

**DURHAM, NORTH CAROLINA**  
**Thursday, October 24, 2013**  
**10:30 a.m.**

**Pursuant to the proper notification**, the Durham City Council held a special meeting on the above date and time in the Committee Room in City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

The meeting was called to order by Mayor Bell.

**Subject: Downtown Durham Vision Workshop**

Sara Young, of the City/County Planning Department, gave a power point presentation on downtown Durham highlighting Durham's early history; the city's downtown master planning initiatives; policies; etc. as well as a review of the recently completed, under construction, and anticipated downtown projects.

**Downtown Durham**  
**The Vision**

Downtown: The Early Days (1891)

Downtown: Bustling (1925)

Downtown: The Need to Reinvent

- Redevelopment Commission (Downtown Durham Report (1960); Beautification Projects (1965))

Downtown: Early Revitalization

- Central Business District (mid 1900s)
- National Register District (1977)
- Local Historic District (1989)
- Economic Development & Master Land Use Plan (1988)
- Revitalization Plan (1989)

Downtown: A New Vision

- Downtown Durham Master Plan (2000)
- Downtown Design Overlay (2001)
- Downtown Design Manual (2001)
- Durham Comprehensive Plan (2005)
- Unified Development Ordinance (2006)
- Downtown Streetscape Improvements, Phase I (2007)

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- Downtown Master Plan Update (2007) – “Durham should consider creating such a code...that focuses more on the urban form of development rather than what specific uses are allowed or prohibited. This allows for more flexibility in the marketplace without sacrificing flexibility in the built form.”
- Urban Design Center (2007)
- Central Durham Gateways Plan (2009)
- HPC Rules of Procedures Updates (2009, 2010, 2012)
- Downtown Design District (2010) New form-based zoning (replaced DDO); removed density requirements; codified parts of design manual
- Durham Design Manual Update (2010)

#### Downtown: Design District

- Why a Form-based Code? – Community vision = predictable built results; focus on physical form (not use)
- FBCs regulate – Relationship between building facades and the public realm; form and mass of buildings in relations to one another; scale and types of streets and blocks
- Durham’s FBC Components – Sub-districts; site design standards (building placement; height & massing)
- Frontage and Building Types
- Architectural Standards
- Streetscape Standards
- Sub-districts – Core; Support 1; Support 2
- Local Historic District Overlay
- Frontage Types – Only details relationship to street frontage; established to shape the public realm
- Building Type – Parameters for all sides of the building
- Storefront Frontage Type
- Arcade Frontage Type
- Courtyard Frontage Type
- Forecourt Frontage Type
- Parking Structure Frontage Type
- Monumental Building Type
- Architectural Standards – Building Access; pedestrian connectivity; fenestration; materials; facades
- Streetscape Standards – Sidewalks; accessibility; amenities
- Historic District Standards – Build-to Line; height; step-backs; siting
- Other standards throughout UDO – Uses; fences and walls; parking; landscaping and buffers; block standards

#### Downtown: A New Vision

- City Center Retail Strategy (2010)
- Loop Two-Way Conversion Feasibility Study (2010)
- Local Historic District Update (2011)

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- Downtown Streetscape Improvements, Phase II (2011) – City Hall Plaza
- Compact Design District (2012)
- National Register Historic District Update (2012)
- Downtown Signs UDO Text Amendment (2012)
- Business Improvement District (2012)

### Downtown: Work Continues

- Urban Design Studio: Pedestrian Environment Improvements (2012)
- Downtown Parking Study (2013)
- Downtown Traffic Separation Study (2013)
- Downtown Open Space Plan (anticipated 2013)
- Urban Design Studio: Holland Street Vision (anticipated 2013)
- Historic Resources Local Review Criteria Consolidation and Revisions (anticipated 2014)
- Station Area Strategic Infrastructure Plan (anticipated 2015)

### Downtown: On the Horizon

- Design District Revisions UDO Text Amendment (anticipated 2014-2015) – Simplify standards; Parking revisions
- Durham Design Manual Update (anticipated 2014-2015)

## Downtown Development Projects

### Completed Projects

- Durham Station – City of Durham -515 W. Pettigrew Street
- Durham Performing Arts Center – City of Durham/Szostak Design – 123 Vivian Street
- Mangum 506 – Center Studio Architecture – 506 N. Mangum Street
- Morris Ridge – Measurement Durham – 404 Hunt Street
- Clearsence – Buildsense/Studio B/Clearview Glass – 502 Rigsbee Avenue
- Durham County Courthouse – Durham County – 510 S. Dillard Street
- Durham County Human Services – Durham County – 414 E. Main Street

### Projects Under Construction

- Southside – City of Durham/Southside Revitalization LP – Lakewood Avenue
- Diamond View III – Capitol Broadcasting Company -359 Blackwell Street
- Durham Central Park Co-Housing – DCP – 130 Hunt Street
- Liggett Apartments – Federal Capital Partners – 600 W. Main Street
- Whetstone Apartments – Armada Hoffler – Jackson & Willard Streets
- 605 West – Javelin 19 Investments – 605 W. Chapel Hill Street
- 21c Museum Hotel – 21c Durham LLC – 111 N. Corcoran Street

### Projects Under Development

- Residence Inn Trinity Park – Concord Hospitality – 1108 W. Main Street

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- aLoft – ATC East Development/Blackwell Street
- Church + Main – Center Studio Architecture – 130 E. Main Street
- The Whitney – Austin Lawrence Partners, Parrish, Corcoran & Main Streets
- Five Points Center – Austin Lawrence Partners – 400 W. Main Street

**Other Conceptual Developments**

- Liberty Warehouse
- C. N. Clark Property
- Chesterfield Building
- Durham Centre
- Elliott Square
- Durham Station
- Elkins Property

**Durham Development Challenges**

- Changing Character – Historic Preservation Concerns; Durham Skyline; Design Flexibility
- Highest and Best Use of Site – Parking; Open Space; Buildings
- Solid Waste Management
- Pedestrian Connectivity – Loop Reconfiguration; Use of Alleys; Railroad Grade Separation
- Future Light Rail Impacts
- Affordable Housing
- Development Incentives

After the presentation, the following discussion was held by council:

Mayor Pro Tempore Cole-McFadden stated she would like to see some retail return to downtown Durham.

Council Member Schewel asked the administration did they envision any retail for downtown Durham as part of the redevelopment.

OEWD Director Kevin Dick stated he felt it was in progress. He referenced the City Center retail market analysis that was done.

Council Member Catotti said in terms of changing character, she was okay with the changing skyline of Durham and pleased with form-based zoning. She asked if there were any standards/rules about proximity to open space; what percentage of the gateways plan was implemented; she expressed concern about parking and said grade separation of the rail was critical; she spoke in support of conversion of the downtown loop; and in support of being strategic with the development incentives using city funds to leverage something that they want;

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Sara Young, of the Planning Department, noted why the current code does not have anything in it pertaining to open space. She said they wanted to look holistically at downtown and what the open space needs were and said they were not satisfied with what they were getting under the old code. Ms. Young noted the downtown open space plan will have recommendations which is forthcoming and said no percentage of the gateways plan was implemented.

Council Member Moffitt said a lot has been done in North East Central Durham and it would be great in the future to have this same type of background and information provided. He said major retailers are not going to locate downtown until they feel it is enough people and having sufficient parking also brings people downtown. Council Member Moffitt said the city has a lot of surface lots around downtown Durham and when speaking about highest and best use, it is probably not surface parking. Also, he referenced pedestrian connectivity which he felt was part of the grade separation; open space being important; the beltline remaining on the front burner; and raised concern with the time retail deliveries are made. He said the whole issue of live, work and play is great and at the present downtown works that way to some extent for certain demographics.

A representative from Downtown Durham, Inc. commented on the range of retail rental rates in the downtown area.

OEWD Director Kevin Dick commented on the range of rental rates for office space in the downtown area.

Mayor Pro Tempore Cole-McFadden said she was interested in how well the city was doing in drawing a diverse group of merchants downtown.

OEWD Director Kevin Dick said they will try to see what they can obtain for the Mayor Pro Tempore.

It was also noted that DDI has a retail initiative for providing technical assistance to retailers.

Also, OEWD Director Kevin Dick said the city's small business advisory committee is engaged in some capacity building.

Council Member Schewel said affordability for retail is also a major concern for housing which is already a huge issue and the new apartments going up downtown are very expensive. When talking about strategically using incentives, Council Member Schewel said he would hope that it be considered on how can incentivizing some affordability in the housing being constructed. He spoke on the need for open space in downtown; referenced building height in downtown and its relationship to affordability; commended the staff on the form-based zoning; and raised concern with the large construction projects in the dense population potentially having damaging affects to other businesses due to the length of construction, and suggested working with the developers to help mitigate that.

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Mayor Bell said there has been a lot of interest in downtown Durham and said we have seen that with all of the projects on board. He said he was hoping to get ahead of what might be coming; how does the council really want to see downtown developed. The Mayor said affordability has been raised many times both on the retail and housing side. He said if the council is really serious about affordability in downtown Durham, it calls for being much more aggressive and earmarking those areas (then how would you incentivize the developers to go into those areas to have affordable housing or affordable retail). He said if people know this is a location where affordable housing is needed, then they will either decide to go there and review the city's incentives or decide not to locate there. He said he did not want the council to be sitting here two years from now and people are continuing to build and the council's discussion is still talking about more affordable housing and retail. The Mayor said a timetable needs to be put in place and within the next six months the council should be able to identify what areas of downtown Durham (if it going to be housing or retail) to have some type of affordable units, and to parallel with that the council needs to be putting together some type of incentive plan to offer people to bring in affordable housing.

Council Member Schewel spoke in support of the mayor's recommendation.

Council Member Brown said the reason the council is having this meeting is to figure out how to deal with success, which is a much better position that dealing with failure. Referencing the mayor's comments, he said any incentives given should have some tie-ins to affordable housing.

City Manager Bonfield asked the council for their concerns on the historic preservation matter.

Mayor Bell said his comments are not to be critical of any appointed advisory board, but he wanted them to have a better sense of the overall goals of the city in the decisions that they make, particularly when it comes to developers. He said he would hope the advisory boards do not put a lot of barriers in a developer's way in allowing them to put money into a project or not. He said they are not being asked to design buildings and maybe the advisory board(s) need a clear set of rules to follow in terms of here is what you should focus on, and anything outside of that leave it alone.

Council Member Brown said the Historic Preservation Commission needs to also understand that time is money and to hold back certain projects for minuscule reasons can be detrimental to the development for downtown preservation areas. He asked when will the new guidelines be available.

Sara Young, of the City/County Planning Department, said they were hoping to bring something back for the council's consideration next summer.

Mayor Bell said the administration needs to be more aggressive on bringing back the guidelines also. The Mayor asked the City Manager if he had the staff to do it.

City/County Planning Department Steve Medlin stated they are not able to move forward as aggressively as they would like to. He said they have not had their annual work plan finalized

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and it will be going back to the Joint City/County Planning Committee at their next meeting. The timeline mentioned by Ms. Young is obviously a balancing act and with all of the other priorities they have and with the realization that the department has 34 employees which they have to allocate to 115 different project task categories. He said could they be more aggressive-shift their priorities, which is certainly a possibility and they will go back and take a look at that. He said do we have as much staff as we would like, he noted the reality is that they deal with the work program based on the resources they have. Mr. Medlin said what he has heard is that the mayor is recommending they go back and rethink the timeline and they are certainly willing to do that.

Mayor Bell said that would be helpful and asked the administration to come back and tell the council what it will take for them to be more aggressive and then it would be up to the council to decide if that is a big enough priority to proceed.

Regarding incentivizing businesses, Council Member Moffitt suggested the possibility for receiving incentives if developers are increasing the tax base/jobs created; developing in specific areas of the city; percentage of projected tax revenue increase as an incentive tool for different amounts of time; he also suggested having guidelines created in a way where it does not have to come before the council for a vote; whereby a developer can review the city's criteria for incentives and say okay I am going to do these things.

Mayor Bell stated another piece in terms of incentives - do developers get any type of relief on development fees or infrastructure they might have to put in. Also, the Mayor noted it would be necessary for the City Attorney to weigh in on any revised incentive process from a legal standpoint.

Council Member Catotti said if the city is going to be providing incentives the city needs to be getting something specific that they want and it should still be related to affordable housing, parking or some other particular amenity. She said Council Member Moffitt's proposal is too broad because essentially all of the projects are adding to the tax base. Council Member Catotti said maybe they should start moving away from the 80% number being used and said she would not want to move away from council review and public hearings. She said she was not certain about location specific requirement for affordable housing and a defined area already exists.

Council Member Brown said he would like to see those that serve as volunteers on some of the city appointed committees, making certain that they are educated and they know what they are doing and what the process is. He said there are two agencies that can help in this regard; one is the Institute of Government and other cities in the State make that a mandatory requirement that volunteers take a course at the institute for an example (on the quasi-judicial process) and other courses as well. He also referenced the assistance that can be obtained from the League of Municipalities.

City Manager Bonfield said the council's comments have been helpful and said this was an exciting time for downtown Durham.

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The City Council and City Manager thanked the staff for the great preparation and very informative presentation.

There being no further business to come before the council, the special meeting was adjourned at 12:30 p.m.

D. Ann Gray, MMC, NCCMC  
City Clerk