

The Smithfield Planning Commission held its regular meeting on February 9th, 2021 at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Thomas Pope

Michael Torrey

Raynard Gibbs

Staff present:

John Settle – Community Development & Planning Director

William H. Riddick, III – Town Attorney

Tammie Clary - Planner

Press: 0

Citizens: 11

Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

2021 Election of Officers:

The Town Attorney opened the floor for nominations for Chairman of the Planning Commission.

Mr. Torrey nominated Randy Pack and Mrs. Hillegass seconded the nomination. With no other nominations, the Town Attorney called for the vote.

On call for the vote, seven members were present. Mr. Torrey voted aye, Dr. Pope voted aye, Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Raynard Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

The Town Attorney stated that Mr. Pack was re-elected as Chairman. He opened the floor for nominations for Vice-Chairman of the Planning Commission.

Chairman Pack nominated Charles Bryan for Vice Chairman. Dr. Pope seconded the motion. With no other nominations, the Town Attorney called for the vote.

On call for the vote, seven members were present. Mr. Torrey voted aye, Dr. Pope voted aye, Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Raynard Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

The Town Attorney stated that Mr. Bryan was re-elected as Vice Chairman.

Chairman Pack thanked the Planning Commission for his re-election as Chairman.

Community Development & Planning Director's Report:

Mr. Settle reported that at its Tuesday, October 13th, 2020 meeting, the Planning Commission tasked Town staff with examining ways to adequately address blighted properties within Town limits. At this time, Town staff have determined that adopting a spot blight abatement ordinance is likely the best way to address these properties. A draft spot blight

abatement ordinance has been drafted at this time. Town staff are awaiting feedback following the review of the Town Attorney. On Friday, January 15th, 2021, the applicant for the site plan amendment, Entrance Corridor Overlay (ECO) design review, and ECO waiver applications for 601 N. Church Street informed Town staff that they were withdrawing their applications. Although the Planning Commission had already conditionally-approved the applications at its Tuesday, November 10th, 2020 meeting, Town staff had not issued a zoning permit for the proposed project, as they had not satisfied all of the conditions attached to their approval. The applicant cited the changing priorities of the property owner as the reason for the withdrawal.

Upcoming Meetings and Activities:

Tuesday, February 16th, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, February 22nd, 3:00 PM – Town Council Committee Meetings

Tuesday, February 23rd, 3:00 PM – Town Council Committee Meetings

Tuesday, March 2nd, 6:30 PM – Town Council Meeting

Tuesday, March 9th, 4:00 PM – Pinewood Heights Management Team Meeting

Tuesday, March 9th, 6:30 PM – Planning Commission Meeting

Public Comments:

Chairman Pack explained that the public was invited to speak to the Planning Commission on any matters, except scheduled public hearings. Please use the sign-up sheet. Comments are limited to five (5) minutes per person. Any required response from the town will be provided in writing following the meeting. Chairman Pack explained that speakers should state their name and address for the record.

Lauriano Gonzalez resides at 20521 Madison Court in Gatling Pointe. He moved from a high-density area of Ford Lauderdale, Florida. He understands that the county needs to grow. He decided to move to Smithfield because it is a rural area, and he didn't like the high-density areas that realtors were showing him in places like Chesapeake. He was concerned about the Mallory Scott Farm development of 1,200 homes after he read about it in the newspaper. He explained that the roads in that vicinity are two-lane country roads. He is concerned about traffic on Nike Park Road and Battery Park Road, and wondered how those roads would hold up against two-thousand cars at 5:00 PM when everyone is waiting to get through the traffic light. There are many days when the intersection has a lot of traffic at the stoplight. He asked how many of the Planning Commissioners reside in the vicinity of that intersection.

Chairman Pack stated that all of the Planning Commissioners live within the town limits.

Mr. Gonzalez stated that none of the Commissioners live in the vicinity of Battery Park Road or Nike Park Road and therefore, do not experience the traffic problems at present, and will likely not experience them once the development is built. He explained that taxes would probably increase to accommodate the necessity for road improvements. He stated that the new bike path and bridge across the creek was \$8,000,000.00 and wondered what it would cost to widen Nike Park Rd all the way out to Route 17. He was also concerned about the school system with the increased school-age population of the development. He wondered about costs for new schools, buses, and hiring more police officers for safety. He stated that his concern is that the project will create a monster. He stated that anyone who does not live in the area where the high-density development is proposed cannot understand the concerns held by residents of that area about traffic and excessive taxes. He is

opposed to the density of the Mallory Scott Farm development. He feared that motorists would begin to cut through Rescue to avoid traffic at the Battery Park Rd & Nike Park Rd intersection.

Richard Gillerlain lives at 22501 Tally Ho Drive in Carrollton, Virginia. He agreed with Mr. Gonzalez and his concerns about the proposed Mallory Scott Farm development. He asked Chairman Pack if he came to the Planning Commission and spoke as an expert on restaurants, would he find that humorous? He asked Dr. Pope if he spoke about medical conditions if he would consider it humorous? He was impressed at the December meeting that one of the Planning Commissioners had already picked out one of the key points of the proposed project which is water and sewer. He was appalled that the person that answered the water and sewer question had no expertise in that area. Mr. Gillerlain stated that he has expertise since he ran a sewer system at the Norfolk Naval Base for over two years. He explained that he knows what it takes to maintain and service a development of such a high density. The developer proffered to build the two sewer lift stations in the development; not the ones needed along Battery Park Road. They will feed into sewer lines not built for that capacity. He believed that, at the very least, pumps would need to be replaced and maybe wholesale replacement of sewer lift stations and the lines will be necessary. Mr. Gillerlain stated that water is another issue. The developer stated it was not an issue since Isle of Wight has an open-ended water contract. The developer never mentioned the price affiliated with this. There are people in Benn's Grant paying over \$500.00 per month for water. The new development's HOA will want green grass and the water bills will be high. He explained that he was available to share his expertise if anyone wanted to talk to him about the water and sewer issues. Another point of contact would be the former head of the water system for Norfolk Naval Base who lives in Smithfield. Mr. Gillerlain stated that he could explain the ways to do it and the ways not to do it. He advised not to look to Isle of Wight for help. They will charge too much for the water. They cannot run a line to the Town because they do not have a service district to run it to. He asked the Planning Commissioners to look into the water and sewer issues. He has other concerns as well, such as fire and police. He stated that when Mr. Napolitano, the developer, first talked about the Mallory Scott Farm development, he referred to it as the "elephant in the room." The "elephant" is a "white elephant" that the developer will leave for the citizens to figure out.

Melissa Lambert resides at 702 Gatling Pointe Pkwy. She attended the meeting but had not planned to speak. After hearing Mr. Gonzalez speak, she began thinking of her personal position. She explained that she was probably the newest member of the community who will be impacted by the proposed development. She grew up in Virginia Beach, moved to Norfolk and has lived in Smithfield for about two years. She experienced a lot of change, growth, and development while living in Virginia Beach and Norfolk. She stated that anyone who has lived in Smithfield for a long time might not know how good they have it. She is happy to be in Smithfield after living in Virginia Beach and Norfolk. She does not want to ever move back to those areas. She has two children; 13 and 9. They both attend Norfolk Christian Schools. She drives every day to Norfolk to take them to school. Her children were less than thrilled to move to Smithfield because they thought it had nothing to offer and no quality of life, to include stores such as Starbucks and Chick-fil-a. However, after two years, they have become thrilled to live in Smithfield after travelling back and forth to Norfolk for birthday parties- now they love living here. They do not want to live in an urban, high population community again. Ms. Lambert explained that with the proposed development they

might as well have stayed in Norfolk. She is disappointed that after only two years of being in Smithfield and moving here for a better quality of life for her children there will be 1,200 homes nearby. In addition to what the other public speakers have said, she is curious about the consequences of such a high quantity of homes in the development. It makes her think of crime. She is concerned for her overall quality of life. As a single mother, quality of life is really important to her. She encouraged the Planning Commissioners to give the development careful consideration. She understands growth but there is something to be said for rural living, quality of life, a strong community, and a strong family base. She hoped that the Planning Commissioners would consider her concerns while deciding how to move forward.

Karen Collier lives at 105 Commodore Lane in Gatling Pointe. She moved here from Philadelphia for the same reasons as Ms. Lambert. Smithfield is a beautiful and peaceful place to live. She agreed with all of the other speakers. She stated that, at this point, the Town of Smithfield has a population of approximately 8,000 people. If there are 1,200 new units developed with a family in each unit, the Town will increase in size by 30% to 40% within a year's time. All of the challenges that others spoke of will hit the Town hard and fast. There would be no way to come up to pace with the people moving into the town. If the growth happened over twenty years, maybe the Town could grow along with it. The density is just too much. She also did not like the developer asking for 250 homes originally and now asking for 1,200 homes. She is concerned about the choices the Town will make in the future for other developers. If the Town allows this developer to increase his proposed number of units by approximately one thousand, this sets a dangerous precedent for the consideration of future applications.

David Cashman of 103 Winterberry Circle in Smithfield, Virginia stated that he moved here from the Baltimore area. He and his wife love the area, mainly, because of the lack of density. He understands why people would want to build homes here but there are many concerns that arise out of crime with large developments. In Eagle Harbor there is a lot of crime occurring in the apartments. There are beautiful homes right beside the apartments and a lot of crime bleeds out into them. The infrastructure of Smithfield and the surrounding area cannot support 1,200 homes. The initial application was for 250 homes and now the developer is asking for 1,200 homes. He stated that this bait and switch should be insulting to the Planning Commission. Roads, more businesses, and traffic lights will be a reality of the development, and if you increase the number of traffic lights, it will take you longer to get through Town. He asked the Planning Commission to consider that, if the development is approved, it will forever change the makeup of the area. He asked the Planning Commissioners to consider the volume of traffic that will inundate Main St. Mr. Cashman stated that if the development is approved, he will move out of the area. He is for progress but not without infrastructure in place. He had questions about how Nike Park Road would be widened at the bridge and the future of the new pedestrian trail bridge. Rescue also has bridges. He explained that he could hear traffic on Battery Park Road and Nike Park Road as he left for work early in the morning. It was substantial. He could not imagine what it would be like when the COVID restrictions are lifted and people go back to work instead of working from home. He asked the Planning Commission to be responsible when making decisions about the development in regard to property values and secure communities.

Jeffrey Scheiman resides at 11273 Magnolia Place in Gatling Pointe. He agreed with all of the other speakers regarding the proposed Mallory Scott Farm development. He explained that he has had to sit at the Battery Park Road and Nike Park Road traffic light for three traffic signals before he could make the turn. He is not opposed to development but would like it to be reasonable. He stated that 400 homes might be reasonable; but 1,200 is unreasonable. There was a meeting in January that was held outside with approximately forty people from Gatling Pointe who are opposed to the proposed development and all have similar concerns. When he purchased his first home in Newport News, there were a dozen stoplights between his home and his work. By the time he left, there were over two dozen stoplights. He stated that more stoplights would be needed if the proposed development were approved. He indicated that he understood the necessity of growth, but thought that this was too much growth all at once.

There were no other public comments.

Planning Commission Comments:

Chairman Pack explained to the public that the Planning Commission met with Napolitano Homes last Thursday in a pre-application meeting. The developer shared some of the revisions to the proposed development. The plans have not been submitted but Chairman Pack wanted to make the public aware that the Mallory Scott Farm development will be coming back to the Planning Commission as early as April or possibly May. It is not expected to reappear on the agenda in March. He advised everyone to look for the posted agenda at that time. The developer listened to comments and made changes. New plans will be presented in April or May. No decisions have been made one way or the other on the development at this point.

Entrance Corridor Overlay (ECO) Design Review Application – 1607-1613 & 1619-1623 Wilson Road, c/o Herb Stelter, applicant:

The Community Development & Planning Director reported that the applicant is seeking approval to install a six foot (6') tall white vinyl fence along the side boundary lines of all seven (7) properties in question. As they are "end" units, 1607, 1613 & 1623 Wilson Rd will only be getting a new fence on their interior boundary lines. The existing non-conforming sections of fencing and other accessory buildings and structures located behind the properties in question that encroach into the common element (Lot 14, Wilson Rd, TPIN 21A-45-14) are to remain undisturbed by this project. Since the townhomes are within 500 feet of South Church Street, and the proposed development activity is not a small-scale single-family detached residential development activity, the application had to come before the Planning Commission for ECO Design Review. Town staff recommended approval as submitted.

The applicant was not present to speak on his application.

Mrs. Hillegass made a motion to approve the application as submitted since it was pretty straightforward. Mr. Swecker seconded the motion. Chairman Pack called for the vote since there were no other questions regarding the application.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Raynard Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Discussion Item – Invitation to Comment – 19514 Casper Circle, c/o Tower Engineering Professionals, Inc. Attn: Ryan Malek:

Mr. Settle reported that on Thursday, January 28th, 2021, Town staff received a letter from Ryan Malek, of Tower Engineering Professionals, Inc. The property is outside of the Town of Smithfield limits. The letter concerns the proposed increase in height of the existing cellular base station tower at 19514 Casper Circle (TPIN 32-01-102) from 148 feet to 168 feet. Specifically, the letter requests comments from the Planning Commission (pursuant to the applicable federal laws, rules, and regulations noted in the letter) in response to the proposed project with the following questions in mind:

- (1) Do any historic properties exist within the vicinity of the proposed project?
- (2) If so, does the proposed project cause an adverse effect to such properties?

The tower, which is located well outside of the Town's corporate limits, is visible from positions within the Town. However, the nearest cultural and/or historic resource within the Town limits, the circa. 1848 Edwards house at 13453 Benn's Church Blvd (TPIN 32-01-096A1), does not appear to be adversely impacted by the proposed project. Town staff have enclosed a photograph in the packet of the existing Tower taken from a position located behind the Tractor Supply Company at 13500 Benn's Church Blvd. (TPIN 32-01-005A), which is located one-quarter (1/4) of a mile closer to the tower than the Edwards house. It is the opinion of Town staff that a twenty-foot (20') extension in the tower's height will not adversely impact the cultural and/or historic significance of the Edwards house or any other cultural and/or historic resource in the Town. Town staff encourages the Planning Commission to discuss the potential adverse impacts, if any, of the proposed project on any of the Town's cultural and/or historic resources. All comments generated on the proposed project will be conveyed to Mr. Malek in writing.

Mrs. Hillegass asked if the applicant had received comments from St. Luke's Church. He asked if the church is aware of the request.

Mr. Settle stated that the Town of Smithfield is not aware if the applicant had received any comments from the church. Mr. Settle stated that he imagined the project would have a much greater impact on that area's resources than any within Smithfield.

Dr. Pope stated that he could not imagine that twenty additional feet would make much difference on a tower that tall.

Mrs. Hillegass agreed with Dr. Pope.

Vice Chairman Bryan agreed but felt that there should be consideration for those historic buildings.

Chairman Pack asked if the Isle of Wight County Planning Commission would review the application.

Mr. Settle stated that he believes that portion of the county is within a beautification district so the Isle of Wight County Planning Commission should have received the letter as well.

For clarification, Mr. Settle asked if he could send Mr. Malek a copy of the discussion item stating that the Planning Commission reached a general consensus consistent with staff's findings in the staff report for the height adjustment of the tower.

Chairman Pack stated that would be fine. The Planning Commissioners agreed.

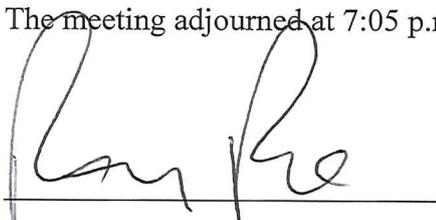
Approval of the Tuesday, January 12th, 2021 Meeting Minutes.

The Town Attorney recommended the minutes be approved as submitted.

Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Mr. Raynard Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack abstained. There was one abstention. The motion passed.

The meeting adjourned at 7:05 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle – Community
Development & Planning Director