNDARY INFORMATION, AS SHOWN HEREON, IS TAKEN FROM AN ATLA/ACSM AND TITLE SURVEY PREPARED BY THE ENGINEERING GROUPE, INC., DATED MAY 15, 2015.
5. TOPOGRAPHIC INFORMATION, AS SHOWN HEREON, IS TAKEN FROM FIELD SHOT TOPOGRAPHY, AS PREPARED BY THE ENGINEERING GROUPE, INC., DATED OCTOBER 8, 2007.
6. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE "X" (OTHER AREAS) AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 51153C0312D, EFFECTIVE DATE JANUARY 5, 1995.
7. WETLANDS AND STREAMS ARE SHOWN HEREON IN ACCORDANCE WITH THE JURISDICTIONAL DETERMINATION PREPARED BY ANGLER ENVIRONMENTAL.



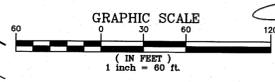
DETAIL NOT TO SCALE



DETAIL NOT TO SCALE

CURVE TABLE

CURVE	RADIUS	ARC	DELTA	TAN	BEARING	CHORD
C1	986.50'	87.62'	5°05'19"	43.84'	S57°29'22"E	87.59'



OLD TRIANGLE ROAD  
STATE ROUTE 1108  
(VARIABLE WIDTH R/W)  
POSTED SPEED LIMIT: 25 MPH

EXISTING CONDITIONS PLAN  
**TOWNSQUARE**  
ORANGE FIELDS PROPERTIES  
EXISTING CONDITIONS PLAN  
EXISTING VIRGINIA

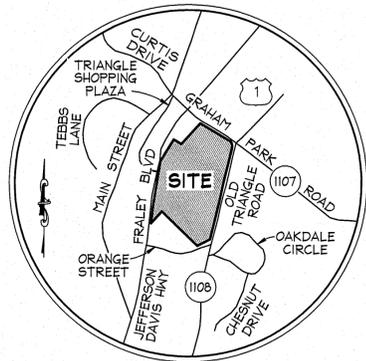


DATE	ACTION
6/3/16	REVISED PER COUNTY COMMENTS

ENGINEERING GROUPE PROJECT STATUS	DATE: MARCH 25, 2016
	SCALE: 1"=60'
	DESIGNER: DA/SO
	DRAFTSMAN: DMB
	FILE NO. M-3209
	SHEET 2 OF 4

NO.	DATE	COUNTY REVISIONS

**The Engineering Groupe Inc.**  
Engineers | Surveyors | Planners  
Central Office: 13580 Groupe Drive, Suite 301, Woodbridge, VA 22152, PH 703.670.0985  
South Office: 4936 Southpoint Parkway, Fredericksburg, VA 22407, PH 540.710.5987



VICINITY MAP  
SCALE: 1"=2,000'

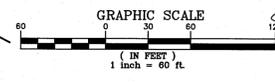
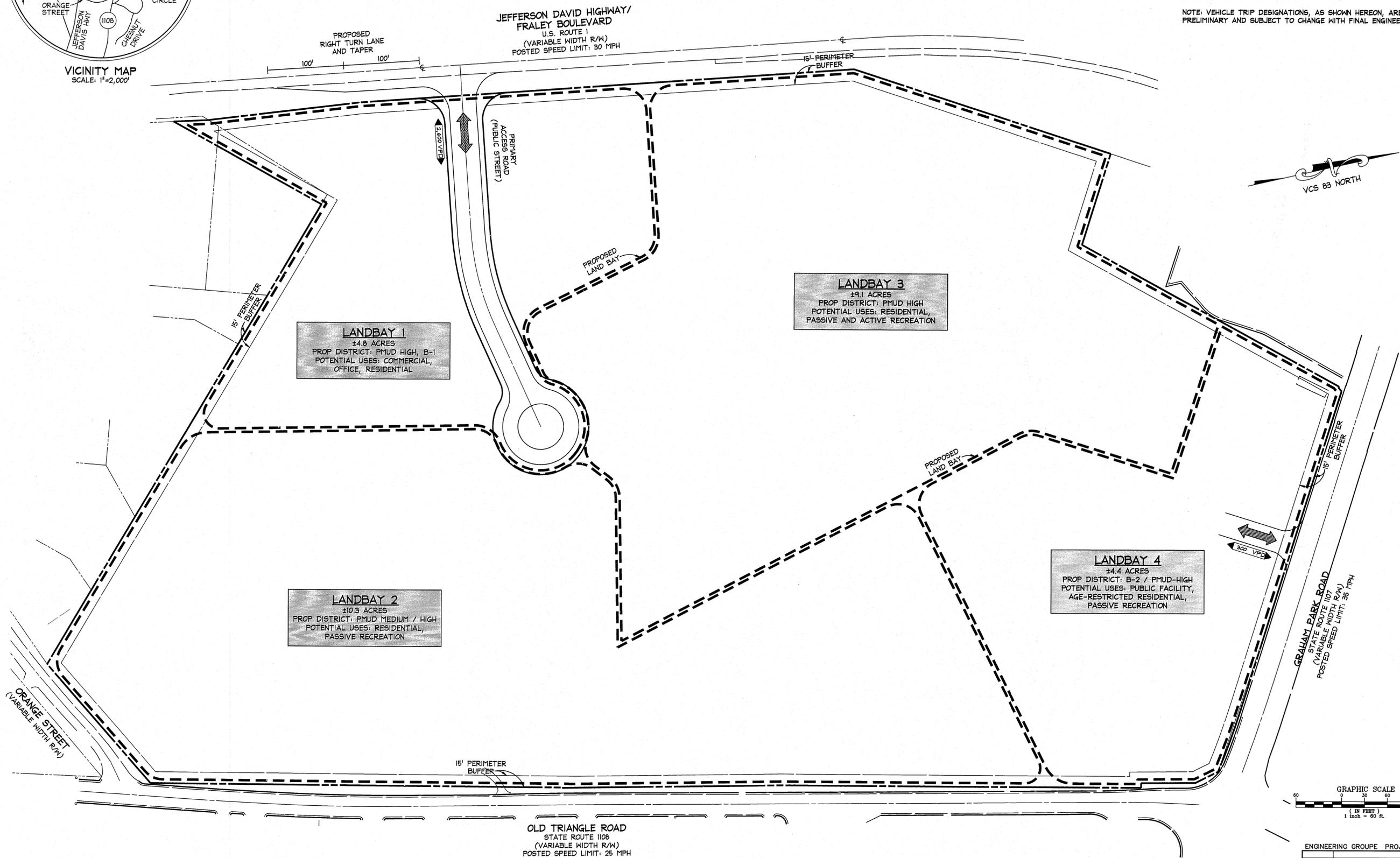
**DEVELOPMENT SUMMARY:**

PARCEL GPINS..... 8188-78-8257, 8188-77-5398,  
8188-78-5384 & 8188-78-8432  
TOTAL SITE AREA..... ±28.6 AC  
EXISTING ZONE..... R-2  
PROPOSED ZONE..... PMUD  
PROPOSED USES..... COMMERCIAL, OFFICE  
RESIDENTIAL (SFA, MF)

OVERALL OPEN SPACE REQUIRED..... 25%  
OVERALL OPEN SPACE PROVIDED..... 25%

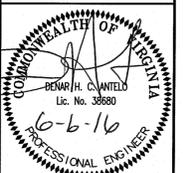
NOTE: VEHICLE TRIP DESIGNATIONS, AS SHOWN HEREON, ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL ENGINEERING.

**The Engineering Group Inc.**  
Engineers | Surveyors | Planners  
South Office  
4936 Southpoint Parkway  
Fredericksburg, VA 22407  
PH 540.710.5987 FX 540.710.5988  
www.enggroup.com  
Central Office  
13580 Groupe Drive, Suite 301  
Woodbridge, VA 22192  
PH 703.670.0985 FX 703.670.7769



NO.	DATE	COUNTY REVISIONS

LAND BAY PLAN  
**TOWNSQUARE**  
ORANGE FIELDS PROPERTIES  
TOWN OF DUMFRIES  
VIRGINIA



DATE	REVISIONS	PROJECT STATUS	DATE
6/3/16	REVISED PER COUNTY COMMENTS		MARCH 25, 2016

SCALE: 1"=60'  
DESIGNER: DA/SO  
DRAFTSMAN: DMB  
FILE NO. M-3209  
SHEET 3 OF 4

**GENERAL NOTES:**

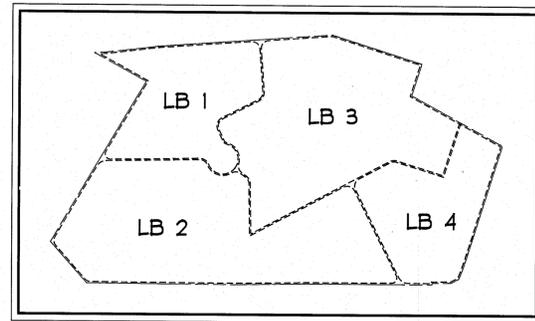
- 1) THE PROPOSED LAYOUT, INCLUDING BUILDINGS, TRAVELWAYS, PARKING, AND SWM, ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL ENGINEERING.
- 2) PROPOSED LANDSCAPING SHOWN IS CONCEPTUAL AND SUBJECT TO CHANGE WITH FINAL ENGINEERING. A LANDSCAPING WILL BE PROVIDED WITH THE FINAL SITE PLAN, WITH PLANTINGS SHOWN IN ACCORDANCE WITH TOWN OF DUMFRIES ORDINANCE STANDARDS. LANDSCAPED AREAS UNDER THE EXISTING POWER EASEMENT WILL BE PLANTED AS PERMITTED IN ACCORDANCE WITH THE APPROVED PLANT LIST FROM DOMINION.
- 3) DUMPSTERS AND LOADING SPACES FOR THE COMMERCIAL AREAS AND HANDICAP SPACES FOR THE OVERALL DEVELOPMENT WILL BE PROVIDED AT FINAL SITE PLAN. COMMERCIAL PARKING WILL BE SHARED WITH THE RESIDENTS.
- 4) SWM/BMP AREA, AS SHOWN HEREON, IS CONCEPTUAL AND SUBJECT TO CHANGE WITH FINAL ENGINEERING. ADDITIONAL AREAS OF SWM AND BMP MAY BE NECESSARY TO MEET CURRENT STORMWATER MANAGEMENT STANDARDS.

**DEVELOPMENT SUMMARY:**

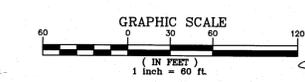
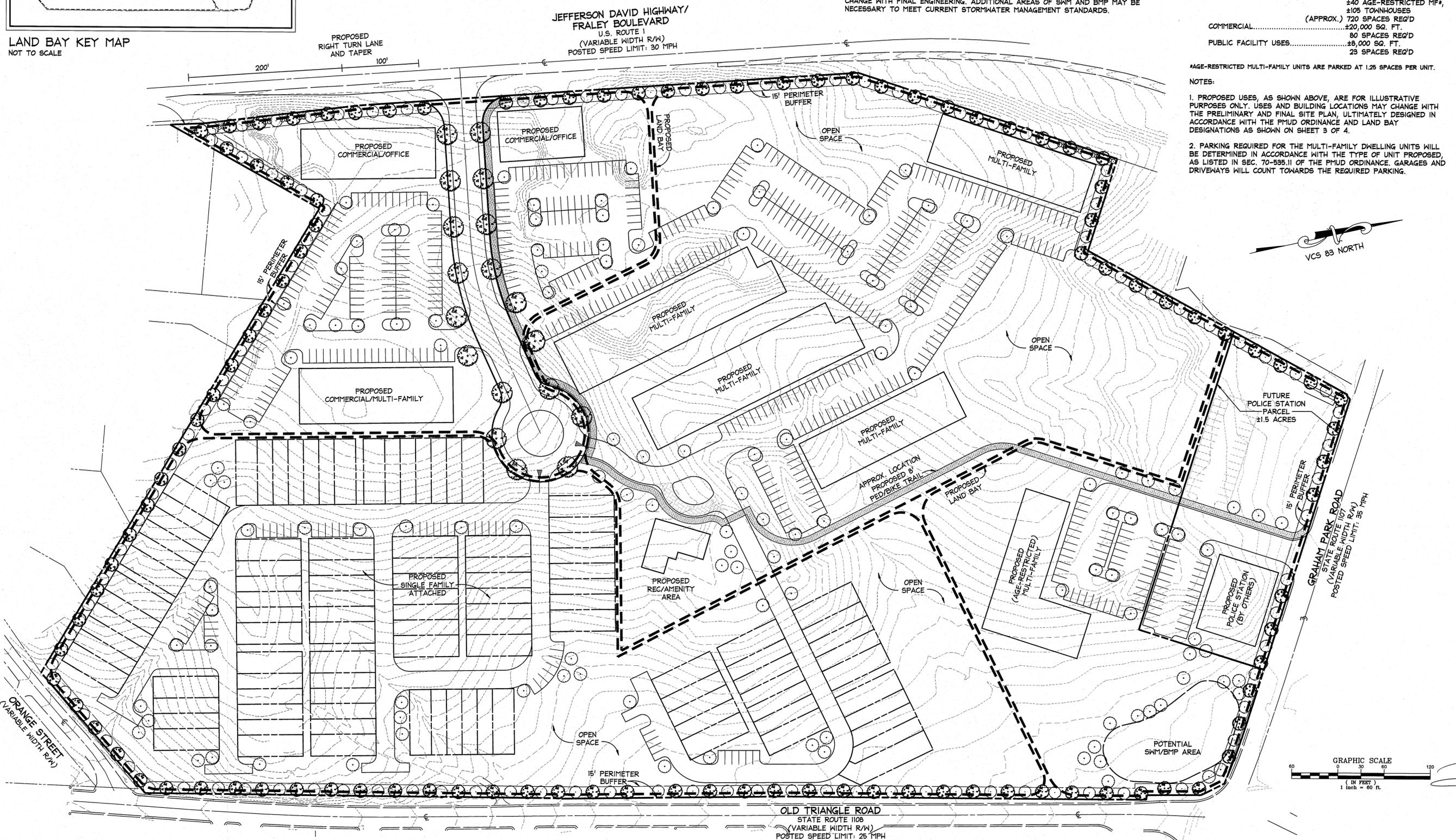
PARCEL GPINS.....	8188-78-8257, 8188-77-5398, 8188-78-5384 & 8188-78-5492
TOTAL SITE AREA.....	±28.6 AC
EXISTING ZONE.....	R-2
PROPOSED ZONE.....	PMUD
PROPOSED USES.....	COMMERCIAL, OFFICE RESIDENTIAL (SFA, MF)
OVERALL OPEN SPACE REQUIRED.....	±25%
OVERALL OPEN SPACE PROVIDED.....	±25%
PROPOSED USE / REQUIRED PARKING:	
RESIDENTIAL.....	±230 MF UNITS, ±40 AGE-RESTRICTED MF#, ±105 TOWNHOUSES (APPROX.) 720 SPACES REQ'D ±20,000 SQ. FT.
COMMERCIAL.....	80 SPACES REQ'D ±8,000 SQ. FT.
PUBLIC FACILITY USES.....	23 SPACES REQ'D

**NOTES:**

1. PROPOSED USES, AS SHOWN ABOVE, ARE FOR ILLUSTRATIVE PURPOSES ONLY. USES AND BUILDING LOCATIONS MAY CHANGE WITH THE PRELIMINARY AND FINAL SITE PLAN, ULTIMATELY DESIGNED IN ACCORDANCE WITH THE PMUD ORDINANCE AND LAND BAY DESIGNATIONS AS SHOWN ON SHEET 3 OF 4.
2. PARKING REQUIRED FOR THE MULTI-FAMILY DWELLING UNITS WILL BE DETERMINED IN ACCORDANCE WITH THE TYPE OF UNIT PROPOSED, AS LISTED IN SEC. 70-535.11 OF THE PMUD ORDINANCE. GARAGES AND DRIVEWAYS WILL COUNT TOWARDS THE REQUIRED PARKING.



LAND BAY KEY MAP  
NOT TO SCALE

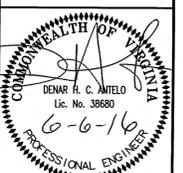


ENGINEERING GROUP	PROJECT STATUS	DATE:
		MARCH 25, 2016
		SCALE: 1"=60'
		DESIGNER: DA/SO
		DRAFTSMAN: DMB
		FILE NO. M-3209
2/23/16	REVISED PER 601009 COMMENTS	SHEET 4 OF 4

**The Engineering Group Inc.**  
 Planners  
 Engineers | Surveyors  
 www.theengineeringgroup.com  
 Central Office: 13580 Group Drive, Suite 301, Woodbridge, VA 22192  
 South Office: 4936 Southpoint Parkway, Fredericksburg, VA 22407  
 PH 540.710.5987 FX 540.710.5988

NO.	DATE	COUNTY	REVISIONS

ILLUSTRATIVE PLAN  
**TOWNSQUARE**  
 ORANGE FIELDS PROPERTIES  
 TOWN OF DUMFRIES  
 VIRGINIA



## DIVISION 14. - PLANNED MIXED USE DISTRICT (PMUD)

### Sec. 70-535.1. - Purpose and intent.

- (a) The Dumfries Planned Mixed Use District is intended to implement the general purpose, intent, goals, objectives, policies, and action strategies of the comprehensive plan and the purposes of zoning set forth in Va. Code Ann. § 15.2-2283, by promoting mixed residential and commercial development according to a detailed plan. The PMUD district is designed to permit and encourage the establishment of communities of varied housing types in developments of five or more contiguous acres, incorporating appropriate public, community, and supportive commercial and employment services. This district is specifically intended to provide flexibility in development layout and the mix of uses, as opposed to the constraints of "Euclidean" zoning (where a jurisdiction is broken into zoning districts with defined uses), and the opportunity for the application of good planning principles. The district is intended to promote efficient use of land, allow a compatible mix of land uses on a single parcel or group of parcels, obtain design flexibility not otherwise possible, ensure efficient traffic circulation, the preservation of sensitive environmental and historic features where present, ensure compatibility of the development with surrounding properties, and the provision of public utilities and services necessary to the development as plans for such a district may be approved by the town council.
- (b) Except as may be otherwise specifically provided, additional land area, which may consist of less acreage than would be required for an initial application, may be added to an existing PMUD if it adjoins an existing district, and forms a logical addition thereto as defined by the zoning administrator. Such addition shall be treated as an amendment of the original master zoning plan.
- (c) The development of a PMUD shall be in substantial conformance with the master zoning plan as provided herein.
- (d) Application for creation of a PMUD district shall be made in accordance with the requirements of this division.

(Ord. No. O-2016-003, 4-5-2016)

### Sec. 70-535.2. - Application requirements for a PMUD.

- (a) Every application for a PMUD shall require completion of an application for rezoning on forms prepared by the town.
- (b) Minimum acreage five acres.
- (c) The application fee for a PMUD rezoning shall be listed in the fee schedule.
- (d) A completed copy of the town's checklist for land use applications.
- (e) Each application shall require a master zoning plan as further provided herein.
- (f) Each application shall be accompanied by a narrative statement explaining the applicant's proposed use of each land bay, and such other information as may be reasonably necessary to explain the proposal.
- (g) Such other materials as required by the zoning administrator or as the applicant deems useful or necessary to explain the proposal.
- (h) When rezoning from B-1, B-2, FB/O-1, SP-1, or M-1 districts to the PMUD, the commercial GFA shall be no less than 40 percent (which shall not include residential amenities).

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.3. - PMUD master zoning plan.

- (a) In accordance with the requirements of this division, a PMUD master zoning plan shall consist of drawings and text which show the proposed general layout, transportation network, community open space and parks, general location and extent of proposed housing types, commercial, neighborhood commercial, employment and other uses. The master zoning plan shall depict the general or approximate locations of the principal road network, utility network, location of proposed stormwater management facilities and community and public facilities. The exact locations thereof shall be shown on site or subdivision plans for the development of the property.
- (b) PMUD districts shall be divided into land bays shown on the master zoning plan. Land bays shall be sequentially numbered or lettered. Land bays may contain more than one use designation to achieve a mix of uses, but the designations shall be depicted and a list of proposed uses identified to ensure compatibility with the purposes and objectives of this division.
- (c) An approved master zoning plan shall establish and determine the general layout of the development, the proposed uses permitted in the land bays shown on the master zoning plan, and the general size and capacity of public improvements shown (but not their specific location, unless so proffered).

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.4. - Requirements for a master zoning plan.

- (a) The master zoning plan shall be prepared using a convenient scale so that the entire parcel can be shown on a single sheet of paper no larger than 24 inches by 36 inches. The zoning administrator may approve submission of plans on more than one sheet so long as one sheet depicting the entire project is submitted.
- (b) Any matter submitted with the master zoning plan that is to be considered for illustrative purposes, and is not intended to comprise part of the master zoning plan, shall be clearly labeled as such.
- (c) The elements required to be addressed in the master zoning plan shall be determined, by the zoning administrator, in accordance with the provisions below, following a preapplication conference, and shall be based upon the size, intensity, scope, and impacts of the proposed development.
- (d) The master zoning plan shall, at a minimum, include the following:
  - (1) An existing conditions plan that shows the location of property lines, watercourses or lakes, known cemeteries, wooded areas, existing roads, entrances, subdivisions, known easements and major landmarks.
  - (2) The general boundaries of each proposed land bay, land use, density or intensity, principal street systems, recreation areas or public use areas to be located within the project.
  - (3) The general layout of the street system and its connection to public streets or highways.
  - (4) The location of existing or proposed utilities.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.5. - Residential PMUD permitted uses.

Residential land bays shall designate the uses proposed for each such land bay and shall be established in accordance with the following zoning districts:

- (1) *PMUD low*: Residential units as permitted in the R-1 district.
- (2) *PMUD medium*: Residential units as permitted in the R-2 district.

- (3) *PMUD high*: Residential units permitted in the R-3 (whether townhouses, or in a condominium regime), and the R-4 districts.
- (4) *PMUD mixed*: Residential units in PMUD high, together with retail or office components on the first floor.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.6. - Other permitted by right uses in residential landbays.

- (a) Neighborhood commercial and office uses shall be permitted at locations designated on the master zoning plan. For purposes of the PMUD District, neighborhood commercial uses shall include those uses allowable in the B-1 and B-2 districts, with the exception of assembly uses.
- (b) Neighborhood commercial and office uses shall be in accordance with the following standards:
  - (1) Such use is complimentary of the surrounding residential uses, as defined by the zoning administrator.
  - (2) Such use shall not impede the proposed traffic pattern and possess adequate access for both vehicles and pedestrians, as defined by the zoning administrator.
  - (3) In addition, community operated parks, clubhouses, swimming pools, racquet ball and tennis courts, health and fitness facilities, and other recreational or civic facilities, shall be permitted by right in residential areas, in conjunction with a permitted principal use existing or proposed.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.7. - Nonresidential PMUD permitted uses.

- (a) Non-residential land bays shall designate the uses proposed for each such land bay, and shall be established in accordance with the uses that are permitted in the following zoning districts:
  - (1) B-1, general business.
  - (b) B-2, neighborhood business.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.8. - Conditional uses.

The following uses may be provided in the PMUD, subject to approval of a conditional use permit:

- (1) Automobile rental agencies.
- (2) Bike sales and repair.
- (3) Child care or adult day care center.
- (4) Assembly uses.
- (5) Convenience stores and service establishments such as but not limited to automatic self-service laundries.
- (6) Dog grooming, without indoor or outdoor kennel facilities.
- (7) Fast food restaurants with a drive-through window.
- (8) Household appliance sales and service store.
- (9) Laundry, cleaning and dyeing works in which no combustible solvent is used.

- (10) Off premises sales of beer and wine.
- (11) Pet shops, including boarding kennels on the premises.
- (12) Philanthropic and charitable institutions.
- (13) Private clubs and lodges.
- (14) Veterinary hospitals and boarding kennels.
- (15) All allowable uses in the FB/O-1 Flex district, with the exception of uses identified in section 70-482(1).

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.9. - PMUD housing unit types, residential and non-residential performance standards.

- (a) The performance standards applicable to each housing type proposed shall be as those standards are set forth in this division.
- (b) The housing unit types provided in this section shall be permitted by right in all PMUD land bays, except as restricted by provision of any proffer or master zoning plan restriction.
- (c) In addition to the specific housing types provided in this section, the zoning administrator may approve a housing type proposed for construction and shall specify the minimum performance standards after comparison to the performance standards for the most comparable housing unit types provided herein.
- (d) The minimum side yard for any residence shall be five feet.
- (e) No architectural features, such as but not limited to windows, sills, cornices, eaves, and gutter fire escapes, shall encroach into a setback that has been reduced to five feet.
- (f) The zoning administrator may approve modifications in any of the minimum development standards provided in this section, other than relating to required side setbacks. No standard shall be reduced by more than 20 percent of the required minimum and the minimum standards for the housing unit type shall collectively be met or exceeded in the area where the modification is proposed.
- (g) The following housing types shall be permitted in the PMUD in accordance with the standards provided for each:

Minimum Yards and Setbacks (in feet)	Single Family Detached	Duplex	>Single Family Attached	Multiple Family	Non-Residential (Retail/Office)
Front	10'	10'	10'	7'	6'min./20' max.
Side (Corner Lot)	5' (5' corner lot)	5' (5' corner lot)	5'	5'	0
Rear	20'	15'	15'	15'	18'
Maximum Height	35'	35'	35'	70'	60'

Minimum Lot Width	60'	50'	16'	---	—
Minimum Lot Size	6,000 (sq. ft.)	5,000 (sq. ft.)	—	—	—
Maximum Lot Coverage	60%	60%	—	75%	90%

Notes:

- 1) Setbacks for multi-story mixed use buildings shall follow the required setbacks listed above for the ground floor use.
- 2) Stoops, porches, and awnings may encroach up to 50 percent of the depth of the setback. Balconies and bay windows may encroach up to 25 percent of the depth of the setback.
- 3) Architectural treatment shall vary so that no more than two abutting units are substantially the same, and so that no more than four units in any group are substantially the same.
- 4) Residential and non-residential density will be provided as shown on the master zoning plan, and shall not exceed standards as described in the comprehensive plan.
- 5) Accessory uses and structures shall be designed in accordance with the regulations in section 70-16 of the Town Code.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.10. - Setbacks and landscaping standards.

- (a) The PMUD shall be exempt from Euclidean screening and buffer standards.
- (b) Landscaping for PMUD districts shall be shown on the master zoning plan and shall be determined on a case by case basis in consultation with the zoning administrator.
- (c) A transitional buffer of 15 feet along the perimeter of the PMUD boundary is required, landscaped in accordance with section 70-541.6. A retaining wall may be allowed within the perimeter buffer.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.11. - Parking and street standards.

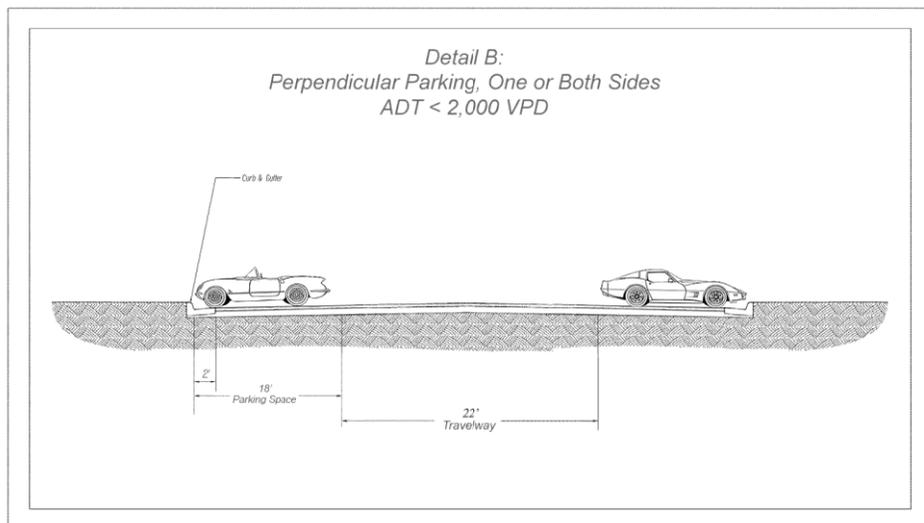
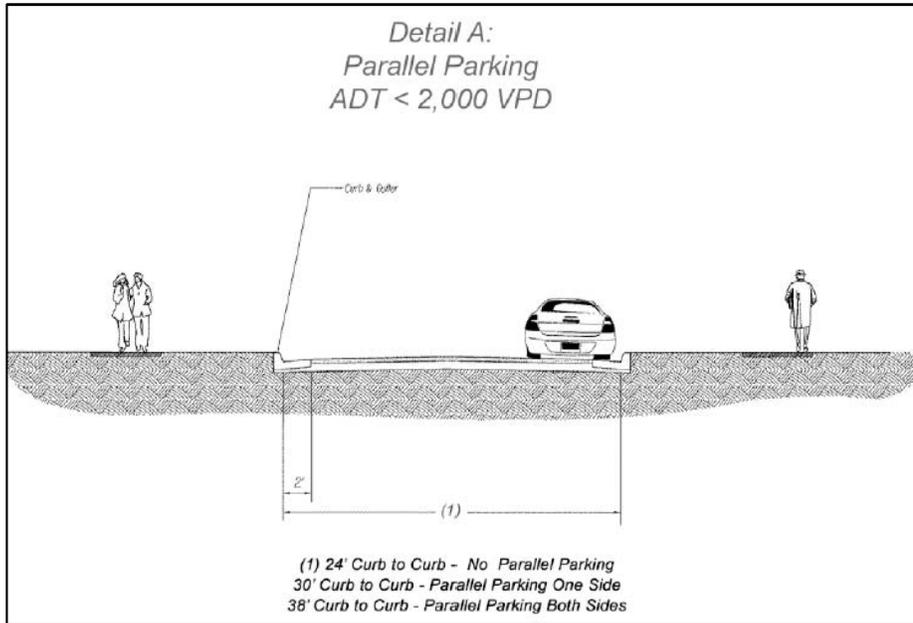
- (a) With the exception of the uses and associated required spaces listed below, parking will be provided in accordance with section 70-13 of this chapter.

Use Type	Required Off-street Spaces
<i>Residential uses:</i>	

Single-family detached dwellings	2 for each dwelling unit
Duplexes, townhouses, mobile homes, planned unit development	2 for each dwelling unit
<i>Multifamily dwellings:</i>	
Efficiency with no bedroom	1 for each dwelling unit
One-bedroom unit	1.5 for each dwelling unit
Two-bedroom unit	2.0 for each dwelling unit
Three or more bedroom units	2.2 for each dwelling unit
Assisted housing for the elderly and physically handicapped	1 for each 2 dwelling units
<i>Business:</i>	
Retail space (unless otherwise specified)	1 for each 250 square feet of retail floor area
<i>Industrial uses:</i>	
Factories, laboratories, laundries, etc.	1 for each 1½ employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
<i>Office uses:</i>	
Business, general and governmental buildings, professional office buildings, but not including medical offices	1 for each 350 square feet of floor area

Notes:

1. Garage spaces and associated driveway spaces shall be counted in the residential parking calculation.
2. Private streets within the PMUD shall be in accordance with the street details noted below:



(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.12. - Open Space; authority of the zoning administrator to approve modifications to development standards.

- (a) Areas to remain as open space shall be labeled as such, and may be incorporated into any land bay as "OS."
- (b) For purposes of the PMUD, Open space shall mean the area within the boundaries of a development that is intended to provide light, air, view and/or a quality or general appearance of openness, and is designed for scenic, recreational, privacy, or environmental purposes. In general, open space shall be available for entry on and use by the residents of the development within which the open space is located, but may include areas designed to enhance aesthetic amenities, maintain property values and buffer incompatible uses by preserving natural features and providing landscaping or screening for the benefit of such residents or residents of neighboring areas. Open space may include, but shall

not be limited to, lawns; decorative plantings; walkways and trails; active and passive recreation areas, such as tot lots, including permitted principal and accessory uses; undisturbed natural areas; wooded areas; easement areas utilized by major utilities such as gas and electric; natural creeks, streams, lakes and similar water features; manmade lakes designed to be an attractive development amenity but which may be used for SWM facilities; wet and dry ponds (including extended detentions) which are landscaped or contain existing trees; and areas where buffering, landscaping or screening are required or provided. Parking areas shall not be considered open space.

- (c) A minimum of 25 percent of the total PMUD area shall be designated for open space but need not be contiguous.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.13. - Effect of approval of a master zoning plan.

Upon approval of a PMUD, uses permitted in each land bay and the layout of such uses shall be determined by each use designation as shown on the master zoning plan, and any applicable proffers or conditional use permit conditions for those uses requiring such a permit.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.14. - Waiver/modification provisions for PMUD.

- (a) As part of a PMUD application an applicant may request a waiver of or modification to any standard or requirement set forth in the subdivision ordinance, this division, or other town requirements.
- (b) The applicant shall provide written justification for all proposed waivers or modifications that demonstrates that the request is necessary due to implementing the design goals of the project or due to the unique characteristics of the specific property or the use proposed, provided such waivers or modifications will not conflict with the fulfillment of the purpose of this division, but will promote the purpose hereof.
- (c) All modifications or waivers shall be approved by the zoning administrator upon application. Alternatively, the town council may approve a modification for any such requirement by approval of a conditional zoning proffer statement, or conditional use permit condition.
- (d) The depiction of a modification or waiver on plans required by this section shall not of itself authorize such waiver or modification absent affirmative approval thereof by the town council evidenced by approval of a specific application therefor, or as a proffer or conditional use permit condition, where applicable.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.15. - Signage.

Signage shall be in accordance with a comprehensive sign plan submitted in connection with the master zoning plan.

(Ord. No. O-2016-003, 4-5-2016)

Sec. 70-535.16. - Miscellaneous development standards.

Outdoor storage shall be prohibited within a PMUD district, unless specifically approved by proffer or special use permit condition.

(Ord. No. O-2016-003, 4-5-2016)

## Narrative Statement for a Rezoning Application

### Townsquare at Dumfries, LLC

June 6, 2016

**The purpose for the rezoning application.** The Applicant, Townsquare at Dumfries, LLC, (“Townsquare”), proposes a mixed use rezoning on properties comprising approximately 28.6 acres bordered generally by Graham Park Road to the north, Old Triangle Road to the east, Route 1 to the west, and parcels adjacent to Orange Street to the south. The site is presently owned Orange Fields, LLC, and is under contract to Townsquare at Dumfries.



**Overview of the Proposal.** The Applicant proposes to rezone the property for a mixture of residential and commercial uses as generally depicted on the Master PMUD Zoning Plan (MZP) for the property, prepared by the Engineering Groupe, and dated March 25, 2016. Townsquare seeks a rezoning from the existing R-2 (General Residential) Zone to the Town’s new Planned Mixed Use District (PMUD) for parcels identified as 8188-78-8257, 8188-77-5398, 8188-78-5384, and 8188-78-8432.

In brief, and as is more fully developed in the MZP and draft proffer statement submitted, Townsquare proposes the construction of approximately 105 townhouses, 270 multifamily units of which 40 of the multifamily rental units will be age-restricted to persons 55 and older and

approximately 20,000 square feet of commercial uses (office and retail). The exact number of units will be consistent with densities of development authorized in the PMUD ordinance and will be further refined during review of the Application).

The property today is largely wooded, and its development must take into consideration site constraints created by the presence of high power transmission lines, 50' wide gas line and a small area of potentially jurisdictional wetlands. It must also accommodate the fact that the site is hilly, with an elevation change of roughly 50' from Old Triangle Road, and between 25' and 50' from Fraley Boulevard.

Townsquare also proposes to dedicate land to the Town for the construction of a new Police Station (or other public building) in a mutually agreeable location on Graham Park Road.

**Comprehensive Plan.** The proposed PMUD zoning is compatible with the Comprehensive Plan as amended on March 1, 2016.

**Transportation.** A traffic impact analysis is not required in connection with a rezoning application in the Town, but has been prepared in any event given the scope of the Project. Road improvements as they are set forth in the TIA will be proffered, and are depicted on the MZP.