



City of Durham
PLANNING COMMISSION MINUTES
March 4, 2025

1. CALL TO ORDER.

Chair Susan Deeming called the meeting to order at 7:02 PM

2. ROLL CALL.

Commissioners present: Chair Susan Deeming, Vice Chair Matt Winkler, Commissioners Pat Saab, Krista Bailey, Cheri Frazell, and Forrest Boleyn

Commissioners Absent: Andrew Mast

Staff Present: City Administrator Jordan Parente and Administrative Assistant Kait Garlick

Public: Residents Rick Martin, Cythia Yoshimura, Suzanne Tromley, Russ Tromley, Marth Rainey, and JR Tarabocchia; Mahendra Tadikonda representing Durham Dental

3. APPROVAL OF MEETING MINUTES.

Commissioner Saab moved to approve the minutes from the February 4, 2025, meeting. Vice Chair Winkler seconded the motion. The vote passed (6-0).

MO 030425-1

4. PUBLIC FORUM.

None.

5. SIGN PERMIT 476-25 FOR DURHAM DENTAL; 16780 UPPER BOONES FERRY ROAD.

Mahendra Tadikonda, representing Durham Dental, spoke before the Commission regarding sign application 476-25. Mr. Tadikonda explained that after a long delay, the original vendor unexpectedly installed the sign without further consultation. Though the sign was reportedly built to the approved specifications, the Commissioners needed to assess whether it met all previously established conditions.

Concerns were raised by the Commissioners regarding the sign's materials and design, specifically the base. The original approval required a base made of concrete, stucco, or stone to ensure consistency with other monument signs in the area, but the installed sign had a screen-printed base, making it appear less permanent. Additionally, questions arose about whether the sign's dimensions fully aligned with the approved specifications. City Administrator Parente informed the Commissioners that he had gone out to measure the current sign and building a proper base may bring it to code.

The Commissioners then debated possible solutions for the issues with the base, including modifying the existing sign rather than requiring a complete replacement. They suggested constructing a natural-looking base around the sign to enhance its permanence and align with the City's aesthetic requirements. Ultimately, the Commissioners decided to deny the permit application, but will allow the current sign to remain for 60 days while they work on the requested revisions. Within that time, the applicant must submit a revised permit with details on the materials to be used for the base, ensuring compliance with the original conditions.

Commissioner Frazell moved to deny the sign application, with the requirement that a new application be submitted within 60 days that meets the original specifications of approval and with samples in-hand that satisfy the "natural look" base that the Commission requested. Vice Chair Winkler seconded the motion. The vote passed (6-0).

MO 030425-2

6. TREE REMOVAL PERMITS 785-25, 786-25, and 787-25; 17719 SW 81st PLACE.

Resident Rick Martin gave an overview of the tree removal applications he and his wife brought before the Commission. The property owner provided an overview of the situation, explaining that the first tree, a pear tree, was originally planted by the City in an inconvenient location near water meters. Over time, its roots had caused damage to a neighbor's water meter, resulting in costly repairs. Due to this interference with utility services and potential future issues, the owners are requesting its removal.

The other two trees, Douglas firs located in the backyard, were in poor condition. An arborist determined that the rear tree was dying from the top down, likely due to damage caused by cabling placed by a previous property owner. The arborist also advised that the front Douglas fir should be removed, as it will become structurally weakened without the support of the rear tree.

During the discussion, the Commission debated whether the removal of the pear tree warranted a mitigation requirement. Given the number of existing trees on the property and the lack of space in the front yard, they ultimately decided not to require mitigation for this tree. However, the Commissioners expressed interest in maintaining overall canopy coverage and asked whether the property owner would be open to planting replacement trees elsewhere on the property. The owner indicated a willingness to plant two new trees in the backyard to compensate for the removal of the Douglas firs. This proposal satisfied the Commission's goal of preserving the neighborhood's tree cover.

For Permits 785-25 the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type B permit, as there are multiple removal requests being submitted together. This permit has been processed as a Type 2 Process, as the tree removal applications were placed on the Planning Commission agenda and Public Notices were issued as required. The Commissioners agreed that Criteria A is applicable. The Commissioners agreed that Criteria B, C, D, E, F, and G are not applicable. Commissioner Bailey moved to approve the tree removal permit requests with no conditions or mitigation required. Commissioner Frazell seconded. The vote passed (6-0).

MO 030425-3

For Permits 786-25 and 787-25, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are a Type B permit, as there are multiple removal requests being submitted together. These permits have been processed as a Type 2 Process, as the tree removal applications were placed on the Planning Commission agenda and Public Notices were issued as required. The Commissioners agreed that Criteria A, C, and G are applicable. The Commissioners agreed that Criteria B, D, E, and F are not applicable. Vice Chair Winkler moved to approve the tree removal permit requests with two mitigation trees required to be planted. Commissioner Saab seconded. The vote passed (6-0).

MO 030425-4

7. TREE REMOVAL PERMITS 788-25 and 789-25; 7919 SW KINGFISHER WAY.

Russ Tromley presented the Commissioners with two tree removal permits. Mr. Tromley explained that the two maples located in their backyard had been shedding large limbs, particularly during storms, posing a risk to both their property and neighboring properties. They recalled a previous experience in which they had removed a similar maple tree, only to discover that it had been rotting from the inside, filled with water and red worms. Wanting to avoid a repeat of that situation, they consulted two arborists, one of whom provided a certified report. The report noted that while the trees showed no signs of disease, they were experiencing limb decay, and one of them is leaning significantly toward a neighbor's property and failing to self-correct. Given these concerns, the homeowners felt that removal was the safest option. Mr. and Ms. Tromley stated they were reluctant to part with the trees but want to

mitigate the loss by planting replacement trees that would be large enough to provide shade and privacy for them and their neighbors.

The Commissioners asked whether trimming the trees might be a viable alternative. However, the arborist had found that while the trees still had moderate vigor, some dead branches, and instances of decay. The arborist recommended removal as a solution in both tree reports.

The Commissioners asked about the neighbors who might be affected. One neighbor, who was opposed to the removal, was currently out of the country and unable to attend the meeting. The Commissioners also considered the broader environmental impact, noting that a nearby grove of Douglas firs could potentially be affected by wind exposure if the maples were removed. However, being deciduous maple trees, they provide little wind protection in the winter months when storms are most severe.

With all these factors in mind, the committee reviewed the tree protection ordinance to determine whether the request met the necessary criteria. The primary concerns were the condition of the trees, the risk they posed to surrounding structures, and the potential impact on the landscape. One committee member questioned whether both trees needed to be removed or if only the severely leaning one (Permit 788) warranted removal. However, after further discussion, it became clear that both trees had structural concerns—one was leaning dangerously, while the other had limb decay and had been shedding large branches unexpectedly.

For Permits 788-25 and 789-25, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are Type B permits, as the trees are potentially structurally compromised and in declining health, which poses a risk to the surrounding properties. These permits have been processed as a Type 2 Process, as the tree removal applications were placed on the Planning Commission agenda and Public Notices were issued as required. The Commissioners agreed that Criteria A, D, E, and F are applicable. The Commissioners agreed that Criteria B, C, and G are not applicable. Commissioner Bailey moved to approve the tree removal permit requests with mitigation required. Commissioner Saab seconded. The vote passed (5-1).

MO 030425-5

8. DRAFT TREE ORDINANCE 269-25 & EXHIBIT A.

The Commissioners were presented with a draft of the new tree ordinance 269-25. Over the previous summer and fall, the tree committee worked on numerous revisions and presented their draft to the Planning Commission in October. At that time, they had shared an overview of their recommendations. The ordinance was brought before City Council in November, where council members requested that the revised content be integrated into the existing ordinance to provide a clearer picture of how the changes would fit into current regulations. Finally, the city attorney was tasked with refining the draft ordinance which is being presented.

It was clarified that the version under discussion was only the tree ordinance itself and did not include changes to the development code. The tree committee had recommended separating these two areas, allowing the development code to specifically address tree-related issues on undeveloped land or areas undergoing major improvements, while the ordinance would focus on tree protection for existing properties. The development code will need to be addressed separately at a future date.

The purpose of the discussion was not to approve or reject the ordinance, as the final decision rested with the City Council. Instead, it was an opportunity for feedback and discussion, allowing the Commissioners to assess whether the draft effectively reflected their original intent. However, as they

began to review the document, concerns emerged that many of the core ideas originally proposed by the tree committee had been significantly altered or removed.

Tree committee members Forrest Boleyn and JR Tarabocchia, who had worked on the tree ordinance over the past year expressed frustration, noting that the draft ordinance differed significantly from what the tree committee proposed. They pointed out that large portions of both the existing ordinance and the revised draft had been omitted entirely.

Chair Deeming and City Administrator Parente reiterated that the city attorney had aimed to streamline the language, borrowing pieces from tree ordinances in neighboring cities. The goal was to make the ordinance legally defensible and reduce ambiguity in decision-making. Some of the criteria crafted by the tree committee would be reflected in the implementation of the ordinance.

One set of criteria removed determined whether a tree posed a risk to structures, such as homes, driveways, and sidewalks—an issue that had been a recurring point of contention in past tree removal requests. These criteria had been approved by City Council before being sent for legal review but were ultimately removed by the attorney.

Similarly, the definition of hazard trees had been narrowed significantly, leading to concerns that certain at-risk trees—such as those exposed to high winds or extreme weather conditions—would no longer qualify for removal unless they had a clear structural defect. The original intent of the revised ordinance had been to allow for proactive removal of such trees, but those provisions were now missing.

Another major issue was the removal of Planning Commission oversight on tree removals from city-owned properties. The tree committee wanted the Planning Commission to review and approve or deny all removal requests for city trees, ensuring transparency and community involvement. The tree committee had recommended this oversight and City Council had agreed—yet this provision was also missing from the current draft. The Commissioners acknowledged the City should not be able to remove trees from public parks and green spaces without public input, especially when private property owners were required to go through a stringent permit process.

Another alteration made by the city attorney was the transfer of decision-making power from the Planning Commission to the City Administrator. Under the revised ordinance, the City Administrator would be responsible for approving or denying all tree removal permits, with the option for appeals to be taken to the City Council instead of the Planning Commission. Commissioners discussed reservations that were raised about this change, arguing that it placed too much authority in the hands of a single individual. They noted that tree removal decisions are often complex and require expert input. In the past, Planning Commission meetings had allowed community input and discussion, which helped inform their decisions. There were concerns that shifting all decisions to the City Administrator would eliminate this process, leading to less transparency and potentially more public dissatisfaction.

City Administrator Parente himself acknowledged that this change was not ideal. He admitted that he was not an arborist and would prefer not to be solely responsible for tree removal decisions. While he understood the intent of making the process more black and white, he worried that it would create more controversy over tree permits, especially in cases where the decision was not clear-cut. He also pointed out that the revised ordinance did not require an arborist's report but would likely request one to guide decisions.

As the discussion continued, it became clear that there were Commissioners who felt that important steps had been skipped in the revision process. Specifically, there was concern that the city attorney

made substantial changes. The Planning Commission asked if there was room to reintegrate key provisions.

A dedicated work session, where the city attorney, Planning Commission, and the tree committee members could go through the ordinance together was suggested. This would allow for a clear explanation of why certain changes were made and whether there were ways to revise the ordinance without compromising legal defensibility. Others emphasized the importance of ensuring that the final ordinance was not rushed through approval, especially given how long the revision process had already taken. Commissioner Boleyn and Mr. Tarabocchia expressed frustration that so much volunteer time had been spent crafting a robust, thoughtful ordinance, only for it to be drastically altered with little explanation. They felt that City Council should revisit the previous version of the ordinance, incorporating the necessary legal refinements without stripping away essential protections and guidelines.

The purpose of the discussion was not to provide a resolution on the ordinance, but it was made clear that there was significant concern about the changes made by the city attorney, particularly the removal of key provisions, the shift in decision-making authority, and the lack of clarity on legal justifications.

The next step, as provided by City Administrator Parente, is for City Council to formally review the draft at the March 18 meeting; it is currently on the agenda to do a first reading of the ordinance. In the meantime, he encouraged those with concerns to document them in writing to gain a clear understanding of the issues. The Commissioners expressed hope that City Council would recognize the need for further refinement, ensuring that the final ordinance struck the right balance between tree preservation, public safety, and administrative clarity.

9. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.

None.

10. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

➤ Tuesday, April 1, 2025, Regular Meeting of the Planning Commission at 7:00 PM.

11. ADJOURN. Chair Deeming adjourned the meeting at 9:18 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder