

The Smithfield Planning Commission held its regular meeting on Tuesday, October 13th, 2015. The meeting was called to order at 6:30 p.m. Members present were Mr. Bill Davidson, Chairman; Ms. Julia Hillegass, Vice Chair; Mr. Charles Bryan, Mr. Mike Swecker, Mr. Randy Pack, Dr. Thomas Pope, and Mr. Michael Torrey. The staff members present were Mr. William H. Riddick III, Town Attorney and Mr. William G. Saunders IV, Planning and Zoning Administrator. There were twenty (20) citizens present.

Chairman Davidson – I would like to welcome everyone to the October 13th, 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. We do not have a staff report this evening.

Chairman Davidson – We will now move to Upcoming Meetings and Activities. On October 20th at 6:30 p.m., we will have a Board of Historic and Architectural Review meeting. The Board of Zoning Appeals meeting on October 20th has been cancelled. The town offices will be closed on October 22nd for employee training. On October 26th and 27th at 4:00 p.m., we will have the Town Council Committee meetings. The next Town Council meeting will be on November 3rd at 7:30 p.m. Our next Planning Commission meeting will be on November 10th at 6:30 p.m. Our next item is Public Comments. The public is invited to speak on any item other than public hearings. There are no sign ups. Is there anyone who would like to speak? Hearing none, we will move to Planning Commission Comments. Hearing none, we move to the Public Hearing: Special Sign Exception Review – 921 South Church Street – Lauren Babb, Footnotes Dance Studio, applicants. Please give your name and address for the record please.

Ms. Babb – My name is Lauren Babb. I live at 7995 Purvis Lane in Smithfield. I am currently the owner of Footnotes School of Dance located on South Church Street. I have one hundred and twenty students enrolled in my studio between the ages of two to eighteen. My job as a dance studio owner is not just to teach dance but to keep my

students safe while they are at my studio. I take this job very serious. The world we live in has made it more of a challenge to keep our children and this community safe. I have taken several measures to ensure that no one can harm my students such as installing security cameras, extra outside lighting in my parking lot and an opaque window cling to prevent outsiders from looking in on the young girls. The window in front of my business was previously adorned with venetian blinds. There is a picture of it in your folders. The blinds would always fall down, twist, and turn making it impossible to block outsiders from looking in. To ensure a safer environment, I hired a company to put up window decals in the window. This is a form of window tint to help block outsiders from looking in. Since these decals were not labeled as a sign, I was not aware that I would be in violation of a sign ordinance. My intention with these decals was not to bring more customers in. They were meant to keep onlookers out. I did not mean to offend the ordinance and was not trying to get around the codes. I only wanted to keep my children safe. Had I known these would be considered a sign and that I would be in violation, I would have gone through the proper procedures to get it approved. Please accept my apologies for this. When you are making your decision for the variance tonight please take these things into consideration. My business operates between the hours of 4:00 p.m. and 9:00 p.m. There is a lot of foot traffic in front of my building going to the Supreme Gas Station next door to me. It is enough to make us all uneasy every night. During my first year of business, I had to call the police to have a gentleman escorted off of my property. He thought it would be okay to look into the windows at the girls dancing. Please also keep in mind when making your decision that there are five registered sex offenders that live in the neighborhood behind my business. There is also one registered sex offender that works at the business directly across from mine and one more that works in the business directly to the right of mine. I will not name these companies out of respect for their privacy but I have the profiles printed if you would like to see them. Since the window decals have been put up in lieu of the blinds, I have had an overwhelming positive response from parents of students enrolled along with other members of the community and adjacent business owners. As a parent myself, when I leave my child somewhere his safety is my top priority. Parents of the studio now have more piece of mind that their child is safe when they leave them in my care. I hope that

you find these window decals another way to protect the privacy of our young girls in our community. I would like to thank you for your time and consideration regarding this variance.

Chairman Davidson – Could we have a staff report please.

Planning and Zoning Administrator – The applicant explained most of it. There is a limit of ten percent of the window area for window signage. This is an after the fact application. She was not aware that it would constitute signage. You may choose to grant the special sign exception to allow her to exceed the ten percent window coverage area. If you think that security issues are a factor, as something specific to the dance business, then you may want to consider putting a condition on it that it is only good as long as there is a dance business in the space. We may not want to have one hundred percent window signage for every potential business in the future at that location.

Chairman Davidson – Can you see out from the inside?

Ms. Babb – Yes sir.

Chairman Davidson – It is kind of a one way thing.

Ms. Babb – Yes sir.

Chairman Davidson – Does anyone on the Planning Commission have questions for the applicant?

Mr. Swecker – I have been on this Board for seven years. This is the best presentation of trying to get something accomplished that I have heard yet. You did a good job of covering every base. Thank you. Are you planning on staying there for a while? The building looks really good since you took it over. It is cleaner. You put lights out there. Is this a place that you are going to stay? Do you plan to leave these up forever or are they temporary?

Ms. Babb – Yes sir. I have long term plans to stay at this location.

Chairman Davidson – I now declare the public hearing open. Is there anyone who would like to speak?

Ms. Thomas – My name is Christin Thomas. I live at 103 Stratford Street in Portsmouth, Virginia. I am a teacher at Footnotes. Lauren and I leave the studio pretty late. We do not want anybody to potentially harm us. With adding the lights and the window decals, nobody sees that we are inside which is great. Nobody actually knows

when we are leaving which is great. I feel a lot more comfortable being there. I feel this will be a great thing for our studio because our children are safe and the staff is safe as well. Thank you.

Ms. Resor – My name is Jill Resor. I live at 305 Hunter Way in Smithfield. My daughter has been dancing at Footnotes, before it was even Footnotes, for probably over ten years. I can remember pulling up to the studio and sitting in the parking lot and watching everyone dance in there. Over the years it has been getting more unsafe just in the time I have been there. I think the decals are awesome. They are not tacky. It serves its purpose and I think it is great that no one can see in. Thank you.

Ms. Ippolito – My name is Tracy Ippolito. I live at 138 Holloway Drive. Thank you for your time. My daughters have been attending dance classes at this location for over ten years. I did not realize that a change was being made until I saw the signs go up. A sense of relief came over me. I did not realize I was really even bothered by the fact that people could see in. I would hate to see them altered in any way from this point because it gives us such a sense of comfort. Thank you.

Chairman Davidson – Is there anyone else who would like to speak? Hearing none, we will close the public hearing.

Town Attorney – I would like to point out a couple of things. I think the ordinance would indicate that it is not a favorable thing to have one hundred percent coverage on windows for signage. But there is also a provision in it under the section dealing with sign exceptions where if you determine that one hundred percent coverage was adversely affecting the neighborhood, in general terms not specific terms, you have the ability to mitigate that. The Planning and Zoning Administrator has given you a solution. The solution is that you would make this exception particular to this activity. The business may change hands but if it continues as a dance studio it would be appropriate to continue to permit the one hundred percent coverage for safety reasons. You would not want everyone to come in and say they want to put up one hundred percent coverage signs in fast food establishments or grocery stores for example. They are giving you a very good reason. If you are sympathetic to their situation to deviate from the provisions of the ordinance, you can grant them the exception they are looking for with the condition that it is specific to a dance studio.

Chairman Davidson – Thank you. Being a father of four daughters and grandchildren who have all been in dance studios, I understand the need for privacy in a situation like that. I have driven by this business many times. I would have to agree that it is a very attractive thing that has been done. Setting that aside, I understand the need for privacy and that is my feeling on it. Are there any other comments?

Vice Chair Hillegass – I think the improvements have all been good ones both aesthetically and safety wise. I would recommend that we approve this with the condition set forth that it remains a dance studio.

Mr. Swecker – Second.

Town Attorney – The condition would be that the exception is only valid while it is being used as a dance studio.

Mr. Bryan – I am impressed with the windows. But to be clear with the ordinance does ten percent mean that the ninety percent remaining is transparent? So for it to be in compliance then it has to be transparent. Is that correct?

Planning and Zoning Administrator – Yes. The blinds that were there before did not constitute signage. There used to be decals that said jazz and tap. I do not think that constituted over ten percent but by putting this on it is what made a difference. In other words, you can have blinds to block the view inside but signage used for advertisement on the windows cannot be more than ten percent.

Mr. Bryan – As far as the ninety percent what was the intent when the ordinance was written?

Planning and Zoning Administrator – There really was not anything in the ordinance about the ninety percent but only ten percent. It said that you could only have signage up to ten percent. Beyond that it could be open, blinds, or curtains. In other words, the ordinance goes to great lengths particularly in the historic and entrance corridor areas to keep people from turning an entire building into a sign. When you go to a lot of other municipalities, people try to turn the whole building into a sign. This is one of the things that keep that from happening.

Dr. Pope - If it did not say dance, lyrical and all of that and she just put a white out shade in there then it is not technically a sign but it is still full coverage.

Planning and Zoning Administrator – The lettering could only be ten percent.

Chairman Davidson – I think the lettering is what makes the difference.

Mr. Torrey – I think the intent of the ten percent was pretty much for advertising. They do not want an entire window advertising a business or sales. You can have no lettering and put up lines. Is that correct?

Planning and Zoning Administrator – Correct.

Mr. Torrey - This is basically taking the place of lines.

Mr. Bryan – My thinking was it is a loose interpretation of what is a sign. I would think a sign would include a lot of text and in this case it does not. It is pretty much graphics.

Planning and Zoning Administrator – A lot of historic signage was just a picture with no language. You knew what they are advertising by what the graphics were.

Mr. Bryan – I think it is an attractive alternative to what was there before. Have there been any citizen complaints?

Planning and Zoning Administrator – There was a complaint that was called into the Town Manager's office from someone who obviously knew there were limitations on the window signage. I do not know who called it in or what the specific complaint was but it was forwarded to me by the Town Manager. I forwarded it to our Codes Compliance officer. Someone had seen it before we did and complained about it.

Mr. Bryan – Did they offer an explanation about why they were complaining?

Planning and Zoning Administrator – I would have to speculate on that. I could probably guess but it would just be speculation.

Town Attorney – The motion was to approve it with the condition that it is specific to the use of the building as a dance studio.

Chairman Davidson – A motion has been made and properly seconded. Are there any other questions? All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Chairman Davidson voted aye, Vice Chair Hillegass 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 – Our next item is a Public Hearing: Special Sign Exception Review – 1402A South Church Street – Debbie Mason, Mason Martial Arts Academy, applicants. Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Mr. Chairman. This has some similarities to the last application but also some differences. Our Code Enforcement officer noticed that they had exceeded their sign area. If you look at the picture you can see that there is a two segment sign. The top part says Mason Martial Arts Academy. It was permitted properly. It is a legal sign at the top. The bottom part which includes changeable copy is earmarked for a second unit within that building. The applicant is actually renting both units in the building. His sign on top meets the maximum area for a single business. The way the ordinance is written it does not accommodate for multiple units within the building. It only speaks to the number of businesses. The applicant had asked to put a blank panel over the bottom part of the sign. It was open and looked unsightly. We told him that he could but it ended up being changeable copy which is in excess of the sign ordinance. I will also take the time to mention that there have been a lot of banners used out there. I understand that he is a new business. The banners have not been permitted properly even though they are temporary. There is a hope that if this is approved it may stave off some of the use of other signage that is inappropriate. I will also say that if you do choose to approve this that you consider a condition that if at such time the applicant is only renting one of the units or at such time that there are two businesses in there again then the second part of the sign goes back to the second business. We do not want to end up with a third section to the sign. I will also mention that they have cleaned the place up a lot. We have had a few fits and starts on sign permits and sign approvals but as you can see they have painted the building. They have landscaped around the base of the sign. The place is looking a lot better than it was before. Thank you.

Chairman Davidson – Next we have the applicant, Ms. Debbie Mason.

Ms. Mason – I think Mr. Saunders has covered it all. He said we had some banners up there. We did have a temporary banner and have since pulled it down as per the town's request. I have an updated picture of it. We have asked for the interchangeable copy sign. It was a misunderstanding. We would request if it is allowed

that we add the interchangeable copy on the sign. It does look a lot better with it there. It was unsightly without the panel in there. I have sunk a significant amount of money into the business as you can tell by the building and the improvements. We also take care of the vacant property next to us. We keep the grounds up on that as well. We ran a commercial school in York County for twenty years. We plan on staying around. We do live in the Town of Smithfield. We have fifty active students right now. We are open from 11:00 a.m. until 9:00 p.m. every night and also on Saturday. We plan on staying around and hope that you will approve our request.

Chairman Davidson – Does anyone have any questions for the applicant?

Mr. Bryan – You said there was a possibility of two businesses in this building. Are you talking about in the same building?

Planning and Zoning Administrator – There are two suites in the building.

Mr. Bryan – It seems from the front that it is just one space.

Planning and Zoning Administrator – It has been different at different times. Over the years it has been side by side businesses and other times it was front and rear businesses.

Mr. Bryan – I notice that there is a house in the rear.

Planning and Zoning Administrator – This property backs up to a subdivision.

Mr. Bryan – So the house to the left rear of this building is not part of this property.

Planning and Zoning Administrator – No sir.

Mr. Bryan – Looking at this, the ordinance says that they can have twenty five percent of changeable text. The way this is configured now it is fifty percent. Is that correct?

Planning and Zoning Administrator – The bottom panel is a little bit smaller than the top panel. Unless you all approve for them to exceed the twenty five percent, they will need to determine the number of rows of their track and the size of their letters so that it does not exceed the twenty five percent. What they are going for tonight is the use of that sign. If that is all you give them, they still need to keep their changeable copy down to twenty five percent of the total area.

Dr. Pope – Is it twenty five percent of the total area or twenty five percent of their allowable area which would be thirty two square feet?

Planning and Zoning Administrator – The total area of the sign. If you are approving them to have the whole sign then it would be twenty five percent of whole area. You can approve them to have the additional area plus fill up the additional area with changeable copy which would exceed the twenty five percent. It is within your power to do that. You can do either one or both or neither.

Mr. Swecker – Do we have any other businesses on Church Street that do multiple businesses within the same sign?

Planning and Zoning Administrator – Yes. There are several along that same area.

Chairman Davidson – There are many buildings with more than one business that share a sign.

Dr. Pope – Yes. There are many.

Mr. Bryan – I would like to ask the applicant a question. Was there anything that you saw on Church Street that suggested what you were doing was okay.

Ms. Mason – Yes. The florist shop has that same interchangeable copy. True Value and Napa also has some interchangeable copy. They are full time businesses like we are.

Chairman Davidson – As I understand it, the interchangeable lettering is not as much the issue as the sign and the amount.

Planning and Zoning Administrator – It is the use of the second sign. They want to use the second sign for changeable copy. You can approve them to use it and that is it. They will have to make sure the changeable copy is not over twenty five percent of the sign. In other words, they might only get two lines on there instead of three as shown in the picture.

Ms. Mason – We would not be opposed to it being two lines.

Planning and Zoning Administrator – You could also approve them to use it as well as fill it up with changeable copy which would be two ways they are exceeding the sign ordinance.

Town Attorney – I would recommend that you feed everyone out of the same spoon. You have a lot of businesses along there. They all like the changeable copy. We have limited people for a very good reason. You should treat them the same as you treat the others.

Planning and Zoning Administrator – Even the Isle of Wight County Health Department got a special sign exception because they wanted a larger sign. We still limited them to the twenty-five percent changeable copy.

Town Attorney – If we make everybody else comply with the twenty-five percent changeable copy then they should too. Ms. Mason said that she would be satisfied with that.

Dr. Pope – What would go on the other piece of that sign if you limit it to twenty five percent? If there are only two lines of copy then what happens to the bottom half.

Ms. Mason – We will just take the middle row out.

Planning and Zoning Administrator – It would just be centered in there.

Dr. Pope – The text copy may be twenty-five percent but the area they are using is still the same. I can change the font on a piece of paper to determine the number of words on that page. My question is whether you are going to limit the area or limit the text?

Planning and Zoning Administrator – No. The frame is already set for the sign. If you all approve them to use this panel then they are going to be putting a panel in that whole section. The only question is what area will be allowed for changeable copy. If they took copy off of the top line and never used it anymore and had two lines across the middle then that would probably be less than twenty five percent changeable copy. There would be a white strip above and below.

Mr. Torrey – So we would not make them change anything with the sign. They would just not have more than two lines of words.

Planning and Zoning Administrator – They cannot have more than twenty five percent changeable copy.

Chairman Davidson – The public hearing is now open. Is there anyone who would like to speak? Hearing none, the public hearing is closed. I agree with Mr. Saunders recommendation. If we are going to do this then we need to limit it to twenty-

five percent changeable copy. We also need to put the stipulation in that if this building ever goes back to two units then the bottom sign, with the changeable copy, would go to the second unit. We certainly do not want three signs up there. Does anyone else have any comments?

Mr. Swecker – I would like to make a motion that we approve this with twenty-five percent changeable copy for the sign. Also, if another business moves in then the sign will pass from the existing business to the new business.

Mr. Pack – Second.

Chairman Davidson – A motion has been made and properly seconded that we approve the application with the following stipulations. The sign will not exceed twenty five percent of changeable copy. Also, the bottom part of the sign will revert to the second business in the event that someone moves in there. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Chairman Davidson voted aye, Vice Chair Hillegass 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 – Our next item is Zoning Ordinance Review – Flood Plain Overlay District and Definitions – Town of Smithfield , applicant. Could we have a staff report please?

Planning and Zoning Administrator – Thank you Mr. Chairman. You will see at your places that I left a copy of the new Floodplain Map. The Federal Emergency Management Agency (FEMA) has gone through a lot of trouble over the last few years to redo this map. It will be considered official on December 2nd, 2015. As you can see, the purple section that goes through the middle is your one hundred year floodplain. The tan color that is everywhere else is two percent or less annual chance for flooding. It basically means that it is outside of the flood zone. The areas marked 'VE' are the areas that get velocity events. It is up near the bay area where there is a long fetch. Wind will push water a lot worse across the bay. The area marked 'AE' is the standard flood zone for the Town of Smithfield. Along with this new map, FEMA has come out with a whole lot of requirements for changes in the Floodplain Overlay District

ordinances that go along with them. The last Floodplain Map was in 2002. I think that was also the time of the last big overhaul of our Floodplain Overlay District ordinance. So much has changed since that time that we chose to not make the necessary changes to our existing Floodplain Overlay District ordinance but to modify the state's model ordinance. The definitions are our normal definition article of our ordinance. We added the necessary definitions from the floodplain changes to our definition chapter. What is redlined in the definition section is a redlined version of our actual definition section of our ordinance. We added those sections to it. The red lines in the Floodplain Overlay District are redlined changes that we have made to the state's model ordinance not to our existing ordinance. We did the red lines for both versions for the benefit of reviewers and for the benefit of making the changes and noticing where we made changes as we went through the process but this is not redlined changes to our district ordinance but only to the model ordinance. Would you like for me to go through all of the items that we changed Mr. Chairman? I will not read everything but I can go through it and give you the methodology behind the changes.

Chairman Davidson – Yes please.

Planning and Zoning Administrator – On page 2 of the Floodplain Overlay District in section 1.2, we added the town's name to it. The major change here was to put the date of the effective flood map that this ordinance is referencing. We also put the panel numbers of the floodplain maps that are in the Town of Smithfield. The main map is like a grid type map. Each panel has numbers. We have six panels within the town. We listed the number designation for those. On page 3 in section 107, we referenced the requirements of the Planning and Zoning Administrator. We also added the town's name. There was a place to add a violation section. We just referenced the Class 1 Misdemeanor which is what the other ordinance did. A bit below that it refers you to two other sections of the ordinance that specifically spell out the violation process and breakdowns in the Town of Smithfield's Zoning Ordinance. On the top of page 4, Floodplain Administrator was changed to Planning and Zoning Administrator. The town's name was also added on page 4, 5, and 6. On page 8, the town's name was changed as well as Zoning Officers to Planning and Zoning Administrator. On page 10, the town's name as well as the date that the map will become official was changed.

There is another section there where you can add tables that we do not intend to add so that section was struck. Some sections reference 'AH' zones. The town does not have any 'AH' zones so anywhere that was listed it was struck. Also, on page 11 in section 2 there was a footnote in the ordinance. We decided to actually put that footnote into the ordinance because it was illustrative of exactly what sections were related only to rivers and not to lakes. We added that section into the ordinance itself. Similarly, on page 12, there are no 'AO' zones in the Town of Smithfield so on page 12 and 13 those sections were struck. On page 13 in section 5, one foot of freeboard elevation above base flood elevation is the minimum that FEMA wants to see and the Federal Insurance Agency wants to see. However, Isle of Wight County has chosen to go with eighteen inches of freeboard and we did as well in order to stay consistent with them. They do the building codes in the town. The building codes also go by that number so we wanted to be consistent with them. It is also a little bit of extra added protection for the structures that are built that close to the base flood elevation. We changed one foot to eighteen inches in section 6 – A-1 also. There is technical language about height above base flood and talks about being parallel or perpendicular to the waves. We struck that section out and just made it all eighteen inches. On page 14 in section F, we changed 'shall' to 'should'. It relates to what type of structures can go there. It is mostly existing structures but it also has to do with public structures. We put a little more leeway in that by saying 'should' instead of 'shall'. We want people to take it into consideration when looking into this but it is not specifically prohibited. It says that the enclosed space should be less than 299 square feet underneath the structure. It really relates to avoiding triggering high insurance rates. We listed that the way it actually is. It will really need to be considered as far as having less than 299 square feet below the structure to avoid triggering high insurance rates. We did not prohibit it for those who choose to pay those high insurance rates to have more enclosed space. In the next section, we struck 'shall' and changed it to 'should' also. It has to do with public structures. We left it as 'should' so that people will give it consideration but it will give them flexibility. On page 15, we added the Town of Smithfield as it relates to Subdivision regulations and also the Subdivision and Zoning regulations. On page 17, we struck the 'AH' designation. We also struck the two feet designation above base flood elevation and changed it to

eighteen inches. The records will be maintained by the Town Clerk. Page 19 has to do with existing structures with exemptions or exceptions. It has to do with what determinations the floodplain manager has to make. Item E was optional. We felt that it would be too difficult to keep track of. Effectively, you can allow damaged structures existing in floodplains to be rebuilt if the change is not substantial and if you are not adding more square footage or putting more square footage in the floodway and the change complies with the ordinance. They recommended being more strict. It was originally tracking the number of changes made over a certain percentage of the value of the structure or over a rolling five year period. The way we look at it is the ordinance is only as good as it is enforceable. We felt like it would be too time consuming to keep up with so we struck that section.

Mr. Pack – There is a section referring to the Floodplain Manager. Does that need to change to the Planning and Zoning Administrator?

Planning and Zoning Administrator – At the beginning it says that basically every time you refer to the Floodplain Manager in the ordinance you are effectively referring to the Planning and Zoning Administrator. There is also a section that says at such time as there is no Planning and Zoning Administrator, if you are between employees, that those duties go to the Chief Executive Officer which in our case is the Town Manager.

Mr. Pack – Thank you.

Planning and Zoning Administrator – The last change was on page 22 which was changing the name to the Town of Smithfield. Does anyone have any questions about that section before I move on? Hearing none, I will move on to the definitions section. This is our existing article from the ordinance. On page 4, we added the definition of Base Flood Elevation. Under 'Basement' we added one element from the federal government's definition to make ours a little more comprehensive. On page 9, we added some elements to the government's definition of 'Development' to make ours more comprehensive as it relates to floodplain management. There was a section added on page 10 that specifically relates to floodplain management under the heading of Dwelling, Manufactured or Mobile home. On page 12, under Existing Construction and Existing Manufactured Home Park/Subdivision there are key things that are referred to in the ordinance so those definitions were added. On page 13, under Flood Hazard

Zone, each specific zone was added with their individual definition. Also, Flood Insurance Rate Map and Flood Insurance Study were added. On page 14, Flood Proofing as well as Floodway and Freeboard definitions were added. Highest Adjacent Grade was added on page 16. On page 17, Historic Structure was added. It is a combination of our existing definition and our government's definition. Hydrologic and Hydraulic Engineering Analysis was added at the bottom of the page. Lowest Floor definition was added on page 22. On page 23, Mobile (Manufactured) Home Park or Subdivision has an added section. The New Construction definition of the floodplain ordinance was added. The Recreational Vehicle definition was added on page 28 as well as the Repetitive Loss Structure on page 29. Page 30 included the Severe Repetitive Loss Structure definition. On page 32, the Special Flood Hazard area definition and the Start of Construction definition were added as it relates to floodplain management. Additional wording was added to the 'Structure' definition on page 34. Substantial Damage and Substantial Improvement definitions were added also at the bottom of page 34 and the top of page 35. On page 37, we added the definition of Violation for floodplain management purposes. These are all of the changes that were made. Does anyone have any questions? Hearing none, staff recommends that we hold a public hearing on this item at the November Planning Commission meeting. We will follow that up with a public hearing at the December 1st Town Council meeting. We can have this adopted by the time it becomes official on December 2nd, 2015. Currently this version that you have is under review by FEMA, the Department of Conservation and Recreation, and Isle of Wight County to see if they have any feedback or input. If they do and it is substantial then we will make those changes. However, changes will not be made after the public hearing is advertised so that the copy that is on record for review will be the copy that comes to you all. It should still give us about three weeks to make any changes to this that might be deemed necessary by those outside groups. Of course, we would still highlight any changes that we have made from tonight until you have your public hearing.

Town Attorney – Once it is advertised you cannot make changes. Once you have the public hearing and something is identified as a problem or you have a need that would precipitate a change then you can make the change.

Planning and Zoning Administrator – We should not change it between the time that we advertise for the public hearing and the public hearing. Once the ad goes out and the public can look at the ordinance then it needs to be the same ordinance that goes to the public hearing of the Planning Commission.

Vice Mayor Hillegass – Mr. Saunders, do you feel reasonably sure that you will get comments from FEMA, DCR and Isle of Wight County in time?

Planning and Zoning Administrator – Yes I do. I sent them out to them before your packets went out. The DCR told me they would try to give a five day turnaround. I am hoping to have comments back from those places this week. FEMA was just kind of checking behind DCR. I had Isle of Wight County's version which has just been approved by DCR as I went through ours so I am not expecting a lot of changes. I just wanted to make you all aware that there could be some minor tweaks to it by the time it comes back. I am not expecting many.

Town Attorney – The ad has to go into the newspaper on October 28th to have it advertised in time.

Planning and Zoning Administrator – As Mr. Riddick said, if we have something that comes in late we can make it known to you at the public hearing.

Mr. Pack – Mr. Chairman, I would like to make a motion that we hold a public hearing at the November 10th, 2015 Planning Commission meeting.

Vice Chair Hillegass – Second.

Chairman Davidson – A motion has been made and properly seconded that we schedule a public hearing for our November 10th, 2015 meeting. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Chairman Davidson voted aye, Vice Chair Hillegass 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 – Our next item is Approval of the September 8th, 2015 Meeting Minutes.

Town Attorney – Mr. Chairman and members of the Planning Commission, I have reviewed the minutes and recommend they be approved as presented.

Vice Chair Hillegass – So moved.

Mr. Pack – Second.

Chairman Davidson – A motion has been made and properly seconded that we approve the minutes. All those in favor say aye, opposed say nay.

On call for the vote, seven members were present. Mr. Bryan voted aye, Chairman Davidson voted aye, Vice Chair Hillegass 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 – If there is no further business, we are adjourned.

The meeting adjourned at 7:22 p.m.


Mr. Bill Davidson
Chairman


William G. Saunders, IV
Planning and Zoning Administrator