

The Smithfield Planning Commission held its regular meeting on Tuesday, November 10th, 2015. The meeting was called to order at 6:30 p.m. Members present were Mr. Bill Davidson, Chairman; Mr. Charles Bryan, Mr. Randy Pack, Mr. Mike Swecker, Dr. Thomas Pope, and Mr. Michael Torrey. Ms. Julia Hillegass, Vice Chair; was absent. The staff members present were Mr. William H. Riddick III, Town Attorney and Mr. William G. Saunders IV, Planning and Zoning Administrator. There were three (3) citizens present.

Chairman Davidson – I would like to welcome everyone to the November 10th, 2015 Planning Commission meeting. If everyone will please stand, we will say the Pledge of Allegiance.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Davidson – The first item tonight is the Planning and Zoning Administrator's Activity Report.

Planning and Zoning Administrator – Thank you, Chairman. I wanted to give you all an update on the Pierceville project otherwise known as Cary and Main. The future land use change went to the Town Council last Tuesday for a public hearing. It was tabled until the January Town Council meeting. Subsequently, the Pierceville rezoning public hearing was continued also until the January Town Council meeting. They hope to schedule a work session between the November and the January meeting but I have not heard any details yet as to when that might occur. That is all I have right now.

Chairman Davidson – We will now move to Upcoming Meetings and Activities. On November 11th, the town offices will be closed in observance of Veteran's Day. Town Council committee meetings will be on November 16th and 17th at 4:00 p.m. at the Smithfield Center. November 17th at 6:30 p.m., the Board of Historic and Architectural Review will meet. At 7:30 p.m. on November 17th, the Board of Zoning Appeals has been cancelled. On November 25th, the town offices will close at noon in observance of Thanksgiving. Also, on November 26th and 27th, town offices will be closed for Thanksgiving. December 1st will be our next Town Council meeting. The next Planning Commission meeting will be on December 8th at 6:30 p.m. The next item on the agenda is Public Comments. The public is invited to speak on any matter other than our public hearing tonight. Is there anyone signed up to speak?

Planning and Zoning Administrator – We do not have any signups, Mr. Chairman.

Chairman Davidson – Would you gentlemen like to speak?

Mr. Braunhardt – No thank you, Mr. Chairman.

Chairman Davidson – Next we will have Planning Commission Comments.

Dr. Pope – The only comment I have is from last month's meeting when we discussed the advertising in the window and approved that for the dance studio. How is that any different than all of the pictures in Hardee's, McDonald's, or Tractor Supply windows? How is that different than all of these other issues? When you ride down the road, I have not done the math; it certainly looks like it is over ten percent of the window space.

Planning and Zoning Administrator – It is a good question. Those temporary signs are put up intermittently. It is hard to keep track of. I believe there are a couple of other businesses that you will see before you similar to the dance studio. The big thing is the permanence of it. These other people that put up temporary signage is like temporary signs without a temporary sign permit. Others require a permanent sign. It is an actual sign permit not a temporary sign permit. It is a good question.

Chairman Davidson – Is it a code enforcement situation?

Planning and Zoning Administrator – It is so much so that you just cannot keep up with it.

Chairman Davidson – Do we only have one person? Is it Joseph?

Planning and Zoning Administrator – It is part of what he does.

Chairman Davidson – Is he the only one that does code enforcement?

Planning and Zoning Administrator – Yes sir.

Mr. Pack – Along those same lines, if you ride down South Church Street and you look at many of the businesses there, they have track lettering greater than fifty percent of their sign. It is what we had a public hearing on last month as well. It is a code enforcement issue again.

Planning and Zoning Administrator – I do not know of any new businesses that have track lettering over fifty percent.

Mr. Pack – I would be willing to bet that True Value probably is over fifty percent. I did not get my tape measure out.

Planning and Zoning Administrator – There are some that are grandfathered because they are old. There are some that have had special sign exceptions. Are you talking about the old True Value sign?

Mr. Pack – No. I am talking about the new one. It is not my intention to get folks in trouble.

Planning and Zoning Administrator – It was reviewed with the site plan. I cannot remember the details of it but that sign would have been reviewed with the site plans on the building at that time.

Chairman Davidson – Are there any other comments? Hearing none, we will move to the Public Hearing – Zoning Ordinance Review – Floodplain Overlay District (FP-0, Article 3.0) and Definitions (Article 13) – Town of Smithfield, applicant. Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Chairman. You reviewed this last month. FEMA and the Federal Insurance Agency have redrawn the Flood Insurance Rate Maps for the first time since 2002. The new maps are more accurate due to improvements in computer mapping technology. They are intended to become the maps of record on December 2nd, 2015. Updates to municipalities Floodplain Management Ordinances are expected to go along with these changes in mapping. As we mentioned last month, due to the numerous updates that would have been required to update our currently adopted ordinance, we determined to modify the model ordinance that is provided by the Department of Conservation and Recreation (DCR) to fit our needs for the future. As we look at this Floodplain Ordinance, there are redlined modifications to it. Those are red lines based on what the model ordinance was. Also, for review tonight, is a draft of Article 13 which is the definition section of our ordinance to which numerous definitions related to the Floodplain Ordinance and Floodplain Management were added. This amended version would replace the currently adopted version but it is the existing version that we have just added to. I will go through the items that were changed. In the Floodplain Overlay District Ordinance, on page 2, we inserted the Town of Smithfield and also the numbers for the map panels within the town are listed there. On the top of page 3, we added our municipality name. At the bottom of page 3, we changed the Director of Planning to Planning and Zoning Administrator which is more in

league with our ordinance references. We also added the municipality name. We struck a section there that relates to penalties and added Class 1 Misdemeanor which is consistent with other parts of our ordinance. Just below that, we added the articles and sections where more detail about the penalties can be found. Below that, we added the town name again. On the top of page 4, we changed Floodplain Administrator to Planning and Zoning Administrator. We also added the town name. We also added the town name on page 5, 6, and 7. On page 7, 'Zoning Officer' was changed to Planning and Zoning Administrator. The date of December 2nd, 2015 was added which is the date the new maps go into effect. In the AE Zone section, the areas included in this district were struck because we were not going to list the table there. The Town of Smithfield was added in six places on pages 10 and 11. On page 11, we struck AH as there are no AH Zones within the Town of Smithfield. You will see that in a number of places on that page. Also, a section that was added for clarification that was in the footnotes of the model ordinance was actually put in the body of the text. It explains how some of these restrictions differentiate between lakes and rivers. The next paragraph added 'Town of Smithfield' and struck AH and the same thing in the subsequent paragraph. On page 12, we struck the AO zone section. Again, there are no AO Zones within the town. It carries over onto page 13. We also changed the base flood elevation on the freeboard amount from one foot to eighteen inches. This is consistent with Isle of Wight County and our Building Codes department. We also did that further down on the same page. There were differentiations between whether the lowest member of the structure was parallel or perpendicular to the wave action. Given the fact that we raised the freeboard, we struck that and made it the same height whether it is perpendicular or parallel. On page 14, as it relates to how much square footage can be enclosed beneath the home, we added the reasoning behind that which is to avoid triggering high insurance rates. We changed the 'shall not' to 'should not' so that people are aware that they could potentially trigger high insurance rates by doing that but it does not prohibit them from doing that. The next change, on the bottom of page 14, is also striking shall and adding should. It relates to public structures within the flood zone areas. Again, we did not want to have a prohibition but we wanted to be reminded before considering doing that for what may be expected. On page 15, the town name was added as well as and Zoning

regulations. On page 17, AH was struck in a couple of places and the freeboard height was changed from two feet to eighteen inches to be consistent with the ordinance. Also, Town Clerk was added as far as record maintenance. AH and AO were struck at the bottom of page 17 and 18. VE and V were added. We do have them within the Town of Smithfield. On page 19, we struck the change that relates to what is deemed to be a substantial structural issue. The section about rolling 5 year periods from multiple issues was struck as we felt it was not easily accounted for or maintained in the records. We left the balance of it to the government section. On the last page, we added Town of Smithfield. Are there any questions about the floodplain section before I move on to the definitions sections?

Mr. Bryan – I have one. You said that the town does not have any AH Zones. What is that?

Planning and Zoning Administrator – Honestly, I am not very well versed in that because we do not have it here. I could look into it and get back to you. We have AE Zones which is the majority of the flood zones within the town except for up near the bay. There are a couple of areas that are VE and V due to the amount of fetch across the bay. They are velocity zones. Does anybody else have any questions? We will move on to Article 13: Definitions. On the bottom of page 4, a definition of Base Flood Elevation was added. The definition of basement was added to base on some of the new requirements. On page 9, the definition of Development was added to base on the new requirements. On page 10, the Dwelling definition was added to for single family detached dwellings. On page 12, Elevated Building, Existing Construction, and Existing Manufactured Home Park/Subdivision definitions were added. On page 13, the flood zone definitions were added. I have a definition for all of them here. I left those in there just for reference. Flood Insurance Rate Map and Flood Insurance Study definitions were also added on that same page. On page 14, Flood Proofing, Floodway, and Freeboard definitions were added. On page 16, we added the definition of Highest Adjacent Grade. On page 17, Historic Structure and Hydrologic and Hydraulic Engineering Analysis definitions were added. On page 19, it lists the different types of 'Letters of Map Change' with the definitions there. We added the Lowest Floor definition on page 22. On page 23, the Manufactured Home Park or Subdivision definition was

added to. A definition for New Construction was added as it relates to floodplain management. On page 27, Post-FIRM and Pre-FIRM definitions were added. At the bottom of page 28, a definition for Recreational Vehicle was added. On page 29, we added a definition for Repetitive Loss Structure. On page 31, Severe Repetitive Loss Structure definition was added. Special Flood Hazard Area and Start of Construction definitions were added on page 32. On page 34, the definition of Structure was added to. On page 35, Substantial Damage and Substantial Improvement definitions were added. On page 37, the definition of 'Violation' as it relates to floodplain management was added. There were only five recommended changes by the Department of Conservation and Recreation on the version that you looked at last month. One of those was the insertion of the definition of Elevated Buildings. Two more of those were the definition of Post-FIRM and Pre-FIRM which you saw in there. The other two were changes in the language that had changed at FEMA that relates to the date when the flood insurance program first started. The definitions of Existing Construction and New Construction were changed to add those December 5th, 1990 dates. Those are the only things that have changed since the last time you looked at this. We did not get any recommended changes from FEMA or from Isle of Wight County. We are confident that this version that you are looking at tonight will meet all of the requirements for FEMA to go forward to Town Council after the public hearing.

Chairman Davidson – Are there any questions of Mr. Saunders before we move to the public hearing? We will open the public hearing at this time. Would anyone like to speak?

Ms. Johnson – I Keesha Johnson. I live in Pinewood Heights. I thought we were supposed to have a public meeting about the relocation with the Pinewood Heights residents. Was there any meeting on that today? Maybe I was misinformed.

Planning and Zoning Administrator – I can answer that Chairman. Good evening. I apologize for any misunderstanding. The meeting for Pinewood Heights was a management team meeting. It was at 4:00 p.m. at Town Hall. It was not a public meeting. They are going to schedule the public meeting for January 12th at the Smithfield Center.

Ms. Johnson – What time?

Planning and Zoning Administrator – I do not know. It is probably going to be 5:00 p.m. or 6:00 p.m. They were just talking about it today in the meeting about scheduling it for January 12th. It is the second Tuesday in January. I apologize for the misunderstanding.

Ms. Johnson – Thank you very much. It was the only reason I was here. Have a nice day.

Chairman Davidson – No one is going to speak to the public hearing on the Flood Overlay District so the public hearing is closed. I will move to consideration.

Mr. Pack – Mr. Chairman, I would like to make a motion that we accept the Zoning Ordinance review for the Floodplain Overlay District Article 3.0 and Article 13 as presented.

Town Attorney - And recommend approval to Town Council.

Mr. Swecker – Second.

Chairman Davidson – A motion has been made and properly seconded that we forward with approval the Floodplain Overlay District Article 3.0 and Article 13 to Town Council. All those in favor say aye, opposed say nay.

On call for the vote, six members were present. Mr. Bryan voted aye, Chairman Davidson voted aye, Mr. Pack voted aye, Dr. Pope voted aye, Mr. Swecker voted aye, and Mr. Torrey voted aye. There no votes against the motion. The motion passed.

Chairman Davidson – Next, we have the Approval of the October 13th, 2015 Meeting Minutes.

Town Attorney – Mr. Chairman, I found one minor error so I would recommend that the minutes be approved as corrected.

Mr. Swecker – So moved.

Mr. Torrey – Second.

Chairman Davidson – A motion has been made and properly seconded that we approve the October 13th, 2015 meeting minutes with one minor correction. All those in favor say aye, opposed say nay.

On call for the vote, six members were present. Mr. Bryan voted aye, Chairman Davidson voted aye, Mr. Pack voted aye, Dr. Pope voted aye, Mr. Swecker voted aye, and Mr. Torrey voted aye. There no votes against the motion. The motion passed.

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Chairman Davidson – If there is no further business, we are adjourned.

The meeting adjourned at 6:53 p.m.

Mr. Bill Davidson
Chairman

William G. Saunders, IV
Planning and Zoning Administrator