



minimum requirement size of an AFD. This issue would be addressed when the Casey AFD is reviewed for renewal in September 2002 when more land must be added to the AFD to reach the 200-acre minimum size requirement, or the Casey AFD will be dissolved. The AFD Advisory Committee and the Planning Commission voted unanimously to approve the withdrawal request, with the minutes attached.

### **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. 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. Last December, the Board of Supervisors approved the withdrawal of 45.28 acres for the construction of St. Bede Catholic Church.

In addition to the above-mentioned withdrawals, several property owners have either voluntarily withdrawn their properties during AFD renewal periods or sold and subdivided parcels. Currently, there are six parcels totaling  $\pm 460.58$  acres owned now/formerly by C.C. Casey, Ltd. Co., but only  $\pm 378.34$  acres qualify to be in the Casey AFD. It is these  $\pm 378.34$  acres currently in the AFD that the applicant has requested to withdraw from the AFD.

Should this withdrawal be approved, the size of the Casey AFD would become 197.05 acres, just below the 200-acre minimum requirement size of an AFD. This issue would be addressed when the Casey AFD is reviewed for renewal in September 2002 when more land must be added to the AFD to reach the 200-acre minimum size requirement, or the Casey AFD will be dissolved.

### **Site Description**

The majority of the site is densely wooded by a variety of growth, with the exception of a cleared agricultural field bordering the intersection of Ironbound Road and Monticello Avenue. In addition to the stand of mature Pecan Trees on Ironbound Road, there are known areas containing Small Whorled Pogonias. The entire Casey AFD is under the jurisdiction of the Chesapeake Bay Preservation Act.

### **Surrounding Zoning and Development**

Eastern State Hospital, zoned R-2, General Residential, and Ford's Colony, zoned PUD-R, Planned Unit Development-Residential, are located immediately to the north. The James City County-Williamsburg Courthouse as well as several other businesses are located immediately to the south in a M-1, Limited Business district. There is another M-1, Limited Business district located to the east where the Williamsburg Virginia Department of Transportation (VDOT) Residency and JCSA Tewning Road offices are located. Ironbound Square, zoned R-2, General Residential, is to the east. To the west off Jesters Lane are single-family homes zoned R-8, Rural Residential. Mid County Park, zoned R-4, is located further to the west of the proposed withdrawal property 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.

### **Comprehensive Plan**

### *Comprehensive Plan Land Use Designation*

The portion of the Casey AFD that is under consideration for withdrawal has a Mixed Use designation on the Comprehensive Plan Land Use Map.

### *Public Utilities*

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

### *Transportation and Access*

The Casey AFD contains parcels that front on the following primary and secondary roads: News Road, Ironbound Road, John Tyler Highway, Route 199, and Monticello Avenue (Extension). The proposed New Town development has entrances on both Ironbound Road 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 consisting primarily of 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 policy states that 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 criterion.

Criteria 2: Minimum Acreage of 75 Acres

The applicant has requested a withdrawal of ±378.34 acres, which represents all of their land presently in the Casey AFD. The application meets this criterion.

Criteria 3: Conformance with the Comprehensive Plan and Submitted Land Development Application and Plan

The parcels are designated as Mixed Use on the Comprehensive Plan. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Moderate to high density residential uses could be encouraged in mixed-use areas where such development would complement and be harmonious with existing and potential development. A binding master plan has been submitted that meets the criteria of a mixed-use designation on the Comprehensive Plan. The Board of Supervisors approved the New Town Master Plan, MP-2-97 on December 22, 1997, in conjunction with Case No. Z-4-97. The application meets these 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
J.G. Warburton Est., c/o M. McMurren	(47-2)(1-1)	31.47
Subtotal		197.05
*C.C. Casey LTD, Co.	(38-4)(1-1)	177.63
*C.C. Casey LTD, Co.	(38-4)(1-7)	200.71
Subtotal		378.34
Total:		<u>575.39</u>

*\*Note: These two parcels have been subdivided since the 1998 renewal into six parcels, (38-3)(1-8), (38-3)(1-34), (38-4)(1-50), (38-4)(1-51), (38-4)(1-52), and (38-4)(1-53) that total 460.58 acres in size and are now owned by both C.C. Casey LTD, Co. and New*

*Town Associates, LLC. Only the qualified land, 378.34 acres currently in the AFD, is being withdrawn.*

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 A 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:**

Should this withdrawal be approved, the size of the Casey AFD would be 197.05 acres and below the minimum requirement of 200 acres for an AFD. This issue will have to be addressed when the Board of Supervisors reviews the Casey AFD for renewal in September 2002. Otherwise, staff finds the proposed withdrawal consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also 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. Therefore, staff recommends that ±378.34 acres be withdrawn from the Casey AFD. The AFD Advisory Committee and the Planning Commission voted unanimously to approve the withdrawal request and the minutes are attached.

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Karen Drake

CONCUR:

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O. Marvin Sowers, Jr.

KD/gs  
casey.afd886.sup

Attachments:

1. Unapproved Minutes of the Planning Commission Meeting on May 7, 2001
2. Unapproved Minutes of the AFD Advisory Committee Meeting on April 20, 2001
3. Location Map
4. Withdrawal request letter dated March 15, 2001
5. Casey AFD Ordinance No. 174A-8 approved on September 22, 1998
6. Casey AFD Withdrawal Resolution for St. Bede Catholic Church approved on December 19, 2000
7. Board of Supervisors Policy for withdrawal of lands from AFDs within the Primary Service Area
8. Resolution