**SUMMARY OF PLANNING BOARD ACTION**

**RESOLUTION REGARDING A TEXT AMENDMENT**

**TO THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE**

**REGARDING FORM DISTRICT REGULATIONS**

**Subject:** Form District Regulation for the Ephesus Church/Fordham Road Area

**Meeting Date:** February 18, 2014

**Recommendation:** Kimberly Brewer moved, Amy Ryan offered a friendly amendment and Suzanne Haff seconded a motion to forward the following recommendation to the Town Council:

It is the feeling of the Planning Board, that while Form Base Code is appropriate for the area, the current code document is not yet developed sufficiently to merit adoption. We think that only if the following concerns are addressed will the form-based code provide an acceptable guide to redevelopment in the Ephesus-Fordham area and achieve the greater community good.  Therefore, we recommend that these concerns be addressed and the draft document revised accordingly before it is adopted into LUMO.

1. **The Planning Board recommends that the Code be amended to address the following concerns:**
2. With a goal to avoid monolithic 7 story development throughout the area, the amended code should modulate development throughout the district by implementing one or both of the following:
   1. Rezoning some of the WR-7 districts to WR-5 and some of the WX-7 districts to WX-5; and
   2. Creating a maximum % of lot area, per lot, that can be developed to maximum building height.
3. Require a Special Use Permit for Fuel Sale uses.
4. Enhance walkability and connectivity in the district by requiring non-vehicular “pass-throughs” for pedestrians and cyclists.
5. To avoid a sea of large parking lots along Fordham Blvd. change “no frontage” and “unlimited parking” standards and limit surface parking areas between building and street frontage; or require more extensive buffering or screening between parking areas and the street.
6. Incorporate some public review in the development approval process such as:
   1. Developing neighborhood outreach plans for proposed projects. The outreach should include, but note be limited to, notification via the local newspaper, town web page and 1,000 foot post card notification.
   2. Creating a mechanism for integrating public feedback during the review process
   3. Require Planning Board review and approval before permitting rather than Community Design Commission aproval
   4. Variance applications
7. Incorporate into an amended code Resource Conservation District regulations, tree planting caliper standards, green building and energy efficiency standards, and steep slopes regulations and other environmental regulation from the Land Use Management Ordinances.
8. Perform an effectiveness evaluation of the form base code within three years of adoption.
9. The northern part of this area is a gateway to town. Amend the codes in order to specify, in more detail, the character the community would like to see in the area around the Fordham Blvd./Franklin St. roadway split.
10. Incorporate within the Form Base Code District use of multi-functional low impact stormwater management devices. Also provide amenities, such as benches, around the proposed regional BMP.
11. We are concerned that some of the new signage allows for signs that are more intrusive (for example light, size) than current LUMO regulations allow. We recommend that the Form District be held to current LUMO standards. If changing conditions/technologies warrant updating Chapel Hill’s sign ordinance that should be done in a separate process for the town as a whole.
12. Provide coding that limits / controls fast food and drive-through development.

**B. Below is a list of supplemental concerns the Board believes are not addressed in the proposed Form Base Code. The implementation of the redevelopment of the Ephesus/Fordham district should address these matters. The Board would like the Council to consider the following prior to enacting the Form Base Code and rezoning the Ephesus Road/Fordham Blvd. area.**

1. a. Daylighting of Booker Creek;

b. Continuing the greenway along Creek.

1. Improved safe crossing or passage of Franklin St. and Fordham Blvd. in conjunction with the Booker Creek Trail and other pedestrian crossings in the area.
2. Given that the code allow for a 90% payment-in-lieu for open space requirements, the collected recreational payments-in-lieu fees should be used to develop and implement a comprehensive connected green open space plan within the district
3. Provide a detailed financial review of the Ephesus-Fordham renewal, in order to verify net positive effect to town finances. Review shall also include a risk analysis of potential cost of capital improvements and cost of service being born by taxpayers
4. The current code does not include any mechanism to address cumulative traffic impacts. Moreover, the current code has no mechanism to require mitigation or deny permits for developments that are shown to have negative traffic impacts. Implement an evaluation and approval process that would prohibit major projects that do not adequately mitigate associated traffic impacts.
5. Prior to enacting the rezoning of the Ephesus Church/Fordham Blvd district, the Council should gather additional information on the following topics: stormwater regulation/stormwater plan, an affordability housing plan (including the DHIC grant or other grants/funding that could be secured if the DHIC grant is not awarded), the school board algorithm report and district wide open space plan.
6. Provide at least one illustration of maximum build-out in public presentations of the area.

**Vote:** 9-0

Ayes: John Ager, Jason Baker (Vice Chair), Neal Bench (Chair), Kimberly Brewer, Deborah Fulghieri, Suzanne Haff, Melissa McCullough, Andrea Rohrbacher, Amy Ryan, Del Snow.

Nays: None

Prepared by: Neal Bench, Chair, Chapel Hill Planning Board, Gene Poveromo, Staff