



City of Harrisonburg, Virginia

Department of Planning & Community Development
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To: Kurt Hodgen
From: Planning Commission and
Adam Fletcher, Director - Department of Planning and Community Development
Date: December 13, 2016
Re: Alley Closing – Between North Liberty Street and George’s Food, LLC

Summary:

Public hearing to consider a request from George’s Food, LLC to close a 2,924 +/- square feet portion of a developed public alley located between North Liberty Street and the northern property line of George’s Food, LLC. The alley is 15-feet wide and is located adjacent to tax map parcels 34-A-12 and 40-V-1.

Background:

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

- Site:** A 2,924 +/- square foot portion of a developed public alley right-of-way adjacent to tax map parcels 34-A-12 and 40-V-1
- North:** Parking lot owned and operated by George’s Food, LLC and single-family dwellings, zoned M-1 and R-2, respectively
- East:** Parking lots owned and operated by George’s Food, LLC, zoned M-1
- South:** Industrial uses owned and operated by George’s Food LLC, zoned M-1
- West:** Industrial uses owned and operated by George’s Food LLC and single-family dwellings, zoned M-1 and R-2, respectively

Key Issues:

The applicant, George’s Food, LLC, is requesting to close a portion of developed public alley right-of-way approximately 15-feet in width and 190 +/- feet in length, totaling 2,924 +/- square feet running perpendicular to North Liberty Street and turning approximately 90 degrees north towards 3rd Street. George’s Food, LLC states in their letter (attached) that the “primary purpose for purchasing this alley would be to limit access and control traffic to improve safety concerns.” They are also interested in increasing the size of the current office building that is located to the south of the alley in the future.

The alley is paved and automobiles can pass through the entire length of the alley from North Liberty Street to 3rd Street. From North Liberty Street, the alley travels between two properties owned by George’s Food, LLC and has the appearance of belonging to and serving only George’s Food, LLC.

The remaining portion of the alley to remain public is located in the rear of seven single-family dwellings, which front on North Liberty Street and Collicello Street, and adjacent to two dwellings that have frontage along 3rd Street. At the time of this writing, city staff has not received comments from adjoining

property owners or nearby residents regarding the requested alley closure. In July 2016, Planning Commission reviewed a preliminary plat request for two parcels (TM 40-U 3 & 4). In August 2016, City Council approved the preliminary plat for these two parcels with conditions that when developed, “[b]ollards, posts, or signage shall be provided at the end of the private street to help restrict vehicular access to the public alley.” Therefore, these two parcels will not utilize the alley. Three other residences (597 and 601 North Liberty Street, and 626 Collicello Street) clearly use the alley for access to the rear of their properties.

The alley is narrow and it would be difficult for two vehicles approaching from opposing directions to pass each other. However, it is staff’s opinion that given the few number of dwellings served and the character of the alley, that two-way traffic should remain permissible along the portion of the alley to remain public and open.

This alley is not used for trash pick-up and the alley is not marked for any potential future walking or biking facilities. However, there are a number of utilities located within the alley. If the City approves closure of the alley, easements would need to be established for the following:

- a. Public Sanitary Sewer (for sanitary sewer main operated by Harrisonburg Department of Public Utilities),
- b. Utility Easement (for overhead electric facilities operated by Harrisonburg Electric Commission), and
- c. Utility Easement (for 4” gas line operated by Columbia Gas).

The applicant is aware that if City Council elects to close the alley, the applicant is responsible for having a survey prepared in order for the City Attorney to draft the ordinance for closure. The survey should show dedicated easements and that the alley will become part of the applicant’s existing parcel(s).

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

If the requested alley closure is denied, then the alley will remain open to the public.

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 two alley ROWs 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 George’s Food, LLC to close a 2,924 +/- square feet portion of a developed public alley located between North Liberty Street and the northern property line of George’s Food, LLC. The alley is 15-feet wide and is located adjacent to tax map parcels 34-A-12 and 40-V-1.

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 approval to close the alley provided that easements are reserved for the following:

- a. Public Sanitary Sewer (for sanitary sewer main operated by Harrisonburg Department of Public Utilities),
- b. Utility Easement (for overhead electric facilities operated by Harrisonburg Electric Commission),
and
- c. Utility Easement (for 4" gas line operated by Columbia Gas).

Attachments:

1. Site maps (2)
2. Application and applicant letter (2)
3. Location sketch of street/alley to be closed (1)

Review:

Planning Commission recommended approval (7-0) of the alley closing as presented by staff.