



## Legislation Text

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**File #:** 16-067, **Version:** 1

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### **TITLE:**

Major Modification of 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 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. 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.

**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 public hearing for this project was officially opened on January 26<sup>th</sup> and continued to this date to allow the applicant additional time to respond to advisory board recommendations and comments. Please see the attached Staff Report for a complete analysis of the project (Attachment A)

**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 approve the South Green Conditional Use Permit application subject to the following conditions (see Attachment S 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 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/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 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 1<sup>st</sup>, 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).