



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
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To: Kurt Hodgen, City Manager  
From: Department of Planning and Community Development  
Date: May 10, 2016  
Re: **Joint Public Hearing** – Special Use Permit – 750 Garbers Church Road (Section 10-3-34 (11) to Allow a Public Use to Deviate from Zoning Regulations)

## **Summary:**

Public hearing to consider a request from the City of Harrisonburg for a special use permit (SUP) per section 10-3-34 (11) of the Zoning Ordinance to allow for a proposed, new elementary school to exceed the 35-foot maximum height allowed for a structure in the R-1, Single Family Residential District. The property is addressed as 750 Garbers Church Road and is identified as tax map parcels 117-D-1, 2, and 6.

## **Background:**

The engineered comprehensive site plan (CSP) for Bluestone Elementary School (BES) was accepted into the CSP review process on October 13, 2015. The CSP went through four, formal reviews and was approved on March 28, 2016, the same day it was issued a land disturbance permit. The building permit was applied for and accepted for review on March 17, 2016. Like all permits, once accepted, the first stage of a permit's review includes evaluation for Zoning Ordinance compliance. It was at this point in the review that staff was informed of the maximum height of the proposed two and three story elementary school and it was brought to our attention that the building would exceed the 35-foot maximum height allowance of the R-1 district.

## **Key Issues:**

Section 10-3-34 (11) is a SUP option that allows for any use defined as a "public use" to deviate from any requirement of Title 10 Chapter 3, which is the City's Zoning Ordinance. Specifically, the City is requesting for the proposed BES building be granted the ability to exceed the 35-foot maximum height allowance of the R-1 district.

Over the City's history, there have been interpretation changes as to whether or not the City should abide by its own zoning regulations. In recent history, up until September 2014, the City's policy was that the City (or "public uses") did not have to conform to the regulations of the Zoning Ordinance. However, in September 2014, the City made appropriate changes to the Zoning Ordinance, which in effect clarified that the City is to abide by its own zoning requirements, by adding a SUP option within each zoning district that allows "[p]ublic uses which deviate from the requirements of Title 10, Chapter 3." This request is the first instance in which the City has applied for such a SUP.

Elevation illustrations for BES are provided herein. Elevation #2, which is the second elevation on the first sheet titled Overall Elevation West, is the side of the building that must be considered when measuring the height of the structure—the side facing Garbers Church Road. In viewing the Overall Elevation West illustration, the northern, two story side of the building reaches a height of 35 feet 3

inches, while on the southern, three story side of the building, the structure reaches a height of 44 feet 4 inches. In comparison, Harrisonburg High School, at 1001 Garbers Church Road and located across the street from the subject site, reaches a height of 47 feet 6 inches, which was built during a time when zoning regulations did not apply to public uses.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

If the SUP is denied, the building plans for BES would have to be significantly redesigned to accommodate the 35-foot maximum height regulation of the R-1 district. Changing the design of the building could require the architects and the engineers to redesign the entire project.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for the joint public hearing of Planning Commission and City Council for the SUP. The advertisement was published as shown below:

Public hearing to consider a request from the City of Harrisonburg for a special use permit per Section 10-3-34 (11) of the Zoning Ordinance to allow for a proposed, new elementary school to exceed the 35-foot maximum building height restriction in the R-1, Single Family Residential District. Section 10-3-34 (11) allows for any use defined as a “public use” in the R-1 district, through review and approval of a special use permit, to deviate from any requirement of Title 10, Chapter 3, which is the City’s Zoning Ordinance. The property is addressed as 750 Garbers Church Road and is identified as tax map parcels 117-D-1, 2, and 6.

In addition, adjoining property owners were notified of the joint 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 10-3-34 (11) of the Zoning Ordinance to allow for the elementary school to exceed the 35-foot height limit of the R-1 district.

**Attachments:**

1. Site maps (2 pages)
2. Application (1 page)
3. Elevation Drawings and General Site Layout (7 pages)

**Review:**

N/A