

#19-102



# CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9788364372

Date: August 8, 2019

## Section A: Project Information

Project Name: Conditional Zoning of Phi Gamma Delta Fraternity Property at 108 W. Camèron Ave.

Property Address: 108 W. Cameron Ave., Chapel Hill, North Carolina Zip Code: 27516

Use Groups (A, B, and/or C): B Existing Zoning District: OI-1

Project Description: Conditional Zoning of the Subject Property to an OI-3 Conditional District, in order to increase the permissible floor-area ratio and to eliminate required on-site parking.

## Section B: Applicant, Owner and/or Contract Purchaser Information

### Applicant Information (to whom correspondence will be mailed)

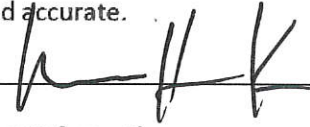
Name: Kevin R. Hornik, The Brough Law Firm, PLLC

Address: 1526 E. Franklin St., Suite 200

City: Chapel Hill State: North Carolina Zip Code: 27514

Phone: (919) 929-3905 Email: khornik@broughlawfirm.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 8/8/2019

### Owner/Contract Purchaser Information:

Owner  Contract Purchaser

Name: Epsilon of Phi Gamma Delta, Inc.

Address: 1801 Great Oaks Drive

City: Raleigh State: North Carolina Zip Code: 27608

Phone: (919) 593-2841 Email: jhughes@newhopetech.org

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: Signature to follow [KRH] Date: 8/8/2019



## Concept Plan Overview

Site Description	
Project Name	Conditional Zoning of 108 W. Cameron Ave.
Address	108 W. Cameron Ave., Chapel Hill, North Carolina 27516
Property Description	Phi Gamma Delta Fraternity House
Existing Land Use	Fraternity House
Proposed Land Use	Fraternity House (no changes are proposed to the use or site)
Orange County Parcel Identifier Numbers	9788364372
Existing Zoning	OI-1
Proposed Zoning	OI-3 Conditional Zoning District
Application Process	Conditional Zoning (Legislative Approval)
Comprehensive Plan Elements	N/A
Overlay Districts	Cameron-McCauley Historic District; Jordan Lake Watershed Protection District

## Regulatory Land Use Intensity

Design/LUMO Standards	Requirement	Proposal	Status
Sec. 3.7	Use/Density Fraternity Dwelling/10 units per acre	Fraternity Dwelling/10 units per acre (permitted as principal use in OI-3)	
Sec 3.8	Net Land Area 21,602.8sq.ft. (0.496 ac.)	21,602.8sq.ft. (0.496 ac.)	
Sec 3.8	Gross Land Area 23,763.1sq.ft. (0.546 ac.)	23,763.1sq.ft (0.546 ac.)	
Sec. 3.8	Dimensional Standards Street 24 Interior 8 Solar 11	0 0 0	
Sec. 3.8	Floor area .264 (6,273.5sq.ft.)* SUP permits 10,870sq.ft. (.457)	.566 (13,449.9sq.ft.)	
Sec. 4.5.6	Modification to Regulations NA	NA	
Sec. 5.5	Recreation Space NA	NA	



## Site Design

Design/LUMO Standards		Requirement	Proposal	Status	
Landscape	Sec. 5.6	East	Type B Buffer	No Buffer Requirement	
	Sec. 5.6	North	Type B Buffer	No Buffer Requirement	
	Sec. 5.6	South	Type B Buffer	No Buffer Requirement	
	Sec. 5.6	West	Type B Buffer	No Buffer Requirement	
	Sec. 5.7	Tree Canopy	30%	20%	
	Sec. 5.11	Lighting Plan (footcandles)	N/A	N/A	
Environment	Sec. 3.6	Resource Conservation District	N/A	N/A	
	Sec. 5.18	Jordan Riparian Buffer	N/A	N/A	
	Sec. 5.3.2	Steep Slopes	N/A	N/A	
	Sec. 5.4	Stormwater Management	N/A	N/A	
		Land Disturbance	N/A	N/A	
	Sec. 5.4	Impervious Surface	Approx. 18,000sq.ft. based on Orange County GIS measurement tool	Proposed: 16,634.2sq.ft. (.7 of Gross Land Area, per LUMO, Sec. 3.8)	Current Status: 11,091sq.ft. (concrete parking area removed; see attached Survey)
	Sec. 5.13	Solid Waste & Recycling	N/A	N/A	Solid waste and recycling will remain as currently operated.
Housing		Affordable Housing Proposal, if applicable	N/A	N/A	



	Design/LUMO Standards	Requirement	Proposal	Status
Access & Circulation	Sec. 5.8	Street Standards	N/A	N/A
	Sec. 5.8	Vehicular Access	Yes	Yes
	Sec. 5.8	Bicycle Improvements	No	No
	Sec. 5.8	Pedestrian Improvements	Yes	Yes
	Sec. 5.8	Distance from bus stop	Approx. 200ft. (Cameron Ave. at Pittsboro St. Bus Stop)	Approx. 200ft.
	Sec. 5.8	Transit Improvements	N/A	N/A
	Sec. 5.9	Vehicular Parking Spaces	1 space per 3 residents* SUP requires 8-12 spaces	0 on-site (off-site parking provided for 8-12 vehicles)
	Sec. 5.9	Bicycle Parking Spaces	N/A	0
	Sec. 5.9	Parking Lot Standards	N/A	N/A
Other		Homeowners Association	N/A	N/A
	Sec. 5.5	Recreation Space	N/A	N/A
	Sec. 5.12	Utilities	Public Utility Service	Public Utility Service
	Sec. 5.16	School Adequate Public Facilities	N/A	N/A

Symbol	Meaning	Symbol	Meaning
	Meets Standard	<b>M</b>	Modification necessary
NA	Not Applicable	UNK	Not known at this time



## Checklist

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning and Sustainability at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

X	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	380.00
X	<b>Pre-application meeting</b> – with appropriate staff		
X	<b>Digital Files</b> - provide digital files of all plans and documents		
X	<b>Project Fact Sheet</b>		
X	<b>Statement of Compliance with Design Guidelines</b> (2 copies)		
X	<b>Statement of Compliance with Comprehensive Plan</b> (2 copies)		
N/A	<b>Affordable Housing Proposal, if applicable</b> (Rezoning Policy or Inclusionary Ordinance)		
X	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
X	<b>Mailing fee for above mailing list</b>	Amount Paid \$	268.00
N/A	<b>Developer’s Program – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:</b>		
	<ul style="list-style-type: none"> <li>• Natural features of site</li> <li>• Access, circulation, and mitigation of traffic impacts</li> <li>• Arrangement and orientation of buildings</li> <li>• Natural vegetation and landscaping</li> <li>• Impact on neighboring properties</li> <li>• Erosion, sedimentation, and stormwater</li> </ul>		
N/A	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> - necessary for all submittals		
N/A	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>		

## Plan Sets (10 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable



## Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

## Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

## Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location



Concept Plans are intended to be an opportunity for the Town Council and some Boards and Commissions, and the community to review and consider major development proposals and their potential benefits and impacts. Applicants propose a Concept Plan with the expectation of receiving feedback on their development idea.

The following are questions that the Council may ask of an applicant during the discussion of a Concept Plan. The attached application addresses the topics below. Please contact our staff if you have any questions or if we can provide additional information ([planning@townofchapelhill.org](mailto:planning@townofchapelhill.org))

1. Would this project demonstrate compliance with the Comprehensive Plan?
  - a. Compliance with:
    - Small Area Plan **Yes.**
    - Overlay Zone / NCD **Yes.**
    - Study Area **Yes.**
    - Land Use Plan **Yes.**
2. Would the proposed project comply with the Land Use map?  
**Yes.**
3. Would the proposed project require a rezoning?  
**Yes, Applicant proposes a conditional rezoning to an OI-3-CZ district.**
4. What is the proposed zoning district?  
**OI-3-CZ (proposed deviations from underlying OI-3 standards are minor and relate to on-site parking).**
5. Would the proposed project require modifications to the existing regulations?  
**Proposed project requires conditional zoning to allow all required on-site parking to be located off-site.**
6. If there is a residential component to the project, does the applicant propose to address affordable housing?  
**No.**
  - Has the applicant presented its Concept Plan to the Housing Advisory Board (this is a voluntary step in the process)? **N/A**
  - Has the applicant met with appropriate Town staff to discuss affordable housing policy, expectations and options? **N/A**
  - Is the project for ownership or rental? **Ownership.**
7. Are there existing conditions that impact the site design (i.e. environmental features such as RCD, slopes, erosion and sedimentation, retention of trees and tree stands, stormwater drainage patterns, significant views into and out of the site)  
**Site will not be redesigned or modified beyond what is currently in place at this time.**
8. Has the applicant addressed traffic impacts? Traffic and circulation issues?  
**Proposed project does not create additional traffic impacts beyond what currently exists.**
9. Has the applicant discussed the project with adjacent neighbors?  
**Yes. Applicant's neighbors (also fraternity houses) are aware of Applicant's proposed plan.**

August 8, 2019

Town of Chapel Hill  
Office of Planning and Sustainability  
405 Martin Luther King Jr. Boulevard  
Chapel Hill, North Carolina 27514

Re: Phi Gamma Delta Concept Plan Application for Conditional Zoning of 108  
W. Cameron Ave.

To Whom It May Concern,

Please find enclosed the required Concept Plan Application materials submitted by Epsilon of Phi Gamma Delta (hereinafter, the “Applicant”). In addition to the required application materials is a brief explanation of the procedural history of this particular Applicant and the various approvals already granted by the Town of Chapel Hill and a general description of the Applicant’s proposed rezoning.

Sometime prior to February 22, 1947 (*See*, attached survey entitled “Property of the Epsilon of Phi Gamma Delta”), a structure was built at 108 W. Cameron Avenue (hereinafter, the “Subject Property”) which came to be used as a fraternity house for Epsilon of Phi Gamma Delta.

In May of 1996, the structure burned down as a result of a tragic fire, leaving only portions of the exterior façade standing.

On July 7, 1997, the Town of Chapel Hill Board of Commissioners issued a Special Use Permit to the Applicant for the construction or reconstruction of a fraternity house located at the Subject Property (*See*, attached Special Use Permit). Construction began sometime in 1998 and was completed in the summer of 1999.

On March 26, 2018, the Applicant received a ZCP from the Town for the construction of a “[r]aised patio (loggia) with screened porch below; doors/transom/lighting; parking lot restriping; and stormwater drainage redesign; to be completed in accordance with a Certificate of Appropriateness issued by the Town of Chapel Hill Historic District Commission on April 12, 2012, and per plans approved on March 26, 2018, on file in the Chapel Hill Planning Department and attached.” (hereinafter, the “Addition”).



Sometime in late-2018, the Addition was completed, and glass windows were installed to replace the screened openings previously approved by the Town.

As a result of the installation of glass windows, as opposed to the approved screen panels, the Addition is considered “floor area” under the Land Use Management Ordinance (the “LUMO”). The additional floor area and the removal of all on-site parking caused the Subject Property to violate the terms of the LUMO and the SUP approved for the Subject Property.

As a result, the Applicant seeks a Conditional Zoning of the Subject Property to a conditional zoning district allowing the increase in floor area and the removal of all on-site parking.

Due to the peculiar procedural status of the Applicant’s request, much of the information requested in the Area Map, Existing Conditions Plan, and Proposed Site Plan sections of the Concept Plan Application is omitted. As the existing structures has already been approved by the Town, and because the Applicant does not request approval to construct new or additional structures at this time, there is no need to provide an Area Map, Existing Conditions Plan, or Proposed Site Plan. Rather, the relevant information requested under each section is provided in the Concept Plan Application and this letter.

In lieu of the Area Map, Existing Conditions Plan, and Proposed Site Plan documents requested on the Concept Plan Application is an as-built survey, which describes the current condition of the Subject Property.

The Applicant proposes to rezone the Subject Property to an OI-3 Conditional Zoning District, which would mirror most of the general standards provided for the OI-3 district with one modification.

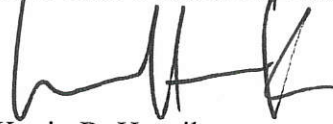
The Applicant seeks a waiver of the on-site parking requirement. The Special Use Permit issued by the Town for the Subject Property requires 8 to 12 parking spaces on-site. Section 5.9 of the LUMO requires that fraternity and sorority houses provide at least 1 parking spot per every 3 residents of the house in non-Town Center zoning districts. However, Section 5.9 waives the minimum parking requirements for uses located within the OI-3 and OI-4 Districts. The Applicant proposes that all required parking spaces be located off site. The Applicant will certify in writing to the Town Manager that the Applicant has provided or will provide 8-12 off-site parking spaces for the Applicant’s residents.

The attached Concept Plan Application form describes the existing conditions on the Subject Property, as well as the Applicant’s proposed zoning and land use standards.

If the Town requires any further information, please feel free to contact me at [khornik@broughlawfirm.com](mailto:khornik@broughlawfirm.com), or (919) 929-3905, or the applicant at [jhughes@newhopetech.org](mailto:jhughes@newhopetech.org), or (919) 593-2841.

Sincerely,

THE BROUGH LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read 'KHORNIK', written over the printed name below.

Kevin R. Hornik

KRH:  
Enclosures