



# City of Durham

## PLANNING COMMISSION MINUTES

### July 8, 2025

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1. **CALL TO ORDER.**

Chair Susan Deeming called the meeting to order at 7:01 PM.

2. **ROLL CALL.**

Commissioners Present: Chair Susan Deeming, Commissioners Pat Saab, Krista Bailey, Cheri Frazell, and Forrest Boleyn

Commissioners Absent: Vice Chair Matt Winkler and Commissioner Andrew Mast

Staff Present: City Administrator Jordan Parente

Public: Ken Takada representing Rivian (Zoom); Resident Ryan Locicero

3. **APPROVAL OF MEETING MINUTES.**

Commissioner Saab moved to approve the minutes of the June 3, 2025, meeting. Commissioner Bailey seconded the motion. The vote passed (5-0).

**MO 070825-1**

4. **PUBLIC FORUM.**

None.

5. **DURHAM DEVELOPMENT CODE UPDATE WORK SESSION.**

The Durham Development Code work session was tabled for a future meeting.

6. **TREE REMOVAL APPLICATIONS #802-25, 803-25 & 804-25 8037 KINGFISHER WAY.**

Resident Ryan Locicero was present to address the Commissioners regarding his tree applications. He expressed appreciation for the opportunity to explain his request to remove two Douglas fir trees, and a maple tree, from his property. When he moved to Durham three years ago, he was struck by the trees' beauty and, as an environmental engineer, deeply values their ecological importance. He emphasized his awareness of the benefits trees bring: shade, sound buffering, and habitat but noted that recent storm events in the neighborhood changed his perspective.

Mr. Locicero described witnessing severe damage caused by falling trees, including one across the street that displaced a family for over a year and another that narrowly missed his own home. While the trees are healthy, they stand about 5 to 8 feet from his home. He has two young children who sleep upstairs. The trees have previously damaged the roof, and he does not want the risk of them failing.

He stated arborists told him no solution could eliminate the trees' risk. Though the decision is difficult, Mr. Locicero said he could not live with the consequences of having done nothing should the trees hurt someone. Ensuring his family's safety outweighs the hardship of removing trees he deeply respects.

Mr. Locicero reaffirmed his intention to replant smaller, urban-appropriate trees if the two Douglas firs on his property are removed. He shared his passion for gardening and his daily care for the plants in his yard, emphasizing that this is not a decision made lightly but one rooted in concern for his family's safety. He acknowledged that the trees are part of a broader canopy, not isolated, and may offer wind buffering. However, he stressed that the risk of falling trees still exists, referencing multiple incidents in his neighborhood.

The Commissioners were sympathetic to Mr. Locicero's concerns and shared similar personal experiences of sleeping downstairs during storms. At the same time, several noted the long-term impact of removing healthy trees, especially in a neighborhood known for its canopy. Some emphasized that these trees are not stand-alone and removing them could weaken the surrounding grove.



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The absence of an arborist report was noted, and the Commissioners reflected on the difficulty of making such decisions without professional guidance. Still, the history of tree falls in the area was acknowledged as a valid concern. The conversation closed with recognition of the emotional weight of the decision, and the Commissioners prepared to review the application criteria and move forward.

For Permits #802-25, 803-25 & 804-25, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are Type E permits. 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, D, and E are applicable. The Commissioners agreed that Criteria B, F, and G are not applicable. Ultimately, the Commissioners concluded that the City's current tree code does not offer a pathway for removing these trees without further documentation of risk. Commissioner Frazell moved to deny the tree removal permit requests as the current tree code does not support removal of these trees. Commissioner Boleyn seconded. The vote passed (3-2).

**MO 070825-2**

**7. TREE REMOVAL APPLICATIONS #805-25 & 806-25 CENTERCAL/BRIDGEPORT.**

Mr. Ken Takada representing Rivian, was available via Zoom, and presented a proposal to install electric vehicle (EV) chargers in the Bridgeport Village parking lot. The civic address is 7455 SW Findlay Road and has a pediatric dental office in the southwest corner of the property. The project would be available for public use, not limited to Rivian customers. To accommodate the chargers and required ADA-accessible stalls, two Armstrong maple trees in the center row of the parking lot would need to be removed. Rivian is proposing to replant one Armstrong maple nearby.

The Commissioners raised questions about why this specific location was chosen, considering the large size of the parking lot. Mr. Takada explained that the project site was selected for its proximity to an existing transformer, which allows for a more compact and efficient installation. Relocating the chargers elsewhere would require reconfiguring the front row of parking or scattering the charging equipment, which the applicant wanted to avoid.

In response to questions about mitigation, it was noted that City requirements call for replacing each removed tree, or alternatively, paying a mitigation fee. Rivian indicated willingness to either replant a second tree along the property boundary—or pay the in-lieu fee, depending on the City's preference. Commissioners suggested the second tree could be planted along the edge of the lot to maintain symmetry and meet mitigation standards.

The discussion concluded with general agreement that flexibility in mitigation, either replanting or payment should be allowed in the final motion. No further questions were raised, and the Commissioners proceeded to review their findings and criteria.

For Permits #805-25 & 806-25, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that these are a Type F 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 B and E are applicable. The Commissioners agreed that Criteria A, C, D, F, and G are not applicable. Commissioner Bailey moved to approve the tree removal permit requests with two mitigation trees required to be planted. Commissioner Frazell seconded. The vote passed (5-0).



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**MO 070825-3**

**8. TREE REMOVAL APPLICATION #807-25 17785 SW 81<sup>st</sup> PLACE.**

The Commissioners reviewed a request to remove a Bradford pear tree located at 17785 SW 81st Avenue. Similar trees were planted throughout the cul-de-sac and were poorly sited directly over utilities. This tree is sited correctly but shares the same aging and structural concerns common to the species.

The applicant originally believed the tree might qualify as a Type D removal but was larger than 10" DBH. An arborist evaluation determined the tree had a bifurcated trunk with a visible saddle, indicating a high risk of branch failure. The information suggested the tree is nearing the end of its lifespan and could fail. Council members familiar with the species echoed similar sentiments, citing the species provides little ornamental or ecological value. Upon site inspection, it was noted that the tree appeared healthy, but its structure and size make it less than ideal for its location. It was also confirmed that the applicant plans to re-plant a dogwood tree.

For Permit #807-25, the Commissioners went through the staff report to determine their Findings. The Commissioners agreed that this is a Type E permit. This permit has been processed as a Type 2 Process, as the tree removal application was placed on the Planning Commission agenda and Public Notices were issued as required. The Commissioners agreed that Criteria D and E are applicable. The Commissioners agreed that Criteria A, B, C, F, and G are not applicable. Commissioner Saab moved to approve the tree removal permit request with a mitigation tree required to be planted. Commissioner Bailey seconded. The vote passed (5-0).

**MO 070825-4**

**9. COMMISSIONER COMMENTS/REPORTS/STAFF UPDATES.**

- City Administrator Parente updated the Commissioners that there are updates in the works for Durham's Development Code.
- Mr. Parente let the Commissioners know that City Council has opted for a "permit-by-permit" Pre-implementation Compliance Measure (PICM) for FEMA's new floodplain ordinance. This is different from the original plan to follow FEMA's model language. This approach places the onerous of environmental compliance on the applicants. FEMA has not finalized the new law, but local jurisdictions may change PICMs.
- There will be a City Council Work Session on July 22, 2025, at City Hall. There are still final details being worked out regarding the Municipal Tree Code update. One of the proposed changes would provide that Council would address all Municipal Code items pertaining to trees on residential properties and Planning Commission would deal only with development-related requests.
- An update was given for Durham Heights informing the Commissioners that all planned homes now have permits submitted and paid for. Mr. Parente believes it is the goal of the developer to finish building the remaining homes by year-end. The timing may see the Durham Heights project close out just as Durham Estates begin their work.
- Mr. Parente consulted the Commissioners on the question of dead tree removal requests, and if an applicant presents multiple dead tree removal requests, does the City Administrator still need to bring the applications before the Planning Commission for approval. The question was broached because a *single* dead tree may be administratively approved, but when *multiple* trees removal requests are brought at once, they are typically reviewed by the Planning Commission. The Commissioners agreed



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that if a group of trees can be clearly identified as dead or diseased, the City Administrator may administratively approval the requests without Planning Commission review.

- Lastly, Mr. Parente reviewed upcoming agenda items and returned to discussion of the EV charger installation at Bridgeport Village, noting it as the first such installation in Durham. The location presents a unique situation, as the chargers are being proposed at Bridgeport Village. The parking lots are in Durham city limits but have a complicated development history.

It was explained that the pediatric dental office appears to have been constructed primarily to justify the parking lot use under zoning regulations. While the applicant, Rivian, did not initially engage the City Planner for review, they were ultimately encouraged to do so to confirm whether the EV installation constituted a change of use. The Planner determined it did not, since the lot remains a parking lot, and no new use is being introduced.

However, in reviewing the site, the Planner uncovered that development conditions from 20 years ago were never fully satisfied. Specifically, the two parcels involved were supposed to be consolidated into one, and this did not happen. The proposed EV charging infrastructure straddles the boundary of two parcels, complicating the matter further, particularly if ownership changes in the future. Mr. Parente does not anticipate bringing the issue before the Planning Commission but wanted to make the Commissioners aware of the issue.

**10. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.**

- Tuesday, August 5, 2025, Regular Meeting of the Planning Commission at 7:00 PM.

**11. ADJOURN.** Chair Deeming adjourned the meeting at 8:47 PM.

**Approved:**

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**Susan Deeming, Chair**

**Attest:**

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**Jordan Parente, City Administrator/Recorder**