



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
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To: Kurt Hodgen, City Manager  
From: Planning Commission and  
Department of Planning and Community Development  
Date: July 1, 2016 Regular Meeting  
Re: Preliminary Plat – 632 and 634 Collicello Street with Variances Requested to 10-2-41 (a) and 10-2-42 (c);

Alley Closing – 1,814 +/- sq. ft. Undeveloped Public Alley Adjacent to 40-U-4 and 4-U-9 through 11.

## **Summary:**

1. 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.
2. 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.

The specifics of both applications are described within this report.

## **Background:**

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.

**Key Issues:**

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.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

Rather than approving the alley closing and preliminary plat as applied for herein, denial of the applications means the property could be used as permitted within the R-2, Residential District; which could allow for each single-family dwelling to be made into a duplex.

**Community Engagement:**

As required by the Subdivision Ordinance, a sign was posted giving public notice to the request for a variance to deviate from the standards of the Subdivision Ordinance. In addition, although not required for the Planning Commission review but a standard practice by Planning staff to assist in the awareness that an alley closing request was made, a sign was posted giving notice that an application was submitted to close the undeveloped alley ROW. (As a reminder, the alley ROW closure request does not become a public hearing until the case is heard at City Council, at which time other community engagement occurs.)

**Recommendation:**

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.

**Attachments:**

1. Extract (9)
2. Site maps (2)
3. Application, letter, alley survey and preliminary plat (6)

4. Neighbor letter of opposition (2)

**Review:**

1. Planning Commission recommended approval (5-1) of the alley closing as presented.
2. Planning Commission recommended approval (5-1) of the preliminary plat with the requested variances as presented by staff.