



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: April 9, 2014

To: Durham City Council

From: Patrick W. Baker, City Attorney

Subject: Approval of Final Decision Upholding the Determination of the Manager's Impact Fee Appeal Committee in an Appeal Filed by Phillips Development and Realty

Executive Summary. The Durham City Council ("City Council") held a public hearing at City Council's regularly scheduled meeting on March 17, 2014 to consider the impact fee appeal ("Appeal") filed by Robin T. Currin on behalf of Phillips Development and Realty ("PDR") of a determination by the Manager's Impact Fee Appeal Committee to uphold the impact fees assessed against the Phillips Research Park apartments ("Apartment Project") by the Durham City/County Inspections Department ("Inspections Department").

Having considered the evidence and the arguments presented at the hearing, City Council by a vote of 6-1 confirmed the Manager's Impact Fee Appeal Committee's decision upholding the impact fees assessed on the Apartment Project by the Inspections Department. The evidence and arguments presented indicate that the assessment of impact fees against the Apartment Project by the Inspections Department was done so in full conformance with City Code § 30-84, and that there is no legal basis supporting a waiver of the impact fee requirements as they pertain to the Apartment Project.

Having confirmed the impact fees assessed by the Inspections Department, City Council must now enter a final decision pursuant to City Code § 30-87(e). Attached for Council's consideration is a draft final decision.

Alternatives. Council has two alternatives:

Alternative 1. Council may approve the final decision as drafted; or

Alternative 2. Council may approve a final decision with alternative language.

Memorandum
Phillips Research Park Apartments—Impact Fees

Financial Impact. Adoption of this final decision will have no financial impact on the City.

SDBE Summary. This item has no known SDBE impact.

Attachment

Attachment 1: Draft Final Decision