



## MEMO

TO: Design Review Board  
FROM: Chad Hall, Senior Planner  
DATE: January 10, 2018  
SUBJECT: Hyatt Conditions

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Hyatt FYI is for the architecture, along with the plaza design as determined by the Town Board. Below are the most relevant conditions to consider related to the plaza, along with two conditions that may directly/indirectly impact the design. Following are the full conditions that were agreed to by the BOC/Planning Board as part of the approval process. I highlighted all pertinent language.

### PRIMARY CONDITIONS

- **Condition 3c, 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 and identified as such on the Final Plat.
- **Condition 3i, 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 6' throughout the Site. The approximate location and length of the wall is shown on the Plan. The modular block retaining wall design shall be approved by the ***Design Review Board***.

### RELATED CONDITIONS

- **Condition 3a, 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 the Applicant. No financial contribution is required of the Applicant in connection with such art.
- **Condition 3g, Benches:** The Applicant shall install two benches along Griffith Street as a part of the public art experience.

Feel free to contact me with any questions/concerns,

Chad

## **HYATT CONDITIONS:**

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 November 14, 2017 (the "Plan"); the underlying zoning is LPA (Lakeshore Planning Area). 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. These conditions are specific and limited to the hotel site proposal and do not modify any previously approved plans.
2. **Building Design & Uses:**
  - a. **Schematic Design:** Development must be in substantial conformance to the approved Plan, understanding that adjustments may need to be made as a result of engineering requirements and existing site conditions during design and construction phases. The Plan is schematic in nature and may be altered or modified in a manner that a master plan differs from a preliminary plat. The adjustments, and the development of Plan, are subject to the Davidson Planning Ordinance ("DPO") standards in effect on November 14, 2017, as modified by the conditions contained herein, and the criteria established by the Plan.
  - b. **Uses:** Permitted uses on Tracts 4-A and 4-B shall include Hotel/Inn, Commercial Services, Restaurant and Retail, Primary and Secondary.
  - c. **Retail:** The proposed retail component shall meet the DPO definition of Retail Primary or Retail Secondary (DPO 16.3).
  - d. **Environmental Design:** The Applicant shall commit to meet the LEED certification requirements for Light Pollution Reduction. Confirmation that the requirements have been met shall be provided via a letter of verification from the Applicant's LEED-accredited, registered architect at design and after installation.
  - e. **Building Type:** The hotel building shall be a Workplace building type in accordance with DPO 4.5.6.
  - f. **Height:** The Tract 4-A and 4-B three-story (3) Height Restriction is hereby amended to provide that the height allowed for the proposed hotel building located on Tracts 4-A and 4-B, as shown on the amended Master Plan, shall be 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 the Applicant. No financial contribution is required of the Applicant in connection with such art.
  - b. **Buffers and Trees:** In lieu of the requirements of Section 9.3.2 of the DPO, the following conditions shall apply:
    - i. **Eastern Buffer:**
      1. **Replanting Ratio:** The eastern buffer will be replanted at a 1:1 ratio for all mature trees that are removed or damaged during construction, as determined by the Mecklenburg County Site Inspector.
      2. **Tree Types & Caliper:** Replanted trees must be at least 4-5 inch caliper trees at time of installation and shall be a mix of large, maturing deciduous and evergreen species. The replanted trees shall include at least three white oak trees to replace the three white oak trees removed on the northeast corner of the site.
      3. **Clearing Near Preserved Areas:** Areas within the tree protection fence shall be cleared by hand utilizing hand-held implements; mechanized vehicles shall be prohibited from operating within the tree protection fence and limbing of trees to reduce the tree

canopy coverage is prohibited. These conditions shall apply to the tree canopy coverage area for mature trees located within the tree protection fence but whose canopy coverage extends outside of the protection area.

4. **Monitoring:** During construction, the Applicant commits to daily monitoring and reports about tree protection for saved specimens and any identified preserved areas. These daily reports shall be compiled and submitted weekly to the Mecklenburg County Site Inspector.
5. **Replanting Guarantee:**
  - a. **Financial Assurance:** The Applicant shall obtain a performance bond (or increase the amount of an existing performance bond) from a surety bonding company authorized to do business in North Carolina and approved by the Board of Commissioners or its designee. The bond shall be payable to the Town and shall be in an amount equal to 125% of the estimated cost to complete the buffer, and to provide a warranty of the revegetation and reseeding.
  - b. **Initial Inspection.** After the Applicant has completed the initial revegetation, the Town shall inspect and approve such initial revegetation to ensure such installation is in compliance the Davidson Planning Ordinance and/or manufacturer recommendations.
  - c. **Second Inspection and Warranty Period.** After installation of all required plantings, a twenty-four (24) month warranty for trees of 4-5 inch caliper at planting and eighteen (18) month warranty for all other plantings (as applicable, “warranty period”) shall commence from the date of the notification to the Town of complete installation. At the end of the warranty period, the Town shall re-inspect to verify that growth has occurred and that the site has stabilized. If any areas need to be replanted or reseeded, the Town shall notify the Applicant and the Applicant shall perform any necessary replanting or reseeding.
  - d. **Remedies:** Subject to the subsequent sentence, upon default of the Applicant to complete any necessary replanting and reseeding, the Town may obtain and use all or any portion of the funds necessary to complete the replanting and reseeding based on actual construction costs. The Town shall return any bond funds not spent in completing such work. Prior to using funds, the Town shall notify the Applicant, its successors or assigns, of the default and provide ten (10) days to cure the default. If the Applicant, or its successors or assigns, has not diligently commenced to cure such default within ten (10) days, the Town shall have the right to obtain and use funds for the revegetation or warranty corrections to be replanted, reseeded, or stabilized.
- 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 and identified as such on the Final Plat.
- d. **Crosswalk:** As shown on the Plan, Applicant will construct textured/patterned crosswalks to be approved by the Planning Director – 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. **Multi-Use Path Bridge:** Subject to the provisions of this sub-section (e), the Applicant agrees to pay up to \$102,000 (“Applicant’s share”) towards the cost of a multi-use path bridge on the site’s eastern boundary, as illustrated in the Walks & Rolls Plan Figure 4-2. One-half of the payment shall be made at the time of Final Plat approval and one-half of the payment shall be made upon the issuance of the Certificate of Occupancy. The 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,

the 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 held in escrow and used only for the construction of the bridge. In the event the Applicant's share is less than \$102,000, the Applicant shall be reimbursed the remaining amount.

- f. **Mid-Block Crossing (Griffith St.):** The Applicant agrees to pay \$61,000 towards the cost of a mid-block crossing. The payment shall be made at the time of the issuance of a certificate of occupancy for the hotel unless the Town is prepared to construct the mid-block crossing prior to the issuance of the certificate of occupancy, then in such event, the Applicant shall make such payment at the time of Final Plat approval. The payment shall be held in escrow and used only for construction of the mid-block crossing.
- g. **Benches:** The Applicant shall install two benches along Griffith Street as a part of the public art experience.
- h. **Multi-Use Path:** The Applicant shall 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 6' throughout the Site. The approximate location and length of the wall is shown on the Plan. The modular block retaining wall design shall be approved by the Design Review Board.
- j. **Setbacks:** The hotel building shall front on Griffith Street with minimum front and side setbacks of 0'.
- k. **Parking Lot Walkway:** In lieu of DPO 8.4.5 Pedestrian Access; a sidewalk between parking aisles shall not be required.
- l. **Transit Amenities:** The Applicant shall install two transit stops in the following locations: 1. In front of the hotel; and 2. at the Mid-Block Crossing on the north side of Griffith St. Designs shall be in accordance with CATS standards and shall include a bench and bicycle parking. A Certificate of Occupancy shall not be issued until the transit stops, as installed, are approved by CATS.

**4. Parking:**

- a. **Required Parking:** The plan shall provide a mix of parking formats including off-street surface parking (78), on-street parking (18), and a shared parking arrangement with the adjacent Woodies Automotive building (15), for a total of 111 spaces. On-street parking is shown on the Plan.
- b. **Bicycle Sharing:** A bike sharing station shall be installed by the Applicant and/or cycles shall be made available to hotel patrons for use around town.
- c. **Bicycle Parking:** The plan shall provide 6 long term and 12 short-term bicycle parking spaces. Bicycle parking spaces shall incorporate some public art features as reasonably determined by the Applicant in conjunction with the Davidson Public Art Commission.

- 5. Construction Sequence:** The Applicant shall 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 52,323 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.

7. **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.
8. **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.