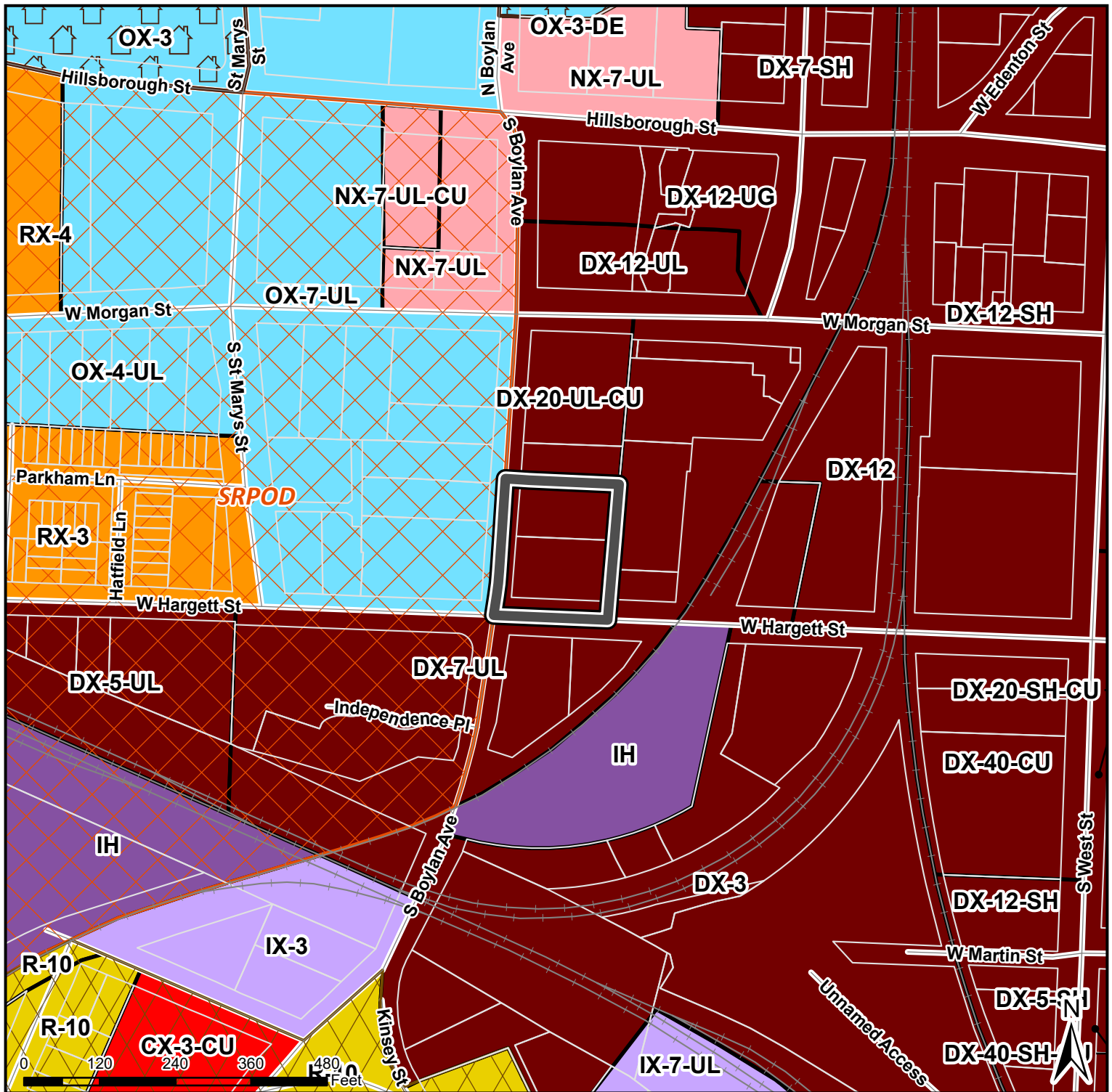
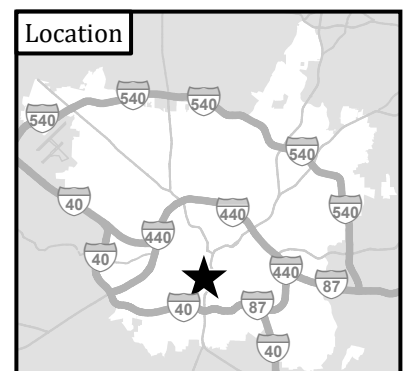


Existing Zoning

Z-22-2022



Property	121 & 131 S Boylan Ave
Size	0.69 acres
Existing Zoning	DX-7-UL
Requested Zoning	DX-20-UL-CU





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: 7	Frontage: UL	Overlay(s):	
Proposed zoning base district: DX	Height: 20	Frontage: UL	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: 121 S Boylan Ave; 131 S Boylan Ave			
Property PIN: 1703481666; 1703481557			
Deed reference (book/page): 009358/01405; 009358/01409			
Nearest intersection: S Boylan Ave and W Hargett St		Property size (acres): 0.69	
For planned development applications only	Total units:	Total square footage:	
	Total parcels:	Total buildings:	
Property owner name and address: Raleigh Florence St MMM LLC, 115 S. Saint Mary's St., Raleigh NC 27603			
Property owner email: eddie@nearicoleman.com			
Property owner phone: 919-828-4808			
Applicant name and address: Raleigh Florence St MMM LLC, 115 S. Saint Mary's St., Raleigh NC 27603			
Applicant email: mstuart@morningstarlawgroup.com			
Applicant phone: 919-890-3318			
Signed by: Robert E. Coleman, Jr.			
Applicant signature(s):			
Additional email(s):			

RECEIVED

By Carmen Kuan at 10:22 am, Mar 14, 2022

Conditional Use District Zoning Conditions

Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: DX-7-UL	Proposed zoning: DX-20-UL	

Narrative of Zoning Conditions Offered

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the DX- district shall be prohibited: (i) Dormitory, fraternity, sorority; (ii) Adult establishment; (iii) Pawnshop; (iv) Vehicle Fuel Sales; and (v) Detention center, jail, prison.
2. Public street-facing facades of structured parking:
 - a. Any such facades 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.
 - b. 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.
3. Parapet walls. On all levels where parking is provided adjacent to an exterior wall, all facades shall have exterior opaque walls a minimum height of 42 inches above any finished grade and any finished floor.
4. Lighting within 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: Robert E. Coleman, Jr.
DocuSigned by: 9CC5A490CDE94F3...

Printed Name(s): Robert E. Coleman, Jr.

RECEIVED**By Carmen Kuan at 10:22 am, Mar 14, 2022**

Rezoning Application Addendum #1**Comprehensive Plan Analysis****Office Use Only**

Rezoning case #

The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.

Statement of Consistency

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

This Central Business District location, within the Downtown and Core Transit Area designations on the Urban Form Map, is recommended for up to 40 stories in height on Table LU-2, consistent with the 20 stories requested here.

The proposed Urban Limited frontage is consistent with the "urban approach to frontage" recommended for sites within the Downtown designation of the Urban Form Map.

The request is additionally consistent with several Comprehensive Plan policies, including LU 2.2 (Compact Development); LU 4.4 (Reducing Vehicle Miles Traveled Through Mixed Use); LU 4.7 (Capitalizing on Transit Access); LU 5.1 (Reinforcing the Urban Pattern); H 1.8 (Zoning for Housing); DT 1.6 (Supporting Retail Growth); and DT 4.1 (Encouraging Downtown Housing).

Public Benefits

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

The parcels immediately abutting the property on both sides of this corner location are zoned in accordance with the district, height, and frontage requests for this property. Site plans are being reviewed for that site showing a building height of approximately 605 feet. Permitting additional height at this location would both provide a reasonable similarity in height and encourage both additional housing and retail use in the downtown area, consistent with the public interests expressed in Comprehensive Plan policies DT 1.6 (Supporting Retail Growth) and DT 4.1 (Encouraging Downtown Housing).

Rezoning Application Addendum #2**Impact on Historic Resources**

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

Office Use Only
Rezoning case #

Inventory of Historic Resources

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.

None.

Public Mitigation

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

N/A

Design Guidelines

The Applicant must respond to the **Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please [click here](#) to download the Design Guidelines Addendum if required.

Urban Form Designation: Downtown

Click [here](#) to view the Urban Form map.

Please continue to the next page for the Rezoning Checklist Submittal Requirement.

Downtown Urban Design Guidelines

The Applicant must respond to the Downtown Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Click [here](#) to view the Urban Form map

1	Fayetteville Street should be free of service elements, including loading docks, mechanical equipment, and driveways.
	Response: N/A
2	Loading or service entrances should be embedded within the block where possible. If embedding the loading dock is not possible, the loading dock should be located to the side or rear of a building. The width should be minimized and doors or gates should shield the loading docks from view. Roll-down gates should be decorative if facing the public realm.
	Response: This guideline will inform design of the project.
3	Surface and structured parking should be landscaped, emphasizing interior tree canopies in surface lots, formal borders, and street trees to reinforce the streetwall.
	Response: Parking is anticipated to be located within a structure having minimal setbacks, providing little opportunity for landscaping.
4	Mechanical equipment, satellite or microwave dishes, elevator penthouses, and other utilitarian equipment should be screened from view by a structure that complements the design of the building through the use of similar materials, colors, finishes, and architectural details. Views from buildings above should also be considered when designing rooftop mechanical equipment.
	Response: This guideline will inform design of the project.
5	The widths of all curb cuts at parking deck entrances should be minimized. Design techniques should be used (such as lane splits within the deck to encourage consolidated single exit or entrance lanes at the street side, and/or columns between lanes to reduce the perceived size of the openings), while maintaining adequate ingress and egress capacity to provide efficient operations and meet air quality conformity.
	Response: This guideline will inform design of the project.
6	Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.
	Response: This guideline will inform design of the project.

7	The primary pedestrian building entrances should be located along the store front. For buildings that front on three streets, the primary pedestrian entrances should be located on the axial street or the corner if the building is located at an intersection.
	Response: Urban frontage is proposed, requiring pedestrian access on both adjacent street frontages.
8	Building entries should be at grade.
	Response: This guideline will inform design of the project.
9	The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.
	Response: This guideline will inform design of the project.
10	The use of solid roll-down security gates is discouraged.
	Response: This guideline will inform design of the project.
11	Façades should be broken into distinct 20-30 foot modules or bays from side to side to prevent a monolithic edge to the street.
	Response: This guideline will inform design of the project.
12	Large unarticulated walls are discouraged and should have a window or functional public access at least every 10 feet.
	Response: This guideline will inform design of the project.
13	The articulation of the façade should be designed to appear more vertical than horizontal.
	Response: This guideline will inform design of the project.
14	Entries that provide access to a building's upper floors should be located along a street to promote street life. They should be designed as separate entries and distinguished from ground level spaces with different architectural details, materials, colors, lighting, signage, and/or paving so that it is clear which entries are public and which are private.
	Response: This guideline will inform design of the project.
15	Recessed entries are encouraged. They should be no wider than one-third of the width of the storefront or 20 feet, whichever is less. Recessed entries should be a minimum of 4 feet deep, except where necessary to meet fire code.
	Response: This guideline will inform design of the project.

16	A minimum of 2/3 of the first story façade should be windows. Of the total amount of glass on the first-floor façade, a minimum of 85 percent must be transparent. Tinted or reflective glass is discouraged. First-story windows should be located a maximum of three (3) feet above the adjacent sidewalk.
	Response: This guideline will inform design of the project.
17	Windows should be used to display products and services and maximize visibility into storefronts. Windows should not be obscured with elements that prevent pedestrians from seeing inside.
	Response: This guideline will inform design of the project.
18	The first-story, floor-to-floor height of any new building on Fayetteville Street should be a minimum of twenty (20) feet.
	Response: N/A
19	If ceilings must be lowered below the height of ground level windows, provide an interior, full-height, three (3) foot minimum deep space immediately adjacent to the window before the drop in the ceiling.
	Response: A new structure is anticipated, avoiding the potential for this issue.
20	The use of deep awnings and canopies on the first story is recommended to help mitigate wind, reduce glare, and shade ground level spaces.
	Response: This guideline will inform design of the project.
21	Arcades, colonnades, and galleries are discouraged within the public right-of-way.
	Response: This guideline will inform design of the project.
22	Stairs and stoops in the public right-of-way are discouraged along Fayetteville Street in order to make entries more accessible.
	Response: N/A
23	An outdoor ground plane that abuts or is adjacent to the public right-of-way should be paved with terrazzo, concrete pavers, concrete, stone, brick, tile, or another high-quality hardscape material. Asphalt and loose paving materials such as gravel are discouraged. The paving design and materials should complement the building or storefront architecture.
	Response: This guideline will inform design of the project.

24	In larger courtyard style spaces visible from the public right-of-way, use groundcovers, shrubs, and flowers to accent and fill blank areas with interest. Minimize the use of bare mulch and rocks. Areas of bare earth are discouraged.
	Response: No courtyard visible from the public right of way is anticipated.
25	Walls of buildings should parallel the orientation of the street grid.
	Response: Building walls are anticipated to parallel street orientation.
26	Towers or high-rise buildings should have three zones: a streetwall or base zone, a tower transition zone, and a tower top zone. Cornices should be considered to separate base zone from tower transition zone.
	Response: This guideline will inform design of the project.
27	Distance between towers on different blocks should be a minimum of 100 feet to ensure access to light and air.
	Response: This guideline will inform design of the project.
28	Public art, performance facilities, and/or civic monuments should be an integral part of any building plan.
	Response: This guideline will inform design of the project.
29	Fences, railings, and walls are discouraged except to screen surface parking lots and unimproved lots, to protect pedestrians from grade changes, and to delineate a private courtyard. Fences are preferred over walls except where designed to hold grade.
	Response: This guideline will inform design of the project.
30	Fences should be a minimum of 36 inches and a maximum of 42 inches tall and a minimum of 70 percent open. Railings should be 42 inches tall. Solid walls should be a minimum of 18 inches and a maximum of 32 inches tall.
	Response: This guideline will inform design of the project.
31	Fences, railings, and walls should be designed to complement the adjacent architecture through the use of similar materials, colors, finishes, and architectural details.
	Response: This guideline will inform design of the project.

32	Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.
	Response: This guideline will inform design of the project.
33	Innovative design and unusual lighting of the exterior of the building is important to emphasize the monumentality of government buildings.
	Response: N/A
34	The principal building entrance should be easily identified by building features and landscape elements; additional public entrances should be provided at every street face.
	Response: This guideline will inform design of the project, and the proposed Urban Limited frontage requires pedestrian street-facing access.
35	Building materials should be of stone, brick, or similar durable, high quality materials. Building form, articulation, and materials should respect and be sympathetic to the major governmental and institutional buildings in the area.
	Response: This guideline will inform design of the project.
36	Preferred materials (other than glass) include metal, brick, stone, concrete, plaster, and wood trim; discouraged materials include vinyl siding, pressed wood siding, and exterior insulated finishing systems (EIFS).
	Response: This guideline will inform design of the project.
37	Materials covering original architectural features of historic or architecturally significant buildings are discouraged.
	Response: N/A - a new structure is anticipated.
38	A minimum of 35 percent of each upper story should be windows.
	Response: This guideline will inform design of the project.
39	Building corners that face an intersection should strive for a distinctive form and high level of articulation.
	Response: This guideline will inform design of the project.
40	Buildings may step back further at intersections in order to articulate the corners.
	Response: This guideline will inform design of the project.

41	Buildings downtown and in Pedestrian Business Overlays should have stepbacks and articulated facades to mitigate wind effects and increase light and air. Buildings should step back 10 to 15 feet at the 60-foot point above the ground on a wide street and 15 feet on a narrow street. A wide street is 75 feet in width or more.
	Response: This guideline will inform design of the project.
42	Flat roof buildings should have decorative parapets with elements, such as detailed cornices, corbeling, applied medallions, or other similar architectural treatments.
	Response: This guideline will inform design of the project.
43	Signage should be compatible in scale, style, and composition with the building or storefront design as a whole.
	Response: This guideline will inform design of the project.
44	Diverse graphic solutions are encouraged to help create the sense of uniqueness and discovery found in an urban, mixed-use environment.
	Response: This guideline will inform design of the project.
45	All mechanical and electrical mechanisms should be concealed.
	Response: This guideline will inform design of the project.
46	Signs should not obscure a building's important architectural features, particularly in the case of historic buildings.
	Response: This guideline will inform design of the project.
47	Signs should be constructed with durable materials and quality manufacturing.
	Response: This guideline will inform design of the project.
48	Sign bands above transom and on awnings are preferred signage locations.
	Response: This guideline will inform design of the project.
49	Only the business name, street address, building name, and logo should be on an awning or canopy. The lettering should not exceed 40 percent of the awning area.
	Response: This guideline will inform design of the project.

50	Illuminated signs should avoid the colors red, yellow, and green when adjacent to a signal controlled vehicular intersection.
	Response: This guideline will inform design of the project.
51	Allowed sign types: channel letter signs, silhouette signs (reverse channel), individualized letter signs, projecting signs, canopy/marquee signs, logo signs, awning signs, and interior window signs.
	Response: This guideline will inform design of the project.
52	Discouraged sign types: signs constructed of paper, cardboard, styrofoam-type materials, formed plastic, injected molded plastic, or other such materials that do not provide a sense of permanence or quality; signs attached with suction cups or tape; signs constructed of luminous vacuum-formed plastic letters; signs with smoke-emitting components. Changeable copy signs are prohibited.
	Response: This guideline will inform design of the project.

Rezoning Checklist (Submittal Requirements)					
To be completed by Applicant			To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning:	Yes	N/A	Yes	No	N/A
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Pre-application conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Neighborhood meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Rezoning application review fee (see Development Fee Guide for rates).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Completed application submitted through Permit and Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Comprehensive Plan consistency analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed response to the urban design or downtown design guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Trip generation study	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Traffic impact analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Conditional Use District:	Yes	N/A	Yes	No	N/A
11. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, see page 18:	Yes	N/A	Yes	No	N/A
12. Proof of Power of Attorney or Owner Affidavit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A
13. Master plan (see Master Plan submittal requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a text change to zoning conditions:	Yes	N/A	Yes	No	N/A
14. Redline copy of zoning conditions with proposed changes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please continue to the next page for the Master Plan Submittal Requirements checklist.

Master Plan (Submittal Requirements)

To be completed by Applicant			To be completed by staff		
General Requirements – Master Plan:	Yes	N/A	Yes	No	N/A
1. I have referenced this Master Plan Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Total number of units and square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 12 sets of plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Completed application submitted through Permit and Development Portal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Vicinity Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Existing Conditions Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Street and Block Layout Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Development Plan (location of building types)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Parking Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Open Space Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Tree Conservation Plan (if site is two acres or more)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Phasing Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Common Signage Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Who Can Initiate a Zoning Request?

If requesting to down-zone property, the rezoning application must be signed by all the property owners whose property is subject to the downzoning. Downzoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

1. The property owner;
2. An attorney acting on behalf of the property owner with an executed power of attorney; or
3. A person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purpose of initiating the request, by property owners or third-party applicants.

Date: February 8, 2022

Re: Property Located at 121 S. Boylan Ave.; 131 S. Boylan Ave.

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on **Tuesday, February 22, 2022, from 6pm to 7pm**. The meeting will be held virtually. You can participate online or by telephone. Please note that the presentation is planned to begin at 6pm and will be followed by an opportunity for questions and answers. Depending on attendance, the programmed portion of the meeting is likely to end between 6pm and 6:30pm. 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 7pm, and we will be happy to review the proposal or answer additional questions during this time.

The purpose of this meeting is to discuss a potential rezoning of properties located at 121 S. Boylan Ave and 131 S. Boylan Ave. The current zoning designations for these two properties are Downtown Mixed Use up to seven stories with an Urban Limited frontage (DX-7-UL). The proposed rezoning designation is DX-20-UL for both properties, affording more flexibility in building height to construct a mixed use retail and residential building. Our goal is to gather comments through your participation in this virtual neighborhood meeting or, alternatively, through your written comments to the City of Raleigh Planning Department. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed.

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners and tenants within 500 feet of the area requested for rezoning.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." 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,



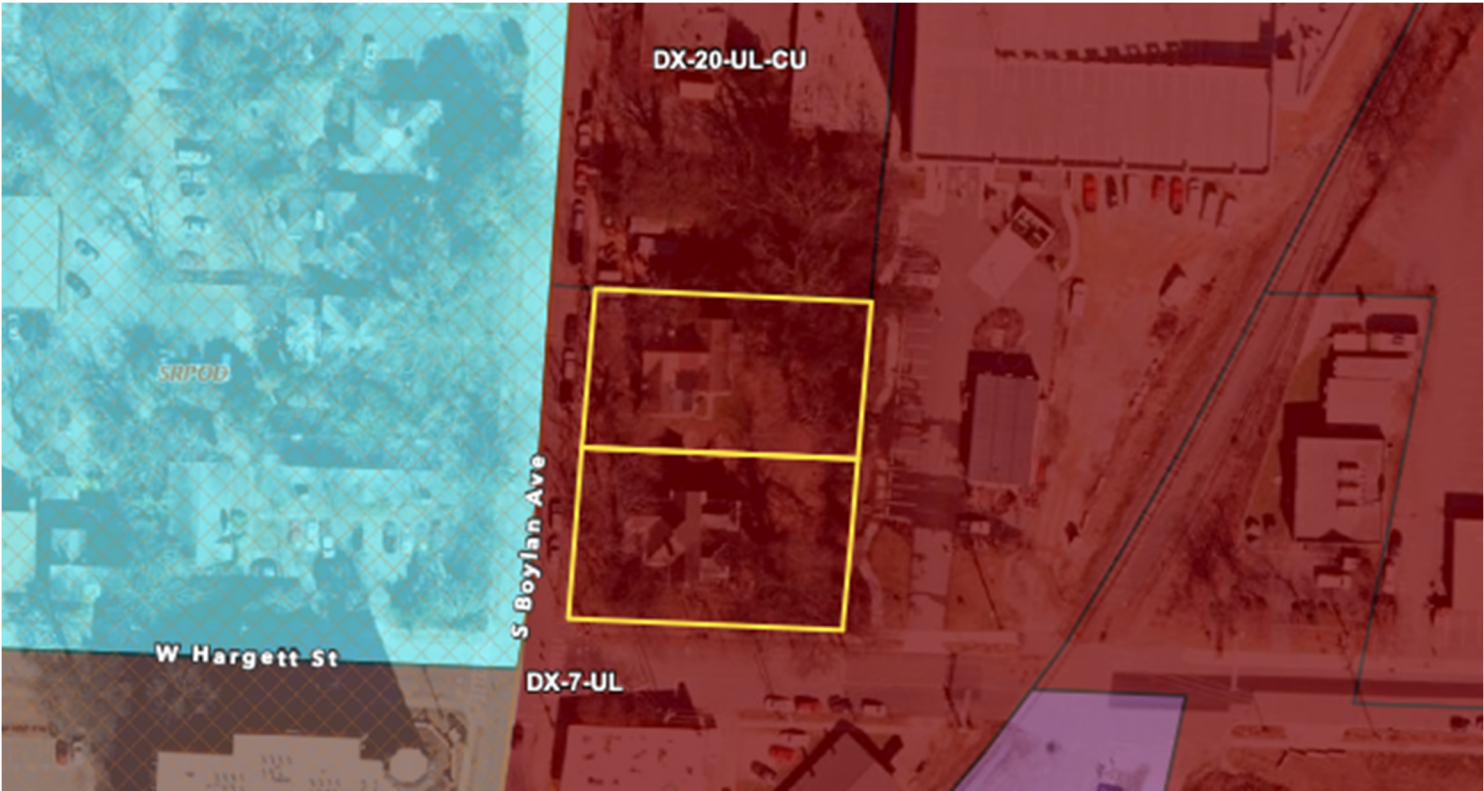
Neighborhood Meeting Agenda

- I. Introductions
- II. The rezoning process
- III. The project
- IV. Question and answer period

Aerial Photo



Zoning





How to Participate in the February 22, 2022 Neighborhood Meeting
Re: 121-131 S. Boylan Ave.

- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to morningstarlaw.group/02222022mtg 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: 826 3034 6706
 - Enter password: 150991
 - *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 11 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	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
			OFFICE USE ONLY Rezoning case # _____
Existing zoning base district: DX	Height: 7	Frontage: UL	Overlay(s):
Proposed zoning base district: DX	Height: 20	Frontage: UL	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:			
<div style="border: 2px solid blue; border-radius: 15px; padding: 10px; display: inline-block; background-color: #e6f2ff;"> DRAFT </div>			
General Information			
Date:	Date amended (1):	Date amended (2):	
Property address: 121 S Boylan Ave; 131 S Boylan Ave			
Property PIN: 1703481666; 1703481557			
Deed reference (book/page): 009358/01405; 009358/01409			
Nearest intersection: S Boylan Ave and W Hargett St		Property size (acres): .33; .36	
For planned development applications only:	Total units:	Total square footage: .	
	Total parcels:	Total buildings:	
Property owner name and address: Raleigh-Florence St. MMM, L.L.C., 115 S. Saint Mary's St., Raleigh NC 27603			
Property owner email: eddie@nearicoleman.com			
Property owner phone: 919-828-4808			
Applicant name and address: Raleigh-Florence St. MMM, L.L.C., 115 S. Saint Mary's St., Raleigh NC 27603			
Applicant email: mstuart@morningstarlawgroup.com			
Applicant phone: 919-890-3318			
Applicant signature(s):			
Additional email(s):			

Conditional Use District Zoning Conditions

Zoning case #:	Date submitted:	OFFICE USE ONLY Rezoning case #
Existing zoning: DX-7-UL	Proposed zoning: DX-20-UL	

Narrative of Zoning Conditions Offered

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the DX- district shall be prohibited: (i) Dormitory, fraternity, sorority; (ii) Adult establishment; (iii) Pawnshop; (iv) Vehicle Fuel Sales; and (v) Detention center, jail, prison.

2. Public facades of structured parking:

- a. Any public facades 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.
- b. 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 features of the main building. Mesh or decorative panels, louvers, green walls, tinted or sandblasted 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.
- c. On all levels where parking is provided adjacent to an exterior wall, all facades shall have exterior opaque walls a minimum height of 42 inches above any finished grade and any finished floor.

4. Lighting within 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. 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.

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: _____

Printed Name: _____

SUMMARY OF ISSUES

A neighborhood meeting was held on February 22, 2022 (date) to discuss a potential rezoning located at 121 S. Boylan Ave.; 131 S. Boylan Ave. (property address). The neighborhood

Meeting was held at Virtual (location). There were approximately 2 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The location of parking was discussed.

The building to be constructed on two sides have office floor heights, which are taller than residential flo



Businesses in the first floor will be open to the public.

It isn't yet known if the full 20-story entitlement will be used.

The building will be mixed use but primarily residential.

RECEIVED

By Carmen Kuan at 10:23 am, Mar 14, 2022

Address

710 Independence Place Unit 604

100 S. Boylan Avenue

By Carmen Kuan at 10:23 am, Mar 14, 2022