

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF DECEMBER, TWO-THOUSAND AND TWO, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ROLL CALL

A. Joe Poole, III
George Billups
Wilford Kale
Peggy Wildman
Joseph McCleary

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Marvin Sowers, Planning Director
Cynthia Grom, Administrative Services Coordinator
Christopher Johnson, Senior Planner
David Anderson, Planner

ABSENT

Don Hunt
John Hagee

2. MINUTES

The Commission approved the minutes of the November 4, 2002 meeting as is with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mrs. Peggy Wildman presented the DRC report stating there were five cases that were heard at the last meeting: Jamestown High School Parking Lot Expansion, George Roper Subdivision, Greensprings Apartments and Condos, Colonial Heritage, Phase I, Section 2, and Colonial Heritage, Phase I, Sections 3 and 3A. For the Jamestown High School Parking Lot Expansion, the request for a second driveway entrance to Greensprings Plantation Dr. was recommended for approval by the DRC. The DRC approved the George Roper Subdivision exception request, 4-0. The DRC recommended preliminary approval of the Greensprings Apartments and Condo and Colonial Heritage Phase I, Section 2, subject to agency comments. For the Colonial Heritage Phase I, Section 3 and 3A, the DRC recommended preliminary approval be granted.

In a unanimous voice vote the Commission approved the DRC report.

B. COMPREHENSIVE PLAN 2003 – COMMUNITY CONVERSATIONS PRESENTATION

Mr. Jeffrey Barra, Chairman of the Community Participation Team (CPT), presented to the Planning Commission the goals and objectives of the CPT, explaining how they gather data from the citizens of James City County. He listed the ways citizens could participate and how the CPT notified citizens of these ways. They include County publications, paid ads and new releases, announcements at Planning Commission meetings, weather channel scroll, radio announcements, a youth forum, church bulletins, listening stations, email address and phone number to leave messages and also CPT members having about 10 opportunities to speak to different community groups. He noted the ways citizens have had opportunity to contribute, through the Citizen's Survey, the four Community Conversation meetings, and listed the citizens' attendance, giving an overview and amount of response they have received from citizens.

4. PUBLIC HEARINGS

A. CASE NO. SUP-20-02 NATIONWIDE TRANSMISSION AUTO SALES

Mr. David Anderson presented the staff report. He stated that Mr. Henry Gregory, owner and operator of Nationwide Transmission, has applied for a special use permit to allow for the sale of cars from the parking lot of his transmission business located at 7211 Merrimac Trail. No new construction is proposed. Car sales will be a secondary use while the transmission business will remain the primary use of the property. A maximum of 20 cars are proposed to be displayed for sale at any given time. Staff finds this proposal to be compatible with the surrounding zoning and development, due to the minimal amount of potential traffic generated and the mitigation of any potential adverse impacts of the car sales operation through the attached conditions. Staff also finds that this proposal is consistent with the Comprehensive Plan and recommends the Planning Commission approve this special use permit application with conditions.

Mr. Wilford Kale had questions about new construction and about condition number six. He was concerned about flags not being permitted, since that would include the American flag.

A discussion ensued about the issue, with Mr. Leo Rogers providing legal guidance.

Both Mr. Wilford Kale and Mr. Joseph McCleary concluded condition number six should have the word "flags" deleted from it, since it was a freedom of speech issue.

Mr. Joe Poole, III, opened up the public hearing.

Mr. Henry Gregory, the applicant, spoke on his behalf. He explained that he expects this to be a low key operation, and has the added bonus of getting the business site fixed up. He also noted with the down economy, he needs another way to bring in business.

Mr. Joseph McCleary asked Mr. Gregory what the timeframe would be in regards to fixing the fence and the building.

Mr. Henry Gregory replied 60 days.

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. Joseph McCleary recommended approval with the adjustment of condition number six, deleting the word "flags".

Mrs. Peggy Wildman seconded.

In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Kale, Billups, Poole (5); NAY: (0).

- B. CASE NO. Z-03-02 US HOMES PROFFERS AMENDMENT.
CASE NO. Z-04-02 BOY SCOUT PROPERTY REZONING.
CASE NO. MP-01-02 US HOMES AMENDED MASTER PLAN.

Mr. Christopher Johnson presented the staff report. He stated that this case was deferred by the Planning Commission at the November 4, 2002, meeting. On November 26, 2002, the applicant requested that this case be indefinitely deferred. Staff concurs with the applicant's request. Should the applicant wish to proceed in the future, the cases will be re-advertised, new signs will be posted, and adjoining property owners will be notified in writing.

Mr. Joe Poole, III, opened and closed the public hearing, as there were no speakers. Hearing no further questions, the Planning Commission deferred the case indefinitely.

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers touched on a few topics that were in the report, including the Comprehensive Plan update, the Steering Committee meetings and the topics they have covered so far and what the future topics will be and the Light Rail project by Hampton Roads Transit that will be going to a Board of Supervisors work session in early 2003.

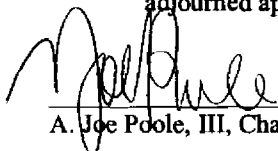
Mr. George Billups questioned Mr. Sowers about the upcoming case for Longhill Grove Apartments, in regards to including a low income housing provision.

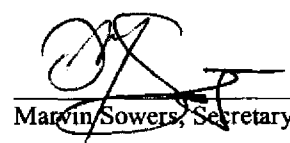
Mr. Marvin Sowers replied that this is in the works with the applicant and will be addressed in the Planning Commission report in January.

Mr. Joe Poole, III, thanked staff for their work on the Community Participation Team and Steering Committee, as well as the Community Conversations meetings.

7. ADJOURNMENT

There being no further business, the December 2, 2002, meeting of the Planning Commission was adjourned approximately at 7:50 p.m.


A. Joe Poole, III, Chairman


Marvin Sowers, Secretary