

STAFF REPORT

TO: Board of Aldermen

DATE: February 23, 2016

PROJECT: Hilton Garden Inn

APPLICANT
And OWNERS: Main Street Properties of Chapel Hill, NC
PO Box 2152
Chapel Hill, NC 27517

PURPOSE: To acquire a major modification of an existing Conditional Use Permit allowing construction of a 5-story Hilton Hotel as well as expansion of the existing 300 E. Main St. parking garage as well as expansion of the existing 300 E. Main St. parking garage.

EXISTING ZONING: B-1(C)-CU)

PIN NUMBER: 9778968060

LOCATION: 107 Padgett Lane

TRACT SIZE: Approximately 42,228 sf

EXISTING LAND USE: Vacant Mechanic's Workshop

PROPOSED LAND USE: Hotel Use # 34.100.

SURROUNDING
LAND USES: North: B-1(C), B-1(G), Commercial;
South: R-7.5, Libba Cotton Bikeway, Rail Road R/W, Town Cemetery;
West: B-1(G), Office;
East: B-1(G), 104 Brewer Lane; Apartments, Exercise Studio,

ZONING HISTORY: B-(C)-CU, Since 2008

ANALYSIS

Background, Uses Sought, Concept Plan

Background

The subject property was rezoned to B-1(C)-CU on August 26, 2008 as part of a CUP/Conditional Use District Rezoning application submitted by Downtown Urban Ventures, LLC for the purpose of permitting a mixed used residential/commercial building.

The permit application and rezoning were approved on this date thereby authorizing the project which was known as “The Butler”, a five-story mixed-use building comprised of 57 units (9 affordable) and 22,170 sf of office space with two decks of underground parking. The Butler was never constructed but the permit was extended several times and is still valid (See Attachment B-1). See Attachment B-2 for a site plan showing the approved 300 E. Main CUP site plan and the approved Butler CUP site plan for background reference. Should the proposed Hilton Garden Inn application be approved, The Butler CUP will be superseded. Such a change can be considered for approval, per LUO Section 15-141.3. Of note related to this section, the hearing will be conducted like the original hearing on the conditional use zoning/conditional use permit following quasi-judicial procedures, but the Board is not obligated to consider approving the request as is the case with a CUP only application, per Section 15-141.3(e)(5).

The Hilton Garden Inn project proposes construction of a five story hotel (with one floor of underground parking) and incorporates the parking garage expansion that was already approved as part of the existing 300 E. Main CUP. The 300 E. Main St. parking deck expansion, at buildout, will connect directly to the proposed hotel (Attachment C).

The first floor of the hotel will have facilities suitable for hosting conferences. The applicant is seeking permission for the *Hotel* land use (Use # 34.100). The parking deck expansion will be constructed subsequent to the hotel construction and a ground level interim parking area will be provided. The applicant has requested that the project be phased such that the construction schedule for the parking deck expansion would be expected to begin by five years from the issuance of a certificate of occupancy for the hotel.

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.

Traffic Analysis, Sidewalks, Transit, Parking, Bicycle Parking, Loading Areas

Traffic Analysis

The applicant's traffic engineering consultant, VHB, submitted a revised traffic impact analysis (TIA) to the Town and NCDOT on June 3, 2015 (Attachment D-1). This document was reviewed and approved by NCDOT on July 2, 2015 (Attachment D-2). This analysis includes the traffic impacts associated with the commercial assemblage of the 300 E. Main St. project to the north. The general conclusion from the analysis is that the traffic impact will not vary significantly from that projected when The Butler CUP and Phase 2 of the 300 E. Main Street CUP projects were permitted. Existing NCDOT driveway permits will be valid for the proposed hotel project and no further driveway permits are necessary.

Libba Cotten Bikepath

The 14' wide Libba Cotten bikeway is located along the southern property line. The bikeway is not located within a public right-of-way but is operated via lease agreement with UNC. Access to the bikeway from the new hotel is from the northwestern corner of the site along with an access point at the southeastern corner of the building directly into the underground parking. From the property survey, it has become evident that the bikeway encroaches slightly on the hotel property; for this reason the following condition is recommended:

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.

In addition, the project proposes a retaining wall directly adjacent to the bikeway. Due to concerns that the wall could present a hazard to cyclists the following condition is recommended:

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".

Sidewalks

A private 5' sidewalk is provided along the northern elevation of the building along the alley behind Cat's Cradle. This will tie into the existing private sidewalk facilities located next to the Arts Center Building, the parking deck and the Hampton Inn, these facilities tied into sidewalks within the public rights of way for both East Main and Boyd Streets. Town policy for pedestrian circulation in the downtown zoning districts has established goals for sidewalks to be wide enough for accessible travel. Along the 5' sidewalk on the northern frontage of the hotel, a small turnout for a wheelchair will improve the accessibility of the sidewalk and will help alleviate wheelchair/pedestrian conflicts. For this reason the following condition is recommended:

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.

Transit

A Chapel Hill Transit bus stop serving the F, J and CW routes is located along the 300 E. Main St. frontage.

Town's presumptive parking requirement

The presumptive parking requirement for the #34.000 *Hotel* use is *1 space per room plus additional spaces for restaurant or other facilities* (Section 15-291). For the 149 rooms proposed, this amounts to **149 spaces**. For the “*for restaurant or other facilities*” there are 12,067 of conference rooms along with about 5700 sf of dining/lounge areas. The remaining “other facilities” located on the first floor are hotel offices, utility and storage rooms, the reception area and, bathrooms.

For the conference areas, the ordinance does not clearly define these as a distinct land use. The closest approximation is use #5.400 *Social clubs* which requires 1 space/300 sf. For the 12,067 sf of conference space this results in an additional parking requirement of $12,067/300 = 40$ spaces. Furthermore, the ordinance does not have a clear use category for the hotel dining/lounge area which is intended mainly to serve the guests. The closest use category in the ordinance is # 8.100 *Restaurants* which requires 1 space /100 sf. Based on this standard, these facilities would require an additional $5700/100 = 57$ spaces. Combining these numbers, the Town's presumptive parking requirement amounts to **246 spaces**. These figures do not anticipate joint use of spaces.

Parking reduction justification

Since the proposed hotel contains only 39 onsite parking spaces the remaining spaces secured on 300 E. Main will be considered *satellite* spaces and will need to be encumbered accordingly. The 300 E. Main St. CUP permitted a parking arrangement based on the applicant's analysis for joint use of the spaces for tenants and customers that respond to the expected periods of high and low parking demand. As is detailed below, the applicant proposes to expand upon this joint use analysis by wrapping the hotel's new parking demand into 300 E. Main's parking demand as described in their parking justification and spreadsheet (Attachment E). The applicant's parking estimate calculates a different presumptive requirement based on the Town's provisions, specifically:

- They assert that the dining/lounge area, because it performs primarily an accessory function to the hotel (akin to those found in other convention and conference centers) should not be required to provide dedicated parking.
- They believe that the conference areas of the hotel should require 1 space/200 sf (= 64 spaces), and;
- They believe that a more realistic accounting of the hotel room requirement is .75 space/ room (= 112 rooms).

Using these numbers they believe the Town's *presumptive* requirement should be reduced to $64 + 112 = 176$ spaces. Furthermore, they seek a deviation from this reduced amount as, per Attachment E, they don't expect peak demand from the new hotel to exceed 157 spaces. Note that Peak parking demand in this analysis falls on weekdays from 6pm to 9pm.

In all of the joint-use scenarios of the analysis, the projected parking demand for the whole of the site never exceeds the parking supply either for the interim parking arrangement or the full build out with the parking expansion. With just the interim parking, the combined site parking total (300 E. Main plus the proposed hotel) is **711** spaces.

The LUO gives the Board the authority to grant deviations from the presumptive parking requirements (15-292) based upon evidence presented by the applicant as well as findings unique to the development proposal. Adjacency to pedestrian, bicycle and transit infrastructure, for example, can be considered a factor in granting a deviation. The parking justification analysis provided by the applicant is the primary evidence that the Board will use to consider allowing a deviation from the parking standards. Please note that parking spaces located off the project site are considered “satellite” parking spaces and are regulated by Section 15-298 of the LUO. As such the off-site spaces must be effectively “encumbered” to reserve their use in as long as it is necessary.

If the Board finds the applicant’s parking justification sufficient to grant a deviation, the resolution in the Board’s associated agenda item “*Minor Modification to the 300 E. Main Conditional Use Permit, acknowledging the reservation of satellite parking spaces for the Hilton Garden Inn located at 390 E. Main Street*” will need to be executed prior to the decision on the major modification to the CU-rezoning/CUP. This action will reserve the offsite spaces for the hotel on the 300 E. Main property. If these arrangements are acceptable, the following condition is recommended:

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.

Bicycle Parking

For the hotel use, the bicycle parking requirement of Section 15-291(h) requires 1 bike space for every 5 rooms up to 50 rooms plus one space per 10 rooms above 50.

Estimating approximately 150 rooms, this amounts to a requirement of 20 bike spaces, 50% of which must be covered. The building plans show racks sufficient to serve 20 bikes, half of them covered in the underground parking lot and the remaining located near the front building entrance.

Loading Areas

Section 15-300 requires of commercial projects that sufficient off-street loading and unloading area(s) are provided to accommodate delivery operations in a safe and

convenient manner. The hotel will use the loading areas at 300 East Main Street to park trucks and then roll deliveries in and out via hand trucks or carts. The closest loading zone to the new hotel is the one next to the parking deck in the rear parking lot of the Church of God, the applicant has a permanent service easement on this property to allow this use. In the long run, the 300 East Main plans call for loading zones on the north side of the driveway behind the Arts Center/Cat's Cradle building (see Attachment F) once the driveway can be accessed from both ends. If this arrangement is acceptable to the Board the following condition is recommended.

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.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Traffic Analysis, Greenway Easements, Sidewalks, Transit, Parking, Bicycle Parking and Loading Areas subject to the previously mentioned conditions.

Brownfields, Grading, Tree Protection, Landscape Plans, Screening, Shade Trees in Parking Areas

Brownfields Agreement

The site is a registered brownfield due to the presence of groundwater contaminants in the soil (Attachment G). The original applicant for The Butler entered into a Brownfields Agreement with NCDEQ in 2008. The agreement runs with the original permit and the land and is thereby transferable to the proposed hotel project. The agreement prescribes the allowable uses on the property as well as the necessary remediation actions that must be taken (Attachment H). The proposed use of the property is consistent with those allowable uses described in the agreement. Because of this the following condition is recommended:

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.

Grading

The underground parking facility below the first floor of the hotel will be inset into the existing grades by up to 20' in some places necessitating the export of cut material.

Tree Protection

Four Oaks in excess of 18" will be removed in the areas between the parking lot expansion area and the entrance to the new hotel's parking garage. See the attached tree removal justification letter (Attachment I).

Landscape Plans

The landscape plan proposes 12 canopy (and 1 understory) trees along with 43 shrubs. None of the proposed plantings are on the Town's List of Invasive Plant Species (Appendix E-17). Consistent with the Town's goal to support pollinator insects, the following condition is recommended:

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.

Screening

Per Section 15-308, screening is required variously between the components in this project and the surrounding land uses and lots. The applicant is providing Type B screening as required adjacent to 120 Brewer Lane (except where stormwater conveyance prohibits adding additional plants). They are seeking deviation from the Type A requirement between the hotel and the parking deck expansion as the two buildings will be interconnected (Attachment J). Because of this the following condition is recommended:

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.

Shade Trees in Vehicle Accommodation Areas (VAA) and Tree Canopy coverage

Section 15-318 of the LUO requires that 35% of Vehicle Accommodation Areas to be shaded. This plan has minimal VAA (the drop-off aisle) since most of the pavement north of the property line was approved as part of the 300 E. Main CUP. The 4261 sf VAA found on the subject property requires 1491 sf of shading (trees planted to satisfy these provisions must have a minimum planting area of 200 sf/tree). The landscape plans demonstrate compliance with these provisions.

Section 15-319 requires that projects within the B-1(c) zoning district provide 15% tree canopy coverage. For the 33,953 sf site (excluding easements) this amounts to a canopy coverage area requirement of 5093 sf. Eight of the proposed canopy trees provided will count for a total of $8 \times 500 = 4000$ sf, the remaining four because they are directly adjacent to the neighbor's property (which does not allow them to use a landscape easement) are granted only the area beneath them that they cover, excluding the canopy that crosses over the property line; this amounts to about 700 square feet (total 4700). In order to meet the requirement the applicant proposes to plant two additional canopy trees within a landscape easement on the slope adjacent to the driveway to the interim parking. These additional trees can be counted for a full 500 sf which brings the total canopy up to 5700 sf which exceeds the 5093 sf requirement.

Because the landscape trees provided along the northern property line, and those provided adjacent to the interim parking area driveway, as shown on the plans, encroach onto the 300 E. Main St. property, currently owned by the applicant, the following condition is recommended:

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.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Grading, Tree Protection and Landscaping subject to the previously mentioned conditions.

Stormwater Management

Stormwater Management

Section 15-263 of the LUO establishes stormwater management criteria that must be met for any project requiring a CUP. In particular the applicant must meet stormwater runoff standards with respect to water quality, quantity and volume.

Section 15-49(c2-1) allows commercial projects such as the proposed hotel to forego development of complete stormwater plans during the CUP review process provided that the permit issuing authority can say that, based on the details provided, it is “reasonably likely” that the stormwater and drainage system will comply with Sections 15-262 and 15-263.

The proposed stormwater management plan relies upon roof drains that will direct the first 1” of runoff to the tiered bioretention area. Beyond the first 1” of runoff, the roof will then direct excess flow to a proposed underground detention system under the proposed interim parking area on the adjacent 300 E. Main Street property. In addition, a “Filterra” stormwater treatment device in the northeast corner of the site provides additional treatment. Note that this device is pending approval by NCDEQ. In the event that it is not approved, the applicant has provided basic plans and calculations demonstrating that it is possible to construct an already-approved BMP within the site constraints of the project.

Because of these arrangements the following conditions are recommended:

11. The Board of Aldermen finds it acceptable for the applicant to use a Filterra Biofiltration/Bioretention 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.

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.

Post Development Discharge

The project engineer claims that the proposed design will be less than or equal to the pre-development discharge rates for the 1, 2, 3, 10, and 25 year 24 hour storms thereby satisfying the LUO requirements. Similarly the project engineer has provided preliminary information showing a design that will mitigate any potential impacts, up to the 100 year storm, related to upstream properties. The Town Engineer has reviewed these documents and finds that the proposed design is “reasonably likely”, in accordance with Section 15-49(c2-1), to satisfy the Town’s stormwater requirements subject to final design refinement during the construction plan review stage.

Volume Control

The proposed design satisfies the stormwater volume provisions of the LUO. According to their analysis, there will be no increase in stormwater volume beyond the amount allowed by the LUO.

Nutrient Reduction and Total Suspended Solids (TSS) reduction

The plans predict reductions in offsite runoff of Phosphorus and Nitrogen by 45% and 41% respectively. Total Suspended Solids removal via the bioretention BMP will meet or exceed the 85% removal minimum.

Relative to the Town satisfying state requirements pertaining to the National Pollutant Discharge Elimination System (NPDES) Phase II permit, the following conditions are required:

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).

Stream Buffers

The proposed project does not encroach on existing stream buffers. The Town's Environmental Planner has performed a stream determination and finds that the stream and the accompanying stream buffer begins on the south side of the railroad tracks.

Erosion Control

A complete erosion control plan will be provided for Orange County review during construction plan review.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Drainage, Grading and Erosion Control subject to the conditions mentioned above.

Utilities, Lighting, Fire Safety, Refuse Collection

Utilities

The water and sewer plans have been reviewed by OWASA. The water connection will tie into the existing water main on the Libba Cotten bikeway while the sewer connection proposed is a force main (requiring a pump) into an existing manhole located in front of the Hampton Inn.

While the water connection poses no issues, the manner in which sewer will be handled has not been resolved. OWASA has indicated that sewer is accessible south of the site but the neighboring property and/or UNC, as the owner of the railroad, would have to grant permission in order to access the line. Because of this the applicant is seeking a variance from OWASA related to their policy regarding sewage systems that require pumps. If approved, the variance would allow a portion of the project's sewage to be pumped to an existing manhole on the 300 East Main Street site. It is not certain that OWASA will grant a variance, and OWASA will not be able to approve the project's construction plans and authorize construction until all utility design issues are resolved. Because of this the following condition is recommended:

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.

Per Section 15-246 of the LUO, the plans specify that all electric, gas, telephone, and cable television lines are to be located underground in accordance with the specifications and policies of the respective utility companies. As is customary, the Public Works Department prefers to receive written confirmation from the electrical utility prior to construction plan approval. Because of this, staff recommends the following condition.

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.

Lighting

Section 15-242 requires adequate lighting of buildings and facilities to assure public safety. Section 15-243 requires all such lighting to be controlled in height and intensity. The lighting proposed by the hotel project is entirely building-mounted with downward facing, full cutoff sconce lighting fixtures some of which are expected to provide incidental illumination to the Libba Cotten bikeway. The Transportation Advisory Board expressed interest in the project specifically providing supplemental light for the bikeway. The LUO has no provisions that allow the .2 fc limit to be exceeded at the property line. The Town maintains lighting on the bike path and staff suggests that adding lighting to the bike path should be considered for the path as a whole.

The proposed *interim parking lot* on the adjacent property will feature two 15' temporary pole fixtures with full cut-off heads as well as low mounted full cut-off sconces on the inside wall of a new retaining wall along the southern boundary of the parking area. While these plans appear to demonstrate compliance with the ordinance, additional photometric information is necessary to assess the photometry. For this reason the following condition is recommended.

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.

Fire Safety/Emergency Access

The CUP plans have been reviewed and provisionally approved by the Fire Department subject to further review during construction plans. Two existing fire hydrants are within the 500' provided within the site and the building, which is required to be sprinkled, has an FDC connection. Prior to the construction of the parking deck expansion, primary and secondary emergency access will be via W. Main St. and Boyd St. entrances. When the parking deck expansion is completed, the Boyd street entrance will no longer provide access. The Libba Cotten bikeway offers a possible secondary access (Attachment K) while the 300 E. Main project at build-out, will connect a secondary travel aisle to the site plan. Because of this situation the following condition is recommended:

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.

Fire flow calculations and building-sprinkler design must be submitted and approved by the Town Engineer and Fire Department prior to construction plan approval.

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.

Refuse Collection

The project's waste management arrangements have been reviewed by both Public Works and Orange County Solid Waste and found to be satisfactory. Multiple dumpsters are provided for the building within a screened enclosure out of view from the general public. The applicant will be using the services of a private hauler.

Orange County regulates construction waste and will require that a Solid Waste Management Plan is submitted in order for the hotel project to be issued a permit. Evidence that a permit has been issued will be required prior to the construction plans being authorized. These things will be addressed during construction plan review.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Utilities, Fire Safety, Lighting and Refuse Collection subject to the conditions mentioned above.

Miscellaneous

Phasing

The applicant has requested that the project be phased with the Phase A being the construction of the hotel, interim parking and required stormwater BMPs and Phase B being the completion of the parking deck expansion. Phasing is regulated by Section 15-61 of the LUO which requires that the applicant submit a phasing schedule subject to the approval of the Board. Accordingly, the applicant has requested a five year phasing window for Phase Two. Because of this, the following condition is recommended:

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.

Town Planning Documents

The applicant has provided a written response to address the applicable goals and objectives contained in several of the Town's planning documents such as Vision 2020, the Downtown Traffic Circulation Study, and Downtown Carrboro New Vision (Attachment-L).

Signage

This project is not regulated by the Master Sign Permit of 300 E. Main. The applicant will apply for signage separate from this application.

Architectural Standards

Per the requirements of Section 15-178, developments in the downtown business districts are to demonstrate compliance with the standards presented therein. To this end the applicant has presented the project to the Appearance Commission for review of these

provision. While the plans substantially comply with 15-178, they vary from the ground floor and overall glazing requirements for the elevations that face the public street R/W. Specifically the ordinance requires 60% ground floor and 40% overall. The proposed hotel is providing 42.7% and 36.9% respectively. The Appearance Commission moved to recommend relief from the glazing provisions of 15-178 due to the location of the building with respect to Main Street (Attachment M). Because of this, the following condition is recommended:

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.

Taller Buildings in the Downtown – LUO Section 15-55.1:

Since this project is taller than two stories the 'burden of proof' related to impacts resulting from the development is shifted to the applicant. That is to say the applicant bears the burden of showing the permit-issuing authority that the project will not negatively impact surrounding properties, is in harmony with the area in which it is located, and is generally conforming to plans officially adopted by the Board of Aldermen. To this end, the applicant has providing a scale accurate photomontage to demonstrate how the project is situated in the existing surroundings (See Attachment C, Architectural Sheet 3.2 (dated 2/12/16). In addition, they have contacted a professional appraiser whose assessment is attached (Attachment N).

Neighborhood Information Meeting

The applicant conducted a neighborhood information meeting on July 22, 2015. Attached is the sign-up sheet and minutes from the meeting (Attachment O).

Joint Review Advisory Board Recommendations

The project was presented to the Joint Advisory Boards on December 3rd, 2015 and February 4th, 2016. The combined Advisory Board summary recommendations from these meetings are attached (Attachment P).

Good Neighbor Performance Standards

The property and its uses are required to satisfy the Good Neighbor Performance Standards of Article XI of the LUO. These standards regulate noise, fumes, vibration, and other environmental factors for certain commercial and industrial uses. The applicant has included a note acknowledging that the property is subject to these regulations. Satisfying these standards is a continuing obligation of the permit.

Environmental Sustainability

Please see the applicant's response to the EAB's green building checklist (Attachment Q). The following condition is thus recommended:

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.

Construction Management Plan

Per Section 15-49 (c1) projects that would likely have a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process must provide a construction management plan. A draft plan to this effect is attached (Attachment R). The LUO requires these requirements be addressed per the following condition:

24. That prior to construction plan approval, the applicant submit materials to satisfy the Construction Management Plan provisions of Section 15-49(c1).

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to categories listed above subject to the aforementioned conditions.

STAFF RECOMMENDATIONS:

Town staff recommends that the Board of Aldermen review the Hilton hotel proposal with the following staff conditions and prepare recommendations. The CUP Worksheet is attached (Attachment S):

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 taller than 18" and has mounted on it a railing such that the total height of the wall and railing is at least 48".
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.
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.
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 satisfied all applicable provisions of the applicant's Brownfield Agreement with NCDEQ.
 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/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.
 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. 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).