

DAVIDSON COMMONS EAST LOTS 4A-B: HOTEL SITE
CONDITIONS
9/20/17

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1. **Zoning:** The zoning of Tracts 4-A, 4-B, 4-C and 4-D of Davidson Commons East, consisting of 6.4 acres, more or less (the "Site"), is CPA (Conditional Planning Area), as shown on the Davidson Commons East Conditional Master Plan, as amended November 10, 2010, April 9, 2013 and [REDACTED], 2017 (the "Plan"). The Site is to be developed in two phases. Phase II of the Plan was approved for a Change of Use on November 10, 2010 and an amendment to the conditions of Tract 4-C within Phase II was approved on April 9, 2013.

2. **Building Design:**

- a. **Schematic Design:** The building configurations, placements, and sizes shown on the Master Plan are schematic in nature and may be altered and/or modified during design development and construction document phases in accordance with the approved plan. Parking layouts and open spaces may also be modified to accommodate final building configurations in accordance with the Davidson Planning Ordinance ("DPO").
- b. **Retail:** The proposed retail component shall meet the DPO definition of Retail Primary or Retail Secondary (DPO 16.3).
- c. **Environmental Design:** Applicant will commit to LEEDS certification on Light Pollution Reduction and will have a Certified LEED Architect provide a letter confirming the design meets this requirement.
- d. **Building Type:** The hotel building shall be a Workplace building type in accordance with DPO 4.5.6.
- e. **Height:** The Tract 4-A and 4-B Height Restriction is hereby amended to provide that the height allowed for the building located on Tracts 4-A and 4-B, as shown on the amended Master Plan, is a Minimum of Two (2) Stories and a Maximum of Four (4) Stories.

3. **Site Design:**

- a. **Public Art:** Space will be reserved on Tracts 4A or 4B within a plaza or sidewalk area along Griffith Street for public art and the art shall be determined by Davidson Public Art Commission in coordination with Applicant. No financial contribution is required of Applicant.
- b. **Buffers and Trees:**
 - i. **Eastern Buffer:**
 1. **Replanting Ratio:** The eastern buffer will be replanted at a 1:1 ratio for all mature trees that are removed during construction, including the three white oak trees on the northeast corner of the site (which will be replaced with oak trees).

2. **Tree Types & Caliper:** Replanted trees must be at least 4-5 inch caliper trees and shall be a mix of large, maturing deciduous and evergreen species.
 3. **Clearing Near Preserved Areas:** Areas outside of tree/vegetation protection areas shall be cleared by hand utilizing hand-held implements.
 4. **Monitoring:** During construction, the developer commits to daily monitoring and reports about tree protection for saved specimens and any identified preserved areas.
- ii. **Woodies Buffer:** If a surplus of trees remains after replanting within the buffer, some of the surplus trees may be located on the Woodies Automotive lot if acceptable to the Planning Director and Woodies Automotive.
- c. **Plaza:** The design of the Plaza and ornamental tree plantings in the plaza area will be subject to approval of the Design Review Board. The plaza area will be publicly accessible.
 - d. **Crosswalk:** As shown on the Plan, Applicant will construct textured/patterned crosswalks – one crosswalk at the intersection of Davidson Gateway and Griffith Street and one crosswalk across Davidson Gateway from the entrance driveway of Woodies to the CSD site.
 - e. **Stream Crossing:** At the time of the issuance of a certificate of occupancy for the hotel, Applicant shall pay fifty percent (50%) of the actual construction costs (not including soft costs, such as the costs of plans and permits or management fees) of the 10' multi-use bridge along Griffith Street over the stream on the Site's eastern boundary as shown on Walks and Rolls Plan *Figure 4-2*, but, in any event, Applicant shall not pay more than One Hundred and Two Thousand and No/100 Dollars (\$102,000.00) for such bridge. The payment shall be made at the time of the issuance of the certificate of occupancy and shall be held in escrow and used only for the construction of the bridge.
 - f. **Mid-Block Crossing:** Prior to issuance of a certificate of occupancy for the hotel, Applicant will pay to the Town the amount of Sixty-One Thousand and No/100 Dollars (\$61,000.00), which shall be held in escrow and used only for the construction of the Mid-Block Crossing. This payment represents much more than Applicant's proportionate share, in conjunction with other stakeholders, of the cost of the Mid-Block Crossing.
 - g. **Benches:** Applicant agrees to install two benches along Griffith Street as a part of the public art experience.
 - h. **Multi-Use Path:** Applicant will provide a multi-use path as shown on the Plan. Tree grates shall not interfere with cyclists ability to safely move through the area (i.e. small-diameter openings and installed perpendicular to the travel path).
 - i. **Retaining Wall:** The retaining wall will be setback 13' – 60' from the eastern boundary. The maximum height of the retaining wall at the head wall is 13' and the wall is tiered three times. The maximum height of any tier is 5' throughout the Site. The approximate location and length of the wall is shown on the Plan.
 - j. **Setbacks:** The hotel building shall front on Griffith Street with minimum front and side setbacks of 0'.

- k. **Walkway:** DPO 8.4.5 Pedestrian Access, provides, that in large parking lots (36 spaces or greater), a sidewalk perpendicular to the main building shall be put in place. This cannot be accomplished due to the proximity to the eastern buffer and the impervious requirements and this sidewalk shall not be included in the Plan.
 - l. **Transit Amenities:** Applicant will install transit stops in the following locations, in accordance with CATS Standard 60.03C and 7.4.2.B.5;: (i) in front of the hotel and (ii) at the Mid-Block crossing on the north side of Griffith St.
- 4. Parking:**
- a. **Required Parking:** : The DPO parking requirement for lots 4-A and 4-B is 2 spaces per 1,000 square feet of building area, or 149 spaces; however, typical parking for a Hotel is 1 space per hotel room, or 115 spaces for this hotel. Parking provided on the plan totals 101 spaces (which includes on-street parking that is available for public use). On-street parking is as shown on the Plan-
 - b. **Reciprocal Easement Agreement:** Parking provided includes the shared parking in accordance with the Reciprocal Easement Agreement recorded in Book 30349, Page 645, Mecklenburg County Public Registry. This easement parking allows use of the additional spaces, which would only be required on sold out nights.
 - c. **Bicycle Sharing:** A bike sharing station will be installed by Applicant and/or cycles shall be made available to hotel patrons for use around Town.
 - d. **Bicycle Parking:** Bicycle parking provided is 6 long term spaces and 12 short-term spaces. Bicycle parking spaces will incorporate some public art features as reasonably determined by Applicant in conjunction with the Davidson Public Art Commission.
- 5. Construction Sequence:** Applicant agrees to conduct all construction staging on the Site and off-site improvements shall be completed during summer, weekends and school holidays.

6. Impervious Coverage:

Impervious Calculations	Approved	% of Total	Existing
Tract 4-A	26,180	21.72%	12,709.50
Tract 4-B	26,180	21.72%	12,709.50
Tract 4-C	34,161	28.34%	34,161
Tract 4-D	34,000	28.21%	Unimproved
Total	120,521	100%	59,580

The 52,360 square feet of impervious cover allocated to Tracts 4-A and 4-B may be distributed among such Tracts in accordance with the approved amended Master Plan and may also be redistributed between Tracts if requested by the Applicant and approved by the Planning Director was modified prior to completion of such improvements. After completion, modifications of such improvements shall be permitted with Planning Director approval if such modifications do not exceed the total permitted impervious area for the combined Tracts and do not constitute a major amendment.

- 7. Uses:** Permitted uses on Tracts 4-A and 4-B shall include Hotel, Commercial Services, Restaurant and Retail, Primary and Secondary.

8. **Ordinance Modifications:** If, at some point, modifications are made to the Ordinance by the Board of Commissioners, the Applicant may voluntarily agree to apply such modifications to the Plan in a manner consistent with the Ordinance as it changes from time to time. Such modifications to the Ordinance shall in no way impact the Applicant's vested rights established per the Ordinance once the Plan is approved.
9. **Amendments:** The Applicant may request an amendment to the Plan and approved zoning without the written consent of any other owner of all or any portion of the property shown on the Plan so long as the recorded Declaration of Protective Covenants for the property contains a valid and enforceable provision with the stated purpose of granting power of attorney to the Declarant to execute an amendment to the Plan and approved zoning on behalf of such owners. Developer understands that the Town cannot waive the rights of property owners.
10. **Plat Notes:** In the event the event of an amendment to the plat of the Site, entitled Davidson Commons East Map 1, recorded in Map Book 49, Pages 655 – 657, Mecklenburg County Public Registry, as amended in Map Book 55, Pages 623, Mecklenburg County Public Registry (the “Plat”), the notes included on the Plat shall be included on the subdivision plat of the Site as modified by the provisions herein.

REMOVED CONDITIONS:

- The pedestrian trail shown on the Master Plan from the eastern portion of the Site to the Town of Davidson property is removed.