



# City of Harrisonburg, Virginia

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October 3, 2016

## **TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA**

**SUBJECT:** 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.

## **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: September 14, 2016**

Chair Fitzgerald read the request and asked staff for comment.

Mrs. Banks said 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. The minutes from the Planning Commission review, copy of Planning Commission Findings, and the extract from the September 9, 2014 City Council meeting were included within the agenda packet.

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.

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.

Mr. Way asked if it is worth putting a specific number on the allowed reduction or does it have to be left open and flexible.

Mrs. Banks said at this time I do not believe we have a number, but you can certainly ask that of the representative from the Public Utilities Department. It may not have to encroach into the setback.

Chair Fitzgerald asked if it would ultimately be fenced.

Mrs. Banks said I believed it will be fenced around portions of the property.

Mrs. Whitten said I am just kind of curious as to what type of security you will have around the water tank.

David Gray, Public Utilities Division Superintendent, said that in working with the university it was their request that we do not fence the property. Because it adjoins their properties and there are so many neighbors that pass through here, they did not want it fenced in; therefore, we took the fencing out.

Speaking to a specific number that we are looking for in the setback, as Alison mentioned, we are working with the contractor right now in sighting the exact center point.

Very early in the project we validated that the soil in this area would support the tank designed this way. Then the contractor came in and did more detailed geotechnical investigation to design the foundation and found that the ground under the rock slopes a little bit and they have requested that we shift the tank 15-feet to the north and to the west. That is why there were additional borings performed. I have not yet heard the results back from that boring to know if that 15-foot shift is going to work out for us or not, so it is still floating just a little bit until we nail it down. As Alison said, we are pretty well committed to this space, we just don’t know if the bowl will overhang the 10-foot setback by a foot, two feet, or five feet; at this time, I just do not know.

Mr. Way said you do not expect this to go up to the property line.

David Gray said no, I would not foresee that at all.

Chair Fitzgerald asked if there was anything else before opening the public hearing. Hearing none, she opened the public hearing and asked if anybody would like to speak in favor or against this request.

Mrs. Banks said at yesterday's site tour there was a question concerning wireless telecommunication facilities. I did check and I understand that there are no provisions to accommodate wireless telecommunication equipment installation on the tank.

Chair Fitzgerald asked if there is anything else before we close the public hearing.

Mr. Baugh asked do I assume correctly, because part of what I am thinking about with the waiver of the setback requirement is that it impacts them (EMU), because they are the adjoining property owner on both sides and I am assuming that they are aware of this and they are okay with it. They want this right?

David Gray said well I cannot speak whether they want this. They are aware, actually Gil Colman is the engineer for this job; he is kind of our go between with the university and the city, and he has been in correspondence with them. He is actually working up the revised grading plan for their review. Yes, they are aware that we are talking about this shift.

Mr. Baugh said obviously the obvious people with an interest in this would be them. They are the ones to object, because they are the ones that it would move over towards.

Mrs. Whitten said the other thing with the graphics, it looks really nice but how do we determine that EMU gets to put their logo there.

Mrs. Banks said I think that was part of the conversation with EMU as well.

David Gray said the graphics were a surprising side of conversation we had with the university. Their Art Department gave us the logo they would like on the tank and we are working with them right now on just tweaking to make sure we get the right colors. Our contract with our contractor has a provision for the particular logo the university has requested.

Mr. Way said back to wireless technology, are you saying they can put it on there or is there just no intent to do so?

David Gray said it is our desire to not have an outside vendor in this tank. The only way to access the top of the tank, where the antennas would be, is to come through that pedestal at the ground floor, and come up through the pedestal through an access tube in the center to get to the top. I do not want to open that up to an outside vendor, which is just a security risk. The Virginia Department of Health, I think, would frown on us doing that as well and for those reasons we would rather not.

Mrs. Whitten asked does the old tank remain in use?

David Gray said the old tank is undersized, it has reached the end of its useful life, once this is up and functional, we would abandon the old tank. We will take it down and it will go away.

Chair Fitzgerald asked if there was anything else. Hearing none, she closed the public hearing and asked Planning Commission for a motion on the request for the purpose of discussion.

Mr. Way moved to approve the SUP per Section 10-3-48.4 (9) of the Zoning Ordinance as submitted.

Mrs. Whitten seconded the motion.

Chair Fitzgerald asked for further discussion on the request. Hearing none, she called for a voice vote on the motion.

All voted in favor (4-0) to recommend approval of the SUP per Section 10-3-48.4 (9) of the Zoning Ordinance.

Chair Fitzgerald said this goes to City Council on October 11<sup>th</sup>.

Respectfully Submitted,

*Alison Banks*

Alison Banks

Senior Planner