

*Chapter VI: A*

**LAND USE:  
BATTERY PARK NORTH PLANNING AREA**

**ADOPTED  
AUGUST 4, 2009**

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**PLANNING AREA PROFILE:**

**Location**

The Battery Park North Planning Area is located in the eastern portion of the Town of Smithfield. It is bounded on the north and west by Moone Creek and its adjacent marsh, on the south by Battery Park Road and on the east by Battery Park Road and the Town's corporate limits. The Planning Area consists of approximately 417 total acres.

**Eastern Land Use and Transportation System**

The Battery Park North Planning Area is a largely undeveloped area which includes the Rising Star neighborhood, several scattered single family detached residences and two light industrial uses located along Battery Park Road, as well as dozens of acres of farmland. The Rising Star neighborhood is a small collection of older single family residences served by Greenbriar Lane. Since the adoption of the 1999 Comprehensive Plan, this community has undergone several significant grant-funded community development and infrastructure, including the improvement of Greenbriar Lane into a paved neighborhood street, the design and construction of a water main, storm drainage and sanitary sewer improvements along Battery Park Road, and the rehabilitation of several existing homes. Together, these grant-funded improvements have improved living conditions in the neighborhood substantially.

The Planning Area incorporates the northern half of the Eastern Annexation Area, one of three Isle of Wight County territories annexed by the Town of Smithfield on January 1, 1998. The vast majority of this land is vacant and maintained as woodlands, wetlands and open fields, supporting little active agricultural activities. Little development or agricultural activities have taken place here over the years due to the poor soil conditions that characterize the majority of the property. Soils in the vast majority of the Planning Area drain poorly and are highly susceptible to high shrink-swell soil conditions.

Battery Park Road provides the sole means of vehicular access to properties located within the Planning Area. In recent years, Battery Park Road has been transformed into a significant entrance corridor into Smithfield as an increasing number of Town and Isle of Wight County business persons and residents have been traveling to and from the Peninsula via the linking Nike Park Road, Titus Creek Road, Smith's Neck Road, Carrollton Boulevard and ultimately, the James River Bridge. Battery Park Road forms the principal access point into and out of Smithfield along this "cut through" corridor. As such, the road serves two primary purposes: it serves local trips by area residents and it provides the integral access way to the shortest route for travelers moving between Smithfield and the James River Bridge to the east and the Peninsula beyond. In 2006, VDOT recorded approximately 10,000 average daily vehicle trips along the Battery Park Road corridor. This represents a dramatic increase over the 6,238 daily trips recorded by VDOT in 1994. The traffic numbers along the corridor reflect a continuing trend for the eastern portion of the Town. Clearly, these traffic increases pose significant consequences for the future of the Planning Area as the corridor continues its transformation from a two-lane rural highway into a four-lane urban connector road and primary entrance corridor. Ultimately, development pressures will increase within the Planning Area as daily traffic volume increases along Battery Park Road.

In response to these traffic-related pressures, the Town commissioned a study of the Battery Park Road corridor. The study, which was completed in 2003, included a roadway alignment analysis for the entire length of the corridor within the Town boundaries. The study utilized base mapping provided by the Town to generate a proposed horizontal alignment, intersection layouts, a cursory review of impacted utility systems, a summary of right-of-way information, and a preliminary cost projections for all recommended improvements. The study found the existing roadway to be in generally good condition, but lacking in terms of necessary capacity to serve the Town's expected future growth. In order to alleviate the capacity concerns, the study recommends a widening of Battery Park Road to include a minimum of four lanes, with turn lanes in strategic locations. In order to achieve this improvement, the study concluded that the Town should attempt to provide a minimum of 100 feet of right-of-way along the full extent of the corridor. An executive summary of the study is provided in Appendix III of this Comprehensive Plan.

### **Existing Environmental Considerations**

The Planning Area's development potential is constrained severely by its poor soil characteristics and the presence of Moone Creek and its associated marshlands along its

northern and western boundaries. The vast majority of the soil in the Planning Area drains poorly and is highly susceptible to shrink-swell conditions. The scenic marshlands and inland waterways surround and penetrate the Planning Area to create barriers to construction for a significant portion of the land. Slightly over twenty-five percent of the total Planning Area have topographic and wetland characteristics which make them unsuitable for urban development. While these tidal waterways limit the total buildable area, they provide dramatic siting opportunities from the adjacent ridges. Of the Planning Area's 417 total acres, approximately 121 (29%) have been identified as having prime developmental potential. However, these prime developable lands will not support dense development due to its poor soil compatibility.

### **BATTERY PARK NORTH LAND USE PLAN**

The Battery Park North Planning Area is planned as a low density residential area, allowing only neighborhoods of single family detached homes to complement the existing residential neighborhood and scattered single family residences and light industrial uses that line its sole corridor, Battery Park Road. The future development of the Area should occur under the guidance of a master plan for the lone Sub-Area identified within the Planning Area, as opposed to the parcel-by-parcel approach that has historically dominated Town development along its major corridors. This parcel-by-parcel development pattern has contributed to the proliferation of a hodgepodge of uses along Smithfield's principle corridors that fail to link together in any sound urban context. By creating a long range plan, the owners of the various properties lining Battery Park Road would be able to produce a better product that would appropriately respond to the road's emerging role as a primary gateway and entrance corridor into Smithfield. A thoughtful master planning effort in this Planning Area would also allow the Town to better prepare its efforts to provide the necessary public services to serve future development in the area. No intensive development should take place in the vast amount of vacant land in this Planning Area until the water and sewer distribution systems are significantly upgraded to adequately serve the planned ones.

In the following section, a specific land use recommendation is presented for the Planning Area's lone identified Sub-Area.

#### **Sub-Area 1 Recommendations**

Sub-Area 1 incorporates the entirety of the Battery Park North Planning Area, excluding the existing Rising Star community. It is bounded on the north by Moone Creek and its adjacent marsh, on the west by the Moone Plantation residential subdivision (Phase IV), on the south by Battery Park Road and on the east by Battery Park Road and the Town's corporate boundary. Encompassing approximately 369 acres, Sub-Area 1 constitutes one of the largest undeveloped

areas in the entire Town. It is planned for low density residential development. This land use designation would allow single family detached residential development at a density of between one and three dwelling units per acre. At this density, between 126 and 378 new housing units could potentially be located within the Sub-Area's 121.0 net developable acres. However, it is highly unlikely that the upper reaches of this probable range will ever be achieved due to the poor soil conditions found in the Sub-Area.

The major issues involved with the potential development of this Sub-Area are (1) the necessary rezoning of the properties, (2) the provision of public utilities, (3) vehicular access, (4) the improvement of Battery Park Road, (5) buffering of the ultimate development from Battery Park Road, (6) sensitive environmental areas, and (7) encouraging the development of affordable workforce housing within new neighborhoods.

The owner of a large, undeveloped component of the Sub-Area (part of Mallory Pointe) has successfully rezoned approximately 230 acres of the Sub-Area to N-R, Neighborhood Residential. As part of this rezoning, cash proffers were submitted towards the improvement of Battery Park Road into a four-lane section as called for in the Battery Park Corridor analysis. Also, plans associated with this rezoning include the incorporation of a roundabout at the intersection of Battery Park Road and Nike Park Road. Additional right-of-way has also been proffered to aid in the ultimate improvement of the corridor. All of these improvements are much needed to serve the anticipated traffic associated with the future development of the Sub-Area in the context of continuing background traffic growth along the corridor.

Although the future land use designation for the entire Sub-Area promotes a density range that would support up to three residential dwelling units per acre, the balance of the Sub-Area acreage is still zoned C-C, Community Conservation. Within the C-C district, new residential subdivisions shall only be permitted in the district via special permit and that each such subdivision shall not exceed five lots. Thus, any future subdivisions proposed for higher density residential purposes for the remaining acreage must be individually rezoned to a residential zoning district compatible with the Comprehensive Plan and pursuant to the provisions of the Zoning Ordinance, such as was achieved for the 230 acre parcel.

Before any rezoning of this nature would be approved by the Town, adequate public water and sewer service would need to be provided for all planned uses as no lots shall be permitted with private domestic well and septic utilities except by special permit for temporary service. Future low density residential development in the Sub-Area should be able to extend lines from the recent upgrades made along Battery Park Road in order to serve residences. It shall be the primary responsibility of the developer(s) of the project to extend the necessary utility lines to

adequately serve the planned uses in the Sub-Area. No future development should take place in the vast amount of vacant land in this Sub-Area until these improvements area made.

A thoughtful master plan should be created for the entire Sub-Area which provides for the bare minimum of new vehicular entrances off Battery Park Road and efficient internal street systems, as well as protection of the Area's social surroundings, sensitive ecology and Moone Creek which parallels the northern border of the Planning Area. Access points into and out of the Sub-Area should be limited along Battery Park Road in order to exhibit the further proliferation of curb cuts and vehicular entrances along this roadway. Access to the western half of the Sub-Area should be provided via a sole, shared entrance which should be aligned at Battery Park Road with the main entrance to Wellington Estates, creating a single, additional four-way intersection associated with the full development of the Sub-Area.

The master plan for the Sub-Area should also complement the improvements planned for Battery Park Road. As mentioned earlier in this Planning Area profile, the Town plans for the road to be widened to include two additional lanes in order to accommodate anticipated future increases in daily traffic demand. This widening would require the acquisition of additional right-of-way along Battery Park Road, ultimately enabling a 100-foot right-of-way for the corridor. Further, the Town recommends that beyond this setback allowance, future development maintain a minimum 100' landscape buffer along the corridor, incorporating a desired 5'-7' berm with a landscaped treatment on top. Also, pro rata share funding of the planned improvement of Battery Park Road according to projected traffic impacts associated with any future development of the Sub-Area should also be incorporated into any application. Beyond this landscaped berm and buffer, future residences should be sited within the areas which are most conducive for urban land uses, while the fragile environmental areas along the Sub-Area's northern boundary are to be maintained as permanent open space. Any urban use of "sensitive environmental areas" (situated outside the Sub-Area) should be avoided.

The topography and soil conditions of the Sub-Area are not suitable for massive buildings and expansive parking; therefore, low density single family attached residential development would be most efficient use of the property. The siting of new homes should be gently placed within the angular terrain, employing extensive landscaping and minimal earthwork. Clustering of single family detached units is preferred, and bonus densities would be supported by the Town in review of appropriate cluster pattern designs that meet the expectations of the Town's Zoning Ordinance. The Town should also encourage the use of zero lot line development within the Sub-Area by means of special use permit.

Before any subdivision or lot located on soils found to be susceptible to shrink-swell conditions is approved for development, a geotechnical report shall be submitted with a preliminary plat and plans as required by the revised Zoning Ordinance. The report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. The proposed master plan should also protect as many existing trees as physically possible within the future development plan. Such a master plan approach is critical to insuring that each of these issues is given thoughtful treatment in the proper development of the Planning Area. The Plan also promotes the integration of affordable workforce housing into the future development of this Sub-Area per the goals, objectives, and implementation recommendations outlined in the Housing Chapter (Chapter XI of this document).

### **FUTURE LAND USE SUMMARY**

The Comprehensive Plan projects the Battery Park North Planning Area as a low density residential community planned for the provision of a suitable transition from its mix of light industrial and single family residential uses along the Battery Park Road corridor to the expanse of undeveloped land and sensitive environmental areas bordering Moone Creek. Existing development within the Planning Area, especially the Rising Star neighborhood, will be stabilized and preserved, and the integrity of the emerging Battery Park entrance corridor will be protected as traffic demands and development pressures increase. The Battery Park North Planning Area has the potential to accommodate between approximately 126 and 378 new households. While it is unlikely that the upper level of this projected density range will ever be realized due to the poor soil conditions that characterize the Planning Area, the future development of this Planning Area should provide significant additional single family detached residential development opportunities, including affordable workforce housing. The Town should encourage the creation of a master plan for the undeveloped land which respects both the existing adjacent residences and the natural environment and outlines specific opportunities to support Town planning objectives, especially with respect to the recently adopted entrance corridor guidelines. The Town should encourage Traditional Neighborhood Development-style development within the Sub-Area. Further, the Town should encourage any future development of the Planning Area to incorporate affordable work force housing opportunities within its neighborhoods. No future development should take place until the required public utility improvements necessary to support future development are completed and each of the critical issues outlined above are resolved to the Town's satisfaction.

The following table summarizes the development potential of the sole Sub-Area as recognized in the Plan.

