

TOWN COUNCIL STAFF REPORT
***AMENDMENT TO PROFFERS: MALLORY POINTE:**
MONDAY, MAY 8th, 2023*

The applicant for the Mallory Pointe rezoning project is requesting an amendment to the Proffers, due to technical oversight. The Proffer statement, dated June 25, 2021, includes item 5.e. "A community dock/ pier with limited parking will provide a kayak and non-motorized watercraft launch area and overlook. Motorized watercraft will not be permitted to use this community dock/pier." The Proffer statement also includes item 14.b. "Construct a westbound right-turn lane (200' storage / 200' taper).

During the rezoning application process and discussions, the applicant agreed to remove the community dock/ pier from the application package.

It was understood by the Planning Commission and Town Council that this rezoning application, would not provide a community dock/ pier.

Additionally, during site plan review, it was determined that a 200' storage / 200' taper would create a conflict point on Battery Park Road, and instead an 85' storage / 150' taper would better suit the right turn entrance into Phase A of Mallory Pointe.

In accordance with Virginia Code 15.2-2302B and Article 5.1.5, the applicant is seeking an amendment to the Proffers, replacing item 5.e. with "A community dock/ pier is not permitted" and replacing item 14.b. with "Construct a westbound right-turn land (85' storage / 150' taper)." According to Virginia Code and the SZO, when an amendment is requested that does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing, by a majority vote at the next regularly scheduled Town Council meeting, prior to the amendment of such proffered conditions.

Town staff do support this request for an amendment to the Proffers by replacing item 5.e and item 14.b, in accordance with the approved rezoning application.

For inquiries, contact Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.