



PLANNING COMMISSION

DRAFT MINUTES

December 10, 2019, 5:30 p.m.
Council Chamber, 1st Floor, City Hall
101 City Hall Plaza, Durham, NC

I. Call to Order

Chair Hyman called the meeting to order at 5:30 p.m.

II. Roll Call

MOTION: Excuse Commissioners Durkin and Williams. (Brine, Johnson 2nd)

ACTION: Motion carried, 12-0.

Members Present:

Elaine Hyman, Chair
Brian Buzby, Vice Chair
Akram Al-Turk
Nathaniel Baker
George Brine
Cedric Johnson
Armeer Kenchen
David Lowe
Scot Maclver
Tom Miller
David Morgan
Cristian Santiago

Excused Members Absent:

Erin Durkin
Carmen Williams

Staff Present:

Sara Young, Assistant Planning Director
Grace Smith, Planning Supervisor
Jamie Sunyak, Senior Planner
Emily Struthers, Senior Planner
Michael Stock, Senior Planner
Earlene Thomas, Transportation Engineer IV
Don O'Toole, City Attorney

III. Adjustments to the Agenda – None.

MOTION: Adoption of agenda as presented. (Buzby, Brine 2nd)

ACTION: Motion carried, 12-0.

Approval of the Minutes and Consistency Statements: November 12, 2019

MOTION: Approve the Minutes and Consistency Statements as amended for the November 12, 2019 meeting. (Al-Turk, Morgan 2nd)

ACTION: Motion carried, 12-0

MOTION: Extend public speaking time by three minutes for each speaker on both sides for Guess Road (A1800012/Z1800036). (Miller, Lowe 2nd)
ACTION: Motion carried, 12-0.

IV. Public Hearing: Comprehensive Plan Amendment - None

V. Public Hearing- Plan Amendment with Concurrent Zoning Map Change Request

a. Guess Road (A1800012/Z1800036)

Plan Amendment Request: To change the land use designation from Low Density Residential and Recreation Open Space to Industrial and Recreation Open Space.

Staff Report: Emily Struthers presented cases A1800012/Z1800036

Zoning Map Change Request: To change the zoning designation from Planned Residential Development 2.000 (PDR 2.000) and Residential Suburban – Multifamily with a Development Plan (RS-M(D)) to Industrial Light with a Development Plan (LD(D)).

Public Hearing: Chair Hyman opened the public hearing. The applicant and nine others spoke in support. Seven people spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on the proposed conservation easement, traffic generation of the proposed use, the proposed fence height and location, the need for residential, and compatibility with the surrounding area.

MOTION: Recommend approval of case A1800012. (Al-Turk, Buzby 2nd)

ACTION: Motion failed, 2-10, (Al-Turk, Maclver voting yes)

MOTION: Recommend approval of case Z1800036. (Buzby, Brine 2nd)

ACTION: Motion failed, 2-10, (Al-Turk, Maclver voting yes)

Consistency Statement: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is not reasonable and not in the public interest and does not recommend approval based concerns about inconsistency with neighboring land uses, potential impacts on the environment, traffic congestion, inadequate transportation infrastructure, opposition from the community, comments received at the public hearing and the information in the staff report.

b. Fox Crossing (A1800008/Z1800029)

Plan Amendment Request: To change the land use designation Medium Density Residential and Commercial to Commercial.

Zoning Map Change Request: To change the zoning designation from Commercial Center with a development plan (CC(D)), Residential Suburban-20 (RS-20), Residential Urban- 5 (RU-5); Falls/Jordan Watershed Protection Overlay – B (F/J-B) to Commercial General with a Development Plan (CG(D)); Falls/Jordan Watershed Protection Overlay – B (F/J-B).

Staff Report: Emily Struthers presented cases A1800008/Z1800029.

Public Hearing: Chair Hyman opened the public hearing. The applicant and one other spoke in support. One person spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on compatibility with the surrounding area, comparison with the current zoning, and the following additional proffers:

- Prior to issuance of a certificate of occupancy, provide a one-time \$18,000 contribution to the Durham Public Schools.
- Prior to issuance of a certificate of occupancy, provide a one-time \$17,000 contribution to the City of Durham Affordable Housing Fund.
- Something to the effect of no apartment building west of line (where two stories is shown). Specific language to be worked through with staff.

MOTION: Recommend approval of case A1800008. (Al-Turk, Johnson 2nd)

ACTION: Motion carried, 9-3 (Al-Turk, Miller, Baker voting no)

MOTION: Recommend approval of case Z1800029. (Brine, Al-Turk 2nd)

ACTION: Motion carried, 9-3 (Al-Turk, Miller, Baker voting no)

Consistency Statement: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

c. Farrington Townes (A1900008/Z1900023)

Plan Amendment Request: To change the land use designation from Low Density Residential to Low-Medium Density Residential

Zoning Map Change Request: To change the zoning designation from Residential Suburban-20 (RS-20); Falls/Jordan Lake Watershed Protection District-B (F/J-B) to Residential Suburban – Multifamily with a Development Plan (RS-M(D)); Falls/Jordan Lake Watershed Protection District-B (F/J-B).

Staff Report: Emily Struthers presented cases A1900008/Z1900023.

Public Hearing: Chair Hyman opened the public hearing. The applicant spoke in support. No one spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on revising the development plan to keep the larger pond.

MOTION: Recommend approval of case A1900008. (Miller, Buzby 2nd)

ACTION: Motion carried, 11-1 (Baker voting no)

MOTION: Recommend approval of case Z1900023. (Miller, Buzby 2nd)

ACTION: Motion carried, 11-1 (Baker voting no)

Consistency Statement: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

VI. Public Hearing: Zoning Map Change Request

a. Goodwin Crossing (Z1900010)

Zoning Map Change Request: To change the zoning designation from Planned Development Residential 2.310 (PDR 2.310); Falls/Jordan Lake Watershed Protection District B (F/J-B) to Planned Development Residential 2.167 (PDR 2.167); Falls/Jordan Lake Watershed Protection District B (F/J-B).

Staff Report: Emily Struthers presented case Z1900010.

Public Hearing: Chair Hyman opened the public hearing. The applicant spoke in support. Two people spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on comparison with the current zoning, protection of environment, and the following proffers:

- 5,000 sqft minimum lot size
- Potential Proffer if feasible following additional due diligence: Off-site sidewalk

MOTION: Recommend approval of case Z1900010 (Al-Turk, Brine 2nd)

ACTION: Motion carried, 12-0

Consistency Statement: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

b. Glenn Road Townhomes (Z1900018)

Zoning Map Change Request: To change the zoning designation from Residential Rural (RR), Falls/Jordan Watershed Protection Overlay District-B (F/J-B), Major Transportation Corridor Overlay I-85 (MTC I-85), County Jurisdiction to Planned Development Residential 7.046 (PRD 7.046), Falls/Jordan Watershed Protection Overlay District-B (F/J-B), Major Transportation Corridor Overlay I-85 (MTC I-85), City Jurisdiction.

Staff Report: Jamie Sunyak presented case Z1900018.

Public Hearing: Chair Hyman opened the public hearing. The applicant and one other spoke in support. Three people spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on whether the FLUM is appropriate and how the development is compatible with the area, recommending a mix of unit types, pricing, and traffic impacts.

The applicant offered the following proffers which were approved:

- A minimum of 25% of the townhouses shall be alley loaded.
- The development shall have a maximum block length of 800ft.
- All townhouse units shall have a habitable heated square footage that will not exceed 1700 sf.
- Prior to the first certificate of occupancy, the developer shall contribute \$41,850 to the City of Durham affordable housing fund.
- Prior to the first certificate of occupancy, the developer shall contribute \$4,500 to the Durham County Public School System.

MOTION: Recommend approval of case Z1900018 (Miller, Al-Turk 2nd)

ACTION: Motion carried, 7-5 (Morgan, Johnson, Brine, Hyman, Miller voting no)

Consistency Statement: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

c. South Mineral Springs and Pleasant (Z1900019)

Zoning Map Change Request: To change the zoning designation from Residential Rural (RR), Residential Suburban-20 (RS-20), Falls/Jordan Watershed Protection Overlay District-B (F/J-B), County Jurisdiction to Planned Development Residential 4.001 (PDR 4.001), Falls/Jordan Watershed Protection Overlay District-B (F/J-B), City Jurisdiction.

Staff Report: Jamie Sunyak presented case Z1900019.

Public Hearing: Chair Hyman opened the public hearing. The applicant spoke in support. Two people spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on how the development is consistent with the surrounding area.

MOTION: Recommend approval of case Z1900019 (Miller, Santiago 2nd)

ACTION: Motion carried, 10-2 (Brine, Baker voting no)

Consistency Statement: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

VII. Public Hearing: Text Amendment

a. Signs (TC1700002)

Initiated by the Planning Department to revise the current signage regulations within Article 11, Sign Standards, and other associated sections, primarily to conform to the United States Supreme Court ruling in *Reed v. Town of Gilbert*, along with any other updates necessary to conform to other applicable state or federal law.

Staff Report: Michael Stock presented case TC1700002 Signs.

Public Hearing: Chair Hyman opened the public hearing. Seven people spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on a broader allowance of temporary signs in the right-of-way, specifically real estate directional signs and signs for non-profits. Adjustments to the size of residential entry signs was also discussed.

MOTION: Recommend approval of case TC1700002 (Buzby, Al-Turk 2nd)

ACTION: Motion failed, 5-7, (Hyman, Kenchen, Baker, Lowe, MacIver voting yes)

Consistency Statement: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. The Commission believes the request is not reasonable and in the public interest and does not recommend approval based on comments received at the public hearing and the information in the staff report.

VIII. Old Business

IX. New Business

X. Adjournment

The meeting adjourned at 11:23 p.m.

Respectfully Submitted,

Terri Elliott, Clerk
Durham Planning Commission