

The Smithfield Planning Commission held a special meeting on Wednesday, November 4th, 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
Tammie Clary – Planner
William H. Riddick, III – Town Attorney
Chris Meier – Deputy Chief of Police
Carter Williams – Mayor
Valerie Butler – Town Council
Trey Gwaltney – Board of Historic and Architectural Review

There were approximately forty-two (42) citizens present. The media was represented by 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:

The Community Development & Planning Director 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. Town staff continues to explore viable options to address blighted properties. Now that the Smithfield Comprehensive Plan update is underway, we are in need of public input. Our consultants, Summit Design & Engineering Services, PLLC, have prepared a citizen survey to assist us in gathering this input. The survey was mailed in the Town's fall newsletter to all recipients and is available in hard copy at Town Hall upon request. It is also available online via survey monkey and the Town's website. He asked the Planning Commission to retain the attachments to the staff report for item six on the agenda to conserve paper in preparation for the meeting on November 10th. The same materials would most likely be needed for that meeting. It is a large volume of paper.

Upcoming Meetings and Activities:

Tuesday, November 10th, 4:00 PM – Pinewood Heights Management Team Meeting
Tuesday, November 10th, 6:30 PM – Planning Commission Meeting
Monday, November 16th, 3:00 PM – Town Council Committee Meetings
Tuesday, November 17th, 3:00 PM – Town Council Committee Meetings
Tuesday, November 17th, 6:30 PM – Board of Historic & Architectural Review Meeting
Tuesday, December 1st, 6:30 PM – Town Council 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.

Chairman Pack thanked everyone for their courtesy at the previous Planning Commission meeting and reminded everyone to be courteous during public comments. The Town Attorney will let everyone know when their time is almost up.

Michael Jahncke resides at 48 Faye Drive of Smithfield. He had concerns about traffic for the Mallory/Scott Farm proposed development. He is also concerned about the health of the fragile marshland. Lights from the homes built and piers will destroy the marsh for herons, egrets, geese, crabs, fish, and bald eagles. There will be runoff from pesticides also. He would like the Town to adhere to “do no harm.” And protect the homeowners and the wildlife. He proposed one home per acre along the marsh instead of 2.85 homes per acre. He stated that the homes should be set back further to protect the marsh and the homeowners across the creek from the proposed development.

Antonio Viudez-Mora lives at 10101 Bolling Blvd., in Smithfield. He stated that it is frightening how fast rural land is disappearing. He explained that developers would change the entire county. He believes farms should be protected without new developments. He read the entire Comprehensive Plan from 2009. It is a guide to recommend decisions about shaping the future of our Town, our communities, and our neighbors. Under “Environment,” the Comprehensive Plan states, “to enhance and protect the environs and natural setting of Smithfield while promoting a greater awareness of the natural beauty and positive attributes of the Town.” He explained that changes locally affect changes globally. The Comprehensive Plan under “Economic Development” also states, “preserve and protect the Town’s architectural and cultural areas which positively impact tourism and contributes to the overall wellbeing of the community.” He agrees with promoting local businesses instead of large malls which are closing in some areas. Under “Historic Preservation, Parks, and Recreation” in the Comprehensive Plan it states, “preserve and protect the Town’s rich architectural and cultural heritage which positively impacts tourism and contributes to the overall wellbeing of the community.” He asked how that would happen since developers were allowed to demolish an 1800s farmhouse and replace it with a Dollar Tree. The current Comprehensive Plan is from 2009 and is old. The *Code of Virginia* in Section 15.2230 says that the Comprehensive Plan shall be reviewed by the local Planning Commission and amended if needed once every five years. He stated that the Comprehensive Plan needs to be updated.

Chairman Pack stated that the Comprehensive Plan is being updated. Mr. Settle explained earlier that the Town is looking for community input on the Comprehensive Plan. There is a survey on the Town’s website. He encouraged everyone to take the survey.

Marilyn McGrew resides at 241 Grandville Arch in Smithfield. She explained that she started the petition that has been circulating. There are 1,100 signatures so far. The outreach was for people in the community. Most of the comments sound localized. She does not want the Town to look like what Route 17 looks like now. It would ruin the Town and the charm of the Town. The petition is signed by real people who care and have concerns. The schools cannot handle this proposed development which is her main concern.

Amy Tarnowski lives at 824 Edinburgh Court in Smithfield. She explained that the petition has over 1,100 signatures in two weeks. The previous speakers have expressed many of her concerns. She is concerned about the new development on Route 17/Brewers Neck. She had heard that they would expand the roadway to six lanes but only in that section. It would still create a bottleneck on the James River Bridge which is only four lanes. Infrastructure and flooding issues are another concern. She explained that she sent an email to John Settle that explains everything and the Planning Commission has a copy.

Adam Read resides at 11235 Holly Ridge in Smithfield, Virginia which is in Gatling Pointe South. He stated that there are quite a few Gatling Pointe residents in attendance at the meeting. His understanding of zoning goals is to allow a greater use of areas for the community. He explained that Smithfield is a small community that does not want to be like Newport News or another Route 17 corridor like Mercury Blvd. He believes that if the proposed development is allowed then it would change the community. Another goal for zoning is to obtain funds for the Town and the county. A large number of people that would live in the proposed development would live there solely for residency since there is not a tremendous amount of job opportunities in Smithfield and Isle of Wight. Most people would be commuting to Newport News, Hampton, or Suffolk. Funds would primarily be generated by real estate taxes. He stated that the proposed development could potentially impact the real estate values in Gatling Pointe South. He stated that he would be willing to sign up for annexation into Town limits instead of having the development approved for so many additional homes.

Megan Allen resides at 204 Sunrise Bluff Lane in Gatling Pointe North. She stated that the proposed development should not be allowed for many reasons already addressed. She was concerned about the direct impact to Isle of Wight County Public Schools. The development narrative on pages 10 and 12 has outdated information and misleading information. The developer states that the 1,106 homes would only add 351 students to the public schools which is an average of 0.3 children per home. It would be possible that all 1,106 units could have families with children. Using the Isle of Wight County Capital Impact model which allows for .368 children per single family home and 0.388 children for multi-family homes, it would add at least 421 new students to the school system. The School Board rate typically used to anticipate the impact of housing is 1.75 children per single family home and 0.75 children per condo or townhouse. The total would be 1,240 children entering the schools. Enrollment grows each year in the Isle of Wight County public schools by fifty to one hundred students per year. It is not slowing down like the rest of the state because Isle of Wight County is a special place. According to a School Board member, the proposed Mallory/Scott Farm development was not included when plans were made for the new schools. The development's children would be zoned for Hardy Elementary. Overcrowding will still exist and most likely get worse. Westside Elementary is currently at or exceeding capacity. She asked the Planning Commission to take a deeper look at the size and scope of the proposed development and the impact it would have on the community, the schools, the roads, and the environment. She asked the Planning Commission to deny the application for the large development.

Paul G. Page resides at 56 Dashiell Drive in Smithfield. He asked if it was possible to speak to individuals or did he have to speak to the entire audience.

Chairman Pack stated that he was addressing the Planning Commission and could speak to everyone.

Mr. Page stated that the meeting was ironic in the midst of the tumult going on with the elections. There is a lot of angst in the country as well as tonight's meeting by looking at the crowd. He explained that they do not necessarily trust the Planning Commission. He asked how everyone knows if the Planning Commission is acting on the citizen's behalf and not on their [the Planning Commissioners'] pocketbooks' behalf. He invited anyone to answer that would like to answer.

The Town Attorney stated that Mr. Page's statement was offensive and not appropriate.

Mr. Page stated that he found the Town Attorney offensive at the last meeting.

The Town Attorney explained that this was the appropriate time for public comments; not a question and answer session.

Chairman Pack stated that Mr. Page could speak however he wanted to. He was welcome to ask questions but this did not necessarily mean the Commissioners would answer.

Mr. Page asked how the meeting was being recorded and asked how he could view it after the meeting.

Chairman Pack and John Settle explained that he could ask the Town Clerk to provide him with the audio of the meeting.

Mr. Page asked if it would be on the website. Mr. Settle stated that it would not. Mr. Page said that did not sound like freedom of speech and wanted to get it out to the public.

Chairman Pack explained that it was readily available. The meeting is a public meeting and recorded. The Town Clerk is happy to provide it to anyone. He explained that Mr. Page could publish it on YouTube if he wanted to. The Town does not have the ability to publish every recorded meeting. He reiterated that the Town Clerk would be more than happy to provide it to him or anyone else.

Mr. Page asked Chairman Pack to answer his first question which was how is the public assured that there is nothing offensive going on.

Chairman Pack explained that the Planning Commission is an appointed body. There is no assurance that someone is not in it for themselves; however, he stated that everyone on the Planning Commission sits for the good of their community.

Mr. Page explained that he has an app on his phone of a well-known website that exposes collusion between politicians and folks that are spending money. He can put in a zip code and many things come up at the federal and state level but nothing for Smithfield.

Mrs. Hillegass suggested that would be because the Planning Commission is not colluding.

Mr. Page asked if she wanted to go on the record saying that.

Mrs. Hillegass reiterated that she was not colluding with anyone.

Mr. Page wanted to make sure that everyone at the meeting knows that she is not colluding.

Mrs. Hillegass stated that she was not colluding with anyone involved in the proposed project.

Dr. Marks also stated that he was not colluding.

Mr. Page stated that he hoped no one else was either.

Chairman Pack called the next speaker to the podium.

Kenneth Kaplan lives at 324 Grandville Arch in Wellington Estates. He explained that he and his wife settled here 15 years ago. They were looking for a community to spend their declining years in. He fears that the expansion is so gross that what they sought by coming to Smithfield is no longer

going to be what they wanted. Smithfield is beautiful and quaint. It is a smaller community that they have come to love.

Leah Klinger lives at 312 Grandville Arch in Wellington Estates. She is a nursing supervisor at Isle of Wight County schools. She and her husband moved here from a large metropolitan area. They did not want the busyness and the traffic so they moved to Smithfield. Smithfield is beautiful and a gem. She understands that people would want to move here. She expects growth but would like thoughtful planning and preservation of the charm of Smithfield. She feels the proposed project is too large at 1,106 homes. She would probably move if it becomes a big ugly mess. Growth has issues and the charm of Smithfield could be ruined.

Katherine Miller resides at 11208 Beechwood Pointe in Gatling Pointe South. As a biologist, she loves the area with the wildlife and Windsor Castle Park. Smithfield is a beautiful area that she does not want ruined. There would be impacts to the marsh and the local species. She explained that since COVID and with people working from home there was an almost immediate decrease in traffic. Once a regular work schedule resumes there will be extra traffic. The James River Bridge is a parking lot some days. She wanted to ask who wins with the proposal. There has been no argument for who wins except the developer. It is a loss for the residents and for the parks. Whenever there are more people, it is never better. The Town will never get the revenue back. The infrastructure will not keep up. She stated that Smithfield will not be nice anymore if the development is built. She explained that the initial approved development was much better suited to the area.

Tom Patrick lives at 20178 Harbour Ridge in Smithfield. Many of his views on the development have been expressed by other people. Smithfield has changed a lot since he moved to the area in 1976. He explained that the traffic issues in Isle of Wight County and Smithfield need to be addressed by looking at what is being built around the area. The Battery Park Road and Nike Park Road intersection has frequent accidents. Schools need to be addressed as well. The water agreement with Norfolk should be looked at as part of the Comprehensive Plan review. Lot sizes should also be considered to limit the people moving into the area. He would like the Smithfield and the Isle of Wight County Planning Commissions to work together.

Richard Gillerlain resides at 22501 Tally Ho Drive in Carrollton. He explained that he has been a mechanical engineer for over forty years and is a certified Planning Commissioner. Smithfield is part of the beginning of our nation and is just as important historically as Williamsburg. Smithfield has the small town feel. With development, it will be lost. Once it is lost, there is no turning back. Tax revenues may increase; but the cost will rise for new schools and water treatment. Benn's Grant has already gone over the numbers they projected for the schools. He stated that the Smithfield area is a target and that someone has to say no at some point.

Kristine Steil lives at 100 Titus Court in Carrollton. She stated that once control is lost to development, you cannot reign it back in again. She asked the Planning Commission to remember that as they are making a decision.

Jim Steil resides at 100 Titus Court in Carrollton. He and his wife came from a small town in Iowa. It was well managed and healthy. He explained that it finally died due to no growth. He is not against growth and different parts of the development plan. He believes it should be scrutinized from multiple angles. Most of the people at the meeting came to Smithfield for less traffic, less noise, and less congestion. Others want to move here for the same reason. They deserve opportunities also; but

Smithfield needs to be smart about development. There are many other developments happening in Isle of Wight County that need to be taken into consideration. He stated that the developer and the citizens working together could affect how it all turns out. The Planning Commission is a part of the solution to make it all work. He suggested that something smaller might be more in tune with the community and the County.

Planning Commission Comments:

There were no Planning Commission comments.

Entrance Corridor Overlay Design Review Application – 518 Main Street, c/o Todd Bryant, applicant:

Chairman Pack explained that this application is for the building formerly known as Little's Supermarket. It has nothing to do with the home of Thomas Pierce known as Pierceville. It only includes the Little's Supermarket building and the asphalt on which it sits.

The Community Development & Planning Director reported that the applicant is seeking approval to demolish the existing dilapidated commercial building, remove all paved areas, and plant the entire site with grass. As this property is also located within the Town's Historic Preservation Overlay, the Board of Historic & Architectural Review reviewed and approved the applicant's demolition application at its Tuesday, October 20th, 2020 meeting. Town staff recommended approval as submitted.

Vice Chairman Bryan asked about the semi-trucks that are parked there constantly. He asked what would happen to those.

Chairman Pack explained that the former owner allowed them to stay there but they would be leaving now. It will no longer be allowed.

Dr. Marks asked if everything would be grass and if anything else would be there.

The Community Development & Planning Director explained that the applicant had not indicated anything beyond removal of the existing improvements on the property.

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

***Discussion Item* Official Zoning Map Amendment, Comprehensive Plan Amendment, Zoning Ordinance Text Amendment, SUPs & Planning Commission Waiver Applications – 19474 & 19502 Battery Park Rd, C/O Vincent Napolitano, applicant:**

Chairman Pack explained that the applicant will have open discussion with the Planning Commissioners. The public can listen and hear the discussion. He asked everyone to speak into the microphones so that the meeting will be properly recorded.

The Community Development & Planning Director explained that the application had a public hearing last month. At that time, Town staff was tasked with different items to follow-up on. They include:

- (a) The SPWUD must provide documentation of the improvements necessary to ensure that the Town's wastewater infrastructure will be sufficiently suited to service this development (see Enclosure 14) *(see below)*
- (b) Town staff must request IWCS 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 (see Enclosure 15). *Mr. Settle explained that IWCS provided a letter that stated they could not provide the information in time for the special meeting. They stated they would have the information by November 12th, 2020 which will be after the next Planning Commission meeting.*
- (c) Town staff must provide an update to the Planning Commission on the status of all projects contained in the Town's Capital Improvement Program (CIP) which may directly impact this project. *(see below)*
- (d) SPWUD & SVFD must provide documentation of the improvements necessary to ensure that the Town's fire suppression system will be sufficiently suited to service this development. *Mr. Settle reported that an email was sent to the Planning Commission with Draper Aden Associates' water remodeling analysis attached. Hard copies were distributed prior to the meeting as well.*
- (e) SVFD must provide clarification on the resources that will be needed to offset the impact of this development. *(see below)*
- (f) SPD must provide clarification on the resources that will be needed to offset the impact of this development. *(see below)*

In response to the tasks noted above, the Community Development & Planning Director reported that the Town's consulting engineers (DAA) are currently developing a water modeling analysis for the applicant that will address the available fire flow in the Town's water system. Concerning item "c", Town staff met with both the Acting Director of Public Works & Utilities, as well as the Town Manager, who were able to ascertain that there are no projects in the Town's CIP that would impact the proposed development. Any improvements to Town infrastructure necessary to accommodate the proposed development would have to be constructed at the applicant's expense. Additionally, DAA developed an analysis that provides further clarification on the resources that will be needed by both the SPD & SVFD to offset the impact of this development. To assist the Planning Commission in understanding their student generation calculations, the applicant submitted an additional amendment to their application on Wednesday, October 14th, 2020. It is important to note that the applicant did submit a revised Traffic Impact Analysis (TIA) to VDOT on Monday, October 19th, 2020 to address the comments generated by VDOT on their application. The TIA was later supplemented by a response letter that was submitted on Tuesday, October 27th, 2020 (see Enclosure 18). At this time there has been no response from VDOT confirming that their comments have been resolved. Numerous 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. Mr. Settle added that a stack of written citizen comments was

circulated to the Planning Commission prior to the meeting. They include all written comments received from the public since the October 13th meeting.

Chairman Pack explained that he would like the meeting to flow and stay positive. He suggested that the applicant and his team have the floor to address anything that is pertinent for everyone to understand about his project.

The applicant, Mr. Napolitano, introduced his team that will explain various aspects of the proposed project. He stated that he has read the petition and heard and recognized citizens' concerns and hopes to ease some of those concerns. He acknowledged that the project, as presented at the last meeting, needs to be tweaked. He explained that the original project from 2006 was for 265 homes. The proposed development would have 1,106 homes now. He wanted to explain the jump from 265 to 1106 units. Mallory Pointe was purchased in 2004 and part of it was rezoned in 2006. There is a total of 318 acres for Mallory Pointe. Only 230 acres were rezoned. Mr. Napolitano stated that he is not trying to change the amount of homes on 230 acres to 1,106. The Scott Farm was purchased in 2006 and added to the project for a total of 500 acres that he hopes to develop over a long period of time. It is not as compact as some may think it is. He purchased the Scott Farm in 2006 and the Town was interested in annexing it into the Town. In 2007, he started working with the Town and Isle of Wight County on a boundary line adjustment which took over 10 years to negotiate. In 2019, it was adjusted. If the Town was looking to annex the property into the Town then that was the growth area. Mr. Napolitano explained that docks would not be allowed in the proposed project. The area has a 125-foot buffer that will belong to the HOA. No one would be allowed to cross it to put in a dock. He received a letter from Isle of Wight County Schools' Superintendent. He used the numbers they were told to use and provided the information. The Superintendent has agreed with the numbers and that there will not be an issue with the schools. He reminded everyone that not all students would happen at one time. As far as flooding, older neighborhoods do flood. New communities have to contain their own water. Flooding is not something he is concerned about. Mr. Settle had asked them to look at the project as it expands and people add sheds etc. He explained that they are looking at it and making sure that it is provided for. Smithfield is a nice place and others would like to move here as well. Mr. Napolitano stated that they are not trying to destroy something; they would like to add to the beauty and charm of Smithfield. It will take years for the community to be built out. He understands concerns over traffic. The Traffic Engineer will explain the processes they have been through to address those concerns. He is hoping through the discussion and questions that he can leave the meeting with a clear path of what makes sense and what works. He stated that they have been portrayed as an outsider moving into Smithfield. They have been one of the largest landowners in the Town for the last 15 years. They have contributed \$200,000.00 to the water tower and the \$100,000.00 worth of land that it sits on. They have tried to be good stewards of the community and the community's needs. In April of 2018, they took a bus tour. Town staff, county staff, elected officials, and stakeholders from communities along Battery Park Road were included in the tour through several of their other communities to show them some of the things they have done. On the bus tour, they listened to everyone's visions and shared theirs. Mr. Napolitano and his team started working on a community that they felt would work in the Town of Smithfield. There were meetings with Town staff members to make sure they were on target. The proposed development

will be a ten, fifteen, or twenty-year process. (Slides were shown of the proposed project). He explained there would be open space, ponds, and clubhouses. A planned community includes amenities, open space, roads, and water and sewer lines which are on the developer's dime not the Town's dime. There would be ten phases with a ten-year plan. Smithfield grew by 26% according to the census between 1980-1990. Between 1990-2000, Smithfield grew by 35%, between 2000-2010, it grew 27.9%, 2010 – 2020 is predicted to grow by 4.8%. There are 3,236 housing units currently in the Town of Smithfield. On a ten-year plan, it would increase the housing by 3.3% per year which is minimal growth. On a fifteen-year plan, it would increase the housing stock by 2.2% on a twenty-year plan, it would increase the housing stock by 1.6%. In both cases, this is minimal growth. He understands that the number of units can be a bit overwhelming; but reminded everyone that it would be on a long-term basis. Mr. Napolitano explained the benefits of a master development plan and working with one developer over the next 20 years. There would be only one rezoning and one plan instead of many over the next twenty years. The Town would know what they are getting and what is coming with one plan. The Town would not know what they are going to get with many different plans that might come along. There will be road improvements on the developer's dime. Sewer and water would be on the developer's dime. There will be right-of-way dedication for future expansions. It is a managed community with clubhouses, open spaces and other amenities that add and maintain value including value to the surrounding communities. The community will blend together with a cohesive nature. The master plan, if approved, would be for 1,106 homes instead of a possible 1,800 homes that could potentially be authorized, according to the current language of the zoning ordinance over the next fifteen to twenty years. He explained that the traffic circle would help with traffic so that there are no backups. After review, the roundabout is the best option for the Battery Park Road and Nike Park Road intersection to keep traffic moving in the area. Mr. Napolitano noted that he spoken to the superintendent of schools concerning new schools that are proposed to be built, and also noted that the projected prices for his housing products can change and be tweaked over time.

Karen McPherson explained that they met with VDOT to kick off the Chapter 527 process in January 2020. During the meeting, the intersections were discussed and VDOT requested that they expand the study area all the way out to Route 17. There are twelve study intersections included. They considered background development and growth that would take place within the study. The study projects into 2035 to include the impacts of the entire study area. The study areas with improvements include:

Battery Park Road/S. Church Street would have a flashing yellow arrow in the southbound direction anticipating that most traffic is headed to Route 17. It is a newer operation but provides flexibility primarily during off-peak periods and allows for re-timing of the light.

Battery Park Rd/Stratford Ln/Site Driveway 1 would have a left turn lane installed as well as an exclusive right turn lane in front of Wellington Estates. It would require widening Battery Park Road to maintain the through-capacity for the other developments along the corridor.

Battery Park Rd/Nike Park Rd/Site Driveway 2 required looking at a roundabout. From a safety perspective, roundabouts have fewer conflicts than a traditional signaled intersection. It would be a two-lane roundabout. On Nike Park, with the development of the Scott Farm, it was

recommended that an additional through-lane would need to be added when that phase of the development begins.

Battery Park Rd/Site Driveway 3 needs a right turn taper. It is a much smaller portion of the development. There would be no improvements on the main line.

Nike Park Rd/Site Driveway 4 needs an exclusive left turn lane for that entrance. Through-capacity will need to be maintained and stop traffic as people are entering and exiting the development. It would require widening along Nike Park Road as well as an exclusive right turn lane.

Nike Park Rd/Titus Creek Dr would need widening and the addition of an exclusive left turn lane at the intersection in the southbound direction. It would allow people to directly access Route 17 on Nike Park Road without being inhibited by anyone making a left turn. It would be added to improve the through-capacity for the overall roadway network.

Nike Park Road/Reynolds Drive will be extended with north bound and south bound turn lanes which is proposed by VDOT. The design has been included in the supplemental Traffic Impact Study. VDOT has completed the preliminary engineering in house. It is fully funded in their six-year improvement plan to be completed. The proposed extension will come all the way down to Intersection 11 which is the proposed intersection of Nike Park Rd and Route 17. Everyone recognizes there is a tremendous draw to Route 17. The additional new connection would serve a majority of the proposed development's traffic. It allows for less impacts on the other intersections on Route 17. The supplemental analysis has further information.

Karen McPherson explained that VDOT asked the developer to look at the connections to Smiths Neck Road. The development generates very little traffic that would add to the volume of people turning right or left from those intersections.

The intersections of Smiths Neck Rd/Route 17, Brewers Neck Rd/Route 17, and the proposed intersection of Nike Park Rd and Route 17 are all along Route 17. With Intersection 11, the developer looked at extending some of the proposed improvements by other developments to make sure that the last turn lane onto Nike Park Extended did not obstruct the through-capacity. There was an extensive queuing analysis performed to make sure that there are more than adequate volumes of people to get them off of the main line while they are waiting for the signal. Signal timings would help further; however, it is an ongoing thing which is checked every three to five years. As traffic patterns change, timings are reviewed.

Karen McPherson explained that the VDOT engineering was complete for Nike Park Extended. They will move forward with public hearing plans. VDOT has started the preliminary right-of-way discussion. Per VDOT, the funding would be coming available in FY 2021. There is not an estimated end date. The project is moving forward.

Melissa Venable explained the Resource Protection Area of the proposed development. There must be preservation of the 100 foot RPA extending from the wetlands and the creek areas including the marshes. Additionally, there is an additional 25 foot buffer required under the zoning ordinance for a total of 125-feet of preserved areas. Lots would not go into the RPA, as it would be owned by the HOA. There could be some walking trails in parts of it; but it would be preserved. Trees would stay in place. It is a different approach with a planned community than some older neighborhoods have done in the past. The active open space areas and the passive open space areas planned throughout each phase equals over 100 acres of land. She presented a slide showing the

original piece of land that had been rezoned in 2006, and corrected Mr. Napolitano in the total acreage of the project, that is proposed to be rezoned, which is 413.5 acres. There was an additional 88-acre piece and 200 additional acres in another location that were added to the project since 2006. The developer is not trying to put 1,106 units on the original piece. The development would be on several large parcels. Some of the areas are farm fields; not everything is wooded. They have been farmed for years and have pesticides sprayed on them. She wanted the public to understand that the land has already had pesticides on the site. There is a dock included in the plan. It is not for boats with motors. It is not a dock to tie boats to. It is a kayak and canoe launch and only that. It is a community amenity for the Mallory/Scott Farm. Individual docks will not be allowed. The developer believes the RPA needs to be preserved. If there is an eagle's nest in the development, a 600' buffer in which no development activity can occur must surround the nest until it is no longer active. She explained that the developer would have to bring many things to the proposed development such as upgrading sewer and water lines inside and outside of the project site. Some will be upgraded to South Church Street and Benn's Church Blvd, where problems currently exist. Improvements will extend farther than the site. Some growth in Smithfield is important. A planned community brings many amenities within the community. It brings people together. They are looking for recreation opportunities on site and close to home. It increases the value of a planned community. There are some positives; it is not all negative. The school impacts with structural capacity came from a study in 2018. The current enrollment was from 2019. The future development enrollment addresses some other planned communities in the county. They are either currently being built or have been engineered. There is a 0.31 ratio that obviously is not all children but is school age children. It does not take into account newborns, under 4 years old, or children that may continue to live at home. It is a standard number that sometimes proves to be high. The school superintendent felt fairly confident in the numbers. Ms. Venable also addressed the 135 students for Hardy Elementary which would not be all at once. If 100 units are developed within two years then there would be thirty students in total divided out among all schools. At full buildout, there may be 135 children but the developer believes that would be ten to fifteen years after development begins. Ms. Venable did not want anything to be misleading. The developer could not use 2020 numbers since they are skewed due to COVID. The traffic count was done in January prior to COVID also. With the Fiscal Impact Analysis, there are details of dollars that are brought in for every building permit issued, including the home tax, spending tax, etc. It also subtracts additional police, fire, and EMS personnel and equipment from this. There is also \$1.2 million generated annually for the county and \$845,000.00 for the Town. Those dollars would have to be spent for any additional services that may be required. The developer does not want to burden Smithfield or Isle of Wight County. Stormwater Management has to be implemented under the 2014 standards. It requires that the development be constructed with a one to two-year storm event in mind, in which the development must release water at a slower rate than what is currently being released on site. For a ten-year storm, the development must release water at the same rate that the site currently releases water. They cannot release any additional water from the site at a higher rate or higher capacity than what is currently being released today on the undeveloped site. The water has to be retained in ponds and released at a slow rate. There have been concerns about

water in Wellington Estates; however, there are very different standards today than there were for older developments.

Chairman Pack asked to go back to the slide showing the development with all phases showing the RPA. Ms. Venable stated that the RPA and the 25' local buffer would stay in the ownership of the HOA. He asked if that was accurate.

Mr. Napolitano stated that was correct. It will protect the RPA since it would be maintained by the HOA instead of individual property owners. It is preserved forever.

Chairman Pack asked if someone purchased a home that overlooked the creek then it would be a water view home not a waterfront home.

Mr. Napolitano stated that was correct. He shared slides of some of the products that he would be building in the proposed development, which he acknowledged needed tweaking. He anticipates that the quadplexes would not have school age children. They lend themselves to older couples whose children have moved out of the family home. Other slides included pictures of ponds, trails, entranceways, landscaping, clubhouses, lighting, and signage of other planned communities he has developed. He asked the Planning Commissioners for their comments so he would know how to go back and make changes.

Mr. Swecker asked about the time frame of the roundabout installation and the start of the project.

Mr. Napolitano explained that it would go in at the beginning of development. He understands that it is a critical intersection.

Mrs. Hillegass asked if it would be a one lane roundabout that would later be striped for two lanes.

Mr. Napolitano stated that it would only be one lane to start with but it would be built to accommodate two lanes.

Karen McPherson stated that they would build the infrastructure for the roundabout so that the outside curb and gutter would be in place on day one. They do not want to put it in and then take it out to widen the roundabout. Widening would occur when Nike Park and Battery Park become four lanes. She explained that turn lanes and widening would be added as each phase of the development occurred; but the roundabout will occur at the beginning of the project. Entrance improvements will occur for each phase as well. The need for left turn lanes is dictated by the amount of traffic going to and from Nike Park Extended.

Mr. Swecker stated that there is so much traffic on Battery Park and Nike Park Roads currently. Anything the developer does is going to make it worse. If the project is approved, everything would need to be coordinated with VDOT so that traffic is not impaired any worse than it currently is on both roads. He inquired about the Nike Park Road traffic impacts.

Mr. Napolitano stated that as the project progressed, a certain number of completed units would trigger a turn lane at Titus Creek Dr.

Karen McPherson explained that it is her understanding from VDOT that Nike Park Extended should be starting about the same time as Phase 1 of the proposed development, and that funding for Nike Park Extended will be available in 2022.

Ms. Venable stated that 2022 would be about the same time the first phase of the development would be starting. Completion for Nike Park Extended should be in 2024.

Mrs. Hillegass stated that she would like to know the timeline to see what the trigger points are for the road improvements.

Vice Chairman Bryan asked about the VDOT enclosure. He asked who owns the property where lanes will be added.

Mr. Napolitano stated that it is rights-of-way that he will have to acquire. They have not acquired the property yet since they do not know if it would be needed. They will put together the numbers for how many units it would take to spur each improvement. At no time can the construction get ahead of the road improvements. It is a gamble for the developers.

Vice Chairman Bryan stated that there are two homeowners on the corners as well as a bike path at Battery Park Road and Nike Park Road. He asked how the roundabout would affect them.

Karen McPherson stated that, based on the available right-of-way that the development has, the intersection would be shifted north and east such that the roundabout can fit in. They have some preliminary layouts. The roundabout center would be a bit northeast of the current signalized intersection. It is designed to VDOT standards. There would be no need to acquire any additional property for the roundabout.

Chairman Pack stated for clarification that they would not have to acquire property for the roundabout.

Vice Chairman Bryan asked about the secondary road that is proposed to divide someone's property that was mentioned at the last meeting.

Mr. Napolitano stated that it does not divide someone's property. It is property that he owns. He discovered that the road goes between a home and a welding shop next to it. He explained that the homeowner also owns another lot. Mr. Napolitano proposed to do a land swap with them. They have not moved forward yet unless the rezoning is approved. The land swap would guarantee that no one could come back to them at some point in the future and divide their property. With the land swap, the homeowner could continue to use it as they always have. He expressed an interest in either selling the land to them or giving them the property. Also, they would prefer to eliminate that entrance altogether because it is rather useless but is good for an emergency entrance. He is working on a new design for the main entrance that may eliminate the secondary entrance since it was a concern at the last meeting.

Dr. Pope stated that the property owners had contacted him. The road would be approximately six to eight feet from his garage door. It is not feasible for him to even park a car on the property. Dr. Pope feels the road should be eliminated.

Mr. Napolitano explained that it may be eliminated or shifted to accommodate their needs in living and operating as they always have. He does not want to disrupt their lives.

Chairman Pack asked if the homeowner was favorable to a land swap.

Dr. Pope stated that it was his understanding that if the project moves forward, they would be favorable to a land swap in order to preserve their lifestyle.

Mr. Swecker inquired about the cabinet shop on Battery Park Rd, and if the roundabout would impact their property.

Mr. Napolitano indicated that the proposed roundabout would not impact that property.

Mr. Napolitano explained that the Wellington Estates residents were concerned about turning left out of their neighborhood. He stated that he is committed to going back and doing

another warrant analysis after Phase 1 of the Mallory/Scott Farm development. VDOT will not just put in a light because someone wants it. It must meet certain warrants. If the warrant analysis required a signal then he would put one in.

Chairman Pack asked about the improvements to water, sewer, and roadways internal to the development. He asked who owns those when the development is complete.

Ms. Venable stated that it would be specific to Smithfield's technical design standards. Some roads would have to be private within an easement. The HOA would have to take care of those.

Vice Chairman Bryan asked who would find the eagle nests if there are any.

Mr. Napolitano explained that it would be an environmental expert that did the flagging for all of the wetlands. He explained that there was an eagle's nest a couple of years ago but he has not been seen since. They will go back and check but he is not aware of any eagle nests currently. If there is, they have to work around them.

Ms. Venable explained that if an active nest was found on the site it would be located and marked. A 600-foot radius would be around it where no development could occur.

Dr. Pope asked if that would be forever.

Ms. Venable explained that it only applies during nesting season. There would be limitations put on the developer if a nest is found.

Dr. Pope asked where people would park to use the kayak launch.

Mr. Napolitano explained that one of the lots would be used for parking.

Ms. Venable stated that all open spaces within the phases have not been planned and designed. None of the amenities are shown at this point. They would be designed if the rezoning is approved.

Chairman Pack stated that the community has spoken loud and clear that 1,106 homes is a lot. The developer has offered to only do 150 units per year to ease into the development. He asked if there is another option to make it more palatable to the public.

Mr. Napolitano asked the Planning Commission what they would like to see eliminated and what the ideal product might be. He stated that he can go back and look at the number of units but it depends on the product.

Chairman Pack stated that a recently approved project behind Royal Farms is fifteen tenplexes. He thought maybe the tenplexes could be removed from the proposed development. He also suggested that townhomes make a good product as far as cost to a buyer. He likes the fourplexes and the way The Villas is laid out. It is a nice community.

Ms. Venable explained that they met with The Villas. They are aware of the proposed development. The meeting was very well attended.

Mr. Napolitano stated that the fourplexes are a very sought-after product. They sell very quickly.

Mr. Torrey asked what size the single-family homes would be in regard to square footage.

Mr. Napolitano stated that the smallest would be approximately 1,800-1,900 square feet and the largest would be about 3,500 square feet. He designs a base house and then there are many options so people can personalize it with an extra bedroom, screened porch, expanded garage, sunroom etc.

Vice Chairman Bryan stated that there has been a lot of discussion about controlled growth and maintaining the small town character. He asked about the average growth for Smithfield.

Mr. Napolitano explained that, based on the number of homes in Smithfield right now, with a fifteen-year buildout it is only 2.2% per year. At a twenty-year buildout, it is only 1.6% per year.

Vice Chairman Bryan asked if the project were approved could there be a moratorium on other developers coming in and asking to develop some other area.

The Town Attorney stated that moratoriums are illegal. The Planning Commission has to judge each project on its merits. The Town cannot deny an applicant the right to submit an application. The Planning Commission does not have to approve it; but you cannot prevent an applicant from pursuing it.

Vice Chairman Bryan stated that the size of the proposed development would consume the projected growth for the Town. He asked what the Planning Commission would do if another application were submitted.

Mrs. Hillegass stated that each one has to be evaluated on its own merits. It is a property rights issue.

Dr. Pope stated that there are probably only two other open spaces in the Town which would be the Little's Supermarket site and across from the Cypress Creek subdivision.

Chairman Pack explained that there is also some acreage on Route 10 across from Tractor Supply that is zoned commercial. There is also space behind Tractor Supply. They are both rather sizable.

Mr. Swecker stated that the Planning Commission can also say no. The Planning Commission does not have to accept any application.

Vice Chairman Bryan asked who would benefit in regard to the cost analysis. Many of the citizens' concerns were regarding infrastructure and the fact that it does not keep up. How would the Town afford the necessary infrastructure to keep up?

Dr. Pope stated that the water and sewer infrastructure would be paid for by the developer. VDOT would have to do a traffic study and prove that the traffic is there before they would do anything to improve the roads.

Ms. Venable stated that the improvements that the developer is showing will have to go in at the beginning of the project. As an example, the water tower was built and the project never moved forward. The money was spent for the water tower. The infrastructure went in first. The infrastructure is not the Town's burden; it is the developers' burden.

Vice Chairman Bryan stated that there is talk of Battery Park Road being widened from Nike Park to South Church Street. Battery Park Road is owned by the Town as he understands it. If it is planned to be widened, who will be widening it.

Ms. Venable stated that it is a good point. The Town's Comprehensive Plan from 2009 states that Battery Park Road will be widened. However, the traffic impact analysis specifically states there is no failing movement. The additional things the developer is putting in place would allow traffic to operate and move through at a very acceptable level.

Karen McPherson explained that there is a daily driver level of congestion. The threshold of through volume on a road to widening it from two to four lanes is way out in the future. Widening would be provided by VDOT. It is in the Town's Comprehensive Plan that rights-of-

way acquisition and dedication are to be put into place to preserve it. The addition of the left turn lanes at all site entrances allows the through movement to flow. Cars will no longer have to stop behind drivers turning left onto Titus Creek Dr or Reynolds Drive due to the left turn lanes that will be added. The Town and VDOT would determine if four lanes are needed on Battery Park Road and Nike Park Road. Until 2041, the developer's projections show that the two-lane roadway with the improved turn lanes are adequate.

Mr. Swecker asked if those improvements would be in before the project is finished.

Ms. Venable stated that intersection improvements for S. Church Street/Battery Park Road, Battery Park Road/Stratford Lane, and Battery Park Road/Nike Park Road would be in before a single house was built. The Titus Creek Drive/Nike Park Road intersection would have to have a threshold number and the developer would have to proffer that.

Mr. Torrey stated that most of the improvements are offsetting the development. They are not actually fixing any of the current traffic issues.

Karen McPherson explained that the entrances will provide acceptable levels of service. Based on projected future volumes, the two-lane roadway for those sections is still adequate within the VDOT roadway.

Mr. Torrey stated that it is a beautiful proposal and a great looking community. He believes it has too many units for the area. Anything the developer can do to tweak the numbers would be good.

Ms. Venable suggested expanding tree save areas, limiting homes to the open field areas and limiting the number of units in each phase. The developer would have to offset the cost of the infrastructure. The roundabout is an improvement that would benefit the traffic as soon as it is installed. She looks forward to revamping the plan to make more people happy.

Mr. Torrey stated that every decision the Planning Commission has made over the last several years has been with the original single family homes in mind. Permission to build them happened years ago. Affordable housing in the development would be nice. There will be tenplexes located a mile and a half away.

Ms. Venable stated that having single family only does not allow for affordable housing. The duplexes and the fourplexes would need to be utilized for the diversity of product. Townhouses are a great introductory product as well. The idea of a cluster subdivision is to provide more open spaces to save the preservation areas. Smaller lots mean less mowing but also provides more green space areas.

Mr. Napolitano explained that tweaking the plan will take longer than thirty days. The ordinance states that if the Planning Commission does not act within one hundred days then it automatically goes to Town Council as a recommendation for approval from the Planning Commission. He asked the Town Attorney if he, as the applicant, could ask for a deferral. He cannot go back and tweak the plan in thirty days especially with the holidays coming up. He would like to defer it until after the first of the year.

The Town Attorney stated that he is not sure. He handled a similar case with the county and the only party to be damaged is the applicant. He did not think it would be a problem. He will talk to Mr. Whitney Saunders and work through that issue. It makes sense not to rush everything. It does not make sense to be firm on the one hundred day rule since the developer will be making

recommended changes requested by others. He stated that he would have an answer for Mr. Napolitano before the regular Planning Commission meeting on November 10th.

Mr. Napolitano requested deferral of his application until after the holidays. He would like to come back with a plan taking all comments into consideration. He asked the Town Attorney and Mr. Whitney Saunders to check into the legalities of deferring the application.

Dr. Pope stated that in Phases A & B he would like to see some of the units trimmed down. In the first phase, he would like to get rid of the townhomes and have single family homes. It would look better since it is across from Wellington Estates. He also explained that he did not favor the tenplexes.

Mr. Napolitano stated that it was a good suggestion and he will take a look at it. He understands that no one is in favor of the tenplexes. He asked if there was anyone else who would like to give direction about the development.

Dr. Pope stated that he does not want the existing residents along Nike Park Road or the Scott Farm who have already given up land for the bike trail to have to give up more for road widening, and encouraged the developer to consider dedicating more land to widening the road.

Vice Chairman Bryan asked about the one entrance in Phase A. At the last meeting, it was mentioned that there might be a possibility of connecting Phase A & B.

Mr. Napolitano explained that he looked at changing that but there are environmentally sensitive areas between the phases. He would not want to disturb those areas. He is looking at two lanes in and two lanes out at the entrance for easier access instead, similar to Wellington Estates.

Ms. Venable explained that they are looking at a wide entrance similar to Wellington Estates except it would be a little wider. Traffic would split and there would be two points of ingress and egress. They would need to consult with the Town Engineer and Mr. Settle to see if that would work. There would be a tree save area and landscaping before you get to any homes.

Dr. Pope asked if the public would have an opportunity to speak again as the project evolves.

Chairman Pack explained that all Planning Commission meetings have an opportunity for public comments. When the application returns for review and recommendation to the Town Council, the Town Council would ultimately be responsible for denying or approving the project. There will also be another public hearing once it goes to Town Council. Town Council has a year to act on it once they receive the application. There would also be public comments at every Town Council meeting.

The Community Development & Planning Director explained that there are two more Planning Commission meetings this year; November 10th and December 8th, 2020.

Mr. Napolitano stated that he would make the request to defer the application until the first of the year in writing to Mr. Settle.

Dr. Pope explained that a property owner has rights to develop. The Planning Commission could deny the application. It is a struggle to balance everything. The public explains what they do not want; but he would like to hear what is acceptable. He asked for constructive input from the public for what is tolerable.

Chairman Pack added that it is developable land whether this application is approved or not. The Planning Commission needs to have a vision for what it would look like twenty years

from now whether it becomes homes or remains farmland. All of the Planning Commissioners live in the community and care about what happens in Smithfield. Chairman Pack asked if there were any other comments from the Planning Commission.

The Community Development & Planning Director asked to clarify requests from the Planning Commissioners which include: a resolution about the secondary road issue on Battery Park Road, concession on number of units in the development, concession on the overall number of units without impacting the promise of affordable homes, tenplexes are not desirable units, single family homes across from Wellington Estates, and right-of-way dedication for the widening of Nike Park Road to affect the applicant not existing homeowners.

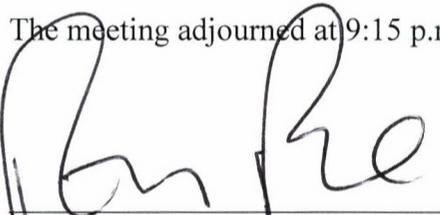
Mr. Napolitano thanked the Planning Commission and the public for their comments. He believes he has been a good steward as a large property owner to work with the Town and come up with a plan. If it can be deferred until after the first of the year, he will come back with a more palatable development plan.

Approval of the Tuesday, October 13th, 2020 Meeting Minutes.

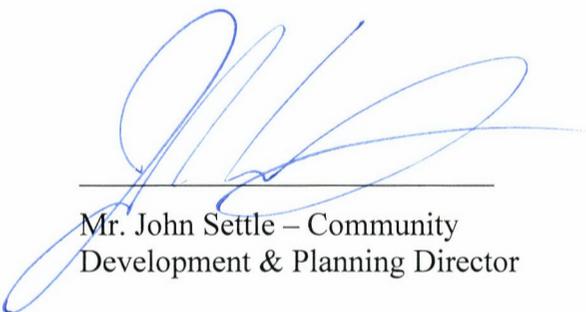
The Town Attorney recommended the minutes be approved as submitted. Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mr. Torrey voted aye, Dr. Pope voted aye, Mrs. Hillegass voted aye, Dr. Marks voted aye, Mr. Swecker 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 9:15 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle – Community
Development & Planning Director