



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Planning and Community Development; and Harrisonburg Planning Commission  
Date: July 9, 2019 (Regular Meeting)  
Re: Planning Commission’s 15.2-2232 Review Findings and Rezoning – New High School Site (R-5C to B-2)

### **Summary:**

Receive Planning Commission’s 15.2-2232 Review Findings and public hearing to consider a request from the City of Harrisonburg to rezone the site from R-5C, High Density Residential District Conditional to B-2, General Business District. The +/- 60-acre site is adjacent to I-81 and is located between Boxwood Court and East Kaylor Park Drive. The site is addressed as 2868 South Main Street, 40 Boxwood Court, and Boxwood Court and can be found on tax maps 2-C-1, 2-D-0, 2-D-6, 7, 8, 9, and 10.

### **Background:**

The Comprehensive Plan designates this area as Governmental/Quasi-Governmental. These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental/quasi-governmental organizations. Examples of entities included in this category are City Hall, City administrative and support facilities, Harrisonburg City Public Schools, James Madison University, Rockingham County Administrative Offices, Rockingham County Public Schools, and the Massanutten Regional Library. Properties within this designation may already include uses supplied by the entities mentioned or are planned to be used by such public entities for any type of uses necessary for their services. Some Governmental/Quasi-Governmental uses, such as James Madison University, other state agencies, and the federal government are not subject to some of the City’s land use regulations. City parks are included in the Conservation, Recreation, and Open Space Category. Furthermore, it should be understood that properties that are owned or leased by the City, which may not be designated as Governmental/Quasi-Governmental by the Land Use Guide, may be developed with public uses, as defined by the Zoning Ordinance, to operate and provide services supplied by the City in any zoning district, which as of the approval of the 2018 Comprehensive Plan, is every zoning district in the City.

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

- Site:** Undeveloped parcels, zoned R-5C
- North:** Self-storage units, zoned M-1
- East:** Across Interstate 81, Ramblewood Park, zoned R-1; and a manufacturing facility, zoned M-1
- South:** East Kaylor Park Drive and undeveloped parcels, zoned B-2

West: Undeveloped parcels, automobile dealership, offices, and commercial uses, zoned B-2

**Key Issues:**

Last summer, City Council and the School Board jointly announced the purchase of +/- 60 acres of land for the next high school. The land is adjacent to I-81 between Boxwood Court and East Kaylor Park Drive. With the hope of having the new high school open by Fall 2023, Harrisonburg City Public Schools (HCPS) continues to work with engineers and architects regarding the engineered layout and design of the new building. As part of the vetting process for this new public facility, the site requires a review by the Planning Commission (PC) to determine if the facility is in substantial accord with the Comprehensive Plan. Additionally, as a separate request, the City is requesting a rezoning of the property from R-5C, High Density Residential District to B-2, General Business District.

City staff has been working with HCPS regarding site design matters. A traffic impact analysis (TIA) study is currently underway. Typically, a TIA is completed prior to accepting and reviewing rezoning applications. However, staff is comfortable reviewing the rezoning request given that the City and HCPS will be working closely on the new high school project.

Presently, as illustrated on the Proposed New Harrisonburg High School Concept Plan – dated May 31, 2019, a new public street is proposed to run along the western boundary of the site to connect East Kaylor Park Drive to relocated Boxwood Court across from Pointe Drive, offering two routes to access the school site from South Main Street. City staff and HCPS staff are working on entrance layouts and routes into the school site to keep buses and parents dropping-off and picking-up students separated.

The Concept Plan illustrates the proposed location of the new high school building, parking areas, and recreational fields. It should be noted that prior to approval of the engineered comprehensive site plan, Planning Commission must review and approve the number of off-street parking spaces desired for the site. Per Section 10-3-25(12) of the Zoning Ordinance (ZO), “proposed off-street parking spaces shall be programmed by the applicable school authorities as necessary to meet state standards for use and consideration of site locations, then submitted to the planning commission for comprehensive site plan review.”

The Department of Public Utilities has noted that while the demands for water and sanitary sewer services of the proposed school would be substantially different from those generated by the current zoning, it is their preliminary opinion that the existing utilities would supply the needed demand. A more detailed review is currently underway.

*15.2-2232 Review*

On June 12, 2019, at its regularly scheduled meeting, the Planning Commission held a public hearing to determine if the public facility is in substantial accord with the Comprehensive Plan as provided City Code Section 10-1-6 and the Code of Virginia Section 15.2-2232.

City Code Section 10-1-6 stipulates that “if a public facility subject to Section 15.2-2232 of the Code of Virginia is not already shown on the comprehensive plan, the planning commission shall determine whether the location, character and extent of such public facility is in substantial accord with the comprehensive plan as provided by Section 15.2-2232 of the Code of Virginia and the terms and conditions set forth herein, and may be amended from time to time.” A copy of Section 15.2-2232 is attached.

As a reminder, the Code of Virginia Section 15.2-2232, among other things, states that when a locality has adopted a comprehensive plan, “it shall control the general or approximate location, character and extent of each feature shown on the plan.” Public buildings or public structures, among others, are listed by the Code as features that unless already shown on the plan “shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.”

As previously stated, the Comprehensive Plan’s Land Use Guide designates this property as Governmental/Quasi-Governmental, a designation that was established with the 2018 Comprehensive Plan update. When the 2018 Comprehensive Plan update process began in early 2017, this +/- 60-acre site was owned by James Madison University who had purchased the property in 2014. In Fall 2017, after several Comprehensive Plan advisory committee meetings, the property was shown on the draft Land Use Guide map as Governmental/Quasi-Governmental. This was presented during the Fall 2017 public workshops and public comment period. The draft Land Use Guide map continued to show the property as being recommended as Governmental/Quasi-Governmental and plans to locate the new high school at this site were known when the Comprehensive Plan was adopted in November 2018.

All the sites adjacent to this property, on the west side of Interstate 81 are designated and planned for commercial uses. A request is also being made to rezone the site to B-2, General Business District, where educational uses are permitted by right.

Staff finds the proposed new high school site’s general location, character, and extent thereof is in substantial accord with the Comprehensive Plan and recommended the Commission communicate the same findings to City Council. The Planning Commission’s findings are attached. This agenda item serves as official transmittal of the hearing from Planning Commission to City Council regarding the new high school and no action by City Council is needed.

#### *Rezoning Request (R-5C to B-2)*

The site is currently zoned R-5C, High Density Residential District Conditional. A public hearing on this zoning was held by City Council on June 22, 2010 and the rezoning became effective on July 14, 2010. A copy of the proffered conditions and the plan of development is attached for reference. The site also received a special use permit (SUP) at the same time that allows each residential building within the plan of development to exceed twelve units per building, as shown on the plan of development, per Section 10-3-55.4(1) of the ZO. The SUP remains valid until July 1, 2020. In brief, the site was approved for a density of 466 dwelling units and the proposed plan anticipated a mix of one, two, and four bedroom units.

The details of this development are very specific for the housing development as proposed in 2010 and would not allow the construction of a high school at this site. For example, the first proffer states that roadway, parking, and building configurations within the development shall be in substantial conformance to the provided plan of development.

Earlier this year, HCPS sought city staff’s advice and accepted staff’s recommendation to rezone the site to the B-2, General Business District. This rezoning would remove all the proffers associated with the R-5C zoning designation that was approved in 2010. A B-2 zoning designation would match existing surrounding Commercial land use designations as shown in the Comprehensive Plan’s Land Use Guide. Rezoning to B-2 would also allow the proposed use (high school) as a by right use per Section 10-3-95(5) of the B-2 district regulations. Additionally, rezoning to B-2 would provide more flexibility with setback and height regulations, as compared to other zoning districts where educational uses are allowed.

City staff recommends approval of the rezoning request from R-5C to B-2.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Receive Planning Commission’s findings that the proposed high school site is in substantial accord with the Comprehensive Plan as it pertains to the Code of Virginia Section 15.2-2232 and recommend approval of the rezoning request; or
- (b) Receive Planning Commission’s findings that the proposed high school site is in substantial accord with the Comprehensive Plan as it pertains to the Code of Virginia Section 15.2-2232 and recommend denial of the rezoning request.

**Community Engagement:**

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

***Rezoning – New High School Site (R-5C to B-2)***

Public hearing to consider a request from Harrisonburg City Public Schools to rezone a +/- 60-acre site from R-5C, High Density Residential District Conditional to B-2, General Business District. The site is adjacent to I-81 and is located between Boxwood Court and Kaylor Park Drive. The Zoning Ordinance states that the R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The Comprehensive Plan designates this area as Governmental/Quasi-Governmental. These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental /quasi-governmental organizations. The site is addressed as 2868 South Main Street, 40 Boxwood Court, and Boxwood Court and can be found on tax maps 2-C-1, 2-D-0, 2-D-6, 7, 8, 9, and 10.

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 recommends alternative (a) approval of the rezoning request.

**Attachments:**

1. Planning Commission Extract
2. Site maps (3 pages)
3. Title Survey (2 pages)
4. Virginia State Code 15.2-2232, Planning Commission's Findings, Proposed New High School Site adjacent to I-81 and is located between Boxwood Court and East Kaylor Park Drive (1 page)
5. Proposed New Harrisonburg High School Concept Plan – dated May 31, 2019 (1 page)
6. Southbury Station Plan of Development – dated May 5, 2010 (1 page)
7. Code of Virginia 15.2-2232. Legal Status of Plan (3 pages)

**Review:**

Planning Commission found that the site is in substantial accord with the Comprehensive Plan as it pertains to the Code of Virginia Section 15.2-2232 and recommended approval (6-0) of the rezoning request.