

MEMORANDUM

DATE: October 8, 2002

TO: The Board of Supervisors

FROM: Karen Drake, Senior Planner

SUBJECT: Establishment of Carter's Grove Agricultural and Forestal District (AFD-01-02)

The Colonial Williamsburg Foundation (CWF) has applied to create a new Agricultural and Forestal District (AFD) containing 320 acres on Pocahontas Trail (Route 60) surrounding the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) Sewerage Treatment Plant. The district would be comprised of three parcels all owned by CWF that can be further identified as Parcel No. (1-2) on James City County (JCC) Real Estate Tax Map No. (58-2) and Parcel Nos. (1-21) and (1-30A) on JCC Real Estate Tax Map No. (59-1). The property is zoned R-2, General Residential, R-8, Rural Residential, and LB, Limited Business. The property is designated Neighborhood Commercial, Park, Public, Semi-Public, Federal, State, County, or as a Conservation Area on the James City County Comprehensive Plan Land Use Designation Map.

Property Description

The property lies generally between the James River, Ron Springs Road, and south of Pocahontas Trail. One parcel containing 1.5 acres is north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the HRSD, and are adjacent to the James River Commerce Center.

The property to be included in the district is wooded or is cleared pastures used by the Colonial Williamsburg's Coach and Livestock program. The Carter's Grove AFD would not include the Carter's Grove Plantation House and Visitor Center. The district would have direct frontage on the James River and contain some marshland that drains directly into the James River. The three parcels are all located within the Primary Service Area, with public water and sewer available.

Surrounding Zoning and Land Uses

The 76-acre parcel proposed to be included in the district is zoned R-2; surrounds the HRSD Treatment Plant; and borders Kingsmill, (zoned R-4, Planned Residential Community), the Busch Corporate Center (zoned LB, Limited Business), and the R-2, General Residential neighborhood, on Ron Springs Drive. The largest parcel (containing 242 acres) to be included in the district surrounds the Carter's Grove Plantation (zoned R-8, Rural Residential) and is adjacent to the James River Commerce Center to the south, zoned MU, Mixed Use. The 1.5-acre parcel on the north side of Pocahontas Trail is adjacent to developed and undeveloped split zoned property, zoned R-8 and LB, and Brookside Haven, zoned R-5, Multifamily Residential.

Staff feels this proposal is compatible with surrounding zoning and land uses. The AFD property would surround a known historical site and provide a buffer around the HRSD sewer station. The creation of this proposed AFD will help ensure that some property in the southern end of the County that is predominately urban remains in forestal and/or agricultural uses for the duration of the district.

The Hampton Roads Sanitation District has expressed concern about the creation of the Carter's Grove District and has requested that all HRSD easements and an additional ten feet adjacent to both sides of the HRSD easements be excluded from the district. This land excluded would allow for expansion of water and sewer lines as needed,

including the proposed underground dedicated water reuse line from the James City Energy Park to the HRSD Treatment Plant. Additionally, the Colonial Pipeline easement is excluded from the proposed district.

Comprehensive Plan

The property located south of Pocahontas Trail is designated Park, Public, Semi-Public; or Federal, State, County on the James City County Comprehensive Plan Land Use Designation Map. Most of the southwestern quarter of the property is designated Conservation Area. This area drains directly into the James River and is undevelopable. The balance of the property located to the north of Pocahontas Trail is designated Neighborhood Commercial and is currently wooded. The creation of this proposed AFD is supported by the above-referenced land use designation objectives and several Rural Land Use Standards listed in the Comprehensive Plan, including preserving the natural, wooded, and rural character of the County. Staff feels that establishing an AFD on this property is consistent with the Comprehensive Plan.

Forestry Potential

The Department of Forestry supports the Colonial Williamsburg Foundation's application to create the Carter's Grove AFD. The Department of Forestry expects that a detailed forest management plan for the proposed Carter's Grove AFD can be established as the Colonial Williamsburg Foundation has historically been a good manager of its forested land.

While Staff concurs with the Department of Forestry's recommendation, staff notes that in addition to the tax benefits available to the Colonial Williamsburg Foundation by creating the district, the continuance of the existing forests within the district would enhance the visitor experience to the Carter's Grove Plantation.

Soils

According to the Natural Resources Conservation Service, there are no less than six soil complexes present on the property. Most of the soils on the property have moderate to very high tree potential. Some soils do not support tree growth nor are they suitable for agriculture because of their location in tidal areas.

Transportation Issues

The property has approximately 3,000 feet of frontage on the south side of Route 60 and 250 feet of frontage on the north side. The Virginia Department of Transportation (VDOT) is currently evaluating multiple options to widen and/or realign Route 60 through the southern part of the County, approximately between Busch Gardens and the Newport News/James City County line. While a final decision has not been made about the road realignment, VDOT estimates that a total of 100 feet of right-of-way or 50 feet on each side of the existing centerline needs to be reserved for future roadway improvements. Staff concurs with the VDOT recommendation. This exclusion of land from the district does not negatively impact the applicant's ability to qualify for Use Value Taxation should the property otherwise qualify for it.

RECOMMENDATION

The location and physical characteristics of this property make it a viable candidate for a new AFD. If approved, it would provide the only agricultural and forestal district in the predominately urban southern portion of the County.

The proposed AFD would provide a smooth transition between a known tourist destination and the HRSD Treatment Plant and established residential homes. The analysis provided by the Natural Resources Conservation Service supports the forestry potential of the property and staff believes that the forthcoming Virginia Department of Forestry report will support the district as well. In addition, the environmental and historical sensitivity of the area is not conducive for intensive residential or commercial development. The Comprehensive Plan supports the creation of this district by preserving forestry and agricultural lands, preserving public open space, and preserving the rural character of the County within a predominately urban area.

The State Code allows AFDs to be established or continued for a period of no less than four years. Staff concurs with the applicant's request for a four-year term for the creation of the district from the date of its approval by the Board of Supervisors. A four-year term for the district is consistent with other established district terms.

On July 22, 2002, the AFD Advisory Committee recommended approval of the creation of the Carter's Grove AFD by a vote of 8-0. On September 9, 2002, the Planning Commission recommended approval of the creation of the Carter's Grove AFD by a vote of 6-0, with one abstention. Staff recommends the Board of Supervisors approve the creation of AFD-1-02, Carter's Grove Agricultural and Forestal District with the following conditions:

1. The subdivision of land is to be limited to parcels of 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, as defined in the James City County Subdivision Ordinance. 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.
2. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land 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 the Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
3. No special use permit shall be issued except for agricultural, forestal or other activities, and uses consistent with State Code Section 15.2-4312 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 or for underground water and sewer lines.

In addition, staff recommends that all land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD easement be excluded from the district as needed for future improvements and expansion.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gb

Carter'sGrove.mem

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Resolution