

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: January 5, 2010

TO: Board of Supervisors

FROM: Jeffrey A. Harvey *JAH for*
Director of Planning and Zoning

ISSUE: Refer to the Planning Commission an Amendment to the Zoning Ordinance Regarding Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards and Initiate a Joint Public Hearing with the Planning Commission and Board of Supervisors to Consider a Zoning Ordinance Amendment and Conditional Use Permit at 194 Cropp Road

STAFF RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (5)

- [1] Background Report [3] Reso/Ord/Proc # R10-02
- [2] Proposed Ordinance O10-01 [4] Reso/Ord/Proc # R10-03
- [] [5] Reso/Ord/Proc # R10-04

REVIEW: [X] County Administrator's Office *[Signature]*
 [X] Legal *Gail M. Roberts*

- [X] **Consent Agenda** [] **Other Business** [] **Public Hearing**
- [] **Discussion Item** [] **Presentation** [] **Unfinished Business**
- [] **New Business**

PRESENTATION BY: N/A

ELECTION DISTRICT: Hartwood

BACKGROUND REPORT

Unisys, a government contractor, is operating a government test lane facility at the former Hartwood Airport at 194 Cropp Road. The site is designated as an A-1, Agricultural zoning district and is located in both Stafford and Fauquier Counties. The structures associated with the operation are currently located within Fauquier County, thus not requiring any approvals from Stafford County. Any expansion into Stafford County would require compliance with the zoning ordinance. Unisys is proposing to expand the operations to include a structure in Stafford. The Zoning Administrator has determined the use to be classified as research and testing. The Zoning Ordinance allows for laboratory, research and testing in the M-1, Light Industrial and M-2, Heavy Industrial zoning districts as a by-right use, but is not permitted in the A-1 zoning district. As a result, the Zoning Administrator has determined that a code amendment is required to allow this use in the A-1, Agricultural zoning district. Staff recommends that any code amendment to permit laboratory, research and testing in the A-1 district require a Conditional Use Permit. Unisys has requested the County Zoning Ordinance be amended to establish the laboratory, research and testing use in the A-1, Agricultural zoning district, and has concurrently applied for a Conditional Use Permit.

The laboratory, research and testing use (government test lane facility) is associated with the mission of the Department of Homeland Security/Customs and Border Protection Agency efforts to enhance border checkpoint facilities. This is a component of the Western Hemisphere Travel Initiative, the first and only land border initiative of the 9/11 Commission. The facility is designed to emulate passenger vehicles traveling through a full scale mock-up of an existing Land Border Port of Entry between Mexico and the United States. The facility is located within the area of the former landing strip of the former airport. Currently, the facility includes an inbound checkpoint facility. Unisys is proposing to expand the facility to emulate an outbound facility that includes extending the paved portion of the former runway and installation of an overhead gantry system with license plate readers and radio frequency identification sensors (RFIs) to gather information regarding vehicles and people approaching the checkpoint. The facility has plans to expand its operation and will need to utilize their property in Stafford County.

The Department of Homeland Security/Customs and Border Protection Agency has a goal of beginning construction by March 1, 2010. The time requirements in the standard process of conducting separate public hearings for both the Planning Commission and Board of Supervisors would not conform to the desired timeline. Considering the time constraints of the request, a joint public hearing would assist in facilitating this project.

Attached, for your consideration, is proposed Ordinance O10-01 and three separate proposed Resolutions.

- 1) Proposed Resolution R10-02: refers an ordinance amendment to the Planning Commission to amend the zoning ordinance to permit a laboratory, research and testing use as a conditional use in an A-1, Agricultural zoning district.

- 2) Proposed Resolution R10-03: initiates a joint public hearing with the Planning Commission and Board of Supervisors on February 16th to consider the aforementioned ordinance amendment.
- 3) Proposed Resolution R10-04: initiates a joint public hearing with the Planning Commission and Board of Supervisors on February 16th to consider a Conditional Use Permit for a laboratory, research and testing use in an A-1, Agricultural zoning district.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At an annual meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on this day of _____, 2010:

MEMBERS:

Harry E. Crisp, II
Mark Dudenhefer
Paul V. Milde, III
Gary F. Snellings
Cord A. Sterling
Susan B. Stimpson
Robert "Bob" Woodson

VOTE:

On motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-35, TABLE OF USES AND STANDARDS; TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, laboratory, research and testing are not listed as conditional uses in the A-1, Agricultural Zoning District; and

WHEREAS, the Zoning Ordinance does not permit laboratory, research and testing as conditional uses in the A-1, Agricultural Zoning District; and

WHEREAS, the Board believes that the Zoning Ordinance should be amended to include laboratory, research and testing as conditional uses in the A-1, Agricultural Zoning District; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of , 2010, that Stafford County Code be and it hereby is amended and reordained by amending Section 28-35, Table of uses and standards; Table 3.1, District uses and standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-35. Table of uses and standards.

Table 3.1. District Uses and Standards

A-1 Agricultural.

(b) *Conditional use permit:*

Laboratory, research and testing.

BE IT FURTHER ORDAINED that this ordinance shall become effective on

_____.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At an annual meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on this 5th day of January, 2010:

MEMBERS:

Harry E. Crisp, II
Mark Dudenhefer
Paul V. Milde, III
Gary F. Snellings
Cord A. Sterling
Susan B. Stimpson
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO REFER AN AMENDMENT TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-35, TABLE OF USES AND STANDARDS; TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, laboratory, research and testing are not listed as conditional uses in the A-1, Agricultural Zoning District; and

WHEREAS, the Zoning Ordinance does not permit laboratory, research and testing as conditional uses in the A-1, Agricultural Zoning District; and

WHEREAS, the Board believes that the Zoning Ordinance should be amended to include laboratory, research and testing as conditional uses in the A-1, Agricultural Zoning District; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of January, 2010, that the amendment to the Zoning Ordinance by proposed Ordinance O10-01 be and it hereby is referred to the Planning Commission for its consideration.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At an annual meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on this 5th day of January, 2010:

MEMBERS:

Harry E. Crisp, II
Mark Dudenhefer
Paul V. Milde, III
Gary F. Snellings
Cord A. Sterling
Susan B. Stimpson
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO INITIATE A JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION ON FEBRUARY 16, 2010 FOR CONSIDERATION AND ADOPTION OF AMENDMENTS TO THE STAFFORD COUNTY CODE, SECTION 28-35, TABLE OF USES AND STANDARDS; TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, the Board wishes to schedule a joint public hearing with the Planning Commission to consider the proposed amendment to Stafford County Code, Section 28-35, Table of Uses and Standards; Table 3.1, District Uses and Standards, of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of January 2010, that the Board be and it hereby does initiate a joint public hearing with the Planning Commission to be held on February 16, 2010 at 7:30 p.m. in the Board Chambers to consider the proposed amendments to the Zoning Ordinance, as amended by the Board; and

BE IT FURTHER RESOLVED that the County Administrator is hereby directed to advertise the proposed Zoning Ordinance amendments, as amended by the Board, for a joint public hearing with the Planning Commission to be held on February 16, 2010; and

BE IT FURTHER RESOLVED that the Planning Commission is hereby requested to participate in this joint public hearing with the Board to consider the proposed amendments to the Zoning Ordinance, as amended by the Board, and the Planning Commission is hereby requested to make and submit its recommendation on said proposed amendments to the Board on February 16, 2010; and

BE IT STILL FURTHER RESOLVED that, at the conclusion of the joint public hearing and upon consideration of all comments and the recommendation of the Planning Commission, the Board intends to consider adopting the proposed amendments to the Zoning Ordinance, as amended by the Board, together with all of the additions and amendments that have been approved.

AJR:JAH:bjs

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At an annual meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on this 5th day of January, 2010:

MEMBERS:

Harry E. Crisp, II
Mark Dudenhefer
Paul V. Milde, III
Gary F. Snellings
Cord A. Sterling
Susan B. Stimpson
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO INITIATE A JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION ON FEBRUARY 16, 2010 FOR CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR LABORATORY, RESEARCH, AND TESTING IN AN A-1 AGRICULTURAL ZONING DISTRICT ON ASSESSOR'S PARCEL 16-20 (PORTION), HARTWOOD ELECTION DISTRICT AND PORTIONS OF FAUQUIER COUNTY PIN'S 7836-61-5517 AND 7836-60-6238

WHEREAS, Unisys, the applicant, has submitted application CUP2900339 requesting a Conditional Use Permit to allow a laboratory, research and testing facility in an A-1, Agricultural, Zoning District on Assessor's Parcel 16-20 (portion) and portions of Fauquier County PIN's 7836-61-5517 and 7836-60-6238; and

WHEREAS, the applicant desires to expedite the development review process by holding a joint public hearing of the Planning Commission and Board of Supervisors to meet the applicant's goal of beginning construction by March 1, 2010; and

WHEREAS, the Board wishes to schedule a joint public hearing with the Planning Commission to consider the request for a Conditional Use Permit for a laboratory, research and testing facility in an A-1, Agricultural zoning district;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of January 2010, that the Board does hereby initiate a joint public hearing with the Planning Commission to be held on February 16, 2010 at 7:30 p.m. in the Board Chambers to consider the Conditional Use Permit; and

BE IT FURTHER RESOLVED that the County Administrator is hereby directed to advertise the proposed Conditional Use Permit application for a joint public hearing with the Planning Commission to be held on February 16, 2010; and

BE IT FURTHER RESOLVED that the Planning Commission is hereby requested to participate in this joint public hearing with the Board to consider the Conditional Use Permit application, and the Planning Commission is hereby requested to make and submit its recommendation on said Conditional Use Permit application to the Board on February 16, 2010; and

BE IT STILL FURTHER RESOLVED that, at the conclusion of the joint public hearing and upon consideration of all comments and the recommendation of the Planning Commission, the Board intends to consider adopting the proposed Conditional Use Permit, together with any amendments to the proposed conditions.

AJR:JAH:bjs