



## CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: April 13, 2021 (Regular Meeting)  
Re: Street Closing (Portion) – Right-of-Way Between Myers Avenue and Monticello Avenue

### **Summary:**

Consider requests from Christopher and Susan Versen to close +/- 1,248 sq. ft. of undeveloped right-of-way and from Jeffery and Bonnie Ferguson to close +/- 1,288 sq. ft. of undeveloped right-of-way located between Myers Avenue and Monticello Avenue. The portions of undeveloped public right-of-way requesting to be closed are adjacent to tax map parcels 26-V-1, 27-T-1, and 26-S-15.

Staff and Planning Commission (7-0) recommended approval of the closing request for the undeveloped public right-of-way as presented, including easements to be reserved for the public water main and gas main, if necessary.

### **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, 27-T-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 applicants' original requests were presented to Planning Commission on August 12, 2020. Planning Commission tabled the requests (7-0) and requested applicants and staff to provide information on where the existing property boundaries are, as well as, where the center or the edges of the future path would be located. Provided as an attachment is the Extract of Minutes from the August 12, 2020 meeting.

Since the August 2020 Planning Commission meeting, staff from the Departments of Public Works and Community Development worked to survey the undeveloped right-of-way between Myers Avenue and Monticello Avenue and to design the future trail project. Provided as an attachment is "Exhibit D. 60% Engineering Plans for Mountain View Drive Trail." Sixty-percent plans represent enough engineering design to confirm that the project can be constructed and that the plans and specifications will meet the objectives of the project without significant design changes. Considering the expected volume of pedestrian and bicyclist traffic on this trail, existing trees near Monticello Avenue that staff wishes to preserve, a shed that encroaches into the right-of-way, and utility constraints at both ends of the trail, staff determined that a 5-foot wide gravel trail between Myers Avenue and Monticello Avenue was appropriate. Know that 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 (tax map parcel 26-S-15) was approved for closure and the remaining 15-foot in width undeveloped right-of-way was reserved as a pedestrian access. While the section of undeveloped right-of-way between 374 and 410 Monticello Avenue is only 15-feet wide, staff has proposed to reserve 20-feet of width of right-of-way between 445 Myers Avenue (26-V-1) and 371 Myers Avenue (27-T-1) should the City later desire to construct a wider 10-foot wide path and require additional width for construction and maintenance. At this time, the City has no plans or schedule for constructing any trail or path at this location.

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. The approximate locations of the public water main and gas main relative to the area the applicants desire to close are illustrated in "Exhibit A. Right-of-Way Exhibit." It is believed that the water main may extend further west before turning southbound. If the City approves the closure of the alley, the exact location of the water main and gas mains will be determined and easements would need to be established for each utility.

The applicants are requesting to close a total of +/- 2,536 square feet of an undeveloped public right-of-way as illustrated in "Exhibit A. Right-of-Way Exhibit." Should City Council vote to approve the closing of portions of the public street right-of-way (first reading at City Council), the applicants will be responsible for hiring a surveyor to prepare a plat in order for the City Attorney to draft the ordinance to finalize the closure (second reading). The plat shall illustrate the location of the water main and gas main within the undeveloped right-of-way and shall show the location in which easements shall be reserved by the City, if applicable. Lastly, the plat shall demonstrate how the closed undeveloped public right-of-way will be divided among the applicant's existing parcel(s).

With the necessary width and easements reserved, staff recommends approval of the closing request for the undeveloped public right-of-way.

Shown on Exhibit A is +/- 275 sq. ft. section of property at the southeast corner of tax map parcel 27-T-1 (371 Myers Avenue) that the owner has expressed willingness to sell to the City, which City staff desires obtaining should a 10-foot wide path be desired in the future. While the sale of +/- 275 sq. ft.

should not be considered as part of the decision to approve or deny the request to close portions of the undeveloped street right-of-way, when the price for purchasing +/- 1,288 sq. ft. from the City is determined, the City will consider an exchange of +/- 275 sq. ft. of property and deduct the cost of +/- 275 sq. ft. from the total cost of purchasing the +/- 1,288 sq. ft.

During the August 2020 Planning Commission meeting, Commissioners expressed concern that vegetation is encroaching into the section of undeveloped right-of-way closest to Monticello Avenue. The Department of Public Works has clarified that it is their policy not to maintain undeveloped rights-of-ways or alleys where there is no public facility. While a wood chipped path exists in this area, it was not constructed and is not maintained by the City. Therefore, neither the City or adjacent property owners are responsible for keeping the undeveloped right-of-way clear of vegetation until a trail or path is constructed by the City. Staff with the Department of Public Works has discussed the possibility of a Safe Routes to School Transportation Alternatives Program grant application.

Lastly, on March 3, 2021, the City Surveyor flagged the location of existing and proposed right-of-way and painted the location of the centerline of the proposed 5-foot wide path. Planning Commissioners and members of the public are encouraged to visit the site to see the flagging and paint. Photos of the area taken on March 3, 2021 are provided as Exhibit C.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approval of the closing request for the undeveloped public right-of-way as presented, including easements to be reserved for the public water main and gas main, if necessary;  
or
- (b) Denial of the request.

**Community Engagement:**

The request was published in the local newspaper twice advertising for City Council's public hearing. The advertisement was published as shown below:

NOTICE OF PUBLIC HEARING The Harrisonburg City Council will hold a public hearing on April 13, 2021 at 7:00 p.m., or as soon as the agenda permits, to consider the following: Street Closing (Portion) - Right-of-Way Between Myers Avenue and Monticello Avenue Consider requests from Christopher and Susan Versen to close +/- 1,248 sq. ft. of undeveloped right-of-way and from Jeffery and Bonnie Ferguson to close +/- 1,288 sq. ft. of undeveloped right-of-way located between Myers Avenue and Monticello Avenue. The portions of undeveloped public right-of-way requesting to be closed are adjacent to tax map parcels 26-V-1, 27-T-1, and 26-S-15.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request.

**Recommendation:**

Staff recommends alternative (a) approval of the closing request for the undeveloped public right-of-way as presented, including easements to be reserved for the public water main and gas main, if necessary

**Attachments:**

1. Extract of minutes from Planning Commission
2. Site maps
3. Updated applications and applicant letters
4. Exhibit A. Right-of-Way Exhibit
5. Exhibit B. Worksheet Showing Flagged ROW and Painted Trail Centerline
6. Exhibit C. Photos of Undeveloped Right-of-Way taken March 3, 2021
7. Exhibit D. 60% Engineering Plans for Mountain View Drive Trail
8. Extract of minutes from August 12, 2020 Planning Commission

**Review:**

Planning Commission (7-0) recommended alternative (a) approval of the closing request for the undeveloped public right-of-way as presented, including easements to be reserved for the public water main and gas main, if necessary.