



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Meeting Agenda Board of Aldermen



Tuesday, March 8, 2016

7:30 PM

OWASA Community Room

A. ANNOUNCEMENT OF UPCOMING MEETINGS

B. INTRODUCTION OF TJCOG EXECUTIVE DIRECTOR

1. [16-089](#) Introduction of Lee Worsley, Executive Director of the Triangle J Council of Governments

7:40:7:45

C. CONSENT AGENDA

1. [16-087](#) Approval of Previous Meeting Minutes
2. [16-086](#) Application for Affordable Housing Funding for Rental and Utility Deposit Assistance
PURPOSE: The purpose of this item is for the Board to consider approving a request for rental and utility deposit assistance out of the Affordable Housing Fund.
Attachments: [Attachment A - CEF Application](#)
[Attachment B - Resolution Approving Request](#)
[Attachment C - Rental and Utility Deposit Assistance Program](#)
3. [16-082](#) Approval of Carrboro's continued participation in an application for regional Transportation Demand Management funding for FY16-17.
PURPOSE: The purpose of this item is for the Board of Aldermen to consider approval of the Town's continued participation in an application for regional Transportation Demand Management funding in FY16-17.
Attachments: [Attachment A - Resolution](#)

4. [16-088](#) Approval of consultant selection for Engineering Services for Improvements to Town Commons

PURPOSE: Request board approval to proceed with negotiating for an engineering design contract with McGill Associates, P.A. and to approve the Reimbursement Resolution for the construction portion of the contract.

5. [16-090](#) Approval of consultant selection for Residential Solid Waste Study

PURPOSE: Request board approval to proceed with entering into a contract with Kessler Consulting Inc. and to advise staff on proceeding or not with the add-on Pay as You Throw (PAYT) Analysis.

D. OTHER MATTERS

7:45-8:15

1. [16-092](#) Discussion of 300 East Main Parking Lease

PURPOSE: The purpose of this item is to discuss the details of the Town's Parking Lease with Main Street Partners

E. PUBLIC HEARING

8:15-9:30

1. [16-085](#) Continuation of Public Hearing Regarding a Major Modification Request for an existing Conditional Use Permit at 107 Padgette Lane thereby allowing construction of a 5-story Hilton Hotel as well as expansion of the existing 300 E. Main St. parking garage.

PURPOSE: To continue the review a major modification of an existing Conditional Use Permit allowing construction of a 5-story Hilton Hotel on the property identified as 107 Padgette Lane.

Attachments: [Attachment A - Applicants responses to BOA concerns from 2-23 meeting](#)
[Attachment B - CUP Worksheet for Taller Buildings](#)
[Updated Hilton- Staff Advisory Boards Summary Sheet](#)

F. OTHER MATTERS

9:30-9:40

1. [16-091](#) Minor Modification to the 300 E. Main Conditional Use Permit, acknowledging the reservation of satellite parking spaces for the Hilton Garden Inn located at 107 Padgette Lane and allowing the use of an interim surface parking area.

PURPOSE: The purpose of this item is to modify the 300 E. Main St. CUP to reserve 118 satellite parking spaces on the 300 E. Main property pursuant to the approval of the Hilton Garden Inn CUP and the parking arrangement proposed therein by the applicant, and, to allow a temporary interim surface parking lot in the footprint of the proposed parking deck expansion.

Attachments: [300 E Main Permit Mod resolution-HGI Satellite Spaces](#)
[300 E Main Recorded CUP](#)

G. MATTERS BY BOARD MEMBERS

H. MATTERS BY TOWN MANAGER

I. MATTERS BY TOWN ATTORNEY

J. MATTERS BY TOWN CLERK



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Agenda Item Abstract

File Number:16-089

Agenda Date: 3/8/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Introduction of Lee Worsley, Executive Director of the Triangle J Council of Governments



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Agenda Item Abstract

File Number:16-087

Agenda Date: 3/8/2016

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Approval of Previous Meeting Minutes



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Carrboro, NC 27510

Agenda Item Abstract

File Number:16-086

Agenda Date: 3/8/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Application for Affordable Housing Funding for Rental and Utility Deposit Assistance

PURPOSE: The purpose of this item is for the Board to consider approving a request for rental and utility deposit assistance out of the Affordable Housing Fund.

DEPARTMENT: Manager's Office

CONTACT INFORMATION: Nate Broman-Fulks, 919-918-7314, nbroman-fulks@townofcarrboro.org

INFORMATION: The Town has received an application from Community Empowerment Fund (CEF) on behalf of Meredith Clough for rental and utility deposit assistance. This is a request specifically to the Town's existing Rental and/or Utility Deposit Program. The Rental and/or Utility Deposit Program was approved by the Board of Aldermen in June of 2014 and revisions to the program were approved by the Board in November of 2015.

Ms. Clough currently has a Section 8 Housing Choice Voucher for her and her children, and has secured an apartment in Carrboro to live in, located at 206 Prince Street. CEF is requesting funds for her to take the final step to move in, which is to pay her security deposit and to set up electric service. The total cost for those two items is \$1,439.07. CEF is requesting \$1,000 to assist with the payments for those two items.

CEF has submitted all required documentation as outlined in the Town's Description of the Rental and/or Utility Deposit Program. The program's description can be found in Attachment C. The documentation submitted confirms this application meets all eligibility requirements.

If the Board chooses to approve funding for this application, it can do so by passing Attachment B, "A Resolution Approving a Request for Affordable Housing Funding for Rental and Utility Deposit Assistance".

FISCAL & STAFF IMPACT: This application request is for \$1,000. There is currently \$177,230 available in unexpended reserves in the Affordable Housing Fund. If this request is approved, there will be \$176,230 available in unexpended reserves of the Fund.

RECOMMENDATION: Staff recommends the Board consider approving the funding application.

3/2/2016

Dear Assistant to the Town Manager for Affordable Housing,

I'm writing on behalf of Meredith Clough, a Member at the Community Empowerment Fund (CEF). She currently has a Section 8 Housing Voucher for her and her children, and has secured a place to live at 206 Prince St. Apt. B, Carrboro, NC. She now needs financial assistance to pay for her security deposit and to set up electric service with Duke Energy. Her security deposit is \$925, and she additionally needs \$514.07 to set-up service with Duke Energy. We are asking for the full \$1000 amount to assist with these housing costs.

Since she will be living in Carrboro and has a Section 8 Housing Voucher, I believe that she qualifies for these funds. This financial assistance will help her and her children to secure stable housing.

Please feel free to contact me if you have additional questions. Thank you!

Sincerely,

Jean Adler Stean

Member Services Coordinator
Community Empowerment Fund
Phone: 919-200-0233
jeans@communityempowermentfund.org

A RESOLUTION APPROVING A REQUEST FOR AFFORDABLE HOUSING
FUNDING FOR RENTAL AND UTILITY DEPOSIT ASSISTANCE
3-8-16

WHEREAS, the Board of Aldermen created an affordable housing special revenue fund on June 27, 2007 by the adoption of resolution no. 244/2006-07; and

WHEREAS, the creation of the fund is another way in which the Board can advance its goal of increasing and improving the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Board of Aldermen passed a resolution authorizing the Town Manager to develop and implement a program to expend funds from the Affordable Housing Fund as it pertains to the loss of Section 8 Housing Choice Vouchers on June 24, 2014; and

WHEREAS, the Board of Aldermen approved updates to that program, now known as the Rental and/or Utility Deposit Assistance Program, on November 24, 2015 in order to open up the program to Housing Choice Voucher recipients that were being unnecessarily eliminated from applying to the program; and

WHEREAS, this request from CEF on behalf of Meredith Clough for \$1,000 meets all requirements of the Rental and/or Utility Deposit Assistance Program; and

NOW THEREFORE, BE IT RESOLVED that the Board of Aldermen hereby ordains:

Section 1. The Board of Aldermen approves the grant to Community Empowerment Fund on behalf of Meredith Clough for Rental and Utility Deposit Assistance in the amount of \$1,000.

Section 2. The Board of Aldermen authorizes the Town Manager to develop and execute an agreement as necessary to carry out the Board's action.

Section 3. This resolution shall become effective upon adoption.



Carrboro Affordable Housing Fund: Description of Rental and/or Utility Deposit Program

Description. A grant program to expend funds from the affordable housing fund for the purpose of assisting citizens in need of assistance relocating. A household is only eligible to receive funds once. The funds are to be used to provide rental housing and/or utilities deposits as based on the following requirements:

- A. That the grants are issued for assistance relocating within the Town of Carrboro.
- B. That the grant applicant provide a copy of the lease or provide a signed copy of an Orange County Request for Tenancy Form showing the applicant has been approved for housing in the Town of Carrboro.
- C. That the grant applicant provide proof of having a current Section 8 Housing Choice Voucher from Orange County.
- D. That the applicant provides official documentation showing the amount of the deposit.
- E. That the grant amount shall not exceed \$1,000 per household.



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Agenda Item Abstract

File Number:16-082

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Version: 1

TITLE:

Approval of Carrboro's continued participation in an application for regional Transportation Demand Management funding for FY16-17.

PURPOSE: The purpose of this item is for the Board of Aldermen to consider approval of the Town's continued participation in an application for regional Transportation Demand Management funding in FY16-17.

DEPARTMENT: Planning

CONTACT INFORMATION: Bergen Watterson - 919-918-7329

INFORMATION: In 2006-2007, GoTriangle, Triangle J Council of Governments (TJCOG), the two Metropolitan Planning Organizations, (Capital Area MPO and Durham-Chapel Hill-Carrboro MPO) and the NC Department of Transportation created the Triangle Region Seven-Year Long Range Travel Demand Management Plan to improve TDM efforts in the Triangle. Since then, the two MPOs and NCDOT have pooled their funds to hold an annual call for TDM projects. TJCOG administers the grants on behalf of the funding organizations. The Triangle TDM program has [been credited with](http://www.tjcog.org/Data/Sites/1/media/regional-planning/transdemand/2013-8-6_tdm_brochure_small.pdf) encouraging thousands of new alternative transportation users and lowering gas consumption, carbon dioxide emissions, and vehicle miles travelled in the Triangle region. For more information on the history and purpose of the program please see the following link:

[<http://www.tjcog.org/triangle-transportation-demand-management-program.aspx>](http://www.tjcog.org/triangle-transportation-demand-management-program.aspx).

TDM promotes “alternatives to the single-occupant vehicle for personal commuter transportation with the goal of reduced transportation congestion, expanded mobility options, improved air quality, and more efficient use of scarce resources” by focusing on marketing and outreach efforts that are targeted to commuters and their employers. Regional TDM campaigns have included the *Smart Commute Challenge*, [Best Workplaces for Commuters](http://www.bestworkplaces.org/) [<http://www.bestworkplaces.org/>](http://www.bestworkplaces.org/), and, most recently, the *GoSmart* [<http://www.gosmartnc.org/>](http://www.gosmartnc.org/) suite of commuter benefits. The Long Range TDM Plan calls for a 25 percent reduction in the growth of commuter vehicle miles traveled.

The Town of Carrboro has participated in the regional TDM program since 2010 as a sub-recipient of the Town of Chapel Hill's grant. Carrboro has used its portion of the TDM grant primarily to supplement the funds for

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existing Town programs and to receive promotional materials encouraging and rewarding alternative transportation (e.g. bike lights, reflective arm bands, water bottles, T-shirts). Grant activities for the upcoming fiscal year will include: Open Streets, Bike to Work breakfast, Bike on Bus demonstrations, Lighten Up bike light giveaway and cruiser ride, and outreach at El Centro Hispano events. Continued participation in the TDM program complements a number of other ongoing Town efforts such as Watch for Me NC, Safe Routes to School, and the pursuit of Bicycle Friendly Community gold status.

FISCAL & STAFF IMPACT: Staff anticipates receiving approximately \$4,000 for participating in the FY2016-2017 grant cycle. While the grant includes a 50 percent local match, the existing Transportation Planner salary and Open Streets expenses serve as in-kind contributions, so there is no additional fiscal responsibility on the part of the Town. Staff impacts associated with collecting and compiling program and resource costs for the activities are considered nominal.

RECOMMENDATION: Staff recommends that the Board of Aldermen approve the resolution in Attachment A.

A RESOLUTION TO APPROVE CARRBORO'S CONTINUED PARTICIPATION
IN AN APPLICATION FOR REGIONAL TRANSPORTATION DEMAND
MANAGEMENT FUNDING FOR FY16-17

WHEREAS, the North Carolina Department of Transportation, Capital Area MPO, and Durham-Chapel Hill-Carrboro MPO have provided funding to the Triangle J Council of Governments to support Transportation Demand Management activities in the region; and

WHEREAS, the Triangle J Council of Governments has issued a call for Transportation Demand Management grant applications for FY16-17; and

WHEREAS, the Town of Carrboro has partnered with the Town of Chapel Hill since 2010 on Transportation Demand Management program promotions; and

WHEREAS, Carrboro has developed a set of Transportation Demand Management activities as a sub-recipient of the Town of Chapel Hill's FY16-17 Transportation Demand Management grant application;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the Board approves continued participation in an application for regional Transportation Demand Management funding in FY 16-17.

This the 8th day of March, 2016.



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Agenda Item Abstract

File Number:16-088

Agenda Date: 3/8/2016

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In Control: Board of Aldermen

Version: 1

TITLE:

Approval of consultant selection for Engineering Services for Improvements to Town Commons

PURPOSE: Request board approval to proceed with negotiating for an engineering design contract with McGill Associates, P.A. and to approve the Reimbursement Resolution for the construction portion of the contract.

DEPARTMENT: Public Works

CONTACT INFORMATION: James D. Freeman (919) 918-7427

INFORMATION: The Town of Carrboro requested statements of qualifications from engineering firms to create construction drawings based on the existing improvement design for Town Commons. This request was open from Jan 14, 2016 until February 5, 2016. An updated design to the existing Town Commons was approved by the Town of Carrboro in 2014. This design improves upon the form and function of the existing commons space, by focusing on drainage, surface stabilization in high-traffic areas, lighting, aesthetic value, and sustainable green infrastructure. In order to proceed to the construction phase, construction drawings must be created based upon the approved concept design. Minor modifications to the approved design will be required and incorporated into the construction drawings per guidance of Town staff.

Town Staff received letters of intent from the following firms: John R. McAdams Company, Inc; McGill Associates, P.A.; obs Landscape Architects and Sungate Design Group, P.A. Town staff reviewed the RFQs on March 2nd and selected McGill Associates based upon a scoring tabulation which ranked experience, understanding of the project, and overall capabilities.

FISCAL & STAFF IMPACT: The Town will enter into negotiations with McGill Associates, P.A. to enter into a contract at or below the budgeted amount for engineering design of \$107,300. If unable to reach an a mutual agreement within budget, the Town

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will contact the next highest ranked vendoe, obs Landscape Architects The amount budgeted for construction is \$921,500 as detailed in the attached Reimbursement Resolution.

RECOMMENDATION: Request board approval to proceed with negotiating for an engineering design contract with McGill Associates, P.A. and to approve the Reimbursement Resolution for the construction portion of the contract.



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Agenda Item Abstract

File Number:16-090

Agenda Date: 3/8/2016

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TITLE:

Approval of consultant selection for Residential Solid Waste Study

PURPOSE: Request board approval to proceed with entering into a contract with Kessler Consulting Inc. and to advise staff on proceeding or not with the add-on Pay as You Throw (PAYT) Analysis.

DEPARTMENT: Public Works

CONTACT INFORMATION: James D. Freeman (919) 918-7427

INFORMATION: The Town of Carrboro ("Town"), requested sealed proposals for consulting services to prepare a Residential Solid Waste Study for the Town. With a long-term goal of zero waste, Town staff has identified areas in which consulting services are needed to identify ways to work towards this ultimate goal. The selected consultant will also design a residential organics pilot project for the Town to implement. The Town also requested an add on project to analyze the applicability of instituting PAYT for residential solid waste.

Town Staff received proposals and bid amounts from the following firms:

NAME	BID AMOUNT	Optional BID
Kessler Consulting Inc.	\$49,750	\$7,500
SCS Engineers, PC	\$49,991	\$0
RTI International	\$49,991	\$18,593
Resource Recycling Systems	\$54,645	\$10,000
Tetra Tech	\$49,983	\$2,520
Smith + Gardner	\$108,860	\$15,000

Town staff reviewed the proposals on March 2nd and selected Kessler Consulting Inc. based upon a scoring tabulation which ranked understanding of the project, proposed methodology, management plan, experience/qualifications and price.

FISCAL & STAFF IMPACT: Kessler Consulting's bid amount was for \$49,750 and an

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amount of \$7,500 for the PAYT analysis.

RECOMMENDATION: Request board approval to proceed with entering into a contract with Kessler Consulting Inc. and to advise staff on proceeding or not with the add-on Pay as You Throw (PAYT) Analysis.



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Agenda Item Abstract

File Number:16-092

Agenda Date: 3/8/2016

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Version: 1

TITLE:

Discussion of 300 East Main Parking Lease

PURPOSE: The purpose of this item is to discuss the details of the Town's Parking Lease with Main Street Partners

DEPARTMENT: Economic and Community Development

CONTACT INFORMATION: Annette Stone

INFORMATION: The purpose of this item is to discuss the details of the Town's Parking Lease with Main Street Partners.

FISCAL & STAFF IMPACT: To be determined.

RECOMMENDATION: Staff recommends that the Board discuss the item.



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Agenda Item Abstract

File Number: 16-085

Agenda Date: 3/8/2016

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Version: 1

TITLE:

Continuation of Public Hearing Regarding a Major Modification Request for an existing Conditional Use Permit at 107 Padgett Lane thereby allowing construction of a 5-story Hilton Hotel as well as expansion of the existing 300 E. Main St. parking garage.

PURPOSE: To continue the review a major modification of an existing Conditional Use Permit allowing construction of a 5-story Hilton Hotel on the property identified as 107 Padgett Lane.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Jeff Kleaveland - 919-918-7332; Marty Roupe - 919-918-7333, Patricia McGuire - 919-918-7327, Nick Herman - 919-929-3905

INFORMATION: The public hearing for this project was officially opened on January 26th but was continued without review to February 23, 2016, whereupon it was presented to the Board and the public in full. Please follow the link below for the complete Staff Report and attachments from February 23rd:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2575057&GUID=BAA760AC-222E-4F63-86BC-62D1F824244B>

The Board continued the hearing to this date, March 8, 2016, requesting from the applicant additional information on the following topics which are addressed in Attachment A of this agenda item:

1. Include CUP condition related to approval of signage;
2. Applicant to address viability of trees growing in largely shaded area in front of hotel;
3. Applicant to provide clarity regarding their commitment and ability to do what is requested in the EAB's sustainability checklist;
4. Applicant to provide letter and associated information related to brownfields agreement;
5. Applicant to provide additional information related to Hilton's work with WWF wildlife programs;
6. Applicant to address request for composting of organics and provision of a composting dumpster facility;
7. Applicant to address ability and willingness to contribute in some manner to affordable housing through payment or other contribution and / or provision of affordable commercial space;
8. Applicant to address 5-foot sidewalk design as related to TAB comments about pedestrian friendliness;

9. Applicant to address willingness to include LED lights in project;
10. Applicant to address willingness to meet a specific LEED standard through certification or at least submission of evidence verifying that LEED standard has been met;
11. Staff to provide complete package of applicant's responses to advisory boards' comments;
12. Applicant to address construction related impacts to ArtsCenter and other nearby businesses;
13. Applicant to address design of retaining wall along bike path;
14. Applicant to address current / most recent comments from Appearance Commission related to architectural design and make clear what if anything further they are willing to consider in modifying the proposal;
15. Staff and applicant to prepare side by side comparison of what was required for Hampton Inn and what is currently being asked of Hilton Garden Inn related to energy efficiency standards, construction materials, etc;
16. Applicant to provide information related to number of rooms provided by Hampton Inn for victims of domestic violence, fire / disaster, etc. How many rooms, on average, per month at Hampton Inn? What is anticipated in this regard for Hilton Garden Inn?
17. Discuss parking needs. (Please see the parking section below)

Accessory to this permit modification request will be the construction of the 300 E. Main Street parking deck expansion, which has already been approved as part of the 300 E. Main St. CUP. An accompanying minor modification to the 300 E. Main Street CUP must be approved to formally encumber the new hotel's proposed satellite parking spaces.

All matters assigned to the applicant are addressed in their response statements, included as Attachment A. Staff follow up matters are further discussed below:

New Condition, Signs:

The following new draft condition is now included at the Board's request:

25. That proposed signage for Hilton Garden Inn must be presented to the Board of Aldermen for review prior to approval.

The proposed signs will be reviewed by the Appearance Commission as well, ahead of being presented to the Board. The applicant may wish to further discuss with the Board how this condition is worded with regard to whether the Board will have authority to decline approval of what is proposed, or will be acting in an advisory role limited to making suggestions. The condition may need to be modified accordingly based on the discussion. As currently written, it does not include any specific limitations on location, size, type of materials, etc. Also, if the Board does wish to have authority to decline approval, the condition should be modified to make this explicitly clear.

Advisory Board Comments:

The entire package of responses to advisory board recommendations is included in the response from the applicant, included as Attachment A.

Side by Side Comparison:

The applicant provided within Attachment A the advisory board comments from their past review of 300 East Main, including the Hampton Inn project, which may be compared to the current recommendations related to Hilton Garden Inn. Regarding requirements imposed by the CUP associated with 300 East Main as a whole, again including Hampton Inn, the applicant was obligated to build the structure in accordance with the architectural renderings included in the project plans. Four conditions were included in the 300 East Main permit as well that pertain to the hotel, either directly or indirectly. Other conditions were included relating to overall site design matters, but the ones identified here are limited to design of the hotel. The four conditions read as follows:

- *That the hotel shall include the following water conservation measures: the use of Sloan Flushmate IV high efficiency toilets 1.0gal / 3.8 Liter per flush (or equivalent device) in all guest rooms and public restrooms; use of low consumption urinals in public restrooms; use of low consumption faucets in all guest rooms and public restrooms delivering 0.5 gallons per minute as opposed to 2.5 gallons per minute; use of low consumption shower heads in all guest rooms; and use of circulation pumps in main hot water line to make hot water available quickly at all faucets. The building permit application for the hotel building must include evidence sufficient to show that the building design adheres to this CUP condition.*
- *That the applicant shall involve a LEED accredited professional with the ongoing design of the project and will use as many green building techniques as possible in their plans (for example: low impact design and development, resource efficiency, energy efficiency, water conservation and reuse, indoor environmental quality, homeowner education, etc.) and that the applicant shall utilize the LEED Green and Sustainable Buildings Checklist as a means of quantifying its contribution to sustainability.*
- *That the applicant shall incorporate passive solar space heating and cooling principals into building design as consistent with the site plan.*
- *That the applicant agrees to continue to explore solar power options, especially for hot water.*

Parking discussion:

Staff and the applicant have further discussed parking requirements for the project in advance of bringing the project back to the Board. During the discussions, it became evident that it would be helpful to have data in hand regarding actual, current usage of the available surface and deck parking spaces. Since it was not possible to collect meaningful data in a short time frame, staff drafted a condition that potentially allows the project to move forward now, and at the same time obligates the applicant to produce data relating to the existing parking demand. If the demand exceeds supply, then the condition requires the applicant to provide additional parking in some manner prior to issuance of a building permit for Hilton Garden Inn.

26. The developer proposes to use the existing parking garage at 300 East Main Street (the “Property”) to accommodate some of the parking requirements related to the construction of a 5-story Hilton Hotel at 107 Padgett Lane. As a condition of approval of the modified Conditional Use Permit for 107 Padgett Lane for the construction of a 5-story Hilton Hotel, the developer shall, within ninety (90) days of approval of the modified conditional use permit, cause a study to be conducted by a qualified professional of the actual usage of parking at the existing 300 East Main Street parking garage and at the existing surface parking (together referred to as the “On-site Parking”) at the Property. A report of the parking study shall be delivered to the Town within 150 days of approval of a modified Conditional Use Permit for 107 Padgett Lane. If the results of such study show that the existing parking capacity of the On-site Parking is insufficient to meet the peak demand for parking generated by the existing uses at the Property, then the developer shall be required to present to the Town a plan demonstrating how the developer will provide additional parking to meet the demand for parking generated by the existing uses at the Property and the hotel prior to the issuance of a building permit for the hotel.

Some discussion took place as well regarding whether the consultant currently working on a parking study for the town might be an appropriate party to conduct the study referenced in the condition. That matter is still under consideration and an update will be provided if available during the Board meeting.

Revisions to Existing Permit Conditions:

As mentioned briefly during the public hearing, the applicant has requested minor revisions to the following permit conditions. The staff conditions at the end of this document reflect the revised language.

Conditions:

2. *(Original Language)* That the retaining wall that fronts the bike way is taller than 18” and has mounted on it a railing such that the total height of the wall and railing is at least 48”.
2. *(Proposed Language)* That the retaining wall that fronts the bike way is at least 18” tall and has mounted on it a railing such that the total height of the wall and railing or fence is at least 48”.
3. *(Original Language)* That the applicant provide along the length of the proposed 5’ sidewalk along the northern frontage of the hotel a concrete pad/turnout sufficient for a wheelchair. Said pad/turnout shall meet ADA requirements.
3. *(Proposed Language)* That the applicant provide at some location along the length of the proposed 5’ sidewalk along the northern frontage of the hotel a concrete pad/turnout sufficient for a wheelchair. Said pad/turnout shall meet ADA requirements.
4. *(Original Language)* That the Board of Aldermen hereby finds that the maximum parking space demand estimate of 157 parking spaces for the hotel is sufficient to serve the needs of the proposed hotel based upon the applicant’s parking analysis and narrative justifying the arrangement based upon their joint-use parking experience with the 300 E. Main parking inventory as well as the site’s proximity to bus lines, bicycle lanes and existing pedestrian facilities. Furthermore, the Board finds that 39 parking spaces are provided on-site while the remaining 118 are located on the adjacent 300 E. Main street property and are considered satellite spaces. Said satellite spaces shall be reserved by the required

modification of the 300 E. Main Street CUP.

4. *(Proposed Language)* That the Board of Aldermen hereby finds that the maximum parking space demand estimate of up to 157 parking spaces for the hotel is sufficient to serve the needs of the proposed hotel based upon the applicant's parking analysis and narrative justifying the arrangement based upon their joint-use parking experience with the 300 E. Main parking inventory as well as the site's proximity to bus lines, bicycle lanes and existing pedestrian facilities. Furthermore, the Board finds that 39 parking spaces are provided on-site while the remaining 118 are located on the adjacent 300 E. Main street property and are considered satellite spaces. Said satellite spaces shall be reserved by the required modification of the 300 E. Main Street CUP.
6. *(Original Language)* That prior to construction plan approval and the issuance of a certificate of occupancy, the applicant provide evidence from NCDEQ that they have satisfied all applicable provisions of the applicant's Brownfield Agreement with NCDEQ.
6. *(Proposed Language)* That prior to construction plan approval and the issuance of a certificate of occupancy, the applicant provide evidence from NCDEQ that they have a plan approved by NCDEQ in place to satisfy all applicable provisions of the applicant's Brownfield Agreement with NCDEQ prior to or during construction of the hotel facility.
11. *(Original Language)* The Board of Aldermen finds it acceptable for the applicant to use a Filterra Biofiltration/Bioretenction System stormwater device, whose NCDEQ approval is still pending, to manage and treat stormwater runoff during the interim surface-parking phase. If the Filterra is not sooner listed as an approved device by NCDEQ, the applicant's right to use the Filterra for the interim surface parking phase will expire three years after the issuance of a Certificate of Occupancy for the hotel or when the third bay of the 300 East Main parking deck is constructed, whichever comes first, and applicant will then either direct the relevant stormwater into its existing approved system under the existing parking deck or replace the Filterra with an alternate NCDEQ approved device subject to the Town's approval.
11. *(Proposed Language)* The Board of Aldermen finds it acceptable for the applicant to use a Filterra Biofiltration/Bioretenction System stormwater device, whose NCDEQ approval is still pending, to manage and treat stormwater runoff during the interim surface-parking phase. If the Filterra is not sooner listed as an approved device by NCDEQ, the applicant's right to use the Filterra for the interim surface parking phase will expire three years after the issuance of a Certificate of Occupancy for the hotel, and applicant will then either direct the relevant stormwater into its existing approved system under the existing parking deck or replace the Filterra with an alternate NCDEQ approved device subject to the Town's approval.*

*Staff is of the opinion that proposed condition number 11's rewording should only be approved if the applicant can provide a conceptual design showing how what they are requesting can comply with the LUO's stormwater requirements. The consulting engineer will be working on a design ahead of the meeting.

19. *(Original Language)* That, prior to issuance of the building permit for the parking deck expansion, the applicant must demonstrate that structurally and dimensionally sufficient secondary emergency access

to the hotel is provided. This access shall require the review and approval of the Fire Department.

19. (*Proposed Language*) That, prior to issuance of the building permit for the parking deck expansion, the applicant must demonstrate that structurally and dimensionally sufficient secondary emergency access to the hotel is provided to the extent reasonably required by the Fire Department. This access shall require the review and approval of the Fire Department.

FISCAL & STAFF IMPACT: The applicant has submitted fees and materials for reviewing and processing the request, which included public hearing notice and advisory board evaluations. Staff time necessary for public notice and public hearing agenda preparation, included sending mailed notice to ensure that property owners were aware of the public hearings.

RECOMMENDATION: Town staff recommends that the Board of Aldermen continue reviewing the Major Modification request. A CUP worksheet has been provided as an attachment for the Board's use, when and if they choose to consider doing so. Following is the final, revised list of proposed conditions (see Attachment B for CUP worksheet):

1. Prior to issuance of a certificate of occupancy the applicant will provide a Public Bike Path Easement for the portion of the Libba Cotton bike path that encroaches on the subject property.
2. That the retaining wall that fronts the bike way is at least 18" tall and has mounted on it a railing such that the total height of the wall and railing or fence is at least 48".
3. That the applicant provide at some location along the length of the proposed 5' sidewalk along the northern frontage of the hotel a concrete pad/turnout sufficient for a wheelchair. Said pad/turnout shall meet ADA requirements.
4. That the Board of Aldermen hereby finds that the maximum parking space demand estimate of up to 157 parking spaces for the hotel is sufficient to serve the needs of the proposed hotel based upon the applicant's parking analysis and narrative justifying the arrangement based upon their joint-use parking experience with the 300 E. Main parking inventory as well as the site's proximity to bus lines, bicycle lanes and existing pedestrian facilities. Furthermore, the Board finds that 39 parking spaces are provided on-site while the remaining 118 are located on the adjacent 300 E. Main street property and are considered satellite spaces. Said satellite spaces shall be reserved by the required modification of the 300 E. Main Street CUP.
5. That the Board of Aldermen hereby finds that the existing truck loading and unloading areas on the adjacent property are sufficient to accommodate delivery operations for the hotel in a safe and convenient manner based upon information provided by the applicant. Prior to construction plan approval, said areas shall be provided with a recorded easement granting the hotel the right to use them in this manner.
6. That prior to construction plan approval and the issuance of a certificate of occupancy, the applicant provide evidence from NCDEQ that they have a plan approved by NCDEQ in place to satisfy all applicable provisions of the applicant's Brownfield Agreement with NCDEQ prior to or during construction of the hotel facility.
7. Prior to construction plan approval, that the applicant revise their landscape plan to include plants that

are known to benefit pollinator insects per the recommendations of the NC Cooperative Extension and the Xerces Society. Said plans shall exclude those that are considered invasive per Appendix E of the Land Use Ordinance.

8. That the Landscape Plan of the project be revised to include the plantings on the roof deck of the building's first level as shown on the "exterior renderings" of the proposed hotel on sheet A3.3 (dated 2/12/16) from the plan set presented to the Board of Aldermen.
9. That the requirement of the standard Type A screening requirement between the hotel and the parking deck expansion be waived per the applicant's written waiver request letter.
10. That the applicant record on a plat landscape easements on the 300 East Main Street property sufficient to plant the six additional canopy trees needed to satisfy the tree canopy and shading requirements of the LUO.
11. The Board of Aldermen finds it acceptable for the applicant to use a Filterra Biofiltration/Bioretenion System stormwater device, whose NCDEQ approval is still pending, to manage and treat stormwater runoff during the interim surface-parking phase. If the Filterra is not sooner listed as an approved device by NCDEQ, the applicant's right to use the Filterra for the interim surface parking phase will expire three years after the issuance of a Certificate of Occupancy for the hotel , and applicant will then either direct the relevant stormwater into its existing approved system under the existing parking deck or replace the Filterra with an alternate NCDEQ approved device subject to the Town's approval.
12. That, prior to construction plan approval, the applicant provide evidence explaining how operation and maintenance responsibilities of the stormwater system will be shared by the owners of the subject property and the adjacent 300 East Main properties.
13. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
14. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
15. That, prior to issuance of a CO, a final plat, or the certification of a stormwater BMP, the Town may require a performance security to be posted for a period of two years per the provisions of Section 15-263(i).
16. That, prior to construction plan approval, the applicant obtain the required permissions and authorization from OWASA as they pertain to the proposed sewer system.
17. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
18. That prior to construction plan approval the applicant demonstrate compliance with the outdoor lighting provisions of Section 15-242 and 243 of the LUO for the outdoor fixtures associated with the interim

parking lot.

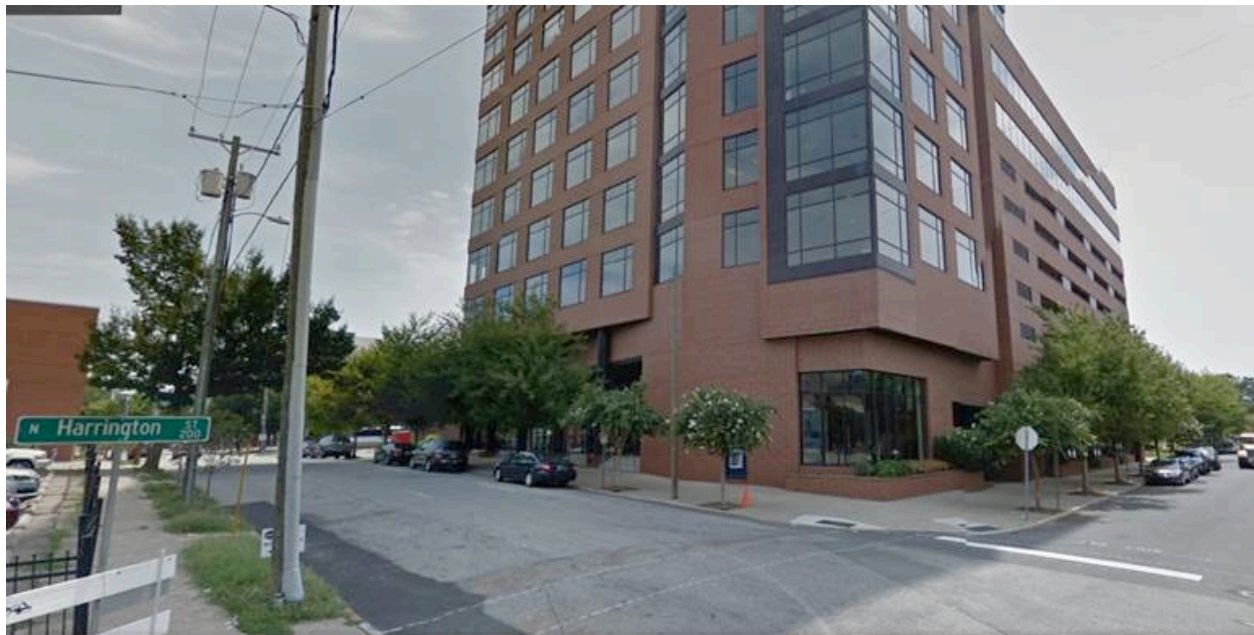
19. That, prior to issuance of the building permit for the parking deck expansion, the applicant must demonstrate that structurally and dimensionally sufficient secondary emergency access to the hotel is provided to the extent reasonably required by the Fire Department. This access shall require the review and approval of the Fire Department.
20. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
21. That the project be phased such that Phase A, beginning immediately will include the construction of the hotel, interim parking, and required stormwater BMPs. Phase B will begin by or before a five year period following the issuance of a certificate of occupancy of the new hotel.
22. That the Board hereby grants a deviation in the glazing requirements of Section 15-178 allowing 42% ground floor and 36.9% overall glazing due to the location of the building with respect to Main Street as described in the Appearance Commission's recommendation dated October 1st, 2015.
23. That prior to building permit approval and the issuance of a certificate of occupancy, the client demonstrate that the plans and the building incorporate the building design and performance measures described by the applicant's responses to the EAB's *Green and Sustainable Buildings Checklist*. These measures include, but are not limited to, reducing energy consumption by 20% from the standard model, reducing use of materials by up to 30% with recycled content, using low-emitting materials for paints, adhesives, and materials, and, using a low albedo roofing materials. Such efforts will be in accordance with the standards referenced by the applicant in Attachment Q of the Board's agenda materials.
24. That prior to construction plan approval, the applicant submit materials to satisfy the Construction Management Plan provisions of Section 15-49(c1).
25. That proposed signage for Hilton Garden Inn must be presented to the Board of Aldermen for review prior to approval.
26. The developer proposes to use the existing parking garage at 300 East Main Street (the "Property") to accommodate some of the parking requirements related to the construction of a 5-story Hilton Hotel at 107 Padgett Lane. As a condition of approval of the modified Conditional Use Permit for 107 Padgett Lane for the construction of a 5-story Hilton Hotel, the developer shall, within ninety (90) days of approval of the modified conditional use permit, cause a study to be conducted by a qualified professional of the actual usage of parking at the existing 300 East Main Street parking garage and at the existing surface parking (together referred to as the "On-site Parking") at the Property. A report of the parking study shall be delivered to the Town within 150 days of approval of a modified Conditional Use Permit for 107 Padgett Lane. If the results of such study show that the existing parking capacity of the On-site Parking is insufficient to meet the peak demand for parking generated by the existing uses at the Property, then the developer shall be required to present to the Town a plan demonstrating how the developer will provide additional parking to meet the demand for parking generated by the existing uses at the Property and the hotel prior to the issuance of a building permit for the hotel.

1) Include CUP condition related to approval of signage;

With the Hampton Inn proposal, Main Street Properties proposed a Master Sign Permit to allow 300 East Main to exceed the square footage of signs permitted under the Land Use Ordinance so that individual tenants could have signs. With the Hilton Garden Inn, MSP does not plan to exceed the sign size or location regulations in the ordinance. If MSP later decides the ordinance doesn't allow adequate signage, we would come back to the Board of Aldermen with a request to incorporate the Hilton Garden Inn into the 300 East Main Master Sign Permit.

2) Applicant to address viability of trees growing in largely shaded area in front of hotel;

Trees growing on the north side of tall buildings are a fairly common urban condition, including the oak trees growing on the north side of the Hampton Inn in Carrboro. Nearby on West Rosemary Street in Chapel Hill, newly planted street trees are on the north side of Greenbridge, Shortbread Lofts and 140 West. The trees in front of the HGI will get morning sun for much of the year and afternoon sun all year, and will be in a continuous planter rather than confined by tree grates. See attached photo of trees on the north and west sides of a much taller building in Raleigh, where there appears to be no significant difference in tree height or canopy size between the two orientations.



3) Applicant to provide clarity regarding their commitment and ability to do what is requested in the EAB's sustainability checklist;

To further clarify the condition regarding the roof: The project will use a Firestone White UltraPly TPO roofing system on all flat roofing surfaces with a high albedo rating and which exceeds the EPA's Energy Star requirements, is listed with the Cool Roof Rating Council and is compliant with California's Title 24 Energy Efficiency Building Standards.

4) Applicant to provide letter and associated information related to brownfields agreement;

See below email from Mike Jones with Pyramid Environmental:

From: Mike Jones [mailto:mike@pyramidenvironmental.com]

Sent: Wednesday, October 21, 2015 12:27 PM

To: Kevin Benedict (kwbenedict@gmail.com) <kwbenedict@gmail.com>

Subject: Padgett Lane Brownfields

Hey Kevin,

I talked with Sharon Eckard of the NC Brownfields Program.

She confirmed that the use of the property as a Hotel is consistent with the Brownfields Agreement.

Talk to you soon,

Mike Jones



5) Applicant to provide additional information related to Hilton's work with WWF wildlife programs;

Hilton Worldwide announced an initial three-year commitment with World Wildlife Fund (WWF) to reduce its impact on the environment.

As part of the partnership, Hilton and WWF will collaborate to develop a multi-year water stewardship strategy, expand Hilton's sustainable seafood efforts globally and accelerate the adoption of renewable energy. The partners also will work to further Hilton's RePurpose waste solutions program by reducing food waste within the company's operations and supply chain, and integrate all learnings into [LightStay](#), Hilton's proprietary environmental performance measurement and reporting platform available to all hotels.

"In our business it is critical that we consider the long term impact of our operations coupled with the natural resources needed to operate our hotels and serve guests around the world," Jennifer Silberman, vice president, corporate responsibility for Hilton Worldwide, said in a statement. "Collaborating with WWF will enable us to analyze and monitor our operations as well as develop practical, scalable and impactful solutions that we can integrate into our hotel operations and guest experiences contributing to positive changes for the environment."

For nearly a decade, Hilton has worked with WWF on various initiatives, including Seafood Week in Asia Pacific and Earth Hour, a WWF initiative that unites the world around climate action. The original idea for Earth Hour was conceived during a WWF meeting held at Hilton Sydney in 2007, and for the fourth consecutive year, Hilton Worldwide hotels around the world supported the celebration of Earth Hour on March 28.

Hilton was one of the first major multi-brand hospitality companies to make environmental reporting and continuous improvement a standard for all its hotels across all brands and has earned certifications for its comprehensive quality, environmental and energy management.

In April, Hilton [announced](#) that it would begin to eliminate the use of cages for egg-laying chickens and gestation crates for breeding pigs in its global food supply chain. Initially, all hotels in the Hilton Hotels & Resorts, Waldorf Astoria Hotels & Resorts, Conrad Hotels & Resorts, Canopy by Hilton and DoubleTree by Hilton brands will be required to switch all egg usage to cage-free by December 31, 2017, ensuring that chickens are not confined in cages.

Hilton also has made considerable progress in reducing its environmental footprint. Late last year, the company [announced](#) that it reduced its waste output by 26.8 percent, energy use by 13.6 percent, carbon output by 20.2 percent and water use by 13.1 percent since 2009

6) Applicant to address request for composting of organics and provision of a composting dumpster facility;

Please refer to the response to the EAB as to why the HGI cannot commit to food composting at this time. Should food composting become something the HGI and/or other 300 East Main restaurants want to do in the future, space could be found at one or more of the dumpster locations for a food-waste container.

7) Applicant to address ability and willingness to contribute in some manner to affordable housing through payment or other contribution and / or provision of affordable commercial space;

Residential projects, including the one currently approved on this site, may choose to provide affordable housing units or payments in lieu in exchange for being allowed to build more market-rate units, with the assumption that the extra units will more than offset the cost of providing affordable housing. The ordinance allows no similar arrangement for commercial projects to provide funds for affordable housing or commercial space. Instead, commercial projects typically provide tax revenues (in this case approximately that far exceed the cost of providing them government services, and thus the town gains extra money to spend on priorities that could include affordable housing or landmark-business retention. In addition, the Board of Aldermen is quite familiar with Main Street Properties' long history of providing affordable commercial space.

8) Applicant to address 5-foot sidewalk design as related to TAB comments about pedestrian friendliness;

This sidewalk will be as wide or wider than the other internal sidewalks at 300 East Main, which function well even in a high-traffic pedestrian environment. There is no room to provide a wider sidewalk without encroaching into the tree-planting bed or reducing the pavement width of the driveway. The tree-planting bed is needed to meet the ordinance requirement of 200 square feet of unpaved area surrounding each tree, and the driveway width is necessary for trucks servicing the dumpsters to execute a three-point turn, and also to provide a loading area outside of the drive lanes to service the Cradle Back Room and the ArtsCenter. Although this sidewalk will link pedestrians between 300 East Main and the bike path, the vehicle traffic level along the driveway will be minimal so a five-foot sidewalk won't pose any inconvenience or a safety hazard.

9) Applicant to address willingness to include LED lights in project;

To the fullest extent possible, all project lighting is to be LED fixtures. Some franchise-required lighting fixtures might be provided with compact fluorescent bulbs and some decorative lighting may be incandescent fixtures, but all general lighting will be provided as LED fixtures. Please note that the Hampton Inn recently has converted much of its lighting to LED, and Main Street Properties is in the process of converting lights in the parking deck to LEDs as well.

10) Applicant to address willingness to meet a specific LEED standard through certification or at least submission of evidence verifying that LEED standard has been met;

Many of the LEED requirements will be met through the design and construction of the project. However, the cost of achieving LEED certification is not feasible. A preliminary pass at achievable LEED credits that will be a basis for design for the project team is attached as Attachment B.

11) Staff to provide complete package of applicant's responses to advisory boards' concept plan comments;
See Attachment C.

12) Applicant to address construction related impacts to ArtsCenter and other nearby businesses;

This will be part of the construction management plan submitted during construction-plan approval. As a general statement, however, it is in Main Street Properties' best interests to minimize the impact of construction on our tenants and their customers. Because this construction site will be well off Main Street, the impacts on surrounding businesses and the public will be much less than with the construction of 310 and 370 East Main Street.

Most importantly, we purchased the Palao property so that a significant portion of construction traffic can access the site via Boyd Street and minimize the impacts on 300 East Main and Main Street.

13) Applicant to address design of retaining wall along bike path;

This wall hasn't been designed yet, but we would anticipate that it will be of varying elevations (following the topography) that will match the colors used in the HGI building.

14) Applicant to address current / most recent comments from Appearance Commission related to architectural design and make clear what if anything further they are willing to consider in modifying the proposal;

The building design has been modified significantly in response to comments from the Appearance Commission and other advisory boards. The result is a building that is attractive and fits in well with Carrboro, and that incorporates recessed windows, more brick, minimal parapets and other features the Appearance Commission asked for at previous meetings. There seems to be some conflict between the majority of advisory board members who want a traditional, red-brick building that looks similar to Carr Mill Mall and other historic buildings in Carrboro, and some people on the Appearance Commission who would prefer a bolder, non-traditional building. Neither side is right or wrong; it's just that beauty is in the eye of the beholder and there is no way to please everyone with the architecture. We have done the best we can to address the consensus of the comments we heard.

15) Staff and applicant to prepare side by side comparison of what was required for Hampton Inn and what is currently being asked of Hilton Garden Inn related to energy efficiency standards, construction materials, etc;

See 2008 advisory board recommendations from 300 East Main in Attachment A

16) Applicant to provide information related to number of rooms provided by Hampton Inn for victims of domestic violence, fire / disaster, etc. How many rooms, on

average, per month at Hampton Inn? What is anticipated in this regard for Hilton Garden Inn?

Atma Hotel Group works with the Red Cross to provide rooms to people displaced by disaster or other reasons. The number of rooms varies with actual needs, but typically isn't a particularly large number. The Hampton Inn & Suites in Carrboro also provides rooms to local people seeking shelter from power outages and such, but it is impossible to quantify because all local guests are eligible for the "good neighbor" discount so the hotel usually doesn't know why local people are checking in.

17) Discuss parking needs.

Applying a parking analysis consistent with that approved for the Hampton Inn and 300 East Main, and which has proven to work based on nearly three years of experience, the parking provided for the Hilton Garden Inn is sufficient to serve the building and complies with the land-use ordinance.

We understand that the town would like public parking to continue being available at 300 East Main, and Main Street Properties is willing to work with the town to achieve that goal via an extension of the parking lease. We have met with town representatives on this issue and will continue those discussions.

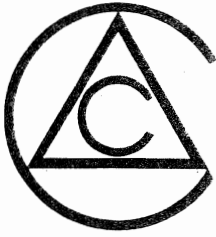
But MSP strongly believes that tying public parking to approval of the Hilton Garden Inn is a standard not called for in the ordinance and not previously applied to development applications in Carrboro. We dispute the notion that this project warrants that tie-in because the town lease helped finance the existing parking deck. At the time it was approved, that lease was widely considered a benefit to both parties. The town got a large supply of public parking at a below-market rate and at less than cost, and the lease payment was tied to actual occupancy-tax revenues to ensure that the town collected more tax revenue than it was to pay on the lease. Main Street Properties was able to build a five-story parking deck instead of a three- or four-story one. As Mayor Chilton said at the time, "Hugely in the long run and significantly in the short and medium run this is a huge net benefit to the taxpayers of the town of Carrboro."

Main Street Properties has a proven track record of working with the town to help provide public parking. Along with the parking deck lease, we have leased the lot at Roberson and Main to the town for \$10/month plus the cost of property taxes since 2005.

We pledge to continue to work with the town on short- and long-term ways to provide public parking, and have a history of doing so. We've communicated a willingness to town staff to extend the parking lease. But please also recognize that these larger parking issues have no direct relationship to the question before you: consideration of a hotel proposal that has adequate parking, meets the ordinance and will provide the Carrboro with around \$250,000 in annual tax revenues.

Attachment A

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



THURSDAY, AUGUST 21, 2008

PHASE A & B OF 300 EAST MAIN CONDITIONAL USE PERMIT

The Appearance Commission (AC) moves to recommend (Chuck Morton move, David Markowitz 2nds) approval of the 300 E Main Street Phase A & B project, in accordance with and subject to the following statements and recommendations:

- 1) The AC approves the variance in glazing subject to the applicant providing the amount of glazing currently shown in the CUP plans (i.e.: Building B = 64% on ground floor and 28.3% for upper floors; Building C = 69% on ground floor and 26.8% for upper floors); further, the Appearance Commission hereby certifies the alternative design for buildings B & C, per the designs and details included in the CUP plans.
- 2) The Appearance Commission wishes to conduct a courtesy-level review of the final architectural details and materials choices for buildings B and C.
- 3) Further comments and discussion regarding other buildings are delayed until a later date when additional information is available.

VOTING:

AYES: 5 (Chuck Morton, Wendy Wenck, David Markiewicz, Loren Bradford, and Daniel Gelinne)

NOES: 0

Members Present (5): Chuck Morton, Wendy Wenck, David Markiewicz, Loren Bradford, and Daniel Gelinne

Members Absent or Excused (3): Tom Wiltberger and Justin Abbot

Appearance Commission Chair

Date

Town of Carrboro
Planning Department



MEMORANDUM

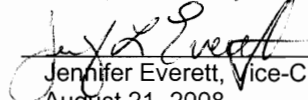
Date: August 21, 2008
To: 300 East Main Street Applicants
From: Environmental Advisory Board (EAB)
Through: Randy Dodd, Environmental Planner
Copy: Marty Roupe, Development Review Administrator
Subject: CUP Plan Review Comments

In June and August, 2008, you presented the 300 East Main Street plan for joint review at Town Hall. Based on your presentation, the EAB recommends the following:

1. In addition to meeting shading requirements for the vehicle accommodation area, please plan to include plantings on a minimum of 10% of the pedestrian plaza area with a minimum of 20% canopy, including shade trees and cool paving materials.
2. Use high-reflectance paving materials in lieu of dark brick or asphalt (solar reflectance index of greater than 29, per ASTM E 1980). In addition, please provide shading devices to reduce heat on building surfaces and pavements. Use roofing materials with a solar reflectance index of greater than 78, per ASTM E 1980.
3. Please involve a LEED accredited professional with the ongoing design of the project. Additionally, we hope the applicant will use as many green building techniques as possible in their plans (for example: low impact design and development, resource efficiency, energy efficiency, water conservation and reuse, indoor environmental quality, homeowner education, etc.).
4. To help encourage alternate forms of transportation, please provide shower facilities to serve all tenants.
5. Please incorporate passive solar space heating and cooling principals into building design as consistent with the site plan.
6. To ensure hydrologic connectivity with the underlying soil and allow roots to penetrate into the native soil, please plant vegetation in the ground and not in disconnected planters.
7. Please commit to generation of a minimum of 5% of the base electrical load by onsite solar electric.

Thank you for your cooperation.

VOTE: AYES (3) Mullen, Hay, Everett; NOES (0); ABSENT (2)


Jennifer Everett, Vice-Chair
August 21, 2008



TOWN OF CARRBORO

NORTH CAROLINA

WWW.TOWNOFCARRBORO.ORG

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

SUBJECT: Major Modification of Phase A of 300 E Main Street Conditional Use Permit to Incorporate Phase B of the Project

Motion #1: The Transportation Advisory Board recommends approval of the project with the conditions placed by the staff, with the addition of the following recommendation:

To amend condition #12 to include: That some of the bicycle racks being provided by developer be placed on E. Main Street, even if the racks are placed in the public right-of-way along the sidewalk; and that the installation of the bicycle racks should be phased in as building construction occurs.

Moved: Heidi Perry

Second: Katie Schwing

VOTE: Ayes (4), Noes (0)

Motion #2: That the applicant agrees that the central pedestrian walkway is closed to non-emergency vehicular traffic at all times, with the exception of deliveries during off-hours.

Moved: Charlie Hileman

Second: Katie Schwing

VOTE: Ayes (3), Noes (1) Heidi Perry held the dissenting vote, as she felt the pedestrian walkway should be available to vehicular traffic during off hours for drop/off and pick up associated with retail.

Motion #3: That the applicant clarifies for the Board of Aldermen the order of construction of the buildings as well as the conversion of the parking lot in to the pedestrian plaza.

Moved: Heidi Perry

Second: Charlie Hileman

VOTE: Ayes (4), Noes (0)



TOWN OF CARRBORO
PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

AUGUST 21, 2008

300 E. Main Street Phase B/Phase A Conditional Use Permit Major Modification

David Clinton moved and Susan Poulton seconded that the Planning Board recommends that the Board of Aldermen approve the conditional permit use application to incorporate Phase B into the permit for Phase A of 300 E. Main Street, with the following conditions:

- 1) That distinctive paving materials used in pedestrian areas of the 300 E. Main project continue south and lead into The Butler condominium project.
- 2) That where pedestrian links from 300 E. Main to The Butler condominiums cross vehicular ways the crosswalks be distinctively marked and raised.
- 3) That Main Street Partners work with The Butler condominiums' developer to ensure fully aligned grade-level access from one project to the other. The Planning Board believes that the primary public access to The Butler will be through 300 Main Street into the lawn/courtyard area of the Butler and seeks to ensure that this access fully complies with the Americans with Disabilities Act.
- 4) That 300 E. Main utilize the LEED Green and Sustainable Buildings Checklist as a means of quantifying its contribution to sustainability.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadbourne, Cook, and Paulsen; ABSTENTIONS: (0).

David Clinton motioned and Susan Poulton seconded that the Planning Board recommends that the applicant provide opaque, evergreen screening of sufficient height and density to reduce heat island effect on the Marion Atwater property at the southeastern corner of the 300 E. Main site.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadbourne, Cook, and Paulsen; ABSTENTIONS: (0)

Damon Seils moved and David Clinton seconded that vehicular traffic be restricted from the pedestrian plaza except for delivery vehicles and no deliveries permitted later than 10 am each day.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadbourne, Cook, and Paulsen; ABSTENTIONS: (0).

David Clinton moved and Susan Poulton seconded that the Planning Board supports the inclusion of conditions as described and presented by planning staff on August 21, 2008 and attached.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadbourne, Cook, and Paulsen; ABSTENTIONS: (0).


James Carnahan, Chair Date 8/22/08

Attachment B



LEED v4 for BD+C: New Construction and Major Renovation Project Checklist

Project Name:

Date:

Y ? N

Credit Integrative Process

1

13	2	17	Location and Transportation	16
		 16	Credit LEED for Neighborhood Development Location	16
 1			Credit Sensitive Land Protection	1
	 2		Credit High Priority Site	2
 5			Credit Surrounding Density and Diverse Uses	5
 5			Credit Access to Quality Transit	5
 1			Credit Bicycle Facilities	1
 1			Credit Reduced Parking Footprint	1
		 1	Credit Green Vehicles	1

3	3	4	Sustainable Sites	10
 Y			Prereq Construction Activity Pollution Prevention	Required
		 1	Credit Site Assessment	1
		 2	Credit Site Development - Protect or Restore Habitat	2
		 1	Credit Open Space	1
		 3	Credit Rainwater Management	3
 2			Credit Heat Island Reduction	2
 1			Credit Light Pollution Reduction	1

2	7	2	Water Efficiency	11
 Y			Prereq Outdoor Water Use Reduction	Required
 Y			Prereq Indoor Water Use Reduction	Required
 Y			Prereq Building-Level Water Metering	Required
 2			Credit Outdoor Water Use Reduction	2
	 6		Credit Indoor Water Use Reduction	6
		 2	Credit Cooling Tower Water Use	2
		 1	Credit Water Metering	1

2	18	13	Energy and Atmosphere	33
 Y			Prereq Fundamental Commissioning and Verification	Required
 Y			Prereq Minimum Energy Performance	Required
 Y			Prereq Building-Level Energy Metering	Required
 Y			Prereq Fundamental Refrigerant Management	Required
		 6	Credit Enhanced Commissioning	6
		 18	Credit Optimize Energy Performance	18
		 1	Credit Advanced Energy Metering	1
 2			Credit Demand Response	2
		 3	Credit Renewable Energy Production	3
		 1	Credit Enhanced Refrigerant Management	1
		 2	Credit Green Power and Carbon Offsets	2

4	9	0	Materials and Resources	13
 Y			Prereq Storage and Collection of Recyclables	Required
 Y			Prereq Construction and Demolition Waste Management Planning	Required
	 5		Credit Building Life-Cycle Impact Reduction	5
 2			Credit Building Product Disclosure and Optimization - Environmental Product Declarations	2
	 2		Credit Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
	 2		Credit Building Product Disclosure and Optimization - Material Ingredients	2
 2			Credit Construction and Demolition Waste Management	2

12	0	4	Indoor Environmental Quality	16
 Y			Prereq Minimum Indoor Air Quality Performance	Required
 Y			Prereq Environmental Tobacco Smoke Control	Required
 2			Credit Enhanced Indoor Air Quality Strategies	2
 3			Credit Low-Emitting Materials	3
		 1	Credit Construction Indoor Air Quality Management Plan	1
		 2	Credit Indoor Air Quality Assessment	2
 1			Credit Thermal Comfort	1
 2			Credit Interior Lighting	2
 3			Credit Daylight	3
		 1	Credit Quality Views	1
 1			Credit Acoustic Performance	1

1	0	0	Innovation	6
		 0	Credit Innovation	5
 1			Credit LEED Accredited Professional	1

0	0	0	Regional Priority	4
		 0	Credit Regional Priority: Specific Credit	1
		 0	Credit Regional Priority: Specific Credit	1
		 0	Credit Regional Priority: Specific Credit	1
		 0	Credit Regional Priority: Specific Credit	1

37	39	40	TOTALS	Possible Points: 110
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110				

Attachment C

Response to Advisory Board Comments

Appearance Commission

1. The whole building should be red brick (similar to Carr Mill Mall brick).

The latest submission substantially increases the amount of red brick. It does leave some lighter materials to better match other buildings at 300 East Main and to break up the mass of the building.

2. Stairwells on end of building– make them brick and include either windows or recessed brick to simulate windows.

Red-brick color and faux windows with recessed brick added.

3. Roof– make the parapets level or delete them altogether.

Amount of parapet reduced. Parapet height is 4 to 6 feet and needed to shield mechanical equipment on the roof.

4. The Appearance Commission appreciates the landscaping around the outdoor pool and simplifying the windows.

Noted.

5. If the Board of Aldermen decides to accept the recommendations of the Appearance Commission, the architect should integrate the changes into the drawings and allow the Appearance Commission to review the drawings prior to final approval by the Board of Aldermen.

Noted.

Economic Sustainability Commission

- A. The ESC recommends the Transportation Committee look at traffic flow in regard to access, pedestrian safety and movement of vehicles within the site.

Please see comments from TAB and responses below.

- B. The full addition to the parking deck (250 spaces) is implemented with the construction of the hotel.

The timing of the parking deck expansion will be driven by cost and demand factors, and is still under evaluation. Adding the deck expansion to the hotel construction budget for parking that isn't required by the project might preclude bank financing for the hotel.

- C. The property owner work with the Arts Center, Cat's Cradle and Back Alley Bikes to mitigate impacts during and after construction.

The Hilton Garden Inn development is intended to feel like an integrated part of the

larger 300 East Main project. To that end Main Street Properties will take all reasonable steps to minimize the impacts of construction on all of our tenants and neighbors.

- D. The ESC supports local ownership and encourages the owners to continue to buy locally.

Noted.

- E. The ESC encourages the owners to become an Orange County Living Wage certified business.

Noted.

Environmental Advisory Board

- 1) the site and floor plans include space dedicated to organics recycling by reserving space both inside and outside for sorting/collection of organic food waste and other compostables.

Based on information from Orange County Solid Waste and other sources, it's clear that a successful food-composting program requires extensive staff training and supervision. Among other things, because the hotel kitchen will be used by a variety of workers (HGI employees and multiple outside caterers) with varying levels of training in food prep let alone more advanced training in composting, it doesn't appear that this kitchen is a good candidate for commercial food composting.

- 2) the applicant provide a report on if and how Hilton's three-year commitment with the World Wildlife Fund (WWF) to reduce its impact on the environment by a) developing an industry-leading water stewardship strategy; b) furthering Hilton's RePurpose waste solutions program by reducing food waste; c) improving LightStay, Hilton's proprietary environmental performance measurement and reporting platform; and d) accelerating the adoption of renewable energy through the Corporate Renewable Energy Buyers Principles specifically will apply to this project.

The ownership of the proposed Hilton Garden Inn is committed to the Hilton initiative in conjunction with the World Wildlife Fund within the limitations of the project. HGI staff will be trained in conjunction with the Hilton "LightStay" program.

- 3) if the Filterra system for stormwater is approved by the State and there are any native plant species in the Filterra options, the EAB recommends that the native species be used.

If practicable, the specifications will include a native species.

- 4) the applicant agree to use native plants and trees in the bioretention area planting plan.

The construction drawings will specify native plantings to the extent they are readily available and allowed by the BMP manual.

- 5) the application not be approved if compliance is not achieved for the tree shading, canopy and protection ordinance provisions.

The application is now compliant.

- 6) given that large specimen oaks will need to be removed and the utilization of a very high percentage of the site with impervious surface, the project include methods to increase vegetation beyond minimum canopy and shading requirements on the site (for both the hotel and deck) such as planters, hanging gardens, and vertical gardens.

Noted. More plantings have been added.

- 7) given minimal impacts to adjacent properties, the project include low-level energy efficient lighting along the Libba Cotten Trail.

Lighting is shown on the plans and will be provided as long as the town approves such lighting before construction plans are final.

Planning Board

- This lot is an addition to the 300 E. Main St. project. The applicant should show us how this new lot and the proposed hotel will work in the overall design of the entirety of 300 E. Main when it is built out.

See attached site plan.

- The building would be greatly improved if the third, fourth and fifth floors of the hotel were set back from the first two floors. The first two floors should be designed to create a friendlier streetscape for the pedestrian.

The upper floors are stepped back along the elevation facing the bike path. On the north elevation note the addition of canvas awnings and plantings to improve the streetscape.

- The appearance of the building, with 4 colors of synthetic stucco (EIFS) is not representative of the common materials used in our downtown. The palette should be simplified to match the other two new buildings in the 300 East Main Street Development, with the use of stucco limited to the top floor and a single color.

The color palette has been simplified and more red-brick color added. The use of EIFS has been reduced.

- The vehicular access to the hotel is awkward, and can be described, at best, as serviceable.

The access design meets turning-radius specifications and provides the best possible circulation in the limited space available. If and when the ArtsCenter relocates to a new facility Main Street Properties will revisit this area to see if it would be feasible to make changes to improve traffic flow with more space available.

- The dumpster enclosure should match adjacent building materials. Every effort should be made to make this area of the lot inviting, as it represents the Bikeway entrance to 300 E. Main.

Noted. Dumpster-enclosure detail has been amended.

- This building will cast a large shadow, and any new structures in front of the hotel, when the whole of the 300 E. Main St. project is built out, will also be in shadow.

The required shadow sketch was submitted as part of the application, and the building is compliant with the LUO's requirements.

- The "heat island effect" of such a massive structure has not been addressed. The Landscape Plan shows few trees of sufficient size to reduce heat gain on the south and east sides. Additional trees should be coordinated with the storm water BMP. At least twice as many should be on the east side and a substantial number should be placed on the south side. No shading devices are indicated. These are important on the south and east sides.

The bioretention area will be planted with as many trees and shrubs as practicable in keeping with DEQ design guidelines ("Bacteria die-off occurs at the surface where stormwater is exposed to sunlight and the soil can dry out. Therefore it is best for bioretention cells to not be too densely vegetated in order to allow greater exposure to sunlight and consequent die-off of bacteria.") while taking into consideration height restrictions imposed by the Duke Energy powerline setback.

The planting quantity and placement on the east side are dictated by Carrboro screening requirements. There is no more room for tree plantings on that side without reducing the required screening plants or reducing the 20-foot spacing required between shade trees. On the south side the area is planted according to the screening requirement. Additional planting is restricted by the Duke Energy electrical-cabinet clearances and the waterline easement.

In an effort to further provide protection and reduce environmental impacts due to solar heat gain, all glazing on the project will be provided with a higher than code-required solar heat gain coefficient and well as higher U-Value to reduce heating and cooling impacts incurred by the amount of glazing within the project. In addition, all windows will be provided with internal solar shading and black-out devices. To further the effectiveness of these devices, hotel staff will be trained to utilize these measures during each visit to maintain continued protection without disrupting guest comfort and safety.

- The building will prevent ambient lighting and views from reaching the Bikeway. To mitigate this dangerous condition the Applicant should include shielded lighting along their portion of this corridor and should be granted an exception from the light spill requirement from the Town. The massing of the building also presents an uncomfortable juxtaposition to the Bikeway of a more than 70 foot vertical expanse at less than 8 feet of horizontal separation.

Lighting is shown on the plans and will be provided as long as the town approves such lighting before construction plans are final. Please see the addition of plantings and design changes to soften the impact of the stair tower on the bike path. It is Main Street Properties' belief that this hotel will greatly enhance safety along this portion of the bike path.

Transportation Advisory Board

1. Consider expanding the parking deck at the same time as the hotel construction. This would prevent a likely parking crunch during the time when the site is built out but the deck is not yet constructed. Additionally, without working out specific details, the Town could benefit from extra parking generated by the deck expansion before it is needed for the built out site traffic. Finally, construction impacts to the Town and the businesses would only occur once instead of two times in fairly rapid sequence.

The timing of the parking deck expansion will be driven by cost and demand factors, and is still under evaluation. Adding the deck expansion to the hotel construction budget for parking that isn't required by the project might preclude bank financing for the hotel.

2. The TAB would like to see the public parking available on the site for as long as possible. Please work with the Town on this when the current lease nears expiration.

Main Street Properties is willing to negotiate the possibility of a lease extension with the town.

3. The building façade facing the Libba Cotten bikeway should be welcoming to passersby. It and the connector path to the alley should serve as an alternate entryway to the rest of the development. The TAB thought of the back side of Harris Teeter in Carr Mill Mall as an example of what not to do.

The facade facing the bike path has been revised to reflect suggestions from advisory boards. Entering 300 East Main from the bike path will not at all be a similar experience to traveling behind Carr Mill Mall. There will be a sidewalk, a clearly defined roadway, street plantings and a building facade.

4. Please work to keep the Libba Cotten bikeway open and free of debris during construction. If the bikeway must be closed for any length of time, please provide a viable detour.

Keeping the bike path clear of debris will be part of the construction-management plan. Hotel construction will generally require only a narrowing of the bike path, with only short-term (hours not days) closures for utility connections. A lengthier closing of the bike path would be required if in the future the town required Main Street Properties to upgrade the asphalt to support a fire truck. Should that occur signs would direct cyclists and pedestrians to a detour.

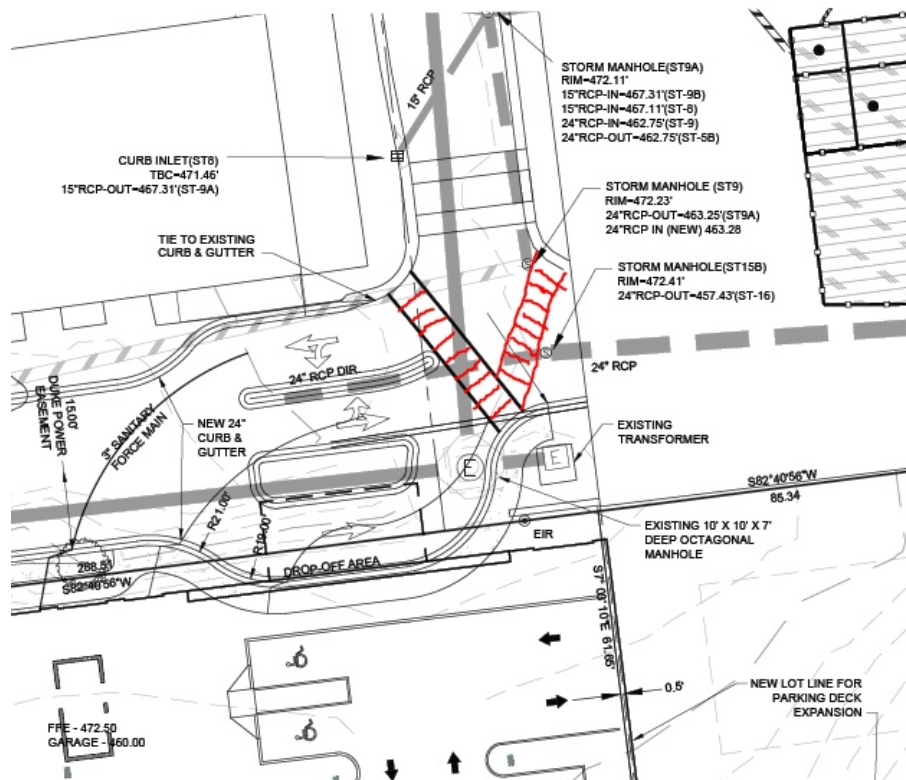
5. If a portion of the bikeway must be closed during construction, please make all attempts to keep at least 10' width open.

Noted.

6. The TAB encourages Town staff to work with developer on allowing and providing additional lighting along the Libba Cotten bikeway.

Lighting is shown on the plans and will be provided as long as the town approves such lighting before construction plans are final.

7. Thank you for redesigning the crosswalk in front of the hotel entryway. It is better than it was previously, but please consider making it a high visibility crosswalk instead of just two lines. Additionally, the TAB would like to see another crosswalk running diagonally from the northeast corner of the hotel/ parking deck 'intersection' to the base of the existing crosswalk so pedestrians coming along that side of the street are not stranded (see rendition below).



The plans now show a high-visibility crosswalk. The second crosswalk shown in the TAB drawing is not included because with the vehicle traffic entering and exiting the parking deck it would not be a suitable path for pedestrians. Pedestrians approaching the Hilton Garden Inn from that side of the driveway can cross at the existing bricked crosswalk shown just north of this area.

8. Please consider putting in a roundabout in front of the hotel instead of the two islands. The group believes this would help control traffic flow and pedestrian safety. A low-rise roundabout that larger vehicles could drive over would be ideal. This may involve moving the entryway/drop-off area to the west.

The available width doesn't provide enough room for a roundabout and a separate drop-off area for the hotel. If and when the ArtsCenter relocates to a new facility Main Street Properties will revisit this area to see if it would be feasible to make changes to improve traffic flow.

9. Please consider making the connector path from the bikeway wider.

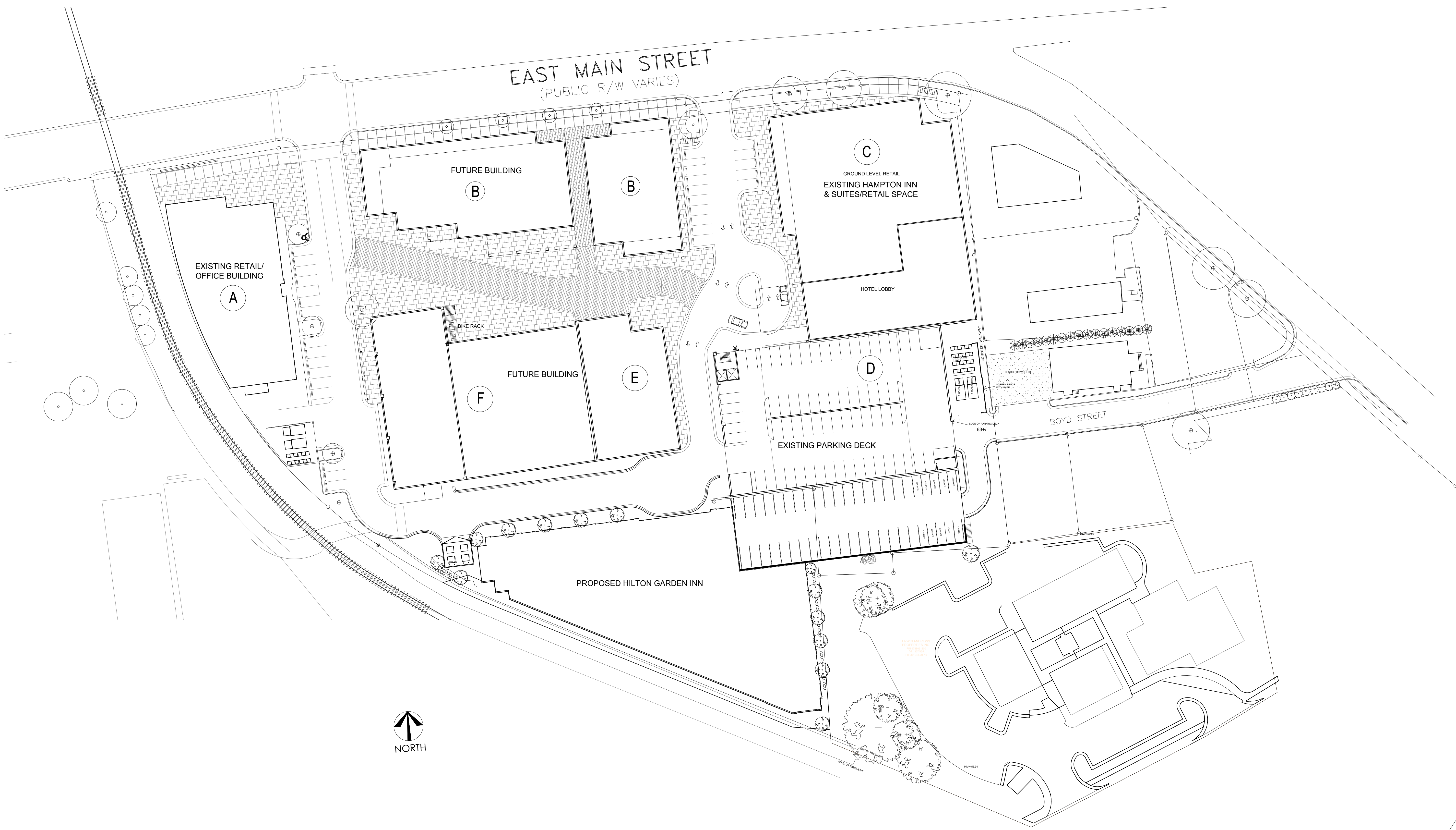
The connector has been widened to 8 feet wide (from 5 feet). Also keep in mind that the connector path shown on the Hilton Garden Inn site plan is a temporary condition. At full build-out there will be a flatter, wider connection to the north (see attached plans incorporating HGI into approved 300 East Main CUP).

10. The alley behind Cat's Cradle and Arts Center leading to the hotel entryway is too wide at 30'. Please narrow the width of the street and make sidewalks on both sides significantly wider. The group advises making the street a maximum of 22' wide, which would allow for additional 8' of sidewalk between the two sides. This would help achieve part of recommendation #3 by making the connector path and alley more inviting to guests arriving from that direction.

The striping has been revised to narrow the lanes. The asphalt width remains the same, however, for two reasons. 1. The width is needed for trucks servicing the dumpsters to have an adequate turning radius and 2. The area south of the ArtsCenter is designated as a loading area at full build-out of 300 East Main (and can be used for limited loading even while the existing ArtsCenter building is in place).

11. Please consider putting more shade trees along the bikeway to the north of the bioretention pond and along the sidewalks that border the alley behind Cat's Cradle.

A tree was added to the sidewalk along the north side of the hotel building. Utility interactions preclude adding more trees along the bikeway north of the bio-retention area.



JIM SPENCER
ARCHITECTS, PA

103 LLOYD STREET
SECOND FLOOR
CARRBORO, NC 27510

919.960.6680 o
919.960.6682 f
jspenderjsa@gmail.com

Project:

300
EAST
MAIN
STREET

CARRBORO,
NORTH CAROLINA
27510

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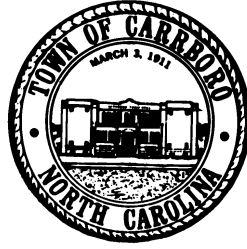
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Sheet Title:

SD1

Sheet Number

TOWN OF CARRBORO



CONDITIONAL USE PERMIT WORKSHEET FOR TALLER BUILDINGS IN COMMERCIAL DISTRICTS

I. COMPLETENESS OF APPLICATION

- ☐ The application is complete
☐ The application is incomplete

II. COMPLIANCE WITH SPECIFIC ORDINANCE REQUIREMENTS

- ☐ The application complies with all applicable specific requirements of the Land Use Ordinance
☐ The application is not in compliance with the following specific requirements of the Land Use ordinance for the reasons stated below:

III. CONSIDERATION OF GENERAL REQUIREMENTS WITH RESPECT TO WHICH THE APPLICANT HAS THE BURDEN OF PROOF

- A. ☐ The Board finds that the proposed use will not substantially injure the value of adjoining or abutting property.
☐ The Board cannot find that the proposed use will not substantially injure the value of adjoining or abutting property, or finds that the proposed use will substantially injure the value of adjoining or abutting property, for the following reasons:

- B. ☐ The Board finds that the proposed use will be in harmony with the area in which it is to be located.

☐ The Board finds that the proposed use will not be in harmony with the area in which it is to be located, for the following reasons:

- C. ☐ The Board finds that the proposed use will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.
☐ The Board finds that the proposed use will not be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board, for the following reasons:

IV. CONSIDERATION OF PROPOSED CONDITIONS

*(*Note: Please clarify for staff, where applicable, whether any discussion points are to be included as Permit Conditions. Informal agreements or understandings are not necessarily binding.*)*

If the application is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

V. GRANTING THE APPLICATION

- ☐ The application is granted, subject to the conditions agreed upon under Section IV of this worksheet.

VI. DENYING THE APPLICATION

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section 1.
- ☐ The application is denied because it fails to comply with the specific Ordinance requirements set forth above in Section II.
- ☐ The application is denied because the Board has not made a finding favorable to the applicant on one or more of the general requirements set forth above in Section III.
- ☐ The application is denied because, if completed as proposed, the development more probably than not will materially endanger the public health or safety for the following reasons:

ATTACHMENT B

**SUMMARY SHEET OF STAFF AND ADVISORY BOARD RECOMMENDATIONS
CONDITIONAL USE PERMIT FOR the HILTON GARDENING MAJOR MODIFICATION**

STAFF RECOMMENDATIONS	
Staff Recommendations (w/ Advisory Board support where applicable):	<i>Explanation: Staff recommendations, primarily related to LUO compliance, are represented by #s 1-24 below. If an advisory board voted to 'support' the staff recommendation, then such board is listed after staff in the left-hand column.</i>
Recommended by	Recommendations
Staff, PB, TAB, EAB, ESC, AC	1. Prior to issuance of a certificate of occupancy the applicant will provide a Public Bike Path Easement for the portion of the Libba Cotton bike path that encroaches on the subject property.
Staff, PB, TAB, EAB, ESC, AC	2. That the retaining wall that fronts the bike way is taller than 18" and has mounted on it a railing such that the total height of the wall and railing is at least 48".
Staff, PB, TAB, ESC, ESC, AC	3. That the applicant provide along the length of the proposed 5' sidewalk along the northern frontage of the hotel a concrete pad/turnout sufficient for a wheelchair. Said pad/turnout shall meet ADA requirements.
Staff, PB, TAB, EAB, ESC, AC	4. That the Board of Aldermen hereby finds that the maximum parking space demand estimate of 157 parking spaces for the hotel is sufficient to serve the needs of the proposed hotel based upon the applicant's parking analysis and narrative justifying the arrangement based upon their joint-use parking experience with the 300 E. Main parking inventory as well as the site's proximity to bus lines, bicycle lanes and existing pedestrian facilities. Furthermore, the Board finds that 39 parking spaces are provided on-site while the remaining 118 are located on the adjacent 300 E. Main street property and are considered satellite spaces. Said satellite spaces shall be reserved by the required modification of the 300 E. Main Street CUP.
Staff, PB, TAB, EAB, ESC, AC	5. That the Board of Aldermen hereby finds that the existing truck loading and unloading areas on the adjacent property are sufficient to accommodate delivery operations for the hotel in a safe and convenient manner based upon information provided by the applicant. Prior to construction plan approval, said areas shall be provided with a recorded easement granting the hotel the right to use them in this manner.
Staff, PB, TAB, EAB, ESC, AC	6. That prior to construction plan approval and the issuance of a certificate of occupancy, the applicant provide evidence from NCDEQ that they have satisfied all applicable provisions of the applicant's Brownfield Agreement with NCDEQ.

Staff, PB, TAB, EAB, ESC, AC	7. Prior to construction plan approval, that the applicant revise their landscape plan to include plants that are known to benefit pollinator insects per the recommendations of the NC Cooperative Extension and the Xerces Society. Said plans shall exclude those that are considered invasive per Appendix E of the Land Use Ordinance.
Staff, PB, TAB, EAB, ESC, AC	8. That the Landscape Plan of the project be revised to include the plantings on the roof deck of the building's first level as shown on the "exterior renderings" of the proposed hotel on sheet A3.3 (dated 2/12/16) from the plan set presented to the Board of Aldermen.
Staff, PB, TAB, EAB, ESC, AC	9. That the requirement of the standard Type A screening requirement between the hotel and the parking deck expansion be waived per the applicant's written waiver request letter.
Staff, PB, TAB, EAB, ESC, AC	10. That the applicant record on a plat landscape easements on the 300 East Main Street property sufficient to plant the six additional canopy trees needed to satisfy the tree canopy and shading requirements of the LUO.
Staff, PB, TAB, EAB, ESC, AC	11. The Board of Aldermen finds it acceptable for the applicant to use a Filterra Biofiltration/Bioretenention System stormwater device, whose NCDEQ approval is still pending, to manage and treat stormwater runoff during the interim surface-parking phase. If the Filterra is not sooner listed as an approved device by NCDEQ, the applicant's right to use the Filterra for the interim surface parking phase will expire three years after the issuance of a Certificate of Occupancy for the hotel or when the third bay of the 300 East Main parking deck is constructed, whichever comes first, and applicant will then either direct the relevant stormwater into its existing approved system under the existing parking deck or replace the Filterra with an alternate NCDEQ approved device subject to the Town's approval.
Staff, PB, TAB, EAB, ESC, AC	12. That, prior to construction plan approval, the applicant provide evidence explaining how operation and maintenance responsibilities of the stormwater system will be shared by the owners of the subject property and the adjacent 300 East Main properties.
Staff, PB, TAB, EAB, ESC, AC	13. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

Staff, PB, TAB, EAB, ESC, AC	14. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
Staff, PB, TAB, EAB, ESC, AC	15. That, prior to issuance of a CO, a final plat, or the certification of a stormwater BMP, the Town may require a performance security to be posted for a period of two years per the provisions of Section 15-263(i).
Staff, PB, TAB, EAB, ESC, AC	16. That, prior to construction plan approval, the applicant obtain the required permissions and authorization from OWASA as they pertain to the proposed sewer system.
Staff, PB, TAB, EAB, ESC, AC	17. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
Staff, PB, TAB, EAB, ESC, AC	18. That prior to construction plan approval the applicant demonstrate compliance with the outdoor lighting provisions of Section 15-242 and 243 of the LUO for the outdoor fixtures associated with the interim parking lot.
Staff, PB, TAB, EAB, ESC, AC	19. That, prior to issuance of the building permit for the parking deck expansion, the applicant must demonstrate that structurally and dimensionally sufficient secondary emergency access to the hotel is provided. This access shall require the review and approval of the Fire Department.
Staff, PB, TAB, EAB, ESC, AC	20. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
Staff, PB, TAB, EAB, ESC, AC	21. That the project be phased such that Phase A, beginning immediately will include the construction of the hotel, interim parking, and required stormwater BMPs. Phase B will begin by or before a five year period following the issuance of a certificate of occupancy of the new hotel.
Staff, PB, TAB, EAB, ESC, AC	22. That the Board hereby grants a deviation in the glazing requirements of Section 15-178 allowing 42% ground floor and 36.9% overall glazing due to the location of the building with respect to Main Street as described in the Appearance Commission's recommendation dated October 1 st , 2015.

Staff, PB, TAB, EAB, ESC, AC	23. That prior to building permit approval and the issuance of a certificate of occupancy, the client demonstrate that the plans and the building incorporate the building design and performance measures described by the applicant's responses to the EAB's <i>Green and Sustainable Buildings Checklist</i> . These measures include, but are not limited to, reducing energy consumption by 20% from the standard model, reducing use of materials by up to 30% with recycled content, using low-emitting materials for paints, adhesives, and materials, and, using a low albedo roofing materials. Such efforts will be in accordance with the standards referenced by the applicant in Attachment Q of the Board's agenda materials.
Staff, PB, TAB, EAB, ESC, AC	24. That prior to construction plan approval, the applicant submit materials to satisfy the Construction Management Plan provisions of Section 15-49(c1).
Staff	25. That proposed signage for Hilton Garden Inn must be presented to the Board of Aldermen for review prior to approval.
Staff	26. The developer proposes to use the existing parking garage at 300 East Main Street (the "Property") to accommodate some of the parking requirements related to the construction of a 5-story Hilton Hotel at 107 Padgett Lane. As a condition of approval of the modified Conditional Use Permit for 107 Padgett Lane for the construction of a 5-story Hilton Hotel, the developer shall, within ninety (90) days of approval of the modified conditional use permit, cause a study to be conducted by a qualified professional of the actual usage of parking at the existing 300 East Main Street parking garage and at the existing surface parking (together referred to as the "On-site Parking") at the Property. A report of the parking study shall be delivered to the Town within 150 days of approval of a modified Conditional Use Permit for 107 Padgett Lane. If the results of such study show that the existing parking capacity of the On-site Parking is insufficient to meet the peak demand for parking generated by the existing uses at the Property, then the developer shall be required to present to the Town a plan demonstrating how the developer will provide additional parking to meet the demand for parking generated by the existing uses at the Property and the hotel prior to the issuance of a building permit for the hotel.

ADVISORY BOARD COMMENTS / RECOMMENDATIONS	
Additional Advisory Board Comments & Recommendations:	<i>Explanation: Comments and recommendations solely from advisory boards follow. If a comment involves LUO interpretation, then the applicable LUO section(s) are noted parenthetically. Otherwise, the Board may wish to consider comments in the context of public health, safety, or welfare findings. Staff generally does not endorse nor refute comments from advisory boards.</i>
Recommended by	Recommendations
PB	<ol style="list-style-type: none"> 1. Regarding massing: <ol style="list-style-type: none"> a. The first two floors should be designed to create a friendlier streetscape for the pedestrian. b. The building's relationship to its surroundings would be greatly improved if the third, fourth and fifth floors of the hotel were set back from the first two floors, into the space currently left open in the center of the upper stories. c. This building will cast a large shadow, and any new structures in front of the hotel, when the whole of the project is built out, will also be in shadow. Although the plan as presented is compliant with the LUO's requirements, avoiding this degree of shading on the interior of the site would make the space between the proposed hotel and future buildings E/F more pleasant. d. The massing of the building also presents an uncomfortable juxtaposition to the Bikeway of a more than 70 foot vertical expanse at less than 8 feet of horizontal separation.
PB	<ol style="list-style-type: none"> 2. Regarding the site plan for the 300 E. Main St. project: <ol style="list-style-type: none"> a. The proposed service alley (between the proposed hotel and future buildings E/F) is not inviting to pedestrians. b. There are insufficient pedestrian crosswalks indicated on the site plan. One is sorely needed between the hotel entrance and future building E/F..
PB	<ol style="list-style-type: none"> 3. We appreciate the updated palette with fewer colors of EIFS and greater use of brick. WEencourage further reflection of the salient qualities of the historical downtown architecture.
PB	<ol style="list-style-type: none"> 4. Every effort should be made to make the area around the dumpster enclosure attractive, as it represents the Bikeway entrance to 300 E. Main. For example, more bike racks could be placed here.
PB	<ol style="list-style-type: none"> 5. The "heat island effect" of such a massive structure has not been fully addressed. We ask that the applicant continue to work towards the reduction of this effect as well as towards an energy efficient building. Consider including exterior shading devices on the south and west sides.

PB	6. The building will prevent ambient lighting and views from reaching the Bikeway. To mitigate this dangerous condition the Applicant should include shielded lighting along their portion of this corridor and should be granted an exception from the light spill requirement from the Town.
TAB	7. The TAB would like to see a better solution for pedestrians in the intersection outside the parking deck/hotel entrance: <ul style="list-style-type: none"> a. Explore creating a visually interesting, distinct pavement surface for the intersection that would serve as a warning to all users that they are entering a shared space, or b. Improve the crossing across the parking deck entrance/exit in response to the 'shortest route' travel pattern that pedestrians will likely choose.
TAB	1. Please include as much pedestrian accommodation as possible, up to and including, striped crosswalks on all four sides of the roundabout.
TAB	2. The TAB recommends that the Board of Aldermen strongly encourage the developers to align the parking deck expansion with the hotel construction to ensure that there is adequate public parking in the downtown area in the near future.
EAB	3. The EAB requests that dedicated interior and exterior spaces (or sorting/collecting of organics be required in the construction plans, and that the applicant commit to organics composting.
EAB	4. The EAB would like confirmation of that the efforts of the Hilton's <u>LightStay</u> program will be carried out (sic).
EAB	5. That given that large specimen oaks will need to be removed and the utilization of a very high percentage of the site with impervious surface, the project include methods to increase vegetation beyond minimum canopy and shading requirements on the site (for both the hotel and deck) such as planters, hanging gardens, and vertical gardens
EAB	6. That given minimal impacts to adjacent properties, the project include low-level energy efficient lighting along the Libba Cotten Trail
ESC	1. The ESC recommends the Transportation Committee look at traffic flow in regard to access, pedestrian safety and movement of vehicles within the site
ESC	2. B. The full addition to the parking deck (250 spaces) is implemented with the construction of the hotel.
ESC	3. The property owner work with the Arts Center, Cat's Cradle and Back Alley Bikes to mitigate impacts during and after construction.
ESC	4. The ESC supports local ownership and encourages the owners to continue to buy locally.
ESC	5. The ESC encourages the owners to become an Orange County Living Wage certified business.

AC	1. The Appearance Commission would like this hotel to be LEED certified and if the use of a non-brick exterior materials was necessary to be LEED certified, then the Appearance Commission would support this alternative exterior material.
AC	<p>2. If the applicant chooses not to incorporate LEED methods and retain the existing exterior facade, then the Appearance Commission has the following recommendations:</p> <ul style="list-style-type: none"> a. Install windows in both stairwells versus the recessed brick to simulate windows. b. Further reduce the variation in the height of the parapets and construct the parapets out of brick versus the charcoal EIFS. <p>3. The hotel should be constructed of actual brick and not constructed of engineered running bond brick veneer as presently shown on the plans.</p>



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:16-091

Agenda Date: 3/8/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Minor Modification to the 300 E. Main Conditional Use Permit, acknowledging the reservation of satellite parking spaces for the Hilton Garden Inn located at 107 Padgett Lane and allowing the use of an interim surface parking area.

PURPOSE: The purpose of this item is to modify the 300 E. Main St. CUP to reserve 118 satellite parking spaces on the 300 E. Main property pursuant to the approval of the Hilton Garden Inn CUP and the parking arrangement proposed therein by the applicant, and, to allow a temporary interim surface parking lot in the footprint of the proposed parking deck expansion.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Kleaveland - 919-918-7332; Marty Roupe - 919-918-7333, Patricia McGuire - 919-918-7327, Nick Herman - 919-929-3905

INFORMATION: The proposed Hilton Garden Inn Major CUP Modification at 107 Padgett Lane proposes construction of a five story hotel. The project contains one floor of underground parking with 39 spaces with the remaining parking to be provide via satellite spaces on the adjacent 300 East Main Street property. The purpose of this agenda item is to modify the existing recorded 300 East Main Street CUP to reflect this satellite parking arrangement.

(Addressing Note: For the record, the 107 Padgett Lane address for the property is a legacy address that will be changed to 390 E. Main St. if the project is approved. As an aside, the property was administratively re-addressed 120 Brewer Lane when the B-1(g)-CU rezoning was approved for The Butler, though the county parcel data was not accordingly revised to accommodate this change. If the project is not approved, the address will be revised to 120 Brewer Lane to correct this oversight.)

Specifically Condition #13 recorded in the CUP (DB 4817 PB 156) is to be revised as follows:

Present language:

13. Prior to issuance of each building permit, the applicant must present to the Town evidence showing that sufficient parking will be constructed concurrent with the proposed building, in accordance with the

parking spreadsheet data included in the CUP plans. The certificate of occupancy for each building will not be issued until such parking is complete unless the applicant demonstrates that the parking deficit can be addressed by a parking valet company in the same manner described in CUP condition #10. In such a situation, the obligation to utilize a valet parking company shall be a continuing, binding part of the CUP until the necessary number of parking spaces are provided unless the Board of Aldermen agrees to modify this condition based on future circumstances.

Revised Language:

13. Prior to issuance of each building permit, the applicant must present to the Town evidence showing that sufficient parking will be constructed concurrent with the proposed building, in accordance with the parking spreadsheet data included in the CUP plans which shall include information used for the approval of the Hilton Garden Inn hotel CUP modification located at 390 East Main Street which requires that 118 satellite parking spaces be reserved for the hotel's use on the 300 E. Main Street property. The certificate of occupancy for each building will not be issued until such parking is complete unless the applicant demonstrates that the parking deficit can be addressed by a parking valet company in the same manner described in CUP condition #10. In such a situation, the obligation to utilize a valet parking company shall be a continuing, binding part of the CUP until the necessary number of parking spaces are provided unless the Board of Aldermen agrees to modify this condition based on future circumstances.

Parking Deck Expansion

The expansion of the 300 E. Main parking deck, which has already been approved by the CUP, will have a temporary interim surface parking lot located in the footprint of the area where the parking deck expansion is proposed as part of the phasing plan associated with the new Hilton hotel. This interim lot is expected to be temporary, replaced by the parking deck expansion within five years from the issuance of a Certificate of Occupancy for the new Hilton hotel.

FISCAL & STAFF IMPACT: The applicant has submitted fees and materials for reviewing and processing the request.

RECOMMENDATION: Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant's request. A resolution approving the application has been included should the Board choose to approve the request.

The following resolution was introduced by Aldermen _____ and duly seconded by Aldermen _____.

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 300 E. MAIN STREET CONDITIONAL USE PERMIT PROJECT FOR REVISION OF CONDITION #13 OF THE RECORDED CONDITIONAL USE PERMIT (DB 4817 PB 156)) AS DESCRIBED BELOW THEREBY RESERVING 118 SATELLITE PARKING SPACES RESERVED FOR THE ADJACENT HOTEL DEVELOPMENT ON THE PROPERTY IDENTIFIED BY PIN NUMBER 9778968060, AND, APPROVING THE TEMPORARY INTERIM SURFACE PARKING ARRANGMENT IN THE FOOTPRINT OF THE PARKING DECK EXPANSION AREA AS DESCRIBE IN THE HOTEL CUP PLANS FOR THIS SAME PROPERTY.

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the 300 E. Main CUP on September 30, 2008; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction in a responsible and marketable manner; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the 300 E. Main CUP is hereby approved and that the following condition #13 replaces and supercedes the condition #13 in the recorded CUP (DB 4817 PB 156).

This the 8th day of March 2016.

13. Prior to issuance of each building permit, the applicant must present to the Town evidence showing that sufficient parking will be constructed concurrent with the proposed building, in accordance with the parking spreadsheet data included in the CUP plans which shall include information used for the approval of the Hilton Garden Inn hotel CUP modification located at 390 East Main Street which requires that 118 satellite parking spaces be reserved for the hotel's use on the 300 E. Main Street property. The certificate of occupancy for each building will not be issued until such parking is complete unless the applicant demonstrates that the parking deficit can be addressed by a parking valet company in the same manner described in CUP condition #10. In such a situation, the obligation to utilize a valet parking company shall be a continuing, binding part of the CUP until the necessary number of parking spaces are provided unless the Board of Aldermen agrees to modify this condition based on future circumstances.

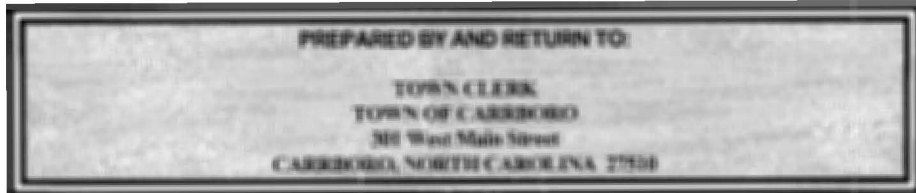
Furthermore, that a minor modification be granted to this same permit authorizing the interim surface parking lot shown in the expansion area of the parking deck as detailed and described with the application materials for the Major Modification to the CUP for

the property located at 390 E. Main Street (formerly 107 Padgett Lane) for the construction of a five story hotel.



20090901000216360 PRMIT
Bk:RB4817 Pg:156
09/01/2009 09:29:17 AM 1/7

FILED Joyce H. Pearson
Register of Deeds, Orange Co., NC
Recording Fee: \$32.00
NC Real Estate TX: \$.00



FOR MULTIPLE PIN SHEET
SEE BOOK 4817 PAGE 156



ORANGE COUNTY NORTH CAROLINA

TOWN OF CARRBORO CONDITIONAL USE PERMIT GRANTED (300 East Main Street project)

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Main Street Properties of Chapel Hill, LLC
OWNER: Main Street Properties of Chapel Hill, LLC
PROPERTY LOCATION (Street Address): 200, 208, 300, 300-G, 304, 400 and 404 East Main Street and 104 Boyd Street
TAX MAP, BLOCK, LOT(S): 7.92.A.1, 7.92.A.5, 7.92.A.5A, 7.92.A.11, 7.92.A.12, 7.92.A.8, 7.92.A.9, 7.92.D.19 7.92.A.10 RH per phone
PROPOSED USE OF PROPERTY: To allow for construction of multiple five-story commercial buildings and associated infrastructure at and around 300 East Main Street.
CARRBORO LAND USE ORDINANCE USE CATEGORY: Building Site – 2.110, 2.111, 2.120, 2.150 (in B-1(c) portion only); Office. Service and similar uses: 3.110, 3.120, 3.130, 3.150 3.250; Educational, Cultural, Religious, etc: 5.110, 5.120, 5.130, 5.200, 5.310, 5.320, 5.400; Recreation, Amusement, Entertainment: 6.110, 6.121, 6.122, 6.130, 6.140, 6.221, 6.222; Restaurants, Bars, Nightclubs: 8.100, 8.200, 8.500, 8.600; Emergency Services: 13.100; Public and Semi-Public Facilities: 15.100, 15.700; Open Air Markets and Horticultural Sales: 19.100; Temporary structure or parking lot used in connection with construction project or other non-recurring purpose: 23.000; Combination Use: 27.000; Satellite Parking Lot: 10.100
MEETING DATES: August 26, September 16, September 30, 2008

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to



make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That both Phase A and Phase B construction plans must include a note referencing that the entire project is now regulated under one Conditional Use Permit.
4. That Use Classification 18.100 be removed from the list of permissible uses.
5. That the Board of Aldermen finds it acceptable to orient the parking deck either east-west or in the alternate north-south direction, along with related changes to the drive aisle area (i.e.: inclusion of a small traffic circle and drop-off area in front of the hotel).
6. That the applicant agrees to extend the east-west leg of Boyd Street to a new entrance / exit on Main Street, as shown on the CUP plans. In doing so, the applicant must coordinate filing a plat offering the necessary additional right-of-way to the Town of Carrboro, prior to construction plan approval. Final design details for both the existing leg and newly-proposed leg of Boyd Street are subject to approval by the Public Works Department during the construction plan review and shall incorporate necessary elements from Town plans and specifications. If the applicant is unable to coordinate the filing of a plat dedicating the necessary right-of-way to the Town prior to construction plan approval, then the applicant agrees to subject the project to an additional public hearing via the CUP Major Modification process, so that further consideration may be given to the associated changes to traffic patterns.
7. Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut/sidewalk connections within public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).
8. That the applicant must obtain approval from Public Works for the final location for tree-containing grates and the tree species proposed along Main Street, prior to construction plan approval.
9. That the applicant must obtain approval from Public Works for the final details for brick-edged sidewalks to be included along both Main Street and Boyd Street, in accordance with Town specifications.
10. That the applicant must obtain a driveway permit from both Public Works (for Boyd Street) and NCDOT prior to construction plan approval. In granting the driveway permit, the Town encourages NCDOT to require the improvements mentioned in 'TIA recommendation #2,' consider requiring the improvements mentioned in 'TIA recommendation #1' (both reiterated in the '12/05/07 TIA Memorandum'), and to discuss their final list of requirements with the Town of Carrboro Transportation Planner to ensure compatibility with the Carrboro Downtown Traffic Circulation Study.
11. That the applicant must obtain approval for a construction traffic control plan from both Public Works and NCDOT prior to construction plan approval.
12. That the Board of Aldermen finds that 843 parking spaces are sufficient to serve the development. This finding is based on information provided by the applicant regarding the proposed mix of uses and expected shared use of spaces, which should result in the development having sufficient parking at all times except 6-9 PM Friday and Saturday evenings when a majority of the property is leased. This finding of a sufficient number of spaces also is subject to and dependent on the applicant's willingness to retain and utilize a valet parking company during times when a parking shortage exists. The valet



parking company is expected to utilize space within the parking deck in such a manner that an additional 47 parking spaces may be realized, as per the information submitted by the applicant stating that it is possible to gain this number of spaces. The obligation to utilize a valet parking company, in accordance with the terms explained herein, shall be a continuing, binding part of the CUP unless the Board of Aldermen agrees to modify this condition based on future circumstances.

13. Prior to issuance of each building permit, the applicant must present to the Town evidence showing that sufficient parking will be constructed concurrent with the proposed building, in accordance with the parking spreadsheet data included in the CUP plans. The certificate of occupancy for each building will not be issued until such parking is complete unless the applicant demonstrates that the parking deficit can be addressed by a parking valet company in the same manner described in CUP condition #12. In such a situation, the obligation to utilize a valet parking company shall be a continuing, binding part of the CUP until the necessary number of parking spaces are provided unless the Board of Aldermen agrees to modify this condition based on future circumstances.
14. That the applicant agrees to include at least 80 bicycle parking spaces. The spaces must be dispersed throughout the project with at least 25% located proximate to the front entrances of buildings, and with at least half of the spaces located in a covered location to shield bicycles from weather elements.
15. That except as required in the condition below relating to the residential property along Boyd Street on the southeast side of the site, the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area among other factors relative to the property lines and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.
16. That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.
17. That prior to construction plan approval for Phase A the applicant must fully analyze and survey the existing storm drain system all the way to the outlet and modify elements of the underground detention system if necessary based on associated findings.
18. That the applicant must incorporate an appropriate filter or similar type device into the proposed swirl-type vault system, upon such device being reasonably available, in order to increase the percentage of TSS removal associated with the stormwater device.
19. That the applicant shall provide to the Zoning Division, prior to issuance of the first Certificate of Occupancy for the project or before the release of a bond if some features are not yet in place at the time of the recording of the first Certificate of Occupancy for the project, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
20. That the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall be subject to approval by the Town Attorney and shall include scheduled maintenance activities for each unit in the development, (including cisterns, sand filters, swirl-systems, etc), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall become an ongoing obligation of the property owners.
21. That the applicant must obtain approval from OWASA for the final design related to water and sewer easements prior to construction plan approval, particularly related but not limited to including a 20-foot easement around the meter vault in Phase A, as



referenced on OWASA's May 16, 2007 letter, plus ensuring that OWASA easements are free from certain unallowable encroachments.

22. That the applicant shall present for approval the final architectural details for buildings D, E and F in accordance with the approval process established in the ordinance at the time such approval is sought. If the approval authority is the Appearance Commission, the architectural plans shall nevertheless be reviewed by the Board of Aldermen.
23. That the applicant must submit fire flow calculations and receive approval of the calculations from the Town Engineer and OWASA prior to construction plan approval.
24. That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
25. That prior to construction plan approval, the applicant must receive a 'transportation facility' permit from NCDENR.
26. That prior to construction plan approval, the applicant must provide to the Town evidence that the ArtsCenter retains perpetual access rights, parking rights, solid waste facilities rights, etc, consistent with the existing reciprocal operating agreement with Main Street Properties governing access and parking. If, subsequent to the issuance of the CUP, both parties agree to a new reciprocal operating agreement, then such agreement shall supersede the existing agreement with respect to this condition.
27. That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.
28. That a covered bus shelter be required with a custom design.
29. That lighting be allowed to spill over onto the railroad in order to increase safety in this area to the extent permitted under the Land Use Ordinance.
30. The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.
31. That the hotel shall include the following water conservation measures: the use of Sloan Flushmate IV high efficiency toilets 1.0gal / 3.8 Liter per flush (or equivalent device) in all guest rooms and public restrooms; use of low consumption urinals in public restrooms; use of low consumption faucets in all guest rooms and public restrooms delivering 0.5 gallons per minute as opposed to 2.5 gallons per minute; use of low consumption shower heads in all guest rooms; and use of circulation pumps in main hot water line to make hot water available quickly at all faucets. The building permit application for the hotel building must include evidence sufficient to show that the building design adheres to this CUP condition.
32. That the applicant agrees to include on the construction plans a vegetative and/or fence screen in the southeast corner of the site (adjacent to the residences on Boyd Street) sufficient to meet the LUO's Type A description.
33. That the applicant must regularly water Boyd Street during construction, using OWASA reclaimed water, to reduce dust, erosion, etc potentially caused by heavy vehicles.
34. That the applicant agrees to place bollards at all entrances to the pedestrian plaza where vehicles travel adjacent to the area so as to create a physical barrier between the plaza and vehicle travel lanes. A detail drawing and spacing for the bollards shall be shown on the construction plans.
35. That prior to construction plan approval, the applicant, Town staff, and NCDOT will agree to a construction traffic management plan to include adequate signage to address pedestrian and bicycle flow along Main Street as well as vehicular traffic.
36. That during construction the applicant shall keep posted, on site in a conspicuous location, contact information including a phone number that citizens may call at any time with concerns about construction of the project.



37. That the applicant agrees to identify on the construction plans an at-grade pedestrian connection to the south, at 105/107 Padgette Lane, that is handicap accessible.
38. That the applicant is encouraged to lease to locally-owned businesses and businesses receiving funds from the Town's revolving loan fund.
39. That the applicant must maintain, at a minimum, an amount of vegetation on site consistent with the planting plan on Sheet L100 of the CUP plans. It is recognized that the species and types of plantings may change over time due to availability, but at no time may the amount of plantings fall below what is represented in the planting table.
40. That the Appearance Commission approves an alternative design for buildings B and C in accordance with the designs and details included in the CUP plans. Per the plans, the glazing shall not be reduced below 64% on ground floor and 28.3% for upper floors for Building B and 69% on ground floor and 26.8% for upper floors for Building C.
41. That the Appearance Commission shall conduct a courtesy-level review of the final architectural details and materials choices for buildings B and C prior to issuance of a building permit.
42. That the applicant shall strive to reduce heat-island effects by including plantings on a minimum of 10% of the pedestrian plaza area with a minimum of 20% canopy, as well as including shade trees and cool paving materials.
43. That the applicant also shall strive to reduce heat-island effects by using high-reflectance paving materials in lieu of dark brick or asphalt. In addition, the applicant shall strive to provide shading devices to reduce heat on building surfaces and pavements and use solar-reflective roofing materials.
44. That the applicant shall involve a LEED accredited professional with the ongoing design of the project and will use as many green building techniques as possible in their plans (for example: low impact design and development, resource efficiency, energy efficiency, water conservation and reuse, indoor environmental quality, homeowner education, etc.) and that the applicant shall utilize the LEED Green and Sustainable Buildings Checklist as a means of quantifying its contribution to sustainability.
45. That the applicant shall include at least one shower in multi-tenant office buildings for office tenant use. Accordingly, the building permit plans for each building containing multi-tenant office space must include at least one shower facility before the building permit may be issued.
46. That the applicant shall incorporate passive solar space heating and cooling principals into building design as consistent with the site plan.
47. That the applicant agrees to continue to explore solar power options, especially for hot water.
48. That the applicant agrees to provide some bicycle racks on the sidewalk in the public right-of-way along East Main Street as long as the Town of Carrboro and NCDOT agree with the request, and that the applicant agrees to phase in the installation of bike racks as construction progresses rather than waiting until all construction is complete.
49. That the applicant agrees that the central pedestrian walkway is closed to non-emergency vehicular traffic.
50. That distinctive paving material shall be used in pedestrian areas of the 300 E. Main project and these materials shall continue south and lead into The Butler condominium project.
51. That where pedestrian links from 300 E. Main to The Butler condominiums cross vehicular ways the crosswalks shall be distinctively marked and raised.



This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions as binding upon them and their successors in interest.



THE TOWN OF CARRBORO

ATTEST:

Sarah C. Williamson (SEAL)
Town Clerk

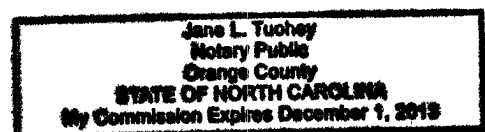
BY Stewart
Town Manager

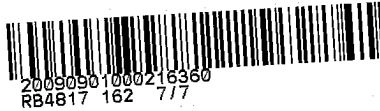
I, Jane L. Tuohy Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 14 day of August, 2009.

Jane L. Tuohy (SEAL)
Notary Public


My Commission Expires: 12-1-2013





We, Main Street Properties of Chapel Hill, LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

MAIN STREET PROPERTIES OF CHAPEL HILL, LLC

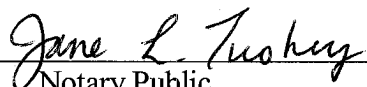
BY: 
Laura Van Sant, Managing Member

NORTH CAROLINA

ORANGE COUNTY

I, Jane L. Tuohy, a Notary Public in and for said County and State, certify that Laura Van Sant personally came before me this day and acknowledged that she is Managing Member of Main Street Properties of Chapel Hill, LLC and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by her as Managing Member on behalf of Main Street Properties of Chapel Hill, LLC thereof all by authority duly given.

WITNESS my hand and notarial seal this the 13 day of July, 2009.


Notary Public

My Commission Expires: 12-1-2013

(Not valid until fully executed and recorded)

