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To: Neighboring Property Owner
From: Molly Stuart
Date: March 7, 2022
Re: Notice of virtual meeting to discuss potential rezoning of certain property located at 227 W Davie St (the "Property")

We are counsel for NCR Hospitality Corporation ("NCR"), which plans to rezone the above-captioned Property. Currently, the Property is zoned DX-20-SH. NCR is considering rezoning the Property to Downtown Mixed Use, up to forty stories, with Shopfront frontage (DX-40-SH). The purpose of the zoning request is to allow for more flexibility in building height.

You are invited to attend a neighborhood meeting on **Wednesday, March 23, 2022, from 7pm to 8pm**. The meeting will be held virtually. You can participate online or by telephone. Please note that the presentation is planned to begin at 7pm and will be followed by an opportunity for questions and answers. Depending on attendance, the programmed portion of the meeting is likely to end at 7:30pm. The additional time is intended to allow for a late start in the event of any technical issues related to the virtual meeting, and your flexibility is appreciated. Once the meeting has been successfully completed, the online meeting, including the telephone dial-in option, will remain open until 8pm, and we will be happy to review the proposal or answer additional questions during this time.

After the submittal of certain rezoning applications, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 1,000 feet of the area requested for rezoning. After the meeting, we will prepare a report for the Raleigh Planning & Development Department regarding the items discussed at the meeting. You can view the full application materials, including the first neighborhood meeting materials on the City's current zoning cases page (<https://raleighnc.gov/SupportPages/zoning-cases>). This rezoning application is filed under case no. Z-89-21.

If you have further questions about the rezoning process, please contact:

Carmen Kuan
Raleigh Planning & Development
(919) 996-2235
Carmen.Kuan@raleighnc.gov

If you have any concerns or questions about this potential rezoning I can be reached at:

Molly Stuart
Morningstar Law Group
(919) 890-3318
mstuart@morningstarlawgroup.com

Sincerely,

A handwritten signature in blue ink, appearing to read "MSL". The signature is fluid and cursive, with the letters "M", "S", and "L" connected together.

Aerial Photo



Zoning



How to Participate in the March 23, 2022 Neighborhood Meeting

Re: 227 W Davie St

- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to morningstarlaw.group/03232022mtg to register for the meeting.
(Registration is necessary as we are required by the City of Raleigh to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
 - Dial one of the following numbers:
 - +1 312 626 6799
 - +1 929 436 2866
 - +1 301 715 8592
 - +1 346 248 7799
 - +1 669 900 6833
 - +1 253 215 8782
 - Enter Webinar ID: 827 6431 5788
 - Enter password: 135719
 - *For attendance purposes as required by the City of Raleigh, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at meetings@mstarlaw.com or call 919-590-0366.

You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Question & Answer (Q&A) feature. Questions/comments submitted via this feature will be taken in the order submitted.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at meetings@mstarlaw.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.



Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Rezoning Request				
Rezoning Type	General Use	<input checked="" type="checkbox"/> Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: DX	Height: 20	Frontage: SH	Overlay(s):	
Proposed zoning base district: DX	Height: 40	Frontage: SH	Overlay(s):	
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number:				

General Information			
Date:	Date amended (1):	Date amended (2):	
Property address: 227 W Davie Street			
Property PIN: 1703578323			
Deed reference (book/page): 16227/238			
Nearest intersection: W Davie St/S Dawson St		Property size (acres): 0.59	
For planned development applications only	Total units:		Total square footage:
	Total parcels:		Total buildings:
Property owner name and address: NCR HOSPITALITY CORPORATION, BENCHMARK AUTO WORKS, 227 W DAVIE ST, RALEIGH NC 27601-1736			
Property owner email: mpaul@morningstarlawgroup.com			
Property owner phone: 919.590.0377			
Applicant name and address: NCR HOSPITALITY CORPORATION, BENCHMARK AUTO WORKS, 227 W DAVIE ST, RALEIGH NC 27601-1736			
Applicant email: mpaul@morningstarlawgroup.com			
Applicant phone: 919.590.0377			
Signed by: <i>Jayesh Patel</i>			
Applicant signature(s): <i>Jayesh Patel</i>			
Additional email(s):			

Conditional Use District Zoning Conditions

Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: DX-20-SH	Proposed zoning: DX-40-SH	

Narrative of Zoning Conditions Offered

1. The following uses shall be prohibited on the property; Dormitory, fraternity, sorority; pawnshop; detention center, jail, prison; self-service storage; vehicle fuel sales; adult establishment; motel; inn and hostel. Vehicle repair shall be a prohibited principal use on the property except that the existing vehicle repair use located on the property shall be permitted use; upon discontinuance of such existing use for 180 consecutive days, vehicle repair shall be a prohibited principal use on the entire property.

2. Any such façades of the parking structure shall have openings screened to prevent views into the structure except for perpendicular vehicular ingress and egress openings at a maximum width of 30 feet and pedestrian access openings at a maximum width of eight feet.

3. Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the screening element to the wall opening. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Where mesh or other materials containing openings is used in conjunction with the screening frame, no individual opening shall exceed four square inches. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.

4. Parapet walls. On all levels where parking is provided adjacent to an exterior wall, all façades shall have exterior opaque walls a minimum height of 42 inches above any finished grade and any finished floor.

5. Lighting of Structured Parking. Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.

 - b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies

 - c. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of 15 feet from the exterior perimeter of the rooftop wall at a maximum mounted height of 12 feet above finished floor with cutoff light fixtures that have a maximum 90 degree illumination.

 - d. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: DocuSigned by:
Jayesh Patel
DF8B483E37EF4AB... _____

Printed Name(s): Jayesh Patel