



**Street Closing Report**

**Meeting Date: November 3, 2008**

<b>Reference Name</b>	Street Closing – 1,067 linear feet of Maxwell Street (SC0800008)	<b>Jurisdiction</b>	City
<b>Request</b>	To set a public hearing for December 1, 2008 to consider the permanent closing 1,067 linear feet of Maxwell Street between Campus Drive and South Buchanan Boulevard		
<b>Applicant</b>	Duke University	<b>Submittal Date</b>	February 5, 2008
<b>Location</b>	West of South Buchanan Boulevard, east of Campus Drive		
<b>Recommendation</b>	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 1,067 linear feet of Maxwell Street, located west of South Buchanan Boulevard, and east of Campus Drive. The right-of-way is an improved paved surface. All adjoining lots will have frontage on existing improved streets upon the recombination of the parcels. 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, vacant commercial and commercial/office.

<b>Adjacent Land Uses and Zoning</b>			
	<b>Uses</b>	<b>Zoning Districts</b>	<b>Overlay Districts</b>
<b>North</b>	Industrial, office	UC	None
<b>South</b>	Vacant commercial	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, vacant commercial and office, and all will have frontage on existing improved streets. The proposed street closing plat indicates distribution of the closed area to one single property owner. 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](mailto:gail.sherron@durhamnc.gov)

**I. Attachments**

1. Context Map
2. Aerial
3. Resolution