

I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2021-03-10/O-2) enacted by the Chapel Hill Town Council on March 10, 2021.

This the 11th day of March, 2021.

Amy T. Harvey

**Amy T. Harvey
Deputy Town Clerk**



ORDINANCE A

(Abandoning the Special Use Permit and Approving the Conditional Zoning Application)

AN ORDINANCE APPROVING AN ABANDONMENT OF THE 108 WEST CAMERON AVENUE SITE FROM THE EXISTING PHI GAMMA DELTA SPECIAL USE PERMIT AND AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 108 WEST CAMERON AVENUE TO OFFICE/INSTITUTIONAL-3-CONDITIONAL ZONING DISTRICT (OI-3-CZD) (PROJECT #19-127) (2021-03-10/O-2)

WHEREAS, on July 7, 1997, the Chapel Hill Town Council approved a Special Use Permit for a fraternity dwelling, known as Epsilon of Phi Gamma Delta, Inc., encumbering 23,763 square feet and approximately 0.55 acre, which was recorded at the Orange County Register of Deeds in Deed Book 1776, Page 335, identified as Orange County Parcel Identifier Number (9788-36-4372); and

WHEREAS, the 1997 Special Use Permit limited the Phi Gamma Delta Fraternity to no more than 10,870 square feet of floor area (10,770 sq. ft. for the house, 100 sq. ft. for the shed) and eight to twelve parking spaces; and

WHEREAS, on April 12, 2012, the Historic District Commission (HDC) approved a Certificate of Appropriateness (COA) that included a raised patio (loggia) with screened porch below and restriping parking spaces; and

WHEREAS on March 26, 2018, staff issued a Zoning Compliance Permit (ZCP) for the construction of a raised patio (loggia) with screened porch below; doors, transoms, and lighting; parking lot restriping; and stormwater drainage redesign to be completed in accordance with the 2012 COA; and

WHEREAS on February 15, 2019, staff issued a Notice of Violation to Phi Gamma Delta due to changes to the property that occurred without required permits. These changes included replacing screened openings with windows, installing a new stone patio, and removing parking spaces in the backyard; and

WHEREAS on October 31, 2019, Phi Gamma Delta submitted a request to abandon the Special Use Permit and apply for Conditional Zoning to rezone the property from Office/Institutional-1 (OI-1) to Office/Institutional-3-Conditional Zoning District (OI-3-CZD)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Kevin Hornik, The Brough Law Firm, on behalf of Epsilon of Phi Gamma Delta, Inc., to rezone a 0.55-acre parcel located at 108 West Cameron Avenue on property identified as Orange County Property Identifier Number 9788-36-4372, to allow an addition of 1,547 square feet of floor area to an existing fraternity house and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Housing for students that is safe, sound, affordable, and accessible and meets a demonstrated need conducive to educational and maturational needs of students, and housing for Town, University, and the Health Care System employees that encourages them to reside in the community. (*Town and Gown Collaboration.4*)
- Housing for students and encourages them to reside in the community (*Goal Town and Gown Collaboration.4*)

WHEREAS, the application, if rezoned to Office/Institutional-3-Conditional Zoning (OI-3-CZ) according to the rezoning plan dated October 31, 2019, and the conditions listed below would:

1. Conform with the applicable provisions of the Land Use Management Ordinance and Town Code
2. Conform with the Comprehensive Plan
3. Be compatible with adjoining uses
4. Mitigate impacts on surrounding properties and the Town as a whole
5. Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
6. Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:"

Section 3.7.3 Use Group Modification: Modify the Use Group to limit only fraternity or sorority dwellings at this site.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as staff acknowledges that this site has historically been used as a fraternity and that the fraternity or sorority use is consistent with the neighboring properties.

Section 4.5.5 (d) Abandonment of Special Use Permit (SUP): Modify the requirement to allow the applicant to abandon the SUP when the development or use authorized by the permit or modification no longer requires a special use permit and not all conditions of the special use permit are currently satisfied.

This finding is based on the determination that public purposes are satisfied to an equivalent or greater degree as the conditions of the 1997 SUP were satisfied prior to the applicant making changes without the required permits in 2018.

Section 5.6.6 Buffer Modification: Reduce the required 10-foot internal interior Type "B" buffer requirement along the west lot line by maintaining the alternate buffer.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the applicant is not proposing to change the existing bufferyards. There is an existing low stone wall and four-foot deep planting bed along Cameron Avenue. There is an alternate buffer along the north (rear) of the lot provided by a six foot tall (6') stone wall that extends across the back of the property where the topography drops down and abuts the Sigma Nu fraternity to the north. An alternate buffer is also provided along the east (side) property line where hedges, including mature holly plants, divide the Phi Gamma Delta property from Delta Kappa Epsilon. There is there is an existing shared driveway and an existing low (18") stone wall along the west side of the front yard that provides an alternate buffer along the west side of the property.

CONDITIONAL ZONING DISTRICT

WHEREAS the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses allowed in Office/Institutional-3 (OI-3), subject to the conditions below, satisfies the purposes of Office/Institutional-3-Conditional Zoning District (OI-3-CZD):

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

The following Orange County parcel identified by Parcel Identifier Number (PIN) 9788-36-4372 along with one-half of the abutting right-of-way of West Cameron Avenue on the southern side of the parcel, described below, shall be rezoned to Office/Institutional-3-Conditional Zoning District (OI-3-CZD):

Beginning at an existing iron pin having NC Grid coordinates of N=786,330.55 and East=1,983,671.01 and located in the norther right-of-way line of West Cameron Street, said existing iron pin located South 38 degrees 04 minutes 31 seconds West 304.18 feet from NCGS "Brick Walk" having coordinates North=786,569.99 and East 1,983,858.58, and running thence along and with the northern right-o-way line of West Cameron Street South 64 degrees 33 minutes 40 seconds West 114.74 feet; thence North 24 degrees 56 minutes 20 seconds West 188.16 feet to a parker kalon nail in the top of a stone column; thence North 63 degrees 57 minutes 40 seconds East 113.75 feet to an existing iron pin; thence South 25 degrees 11 minutes 10 seconds East 39.05 feet to an existing iron pin; thence South 25 degrees 15 minutes 30 seconds East 150.30 feet to the point and place of Beginning, containing .495 acres and being the property shown on the survey entitled, "Foundation Location of Epsilon of Phi Gamma Delta, Inc." by John C. Atkins, RLS, dated May 8, 1999.

SECTION II

The following conditions are hereby incorporated by reference:

1. Abandonment Document: The applicant shall record the abandonment document for the parcel identified as Orange County Parcel Identifier Number (PIN 9788-36-4372), for the proposed Phi Gamma Delta Special Use Permit, dated July 7, 1997.
2. Expiration of Conditional Zoning Atlas Amendment: An application for Zoning Compliance Permit must be filed by March 10, 2023 (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
3. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within ten (10) days of enactment by the Town Council.
4. Land Use: The use of this property is limited to a *Fraternity or Sorority Dwelling*, subject to no more than 13,450 square feet of floor area.
5. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Use: Fraternity or Sorority, Dwelling Type	
Number of Buildings	1
Gross Land Area	23,763 sq. ft. (0.55 acres)
Maximum Floor Area	13,450 sq. ft.
Total Impervious Surface	16,634 sq. ft. or 70%
Maximum Land Disturbance	4,912 sq. ft.
Maximum Parking Spaces	No maximum required
Minimum Parking Spaces	No minimum required
Minimum Bicycle Parking Spaces	16 spaces

6. **Parking:** The applicant has removed on-site parking and has committed to renting parking spaces at a neighboring site for the fraternity residents. The applicant shall install "No Parking" signs on the property to prevent parking from occurring in the driveway and on the grass.

7. **Landscape Bufferyards:** The following landscape bufferyards shall be provided:

Location	Type
West	Modified Type "B"
North	Alternative Type "B"
East	Alternative Type "B"
South	Modified Type "C"

8. **Alternate Buffer:** Prior to issuance of a Zoning Compliance Permit, approval shall be required from the Historic District Commission for any proposed alternate buffer. [LUMO 5.6.8]

9. **Fraternity or Sorority Special Regulations:** A minimum of 250 square feet of floor area shall be provided for each resident. [LUMO 6.3]

10. **Lighting Plan Approval:** Prior to issuance of a Zoning Compliance Permit, the Historic District Commission shall approve a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]

11. **Historic District Commission Approval:** This site is located in the Cameron-McCauley Historic District. The Historic District Commission shall exercise, within the historic district, all powers and duties of the Chapel Hill Community Design Commission. Exterior changes to the building or site may require Historic District Commission approval of a Certificate of Appropriateness (COA).

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by a Conditional Zoning Atlas Amendment. The following standard stipulations are supplemental to site-specific conditions as set by Town Council.

Access

12. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the applicant shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

Transportation

13. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards described in the Town Design Manual. [LUMO 4.5.2]
14. Driveway Permit: The applicant must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.

Landscaping and Building Elevations

15. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the applicant shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
16. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Historic District Commission for any proposed alternate buffer. [LUMO 5.6.8]
17. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
18. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
19. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]

20. Tree Canopy: A minimum of tree canopy coverage shall be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
21. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
22. Demolition Plan: Prior to beginning any proposed demolition activity, the applicant must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).
23. Lighting Plan Review: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
24. Community Design Commission Review: The Community Design Commission shall review the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

Environment

25. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
26. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]
27. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town Design Manual Chapter 10]
28. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient"

feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]

29. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

Water, Sewer, and Other Utilities

30. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The applicant shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
31. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
32. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. [LUMO 5.12.1]
33. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]
34. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

Fire Safety

35. Fire Sprinklers: The applicant shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]

36. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2018, 503.5, 503.6, D103.5]
37. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC -2018, 503.2.7, 503.2.8 and D103.2]
38. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.
39. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
40. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
41. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2018 D105.1, D105.2, D105.3, D105.4]
42. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DOT APPROVAL]

43. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2018, Appendix D table D 103.4.
44. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DOT APPROVAL]
45. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
46. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 2018 503.2.2]
47. Hydrants Active: The applicant shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Protection Code, and National Fire Protection Association Standard #13. [NC Fire Protection Code 2018 Section 501.1 & 3312]
48. Fire Hydrant and FDC Locations: The Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC 2018 Section 501.5.1.1]
49. Firefighting Access During Construction: Vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. [NC FPC 2018, Section 3310.1]
50. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2018, 505.1]
51. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]
52. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
53. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be

installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.

54. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
55. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.
56. Fire Flow Report: The Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [Town Design Manual]
57. Fire Lane: Prior to issuance of a Certificate of Occupancy, any fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [NC FPC, Sections 2018 503.3, D103.6, D103.6.1, D103.2]
58. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]

Solid Waste Management and Recycling

59. Solid Waste Management Plan: Prior to issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager and Orange County Solid Waste (OCSW). The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the applicant shall provide documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]

State and Federal Approvals

60. State or Federal Approvals: Any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit. [NC State; Federal Permits]

61. North Carolina Department of Transportation Approvals: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT. [NC Department of Transportation]

Miscellaneous

62. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]

63. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]

64. Vested Right: Approval of a Conditional Zoning District and the associated district-specific plan constitutes a site specific development plan establishing a vested right. During the period of vesting, this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.

65. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

66. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

67. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the Council hereby abandons the Special Use Permit for 108 West Cameron Avenue, known as Epsilon of Phi Gamma Delta, Inc., as it pertains to the 0.55-acre parcel, for which the Phi Gamma Delta Conditional Zoning Permit is approved. The abandonment of the Special Use Permit and Modifications would be such that the subject parcel for the Phi Gamma Delta Conditional Zoning District (PIN 9788-36-4372), would no longer be encumbered by the Special Use Permit, subject to the following condition: The Council hereby approves the application for an amendment of the Chapel Hill Zoning Atlas to zone the property located at 108 West Cameron Avenue to Office/Institutional-3-Conditional Zoning District (OI-3-CZD).

This the 10th day of March, 2021.



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March 16, 2021

Town of Chapel Hill
c/o Anya Grahn
Planning Department
405 Martin Luther King Jr. Blvd
Chapel Hill, North Carolina 27514

Re: 108 W. Cameron Avenue – Consent to Conditions of Approval outlined in Ordinance A

Anya,

I am submitting this letter on behalf of my client, Epsilon of Phi Gamma Delta, Inc., owners of the subject property located at 108 W. Cameron Avenue, to confirm my client's consent to the Conditions of Approval outlined in Ordinance A, which was unanimously approved by the Chapel Hill Town Council at their meeting on March 10, 2021.

Sincerely,

THE BROUGH LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read 'KHornik', written over a horizontal line.

Kevin R. Hornik
Attorney for the Applicant

KRH: