



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, May 10, 2023

XI. Other Business

- **ATO Fraternity – 18 Garrison Avenue.** Request for extension of timeframe for conditional use approvals.
- I recommend that the Planning Board approve an extension providing that the approved conditional uses are valid as long as physical work on the building is substantially commenced by November 1, 2024 and a certificate of occupancy is issued by November 1, 2027.

Please note the following:

- A site plan and conditional use for construction of a new fraternity for Alpha Tau Omega was approved by the Planning Board on June 29, 2021. This was an amendment from an earlier approval but the amendment supersedes the earlier approval. The final plan is enclosed.
- The applicant met all of the precedent conditions, we held a preconstruction meeting, and they demolished the old Elizabeth DeMeritt House. They were ready to start work on the site and the building and then stopped when they found that the projected costs for the project were too high. They have explored ways to reduce the costs for the project but it has not yet moved forward.
- ATO has since rented, and is now occupying, the brick fraternity building at the corner of Madbury Road and Garrison Avenue.
- The property is owned by the Richmond Property Group located in Indianapolis. Sarah Layton, Director of Facilities and Design told me that they still wish to proceed with the project.
- The conditional use article in the zoning ordinance specifies that approved conditional uses terminate within 12 months of the date of approval or as specified in the approval. The approval for the project states:

Conditional uses. The Planning Board approved these conditional uses: a) to establish a fraternity (This conditional use was approved as part of the original site plan review but is still applicable under the amendment); b) for building height to exceed 30 feet; and c) for construction within the 75 foot wetland buffer – driveways, utilities, fencing, retaining wall, sidewalks, the new building, and other accessory structures. Pursuant to Section 175-22 E of the Zoning Ordinance and as specified herein *the conditional use approvals will expire if a certificate of occupancy is not issued by June 9, 2023*. The Planning Board may extend this timeframe for good cause.

I see no reason to not extend the timeframe for this project.