



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
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To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission
Date: April 9, 2019 (Regular Meeting)
Re: Alley Closing – Adjacent to Tax Map Parcels 34-OO-10, 11, 16, and 19 (Behind 374 & 384 East Wolfe Street)

Summary:

Consider a request from Emily and Dan Fudala and Gretchen Nyce to close a total of +/- 1,200 square feet of an undeveloped public alley, which is located perpendicular to Myrtle Street. The approximately 10-foot wide alley connects Myrtle Street to a graveled alley that is perpendicular to and connects to East Wolfe Street and East Rock Street. The section of the alley to be closed and purchased is adjacent to tax map parcels 34-OO-10, 11, 16, and 19.

Background:

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

- Site:** 1,200 +/- square feet of an undeveloped public alley right-of-way adjacent to tax map parcels 34-OO-10, 11, 16, and 19, zoned R-2
- North:** Single-family dwellings, zoned R-2
- East:** Continued +/- 60-ft. portion of the undeveloped alley leading to Myrtle Street and single-family dwellings, zoned R-2
- South:** Single-family dwellings, zoned R-2
- West:** Continued +/- 175-ft. portion of the undeveloped alley leading to another perpendicular alley between East Rock Street and East Wolfe Street and single-family dwellings, zoned R-2

Key Issues:

The applicants are requesting to close a portion of an undeveloped public alley right-of-way within the Northeast Neighborhood area of the City. The alley is approximately 10-feet in width and runs parallel to East Rock Street and East Wolfe Street, between Myrtle Street and a 12-foot wide alley that is perpendicular to East Rock and East Wolfe Streets. The portion of the alley requested for closure is located mid-block along East Wolfe Street. From Myrtle Street, this alley has the appearance of a private driveway; however, beyond that, one can see that the alleyway is grassy with trees and shrubs throughout. The two applicants own 374 and 384 East Wolfe Street and they desire to close the alley in order to enlarge their properties.

City records indicate that there are no public water or sanitary sewer mains within the alley. However, the Public Utilities Department has noted that a future sanitary sewer service within portions of this alley would best serve the homes along East Rock Street in this block. Although at this time there are no plans

to construct a new public sanitary sewer line, if the alley is closed, the City should reserve a public sewer line easement over the entire section of the alley to be closed behind 374 East Wolfe Street.

In addition, there is currently a 24-inch stormwater pipe within the portion of the alley requested for closure. If the alley is closed, the property owners that purchase that portion of the alley will take on the ownership of the stormwater facility. Prior to closure, the City should reserve an easement so that it is clear that private property owners cannot make changes to the land that obstruct the storm drain pipe or change the function of the storm drain pipe.

Within chapter six of the 2018 Comprehensive Plan, the concept of Traditional Neighborhood Development (TND) is discussed. The TND concept is a pattern of development of a complete neighborhood or community using traditional town planning principles; the Comprehensive Plan encourages the City to incorporate TND practices to the greatest extent possible throughout the entire City. One principal of TND is that the circulation system should serve many modes of transportation and provide choices for alternative transportation routes. Streets, alleys, and pedestrian and bike paths should connect to the surrounding area. Streets and alleys should generally follow a grid pattern to provide these route choices and connections. The Northeast Neighborhood is a good example of the TND grid pattern having a gridded public street network and numerous alleyways that connect to public streets.

An alley can provide the opportunity for homeowners to access the rear of their property for parking vehicles or perhaps to access a detached garage. Parking in the rear of the property off of an alley can help to improve the appearance of the public street by reducing the number of vehicles parked along the street and opening the view from the public street to the front of homes instead of vehicles, driveways, and garages. The street and alley grid system can help to limit the number of driveway entrances along public streets; thus, helping to reduce the number of conflicts with pedestrians along the sidewalks.

Staff believes that the grid system of streets and alleys throughout the Northeast Neighborhood is beneficial to the neighborhood and the City. Connectivity to all parcels is a very important aspect for neighborhoods and traffic, both vehicular and pedestrian. Closing an alleyway mid-block is not consistent with what the City desires for neighborhoods and loses the opportunity for future redevelopment or infill development of the area utilizing the TND pattern. For these reasons, staff recommends denial of the alley closing request. If the alley closing is approved, as noted above, staff recommends that a private storm drainage easement be reserved across the entire portion of the alley being closed and a public sanitary sewer line easement be reserved over the entire section of the alley to be closed behind 374 East Wolfe Street.

The applicants are aware that if City Council votes to approve closing the alley (first reading at City Council), the applicants are responsible for having a survey and plat prepared in order for the City Attorney to draft the ordinance to finalize the closure (second reading). After City Council's first reading, letters will be sent to the adjoining property owners on the other side of the alley, who will be given 60-days from the date of the letter to notify the City of their interest to purchase half of the alley. Once all property owners have decided on whether they want to purchase the alley and have submitted the funds to buy the property, the plat should show the portions of the closed alley being added to adjoining parcels and all public and private easements that might be reserved by the City for the purposes herein identified.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the alley closing request as submitted by the applicant;
- (b) Recommend approval of the alley closing request with the recommended easements identified by staff; or
- (c) Recommend denial of the alley closing request.

Community Engagement:

Although not required for the Planning Commission review but a standard practice by Planning staff to assist in the awareness that an alley closing request was made, signs were posted giving notice that an application was submitted to close the alley ROW prior to the Planning Commission review.

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

Consider a request from Emily and Dan Fudala and Gretchen Nyce to close a total of +/- 1,200 sq. ft. of undeveloped public alleys, which are located perpendicular to Myrtle Street. The approximately 10-ft wide alley connects Myrtle Street to another undeveloped alley that is perpendicular to and connects to East Wolfe Street and East Rock Street, and is adjacent to parcels identified as tax map parcels 34-OO-10, 11, 16, and 19.

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

Recommendation:

Staff recommends alternative (c) denial of the alley closing request.

Attachments:

- 1. Planning Commission Extract (16 pages)
- 2. Site maps (2 pages)
- 3. Application and supporting documents (6 pages)

Review:

Planning Commission recommended (5-2) alternative (c) denial of the alley closing request.