

AGENDA ITEM: **# 11A**

DATE: October 17, 2016

COUNCIL COMMUNICATION

INITIATED BY: Kenny Rotner, Firoze Katrak and Jim Lawson, Town Councilors

AGENDA ITEM: **DISCUSSION AND POSSIBLE ACTION TO REFER TO THE PLANNING BOARD A TOWN COUNCIL-INITIATED ZONING AMENDMENT TO CHANGE MIXED USE WITH RESIDENTIAL (OFFICE/RETAIL DOWN, MULTIUNIT UP) FROM CONDITIONAL USE TO NOT PERMITTED IN THE CENTRAL BUSINESS DISTRICT; AND TO ADD A NEW DEFINITION FOR MIXED USE WITH ELDERLY HOUSING WHICH IS PROPOSED AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT**

CC PREPARED BY: Jim Lawson, Town Councilor

PRESENTED BY: Kenny Rotner, Firoze Katrak and Jim Lawson, Town Councilors

AGENDA DESCRIPTION

Discussion and possible action to refer to the Planning Board a Council initiated zoning amendment to change Mixed Use with Residential (office/retail down, multiunit up) to Not Permitted in the Central Business District; and to add a new definition for Mixed Use with Elderly Housing which is proposed as a Conditional Use in the Central Business District.

BACKGROUND

Ordinance #2008-24 amended the required lot area per dwelling unit to 900 s.f. in the Central Business District to encourage Mixed Use Residential redevelopment. Town Council minutes from August 18, 2008 detail the Council's intended goals - to increase the supply of quality student housing and facilitate more commercial space and activity in the downtown.

The downtown has experienced significant mixed use redevelopment since 2008 beginning with 2-10 Jenkins Court and culminating with the plan being development for the Mill Plaza. Many in the community think the 2008 objectives have been achieved,

particularly with the redevelopment of the downtown's most blighted properties along Madbury Road, restoration of several historic Church Hill properties and the completion of 1 Madbury Road.

All of this redevelopment; however, has been centered on student housing. Figure 1 provides a high level view of land use in the Central Business District showing that much of the district is consumed by Mixed Use, multiunit and other student housing. Assessing records show that 63% of the Central Business District's land has been redeveloped or is in the Planning Board process for redevelopment. 87% of the land has a student housing component (including the planned Mill Plaza) including mixed use, multiunit, fraternity/sorority, or boarding house. Student counts in the redeveloped properties alone exceed 1,000 students:

Jenkins Court	60 Students
10 Pettee Brook	68 Students
9-11 Madbury Rd	72 Students
The Grange	38 Students
Madbury Commons	525 Students
Orion Church Hill	197 Students
1 Madbury Road	46 Students
49 Main Street	34 Students
Mill Plaza	<u>330 Students</u>
TOTAL	1,370 Students

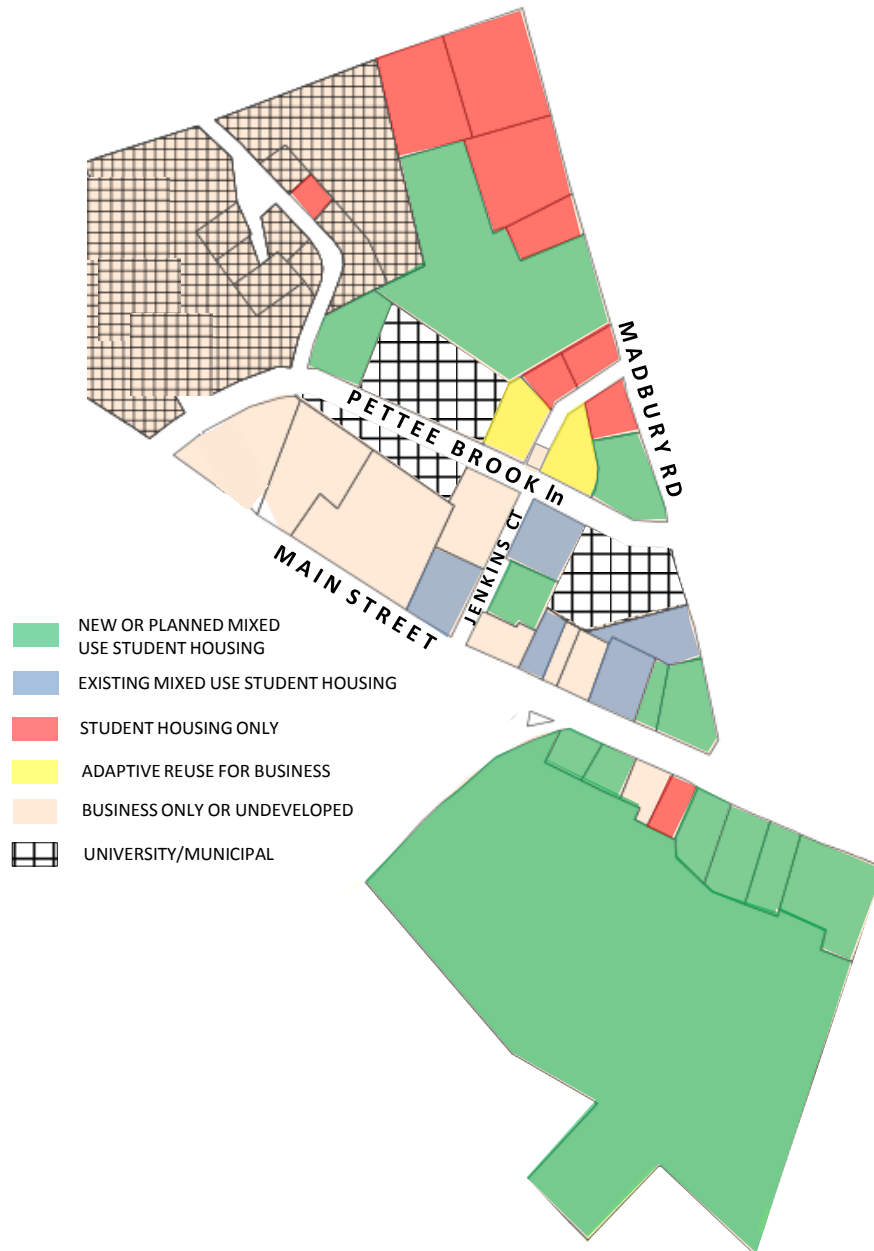


Figure 1 – Central Business Land Use Overview

The Planning Department has tracked the increasing number of student beds in Durham,¹ and members of the community and Town Council have concerns about the ramifications of the student housing supply exceeding the demand², especially in light of the characteristics of student housing which are inconsistent with characteristics that appeal to a wider and diverse market². Zoning changes in 2013 and 2015 increased the square footage per occupant in an attempt to alter new mixed use residential characteristics while maintaining the financial viability of redevelopment, but none of the redevelopments incorporate the 2015 standards, and the Durham downtown market continues to be focused on student housing since it is in close walking proximity to the university.

This proposed zoning ordinance places a pause on mixed use with residential development in the Central Business District, and introduces a new mixed use that allows commercial on the first floor(s) with over 55 residential above. Over 55 residential living in proximity to a university is becoming increasingly popular^{3,4}, and could help diversify the population in Durham's downtown giving property owners a viable option for redevelopment (if desired) and business owners a new market and demographic to serve. There are forty-eight uses that remain either permitted or allowed under Conditional Use in the district.

LEGAL AUTHORITY:

RSA 674:16, RSA 675:2, and 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

¹ "Tally of Student Housing/Apartments in Durham"; Durham Planning Department, September 15, 2015

² "Estimating Off-Campus Student Housing Supply and Demand"; Jim Lawson; 2013;
https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/12401/density_amendment_-_jim_lawsons_writeup1.pdf

³ "Retirement Communities with University Ties"; Marilyn Bowden; Bankrate.com;
<http://www.bankrate.com/finance/retirement/retirement-communities-university-ties-1.aspx>

⁴ "Why Boomers are Retiring to College"; Ellen Rofles; PBS Newshour;
<http://www.pbs.org/newshour/updates/why-boomers-are-retiring-to-college/>

SUGGESTED ACTION OR RECOMMENDATIONS:

Discussion and consideration of the motion to refer zoning change to the Planning Board.

SUGGESTED MOTION:

The Durham Town Council does hereby refer to the Durham Planning Board for its review and study the proposed ordinance (attached) to amend the Chapter 175-7 "Definitions" to add a new definition for Mixed Use with Elderly Housing, 175-41:F "Development Standards in the Central Business District" adding standards for Mixed Use with Elderly Housing, and 175-53 "Use Standards" modifying the Table of Use such that Mixed Used with Residential is changed from Conditional Use (CU) to Not Permitted (X) and Mixed Use with Elderly Housing is added as a Conditional Use in the Central Business District.