

## AGENDA ITEM ACTION REQUEST

|   |   |   |
|---|---|---|
|   | <b>Meeting Date:</b> June 11, 2013  | <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/> |
| <b>Requestor:</b><br><input type="checkbox"/> Manager<br><input type="checkbox"/> City Attorney<br><input type="checkbox"/> Department<br><input checked="" type="checkbox"/> Other   | <b>Item:</b><br>Public hearing to consider a request from Ridgeway Mennonite Church to close a total of 4,670 +/- square feet of undeveloped public alleys.   |   |
| <b>Reviewed:</b><br><input type="checkbox"/> Manager<br><input type="checkbox"/> City Attorney<br><input type="checkbox"/> Department<br><input checked="" type="checkbox"/> Other  | <b>Review:</b><br>The applicant is hoping to acquire the public alley right-of-way and to incorporate it into their adjacent property, which is bounded by West Water Street, Old South High Street, West Bruce Street, and the Norfolk Southern Rail Line right-of-way.<br><br>Planning Commission recommended closure of the alley right-of-ways (7-0). |   |
| <b>Recommend:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Manager<br><input type="checkbox"/> City Attorney<br><input type="checkbox"/> Department<br><input checked="" type="checkbox"/> Other |   |   |
|   | <b>Attachments:</b><br>1. Planning Commission extract and other supporting documents.   |   |



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

409 South Main Street

Harrisonburg, Virginia 22801

Website: <http://www.harrisonburgcommdev.com/>

Telephone: (540) 432-7700 Fax: (540) 432-7777

June 4, 2013

TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from Ridgeway Mennonite Church to close two portions of undeveloped public alleys totaling 4,670 +/- sq. ft. One section is located between and parallel to Franklin Street and Hawkins Street and is adjacent to tax maps 27-L-8 & 8A and 16 Through 20 and totals 2,897 +/- sq. ft. The second section is located off of and perpendicular to Hawkins Street and is adjacent to tax maps 27-L-16 & 17 and totals 1,773 sq. ft.

## **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 8, 2013**

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the applicant is requesting to close two portions of undeveloped public alley right-of-ways. The first area includes a 12-foot in width section totaling 2,897 square feet located parallel and between Franklin Street and Hawkins Street. The second area includes a 10-foot in width section totaling 1,773 square feet located off of and perpendicular to Hawkins Street. The applicant, Ridgeway Mennonite Church, is the owner of all properties adjacent to the areas requested for closure.

As noted, the alleys are undeveloped and therefore not maintained by the City. The areas are not used for trash pick-up nor are there any public or private utilities within the right-of-way, and thus no easements would be needed if the City chooses to approve the request.

As noted by a letter submitted by a trustee of the church, the church hopes to make future building and parking lot improvements to the site. The applicant should be aware their property has two separate zoning classifications: R-2 and R-3. Any principal building built on the R-2 zoned area of their property must provide 50-foot setbacks from all property lines, while principal buildings built on the R-3 portion of their property must have 30-foot setbacks from public street right-of-way lines, 10-foot setbacks from side property lines, and 25-foot setbacks from rear property lines. Depending upon how the parking lot is improved, the church could be required to comply with parking lot landscaping requirements per Section 10-3-30.1 of the Zoning Ordinance.

The letter also requests the City consider waiving the requirement to purchase the public alleys. This decision is made by City Council.

Staff has no concerns with this request and recommends closing the paper alleys.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Da'Mes asked if the alley was "on the radar" for part of the pedestrian bicycle path plan.

Mr. Fletcher replied no. On the plan to which you are referring, these alleys are listed as ones that could possibly be released or sold.

Chair Fitzgerald asked if there were any further questions. Hearing none, she said this is not a formal public hearing; however, if the applicant would like to come forward to speak or answer questions they may do so at this time.

Mr. James Shank, Trustee with Ridgeway Mennonite Church, said he would like to thank the Planning Commission Members for taking into consideration the request for the alley closings. I feel it has been very accurately reported by staff as to what our intent is with the parking area. The parking is our primary focus; we do not have a plan for whether or not we will be building. Right now all of our attention is focused on the parking area to make it a bit more convenient for our congregation.

Chair Fitzgerald asked if there were any questions for Mr. Shank. Hearing none, she asked if there was anyone else wishing to speak. Hearing none, she asked Planning Commission for discussion.

Mr. Da'Mes made a motion to recommend approving the requested alley closings for Ridgeway Mennonite Church.

Mr. Way seconded the motion to approve.

Chair Fitzgerald asked for a voice vote on the motion.

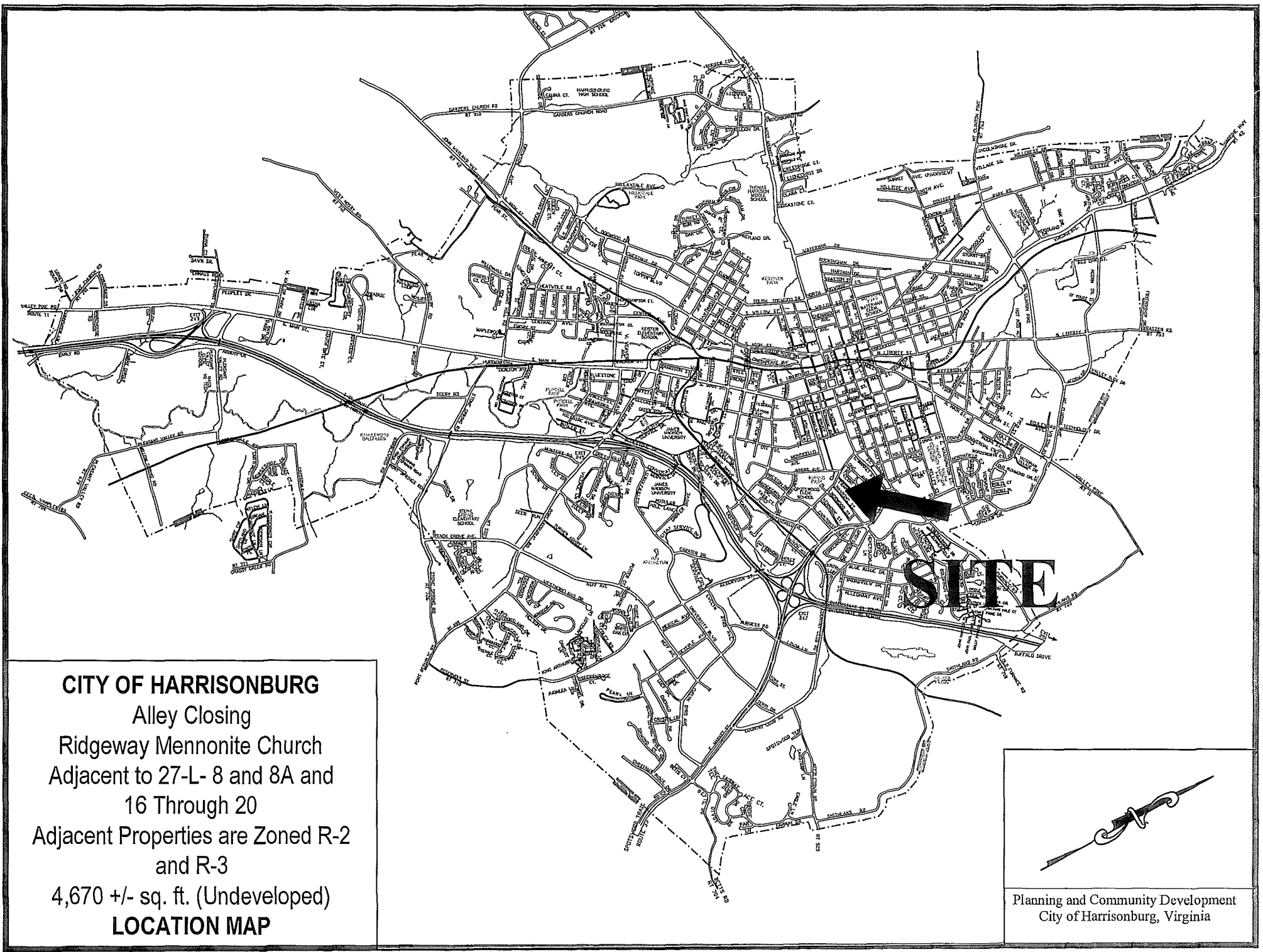
All voted in favor of the motion to recommend approval of the alley closing requests (7-0).

Chair Fitzgerald said this will move forward to City Council on June 11<sup>th</sup>.

Respectfully submitted,



Alison Banks  
Senior Planner



**CITY OF HARRISONBURG**

Alley Closing

Ridgeway Mennonite Church  
Adjacent to 27-L- 8 and 8A and

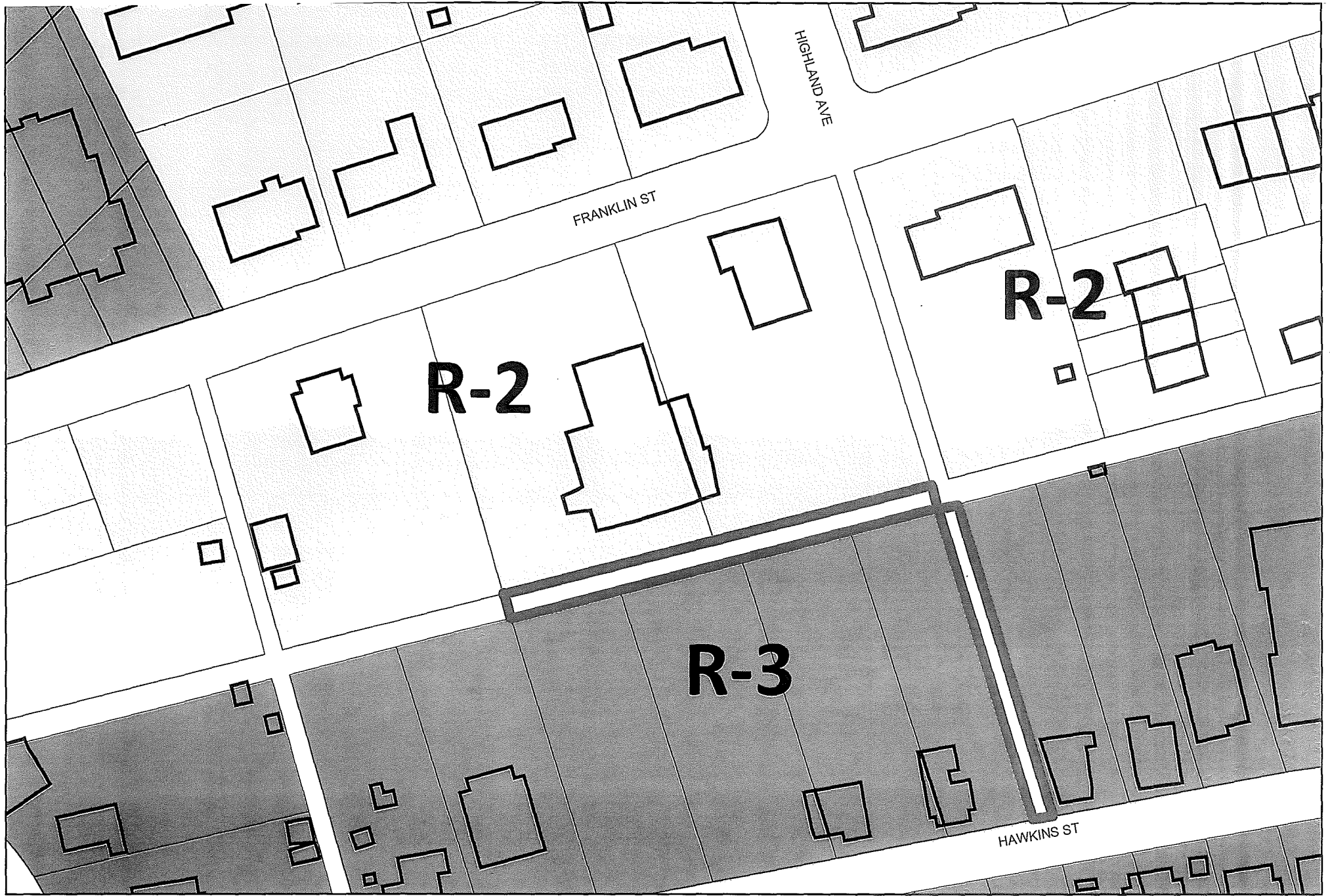
16 Through 20

Adjacent Properties are Zoned R-2  
and R-3

4,670 +/- sq. ft. (Undeveloped)

**LOCATION MAP**

Planning and Community Development  
City of Harrisonburg, Virginia



**Alley Closing - Ridgeway Mennonite Church  
Adjacent to 27-L-8, 8A, and 16 thru 20**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 8, 2013

### ALLEY CLOSING - Adjacent to 27-L-8 & 8A and 16 Through 20 (Ridgeway Mennonite Church)

#### GENERAL INFORMATION

- Applicant:** Ridgeway Mennonite Church
- Tax Map:** Adjacent to 27-L-8 & 8A and 16 Through 20
- Acreage:** 4,670 +/- square feet
- Location:** Parallel and perpendicular to Franklin Street and Hawkins Street
- Request:** Consider a request to close two portions of undeveloped public alley right-of-ways.

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

- Site:** A 2,897 square foot portion of undeveloped public alley right-of-way adjacent to 27-L-8 & 8A (both zoned R-2) and 17 through 20 (all zoned R-3) and a 1,773 square foot portion of undeveloped public alley right-of-way adjacent to 27-L-16 & 17 (both zoned R-3)
- North:** Ridgeway Mennonite Church building and parking area and a single family dwelling unit, zoned R-2
- East:** Extension of undeveloped public alley right-of-way and single family dwelling, zoned R-3
- South:** Ridgeway Mennonite Church parking lot and single family dwelling unit, zoned R-3
- West:** Extension of undeveloped public alley right-of-way, single family dwelling unit fronting Franklin Street, zoned R-2, and multi-family unit fronting Hawkins Street, zoned R-3

#### EVALUATION

The applicant is requesting to close two portions of undeveloped public alley right-of-ways. The first area includes a 12-foot in width section totaling 2,897 square feet located parallel and between Franklin Street and Hawkins Street. The second area includes a 10-foot in width section totaling 1,773 square feet located off of and perpendicular to Hawkins Street. The applicant, Ridgeway Mennonite Church, is the owner of all properties adjacent to the areas requested for closure.

As noted, the alleys are undeveloped and therefore not maintained by the City. The areas are not used for trash pick-up nor are there any public or private utilities within the right-of-way, and thus no easements would be needed if the City chooses to approve the request.

As noted by a letter submitted by a trustee of the church, the church hopes to make future building and parking lot improvements to the site. The applicant should be aware their property has two separate

zoning classifications: R-2 and R-3. Any principal building built on the R-2 zoned area of their property must provide 50-foot setbacks from all property lines, while principal buildings built on the R-3 portion of their property must have 30-foot setbacks from public street right-of-way lines, 10-foot setbacks from side property lines, and 25-foot setbacks from rear property lines. Depending upon how the parking lot is improved, the church could be required to comply with parking lot landscaping requirements per Section 10-3-30.1 of the Zoning Ordinance.

The letter also requests the City consider waiving the requirement to purchase the public alleys. This decision is made by City Council.

Staff has no concerns with this request and recommends closing the paper alleys.

March 21, 2013

Dear City Council Members,

The trustees of Ridgeway Mennonite Church hereby respectfully request that the City of Harrisonburg consider closing portions of two alleyways adjacent to and adjoining six parcels presently owned by the church and located as shown on the attached plat by Hal T. Benner, Land Surveyor.

Ridgeway has been maintaining the property located within the boundaries of the requested closings for many years. They especially wish to acquire the portions of the 12' alleyway located along the southern most boundary of the 39,287 sq ft church site (see TM 27-L-8 & 8A on attached plat) for future improvement and securing of their church driveway and parking lot.

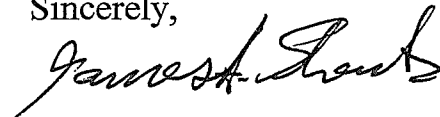
In addition they wish to acquire the portion of the 10' alleyway located between TM 27 L 16 and 27 L 17 so that they can request vacation of all property lines between said alleyway and the two adjoining parcels making one large parcel available to the church for future development of ancillary buildings that would enhance the churches mission within the community.

In consideration of this request it should be noted that both of these alleyways were marked *eligible for closing* on Map of Public Alleys that Could Be Closed in the City of Harrisonburg published in Oct last year.

Finally, we humbly request that due to this church's nonprofit/charitable status of long standing in the community, the City might consider waiving the requirement that the church purchase the square footage within the closed sections of alleyways and convey that square footage to them without charge for same.

Thank you for your attention to these requests.

Sincerely,



James A. Shenk, Trustee for  
Ridgeway Mennonite Church



Date application received: \_\_\_\_\_

**Application for Street or Alley Closing  
City of Harrisonburg, Virginia**

Review fee: \$50.00 Board of Viewers appointment \$ \_\_\_\_\_ Total Paid: \$ \_\_\_\_\_

Applicant's Name: Ridgeway Mennonite Church  
Street Address: 546 Franklin Street E-mail: ridgewaymenonitechurch@yahoo.com

City: Harrisonburg State: Virginia Zip: 22801

Telephone: Work (540) 434 3476 Fax \_\_\_\_\_ Mobile \_\_\_\_\_

Representative (if any): James A. Shenk, Trustee of Ridgeway Mennonite Church

Street Address: 941 Smith Street E-mail: jeshenk@boyersrd.com

City: Harrisonburg State: Virginia Zip: 22802

Telephone: Work Home (540) 434 8050 Fax \_\_\_\_\_ Mobile (540) 810 0334

**Description of Request**

Location Alleyways adjacent to 6 parcels owned by Ridgeway Mennonite Church (see attached plat)

Square footage of area to be closed: Three sections of alleyway totaling 4,670 sq ft. as shown on attached plat

Cost per square foot: \$ unknown Total cost: \$ \_\_\_\_\_

Please provide a detailed description of the proposed closure (  additional pages attached):  
See attached plat showing areas of alleyways that Ridgeway Mennonite Church proposes be closed for reasons as stated in the attached letter from James A. Shenk, Trustee.

Name and addresses of adjacent property owners ( Additional names listed on separate sheet)

North: Ridgeway Mennonite Church

South: Ridgeway Mennonite Church

East: Ridgeway Mennonite Church

West: Ridgeway Mennonite Church

*I hereby certify that it is my intention to have the above described Street(s) or Alley(s) closed and that the information contained herein is true and accurate. In addition, I understand that all required advertising and associated costs will be at the expense of the applicant.*

Signature: James A. Shenk  
Applicant

Date: 3-21-13

**ITEMS REQUIRED FOR SUBMISSION**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Completed application  | <input type="checkbox"/> Value per square foot of cost to purchase |
| <input checked="" type="checkbox"/> Letter described proposed use  | <input checked="" type="checkbox"/> Fees paid                      |
| <input checked="" type="checkbox"/> Adjacent property owners   | <input type="checkbox"/> Other _____                               |
| <input checked="" type="checkbox"/> Survey & metes and bounds description (prepared by a surveyor, engineer, or other person duly authorized by the State) |  |

*Please be advised, adjoining property owners shall be expected to buy that portion of the street/alley which abuts their property before second reading and final closing! The cost shall be a fair market value determined by the Commissioner of Revenue.*

