



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission
From: Department of Community Development
Date: December 8, 2021 (Regular Meeting)
Re: Alley Closing – Behind 211 East Washington Street and adjacent to tax map parcels 22-B-1, 2, 23, 24, & 25

Summary:

Consider a request from Luis O. Rodriguez to close +/- 1,422 square feet of undeveloped public alley located adjacent to and behind 211 East Washington Street and 751 Myrtle Street. The approximately 10-foot wide alley runs perpendicular to Myrtle Street and is located adjacent to tax map parcels 33-B-1, 2, 23, 24 & 25.

Background:

In November 2016, the same applicant applied to close portions of two undeveloped public alleys, which were located on the eastern and southern perimeters of 211 East Washington Street. Staff and Planning Commission recommended in favor of closing the requested portions of undeveloped public alleys; however, at City Council there was a concern brought forth by an adjacent property owner regarding closure of the alley along the southern perimeter. The applicant elected to withdraw the request to close the southern alley and only move forward with a request to close the alley along the eastern perimeter. City Council approved the amended request in December 2016 and the eastern alley was purchased by the applicant and added to the property addressed as 211 East Washington Street. The alley described as “along the southern perimeter,” which was withdrawn from the 2016 request, is the same section of the alley that is currently requested for closure.

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

Site: +/- 1,422 square feet of undeveloped public alley right-of-way adjacent to tax map parcels 33-B-1, 2, 23, 24 & 25, zoned M-1

North: Vehicle storage use, zoned M-1

East: Continued portion of alley, warehouse building for industrial uses, zoned M-1; and single-family dwellings, zoned R-2

South: Single-family dwellings, zoned R-2

West: Across Myrtle Street, 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 a portion of an undeveloped public alley right-of-way. The applicant owns 211 East Washington Street and the adjacent property addressed as 751 Myrtle Street, and desires to close the alley in order to expand their properties. The alley is about 10 feet in width and runs along the southern perimeter of 211 East Washington Street and 751 Myrtle Street. The entire alley runs parallel to, and between, East Washington Street and East Johnson Street, from about 300 feet west of Harris Street to Simms Avenue. The portion requested for closure can be accessed from Myrtle Street for about 50 feet before dense vegetation prohibits further travel through the alley.

This portion of the undeveloped alley is not used by the City for trash pick-up and it is not maintained by the City. City records indicate that there are no water or sanitary sewer mains within the alley. There are also no stormwater facilities within the alley.

If the applicant is granted approval to close the requested portion of the alley, staff will need to research and determine the zoning of the alley. Depending upon the zoning of the alley area and where the new property lines are established, property owners should be aware that the required minimum building setback for the rear yards of 211 East Washington Street and side yards of 751 Myrtle Street 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.”

Since the time of the applicant’s 2016 alley closing request, staff has begun evaluating the need for public alleys in a new light and, while there will be times that there is a compelling reason to close an alley, generally staff believes alleys offer the public a great benefit. Furthermore, the current 2018 Comprehensive Plan Land Use Guide (adopted after the applicant’s 2016 alley closing request) recommends that Traditional Neighborhood Development (TND) should, to the greatest extent possible, include TND principles throughout the City, where the utilization of alleys provides alternative transportation routes. 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 with access by 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. Alleys can also act as a buffer between different zoning districts, buffering more intense commercial or industrial uses from residential uses, such as the case with this request, where one side of the alley includes properties zoned M-1, General Industrial District and the other side of the alley includes properties zoned R-2, Residential District. There is also the ability to utilize alleys as walking and bicycle paths connecting neighborhoods without having to travel on busy streets.

Staff believes that the TND grid system of streets and alleys 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 alley that extends through a great length of a neighborhood 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. The public alley acts as a buffer between an

industrial and residential zoning district and supports TND. For these reasons, staff recommends denial of the alley closing request.

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.

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; or
- (b) Recommend denial of the alley closing request.

Community Engagement:

The property was posted with signage advertising the request.

Recommendation:

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

Attachments:

- 1. Site maps
- 2. Application, applicant letter, and supporting documents

Review:

N/A