



Street Closing Report

Meeting Date: November 3, 2008

Reference Name	Street Closing – 295 linear feet of Sumter Street (SC0800007)	Jurisdiction	City
Request	To set a public hearing for December 1, 2008 to consider the permanent closing of 295 linear feet of Sumter Street between Maxwell Street and West Pettigrew Street		
Applicant	Duke University	Submittal Date	February 5, 2008
Location	North of Maxwell Street, south of West Pettigrew Street		
Recommendation	Set a public hearing for December 1, 2008 to consider the proposed public right-of-way closing		

A. Summary

This is a request to adopt a resolution to set a public hearing on December 1, 2008, to consider the closing of 295 linear feet of Sumter Street, located north of Maxwell Avenue, and south of West Pettigrew Street. The right-of-way is an improved paved surface. All adjoining lots have frontage on existing improved streets. The distribution of the proposed right-of-way will go to a single owner.

No adverse impacts have been identified at this time with the proposed street closing, but further staff analysis will be provided prior to the proposed December 1, 2008 public hearing.

B. Area Characteristics

The area surrounding the right-of-way is zoned University College (UC) in the Compact Neighborhood Tier. The properties adjacent to the right-of-way are industrial and commercial/office.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
West	Industrial	UC	None
East	Commercial/Office	UC	None

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and

2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments	
Agency	Anticipated Impact on Service
Duke Power	No impact
Emergency Medical Services	No impact
Fire Department	No impact
NCDOT	No impact
Parks	No impact
Police Department	No impact
911	No impact
City - Engineering	No impact
City - Transportation	No impact
Schools	No impact
PSNC	No impact
Verizon	No impact

F. Staff Analysis

The area surrounding the right-of-way is zoned University College (UC) in the Compact Neighborhood Tier. The properties adjacent to the right-of-way are industrial, commercial and office, and all have frontage on existing improved streets. The proposed street closing plat indicates equal distribution of the closed area to the adjacent property owners. A detailed staff analysis of impacts will be completed prior to the proposed December 1, 2008 public hearing.

G. Recommendation

To set a public hearing for December 1, 2008 to consider the proposed public right-of-way closing.

H. Staff Contact

Gail Sherron, Senior Planner, 560-4137 ext 230 gail.sherron@durhamnc.gov

I. Attachments

1. Context Map
2. Aerial
3. Resolution