



MEMO

Date: September 26, 2016
To: Board of Commissioners
From: Jason Burdette, Planning Director
Re: Davidson Commons East Hotel, Preliminary Staff Analysis for Public Input Session
Conditional Master Plan Amendment

1. INTRODUCTION

APPLICANT INFO

- **Developer:** Nish Patel, Beacon IMG, Inc.
- **Owner:** Davidson Commons East Condominium Associates
- **Attorney:** Susan K. Irvin
- **Site Designer:** Geoscience Group, Inc.
- **Architect:** The Lawrence Group
- **Location:** 127 Davidson Gateway Drive (Parcel ID# 00323190)
151 Davidson Gateway Drive (Parcel ID# 00323191)
- **Area:** 2.1 acres

REQUEST

The applicant requests a Conditional Master Plan Amendment to develop a commercial hotel on 2.1 acres. The proposed hotel size would be approximately 85,000 square feet, 68' in height, and feature +/- 107 rooms. The facility would include on-site dining facilities and potentially a roof top restaurant. Note: These represent preliminary values and may be subject to change; but, for the purposes of this analysis, they will be utilized as the baseline values.

SUMMARY OF PETITION

The applicant requests specific conditions pertaining to:

PRELIMINARY CONDITIONS

1. **Building Type:** The type of buildings permitted to be constructed on-site.
2. **Height:** The structure's overall height.
3. **Impervious Coverage:** The amount of hardscape permitted on the site.
4. **Uses:** The specific uses permitted on-site.
5. **Setbacks:** The proposed building/uses distance from surrounding properties or right-of-way.
6. **Open Space:** The amount of publicly-accessible area set aside for public use and recreation.
7. **Parking:** The amount of on-site and off-site parking to be provided by the project.

REMOVED CONDITIONS

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

A complete list of the proposed preliminary conditions is included as Attachment A.

2. PLANNING STAFF REVIEW

BACKGROUND

The proposal seeks to replace an existing conditional master plan approved in 2006 and which has since been amended multiple times. Common law vested rights for these lots were established through a series of actions, including a public charrette and plan amendments, taken from 2007-2013. Originally, the four lots along Davidson Gateway Drive (Lots 4A-D) were part of the Davidson Commons Master Plan and envisioned to become 42 townhomes. In 2007, the Davidson Commons East Conditional Master Plan proposed to replace these 42 townhomes with 16 single-family detached homes on Lots 4C-D and two commercial buildings consisting of 24 office/retail/residential condominiums on Lots 4A-B (Attachment B). The commercial buildings were approved to be two to three stories in height. In response to market conditions the mix of uses within the commercial buildings was adjusted through a plan amendment in 2008, though the overall building and site designs remained unchanged. Architectural designs for the two mixed-use buildings were approved by the Design Review Board in 2008, but the individual site plans for these lots were not submitted for review and therefore the projects did not move forward as development projects.

In 2010 the Davidson Commons East Conditional Master Plan was once again amended, with the 16 single-family detached homes on Lots 4C-D evolving to become two, two- to three-story commercial buildings and an athletic field (Attachment C). The commercial building on Lot 4C, Woodies Automotive, was approved in 2013 via another Conditional Master Plan amendment and constructed in 2014.

Currently, Lots 4A-B function as a surface parking lot and Lot 4D is largely a graded, grassy plane. The proposed hotel site comprises Lots 4A-B, the two northernmost lots along Davidson Gateway Drive, with Lot 4A fronting both Davidson Gateway Drive and Griffith Street. The Conditional Master Plan seeks to replace the existing, approved plan for two mixed-use commercial/residential buildings of two to three stories each to permit a commercial hotel featuring six stories.

PROCESS

The applicant met with town staff at various times during 2016 to discuss the development of the 2.1 acre tract of land as a commercial hotel. During those conversations, staff and the applicant discussed the process to move the project forward. The property's current designation as a Conditional Planning Area and the site/building's proposed features, some of which do not fully comply with the planning ordinance, led the applicant to request a Conditional Master Plan amendment (DPO 14.7) rather than to adopt the Lakeshore Planning Area standards (DPO 2.2.8). This review considers compliance with the Davidson Planning Ordinance adopted May 1, 2015, as amended.

CONTEXT

As noted above, the proposed hotel lies on two parcels at the corner of Davidson Gateway Drive and Griffith Street. The site slopes eastward toward an intermittent stream, across which is a Town-owned property and low-density residential homes. Woodies Automotive is immediately adjacent to the south, and across Davidson Gateway Drive to the west is the Community School of Davidson's elementary-

middle school campus (CSD). Across Griffith Street to the north is Spinnaker Cove, a low-density residential development. Moving beyond the immediately adjacent uses, the site lies on the eastern edge of a targeted growth node (described in greater detail below). This area, known as the Circles @ 30, features a mix of uses including hotel, office, retail, restaurant, and higher-density residential buildings. The site is nearly equidistant between both I-77 and downtown, lying roughly one-half mile from each.

PLANNING AND DEVELOPMENT STANDARDS

Below is a summary of general planning and development standards relating to this proposal. Note: For the purpose of this analysis, the Lakeshore Planning Area is considered to be the “underlying” planning area for the proposed site.

LAND USE

The existing, approved plan permitted the development of two, three-story mixed-use buildings – one fronting Davidson Gateway Drive and one fronting Griffith Street. This plan allowed commercial, office, retail, and residential uses to be located in each building. These uses are consistent with the overall pattern of uses in the Circles @ 30 area.

The proposed plan updates and clarifies the specific uses allowed on Lots 4AB by utilizing the 2015 DPO terms. The specific uses requested are: Hotel/Inn; Commercial Services; and, Retail, Primary & Secondary (which includes restaurants). Examples of each of these uses exist both near and in the broader vicinity of the subject site. The proposed hotel use, including a retail or restaurant component, would be consistent with the existing and future land uses envisioned for the Circles @ 30 area.

BUILDING TYPE, HEIGHT, & SETBACKS

Building types vary throughout the Circles @ 30 area and range from detached, attached, and multi-family residential buildings to retail and office buildings that fit with the current DPO’s Storefront and Workplace building types. The plan amendment proposes the construction of either a Storefront or Workplace building. These building types require many similar features, such as principal entries fronting primary streets, minimum façade transparency on the ground floor, and architecturally-distinguished floor levels and entryways. The Storefront building type also requires ground floor spaces designed to accommodate active, retail uses.

Both of these building types are permitted by-right in the Lakeshore Planning Area, with an allowable height of two to four stories. The proposed hotel requests a height of 68’, or six stories, and the application indicates this will include a rooftop restaurant (see General Statement of Intent). The proposed conditions indicate that the building will step back further from the main building mass above 60’. When surveying other buildings in the immediate and broader vicinity, the proposed height exceeds that of existing buildings. For comparison, approximate values for nearby buildings are: One Harbor Place (Sabi Restaurant) is 51’ to parapet; Two Harbor Place (Valspar) is 57’ to parapet; The Linden is 48’ to parapet; Woodies Automotive is 36’ to parapet; and, Homewood Suites is 59’. Notably, these buildings are adjacent to other commercial or high-density residential areas. Where the buildings approach the higher-density residential blocks there is a transition, or “step-down,” in height that occurs across a right-of-way. This transition typically spans less than two stories in height differential between the commercial building and adjacent residential property.

Lastly, the project proposes 0’ setbacks. This is consistent with the permitted setbacks for Storefront and Workplace buildings in the Lakeshore Planning Area as well as existing buildings close by (Woodies, Davidson Day School, Harbor Place One & Two, Homewood Suites, and The Linden). In this location,

where pedestrian mobility is important, buildings with active ground floor uses placed close to the sidewalk create a pleasant walking environment – as evidenced by many of the uses in the nearby Davidson Commons building along Jetton Street. On Davidson Gateway Dr. the building will be adjacent to the sidewalk; along Griffith St., the building will be setback approximately 45’ in order to retain the existing tree canopy, as shown in the 2007 Conditional Master Plan.

STREETSCAPE

With its location on a corner, the proposed hotel will front two streets: Griffith Street and Davidson Gateway Drive. The site’s location in a highly-walkable area means that close attention should be paid to the pedestrian experience along each of these streets. The sidewalk along Davidson Gateway Dr. appears to continue the 8’ pathway from Woodies to Griffith St., and includes a low-rise wall to screen surface-level parking from pedestrians. Along Griffith St., the sidewalk width increases to approximately 12’. Additionally, the plan proposes a retaining wall along this walkway measuring approximately four feet high, which exceeds the three foot maximum in the front setback permitted by DPO 4.3.1.D. Along both frontages street trees and landscaping must be provided in accordance with DPO 9.4.1.

PARKING, ACCESS, & TRANSPORTATION

The plan proposes to utilize a mix of parking formats including off-street surface parking (70), on-street parking (19), and a shared parking arrangement with the adjacent Woodies Automotive building (29), for a total of 118 spaces. For commercial properties, DPO Table 8-1 lists a minimum parking requirement of two spaces per 1,000 SF of commercial floor area. At 85,000 SF in total building area, this results in a required parking minimum of 170 spaces. Importantly, this table considers only gross commercial floor area and does not distinguish between different uses that may generate different trip patterns. In this case, assigning one parking space to each hotel room may not accurately reflect actual parking demand. Continuing, DPO 8.3.2.D allows for adjacent non-commercial uses to share up to 50% of the required off-street parking spaces available, which in this case would allow for use of 12-13 existing spaces on the Woodies property (29 have been indicated by the developer).

The current proposal represents a 52-space difference in the required (170) and proposed parking (118). However, as noted above, usage patterns vary depending on the nature of each commercial space. Based on their experience developing and operating the nearby Homewood Suites Hotel, the developer believes that parking area to be over-built after observing actual usage patterns. The developer noted that many visitors do not arrive at that hotel in their own private car but instead utilize taxis, corporate transportation, or ride-sharing services that do not require their use of parking facilities. Their experience in this local context informed the current proposal.

Regarding access, the proposal eliminates the first curb cut off of Davidson Gateway Dr. and instead utilizes the existing shared driveway with Woodies to provide site access. This provides two benefits: 1. It affords a better pedestrian experience along Davidson Gateway Dr. by eliminating a potential conflict point between vehicles and pedestrians; and, 2. It satisfies the requirements of Table 8-2, which discourages off-set driveways.

Lastly, regarding other transportation requirements listed in the DPO, Section 6.10 deals with Transportation Impact Analysis (TIA). These exercises are used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary on- and off-site to provide safe and efficient access and traffic flow. The ordinance utilizes a development threshold to determine when a TIA is required. For commercial projects, this threshold is set at 75,000 SF. Because the project is approximately 85,000 SF it would trigger a mandatory TIA. This will assist in understanding travel patterns in and around the site and especially in relation to the project’s proximity to schools –

uses which generate a very high amount of traffic, both motorized and non-motorized, during certain periods of time each weekday.

OPEN SPACE/PARKS

The Lakeshore Planning Area requires a minimum of 5% of the development to be dedicated open space. For this site, that equates to roughly 4,500 SF of open space. Per DPO 7.2.2, development within 0.25 miles of an existing public park may receive a reduction not to exceed 25% towards the required open space area. This site's proximity to Roosevelt Wilson Park enables a reduction of up to 1,125 SF, leaving 3,375 SF of required open space. The proposed plan contemplates a plaza area at the corner of Davidson Gateway Dr. and Griffith St., though the details of its design and whether it meets the criteria listed in DPO 7.4 remain unclear.

WATER QUALITY

The site is located in the Lake Norman Watershed Critical Area. This means that it is limited in the total amount of impervious coverage it can provide on-site (i.e. hardscape surfaces). The total allowed amount for Lots 4A-D is 120,521 SF; this value may not be exceeded. Over the years, the various plans and plan amendments associated with this site have allocated the allowed impervious coverage in different ways. For example, Woodies Automotive is now constructed and that site's impervious coverage has been subtracted from 120,521, leaving Lots 4A, B, and D to split the remaining value. The chart included as part of the proposed project conditions specifies these values. Lots 4AB are allocated 52,360 SF, collectively, and the proposed plan illustrates 49,818 SF of impervious coverage, which meets the requirement.

ADDITIONAL CONSIDERATIONS

Two additional topics relevant to this site's development have been identified and are introduced below. These are worth careful study as the site design progresses.

ADJACENT USES

To the site's southeast lies low-density residential development. Unlike properties to the north, these properties are not separated from the project by a street. Moreover, these properties' elevation sits below that of the project site. Although the Town's form-based code favors well-scaled transitions between uses rather than isolating buffers (especially in non-rural areas), in some cases wherein the rear properties adjoin different uses vegetated cover may be appropriate.

TREE CANOPY/GRIFFITH STREET

Currently the site features a stand of mature trees along Griffith Street. Along with trees on the north side of the street, this stand creates a canopy that frames the street. The stand is less formalized than the trees one block west along Griffith that line the street for the length of the CSD campus. The 2007 Conditional Master Plan revision included a 0.21-acre public open space along Griffith St. with the intent of preserving the existing tree stand. However, the 2010 amendment removed this provision. Retaining the tree stand means that the building must be set back further from the roadway, which potentially results in the following tradeoffs:

1. A building setback that is inconsistent with the DPO's setback standards for the Lakeshore Planning Area as well as new construction that has occurred throughout the Circles @ 30 area. However, pedestrian features such as plazas, walkways, and sidewalk cafes may be included as part of the front setback area.
2. A less viable commercial retail location at the corner of Davidson Gateway Drive and Griffith Street.

3. A less formalized streetscape than occurs on adjacent properties and that is required throughout new development in the Circles @ 30 area.
4. Limitations on the building and site design, including the amount of parking able to be provided on-site.

These tradeoffs should be carefully considered throughout the site design and plan approval process.

PRELIMINARY PROPOSED CONDITIONS

The applicant requests specific conditions as part of this conditional rezoning. Please see Attachment A for a copy of the proposed conditions. Based upon public input and work session discussion, staff may propose additional conditions.

3. PUBLIC PLANS AND POLICIES

Below is a list of town-adopted plans and a brief summary of each plan's applicability to the proposed Davidson Commons East Conditional Planning Area Hotel:

- The ***General Principles for Planning in Davidson (2015)*** include tenets to guide development in Davidson. Principles relevant to this proposed development are listed below. They can be summarized as: Davidson should focus on appropriately-scaled, high-quality infill development that balances residential and commercial uses, and in all cases strives to create vibrant pedestrian environments and public spaces.
 1. We must preserve Davidson's character and sense of community.
 3. We must encourage alternative means of active transportation.
 - Development and redevelopment in walkable, mixed-use, connected neighborhoods.
 - Planning commercial centers so walking, bicycling, and riding public transit to these destinations are viable options.
 4. We must use our scarce land resources wisely.
 - Encouraging development that uses green design, energy conservation, and flexible spaces.
 - Ensuring that development builds up and not out.
 6. We must manage growth so the town can provide public facilities and services apace with development.
 - Encouragement of economic growth without jeopardizing our sense of community.
 - Decisions based on the long-term goals of the comprehensive plan rather than a short term benefit.
 7. We must enhance our quality of life through architecture and design. Livable environments include well-designed buildings, a dynamic public realm, and seamless connections between the two. This means that:
 - Private buildings and public infrastructure must work together to shape public space and to build community character.
 - The design of our public spaces, parks, and plazas will encourage social interaction, cultural experiences, and recreational opportunities.
 - Public art will animate our civic spaces.
- The ***Davidson Comprehensive Plan (2010)*** establishes a wide-ranging set of goals for the community to pursue, many of which are listed below. The goals emphasize the creation of commercial business opportunities; safe, interesting pedestrian areas and public spaces; and, prioritizing development in designated growth areas.

CORE VALUES

- Core Values: Davidson’s economic health is essential to its remaining a sustainable community, so town government will judiciously encourage and guide the location of new business opportunities (pg. 4).

GOALS & RECOMMENDATIONS

- Diverse Business/Job Opportunities:
 - Goal 1: Encourage independent and/or specialty retail in downtown and the Exit 30 area (pg. 47).
 - Goal 2: Support and expand hotel and conferencing capabilities (48).
- Safe & Vibrant Public Spaces:
 - Vision: “Eyes on the street” and lively community gathering spaces provide safe places for children, pedestrians, and visitors. The town and private developers should continue to design, build, and manage public spaces (such as streets, greenways, parks, civic buildings, and commercial centers) that allow people of all ages and abilities to interact, create, and learn (49).
 - Goal 1: Continue to require human-scale, pedestrian-friendly architecture, brick sidewalks, attractive lamp posts and welcoming store fronts (50).
 - Goal 2: Ongoing Initiatives: New amenities such as public art, play equipment, and landscaping will energize existing transportation corridors, the transit station area, and park properties (50); Provide venues to display Davidson College student and faculty sculpture exhibits off campus (50).
 - Goal 3: Consider traffic access management policies such as limited driveways along major roads; Improve crosswalk and lane marking visibility (50-51).
- Enable Faithful Stewardship:
 - Goal 3: Encourage rainwater capture and reuse in all new developments (61).
- Safe & Efficient Public Services:
 - Goal 2: Anticipate greater public safety concerns during the development review process (63).
- Maintain Quality Design & Sound Planning Principles:
 - Goal 1: Prioritize infill and mixed-use development within or near already developed areas (65); Provide additional mixed use centers close to existing neighborhoods (65).
 - Goal 2: Ensure compatibility and connectivity of new development with surrounding context (66); Promote the use of green and local materials in new development (66); Coordinate new development proposals with approved small area plans (66); Continue to discourage franchise architecture (66).

TARGETED GROWTH PLAN

- Preferred Growth Framework Criteria (71):
 - Growth should create a balance of commercial and residential development.
 - Development should be walkable and vibrant public spaces.
 - Growth should create a full range of employment and housing opportunities.
 - Growth should result in a more balanced local property tax base.
 - Growth should create high-quality pedestrian environments.
- Regional Commercial Center - Circles at 30 Area (72):

- The Exit 30 area offers development potential for larger footprint development that may not be accommodated in the downtown. The visibility and proximity of the Exit 30 area to I-77 and waterfront will provide opportunities for employment growth.
- The ***Circles @ 30 Small Area Plan (2013)*** aims to create a new, vibrant town center built according to the same principles as the historic downtown. Although not adopted, the plan contains several points that speak directly to the subject site. Recommendations relevant to this proposed development include:
 - Continued two to four story mixed-use development along Griffith Street (pg. 9);
 - Required retail frontage on Griffith Street (10);
 - Smaller-scale development along Davidson Gateway Drive (i.e. two to three stories, 16);
 - Consideration of angled parking on Davidson Gateway Drive (17).

4. STAFF RECOMMENDATION

The purpose of the Preliminary Staff Analysis is to assess the initial concept plan against existing standards, provide the public and decision-makers with the known facts, and offer direction on which topics should be further explored as the site design evolves. After reviewing the application and documentation, staff believes the following topics warrant further scrutiny:

- 1. Transitions:** The General Statement of Intent states that the building will be respectful of the surrounding uses, including neighborhoods, and will feature innovative design solutions. Further information is needed regarding how the building will be respectful of surrounding uses, such as creating suitable transitions to surrounding properties. Nor have innovative design solutions been specified.
- 2. Height:** The Davidson Planning Ordinance (DPO), documented plans, and existing uses/buildings all support multi-story, mixed-use development at this site. However, each of these indicates a range of two to four stories is most appropriate. The proposed height of 68' exceeds the permitted height of similar by-right development and the height of existing buildings. Certain sites in the Circles @ 30 area may justify taller buildings – locations near the interstate or at key junctures such as each traffic circle, for example. The merits of such an increase as proposed at the subject site must be carefully examined in light of surrounding uses/buildings, future benefits, and *Comprehensive Plan* goals.
- 3. Tree Canopy:** The DPO contains a variety of definitions for trees, including mature, canopy, and specimen trees. It's possible that the site, including Griffith Street frontage, contains several mature and perhaps a few canopy trees (i.e. those with a shade coverage greater than 1,200 SF), but it does not appear to contain any specimen trees. As noted earlier in the analysis, the existing tree stand creates attractive canopy coverage along Griffith Street, but this is not without tradeoffs. The potential benefits of a formalized streetscape (including new street trees and landscaping), building frontage consistent with the Town's principles, and ability to support active retail at the site's NW corner should be evaluated against the retention of the existing, informal tree stand along Griffith Street.
- 4. Active Uses/Ground Floor:** Continuing from Item 3, the DPO, existing plans, and precedent all support the inclusion of at least one retail use at this site. The building's NW corner seems a natural location for this use, and the *Comprehensive Plan's* emphasis on engaging focal points/public space afford a unique opportunity at this site. Practically speaking, to be viable small-scale corner retail uses need:
 1. Prominent placement on a primary street and/or corner;
 2. A minimum of 10,000 vehicles per day (NCDOT current vehicle counts for Griffith Street range

between 11,000 - 21,000 per day); and, 3. Convenient access (*Principles of Urban Retail*, Robert Gibbs, 3). Factors such as nearby residences or schools, both of which are adjacent to the site, augment the potential success of small-scale retail uses. The location of the building away from the primary street frontage along Griffith diminishes the viability of such uses.

Furthermore, although the developer has indicated that it's possible for the building to shift some of its planned in-house services such as a small coffee station towards the NW corner, the details of this arrangement and what type of public space it would yield are unclear. With the building set back significantly from Griffith Street, the opportunity for seamless pedestrian interaction with a potential retail use greatly diminishes. A continuous experience – where a pedestrian may stop to look at sidewalk or interior merchandise displays, or browse a menu without leaving their walking course – is a hallmark feature of good urban design and is integral to the success of buildings downtown and at Davidson Commons along Jetton Street. Significant building setbacks or unengaging uses such as passive or empty spaces (i.e. meeting rooms, gyms) aren't consistent with this approach. The building's placement on the site and uses along its primary and secondary streets must be judiciously studied.

5. **Public Spaces:** This site presents a special opportunity to create a distinct, attractive public space at the corner of Davidson Gateway Drive and Griffith Street: An inviting focal point that marks the next punctuation in a vibrant streetscape extending from the second traffic circle on the way to Roosevelt Wilson Park. As detailed above, the building's placement on the site plays a critical role in achieving a pleasant, coherent pedestrian experience. A well-positioned retail use would certainly strengthen the corner's appeal; but, regardless of this result, great effort should be put into constructing an attractive, publicly-accessible public space and a unified, interesting pedestrian experience along both of this site's primary and secondary streets.
6. **Transportation:** The site's proximity to the Community School of Davidson's elementary-middle school campus merits exploring the potential transportation impacts of the proposed hotel. This is because of the high peak-hour trips generated by schools at certain times of day, as well as the developer's local experience with hotel guests' transportation choices and parking requirements. In some contexts commercial uses such as hotels may generate less trips than other commercial or residential uses (such as medical offices or detached single-family residential dwellings). Therefore, a detailed Transportation Impact Analysis should be conducted to understand the potential on- and off-site impacts of this development.

5. ATTACHMENTS/RESOURCES

- Attachment A: Preliminary Proposed Conditions
- Attachment B: 2007 Davidson Commons East Conditional Master Plan
- Attachment C: 2010 Davidson Commons East Conditional Master Plan Amendment

ATTACHMENT A: PRELIMINARY PROPOSED CONDITIONS

GENERAL NOTES & CONDITIONS

GENERAL NOTES

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 and April 9, 2013 (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 & Site 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 Planning Ordinance.
3. **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.
4. **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.
5. **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; provided, however, Note 3 of the plat shall be revised to reflect the conditions provided below.

CONDITIONS

8. **Building Type:** The hotel building shall be a Storefront or Workplace building type in accordance with DPO 4.5.6.
9. **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 Sixty – Eight Feet (68’) to the parapet wall with no restriction on the number of stories. Building massing on the street shall be less than 60’ in height.
10. **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 as 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.

- 11. Uses:** Permitted uses on Tracts 4-A and 4-B shall include Hotel, Commercial Services, Restaurant and Retail, Primary and Secondary.
- 12. Setbacks:** The hotel building shall front on Griffith Street with the setback shown on the Plan.
- 13. Open Space:** [At this time the amount is not known. Once determined, this condition will be revised to state that "XX acres or feet of open space is provided in accordance with DPO 7, as shown on the plan." The open space type - plaza, paseo, etc. – should be specified per DPO 7.4.]
- 14. Parking:** The parking requirement for lots 4-A and 4-B is as shown on the Plan.

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.