



City of Harrisonburg, Virginia

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July 1, 2016

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT:

- Alley Closing – 1,814 +/- sq. ft. Undeveloped Public Alley Adjacent to 40-U-4 and 4-U-9 through 11*
Consider a request from H2 Investments, LLC with representative Balzer and Associates, Inc., to close 1,814 +/- square feet of an undeveloped public alley located between 634 Collicello Street and 113 & 123 Third Street. The undeveloped alley is 10 feet wide by 181 feet long and is located adjacent to tax map parcels 40-U-4 and 40-U-9, 10, & 11.
- Preliminary Plat – 632 & 634 Collicello Street (Variance to Allow Lots to Not Have Public Street Frontage)*
Consider a request from H2 Investments, LLC with representative Balzer and Associates, Inc., to preliminarily subdivide two parcels totaling 0.838 +/- acres into six parcels with a variance from the Subdivision Ordinance Section 10-2-42 (c) to allow four of the lots to not have public street frontage. An additional variance to Section 10-2-41 (a) of the Subdivision Ordinance is requested, which requires all streets (including private streets) to conform to the DCSM. A private street is proposed to be built off Collicello Street to serve the proposed lots and the street would not meet any of the standards as specified in Section 2.7 of the DCSM. The properties, zoned R-2, Residential District, are addressed as 632 and 634 Collicello Street and identified as tax map parcels 40-U-2 and 3.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: June 8, 2016

Chair Fitzgerald said we will hear the next two agenda items together. She then read the requests and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

The following land uses, as well as the properties' existing zoning, are located on and adjacent to the property:

Site: Undeveloped, 10-feet by 181-feet alley

Properties involved in the preliminary plat request consist of two single-family dwellings, zoned R-2

North: Single-family dwellings and duplexes, zoned R-2
East: Single-family dwellings, zoned R-2
South: Single-family dwellings, zoned R-2
West: Across Collicello Street, single-family dwellings and duplexes, zoned R-2

The applicant is requesting to close a 1,814 +/- square foot undeveloped public alley in order to acquire additional lot area to supplement the adjacent parcels that he already owns. In turn, the applicant is requesting to preliminarily subdivide the additional area obtained from the alley with the adjoining two parcels at 632 and 634 Collicello Street to create four new parcels.

The undeveloped alleyway runs lengthwise along the back half of 634 Collicello Street and directly behind three properties which have frontage on Third Street. The alley is accessible from an adjacent perpendicular, undeveloped alley to the north off of Third Street that is currently used as a driveway for the adjoining properties that front Third Street. It can also be accessed by an adjacent, developed, 15-foot alleyway perpendicular to the east, which runs from Third Street to the George's Foods, LLC property. The developed, 15-foot alleyway to the east is frequently used by residents of the neighborhood and by employees of George's Foods, LLC.

The survey of the alley submitted by the applicant reflects that all adjoining property owners would receive their half of the alley if it is closed. At this time, staff has no indication that the adjoining property owners to the north have any desire to purchase and acquire their portion; if this is the case, the applicant would be required to purchase the entire alleyway for it to be vacated.

There are no public utilities located within the requested alley closing; regardless, staff believes a 10-foot public general utility easement should be reserved over the entire alley area. The 2013 inventory of alleys document that lists alleys that could be vacated, has this alley as one that could be vacated. Staff has no objection to the requested alley closure so long as a public general utility easement is reserved over the area.

If the alley closing is approved, the applicant desires to preliminarily subdivide the existing two parcels, along with the acreage from the alley, which together totals 0.838 +/- acres, into six parcels in order to construct two duplex units, a total of four units, within the rear yards of 632 and 634 Collicello Street. To achieve this subdivision, two variances to the subdivision regulations are needed. A variance to Section 10-2-41 (a), which requires all streets (including private streets) to conform to the DCSM, and a variance to Section 10-2-42 (c) to allow lots to not have public street frontage.

The subject property is located along the eastern side of Collicello Street, between Second and Third Streets. This is an older neighborhood comprised of larger single-family homes and duplexes, with lot sizes generally smaller than 7,500 square feet. The two subject parcels are narrow, 50-foot wide by 358 +/- feet in length; each lot has a lot area greater than 16,900 square feet. Each existing parcel has a single-family dwelling located in the front of the lot, within 20-feet of Collicello Street. Both parcels back up to the 15-foot wide alley that runs from Third Street to the George's Foods, LLC property.

The applicant desires to subdivide the two parcels, leaving enough square footage for the existing single-family homes to remain compliant to zoning regulations, while creating four new lots in the rear for two duplexes. The four duplex lots would be accessible by a private drive from Collicello Street. Because these lots would not have public street frontage, a variance to Section 10-2-42 (c) is needed to allow the four lots to be created.

The private street is proposed to be 20.5-feet wide, which is basically the distance between the two existing home foundations. The street will be paved with curb and gutter along the southern side. The applicant will need to remove a bay window within one of the homes and relocate existing gas

meters/service lines in order to accommodate the planned access. The private street will be marked “Fire Lane No Parking” and will have separate parking areas meeting the zoning requirements for each existing and proposed dwelling. A paved turn-around is located between proposed lots 4 and 5 to accommodate emergency and fire vehicles, where signage stating “Fire Lane Do Not Block” shall be posted.

A water/sewer easement is shown within the private street. Generally, the Public Utilities Department requires a 25-foot shared water/sewer easement; however, they are comfortable with a narrower 20-foot easement between the two homes, before widening to the required 25-feet. The water line ends at a public fire hydrant located on lot 5 and, at the request of staff, the applicant is working to loop a sewer connection from the site into the 15-foot alley to the rear of the property. This would be a shared cost as the City has a grant to make some changes to the sanitary sewer in this area of Liberty Street. Staff appreciates the applicant’s willingness to work together for that sewer connection.

Because of the narrowness of the private street and the City’s requirement of sidewalks along all streets, the applicant proposes a five-foot concrete walkway from Collicello Street along the southern portion of 632 Collicello Street, crossing the private street and tying into the front sidewalk of the proposed duplex units. This allows for pedestrian access to the rear units without having to walk along the private street. Staff also asked that “No Parking” signs be placed along the frontage of 632 and 634 Collicello Street and that the throat width of the private street entrance be widened from 20-feet to 24-feet. These two conditions would help to accommodate two-way traffic and sight distance when exiting the development.

As noted earlier, both existing parcels back up to a developed 15-foot wide alley, which is currently used by vehicular traffic. Rather than allowing more traffic into this alleyway, and at the request of staff, the applicant is planning to place 6-foot concrete bollards at the end of the private street to deter cut-thru traffic.

Section 10-2-41(a) states that all proposed streets (including private streets) shall conform to the standards and specifications outlined in the Design and Construction Standards Manual (DCSM), except that variances to the standards may be approved on a case-by case basis by the City Council when:

- (1) the proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the City desires;
- (2) the particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts; and
- (3) the proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the Comprehensive Plan.

As part of their request for the variance, the applicant addressed each item by noting the following:

1. The proposed pedestrian facilities will better achieve the walkable, pedestrian and bicycle-oriented environment the City desires because the sidewalks are completely separated from vehicular traffic. The sidewalk extend along the proposed building fronts, adjacent to parked vehicles, crosses the driveway, and extends as a separate sidewalk along the property boundary. This minimizes potential vehicle-pedestrian interaction. Also, this driveway is a dead-end facility only serving six residences; is only of 350-feet in length; and contains a sinuous alignment to discourage high speeds. Therefore, vehicular traffic will be extremely limited with very low speeds. Accordingly, bicycle traffic will easily be able to utilize the main driveway for access without concern for high vehicular speeds or volumes.
2. The proposed pedestrian facilities will not cause undue inefficiencies for service vehicles, nor a reduction in pedestrian safety. As described in item #1 above, the separation of the sidewalk from the vehicular lane is expected to improve pedestrian safety through reduced vehicle-pedestrian

movement conflicts. Service vehicles would also be expected to have improved efficiencies due to the pedestrian facility separation.

3. The proposed pedestrian facilities would better balance the needs of pedestrians and vehicles primarily due to the maximum separation from each other. This better achieves the goals of the Comprehensive Plan for the pedestrian environment.

City trash collection would not be provided along the private street. A private service would need to be utilized or residents of the duplexes would need to bring trash to Collicello Street for pick-up. It is recommended that the property owners give approval if this scenario is desired. Snow removal along the private street will also not be provided by City forces. Lastly, the applicant has been informed that because of the number of units along the private street, they would be required to name the street for addressing purposes.

Staff supports the preliminary plat and requested variances with the following conditions:

1. The on-street parking for Lots 1 and 2 shall be removed. The property owner shall provide the initial "No Parking" signage and PW will then take over responsibility of the signage.
2. Off-street parking shall be provided for Lots 1 and 2.
3. The entrance throat width shall be increased to 24-feet at the point of tangency, and then narrow down to 20-feet.
4. A 5-foot sidewalk shall be provided from Collicello Street to the duplex units. This sidewalk shall be hard surfaced. (Staff prefers concrete surfaces.)
5. Bollards, posts, or signage shall be provided at the end of the private street to help restrict vehicular access to the public alley.

Lastly, when Planning Commission visited the site yesterday there were some concerns about off-street parking and that perhaps not enough parking was being provided for the residents. If Planning Commission feels that the applicant needs to provide more off-street parking, you certainly have the right to make that a condition of the preliminary plat.

Chair Fitzgerald asked if there were any questions for staff.

Dr. Dilts asked if the postal service would go into the private street to deliver mail or would there be mailboxes placed out along Collicello Street.

Mr. Fletcher said since it is a private street designation there may be different options for them. The mailbox setting like you see with many of the townhome developments would be an option; it is whatever works best for the operation of the post office personnel. These are generally issues that are worked out during the construction phase of the development.

Mrs. Whitten said when there are parking issues for the residents who would get the phone call?

Mrs. Banks said if there are parking issues on the private street, the residents should contact the owner/developer of the property. If they contact the City, the City would refer the caller to the owner or contact the owner themselves.

Mrs. Whitten said I drove down Collicello Street during the day today and there were lots of cars parked along the street; yet we are taking away some on-street parking. Most people I know that have houses or

apartments have friends, relatives, and other people who like to visit. Each existing house will be provided two spaces. Most people who would live there will have one or two cars of their own. For me, that is a lot of cars that may end up on the street. I am thinking that people calling about parking issues along the street are not going to be the individuals residing in these units, but rather residents of Collicello Street.

Mr. Fletcher asked are you talking about parking concerns along the private street or on the public street.

Mrs. Whitten responded either. In older neighborhoods like this, some residences do not have off-street parking spaces and must rely on parking along the street. Parking is a concern I have with this request.

Chair Fitzgerald asked how many parking spots along the public street would be lost with the posting of "No Parking."

Mrs. Banks replied perhaps four; I am just basing this on the width of the two lots along Collicello Street.

Mr. Fletcher said that is correct, we would have to measure exactly what the distance is to determine the number of spaces. Remember that they are required per our conditions here, to meet the parking for the existing units as well as meeting the minimum requirements for the proposed duplexes. They are also showing that they have the capability for the additional space for each of the new units. As Mrs. Banks reminded you, there is the ability, if Planning Commission so desires, to recommend a condition to add additional parking spaces. Of course that could always put this into a "catch 22" from a bigger planning perspective of do we require more parking, which requires more pavement and more stormwater issues. Remember, when you have visitors over, there is no prohibition from parking in the grass on your property. These are just some thoughts to keep in mind as you consider the parking for this request.

Mr. Colman asked how are the parking areas along the public street going to be enforced.

Mrs. Banks replied there will be vertical signage that the developer must install. The parking would then be enforced by City forces. The signs would be maintained by the Public Works Department.

Mrs. Whitten said this would be on a complaint basis only. I think a lot of really good work has gone into this; both by the developer and staff. However, I do not feel that alone makes it the right thing to do for this neighborhood.

Chair Fitzgerald said there is not a public hearing for this type of request; however, if the applicant would like to speak at this time they may do so.

Hans Harman introduced himself and said he is the applicant for this request. Bill Moore an engineer with Balzer and Associates is here as well if there are any technical questions. I think one of the things about the parking that is important for you all to know is that we are adding spaces to the project. Also, we did not request that the on street parking be taken away, this is a condition that the City is requesting. I understand the sight distance issue and agree with the City's request. We would be happy to field any questions that you may have.

Mrs. Whitten said do you have a sense of who you would want to rent to, because this is a neighborhood.

Mr. Harman said actually these units may possibly be sold after construction. Also, one thing about the parking, and I do not want to get too far into the weeds with this because a lot of things need to come into play before the final architectural renderings, but these units may have garages as well.

Mrs. Whitten said at this point you are not sure whether the units would be sold or leased.

Mr. Harman replied no. We might just sell the lots to individuals looking to develop.

Mr. Way asked how do you feel this fits in with the rest of the neighborhood. Do you feel the density reflects the character of the surrounding properties and the general feel of the neighborhood?

Mr. Harman replied as staff stated the lot sizes are very similar to the current lot sizes in the neighborhood. The density conforms to the rest of the neighborhood. The only thing that would be different is that these units would not technically front along a public street. As far as lot size and density they absolutely are similar to what is currently there.

Chair Fitzgerald thanked the applicant and asked if there was any further discussion or perhaps a motion followed by discussion.

Mr. Finks said he would be abstaining from the discussion and vote as he is related to a property owner directly adjacent to the request.

Mrs. Whitten said I think that our City is really in a very serious place in terms of density and zoning issues when adding to neighborhoods that are already stressed. Many of the houses along this particular street and other streets that adjoin this one have been purchased by young families and they have done quite a nice job of recreating this neighborhood. This neighborhood did go through somewhat of a decline some years back.

I think about children riding their bicycles across that private street and all the vehicles that will be traveling in and out of that private street onto Collicello Street. I do not think that this request is enhancing this neighborhood in any matter and it is detrimental to this neighborhood. I, for one, stand for neighborhoods in this City and I do not think it is the best use of the property.

Chair Fitzgerald asked if there was anything further.

Mr. Way asked about the aspiration of the Neighborhood Residential designation within the Comprehensive Plan; what is it trying to be?

Mrs. Banks said this area is the ideal description of Neighborhood Residential; larger homes on somewhat smaller lot sizes, which may include duplexes.

Mr. Way said the bigger picture for the neighborhood residential is very much like the existing neighborhood and the intent would be to maintain and protect those denser, walkable neighborhoods.

Mr. Fletcher said the description speaks to the types and densities of future residential development. Really what the designation is speaking to is infill development and redevelopment of the property; and it actually states that language in the Comprehensive Plan. The interpretation can come into play where it states that it needs to be compatible with the existing character of the neighborhood. Therefore, does Planning Commission think that the proposed development is in character with the existing neighborhood?

Mr. Way said I can see where, if the Jackson Street right-of-way could have come into play, then dividing those two lots into half across the middle and placing two single-family homes in the back. But what we are talking about here is somewhat the reformulation of the property, which looks a bit different from some of the rest.

Mrs. Banks said yes, but with your suggested subdivision you could still do up-and-down duplexes, rather than side-by-side units such as is requested. All the proposed uses are allowed by right and would not be considered an increase in density.

Mr. Fletcher said please remember we are talking about two different requests with this. An alley closing and a preliminary plat with variance requests; the applicant cannot preliminary plat the things you are mostly talking about, unless the alley is closed. That is where he picks up the ability to get the duplex density. With regard to the question of "is this too dense", Planning Commission would not be seeing this application in this layout if it was not meeting the density requirements. This meets the minimum requirements for subdivisions of this nature. The applicant only needs half of the alley way to make this work.

Also remember what we are calling the alley in the back is actually called Jackson Street. Jackson Street is a very old platted street that for all intents and purposes, the City chooses to recognize it as an alley. One might try to argue that Jackson Street is a street and parcels should be allowed to front along that portion of Jackson Street; however, staff would disagree with this interpretation.

Chair Fitzgerald asked if Planning Commission would like to give a motion on these items one by one.

Mr. Colman said you see some of these deeper properties as you move from 3rd Street to 4th Street in this area; are we expecting the same type of development to go into these locations. Are we setting a precedent for this?

Mrs. Banks said I do not know if precedent is the right word in this case, but yes, there are a lot of other deep lots like this, not just in this neighborhood, but throughout the City in general. I would think we will be seeing more infill development such as this.

Mr. Fletcher added that in some cases infill development may not be appropriate. We recognize that in this particular case that we believe it is appropriate, which is why we offered a favorable recommendation. It provides a very walkable environment to Collicello Street and Collicello Street is also very walkable to downtown.

Mr. Baugh said it has not come up that often, but when people acquire multiple larger lots it does give them more flexibility to do things under the existing rules. Does this whole concept of someone being able to acquire several adjoining lots and suddenly having more room to do things, does that in and of itself create some issues that we may want to think about addressing down the road?

Mr. Fletcher said what Planning Commission might be referring to is the “massing” of the buildings in these infill spaces. That is definitely an issue that can be discussed.

Dr. Dilts said I think the number of cars issue does not necessarily make this a special case; this kind of construction could happen there any way. As the City fills in, there will be more traffic in general. I am not sure that it is necessarily a compelling argument; but, I do understand the concern.

Mrs. Whitten said I think you have to always ask yourself how you would like it if you lived there. When we were at the site yesterday I said this is a privately maintained driveway and parking, which means when I come home from work and cannot park in my space I have to call to complain; but who do I call?

Mr. Way said this is completely off topic, but when we begin to think about the Comprehensive Plan update, in the future we should try to get a better sense of what each particular neighborhood in the City is looking for. Where does that neighborhood want to go?

Chair Fitzgerald said we can talk a bit more about that later when we get to it on the agenda. Do we have a motion on this particular request?

Dr. Dilts moved to recommend approval of the alley closing as presented.

Mr. Way seconded the motion.

Chair Fitzgerald asked if there was any further discussion. Hearing none, she called for a voice vote on the motion.

Planning Commission voted 5-1 in favor of the motion to close the alley. Mr. Finks abstained from the vote.

Chair Fitzgerald asked if there was any further discussion on the preliminary plat request.

Mrs. Banks added that if the development were retained under a single ownership the owner could post the private parking and have illegally parked vehicles towed; somewhat like you see in the student housing facilities. If the property is sold for individual ownership, then each one of the units in the back

has three parking spaces and if you own that property, I believe it is your right to have an illegally parked vehicle removed from your property.

Mr. Way asked if there was any interest in removing the condition about no on street parking in front of these properties.

Mr. Fletcher replied you may; however, that was a staff recommendation. Let it be clear that staff is only in favor of the request with that condition. This was thoroughly discussed with Public Works regarding sight distance and not allowing parking in this area.

Mr. Way said if you look at these plans and see where the private road is tying into the public street; it is rather wide. Could there not be enough sight distance? One argument you could make for allowing people to park right up to the entrance of the private street is that it would slow vehicles down as they are entering or exiting the private street.

Mr. Fletcher said think of it similar to when you have intersections and no parking restrictions at public intersections.

Mr. Way said I think we are concerned about taking away four parking spaces along the street.

Dr. Dilts added that you are providing four off-street parking spaces, two for each house that is currently there, in place of the four that are being removed.

Chair Fitzgerald said there is a trade-off of some respect. She then asked if there was a motion on the preliminary plat.

Dr. Dilts moved to recommend approval of the preliminary plat with the requested variances as presented by staff.

Mr. Way seconded the motion.

Chair Fitzgerald asked if there was further discussion.

Mr. Way said it fits the bill for all the requirements; but from the neighborhood standpoint does it work? We have one letter of complaint from a neighbor. I just do not have a good sense of the right or wrong for the Collicello Street neighborhood. I will probably move to support it because in the abstract it makes sense.

Mrs. Whitten said you do not always have to do the maximum of what is allowed just because it meets all the requirements. Add the cars and the people and then move there yourself. Zoning is supposed to maintain property value and stabilize, does this?

Chair Fitzgerald called for a roll call vote on the motion.

Commission Colman – yes.

Commissioner Whitten – no, because I believe it is a density concern. I do not feel that it is compatible with the existing neighborhood and I have great concern about the parking.

Commissioner Way – yes.

Commissioner Dilts – yes.

Commissioner Baugh – yes.

Chair Fitzgerald – yes.

Chair Fitzgerald said the motion to recommend approval passes (5-1). These two items will go to City Council on July 12th with a favorable recommendation.

Respectfully Submitted,

Alison Banks

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