

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

| STAFF RECOMMENDATIONS | |
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| 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. |

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| 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. |

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| 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. |

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| 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 | |
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| 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. |

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| 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. |

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| 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> |