November 12, 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 Commissioner Morgan. (Brine, Johnson 2nd)
ACTION: Motion carried, 13-0.

Members Present: 
Elaine Hyman, Chair
Brian Buzby, Vice Chair
Akram Al-Turk
Nathaniel Baker
George Brine
Erin Durkin
Cedric Johnson
Armeer Kenchen
David Lowe
Scot MacIver
Tom Miller
Carmen Williams
Cristian Santiago

Excused Members Absent: 
David Morgan

Staff Present: 
Sara Young, Assistant Planning Director
Grace Smith, Planning Manager
Jamie Sunyak, Senior Planner
Emily Struthers, Senior Planner
Scott Whiteman, Planning Manager
Michael Stock, Senior Planner
Carl Kolosna, Senior Planner
Bill Judge, Assistant Transportation Director
Erlene Thomas, Transportation Engineer IV
Karen Lado, Community Development Assistant Director

III. Adjustments to the Agenda
Staff would like to add an item under new business to review amended meeting schedule for September to one week later to September 15, 2020.

MOTION: Approve the revised meeting schedule for 2020 by moving the September 8, 2019 meeting to September 15, 2019. (Miller, Brine 2nd)
ACTION: Motion carried, 13-0.

MOTION: Adoption of agenda as presented. (Brine, Al-Turk 2nd)
ACTION: Motion carried, 13-0.
Approval of the Minutes and Consistency Statements: October 15, 2019

MOTION: Approve the Minutes and Consistency Statements for the October 15, 2019 meeting as amended. (Brine, Al-Turk 2nd)

ACTION: Motion carried, 13-0

IV. Public Hearing: Comprehensive Plan Amendment - None

V. Public Hearing- Plan Amendment with Concurrent Zoning Map Change Request- None

VI. Public Hearing: Zoning Map Change Request
   a. 600 North Roxboro (Z1900004)

   **Zoning Map Change Request:** Residential Urban-Multifamily (RUM) to Residential Urban-Multifamily with a development plan (RU-M(D))

   **Staff Report:** Emily Struthers presented case Z1900004

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

   **Commission Discussion:** The discussion centered on affordable housing, human scale architectural features, and tree save. The applicant made the following proffers:

   1. PROVIDE A ONE-TIME $1,500 CONTRIBUTION TO THE DURHAM PUBLIC SCHOOLS.
   2. PROVIDE A ONE TIME $1,400 CONTRIBUTION TO THE CITY OF DURHAM AFFORDABLE HOUSING FUND.

   The applicant also indicated they would work with staff to provide a commitment addressing a prominent pedestrian entryway on Roxboro and that the applicant would explore the housing bonus.

   **MOTION:** Recommend approval of case Z1900004 (Miller, Al-Turk 2nd)

   **ACTION:** Motion carried, 9-4 (Brine, Durkin, Al-Turk, Santiago 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.

   b. Hebron Village (Z1900016)

   **Zoning Map Change Request:** Residential Suburban-20 (RS-20), Residential Suburban-10 (RS-10) to Planned Development Residential 5.117 (PDR 5.117)

   **Staff Report:** Emily Struthers presented case Z1900016.
**Public Hearing:** Chair Hyman opened the public hearing. The applicant and one other person spoke in support. Four spoke in opposition. Chair Hyman closed the public hearing.

**Commission Discussion:** The discussion centered on flooding, traffic, and the design of suburban developments of size. The applicant made the following proffers:

1. **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, PROVIDE A ONE-TIME $11,000 CONTRIBUTION TO THE DURHAM PUBLIC SCHOOLS.**

2. **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, PROVIDE A ONE-TIME $16,000 CONTRIBUTION TO THE CITY OF DURHAM AFFORDABLE HOUSING FUND.**

The applicant also made a revision to commitment 1, as follows:

1. **THE PROPOSED DEVELOPMENT SHALL BE A MAXIMUM OF 160 UNITS. THE UNITS MAY BE TOWNHOUSE OR A COMBINATION OF SINGLE FAMILY AND TOWNHOUSE, NONE TO EXCEED 149 PEAK HOUR TRIPS.**

**MOTION:** Recommend approval of case Z1900016 (Miller, Al-Turk 2nd)

**ACTION:** Motion failed, 0-13

**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 not in the public interest and recommends denial based on comments received at the public hearing, concerns about inadequate transportation infrastructure, inconsistency with neighboring land uses, inadequate facilities provided on the development plan, potential impacts on the environment, excessive impact on school facilities, and the information in the staff report.

c. **Glenn School Road Townhomes (Z1900018)**

**Zoning Map Change Request:** Rural Residential (RR) to Planned Development Residential 7.046 (PDR 7.046)

**Staff Report:** Jamie Sunyak presented case Z1900018

**Public Hearing:** Chair Hyman opened the public hearing. The applicant and two others person spoke in support. Two spoke in opposition. Chair Hyman closed the public hearing.

**Commission Discussion:** The discussion centered on the FLUM designation for the site, whether the density and housing type is appropriate, traffic impacts, roadway improvements, and recommendations to the applicant.

**MOTION:** To continue case Z1900018 to December 10, 2019 (Miller, Brine 2nd)

**ACTION:** Motion carried, 11-2 (Williams, Brine voting no)

VII. **Public Hearing: Text Amendment**

a. **Outdoor Lighting (TC1900002)**
A privately-initiated amendment to Sec. 7.4.2B.2 of the UDO regarding lighting for outdoor recreational activities.

Staff Report: Carl Kolosna presented case TC1900002 Outdoor Lighting.

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

Commission Discussion: The discussion centered on the possibility of amending the proposed ordinance language by including a limit on the time extension for lighting, and also limiting the proposed change to only apply to certain zoning districts.

MOTION: Recommend approval of case TC1900002 (Al-Turk, Buzby 2nd)
ACTION: Motion Carried, 9-4 (Williams, Johnson, Brine, 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.

b. Affordable Housing Dwelling Unit Definition (TC1900005)

An amendment to revise the definition of “affordable housing dwelling unit” in Sec. 17.3, Defined Terms.

Staff Report: Michael Stock presented case TC1900005 Affordable Housing Dwelling Unit Definition.

Public Hearing: Chair Hyman opened the public hearing. One spoke in support. One spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on coordination with rules and procedures (such as income eligibility, affordable rent levels and sales prices, monitoring and compliance requirements) being developed by the Community Development Department and addressed by Karen Lado, and a concern regarding adoption by reference.

MOTION: Recommend approval of case TC1900005 (Baker, Miller 2nd)
ACTION: Motion Carried, 12-1 (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.

VIII. Old Business

IX. New Business

Amend 2020 Meeting Schedule
X. Adjournment
The meeting adjourned at 9:41 p.m.

Respectfully Submitted,

Terri Elliott, Clerk
Durham Planning Commission