



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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December 5, 2016

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: 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.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 9, 2016

Chair Fitzgerald read the request and asked staff for a review.

Ms. Dang said 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

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).

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).

Chair Fitzgerald asked if there were any questions for staff.

Mr. Finnegan said we were only there for about five minutes, but I saw several vehicles using that alley; do you think those were employees?

Ms. Dang said yes I believe it is employees. There are two representatives here from George’s Food LLC, so if we have specific questions, they can be invited to speak. I spoke with one of them by email, and they indicated that about the time we were there is when employees leave. That is a shift change time, so it was likely the case.

Mr. Colman asked if there is a plan to close the alley completely.

Ms. Dang said I will let the applicant to answer that.

Chair Fitzgerald asked if the applicant would come up and speak.

Mrs. Whitten said we did talk a little bit about traffic counts.

Ms. Dang said I thought about that a little bit more and we could do traffic counts, but I was not sure what that would gain us or what it would tell us. If the question is whether the majority of traffic is employees, then traffic counts are not going to tell us that.

Bob Kenney, Vice President of George’s Food, LLC and Cliff Alt, Plant Manager of George’s Food, LLC.

Mr. Colman asked whether the alley is going to remain open or will there be a barrier or something to block traffic. What is your intent?

Bob Kenney said right now we do not plan on closing the alley. We know the one neighbor does use the alley, so we want to give him access to the alley. Long term we have talked about if we ever need office space, we can do something there; but right now there is no plan whatsoever. All of our live-haul vehicles come through that alley. We have thought about removing the parking from there, which we actually use for our employees.

Mr. Finnegan asked if there was a fence running alongside those longer properties bordering the alley. If I recall correctly there is a fence.

Mr. Alt said that, there is a fence.

Mr. Finnegan asked if a car was to drive from 3rd Street, and if the alley were to be closed in the future, how would a vehicle turn around.

Mr. Alt said you cannot.

Mr. Finnegan said you would have to backup.

Mr. Alt said there is a fence on the east side; the west side does not have a fence going through there.

Mr. Colman said the concern would be more in terms of safety and liability for people from outside driving through your plant. I think it seems reasonable to close it and I would almost advocate to just close it completely, to keep outside traffic from going in there.

Bob Kenney said the one dilemma I have with that is I know the one neighbor has a bigger truck he uses. I am not sure if he can get down the alley; we have to talk to him about that. I do not know him; I think Mr. Alt has met him, because he works for us.

Mr. Alt said we can work with him.

Mrs. Whitten asked if that is one of the houses fronting on Liberty Street.

Bob Kenney said the very one on the corner next to us; so we have to figure out a way to let him use the alley, which is possible with an arm or something.

Mr. Alt said that they could offer him a parking space.

Chair Fitzgerald asked if there were further questions for these gentlemen. Hearing none, she closed the public hearing and asked Planning Commission for a motion.

Mrs. Whitten moved to approve the Alley Closing – Between North Liberty Street and the northern property line of Georges Food, LLC as presented by staff.

Mr. Colman seconded the motion.

Chair Fitzgerald asked for further discussion on the request. Hearing none, she called for a voice vote on the motion.

All voted in favor (7-0) to recommend approval of the Alley Closing – Between North Liberty Street and the northern property line of Georges Food, LLC as presented by staff.

Chair Fitzgerald said this will go forward to City Council on December 13, 2016.

Respectfully submitted,

Alison Banks

Alison Banks
Senior Planner