



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Street Closing Report

Meeting Date: August 18, 2014

Reference Name	Street Closing – A request to close 160.33 linear feet of Waterbury Drive (SC1400006)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 160.33 linear feet of Waterbury Drive.		
Applicant	Robert Murphy	Submittal Date	February 10, 2014
Location	East of Garrett Road, north of Landsbury Drive		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

Robert Murphy proposes to close 160.33 linear feet of Waterbury Drive (Attachment 4). The right-of-way is currently open and the portion of the street requested for closure is bordered by property owned by Bryan & Mary Feger and property owned by John & Lucinda Pittman. If the request is approved, this portion of the right-of-way will be recombined with the adjacent properties. The applicant desires to close this right-of-way as it has yet to be improved and the adjoining property owners to the south – Mr. & Mrs. Feger – driveway entrance encroaches into this street. The closure of the right-of-way would correct this encroachment.

B. Area Characteristics

The area surrounding the right-of-way is zoned Residential Suburban-20 (RS-20). The portion of this street requested for closure is located within the Suburban Tier. The subject site is located to the east of Garrett Road and north of Landsbury Drive. This portion of Waterbury Drive is adjacent to the City of Durham’s Sandy Creek Park.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Residential	RS-20	None
South	Residential	RS-20	None
East	Residential	RS-20	None
West	Public Park	RS-20	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		
Service Agency	Comments	How Addressed
NCDOT	No impact	n/a
County - Engineering	No impact	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a
Police Department	No impact	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
Tax Assessor Office	No impact	n/a
Address Coordinator, GIS	No impact	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned RS-20 and is located within the Suburban Tier. The proposed street closing plat (Attachment 4) indicates that the requested right-of-way will be recombined with the adjacent properties. Staff finds this portion of Waterbury Drive to have little, if any, value to the public at-large and recommends approval of the street closing.

G. Recommendation

Approve the permanent closing of 160.33 linear feet of public right-of-way.

H. Staff Contact

Jacob Wiggins, Planner, 919.560.4137 ext. 28257 jacob.wiggins@durhamnc.gov

I. Attachments

1. Context Map
2. Aerial Map
3. Street Closing Application
4. SC1400006 – Street Closing Plat Reduction
5. Street Closing Order