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CHTC Eyes New Zoning Tool For Ephesus-Fordham Area

By Elizabeth Friend

Posted September 12, 2013 at 1:15 am

CHAPEL HILL- Mayor Mark Kleinschmidt made it clear at a work session on Wednesday that he wants to see big changes to the area around the Ephesus-Fordham Boulevard intersection.

"We have an under-performing strip mall there. We have intersections that are impossible to navigate," said Kleinschmidt. "We have these dysfunctions there and that distinguishes it from about everywhere else. You know, other parts of town have their problems, but this has got all of them at once."

Lee Einsweiler is a consultant hired to update the town's land use management ordinance. He says if applied correctly, form-based code has the power to transform parts of town that are currently underutilized.

"We're talking about going from an auto-dominated portion of the community to a mixed-use walkable portion of the community with a much more intense development pattern than is there today," said Einsweiler.

The Ephesus-Fordham area is under consideration for Chapel Hill's first experiment with form-based coding. Using a community-generated small area plan as its base, the council would designate certain development parameters like building height, setback from the road and parking, but beyond that, Einsweiler says approving new development in the 150 acre area would be an administrative function.

"In an ideal world, a form-based code is the result of great small area planning, great, tight coding to that small area plan, and therefore, with very proscriptive standards you can simply have a checklist for approving development," Einsweiler told the council.

This would be markedly different from the current rezoning and Special Use Permit approval process, in which the council often bargains with developers to add affordable housing, transit infrastructure and a host of other concessions. Einswieler called this the "Mother-May-I" approach.

But some on the council worry the new method would come at a cost, as the form-based code does not allow the council to specify density within a development. There is also no mechanism for requiring a developer to provide affordable housing, traffic impact analysis or energy efficient technologies. Council member Jim Ward said that would be a loss for the community.

"To me this seems like a loss from what we have now, the exactions that we have now,"said Ward. "This process doesn't allow us to get an exaction on energy efficiency and public art and those are important to this community. They're important to me."

But Einswieler suggested that the code could provide the predictability developers are looking for. He said it might be enough to change Chapel Hill's reputation for being a tough place to do business. He stressed that the code would not be town-wide, as it would be tailored to only apply to certain areas designated by the council for redevelopment. Further, he said the council could allow the public to give input on design, landscaping and building materials by participating in project reviews by the Community Design Commission.

Though Kleinschmidt said there are some specifics to be ironed out, he welcomed the concept as a way to revitalize a major entrance-way to Chapel Hill. "There is regulation here, this is not, you know, Wild West," said Kleinschmidt. "That's not what's going on with this form-based code idea. There's a lot of code, read rules, that have to be followed if you want to build in this district. We're going to be writing them into it; we're not going to be having three-year conversations about what the abandoned Volvo dealership should be. What we know it shouldn't be is an abandoned Volvo dealership. I mean it's ridiculous."

The plan to create a form based code is still in its early stages, with no action from the council planned until next spring. Town officials are seeking public comment on the proposal by September 17. In addition, town planners are preparing to launch a process to update the land use management ordinance. Staffers will be accepting public comment and answering questions at a series of events later this month.