

The Smithfield Planning Commission held its regular meeting on Tuesday, October 13th, 2020 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
Lilton Marks

Staff members present:

John Settle – Community Development & Planning Director
William H. Riddick, III – Town Attorney
Tammie Clary - Planner

There were approximately seventy-eight (78) citizens present. The media was represented by Mr. Nate Delesline of the Smithfield Times. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

Community Development & Planning Director's Report:

Mr. John Settle stated that there was nothing new to report.

Upcoming Meetings and Activities:

Tuesday, October 20th, 6:30 PM – Board of Historic & Architectural Review Meeting
Monday, October 26th, 3:00 PM – Town Council Committee Meetings
Tuesday, October 27th, 3:00 PM – Town Council Committee Meetings
Tuesday, November 3rd, 6:30 PM – Town Council Meeting
Tuesday, November 10th, 6:30 PM – Planning Commission Meeting

Public Comments:

The public is 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.

There were no public comments.

Planning Commission Comments:

There were no Planning Commission comments.

Public Hearing: Special Use Permit (SUP) Application – 348-354 Main Street, c/o Ed Bowman, applicant:

The Community Development and Planning Director reported that the applicant purchased the subject property in 2016 and has been gradually repairing the building since that time. The applicant's initial intentions entailed the continuation of the building's use as a multifamily residential building of four for-lease units. However, in recent months, the applicant has decided to convert the two ground floor units into two for-lease commercial units. The two for-lease residential units on the second floor would continue to function accordingly. Because the property is presently utilized as a multifamily residential structure, the conversion of the building's principal use to the (typically) by-right uses outlined in Smithfield Zoning Ordinance (SZO) Section 3.H.B

requires a special use permit pursuant to SZO Section 3.H.C & 3.H.H.1. It is important to note that because neither the building nor the lot exceed ten-thousand square feet in area, and because the building does not exceed a floor area ratio of two, there is no minimum requirement for off-street parking spaces at this property, pursuant to SZO Section 3.H.H.5.a. However, the applicant is proposing the continued use and upkeep of an existing gravel parking lot of four parking spaces located behind the primary building. Town staff recommended that the Planning Commission report favorably on this application to the Town Council under the condition that any comments generated on this application by the Public Works & Utilities Department be resolved prior to Town staff's issuance of a zoning permit.

Chairman Pack opened the public hearing. With no comments from the public, the public hearing was closed.

The applicant, Mr. Ed Bowman of 3715 E Belt Blvd, Richmond, VA 23234, was available for questions from the Planning Commissioners.

Mrs. Hillegass asked if there was any preferred business interest in mind for the property. Mr. Bowman explained that he would prefer to have small office space rentals for the property such as lawyers or accountants. Zoning allows for any commercial use.

Mr. Swecker made a motion to recommend approval of the application to the Town Council with the staff recommended condition. Dr. Pope seconded the motion. Chairman Pack called for the vote.

The staff recommended condition was any comments generated on this application by the Public Works & Utilities Department be resolved prior to Town staff's issuance of a zoning permit.

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, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Site/Subdivision/Utility Plan & Preliminary Plat Amendment Application – Lot 4, Cypress Creek Pkwy. Land Planning Solutions, Inc., c/o Tim Culpepper, applicant:

The Community Development & Planning Director reported that at its Tuesday, October 8th, 2019 meeting, the Planning Commission approved the applicant's site/subdivision/utility plan and preliminary plat applications, which entailed the subdivision of the approximately seventy-six (76) acre property into 152 parcels dedicated to single-family detached residential uses, ninety-one (91) of which are to be age-restricted. This development will be privately-regulated, with all commonly-held assets maintained by a homeowners' association. Amenities include multiuse paths, overlooks, private travel ways, a fitness center, a swimming pool, stormwater retention, landscaping, and approximately thirty (30) acres of common open space. The proposed development would be accessed via a single entrance on Cypress Creek Pkwy and may be accessed by water via Cypress Creek. The plans indicate that a gravel trailer and recreational vehicle parking lot is proposed in the area immediately northeast of lots ninety-nine (99) through 101. The applicants are aware that in order to proceed with the construction of this parking lot, an SUP will be needed pursuant to SZO Sections 3.C.C.21 & 3.C.C.26 for "storage lots for recreational vehicles" and a "waiver of parking and loading requirements [for the use of gravel]," respectively. The applicants intend to apply for an SUP at a later date. The applicant now seeks an amendment

to their site/subdivision/utility plan and preliminary plat approval from the Tuesday, October 8th, 2019 meeting, specifically to accommodate the following changes to their plans:

- (a) The shifting of the side lot lines for the proposed lots nine (9) through fourteen (14) and forty-four (44) through sixty-one (61) to accommodate a slightly wider housing product than what was initially anticipated.
- (b) As a result of item “a” above, the total amount of open space enjoyed by this development has been decreased by 0.06 acres, leaving 22.19 acres of open space, which is in excess of the minimum required acreage of open space for this development (15.19 acres).
- (c) Also, as a result of item “a” above, there have been slight adjustments to the development’s water, wastewater, and stormwater infrastructure.
- (d) Finally, to further compliance with item eleven of the applicant’s approved revised proffers statement from 2017 (visible on page C001 of the attached plans), the applicants have shown both potential configurations of the lots’ setbacks on both the “cottage” and “manor” sections of the development.

Town staff recommended approval under the condition that the applicants remedy all comments (if any) from the Town’s Public Works & Utilities Department, the Isle of Wight County Stormwater Division, and/or the Virginia Department of Transportation. Mr. Settle stated that he had heard from VDOT on October 9th, 2020. They had no comments on the application.

Mr. Culpepper, the applicant, stated that the revisions being requested are the result of some design changes. There was a storm drain outfall where the original design was in an area that would impact some wetlands. There were field delineations done of the wetlands post-design and they shifted the storm drain northward to avoid those impacts. It resulted in some of the lot lines shifting. They are minor changes. Density did not change or the overall plans. He was available for questions.

Dr. Pope confirmed with the applicant that they are minor changes. The applicant stated there are no changes in the side yard setbacks as agreed to early in the process.

Mrs. Hillegass asked if the HOA was aware of the changes. Mr. Culpepper stated that he has had ongoing dialogue with the HOA throughout the process. The road alignment is the same and the total number of units are the same. They are minor changes- intended to accommodate the shifting of the lot lines over a couple of feet.

Mrs. Hillegass made a motion to approve the application as submitted with recommendations by staff. Mr. Swecker seconded the motion. With no further discussion, Chairman Pack called for the vote.

Staff recommended conditions included that the applicants remedy all comments (if any) from the Town’s Public Works & Utilities Department, the Isle of Wight County Stormwater Division, and/or the Virginia Department of Transportation..

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, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: Official Zoning Map Amendment, Comprehensive Plan Amendment, Zoning Ordinance Text Amendment, SUPs & Planning Commission Waiver Applications – 19474 & 19502 Battery Park Road, c/o Vincent Napolitano, applicant:

The Community Development & Planning Director reported that at its Tuesday, August 1st, 2006 meeting, the applicant received an approval from the Town Council for a conditional official zoning map amendment (this is often referred to as a “rezoning”) to alter the zoning classification of six properties (TPINs 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-03-001 & 22-03-002) from Community Conservation (CC) to Neighborhood Residential (NR). This approval was intended to facilitate the construction of 265 single-family dwellings, but the permitting process was never initiated beyond the conditional rezoning approval (see Enclosure 1). The applicant now proposes to construct 410 single-family dwellings, 224 attached residential (“townhome”) dwellings, 144 two-family (“duplex”) units, 218 multifamily dwelling units in the form of “quadplexes”, and 110 multifamily dwelling units in the form of multistory “tenplexes”. All 1,106 proposed dwelling units are to be for sale. The proposed development will not be age-restricted and will be privately-regulated and maintained by an owners’ association. Amenities include onsite parking, pedestrian and bicycle paths, sidewalks, private streets, public streets, private travel ways, two clubhouses, two swimming pools, pump stations, stormwater retention, landscaping, public water and sewer, existing roadway infrastructure improvements, and approximately 105.3 acres of open space in the form of parks, pet stations, playgrounds, preserved environmentally-sensitive areas, and a community pier on Moone Creek, complete with a kayak and canoe storage facility and launch. The proposed development is to be accessed via six entrances on Battery Park Rd (three of which currently exist), and one entrance on Nike Park Rd. A reservation is made for a seventh entrance on Battery Park Rd. Much of the property fronts on Moone Creek and Town Farm Creek. In order to permit the development in the configuration proposed by the applicants, a total of six development applications were necessary. They are listed and described below:

Conditional Official Zoning Map Amendment (Rezoning): The desired uses for the property would be classified as “cluster residential subdivisions”, “multiple family residential dwellings (with no more than three unrelated occupants per dwelling unit)”, “single-family attached dwellings, subject to attached residential district regulations”, “two-family dwellings, subject to attached residential district regulations”, and “private community facilities, recreation areas, parking lots for recreational vehicles, and other common area improvements normally associated with multifamily residential developments (other than those requiring special use permits).” The only zoning districts in which all of these uses are permissible are the Multifamily Residential (MFR) and Suburban Residential (SR) districts, pursuant to Smithfield Zoning Ordinance (SZO) Sections 3.C.C.3, 3.F.B.1, 3.F.B.2, 3.F.B.3 & 3.F.B.5. Because the property is currently zoned Environmental Conservation (EC), CC, and NR, and because the proposed development involves new property and conditions that far exceed those that were approved in 2006, it became apparent that a new rezoning application would be necessary. The applicant proposes no change in zoning classification to the portions of the property currently-zoned EC.

Comprehensive Plan Amendment (Future Land Use Map Amendment): The most essential Town publication to consult during the rezoning process is the Town’s Comprehensive Plan,

specifically the Future Land Use Map (FLUM). The near entirety of the property in question is designated on the FLUM as remaining “low-density residential” in the future, which accommodates a portion of the property’s (TPINs 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-03-001 & 22-03-002) current zoning classification as NR. The remaining portions of the property (TPINs 22-01-033, 23-01-008 & 23-01-008A) which are currently zoned CC, if rezoned in accordance with the FLUM, would have to be rezoned NR. Consequently, the proposed rezoning is in conflict with the FLUM, and a Comprehensive Plan amendment is necessary. The applicant proposes no change in the FLUM’s current classification of the portions of the property designated as future “environmental conservation”.

SZO Text Amendment: The applicant has proposed a diverse array of active recreational areas for the proposed development, which would be enjoyed by owners and occupants in both the MFR and SR portions of the same. Because many of these areas fall within the MFR portion of the proposed development, they become subject to the provisions of SZO Section 3.F.G.3, which states that only owners and occupants within the MFR portion of the proposed development may enjoy the active recreational areas located therein. In order to allow owners and occupants in the SR portion of the proposed development to enjoy the active recreational areas in the MFR portion of the proposed development, the applicant has submitted a text amendment application which proposes to amend SZO Section 3.F.G.3 in the following manner: *Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the ~~MFR~~ development . . .*

1st Special Use Permit (Parking & Loading Waiver): The general development plan submitted for the rezoning of the property features no recreational vehicle (RV) parking pursuant to SZO Section 3.F.I.2.B, which states: *Separate parking spaces shall be allocated and reserved for recreational vehicle parking on the basis of one RV parking space per six dwelling units . . .* The applicant has chosen not to accommodate this standard in order to achieve the appropriate net developable acreage to necessitate 696 dwelling units in the proposed MFR-zoned portion of the development. According to the applicant, this density is necessary to facilitate the desired “affordable housing” price point of \$150,000 to \$175,000 for the proposed “tenplex” units. Additionally, it is the applicant’s opinion that an RV parking lot would detract from the community’s character. This has necessitated an application for a Special Use Permit (SUP) for a waiver of parking and loading requirements pursuant to SZO Section 3.F.C.23.

2nd Special Use Permit (Suburban Residential Cluster Subdivision): The applicant is seeking an additional SUP for the aforementioned “cluster residential subdivisions” use, pursuant to SZO Section 3.C.C.3. This would apply solely to the proposed SR-zoned portions of the property, and allows for reduced yard areas, greater density, etc.

Planning Commission Waiver (Open Space): Finally, because the applicant has chosen to accommodate the SZO’s open space standards in both proposed zoning districts through the use of a collection of parcels located throughout the proposed development instead of a single, contiguous piece of property pursuant to SZO Sections 3.C.G.4 & 3.F.G.5, an open space waiver is sought by the applicant pursuant to the same SZO Sections. This particular component of the

applicant's applications is subject to the review and decision of the Planning Commission, which should be contingent on the approval of the applicant's other applications by the Town Council.

This application has resulted in requests for comments from several agencies and entities outside of the Smithfield Community Development & Planning Department. At its Tuesday, September 8th, 2020 meeting, the Planning Commission reached a favorable consensus on the applications' return for a public hearing at the next regularly-scheduled Planning Commission meeting, but requested that the following items be addressed prior to and in preparation for the meeting:

- (a) The applicant should consider incorporating a bike path crossing of Nike Park Rd into their general development plan that would connect the existing segment of the Park-to-Park Trail to the proposed bike path running parallel with and along the east side of Battery Park Rd in the area of the proposed development located north of Nike Park Rd.
- (b) The applicant should consider incorporating dwelling units into the proposed development that would be offered for sale at a price point more accommodating towards the affordable or workforce housing markets.
- (c) The applicant should resolve the conflicting language in their submittal concerning the maintenance responsibility of the proposed development's stormwater infrastructure. Specifically, this conflicting language is located in item 4.a of the applicant's proposed proffers statement, and paragraph five of page ten of their development narrative.
- (d) The applicant should consider incorporating some of the recreational vehicle parking required in SZO Section 3.F.I.2.B into their general development plan.
- (e) The applicant should consider incorporating language into their submittal that would regulate piers in the proposed development in a manner similar to what was approved in their conditional rezoning application from 2006. Additionally, language should be incorporated into their submittal regulating the use of motorboats in the development in a manner consistent with the conversations that were had with the applicant in 2005 and 2006.
- (f) The applicant should consider incorporating a connecting street into their general development plan that would join the proposed cul-de-sac located immediately north of Lot 12A, Battery Park Rd (TPIN 22-01-012A) with Battery Park Rd.
- (g) Town staff must consult with the Public Works & Utilities Department and the Virginia Department of Transportation to ascertain whether or not item seven of the applicant's proposed proffers statement would sufficiently accommodate the widening of both Battery Park Rd and Nike Park Rd to five lines, and that such roadway improvements would

not warrant the future reconfiguration of the applicants' proposed traffic circle at the intersection of both roads.

- (h) Town staff must seek confirmation from Isle of Wight County Schools that their comments on the application took other and future developments elsewhere in the County into consideration.
- (i) Town staff must restructure their staff report so that each of the applicants' applications are clearly enumerated.
- (j) Town staff must diligently endeavor to acquire the remaining reviewing agencies' comments on the proposed development so that they may be received and reviewed by the Planning Commission in time for its next regularly-scheduled meeting.

Items "a" through "f" above are addressed in the applicant's Friday, September 25th, 2020 amendment to their application (see Enclosure 12). Items "g" through "j" were addressed by Town staff. (see Enclosure 10 & 11) The applicant submitted an additional amendment to their application on Friday, October 9th, 2020. We have received a significantly high volume of comments in writing on the application. They were distributed digitally prior to the meeting and with hard copies. Any comments received after 5:00 p.m. today will be circulated to the Planning Commission as standard protocol. Several components of this application can be viewed in the pages immediately succeeding the staff report. Pursuant to SZO Section 4.E.4, the Planning Commission has until Thursday, December 17th, 2020 to decide on this application before it is automatically forwarded to the Town Council with a recommendation for approval.

The applicant, Mr. Napolitano of 1492 S. Independence Blvd. Virginia Beach, Virginia, stated that Melissa Venable and Whitney Saunders would speak on other aspects of the application. Mr. Tuck Bowie with the Terry Peterson Company is partner to the application. He explained that Napolitano Homes has been doing business in the Hampton Roads area for over forty-three years. Mr. Napolitano addressed the questions that the Planning Commission requested at the September meeting. Item A addressed the bike path crossing at Nike Park Road at the traffic circle. Ms. Venable plans to present that later in the meeting. Item B asked the applicant to address work force housing. Mr. Napolitano explained that they have gone back and looked at the pricing. The tenplexes could be priced starting in the \$150,000.00 to \$175,000.00 range which were the price points recommended. Single family homes would be in the \$300,000.00 range with improvements to the proposed products available to the prospective buyers, which would impact pricing. Language in the application concerning maintenance has been corrected as Item C suggested. Item D addressed recreational vehicle storage. He has looked at it and there is no space to do it. If they add it in, they would lose affordability for work force housing. He stated that there are places in Town for that type of storage. Item E was concerning regulating private piers. There will be a kayak pier and kayak storage. If a landowner wishes to pursue a pier, they would have to go through the proper process to secure a pier. Item F has been addressed with a connection with Lot 12A and added to the plan. Item G required Town staff to check with VDOT and Public Works to determine if the traffic circle would be wide enough to accommodate the future road expansion of Nike Park Road and Battery Park Road. Mr. Napolitano was able to make some adjustments; but the traffic circle will accommodate future expansion. He explained that he has been using the

Nextdoor App to answer questions and clarify concerns, and has met with several surrounding communities such as Gatling Pointe, Gatling Pointe South, Wellington, Greenbrier Street, The Villas, Smithfield 2020, and the Kiwanis Club. Gatling Pointe recorded the meeting to share with residents. It has been shared a lot. He stated that they were able to answer the questions and address their concerns. He believes they have done an extensive outreach to the community. He explained that there would be 1,106 homes. At first glance, it is a lot. However, when broken down over the next ten, fifteen, or twenty years to fully develop the property it is only a growth rate of 1.4% or less. It is a reasonable growth rate for any county, city, or town. He explained that they are offering a master plan with a lot of amenities, open space, and road improvements. If smaller developments were approved by various developers, the Town would not get the road improvements, open space, landscaping or other amenities that come with a master plan community. More often than not, the smaller developments would be developed at even higher densities than what he is proposing. A master plan community also gives continuity of the community. Some citizens expressed concerns about apartments which are not included in the plan. Condominiums are controlled and managed and do not depreciate. Others were concerned about changing the zoning in ten years. He assured everyone that he had no intentions of doing that since it would require going through the entire process again. Citizens expressed concerns over four people per home. Mr. Napolitano explained that in the case of quadplexes 98% only have two people living there. There will be no Section 8 or subsidized housing. Others have asked about workforce affordable housing- affordable housing is being offered as the Planning Commission suggested. Mr. Napolitano stated that he believes they are presenting a community that will complement the surrounding communities in Smithfield and a community where people can raise their families in a well maintained, safe environment with a true sense of home. He asked for an opportunity for rebuttal after public comments. He thanked the Planning Commission for their time and asked for their support.

Melissa Venable of Land Planning Solutions explained that for the rezoning they were asking for several special use permits and amendments. The reason for those is due to the Comprehensive Plan which is to create a master plan with a mix of styles that include more affordable home sites, additional housing lifestyles, and high quality designs that require modifications to the ordinance. The Comprehensive Plan calls for the site to be a growth area. There are sensitive environmental areas which need to be preserved. Appropriately sized public utilities are needed including improvements to Battery Park Road. There will be buffering of the development from Battery Park Road. The Town does not have a planned unit development ordinance which is why the developer needs to ask for simple modifications to the language or special use permits to be granted along with the rezoning. The text amendment will help the developer to include the Scott Farm which was brought into the Town in 2019. The Comprehensive Plan must be updated to reflect a single long-term plan. The cluster subdivision request allows the developer to increase the amount of open space required within the single family zoning. Lots would be smaller than normal single family zoning allows. It is not a request to increase density. The plan includes a 125 foot buffer to all wetland areas and marsh running adjacent to Moone Creek. A modification to the plan was made to create a single access point to Moone Creek for a kayak launch to be enjoyed by the neighborhood. The open space waiver allows the developer to preserve the sensitive areas throughout the project but also allows them to create pocket parks and

screen areas within each phase of the community. The cluster subdivision request warrants non-contiguous open space. It would not allow the developer to preserve open space on both sides of Battery Park Road since it breaks the continuity of the development. The future land use amendment request is needed to bring the Scott Farm portion of the property into the land use map. Due to the nature of the master plan development and the age of the zoning ordinance, the developer is asking for text amendments to the code that refer to the pool, clubhouse, and other site amenities. These amenities will be used by all residents. The rezoning would accommodate the master plan community and includes several different housing styles. The project cannot move forward without adequate public sewer and water. The plan proposes millions of dollars of improvements including water line and forced main upgrades both on and off site. There will be four pump stations. It is anticipated that an estimated three and a half million dollars will be spent for improvements to Battery Park Road, Nike Park Road, and other intersections. Those intersections include Titus Creek Drive/Reynolds Drive and Battery Park Road/S Church Street including a light and turning movement which would help stacking cars move through more efficiently. Ms. Venable stated that everyone is aware that traffic and utilities are a concern for the Town and its citizens. She explained that if the rezoning is approved it can only move forward if the appropriate systems and designs are approved to accommodate existing homeowners and handle the growth for all proposed development for the next twenty years. The developer has proffered a study at the entrance to Wellington Estates and the entrance of Phase 1 & 2 that will create a four-way intersection along Battery Park Road. Once the first two phases are completed, the developer proffered a traffic signal warrant analysis which would be required by VDOT to establish if a traffic light is needed. The future expansion of Battery Park Road has been discussed since 2006 in the Town's Comprehensive Plan. The offsite acceleration and deceleration turn lanes that will be built with the project and the additional 25 feet of land set aside where the property is adjacent to Battery Park Road will begin to move the Town toward their ultimate goal of a four lane roadway. The proposed traffic circle would be built to accommodate the future four lane Battery Park Road and designed to VDOT standards. The developer has added future extensions of the bike path. The path would cross the southside of Nike Park Road and run within the right-of-way north along Battery Park Road. They would build the future bike path south of the traffic circle up to Gatling Pointe. Isle of Wight County has created an action plan for schools. They are working on planning and funding the new Hardy Elementary School and Westside Elementary School. Funding has been set aside for the design and build of the schools. They will be in place long before Mallory/Scott Farm has been built out.

Mr. Whitney Saunders, an attorney with Saunders and Ojeda, P.C. in Suffolk, Virginia, stated that he would be speaking on the proffers accompanying the application. He explained that he would also discuss the fiscal impact study. The proffers have been created as a result of the meetings the developer has had with stakeholders in the community, HOAs and organized groups within the community. A number of the proffers came directly from the meetings. Important points about the proffers include:

- 1.) The developer has agreed to establish a Homeowners Association and to use professional management to ensure that the HOA is successful. The HOA would ensure that yards are neat and tidy, community amenities are well maintained, and establish

- neighborhood guidelines for everyone to follow. The HOA would maintain the BMPs within the community which include settlement ponds and storage areas for stormwater. It is important that there is a central source of responsibility for them. Amenities include two community clubhouses and pools associated with the clubhouses, landscaped entrances along Nike Park Road and Battery Park Road. All will have monuments, tree plantings, and signages. The median areas coming into the community, paths, and pocket parks will be maintained also by the HOA.
- 2.) There will be a 5 foot berm and landscaped area that will be 60 feet wide on the front of each road for every foot of the roadway. Berms are established at each phase going into development. Travelers will see ongoing development but the berm will hide it from the roadway. It will be attractive. The developer will also establish a 25 foot area along the roadways for dedication for the future improvements of the roadways.
 - 3.) The developer has already dedicated 12% of the cost of the water tower. He has also given three acres of land where the water tower currently sits to the Town for its use.
 - 4.) As a result of the meetings and concerns about the entrance to Wellington Estates, it would be helpful to have an analysis completed of the use of the intersection to determine whether a signal would be needed. This would happen after Phase 1 & 2 are completed. No one can put a signal there without VDOT's approval.
 - 5.) There are twelve improvements included in the traffic study. They are all proffered to be completed. More than four million dollars is already dedicated for that purpose. It does not include any expense necessary for purchase of any additional right-of-way which is offsite.
 - 6.) Another concern from citizens is if this project is going to cost them anything monetarily. The fiscal impact statement states that over a period of twenty years the annual cashflow to the Town would be \$845,000.00. The annual cashflow for Isle of Wight County would be \$1,200,000.00. Cumulatively, over twenty years, the Town would amass \$15,800,000.00 and the county \$16,100,000.00. This is a net plus for the Town.

Mrs. Hillegass asked Mr. Saunders to clarify the proffer document regarding the 60 foot buffer. She asked if it would be a buffer or a berm. Mr. Saunders explained that there will be a series of places where there is an existing tree line along the frontage which will not be disturbed. The tree line will remain in place. Where there is not a tree line, a berm will be constructed. The berm would be within the 60 foot buffer. Mrs. Hillegass asked if the developer could plant a buffer instead of constructing a berm. Ms. Venable stated that it would be both. Where there are not trees to save then a 60 foot buffer would be in place that would be planted with trees. It would also include a berm so that it helps immediately with the visualization into the site. It would be both plantings as well as a 5 foot berm. Where they can save trees, they will save trees. Mrs. Hillegass asked why they would need a berm in those areas. Mr. Saunders stated that, in one of the meetings, there was concern about people having to see construction equipment where a field used to be. The berm was the answer to that issue. It is possible to not have a berm. However, it was the answer to concerns from citizens. The berm would then be planted.

Chairman Pack explained that everyone has heard the staff report. The applicant has given a presentation. Public comments are limited to five minutes per person. Twelve people have signed up to speak. The Town Attorney will time each speaker and let everyone know when one minute is remaining. After all public comments, the Planning Commission will allow the applicant to come back up and address any concerns raised during public comments. Chairman Pack opened the public hearing.

Mrs. Jennifer Viudez of 10101 Bolling Blvd. in Carrollton addressed the public attending the meeting. The Town Attorney explained that the Planning Commissioners should be addressed since they are the decision makers. Mrs. Viudez stated that she would be addressing her remarks to the room. She also recommended that temperatures be taken and cleaning take place. She stated that she was sacrificing her health to attend the meeting. She asked the Town Attorney if he was going to listen to her or look at his phone. The Town Attorney stated that he was timing her remarks.

Chairman Pack stated that he did not want confrontation between the Planning Commission and the public. Mrs. Viudez stated that she did not either. Chairman Pack explained that everyone is here for open discussion with everyone getting along. No one should be confrontational. It is important for everyone to stay focused on the task at hand. Mrs. Viudez explained that she appreciates the Planning Commission hearing her since she is a Carrollton resident not a Town of Smithfield resident. She spends tons of money in the Town and she appreciates the Planning Commission hearing her comments. She stated that she did not intend to be confrontational.

Mrs. Viudez explained that she and her husband pick up litter regularly, donate to Windsor Castle Park, buy from local businesses, pay taxes, and contribute to Isle of Wight County. She has a deep passion for keeping the county small and growth limited. She believes the more people the more crime. Smithfield is a quaint Town where people wave and know one another. It will be taken away with more developments in the county. She hoped that the Planning Commissioners were following the social media comments. People do not want to see more development. They do not want job creation or tax revenue. People want the beautiful cotton fields that stretch as far as the eye can see. They do not want parking lots and strip malls with failed businesses. They want the trees and the country feel and not a higher crime rate. Mrs. Viudez stated that she is educating herself and trying to educate others. She would like to have valued input in meetings such as the Planning Commission meetings. She is doing the best she can to curb the housing developments. She encouraged everyone attending the meeting to voice their opinions. She stated that if the Planning Commission wanted to keep the county small, clean, with low crime, and support the current local businesses to please stop development.

Mr. Antonio Viudez of 10101 Bolling Blvd. in Carrollton, Virginia. He stated that the development would be taking 497 acres where 83% will be built with different types of homes. There will be 410 single family homes, 144 duplex homes, 224 townhomes, 218 fourplex units buildings, and 110 tenplex units for a total of 1,106 dwelling units. There are other projects scheduled such as Bennis Grant with 776 units, St. Luke's Village with 179 units, Brewers Station with 261 units, another will have 350 homes, and many others for a total of 3,085 homes. The population will increase rapidly with so many developments.

Ms. Kelly Hengler lives at 9345 Eclipse Drive in Eclipse, Virginia. She is a veteran and healthcare provider. She asked where the hospital was in Isle of Wight County. She stated that the Route 17 corridor is not on any priority list. She appreciates Mr. Napolitano's work. It is quality. However, she appreciates the Comprehensive Plan for the Town of Smithfield. It was clear about the fact that the land around here does not perk. The original plan had 265 houses. The Town told the developer that they needed to come back with services. She stated that a hospital is needed. She stated that no one wants to see 1,106 homes. She feels that the number of houses with no hospital and a 33% increase in population will make the Town politically and legislatively almost diminished by everything being brought in. HOAs are required for cluster subdivisions. It was not a cluster subdivision in 2003 when it was presented. It was a piece of legislation that came in 2006. Requisite with that, there have to be planned recreation areas. Many people had to give up their property for the bike trail. It took the project from \$2,000,000.00 to \$10,800,000.00 because the property owners went to court. She asked where the police department and other services would be in ten years' time. She stated that the Town and the county are mandated to have cluster subdivisions over a certain population which the Town does not have. Cluster subdivisions are an absolute nightmare. She asked the Planning Commission to please look at the law. The Town does not have a hospital or the police force needed. The 125' buffer and wetlands are required by the Chesapeake Bay Preservation Act. It is not conservation of land. The cluster subdivision statute is at the discretion of the locality. She thanked the Planning Commission for their time and asked again about a hospital.

Mr. Scott Schwegel resides at 18501 Battery Park Road in Carrollton, Virginia. He stated that he was speaking on behalf of his parents in-law George and Blanche Bradley pertaining to the property of 18489 & 18501 Battery Park Road. The entrance to Wellington estates is next to his father-in-law's shop on Battery Park Road. He explained that they were told that there is a requirement for two entrances and exits from the developments. The plan is to put the second entrance and exit directly between the properties owned by Mr. and Mrs. Bradley. Mr. Schwegel stated that he found out there is no such requirement. Wellington and Gatling Pointe only have one entrance. He believes his mother-in-law has been led to the wrong conclusion by the developers. He also stated that the two entrances will only be separated by 200' of land. The entrance at Wellington Estates is more than adequate to handle traffic for Phase 1 of the development. His major concern is the development plan of Battery Park Road into a four lane road and the possible addition of a traffic lane at Wellington Estates and the traffic lane at the new development. He believes if a light is put in there is no use to have a 50' second entrance which would be unusable. He stated that he believes more consideration should be given to entrances and exits for the development. He stated that these issues have not been resolved with homeowners. His father-in-law's property would be bounded by two entrances/exits, leaving him with no means of accessing his property. It effectively isolates his property.

Mr. Michael Jahncke lives at 48 Faye Drive in Smithfield, Virginia. Mr. Jahncke stated that he lives across the marsh from the proposed development. He remembers when the development was originally proposed. 1,106 homes are a huge increase and could mean 2,000 to 2,500 cars every day with people travelling to and from work. He stated that it would create huge traffic jams and concerns. He is also concerned about the health of the fragile marsh. The density

proposed is not appropriate for the marsh and creek. In 2005, individual docks were not approved. The creek cannot support piers and motorboats. It will damage the environment including the aquatic species from lights and runoff of pesticides and fertilizers on lawns through impervious cement and asphalt surfaces associated with so many homes and buildings. He was concerned about the lights from the backyards from 1,106 homes impacting the property values of property owners across the creek from the project. He explained that there is also an eagle's nest along the marsh on the property. The lights and noise will not be good for them. In order to protect the marsh, the wildlife, and the homeowners on the other side of the marsh he suggested that there be one home per acre on property that directly touches the buffer zone and marsh instead of 2.85 homes per acre. These homes could be set back an additional 100' from the 125' buffer as agreed back in 2005. He suggested that, if the development moves forward, it should be for the number of homes approved in 2005 and not 1,106 homes, with an allowance for reassessment later.

Ms. Virginia Soule, 104 Richmond in Church Square in Smithfield, stated that she loves Smithfield. She is worried about roads, schools, and a hospital. She asked for a timeline of improvements showing how long it would be before Battery Park Road and Nike Park Road would be made larger. Everyone will have to deal with traffic issues until they are widened. There will be added crime with such a large development. She agrees with Mr. Jahncke to allow what was approved in 2005. The new proposal is over 400% over what was approved in 2005.

Mr. Matthew Thomas, of 52 Faye Drive in Smithfield, stated that he opposes the expansion of the Mallory/Scott Farm development. He does not believe that uncontrolled growth is progress. The proposal to increase the housing units from 265 to 1,106 units is a massive increase. The fulfillment of which would likely increase the population of Smithfield from the current number of approximately 8,500 by 30% or more. A real increase of 2,500 people would be assuming a modest figure of less than 2.5 people per housing unit which could increase the population by 50%. There are bald eagles nesting in the trees across the marsh from his house as well as the myriad of other wildlife that the marsh supports. He fears that the developer will take advantage of laws that will let them cut down anything under six inches in diameter; therefore, getting rid of vegetation that is so important for preventing the erosion of the land surrounding the marsh. He opposes the increased light, noise, and chemical pollution that would be part of such a large development. There will be effects on the school system and EMS services. Both will likely be affected and may require a significant increase in their budgets. He stated that the developer would argue that the increased taxes generated by the new residents would offset any such budget increases. It may or may not be true and should be investigated. He opposes the increase in the number of homes because of traffic. The developer claims that the project would be a pedestrian friendly development due to significant walking paths and sidewalks. It is a disingenuous attempt to suggest that the residents of the proposed development will not need to clog up Battery Park Road and Nike Park Road because they will be walking around their neighborhood so much. All stores and restaurants will not be within walking distance of their homes nor public transportation to ferry them around the Town. They will drive causing thousands more car trips per day on two roads that are already notoriously busy during rush hour; especially for the intersection of Battery Park Road/Nike Park Road and Battery Park Road/John Rolfe/S. Church Street. He reminded everyone that another housing development has already been approved behind Royal Farms off of Battery

Park Road. He stated that he opposed the increase in housing units because the influx of traffic will affect the quality of life for everyone in Smithfield. There are too many houses in too small of an area. Dense urban housing does not work unless there is the proper infrastructure to support it which there is no access to and no one particularly wants it. He has no desire to see the Town turn into a series of packed developments and clogged roads. He asked the Planning Commission to act cautiously because once the decision is made it cannot be undone. He noted how Eagle Harbor should not serve as a role model for this development.

Ms. Rose Albino of 103 Clipper Creek Lane stated that she moved here twenty years ago from New York. She stated that greed motivates this type of development. She wants a safe environment for her family.

Mr. Bryan Cole resides at 321 Grandville Arch in Wellington Estates. He appreciates that the developer has dreams he wants to achieve. Mr. Cole explained that he has a dream also; for his family. He moved from Newport News to Smithfield so his family could feel safe. He loves the fresh air and quiet without traffic noises. He stated that Smithfield's roads are already crowded and without streetlights. He does not want to see construction and dump trucks for the next ten to fifteen years. He agrees that the original proposed development would be much better for Smithfield than 1,106 homes. He is also concerned about flooding in the Town. Extra drainage from the development could be problematic. He believes the project will depreciate the value of his home and neighborhood since townhomes are not good growth and will be directly across the street from the entrance. He stated that he is opposed to the proposed development.

Mr. Herb DeGroft lives at 15411 Mill Swamp Road, Smithfield, Virginia. He was a thirteen year member of the school board. He encouraged the Planning Commission to get Weldon Cooper to do an analysis of what the demographic impacts would be for the proposed development. The last census was in 2010. A new census is ongoing for 2020. The census states that there are .56 children per household in the United States. When Eagle Harbour and Founders Pointe were built in Carrollton people were concerned that there would be 350 to 400 students added to Carrollton Elementary but that did not happen. The school board transferred 118 students into the Windsor zone. Carrollton Elementary has still not reached capacity to this day. In fact, they did not reach 85% capacity until 2015 or 2016. People need to keep the numbers in perspective. He was not speaking for or against the project. He urged the Planning Commission to get reliable data to work from. The Isle of Wight County School Board currently pays approximately \$6,000.00 per student with local money. The rest is state and federal money which brings it to about \$10,500.00 per student per year. He believes Mr. Napolitano needs a proffer for \$6,000.00 per student which would come to about \$3.36 million dollars to support the educational system. He stated that it is important to look at all aspects of the development and to use all resources available.

Mr. Tom Goedkoop, 20508 Creekside Drive in Smithfield, Virginia, stated that he had attended a Zoom briefing that the Napolitano group gave to members of the Gatling Pointe HOA. He stated that there are gaps that he does not feel have been addressed properly with all of the currently approved projects in Isle of Wight County and the Town. He would like to know about a plan for police expansion, fire department expansion, EMS expansion, internet services, school projections, wear and tear on current roads with construction equipment, water and sewer infrastructure, and the impact on the water contract with Norfolk. He asked how to find the packet

information that the Planning Commission sees from the applicant so that everyone can see all of the details.

The Community Development & Planning Director, Mr. John Settle, explained that all materials involving the application is published on the Town of Smithfield website.

Mr. Bill Knapp of 1249 Windjammer Court in Gatling Pointe stated that he is not opposed to development or an advocate for development; but he is an advocate for reason. He explained that an HOA along with a management company would not be able to guarantee orderliness, logic, and appropriate development, distinguishing between good and bad management companies. It is an insult for the developer to say that it will. He explained also that berms and trees do not make the development more attractive. Infrastructure expansion will not catch up with residential development. He does not know anywhere in the country where that is true. Traffic needs to be dealt with smartly. He wants to hear reasonableness and not be insulted. He asked that this process slow down so that reasonable people could express reasonable points of view.

Ms. Shelley Zulick of 644 Westminster Reach in Wellington Estates explained that she is a nurse who commutes to work and the traffic is heavy. She feels this development is trying to turn Smithfield into Hampton or Virginia Beach. Smithfield is special. The citizens pay their taxes and she asked the Planning Commission to support the people opposed to this development. She explained that she believes most people would rather have an increase in taxes instead of development. Citizens do not want to turn Smithfield into Norfolk. Reasonable growth is okay. It should be done smartly. Adding 1,106 units is not smart growth. Ms. Zulick also stated that Smithfield needs to meet the needs of the community with quality of life.

Mr. Anthony Gorgone resides at 1002 Cypress Creek Parkway in Smithfield, Virginia. His concerns were for environmental impact, medical impact, and school overcrowding. He sees holes regarding traffic. Upgrading and widening Nike Park Road and Battery Park Road is great except that all traffic will be heading to Route 17. He asked where the plan was to upgrade Route 17 and the James River Bridge. They are only four lanes now and VDOT has to do those roadways. He asked how those services would be integrated so that proper expansion and a proper rate of expansion can take place. The HRBT will be expanding and all the traffic will head through the Monitor Merrimac tunnel. When it shut down for repaving, traffic was backed up at the James River Bridge for miles in each direction. He also asked what the plan was to grow the fire departments, EMS, and police. He has not seen any plan outlining what will be done. Internet providers need to be expanded as well. Building first without details figured out will only cause a problem later. He asked the Planning Commission to approve the original plan and to not allow the increase to 1,106 homes.

Mr. Jason Casteen lives at 307 Ridgeland Drive in Smithfield, Virginia. He moved here in 1998 and it is not the same town he came here for. Development needs to slow down until the infrastructure is in place. The last road improvement, according to VDOT, was in 1976 which was the Route 258 corridor. The area will be growing at a crazy rate within the next twenty years within a fifteen square mile area. Mr. Casteen was also concerned about crime. Church Square is a retirement community that has not built out yet. They are only around 56% complete. He asked why the Town would need another retirement community since Church Square has not built out yet. Church Square has been around for about fifteen years. He stated that traffic is the biggest

concern from citizens within the development. There will be 1,106 units coming to an area that is already a problem for traffic. All roadways in the area are at or beyond capacity.

Mr. Jim Stile lives at 100 Titus Court in Carrollton, Virginia. He stated that the traffic concerns are due to being surrounded by water. There are many choke points. He expressed concerns over people hauling trash and littering the roadways when items blow out. He believes the infrastructure should be in place before any development. When road construction starts and the infrastructure cannot support it, the cars will not slow down; they will just find a different way to go. It will be miserable. He explained that the Town needed to consider surrounding localities because it impacts more than Smithfield residents and Smithfield roadways.

Mr. Rick Gillerlain of 22501 Tally Ho Drive in Carrollton stated that he came tonight to listen. He explained that the developer says that VDOT has future plans but Isle of Wight is way down on the list of priorities. The development would bring another 3,000 cars on a road that is already overloaded. They say they will not impact schools but the development will impact schools. What if the developer offered a new school as a proffer? He appreciates that the developer needs to make money. He is going to create jobs but not for people in Smithfield. He will bring his own crew. He will bring construction vehicles that will tear up the roads; not improve them. He further explained that the Town's volunteer fire department is already overloaded. He believes that a fully paid fire department will become necessary. The police department will have to be trained and equipped with more officers. The county is where people move for a quieter way of life with less traffic. He indicated that tax revenue generated from the development would not exceed its overall cost to the Town for its services.

Mr. Steve Hayley lives on Titus Creek Lane in Poplar Harbour. He explained that Virginia changed the statutes on proffer collection. It was supposed to reflect the true cost of development. Some states use impact fees and others use flat fees. Virginia said that impact costs should be reflected in the proffers. Some things are tough to calculate such as impact on public safety and number of fire and police personnel. Some things are easy such as number of students and the cost of education per student. If a property generates \$3,000.00 in real estate revenue, 60% of that typically goes to the school system. He asked how the developer plans to meet the proffer requirement and their obligation. He suggested that cash proffers be conveyed through deeds of trust. He recommended tabling the decision and for the Planning Commission to get all of the answers first.

Mrs. Dana Mace lives 16900 Rivers Edge Trail off of Morgarts Beach Road in the county. She explained that she came to the meeting without an opinion about the development. After listening to everyone speak, she agrees that the infrastructure is not ready for the development. Internet is an issue for everyone. She is a city girl from Virginia Beach; but she had no idea that there were people in the world that live without internet or cell phone service. She believes in development; but everyone is here in Smithfield because they do not want that. They want to be away from that. If you do bring it then the Town needs a hospital. The closest hospital is too far away. She asked the Planning Commission to give the development careful consideration.

Chairman Pack asked if anyone else would like to speak for or against the development? Hearing none, the public hearing was closed.

The Planning Commission took a five minute recess until 9:06 p.m.

Chairman Pack called the meeting back to order. He thanked everyone for their polite public comments. The applicant, Mr. Napolitano, was invited to speak to the Planning Commission again following public comments.

Mr. Napolitano thanked the public for speaking at the meeting. He is a developer but he understands their passion. He explained that the plan has been in the works for ten years. He addressed and explained some of the concerns of the citizens:

Berms – The berm would be fully landscaped; not just a mound of dirt. The purpose of the berm is to hide the homes inside the community.

Ingress and Egress - He stated that when Gatling Pointe and Wellington Estates were built that one ingress and egress was okay; now it is not. He explained that if there was ever an accident at the entrance then the entire neighborhood is blocked off which is why a second entrance is needed. He has contacted the Bradley family about a possible land swap where the lane between the private homeowner and their shop is located. If the second entrance is needed, they could swap it so they can keep their driveway. He would like for them to be able to live the way they have been living. The project will have to have more than one point of access.

Town of Smithfield – Mr. Napolitano stated that people move here because Smithfield is a special place. He stated that other people want to move here also. There was a study done a couple of years ago which shows that there is a need for this type of development. They have worked with the county and the Town to come up with a plan that is the future of Smithfield. It is different than what is here right now.

Cluster Subdivisions - Cluster subdivisions are good because you use less of the land and can dedicate more to open space. He wants to preserve the natural spaces with the 100 foot buffer. He does not want to encroach there. He wants to preserve the environment.

Piers – Mr. Napolitano is happy to not have those in the project if that is what people want. He originally felt that some people may want the opportunity to have a pier if they live on one of the waterfront lots.

Proffers - Proffers can only be accepted if there is a need which is the law in Virginia. He has a letter from the school superintendent saying that the schools can accommodate the extra students; therefore, a proffer for schools cannot be accepted. The letter clearly states that it is not needed.

Infrastructure - Mr. Napolitano explained that infrastructure does follow development even if some present would disagree. VDOT will not improve roads for houses that are not here yet. Schools do not get built for students that are not here yet. Grocery stores do come to an area for homes that are not here yet.

Internet – Mr. Napolitano stated that he is in business to make money but could also lose money. He stated that if the project is successful that he would talk to Verizon about bringing FIOS into the area. Spectrum service is not as good as it could be. With a larger project, either company may be interested in supplying reliable service. He would be happy to help to try and fix the internet problem.

Runoff – He explained that runoff from the new community has to be maintained within that community. There will be some hard surfaces but everything has to be contained within the community and settled before it can go out into any waters. The problem with pollution in our waters is not new developments; it is old developments where runoff was not handled properly.

There are old developments all over Hampton Roads with the issue. No one did anything wrong; it was just how it was done back then. Now, developers know how to contain it.

HOAs – Mr. Napolitano stated that he deals with HOAs all the time. He could go back into the projects from ten years ago and they look better than they did originally because the landscaping has matured. He believes that HOAs work if there is a good Board and a good manager.

Home Values - Mr. Napolitano further explained that other communities have a multitude of housing types that are some of the most desirable places to live. The values in those communities have maintained or stayed high throughout.

Mr. Napolitano thanked everyone for their comments. He understands their feelings. He will go back and see if some adjustments can be made.

Mr. Saunders stated that a number of comments were made about fire and rescue services. It is included within the net gain of the fiscal impact study provided in the packet. The net gain was about \$3.00 for every \$1.00 spent. The net number includes expenses that the Town and Isle of Wight County have.

Chairman Pack asked for Planning Commission comments.

Dr. Pope stated that Bons Secours is currently looking at expanding in the Harborview area. He did not know any other details. As far as a hospital in Smithfield, it would be based on certificate of need. The Town and the county are in a nineteen-year contract with Charter signed around 2006/2007. Nothing can be done about that until the contract is up because no competitors can come in. Citizens should address that with Isle of Wight County. There is nothing the Planning Commission can do about it.

The Town Attorney explained that if another provider wanted to come to Smithfield nothing precludes them from doing that. It is just a matter of economics.

Dr. Pope stated that he does not see the purpose of the second entrance/exit around the Bradley home. He feels strongly that it is not needed.

Mr. Swecker stated that the development behind Royal Farms will add more traffic to Battery Park Road also. He is concerned that if the Mallory/Scott Farm development is approved that Battery Park Road and Nike Park Road will not support the traffic. The road upgrades should be done prior to starting the project. He suggested checking with VDOT on a timeframe for expansion of those roads.

Mrs. Hillegass stated that she does not think the Town could penalize the proposed development because of the development behind Royal Farms. Nothing has happened there yet and they were supposed to start immediately after approval. The project has not come to fruition yet.

Mr. Swecker asked why the project has increased so much with the number of housing units since the previous approval.

Dr. Pope stated that the developer has accumulated more land and the market has shifted in the last fifteen years. He explained that if the development is denied then Mr. Napolitano could sell the land to another developer. If another developer uses his net developable acreage, they could put in 1,896 units based on the maximum density the code allows.

Mr. Swecker stated that the Planning Commission has a right to deny any project that may go there.

Chairman Pack explained that one of the responsibilities that the Planning Commission has is to not necessarily stop growth but to grow the community responsibly with the right product. If the Planning Commission can find a developer to work with to bring responsible development to the community then he felt the Planning Commission would be remiss in not trying to work with them. Mr. Napolitano has been around for a long time. Everyone attending the meeting has said that 1,106 homes are too many. A decision does not have to be made until December 17th. There will be two more Planning Commission meetings in that time frame. Everyone has heard the public comments. The Planning Commissioners should talk to others and continue to do so to get opinions. A growth rate of 1.4% does not seem like very much; but 30% growth seems like a lot. There is a lot to figure out. It would be wise to take it all in, listen to citizens, and look at the Planning Commission's responsibility. He explained that the Planning Commissioners are all members of the Smithfield community.

Dr. Marks agreed that stepping back and looking into the details would be wise. His concerns are the two entrances and traffic issues. He would like to see what can be adjusted.

Chairman Pack asked if the Planning Commissioners would like to have a work session on the project. It would be a public meeting. A date will be scheduled and advertised.

The Community Development & Planning Director explained that the press would be notified. There would not be a public hearing; nor should action be taken. The public hearing has taken place at this meeting.

Vice Chairman Bryan stated that he has many of the same concerns as the citizens. He has concerns not brought up by the citizens. This project is the largest development application that the Town has ever received. There is a lot of fear about the success of the project considering the lack of infrastructure. The character of the project behind Royal Farms reflects something urban. The small town character of Smithfield is slipping away rather quickly. Smithfield has changed considerably in the last twenty years. He is not certain if VDOT has a plan to accommodate traffic for the already approved developments in Isle of Wight County. The Peninsula and Southside have been built out. Isle of Wight is a target area for developers. He stated that if the infrastructure is improved it will add more development. The infrastructure needed would be cost prohibitive also. A four lane Battery Park Road and Nike Park Road has been discussed; but there is no concrete plan or schedule. If VDOT would need 100 feet for road improvements then some of the residents would have to move. Mr. Napolitano, the developer, received his first approval in 2006. He has had plenty of time to look at and tweak the project. The Planning Commission has had about four months to look at the proposed plan and make a decision. Vice Chairman Bryan explained that he does not understand how the Planning Commission is supposed to be informed in such a short period of time. The attachments from other agencies include feedback about the impacts to their agencies to provide services. They are having a hard time grasping what is happening with the proposed development also.

Chairman Pack recommended tabling the application and to have a work session which would be open to the public.

Vice Chairman Bryan stated that there were strategic goals established by the Town in 2010. One of the items included a cost of services study and to prioritize services sponsored by the Town to include spending guidelines. It was to develop a new prioritization policy for the Capital

Improvement Plan and to establish a capital maintenance program for Town assets. Everyone keeps talking about traffic issues. Where is the plan and what is the Town's status on it with a cost analysis? What is the cost to increase services?

Dr. Pope stated that the fire department and police department should look at their comments more closely to determine if they would need extra manpower and how much that would cost. The Planning Commission would need that information at the work session. The school system needs to evaluate the number of students including all the proposed and in process developments. Dr. Pope explained that he has asked for the data from Isle of Wight County.

Chairman Pack stated that there are roughly 3,085 homes approved to be built within the county. Dr. Pope stated that he would like to make sure that all developments are accounted for. He would like a list.

The Town Attorney stated that a motion was needed to table consideration until the next regularly scheduled Planning Commission meeting of Tuesday, November 10th, 2020 with the understanding that the Planning Commission would hold an interim work session.

Mrs. Hillegass made a motion to table consideration and to schedule a public work session for further consideration of the application to include police and fire departments to provide more in-depth commentary on the application. Also, the county schools should reevaluate the application considering all other developments approved in Isle of Wight County. The motion will include a cost analysis for services from the 2010 Capital Improvement Plan and upgrading water and sewer lines to include upgrading pump stations. Dr. Marks seconded the motion

During discussion, the Planning Commission directed Town staff to schedule a special meeting or work session. Further instructions included consulting with the reviewing agencies on the following concerns raised by the Planning Commission:

- (a) The Smithfield Police Department must provide clarification on the resources that will be needed to offset the impact of this development.
- (b) The Smithfield Volunteer Fire Department must provide clarification on the resources that will be needed to offset the impact of this development.
- (c) The Smithfield Public Works & Utilities Department must provide documentation of the improvements necessary to ensure that the Town's wastewater infrastructure will be sufficiently suited to service this development.
- (d) The Smithfield Public Works & Utilities Department and the Smithfield Volunteer Fire Department must provide documentation of the improvements necessary to ensure that the Town's fire suppression system will be sufficiently suited to service this development.
- (e) Town staff must request Isle of Wight County Schools to reevaluate the applicant's submittal and provide comments on the proposed development's impact to the school system with other and proposed developments elsewhere in the County considered.
- (f) Town staff must provide an update to the Planning Commission on the status of all projects contained in the Town's Capital Improvement Program which may directly impact this project.

With no further discussion, 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, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Chairman Pack explained that the item is tabled until the next regular Planning Commission meeting.

Entrance Corridor Overlay Design Review Application – 1802A South Church Street, Town of Smithfield, applicant:

The Community Development & Planning Director reported that the applicant wishes to paint the existing water tower either white or sky blue, removing any visible signs of rust. The new Smithfield logo and slogan will be added to the water tower and will face southeast. Town staff recommended approval as submitted.

Mrs. Hillegass made a motion to approve the application as submitted. Vice Chairman Bryan 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, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: SZO Article 3.M Text Amendment – Town of Smithfield, applicant:

The Community Development & Planning Director reported that the 2017 designation evaluation of the properties located within the Historic Preservation Overlay (HPO), which was finalized by the Board of Historic & Architectural Review (BHAR) earlier this year, has caused Town staff to realize that the inventory of properties located within the HPO (enshrined in Smithfield Zoning Ordinance (SZO) Section 3.M.H) has grown to become lengthy and difficult to navigate. Additionally, Town staff have persistently struggled with a lack of clarity in the SZO concerning the boundaries of the HPO, the absence of classification criteria for non-contributing properties, and our inability to update the inventory of properties to reflect technical changes to certain attributes contained therein (i.e. address changes, etc.). To remedy these concerns, Town staff have proposed a text amendment to SZO Article 3.M which seeks to achieve the following items:

- (1) The revision of SZO Section 3.M.D.4 to include classification criteria for non-contributing properties.
- (2) The creation of a map of the HPO which clearly illustrates the HPO's boundaries, and the designations of the properties located therein.
- (3) The repeal of SZO Section 3.M.H, and its replacement with an inventory of properties that will be attached to the aforementioned HPO map as an appendix.
- (4) The creation of SZO Section 3.M.D.6, which allows Town staff to update the inventory and HPO map from time to time to reflect technical changes which occur within the HPO in real time. All changes will be brought to the BHAR for their approval. This, coupled with the removal of the inventory list from SZO Section 3.M.H, allows for Town staff to make changes to the inventory and map without having to seek review and decision by both the Planning Commission and the Town Council- a sixty-to-ninety-day process that entails two public hearings. Some examples of technical changes to the inventory and map that Town staff would seek to undertake include (but are not limited to):

- (a) Address assignments, changes, and removals (i.e. new construction, demolition, etc.).
- (b) The reversion of a property's designation from landmark or contributing to non-contributing in the event of its accidental destruction by fire, flood, etc.
- (c) The creation, vacation, and/or adjustment of lot lines and tax parcel identification numbers as a part of the subdivision process.

Some other items for the consideration of the Planning Commission include the fact that Article 3.M of the SZO has always referenced an HPO map, but until now, no definitive map has been known to Town staff. Finally, the inclusion of an inventory of properties located within an overlay district as a section of the zoning ordinance is a concept that is atypical in Virginia. A redlined version of this text amendment is included in the pages immediately following this staff report. Additionally, the draft HPO map and inventory have been included for the convenience of the Planning Commission. At its Tuesday, September 8th, 2020 meeting, the Planning Commission reached a favorable consensus on this application's return for a public hearing at the next regularly-scheduled Planning Commission meeting. Town staff recommended a favorable report to the Town Council.

Chairman Pack opened the public hearing. With no public comments, he closed the public hearing.

Dr. Pope made a motion to recommend the application favorably to the Town Council. Mrs. Hillegass 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, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Chairman Pack stated that he had some new business. He explained that Town Council has asked the Planning Commission to look at the Town's ordinances that preclude the Town from requiring changes to blighted structures. The specific concern is 1400 S. Church Street; formerly known as the Tastee Freeze. The building is not dangerous but it is in disrepair. The Town cannot do anything about it due to the way the ordinance reads.

The Town Attorney explained that if the building were unsafe then it could be removed. There are limited things the Town can do because of the current ordinance.

Mrs. Hillegass asked if it was a contributing building. The Town Attorney stated that it was not because it is not located within the HPO.

Chairman Pack stated that letters have been sent to the owners who do not live in Smithfield.

The Town Attorney explained that there were issues with the redevelopment of the property. It was never torn down because the footprint needed to remain.

Dr. Pope stated that he would like to be able to look at cases on an individual basis if changes are made to the ordinance.

Chairman Pack asked staff to bring options for changes to the ordinance to the Planning Commission at a later time. The Planning Commission could then plan an ordinance for blighted structures.

The Community Development & Planning Director explained that he had discussed the issue with the Town Manager. There is something in Virginia called spot blight abatement which he would look at incorporating for Smithfield. Other than that, it seems that it is easier to incentivize redevelopment than to require it. He will continue to look at options; but spot blight abatement seems to be the most feasible option.

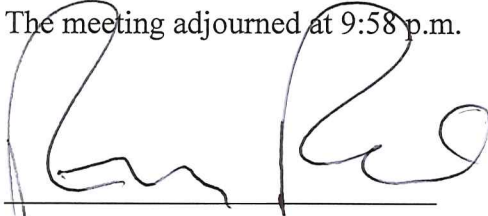
Mrs. Hillegass asked if the owner might be a willing seller. No one knew if that was a possibility.

Approval of the Tuesday, September 8th, 2020 Meeting Minutes.

The Town Attorney recommended the minutes be approved as submitted. Mr. Torrey made a motion to approve the minutes. Dr. Pope 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, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

The meeting adjourned at 9:58 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle - Community
Development & Planning Director