



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission
From: Department of Community Development
Date: August 12, 2020 (Regular Meeting)
Re: Street Closing – Right-of-Way Adjacent to 445 Myers Avenue

Summary:

Consider a request from Christopher and Susan Versen to close a +/- 900 sq. ft. portion of undeveloped right-of-way located between Myers Avenue and Monticello Avenue. The portion of undeveloped public right-of-way is adjacent to tax map parcel 26-V-1.

Background:

The undeveloped public alley right-of-way is adjacent to property that the Comprehensive Plan designates as Low Density Residential. These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

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

Site: Undeveloped public right-of-way adjacent to tax map parcel 26-V-1 and 26-S-15, zoned R-1
North: Single-family detached dwellings, zoned R-1
East: Across Myers Avenue, single-family detached dwellings and Spotswood Elementary School, zoned R-1 and R-2
South: Single-family detached dwellings, zoned R-1
West: Continuation of the undeveloped public right-of-way to Monticello Avenue and single-family detached dwellings, zoned R-1

Key Issues:

The applicant is requesting to close a +/- 900 square feet portion of an undeveloped public right-of-way located between Myers Avenue and Monticello Avenue. The applicant explained to staff that the land sits at a high elevation and has beautiful mountain views, and that the applicant would like to incorporate this area into their backyard. The alley is approximately 35-feet in width and the applicant is requesting to close approximately 20-feet of width for a length of approximately 45-feet. The exact dimensions of the closure will be determined when the land is surveyed and a plat is drawn.

The applicant acknowledges in their letter that the undeveloped public right-of-way is “heavily used by pedestrians in the neighborhood, especially children on their way to Spotswood [Elementary School], and it provides access to the new driveway at 371 Myers Avenue.” In 1995, a 20-foot portion of the right-of-way adjacent to and for the entire length of the property at 410 Monticello Avenue was approved for closure and 15-foot was reserved as a pedestrian access. Staff recommends retaining a minimum of 14-feet of right-of-way for this section of the undeveloped right-of-way for people to continue using for walking and biking. If the City paves a shared use path in the future, the path would be 10-foot wide with 2-foot shoulders on each side. Note that at this time, the City has no plans or schedule for paving a shared use path.

Typically, after City Council votes to approve the closing of public street or alley right-of-way, the City Clerk will send letters to adjoining property owners and the adjoining property owners would have 60-days from the date of the letter to notify the City of their interest to purchase half of the right-of-way. If the adjoining property owner declines to purchase half of the right-of-way or does not respond, the applicant can purchase the full width. However, in this case, both the applicant and the City agree that a minimum 14-foot of width needs to be reserved for pedestrian access and cannot be closed. If the adjoining property owner at 371 Myers Avenue (TM 27-T-1 located north across the undeveloped right-of-way) is interested in purchasing a portion of the right-of-way, then city staff will work with the two property owners to determine how to divide the land between the two owners while maintaining a minimum 14-foot pedestrian access.

The Department of Public Utilities and Columbia Gas of Virginia have commented that there is a public water main and gas main within the undeveloped public right-of-way. While the exact locations of the public water main and gas main relative to the area the applicant desires to close is unknown at this time, if the City approves the closure of the alley, easements would need to be established for each utility. The applicant expressed that given where they believe the gas main is located, they might choose to exclude any area that would be required to be within a gas easement from the area they want to purchase. Exhibit A represents the approximate locations where the water main and gas main are located; exact locations of the mains and widths of the easements would be determined when the survey and plat are prepared.

The applicants are aware that if City Council votes to approve closing the undeveloped right-of-way (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). The survey should show dedicated easements, if applicable, and that the undeveloped public right-of-way will become part of the applicant’s existing parcel(s).

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the closing request for the undeveloped public right-of-way as submitted by the applicant;
- (b) Recommend approval of the closing request for the undeveloped public right-of-way with the City retaining a minimum of 14-foot width and with easements established for the public water main and gas main, if necessary; or
- (c) Recommend denial of the request.

Community Engagement:

The property was posted with signage advertising the request.

Recommendation:

Staff recommends alternative (b) approval of the closing request for the undeveloped public right-of-way with the City retaining a minimum of 14-foot of width and with easements established for the public water main and gas main, if necessary.

Attachments:

- 1. Site maps
- 2. Application, applicant letter, and supporting documents
- 3. Exhibit A. Approximate locations of water main and gas main
- 4. Public comments received as of August 6, 2020

Review:

N/A