



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: 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.

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: 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

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 staff report noted that the Public Utilities Department was still investigating whether there are privately owned sanitary sewer laterals within the alley serving adjacent properties and it noted that if sanitary sewer laterals are found, then private easements would need to be reserved. Between the date the staff report was written and the Planning Commission Meeting, Public Utilities had completed their investigation and found no sanitary sewer laterals were found. Therefore, no easements would be required if the alley is closed.

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

Staff recommends closing the alley.

Chair Fitzgerald asked if anyone had any questions for staff.

Mr. Way asked if there was no major interest in this in terms of the Bicycle and Pedestrian Plan. I like keeping alleys open; kind of a principle.

Ms. Dang said staff had discussed this with Public Works Department. I thought that it was kind of a narrow alley, kind of odd to be behind the homes to put a bicycle and pedestrian facility back there and it did not go all the way through to North Main Street. After some discussions with Public Works, City staff agreed that the City and community members will just have to be creative to find other ways to connect future trails. I forgot to mention that the applicants are here this evening if we have specific questions for them.

Mr. Colman asked how many other alleys have an assigned zoning to them, like in this case, where it is M-1. Are they all assigned a zoning district?

Mrs. Banks said all alleys are zoned.

Mr. Colman said they are not public right-of-ways. Are they private alleys?

Mrs. Banks said they are public right-of-ways but they have a zoning designation. The zoning may be split. For instance, Chestnut Drive may be R-1 right down the middle on one side and then be R-2 right down the middle on the other side. It does not reflect that in our GIS, but if you come in the office and look at our old tax map books, all of the right-of-way have zoning assigned to them.

Mr. Colman said in this case the alley is M-1 and not R-2.

Mrs. Banks said in this case the alley is not split in half; the alley has a M-1 zoning classification.

Mr. Fletcher said to add to the understanding, like Mrs. Banks was saying, all public streets have zoning classifications too, but they do not become relevant, because front yard setbacks are already 30 feet, so the separation requirement is irrelevant to that point. Alleys are a side yard setback or rear yard setbacks, so the setback increase is relevant.

Mr. Finks said I feel like this neighborhood is really underserved as far as the Bicycle and Pedestrian Plan. I have seen the alley and I think it is definitely too narrow to do anything with it. I hate thinking that we boxed ourselves out in the future for any sort of plans to put bicycle paths in this area since it is pretty underserved as it is. This looks like an area we can do that.

Mrs. Whitten asked if there is a bike lane on Washington Street.

Ms. Dang said no there is not.

Mrs. Whitten said the street is wide enough to have a bike lane.

Ms. Dang said I will pass the suggestion to Public Works.

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

Mr. Colman moved to approve the Alley Closing – Adjacent to 211 East Washington Street, as presented by staff.

Mrs. Whitten 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 – Adjacent to 211 East Washington Street 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