



February 12, 2025, Planning Commission Meeting

## Title

Consider Alley Closing adjacent to Newtown Cemetery — Nyrma Soffel, Community Development

## Summary

Project name	Alley closing adjacent to Newtown Cemetery
Location	The section of the alley behind East Gay Street to the north and intersects Sterling Street to the west and Hill Street to the east.
Adjacent Tax Map Parcels/Addresses	Adjacent to tax map parcels 33 K 12-20 known as Newtown Cemetery and tax map parcels 33-K-1, 3-8, and 11-13, which are addressed as 500, 508, 512, 516, 520, 524, 532, 540, 548, 556 E Gay Street and 425 Hill Street.
Total Land Area	+/- 8,659 sq. ft.
Applicant	Newtown Cemetery Trustees
Staff Recommendation	Denial
Planning Commission	February 12, 2025 (Not a Public Hearing at PC)
City Council	Anticipated March 11, 2025 (First Reading/Public Hearing) Future Date (Second Reading)

## Recommendation

Option 1. Recommend denial of the alley closing request.

## Fiscal Impact

N/A

## Context & Analysis

The applicant, Newtown Cemetery Trustees, is requesting to close a portion of an undeveloped alley adjacent to the Newtown Cemetery, which totals +/-8,659 square feet. The alley is adjacent to tax map parcels 33-K-1, 3-8, and 11-13, which are zoned R-2 and addressed as 500, 508, 512,

516, 520, 524, 532, 540, 548, 556 East Gay Street and 425 Hill Street. The applicant would like to close the alley in order to allow for the future expansion of Newtown Cemetery for burials.

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

<u>Site:</u>	Undeveloped public alley, zoned R-2
<u>North</u>	Newtown Cemetery, zoned R-2
<u>East:</u>	Across Hill Street, residential uses, zoned R-2
<u>South</u>	Residential uses, zoned R-2
<u>West:</u>	Across Sterling Street, residential uses, zoned R-2

The alley was created by a plat recorded in 1909. In 1909, subdivisions in Virginia were governed by the Early Subdivision Act, which provided that streets and alleys shown on recorded subdivision plats created a public easement or right of passage, but title to the underlying real estate remained with the dedicator of the subdivision or their heirs or assigns. The City likely does not own the underlying land but instead holds a public easement or right of passage across the alley. Approval of the applicant's request would result in the City vacating all its interest in the alley; however, the City cannot convey title to the alley to the applicant. The applicant would have to take action to secure title to the alley in the event the City vacates its interest.

There are no public water or sewer lines or power lines located within the alley.

The area of the undeveloped alley is zoned R-2. The R-2 district only allows cemeteries with an approved special use permit (SUP) per Section 10-3-40 (3), thus the Trustees would have to apply for a special use permit to allow for the expansion of the cemetery into the alley area. The City cannot accept a SUP request until the Trustees have secured title to the land.

Regardless of the complexity of the situation and the actions needed for the applicant to acquire the public alley and expand the cemetery, staff believes that maintaining ownership of the alley is generally in the best interest of the community. A site visit and documented photos demonstrate that people are walking and driving in the alley. In addition, there are gates at the rear of some of the lots that open to the alley. Alleys offer the public a benefit and, in this neighborhood, provides access for property owners to the rear of their parcels. Therefore, staff recommends denial of the alley closing request.

### **Options**

1. Recommend denial of the alley closing request.
2. Recommend approval of the alley closing request as submitted by the applicant.

### **Attachments**

- Site maps
- Application and supporting documents