

MEMORANDUM

To: Planning Commission

From: Kali Casper, *AICP*, Assistant Planning Director

Date: May 17, 2024

Subject: ROW-24-1/ORD 2055-Request to vacate approximately 114,464 square feet of unbuilt right-of-way at the end of Progress Street by James Taylor of Balzer & Associates (applicant) on behalf of S & S Construction, LLC and CC & B Development, LLC (property owners).

SUMMARY OF REQUEST

Nature of Request: Vacation of Town-owned Right-of-Way

Property Location: Unbuilt street known as Progress Street

Adjacent Tax Parcel Numbers: 166-A 4C; 166-17 B; 166-17 A; 166-10 A & 166-10 B

Parcel Size: ±114,464 sf (according to application)

Present Zoning District: R-4 Low Density Residential

Present Use: Vacant/undeveloped

Surrounding Uses: North: Vacant/undeveloped
East: Single-family residential
South: Vacant/undeveloped
West: Vacant/undeveloped; 460 Bypass

DEVELOPMENT APPLICATION AND BACKGROUND

The property subject to this right-of-way (ROW) vacation request is currently undeveloped land near the existing Northside Park subdivision. This request is related to SUB23-0001, the revised preliminary plat for Northside Park Section 12 subdivision, which was approved by Planning Commission in June 2023 and signed February 16, 2024. The preliminary plat includes the proposed relocation of unbuilt Progress Street right-of-way in the 55 lot layout.

This application is a request to vacate the previously dedicated right-of-way associated with a 2011 preliminary plat. New right-of-way dedication is proposed to accommodate changes that were made to the subdivision layout.

The ROW to be vacated is approximately 114,464 square feet. The ROW to be dedicated is approximately 138,158 square feet, a net gain of 23,694 square feet.

2 ROW-24-1 Progress Street ROW Vacation
Unbuilt Progress Street NW
17 MAY 2024 KJC

The proposed request would provide for the realignment of unbuilt Progress Street to allow for a revised lot layout.

EVALUATION CRITERIA

The Planning Commission is asked to evaluate the application based on the “Alley and Right-of-Way Vacation Process” in the Administrative Manual accompanying the Comprehensive Plan, particularly steps #2-5 listed below.

2. Vacate alleys and unbuilt rights-of-way only when the following three conditions are met:

- The alley or unbuilt right-of-way is judged as not important to the Town's neighborhoods in terms of providing rear access for residents, space for utilities, and a means to provide Town services; **and**
- The alley or unbuilt right-of-way is not important to the Town's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic; **and**
- The alley or unbuilt right-of-way does not serve as the primary access to parcels.

3. Vacate built right-of-way only when all three conditions of Paragraph 2 are met, with the presumption that the built right-of-way is important to the Town's neighborhoods and the Town's present and future transportation network.

4. Assess whether or not the alley or right-of-way could be used for another public function such as park land or public open space.

5. If there is no other public function to which the property could be used, and the Town is able to claim an interest in the alley or right-of-way, and the applicant is willing to remit to the Town the value of the alley as computed in 1) above, consider disposition of the alley or right-of way.

FINDINGS

Staff has provided the following findings to assist in the evaluation of the application:

By filling out and signing the application, the owners have certified that they comply with Section 21-114 of the Town Code: “Purchase by applicant as condition to vacation of street or other public way.” The application can proceed through the public hearing process and will require Town Council approval.

Ordinarily, when land is vacated, the applicant is responsible for paying. However, this is not applicable for this request since the application includes the dedication of land area that exceeds the land area being vacated.

The right-of-way area is unbuilt and contains a portion of asphalt trail and mixed vegetation.

There is an existing bicycle and pedestrian trail along and within the right-of-way. The existing trail will be relocated as part of the subdivision development process with the revised lot layout. The proposed trail location is in conformity with the Paths to the Future Map. Staff recommends a condition related to the relocation of the trail to ensure use of the trail is not interrupted.

With respect to criteria #2-5, the request will include dedication of new right-of-way that serves the purpose of the existing ROW subject to the vacation request. This is a relocation/realignment of the existing right-of-way.

3 ROW-24-1 Progress Street ROW Vacation
Unbuilt Progress Street NW
17 MAY 2024 KJC

Town engineering staff have reviewed the request with respect to public infrastructure and provide the following comments.

Water

The 30' Access Easement (INST. #2016000884) proposed to be vacated by this application currently has a Town-owned water lateral located in the easement, serving the Northside sewer pump station. The vacation of the Access Easement would result in the waterline being located within the private property that would be created by the vacation. The preliminary plat for Northside Park Section 12 indicates this waterline will be relocated during site development. The vacation should be conditioned upon the applicant ensuring the new waterline be installed, approved, and active prior to removing the existing waterline located in the Access Easement.

Stormwater

This request impacts the undeveloped portion of Progress Street through the Northside Park Subdivision. This ROW vacation allows for the subdivision to proceed consistently with the approved preliminary plat. This change in road layout disrupts some of the existing infrastructure along the corridor, but also provides for the connection of future infrastructure in the future. Preliminary calculations have been performed to design the stormwater facilities to treat the future development of Progress Street.

Staff supports the vacation of the existing Progress Street ROW with several conditions related to the temporary access road. Additional detail is included in the attached Stormwater Engineering Memo.

Neighborhood Meeting

In consideration of this request, a neighborhood meeting was held on May 8, 2024. Notes and a sign-in sheet from the meeting are attached.

SUMMARY

The Planning Commission is asked to consider and make a recommendation on the right-of-way vacation request. If approved by Town Council, the Mayor would execute a quit claim deed for the right-of-way and the right of way shall be vacated.

CONDITIONS

Staff and the Town Attorney recommend the following conditions if the ROW vacation is approved:

1. The applicant shall dedicate the proposed right-of-way of approximately 138,158 square feet to realign future Progress Street prior to vacating the existing right-of-way.
2. The applicant shall ensure that the new waterline is installed, approved, and active prior to removing the existing waterline located in the Access Easement on the exhibit.
3. The installation, use, term, and maintenance of the temporary access road within the public ROW shall be governed by an agreement between the Developer and the Town of Blacksburg.
4. The applicant shall install the temporary access road to extend to the pump station and stormwater facility as shown on the Northside Park Section 12 Preliminary Plat, approved February 16, 2024. The temporary access road will consist of a 12-ft wide maintenance path.
5. The applicant will include notes at the time of final plat to clarify the shared temporary use of the Future Progress Street Right-of-way. The Northside Park Section 12 Preliminary Plat approved on 2/16/2024 necessitates the use of this unimproved ROW for both private use to access private stormwater management facilities between Claire Drive and Craig Drive and the Town's interest in maintaining access to the existing Northside Park Pump Station.

4 ROW-24-1 Progress Street ROW Vacation
Unbuilt Progress Street NW
17 MAY 2024 KJC

6. The applicant shall relocate the existing trail and dedicate a new 20' greenway easement for the relocated trail prior to the vacation of the existing 20' greenway easement.

ATTACHMENTS

Evaluation Criteria

Aerial Map



Stormwater Engineering Memo

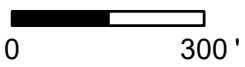
Neighborhood Meeting Notes and Sign-In Sheets

Alley and Right-of-Way Vacation Process

- 1) When requests for a vacation of an alley or unbuilt right-of-way are received by the Town,
 - ensure requirements for application contained in Town Code § 21-114 have been complied with.
 - make an assessment of the monetary value of the alley or unbuilt rights-of-way according to the general guidelines:
 - residential property value may be estimated according to current assessed values of adjacent property and square footage to be vacated; or
 - when the vacation allows for an additional buildable lot or when the property is non-residential, property value may be established by a formal appraisal; or
 - a formal appraisal may be required by Town Council; **and**
 - the applicant shall provide a statement of title concerning the alley or right-of-way (before and after the vacation), satisfactory to the Town Attorney; **and**
 - provide notification to all neighborhood representatives about the vacation request and associated public meetings; **and**
 - provide all adjacent property owners an opportunity to apply for an equal right-of-way; **and**
 - The cost of any formal appraisal or title research, as may be required, shall be the burden of the applicant.
- 2) Vacate alleys and unbuilt rights-of-way only when the following three conditions are met:
 - The alley or unbuilt right-of-way is judged as not important to the Town's neighborhoods in terms of providing rear access for residents, space for utilities, and a means to provide Town services; **and**
 - The alley or unbuilt right-of-way is not important to the Town's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic; **and**
 - The alley or unbuilt right-of-way does not serve as the primary access to parcels.
- 3) Vacate built right-of-way only when all three conditions of Paragraph 2 are met, with the presumption that the built right-of-way is important to the Town's neighborhoods and the Town's present and future transportation network.
- 4) Assess whether or not the alley or right-of-way could be used for another public function such as park land or public open space
- 5) If there is no other public function to which the property could be used, and the Town is able to claim an interest in the alley or right-of-way, and the applicant is willing to remit to the Town the value of the alley as computed in 1) above, consider disposition of the alley or right-of way.
- 6) The disposition of an alley or right-of-way shall not be acted upon without public hearings before the Planning Commission and the Town Council, duly advertised, in accordance with the Virginia Code.
- 7) The disposition of an alley or right-of-way shall not be acted upon without public hearings before the Planning Commission and the Town Council, duly advertised, in accordance with the Virginia Code.

Progress Street NW ROW-24-1

-  Subject Area
-  Parcels



TOWN OF
Blacksburg
VIRGINIA

2023 Aerials provided by Pictometry
Town of Blacksburg, E&G Dept. 5-8-2024



MEMORANDUM

TO: Kali Casper, Interim Director of Planning and Building
FROM: Kafi Howard, Interim Director of Engineering and GIS
DATE: May 10, 2024
SUBJECT: ROW-24-1-Northside Park ROW Vacation – Stormwater

This memo addresses the applicant's proposal for Right of Way vacation approval for the undeveloped portion of Progress Street through the Northside Park Subdivision. The Engineering Department has completed the stormwater review of the request and have the following comments regarding its approval at this time.

- Notes will need to be included at the time of final plat to clarify the shared temporary use of the Future Progress Street Right-of-way. The Northside Park Preliminary Plat approved on 2/16/2024 necessitates the use of this unimproved ROW for both private use to access private stormwater management facilities between Claire Drive and Craig Drive and the public use to maintain access to the existing Northside Park Pump Station.
- The temporary access road will extend to the pump station and stormwater facility as shown on the NSP Preliminary Plat and will consist of a 12-ft wide maintenance path.
- The installation, use and maintenance of the temporary access road within the public ROW shall be governed by an agreement between the Developer and the Town of Blacksburg.
- Preliminary calculations have been performed to design the stormwater facilities to treat the future development of Progress Street.

Neighborhood Meeting Notes
ROW-24-1 Progress Street Right-of-Way Vacation Request
end of Progress Street NW

Wednesday, May 8, 2024 at 5:30 PM
Blacksburg Motor Company Building, 400 South Main Street

A neighborhood meeting was held to discuss a vacation request of Town-owned Right-of-Way at the end of Progress Street NW known as future Progress Street.

Town staff in attendance were Kali Casper and Kasey Thomsen.

In attendance for the applicant were James Taylor of Balzer and Associates and Ian Friend from SAS Builders.

Kali Casper gave a brief overview of the project request, purpose of the neighborhood meeting and key meeting dates and opportunities for public input in the public hearing process. Casper explained that the request includes both a vacation request and dedication request. Casper directed everyone in attendance to the Town of Blacksburg website where the current application, meeting schedule and any future documents or updates to the application can be found.

-An attendee asked if the Planning Commission Work Session would be televised or recorded and posted on the Town's webpage.

James Taylor of Balzer and Associates gave a presentation on behalf of the applicant. Taylor stated that the request is a relocation of the right-of-way rather than just a vacation. The original preliminary subdivision plat with the existing right-of-way was approved in 2011. Taylor stated that new stormwater regulations prompted a change to the subdivision layout. Due to the new housing layout, the right-of-way needed to change as well. A new preliminary plat subdivision request (SUB 23-0001) was submitted to the Town of Blacksburg in January 2023 and approved by the Planning Commission on June 6, 2023. The relocation and dedication of the right-of-way requires a separate review and approval from Town Council.

Those in attendance had the following questions and comments:

-An attendee asked if there was a layout map showing the 2011 proposed and the current plat.

-An attendee asked about the foot path and the original construction date for the path.

-An attendee asked if everything to the west and south of Progress Street will be reserved for storm water needs and Open Space. The attendee asked if there was a chance that that area would be converted to housing space and if it was possible for area dedicated as open space to become residential space. If this were to occur, would it be a variance to the Comprehensive Plan or something else? The attendee asked if the applicant was limited to what they could do in those areas due to water issues and flooding.

-An attendee asked if areas that contained water could be considered as open space.

**2 ROW-24-1 Progress Street ROW Vacation
Neighborhood Meeting Notes**

- An attendee asked if there will be retention ponds to hold the water long term.
- An attendee asked if there will be greenery between the foot path and the road or will the path be right on the road.
- An attendee asked if the relocated ROW width would be the same as in the earlier plan.
- An attendee asked if there will be sidewalks on the new streets.
- An attendee asked if the layout is the same as the plat from last year.
- An attendee asked if they could receive a copy of James Taylor's presentation.
- An attendee asked if there was a timeline for the extension of Progress Street to Main Street.
- An attendee asked if the path will be relocated when the applicant begins construction or sometime later.
- An attendee asked about the location of the Open Space on the presentation slide.
- An attendee asked if the HOA would maintain the Open Space.
- An attendee asked about the name of the developer and/or builder.
- An attendee asked if the HOA will be professionally managed or managed by the homeowners themselves.
- An attendee asked if the applicant was reducing the number of lots down to 55 lots.
- An attendee asked if a traffic study was done for Progress Street and what were the results.
- An attendee stated that the Town needs to address traffic issues on 460 at North Main Street.
- An attendee asked about the purpose of the bump out areas along the trail.
- An attendee asked if infrastructure will need to be added for this development.
- An attendee stated that the proposed traffic plan will be directed to Craig Drive and Primrose Drive. The attendee asked if it is a concern that traffic will not drain onto the larger road. The attendee stated that the plan puts a lot of cars on Carroll Drive and there are no sidewalks on those streets.
- An attendee asked if all traffic going south out of Blacksburg will go down Progress Street.
- An attendee asked if residents will see the demolition of the path as a first construction step.

Meeting was adjourned at 6:17 pm.

