



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
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Harrisonburg, Virginia 22801  
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To: Kurt Hodgen, City Manager  
From: Planning Commission and  
Adam Fletcher, Director of Planning and Community Development  
Date: December 13, 2016  
Re: Alley Closing – Adjacent to 211 East Washington Street (Adjacent to 33-B-1, 2, 5, 23, 24 & 25)

## **Summary:**

Public hearing to consider a request from Luis O. Rodriguez to close a total of 3,420 +/- square feet of two portions of undeveloped public alleys, which are located on the eastern and southern perimeters of 211 East Washington Street. The approximately 10-foot in width alleys connect to East Washington Street and Myrtle Street and are located adjacent to tax map parcels 33-B-1, 2, 5, 23, 24 & 25.

## **Background:**

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

- Site:** 3,420 +/- square feet portions of two undeveloped public alley right-of-ways adjacent to tax map parcels 33-B-1, 2, 5, 23, 24 & 25, zoned M-1
- North:** Undeveloped lot with gravel parking area, and industrial and manufacturing properties zoned M-1
- East:** Continued portion of alley, the Salvation Army, and single-family dwellings, zoned M-1 and R-2
- South:** Single-family dwellings, zoned R-2
- West:** Continued portion of alley, automotive repair services and storage, and single-family dwellings, zoned M-1 and R-2

## **Key Issues:**

The applicant is requesting to close two portions of undeveloped public alley right-of-ways. Both alleys are about 10-feet in width and run along the eastern and southern perimeters of 211 East Washington Street. The eastern alley is 175 +/- feet in length and the southern alley is 155 +/- feet in length, together they total approximately 3,420 square feet. The southern alley starts and runs perpendicular to Myrtle Street. It is narrow and could be carefully driven on for about 50-feet before dense vegetation prohibits further travel through the alley. The eastern alley that is parallel to Myrtle Street and runs between East Washington Street and East Johnson Street is clear of large vegetation. From East Johnson Street, this alley has the appearance of a private driveway. From East Washington Street, the existing curb cut serves the property addressed as 211 East Washington Street, but there is no curb cut serving the alley.

The applicant owns 211 East Washington Street and 751 Myrtle Street. The applicant desires to close the alley in order to expand the property.

These portions of the alley are not used by the City for trash pick-up and are not maintained by the City. City records indicate that there are no water or sanitary sewer mains within the alley.

The alleys are zoned M-1, General Industrial District and if the applicant is granted approval to close the requested portions of the alleys, depending upon where the new property lines are established, the required minimum building setback could be increased. This is because Section 10-3-98 of the Zoning Ordinance states that properties zoned M-1 require side and rear yard setbacks of 10 feet, “except on the side of a lot abutting a residential district, then thirty (30) feet; provided that for any structure greater than thirty-five (35) feet in height which abuts a residential district, then one (1) additional foot of setback is required for each foot above thirty-five (35) feet.”

The properties on either side (east and west) of 211 East Washington Street are zoned M-1. Assuming that the property owner to the east does not want half of the alley, the side yard setback required is 10-feet. The property will gain 10-feet of buildable area by incorporating the alley. If the adjacent property owner wants to purchase half of the alley, then 211 East Washington Street will gain an additional 5-foot of buildable area.

The properties to the rear of 211 East Washington Street and 751 Myrtle Street are zoned R-2. As the properties exist today, 211 East Washington Street and 751 Myrtle Street’s rear yard setback is 10-feet because the alley is zoned M-1. Assuming that no buildings over 35-feet will be constructed on 211 East Washington Street or 751 East Myrtle Street, incorporating the southern alley into the properties will increase their rear yard setbacks from 10-ft to 30-ft. However, if any adjacent R-2 property owner wishes to purchase half of the alley, then the rear yard setbacks for 211 East Washington Street and 751 East Myrtle Street will remain 10-ft., giving the properties an additional 5-foot of buildable space. This is because the portion of the alley incorporated into the R-2 zoned properties will remain zoned as M-1. The applicant has been made aware of this and would still like to proceed with the request to close the alley.

In March 2013, City Council, who at the time was considering alley closures city-wide, received recommendations from the Bicycle & Pedestrian Subcommittee for the City to reserve certain alleys and to continue exploring their potential to be developed into walking and biking facilities. The Bicycle & Pedestrian Subcommittee indicated that the alley on the southern perimeter of 211 East Washington Street has potential to be developed into a pedestrian and/or biking facility. At this time, there are no plans to utilize this alley for a future biking and walking facility.

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, if any, and if the alley will become part of the applicant’s existing parcels, or if the alley will be divided among the adjoining parcels.

**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 Luis O. Rodriguez to close a total of 3,420 +/- square feet of two portions of undeveloped public alleys, which are located on the eastern and southern perimeters of 211 East Washington Street. The approximately 10-foot in width alleys connect to East Washington Street and Myrtle Street and are located adjacent to tax map parcels 33-B-1, 2, 5, 23, 24 & 25.

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 closing the alleys.

**Attachments:**

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

**Review:**

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