

**AGRICULTURAL & FORESTAL DISTRICT WITHDRAWAL CASE NO. 9-86-6 –  
Gordon Creek Withdrawal  
Staff Report for the December 12, 2006, Board of Supervisors Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

November 6, 2006, 7:00 p.m.  
December 12, 2006, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Sanford Wanner, James City County Administrator  
Land Owner: Mr. Sanford Wanner, James City County Administrator  
Proposal: Withdrawal of approximately 40.285 acres to build an elementary school  
Location: 4001 Brick Bat Road  
Tax Map/Parcel No.: (36-3)(1-1)  
Parcel Size: 40.285+/- acres  
Zoning: A-1, General Agricultural  
Comprehensive Plan: Rural Lands  
Primary Service Area: Outside

**STAFF RECOMMENDATION**

This withdrawal request is necessary in order to adjust the boundary lines so they conform to the development plan. Staff finds the proposed withdrawal consistent with the Comprehensive Plan. Furthermore, staff finds this application meets all of the criteria for the withdrawal of lands from Agricultural and Forestal Districts outside the Primary Service Area (PSA). As a site currently zoned A-1, with the approval of Special Use Permit (SUP) No. 29-06 to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts. The use of the site for a public school makes the site consistent with these policies as well as consistent with the Comprehensive Plan. Therefore, staff recommends the Board of Supervisors approve of the request to remove 40.285 acres from the Gordon Creek AFD.

On October 17, 2006, the Agricultural & Forestal District (ADF) Advisory Committee recommended approval of this application by a vote of 5-2.

Staff Contact: Jason Purse, Planner Phone:253-6685

**PLANNING COMMISSION RECOMMENDATION**

On November 6, 2006, the Planning Commission voted 5-2 to approve this application.

**Proposed Changes Made Since Planning Commission Meeting**

None.

**PROJECT DESCRIPTION**

Mr. Sanford Wanner has applied, on behalf of James City County, to withdraw approximately 40.285 acres from the existing Gordon Creek AFD for the purpose of constructing an 8th Elementary School for James City County. The parcel is located at 4001 Brick Bat Road and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3). This request is being reviewed as a part of the 8th James City County Elementary School SUP amendment (ref. Case No. SUP-29-06).

A withdrawal was previously approved for a portion of this site. The previous withdrawal was for approximately 44 acres. This withdrawal will change the boundary lines of the property being withdrawn to conform to the actual development plan as shown on the attached exhibit. The purpose of the amendment is to adjust the boundary lines of the project so they include the turn lanes, the stormwater management facility, and the baseball field as a part of the site. After the original condemnation and subsequent withdrawal, once the engineers went on site, they discovered the need for the different land requirements based on the development plan. As a part of the acquisition process, the Board of Supervisors adopted a resolution at its October 10, 2006, meeting finding that the acquisition of land in this District will not have an adverse effect on the remainder of the Gordon Creek AFD.

#### Property Description

The site is predominantly wooded with some open area near the middle of the original property. This parcel is a part of the easternmost main section of Gordon Creek, but will not have an adverse effect on outlying pieces of this AFD. Originally the piece was a part of the 163.880 acres placed in the AFD by the previous owner. The rest of that parcel will remain part of the AFD and was renewed in August.

#### Surrounding Land Uses and Development

A majority of the property to be withdrawn is surrounded by other properties located inside the Gordon Creek AFD along Brick Bat Road. The parcel is zoned A-1 and designated rural lands on the 2003 Comprehensive Plan Land Use Map. On the south side of Brick Bat and off Centerville Road, the parcel is adjacent to the Greensprings West subdivision, which is zoned R-4.

#### Comprehensive Plan

The withdrawal area is designated rural lands on the 2003 Comprehensive Plan. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future.

Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public, and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

#### Utilities

The entire parcel requesting the withdrawal is outside the PSA and is not currently served by public water and sewer. Once built, the new school would be connected to public water and sewer from an extension from the Greensprings facilities adjacent to this property.

#### Analysis

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

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.

2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish “good and reasonable cause,” any request by a landowner to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time an application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner, that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

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

Each of these criteria has been evaluated by staff:

Criteria A: Unanticipated Withdrawal

With the accelerated growth of the number of school children in the County, there is an increased need for additional school sites. After the evaluation of possible sites in and around this area of the County, it was felt that this site provided the best opportunity for construction of the 8th elementary school. Areas were compared both inside and outside the PSA, but in the end this site provided the best option for the County. The section of the parcel was only recently evaluated and selected as an appropriate site for the elementary school. There was no way of forecasting that this specific parcel would be chosen as the school site during the last AFD renewal period in 2002. **The application meets this criteria.**

Criteria B: Public Purpose

The withdrawal site will be used for a public school facility, which is a public purpose. Public elementary schools have certain specific location, transportation, and acreage needs that are unique to that use. An exhaustive study determined that this site provided for all of the necessities for a public school site. **The application meets this criteria.**

Criteria C: Damage to the existing district

The withdrawal site is internal to the largest section of the Gordon Creek AFD. The parcel can be withdrawn without adversely affecting parcels on the outside of it, because it will not cause parcels to be more than a mile away from the main body of the AFD. The additional acreage being withdrawn only totals approximately two acres on the sides of the project site. The remainder of the parent parcel is still enrolled in the AFD program and was recently renewed for a term length of four years and three months. **The application meets this criteria.**

Criteria D: Comprehensive Land Use conformance

The withdrawal site is located within a rural lands area of the Comprehensive Plan. In the description of possible land uses within rural lands, there are provisions for “public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.” As this site will be used for an elementary school and needs at least 20 acres of land to meet Comprehensive Plan criteria, this meets the provision for public uses. In actuality, public elementary schools require considerably more acreage in terms of developable land in order to fit all of the necessary elements onto the site. Many of the elementary schools in the County have sites of between 30 and 40 acres of land.

While the extension of utilities beyond the PSA is contrary to the Comprehensive Plan, the Public Facilities section stresses that the location of new public facilities should be close to the greatest number of people served. It also stresses the need for construction of public facilities in a timely manner to meet the needs of the County. A public school is needed in this area of the County in order to meet current demand. The withdrawal is consistent with the public facility goals of the Comprehensive Plan. The James City County Board of Supervisors reviewed a number of sites in and outside the PSA and chose this site as best meeting all of the criteria for construction of the 8th elementary school. **The application meets this criteria.**

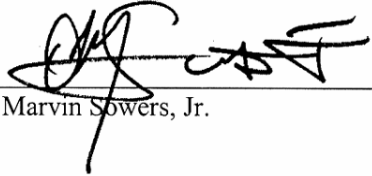
**RECOMMENDATION**

This withdrawal request is necessary in order to adjust the boundary lines so they conform to the development plan. Staff finds the proposed withdrawal consistent with the Comprehensive Plan. Furthermore, staff finds this application meets all of the criteria for the withdrawal of lands from AFDs outside the PSA. As a site currently zoned A-1, with the approval of SUP-29-06 to allow for a public school, the site would be in conformance and consistent with zoning for General Agricultural districts. The use of the site for a public school makes the site consistent with these policies as well as consistent with the Comprehensive Plan. Therefore, staff recommends the Board of Supervisors approve the request to remove 40.285 acres from the Gordon Creek AFD.

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Jason Purse

CONCUR:



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O. Marvin Sowers, Jr.

JP/gb  
Afd-9-86-6.doc

**ATTACHMENTS:**

1. Resolution
2. Unapproved Minutes of the October 17, 2006, AFD Advisory Committee Meeting
3. Unapproved Minutes of the November 6, 2006, Planning Commission Meeting
4. Location Map
5. Boundary Line Exhibit
6. Letter from Sanford Wanner dated October 11, 2006, requesting withdrawal from an AFD