

**Agricultural and Forestal District 8-86. Casey AFD (Digges Withdrawal)
Staff Report for December 19, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee: November 16, 2000 - 7:00 p.m. Human Services Building
 Planning Commission: December 4, 2000 - 7:00 p.m. Building C Board Room
 Board of Supervisors: December 19, 2000 - 7:00 p.m. Building C Board Room

SUMMARY FACTS

Applicant: Vernon M. Geddy III

Landowner: Sasha L. Digges and Mary Catherine Digges

Proposed Withdrawal: ± 45.28 acres

Proposed Use: House of Worship

Location: 3686 and 3612 Ironbound Road; Berkeley District

Tax Map/Parcel No.: (38-3)(1-18) and (38-3)(1-22)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, The Meadows; R-4, Powhatan Secondary
 South: R-6, The Foxes; R-8, vacant parcels
 East: R-1, Indigo Park
 West: R-8, Greensprings Chapel; PUD-R, Powhatan Plantation

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Staff also finds the proposed withdrawal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Therefore, staff recommends that 45.28 acres be withdrawn from the Casey AFD. On November 16, 2000, the AFD Advisory Committee recommended approval of the proposed withdrawal by a vote of 7 to 0. On December 4, 2000, the Planning Commission recommended approval of the proposed withdrawal by a vote of 6 to 0. Should this withdrawal be approved, the size of the Casey AFD would be 575.39 acres.

District History

The Casey Agricultural and Forestal District (AFD) was created on December 1, 1986, for a term of four years and consisted of ten parcels totaling approximately 967 acres. In 1988, the Board of Supervisors approved the withdrawal of seven acres from the district and in 1995, the Board of Supervisors approved a ten-acre withdrawal to accommodate the then proposed location of the James City County/Williamsburg Courthouse. The site for the Courthouse subsequently shifted to a parcel to the south of Monticello Avenue. In September of 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the Primary Service Area (PSA). In December of 1997, the Board of Supervisors approved the withdrawal of 87.25 acres to accommodate the development of the James City County/Williamsburg Courthouse and a portion of the New Town development. In addition to the above withdrawals, several property owners have voluntarily withdrawn their properties during AFD renewal periods. On September 22, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years with the conditions listed in the attached resolution.

Site Description

The site is densely wooded by young growth with the exception of the center of the site which is cleared grassland. The canopy vegetation is primarily loblolly pine and red maple with smaller amounts of sweet gum and beech. The understory is very dense with young pine, red maple, and holly. The area along Mill Creek at the rear of the property contains wetlands, Chesapeake Bay Act Resource Protection Areas (RPA) and RPA buffers. The wetland area canopy is comprised of red maple, iron wood, green ash, and sweet gum with an understory consisting primarily of holly.

Surrounding Zoning and Development

The Meadows subdivision is immediately north and is zoned R-2, General Residential. Indigo Park, zoned R-1, Limited Residential, is located to the east of the site across Mill Creek. The Foxes, a large lot subdivision is located south of the site and is zoned R-6, Low-Density Residential. Greensprings Chapel, zoned R-8, Rural Residential, is located immediately across Ironbound Road to the west. Mid County Park, zoned R-4, is located to the northwest of the church site and is part of the Powhatan Secondary mixed-use, planned unit development community that includes nearly 1,500 residential units, a 350,000-square foot shopping center, and a future school site. Powhatan Plantation, zoned PUD-R, Planned Unit Development Residential, is located southwest of the site.

Comprehensive Plan

Public Utilities

The entire Casey AFD lies within the Primary Service Area and water and sewer serves the surrounding area.

Transportation and Access

The 45.28 acres under consideration for withdrawal will be accessed by a single road aligned with the entrance to Greensprings Chapel on Ironbound Road (Route 615). The Casey AFD contains parcels which front on the following primary and secondary roads: News Road, Ironbound Road, John Tyler Highway, Route 199, and Monticello Avenue (Extension).

Soils

According to the USDA Soil Conservation Service Survey of James City County, a variety of soils exist within the Casey AFD. The site is primarily Craven-Uchee and Emporia soils. Craven-Uchee soils are deep, strongly sloping soils that are moderately well drained and typically found on side slopes and narrow ridge tops. Emporia soils are deep, moderately well drained soils that are mostly clay or loamy and occur on steep slopes and in freshwater marshes. Kempsville fine sandy loam and Slagle fine sandy loam soils are also present on the site but in much smaller quantities. Kempsville soils are well drained and gently sloping soils on medium

to broad ridges. Slagle soils are moderately well drained, nearly level and gently sloping soils on broad ridges. The soils in the District are considered Prime Farmland Soils and would generally support both farming and forestry.

Analysis

On September 24, 1996, The Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are within the Primary Service Area. That policy and criteria are as follows:

FOR AGRICULTURAL AND FORESTAL DISTRICTS WITHIN THE PRIMARY SERVICE AREA, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards applied to those districts located outside the Primary Service Area (PSA). They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year in the AFD.
2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the district. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for withdrawal, such as an application for rezoning, special use permit or any development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed as a single development request.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it deems appropriate for the individual case.

Each of these three criteria have been evaluated by staff:

Criteria 1: One Withdrawal per year

The applicant has not requested a withdrawal within the past year and is requesting to remove all of their land presently included in the AFD. The application meets this criteria.

Criteria 2: Minimum Acreage

The applicant has requested a withdrawal of 45.28 acres which represents all of their land presently in the Casey AFD. The application meets this criteria.

Criteria 3: Conformance with the Comprehensive Plan and acceptability of the development plan to the Director of Planning

The parcels are designated as Low-Density Residential on the Comprehensive Plan. Low-density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. Examples of land uses within this designation include single-family homes, duplexes, churches, community oriented public facilities, and very limited commercial establishments.

The proposed use is consistent with the Comprehensive Plan designation for this site. Additionally, staff and the Planning Commission have recommended that the special use permit application for St. Bede Catholic Church be approved on this site. The application meets this criteria.

Existing AFD Conditions

The current conditions of the Casey Agricultural and Forestal District are as follows:

1. The Casey Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
J.G. Warburton Est., c/o M. McMurren	(37-3)(1-4)	165.58
C.C. Casey LTD, Co.	(38-4)(1-1)	177.63
C.C. Casey LTD, Inc.	(38-4)(1-7)	200.71
J.G. Warburton Est., c/o M. McMurren	(47-2)(1-1)	31.47
Sasha L. and Mary Digges	(38-3)(1-18)	<u>45.28</u>
Total:		<u>620.67</u>

provided, however, that the land within 60 feet of the road right-of-way of Ironbound Road and within 25 feet of News Road and John Tyler Highway shall be excluded from the district. Also, all land within the proposed rights-of-way of Route 199, the extension of Monticello Avenue, and the potential realignment of Ironbound Road shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Casey Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the district to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to “Withdrawal of Lands From Agricultural and Forestal Districts Within The Primary Service Area,” adopted September 24, 1996.
 - c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.1-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless

communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

Staff finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Staff also finds the proposed withdrawal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Therefore, staff recommends that 45.28 acres be withdrawn from the Casey AFD. On November 16, 2000, the AFD Advisory Committee recommended approval of the proposed withdrawal by a vote of 7 to 0. On December 4, 2000, the Planning Commission recommended approval of the proposed withdrawal by a vote of 6 to 0. Should this withdrawal be approved, the size of the Casey AFD would be 575.39 acres.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/tlc
afd-8-86.wpd

Attachments:

1. Minutes of the December 4, 2000, Planning Commission meeting
2. Location Map
3. BOS Policy for withdrawal of lands from AFD's within the Primary Service Area.
4. Casey AFD Ordinance No. 174A-8 approved on September 22, 1998.
5. Withdrawal request letter dated June 15, 2000.
6. Applicant's withdrawal request clarification letter dated November 10, 2000.
7. Resolution