

AGRICULTURAL AND FORESTAL DISTRICT 1-93. Williamsburg Farms Withdrawal Staff Report for the August 10, 2004, Board of Supervisors Public Hearing

This 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

Building F Board Room; County Government Center
Planning Commission: July 12, 2004, 7:00 p.m.
Board of Supervisors: August 10, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III
Landowner: Patrick Duffeler
Proposed Use: Withdrawal of 75 acres from the Williamsburg Farm AFD. Approximately 5.3 acres will be combined with land not in the AFD to create four single-family lots. The remaining property will remain as open space.
Location: 5800 Wessex Hundred Road, Roberts District
Tax Map and Parcel Nos.: (48-4)(1-10B); (48-4)(1-10); (48-4)(1-12)
Primary Service Area: Inside
Parcel Size: 347.08 acres
Existing Zoning: R-8, Rural Residential
Comprehensive Plan: Low-Density Residential

STAFF RECOMMENDATION:

Staff finds the proposed withdrawal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan. Should this withdrawal be approved, the size of the Williamsburg Farms AFD would be 219.3 acres and will still meet minimum acreage requirements for Agricultural and Forestal Districts. Staff also finds that the proposal satisfies all three criteria for withdrawals and recommends approval. On July 6, 2004, the AFD Committee recommended approval of the 75-acre withdrawal by a 7-0 vote.

Staff Contact: Matthew D. Arcieri, Planner Phone: 253-6685

Planning Commission Recommendation

On July 12, 2004, the Planning Commission recommended approval case by a vote of 6-0.

HISTORY

The Williamsburg Farms Agricultural and Forestal District was created in 1994 for a term of four years and consisted of two parcels totaling 311 acres. At the time of creation, 10 acres, which included the Gabriel Archer Tavern and a proposed inn, were excluded from the district. During the review of the district for renewal in 1997, a five-acre, unsubdivided tract on the eastern side of the District at the end of Conservancy Road was withdrawn leaving the AFD with approximately 306 acres. In 1999, the Board of Supervisors approved the withdrawal of an additional 4.5 acres at the end of Conservancy Road, leaving the AFD with approximately 301.5 acres. During the review of the district for renewal in 2002, an additional 7.2 acres was withdrawn along Jockey's Neck Trail, leaving the district with approximately 294.3 acres.

Mr. Vernon Geddy, III, has applied on behalf of the Williamsburg Winery, Ltd., to withdraw approximately 75 acres from the Williamsburg Farms AFD. Approximately 5.3 acres is intended to be combined with the 10 acres not in the AFD to create four single-family lots totaling approximately 12.5 acres. The remaining property will remain as open space and is actively cultivated as part of winery operations. The property intended for residential use is currently not used for agricultural purposes. The property is zoned R-8, Rural Residential, which permits minimum lot sizes of three acres; therefore, the subdivision is permitted by-right.

PUBLIC IMPACTS

Surrounding Zoning and Development

A majority of the property to be withdrawn is surrounded by other property in the Williamsburg Farms Agricultural and Forestal District, which is zoned R-8, Rural Residential, and is undeveloped or used in support of operations at the Williamsburg Winery. The property is bounded on the east by the Vineyards at Jockey's Neck subdivision, which is zoned R-1, Limited Residential, and designated Low-Density Residential on the Comprehensive Plan.

Utilities

The entire Williamsburg Farms AFD lies within the Primary Service Area (PSA) and is served by public water and sewer. The new single-family lots would be required to connect to public water and sewer.

Transportation and Access

The property to be withdrawn is accessed from Jockey's Neck Trail in the Vineyards subdivision.

COMPREHENSIVE PLAN

The withdrawal area is designated as Low-Density Residential on the 2003 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.

ANALYSIS

On September 24, 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are within the PSA. 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 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 criteria has been evaluated by staff as follows:

Criteria 1: One Withdrawal per year

The applicant has not requested a withdrawal within the past year and has stated he will not seek another withdrawal this year. **The application meets this criteria.**

Criteria 2: Minimum Acreage

The applicant proposes withdrawing 75 acres in accordance with the Board policy. **The application meets this criteria.**

The withdrawal policy for agricultural and forestal districts inside the PSA was created by the Board of Supervisors with the understanding that eventually, in accordance with the Comprehensive Plan, all land inside the PSA is to be developed. Therefore, the minimum acreage requirement was created to prevent property from being held in an AFD for the tax benefit purposes, and withdrawing small pieces of property as opportunities to develop are presented. Staff also notes that although 75 acres are proposed to be withdrawn from the Williamsburg Farms AFD, a majority of this property will remain actively cultivated and will still qualify for an agricultural land use assessment—the tax burden on the Winery will not increase.

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

As mentioned previously, the applicant has submitted a conceptual subdivision to create four lots, which meets zoning ordinance requirements for minimum acreage and road frontage. The District is 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. **The application meets this criteria.**

Specifically, the applicant will continue to develop only four lots and leave the remainder of the property as cultivated open space. In addition, the Master Plan for the Vineyards, which includes the Winery, shows the area to be withdrawn as a mixture of vineyards and open space. Although 12 acres will become residential lots, the proposal is still substantially in accordance with the Master Plan as a majority of the property remains open space.

RECOMMENDATION:

Staff finds the proposed withdrawal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan. Should this withdrawal be approved, the size of the Williamsburg Farms AFD would be 219.3 acres and will still meet minimum acreage requirements for Agricultural and Forestal Districts. Staff also finds that the proposal satisfies all three criteria for withdrawals and recommends approval. On July 6, 2004, the AFD Committee recommended approval of the 75-acre withdrawal by a 7-0 vote. On July 12, 2004, the Planning Commission recommended approval of the case by a vote of 6-0.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gs
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ATTACHMENTS:

1. Unapproved Planning Commission Minutes
2. Location map of 5.3 acres to be developed as single-family homes
3. Location of proposed 75-acre withdrawal
4. Minutes of the June 28, 2004, AFD Advisory Committee Meeting
5. Minutes of the July 5, 2004, AFD Advisory Committee Meeting
6. Resolution