



## Legislation Text

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**File #:** 16-085, **Version:** 1

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**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 26<sup>th</sup> 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 23<sup>rd</sup>:

<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/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.

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 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).
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.