



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
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To: Kurt Hodgen, City Manager  
From: Planning Commission and  
Adam Fletcher, Director of Planning and Community Development  
Date: October 11, 2016  
Re: Special Use Permit – 1171 Hillcrest Drive (Park View Water Tank) – Section 10-3-48.4 (9) To Allow Public Use to Deviate from Zoning Ordinance

**Summary:** Public hearing to consider request from the City of Harrisonburg for a special use permit per Section 10-3-48.4(9) to allow a public use to deviate from the requirements of the Zoning Ordinance. The Harrisonburg Department of Public Utilities will construct and operate a public, elevated water storage tank that will exceed the 40-foot height restriction of the R-3, Medium Density Residential District. The water storage tank will be approximately 105-feet above the finished grade. In addition, the City is also requesting to not meet required setback regulations along the northern property line. The 29,975 +/- square foot property is addressed as 1171 Hillcrest Drive and is identified as tax map parcel 48-A-1A.

**Background:** Planning Commission conducted a review, per Virginia State Code Section 15.2-2232, for the Park View Water Tank (PVWT) project on August 13, 2014. As part of the discussion during the review Mike Collins, Director for the Department of Public Utilities, noted that in order to achieve the required elevation for the water tank it would need to be about 90-feet in height. Planning Commission ultimately found that the project was substantially in accord with the City's adopted Comprehensive Plan and City Council accepted Planning Commission's findings on September 9, 2014. (Included within the agenda packet are minutes from the Planning Commission review, copy of Planning Commission Findings, and the extract from the September 9, 2014 City Council meeting.

**Key Issues:** The Comprehensive Plan designates this area as Institutional. This designation states that these areas are for development by certain nonprofit and public institutional uses such as private colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions that provide for the shelter and care of people.

The following land uses are located on and adjacent to the property:

- Site:** 29,975 +/- square foot vacant parcel, zoned R-3/I-1  
**North:** Eastern Mennonite University Seminary, Discipleship Center building, and parking lot, zoned R-3/I-1  
**East:** Eastern Mennonite University campus, zoned R-3/I-1  
**South:** Single family dwellings and townhouses, zoned R-3  
**West:** Across City/County boundary, single family homes, zoned R-2 (County)

The City of Harrisonburg is requesting a special use permit (SUP) per Section 10-3-48.4 (9) of the Zoning Ordinance, which allows for any use defined as a “public use” to deviate from any requirement of the City’s zoning regulations. Specifically, with this application, the City is requesting that the proposed PVWT be granted the ability to exceed the 40-foot maximum height allowance and to encroach into the 10-foot side yard setback requirement of the R-3 zoning district.

The water tank is described as a 500,000 gallon elevated water storage tank. The Public Utilities Department has estimated that the overall height of the water tank will be approximately 105-feet above finished grade; reaching an elevation of 1,671.5 +/- feet to the top of the tank, which is 26.5 +/- feet above the elevation noted during the 15.2-2232 review.

A comprehensive site plan for the PVWT project and access road was approved on November 9, 2015. The site plan provided for the tank to meet the required setbacks of 30-foot for the front, 25-foot for the rear, and 10-foot for the sides. During test borings for the water tank foundation’s center point, the subcontractor encountered rock and therefore, is shifting the test boring location slightly northwest, which would involve a shift in the location of the actual water tank. At this time, the exact location of the center point has not been determined and there is the possibility that the tank may encroach into the 10-foot side setback along the northern property line. Currently, the approved site plan shows the water tank 10-feet from the northern setback line and 20-feet from the northern property line.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

If the SUP is denied, the plans for the PVWT would have to be significantly redesigned to accommodate the 40-foot maximum height regulation of the R-3 zoning district; or the project would need to be relocated to a site allowing a greater maximum height.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing for the special use permit. The advertisement was published as shown below:

***Special Use Permit – 1171 Hillcrest Drive (Section 10-3-48.4(9) to Allow Public Use to Deviate from the Zoning Ordinance***

Public hearing to consider request from the City of Harrisonburg for a special use permit per section 10-3-48.4(9) to allow a public use to deviate from the requirements of the Zoning Ordinance. The Harrisonburg Department of Public Utilities will construct and operate a public, elevated water storage tank that will exceed the 40-foot height restriction of the R-3, Medium Density Residential District. The water storage tank will be approximately 105-feet above the finished grade. In addition, the City is also requesting to not meet required setback regulations along the northern property line. The 29,975 +/- square foot property is addressed as 1171 Hillcrest Drive and is identified as tax map parcel 48-A-1A.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff supports the request for a SUP per section 10-3-48.4 (9) of the Zoning Ordinance to allow for the PVWT project to exceed the 40-foot height limit and to encroach into the 10-foot side setback along the northern property line.

**Attachments:**

1. Site maps (2)
2. Application (1)
3. Minutes from Planning Commission's 15.2-2232 review, copy of Planning Commission's Findings, and the extract from the September 9, 2014 City Council meeting (8)
4. PVWT elevations and site plan (4)

**Review:**

Planning Commission recommended approval (4-0) of the SUP per section 10-3-48.4 (9) of the Zoning Ordinance as submitted.