



City of Durham
PLANNING COMMISSION MINUTES
April 14, 2026

A. CALL TO ORDER.

Planning Chair Susan Deeming opened the meeting at 7:03 PM at Durham City Hall.

B. ROLL CALL.

Commissioners present: Planning Chair Susan Deeming, Commissioners Patricia Saab, Cheri Frazell, and Krista Bailey.

Commissioners absent: Vice Chair Matt Winkler, Commissioners Forrest Boleyn and Andrew Mast.

Staff present: City Administrator Jordan Parente and Administrative Assistant Wyatt Bean.

C. APPROVAL OF MEETING MINUTES.

The Commission considered approval of the March 10, 2026, meeting minutes. With no corrections offered, Commissioner Saab moved to approve the minutes as presented, and Commissioner Bailey seconded the motion. The minutes were approved unanimously (4-0).

MO 041426-01

D. PUBLIC FORUM.

Chair Deeming opened the public forum. No members of the public were present, and no testimony was received. Chair Deeming closed the public forum.

E. TREE REMOVAL REQUEST 846-26 GIBBONS 8257 SW KINGFISHER WAY.

The Commission considered Tree Removal Request 846-26 for removal of one 19-inch DBH Big-leaf maple at 8257 SW Kingfisher Way. The application was submitted as a Type B permit based on the applicant's statement that the tree was damaging the driveway, causing grading issues, water runoff, and a tripping hazard. The application included an arborist report that found the tree to be in fair condition, but root loss associated with mitigating driveway damage would likely cause decline and structural instability of the tree. Removal was recommended by the arborist, with a Pacific dogwood to replace/mitigate the removed tree.

Commissioners discussed whether the request fit the current Type B criteria. Chair Deeming and Commissioner Frazell questioned whether the evidence clearly established damage to a "structure" or a sufficient hazard under the applicable code and noted concern that alternatives to removal had not been fully addressed. Commissioner Bailey and Commissioner Saab emphasized that the driveway was being lifted, the problem would likely worsen, and meaningful repair would likely damage the tree further and create a more hazardous condition. The Commission also discussed the tree's fair condition (noted to be 60%), its shaded location beneath larger conifers, and the suitability of the proposed mitigation tree.

The Commission then reviewed the staff report criteria and generally agreed the request had been properly processed as a Type 2 review. In applying the substantive criteria, the Commission concluded that criterion A was applicable. However, this criterion was not clearly met under a strict reading of the current code and the Commission's interpretation of danger to structures or property. The Commission found that criteria C, D, and E were applicable and could be met, as removal was not expected to create negative topographic or neighborhood impacts and mitigation planting was proposed.

Commissioner Saab moved to approve Tree Removal Request 846-26 with mitigation consisting of a Pacific dogwood as recommended by the arborist, and Commissioner Bailey seconded the motion. On



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the first vote, Commissioners Saab and Bailey voted in favor, while Chair Deeming and Commissioner Frazell voted no, resulting in a 2-2 tie and failure of the motion. The split reflected concern that the application could not be approved based on driveway damage alone.

The Commission continued deliberations. Chair Deeming stated she could support approval not simply because of the driveway damage, but due to the tree's fair condition and the arborist's conclusion a driveway repair would cause the tree irreparable harm. Other considerations include the tree's relatively limited significance within a well-canopied area, and the proposed mitigation tree. Commissioner Frazell stated that tree significance was more prevalent in prior applications, but not in this case. She was satisfied with the arborist's report and the specific site context and supports approval. This demonstrated a change in rationale among the Commission, specifically toward a broader finding that removal was reasonable because of the tree's condition, limited site significance, future decline from driveway repair, and proposed mitigation.

Commissioner Saab again moved a motion to approve Tree Removal Request 846-26 with mitigation of a dogwood tree as suggested in the arborist report, and Commissioner Bailey seconded the motion. The motion passed unanimously (4-0).

MO 041426-02

F. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

The Commissioners discussed the Planning Commission's future direction following adoption of the new municipal tree code, including broader planning work and community engagement. Chair Deeming noted that community communication is identified in the Comprehensive Plan as one of the Commission's responsibilities. City Administrator Parente said the current Comprehensive Plan draft had been paused to allow for additional public engagement and suggested the City's July 4 celebration as a possible opportunity to gather input from community members. Commissioners also discussed future work on other development code updates and sign code work.

City Administrator Parente reported that the City had received a DLCD HAPO grant to support development code updates related to middle housing and legal review. He said the City Planner has started identifying code sections for revision, and Commissioners expressed interest in developing a future work plan and focusing early attention on middle housing-related provisions.

The Commission also received an update on Durham Estates. City Administrator Parente reported that on April 6 the City received a new application for a 32-lot middle housing development in addition to the previously submitted site design application tied to an earlier Middle Housing application. He explained that the applicant appeared to be pursuing multiple procedural paths to approval, and that staff would be meeting with the project team to discuss both applications. The Commission discussed the complexity of middle housing review timelines and the need for clearer code language.

In further discussion, City Administrator Parente reported that the hearings officer for the appeal related to Durham Estates had upheld the applicant's position regarding narrow private drive aisles, largely because of limitations in the current development code and state middle housing law. Commissioners discussed concerns about parking, safety, emergency access, and the limited ability of the City to enforce restrictions on private driveways. Staff also briefly reported on budget timing, permit activity in Durham Heights, and a recent Council matter involving a dead tree on private property, where Council declined to intervene because the tree did not meet the test of an imminent public health or safety threat.



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G. NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION.

The next regular meeting of the Planning Commission was announced for May 12, 2026, at 7:00 p.m.

H. ADJOURN.

Chair Deeming adjourned the meeting at 8:15 PM.

Approved:

Susan Deeming, Chair

Attest:

Jordan Parente, City Administrator/Recorder