

STATEMENT OF JUSTIFICATION FOR REZONING FROM R-1, HD-3 TO OI-CZD

Introduction/Background.

Gimghoul Corporation owns a 2.15-acre tract at 742 Gimghoul Road. Gimghoul Castle is on the tract. Constructed in 1926, the Castle is listed on the National Register of Historic Places and has been used by the Order of Gimghoul, a collegiate society founded in 1889 and headquartered at the Castle, for 95 years. The Order sold approximately 35 acres of property to finance the construction of the Castle. Those acres became the Gimghoul Neighborhood, one of Chapel Hill's three historic districts. The Castle is at the end of Gimghoul Road.

The Order has determined it needs to construct accessible bathrooms and add features to bring accessibility to the Castle. After designing the improvements and submitting the proposal to the Historic District Commission for concept plan review (which was favorable), Gimghoul Corporation learned they could not proceed with their proposed renovations because the Castle property is zoned R-1 and their 95-year club use is considered a non-conforming use under Chapel Hill's Land Use Management Ordinance ("LUMO"). After consultation with Town of Chapel Hill Planning Staff, Gimghoul Corporation determined the appropriate means to address this issue is to seek a rezoning to make the use in place since 1926 conforming. Using the conditional zoning tool, the uses proposed follow the actual and historic use. No other uses are sought.

Gimghoul Corporation applied for a Certificate of Appropriateness for the modifications sought in the event the conditional rezoning is granted. A Certificate of Appropriateness was granted by the Historic District Commission for this modernization project on April 13, 2021.

Justification for Rezoning Requests.

Under current zoning, Gimghoul Corporation's use of the Castle property in the way it has been used historically is non-conforming. While Gimghoul Corporation could develop the property for residential use in the R-1 zone, it cannot modernize its facility without a zoning amendment. Gimghoul Corporation is not sure when the property was zoned R-1. It appears from the zoning map that the property is simply included in the general residential zoning for the adjoining Gimghoul Neighborhood. We do not believe it was the intent of the Town of Chapel Hill to make Gimghoul Castle a non-conforming use or for it to be zoned in a way that does not allow its continued historic use.

This is a request for a conditional zoning under Section 4.4.1(c) of LUMO. This application is being made by the owner of all the property in the area proposed to be rezoned. The request includes a request to limit the uses allowed to the club use, single-family use (to allow for a caretaker's apartment inside the Castle) and off-street parking.

The Town Council's decision on a rezoning is based on these criteria:

- a. The conformity of the application with the applicable provisions of LUMO and the Town Code,
- b. The conformity of the application with the comprehensive plan,
- c. The compatibility of the proposed application with adjoining uses,
- d. The impacts of the proposed application on the surrounding properties and Town as a whole,
- e. The relationship of the application to existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage and other public services and facilities, and
- f. The relationship of the application to natural systems such as hydrology, topography, and other environmental constraints.

Conformity of Application with the Applicable Provisions of the Land Use Management Ordinance and Town Code.

Gimghoul Corporation proposes to continue using the property as it has been used since the Castle was built in 1926. The uses proposed are limited to existing club use, a single-family living opportunity (for a caretaker) and use of off-street parking. Because the caretaker's apartment is within the Castle and included in the total square footage of the Castle, its dimensions are included in the overall existing building dimensions and not as a separate entry on the Project Fact Sheet.

Conformity of the Application with the Comprehensive Plan.

Chapel Hill 2020 Comprehensive Plan notes at page 13, "[t]hroughout its history and continuing today, Chapel Hill has retained its small-town friendliness; its sense of place in historic roots; evidence of care for the natural environment; the thoughtful integration of commercial areas with the fabric of the Town; and the youthful exuberance and interchange of ideas that are fostered by the University."

Gimghoul Castle is a deep historic root of the Town of Chapel Hill and provides, particularly for the Gimghoul Historic District, a sense of place. The attention by Gimghoul Corporation of the natural environment surrounding the Castle and their having deeded land to the University of North Carolina to maintain the natural area around the Castle are evidence of care for the natural environment. The Castle is

the essence of the outcome of youthful exuberance as it was developed by a group of students with foresight that has allowed it to exist for almost 100 years. Allowing the long-term preservation of the Castle meets one of the Comprehensive Plan themes of good places, new spaces for balancing respect for the old (p. 27). Conditional zoning to allow the Castle to continue as a conforming use promotes the Castle's continued care and assures this historic landmark will be maintained.

Compatibility of the Proposed Application with Adjoining Uses.

The proposed conditional zone is limited to the three existing uses of Gimghoul Castle. The Castle has been compatible with the Gimghoul Neighborhood throughout its history and the proposed conditional rezoning simply makes the uses that have been compatible conforming. Therefore, this criterion is met.

Impacts of the Proposed Application on the Surrounding Properties and the Town as a Whole.

The proposed conditional zoning simply brings Gimghoul Castle's underlying zoning into conformity with its use. The conditional use proposed is limited to the existing historic uses of the Castle. The applicant does not believe the Town intends for the historic use of the Castle to end and for it to be replaced with single-family housing. The application's impact on the surrounding properties and the Town as a whole is to maintain the historic Gimghoul Castle and to allow the Order to provide accessibility features and otherwise engage in activities that will assure the longevity of this historic structure. The renovations proposed by the Order have no impact on surrounding properties or on the Town as a whole and have been approved by the Historic District Commission as congruous with the Gimghoul Historic District.

The Relationship of the Application to Existing and Proposed Built Systems Including Utility Infrastructure, Transportation Facilities, Police and Fire Coverage and Other Public Service Facilities.

The relationship of the Gimghoul Castle property to existing and proposed built systems is not affected or changed. The proposed renovations to the Castle and will not place additional burdens on the existing or proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities. The proposed renovations will make the Castle a safer place for visitors. Annually, the Order allows the Gimghoul Neighborhood to use the Castle property for a neighborhood meeting. The renovations proposed will allow access to restroom facilities to those visitors to the outside of the Castle property. The proposal does not affect the relationship of the property to existing and proposed built systems.

Included with the application is an email from Kumar Neppalli confirming that the property does not need a TIA exemption because the proposal does not generate enough vehicle trips to have impact.

The Relationship of the Application to Natural Systems Such as Hydrology, Topography, and Other Environmental Constraints.

The relationship of the property to natural systems will not be affected by the proposed conditional zoning. The conditional zoning simply brings into zoning compliance uses that have been in effect for 100 years. The Castle is already in existence and the proposal does not change its relationship to natural systems. Applicant has provided a Stormwater Impact Statement as part of its application.

Based on this analysis and the proposed conditional zoning from R-1, HD-3 to OI-CZD, limited to club use, single family and off-street parking, meets all criteria for approval described in Section 4.4.3(f) (2) of LUMO.

Written Narrative Describing the Proposal Including Proposed Land Uses and Conditions.

The applicant proposes this property at 742 Gimghoul Road be rezoned from R-1, HD-3 to OI-CZD. It proposes these conditions:

1. That the uses allowed in the OI-CZD zone are:
  - club use,
  - single-family use,
  - off-street parking.
2. That the dimensional requirements in the OI-CZD's zone will be those identified in the project fact sheet.
3. That the parking requirements in this OI-CZD zone reflect the current parking at Gimghoul Castle under the information provided in the Project Fact Sheet.
4. That the landscape buffers provided be identified in the Project Fact Sheet.
5. That the floor to area ratios, parking ratios, impervious surface ratios and other applicable restrictions reflect the size of the existing parcel to accommodate a future change if needed.