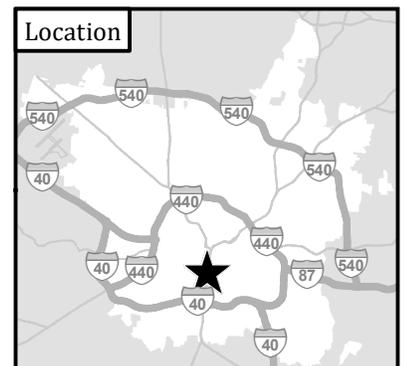


# Existing Zoning

# Z-52-2021



<b>Property</b>	323 & 327 W Morgan St
<b>Size</b>	0.7 acres
<b>Existing Zoning</b>	DX-12-SH
<b>Requested Zoning</b>	DX-40-SH-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](http://permitportal.raleighnc.gov)). Please see page 8 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](mailto: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		
Existing zoning base district: DX	Height: 12	Frontage: SH	Overlay(s):
Proposed zoning base district: DX	Height: 40	Frontage: SH	Overlay(s):
<b>Helpful Tip:</b> 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: 323 W MORGAN ST; 327 W MORGAN ST		
Property PIN: 1703584832; 1703583864		
Deed reference (book/page): 16693/2168; 16771/1090		
Nearest intersection: S. Harrington St and W Morgan St		Property size (acres): 0.48; 0.22
For planned development applications only	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: MASON STREET, LLC, 115 S MASON ST, APEX NC 27502-1916		
Property owner email: abee@nc.rr.com		
Property owner phone: N/A		
Applicant name and address: Wimorite Construction, LLC, 1265 Scottsville Rd, Rochester, NY 14624		
Applicant email: ewright@wilmorite.com		
Applicant phone: 585.771.0597		
Applicant signature(s): 		
Additional email(s):		

**RECEIVED**

By JP Mansolf at 8:13 am, Aug 24, 2021

Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: DX-12-SH	Proposed zoning: DX-40-SH	

**Narrative of Zoning Conditions Offered**

The following uses shall be prohibited on the property; Dormitory, fraternity, sorority; pawnshop; detention center, jail, prison; self-service storage; vehicle repair; vehicle fuel sales; and adult establishment.

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:  
*George A. Bee*  
8FDC0CAB39C840F...

Printed Name(s): George A. Bee



### Rezoning Application Addendum #1

#### Comprehensive Plan Analysis

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.

#### Office Use Only

Rezoning case #  
\_\_\_\_\_

### 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.

1. The proposed rezoning is consistent with the Future Land Use Map designation for the properties of Central Business District (CBD). The CBD category is intended to enhance Downtown Raleigh as a vibrant mixed use urban center. CBD recognizes Downtown as the "heart of the city" with high-intensity office, retail, housing, institutional, cultural and visitor-serving uses. DX is the primary district for the CBD.
2. The properties are within the Urban Form Map, which supports the proposed urban frontage. Consequently, the rezoning will enhance the streets in this area, providing amenities for pedestrians and visitors. The proposed rezoning meets a number of Urban Design policies, including Policy UD 2.1 (Building Orientation), Policy UD 2.3 (Activating the Street) and Policy UD 3.4 (Enhanced Streetwalls). In particular, S. Harrington Street is a priority pedestrian and green streets per Map DT-4.
3. The proposed height of 40 stories is consistent with policies contained in Table LU-2 as a core/transit area within the Central Business District. The site is in the core of the Urban Form Map UD-1, and consequently, the proposed height is appropriate.
4. The proposed rezoning would facilitate the redevelopment of underutilized sites in downtown (Policy DT 1.3). Importantly, it meets several economic development policies, including Policy ED 2.4 (Attracting Invest Emerging Neighborhoods), DT 1.6 "Supporting Retail Growth" as well as policies related to transit oriented development, including DT 2.12 "Development Around Major Transit Facilities"; and DT 3.8 "Downtown as a Regional Center."

### Public Benefits

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

The rezoning is reasonable and in the public interest because it provides greater zoning flexibility for a site that is ripe for development given its current underutilization.

The rezoning request is reasonable and in the public interest because it will facilitate the redevelopment of property in close proximity to a major transit hub including Union Station and RUS Bus.

**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.

N/A

**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:

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	<p>Fayetteville Street should be free of service elements, including loading docks, mechanical equipment, and driveways.</p> <p><b>Response:</b> N/A</p>
2	<p>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.</p> <p><b>Response:</b> Based on the proposed Shopfront Frontage, loading or service entrances will be minimized.</p>
3	<p>Surface and structured parking should be landscaped, emphasizing interior tree canopies in surface lots, formal borders, and street trees to reinforce the streetwall.</p> <p><b>Response:</b> Based on the proposed Shopfront Frontage, there shall be no surface parking between any building and the street.</p>
4	<p>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.</p> <p><b>Response:</b> The owner's intent is to design the project so rooftop utilities do not detract from the views of the development.</p>
5	<p>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.</p> <p><b>Response:</b> Based on the Shopfront Frontage, curb cuts shall be minimized.</p>
6	<p>Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.</p> <p><b>Response:</b> Based on the Shopfront Frontage, buildings shall have street facing entrances. The owner intends to emphasize these elements.</p>

7	<p>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.</p> <p><b>Response:</b></p> <p>Based on the Shopfront Frontage, the buildings shall have street facing entrances.</p>
8	<p>Building entries should be at grade.</p> <p><b>Response:</b></p> <p>Based on the Shopfront Frontage, building entries shall be at grade.</p>
9	<p>The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.</p> <p><b>Response:</b></p> <p>The owner intends to emphasize the street level architectural details.</p>
10	<p>The use of solid roll-down security gates is discouraged.</p> <p><b>Response:</b></p> <p>There are no plans for solid roll-down security gates.</p>
11	<p>Façades should be broken into distinct 20-30 foot modules or bays from side to side to prevent a monolithic edge to the street.</p> <p><b>Response:</b></p> <p>Based on UDO building type requirements, facades shall be broken up and blank walls avoided.</p>
12	<p>Large unarticulated walls are discouraged and should have a window or functional public access at least every 10 feet.</p> <p><b>Response:</b></p> <p>Based on the UDO's, the building type requirements and UDO standards for tall buildings, the buildings shall have sufficient transparency and articulation.</p>
13	<p>The articulation of the façade should be designed to appear more vertical than horizontal.</p> <p><b>Response:</b></p> <p>Through the UDO standards for tall buildings, the buildings shall address vertical design.</p>
14	<p>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.</p> <p><b>Response:</b></p> <p>Based on the Shopfront Frontage, buildings shall provide pedestrian accessible street facing entrances.</p>
15	<p>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.</p> <p><b>Response:</b></p> <p>It is anticipated that entrances for tall commercial buildings will be recessed.</p>

16	<p>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.</p> <p><b>Response:</b></p> <p>Based on UDO building type requirements, buildings shall have substantial transparency.</p>
17	<p>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.</p> <p><b>Response:</b></p> <p>Based on the UDO building type standards and proposed Shopfront Frontage, windows will be used to display products and services.</p>
18	<p>The first-story, floor-to-floor height of any new building on Fayetteville Street should be a minimum of twenty (20) feet.</p> <p><b>Response:</b></p> <p>Based on UDO building type standards, first story, floor-to-floor height will be substantial.</p>
19	<p>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.</p> <p><b>Response:</b></p> <p>The owner has no intent to have ceilings below ground level height.</p>
20	<p>The use of deep awnings and canopies on the first story is recommended to help mitigate wind, reduce glare, and shade ground level spaces.</p> <p><b>Response:</b></p> <p>The owner intends to use deep awnings and canopies on the first story.</p>
21	<p>Arcades, colonnades, and galleries are discouraged within the public right-of-way.</p> <p><b>Response:</b></p> <p>The owner has no intent to have arcades, colonnades, or galleries within the public right-of-way.</p>
22	<p>Stairs and stoops in the public right-of-way are discouraged along Fayetteville Street in order to make entries more accessible.</p> <p><b>Response:</b></p> <p>The owner does not intend to have stairs and stoops in the public right-of-way.</p>
23	<p>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.</p> <p><b>Response:</b></p> <p>The owner intends to have outdoor ground plane of high-quality material that does not include asphalt or loose materials.</p>

24	<p>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.</p> <p><b>Response:</b> The owner intends to have courtyard spaces with groundcovers, shrubs, etc and avoid bare earth, bare mulch and rocks.</p>
25	<p>Walls of buildings should parallel the orientation of the street grid.</p> <p><b>Response:</b> The owner intends for the walls of buildings to be parallel to the orientation of the street grid.</p>
26	<p>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.</p> <p><b>Response:</b> <b>The owner intends to have variable vertical articulation.</b></p>
27	<p>Distance between towers on different blocks should be a minimum of 100 feet to ensure access to light and air.</p> <p><b>Response:</b> Based on UDO standards for tall buildings, there shall be adequate spacing for light and air.</p>
28	<p>Public art, performance facilities, and/or civic monuments should be an integral part of any building plan.</p> <p><b>Response:</b> The owner will consider public art, performance facilities, and/or civic monuments in the buildings.</p>
29	<p>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.</p> <p><b>Response:</b> <b>The owner does not intend to have fences, railings, or walls.</b></p>
30	<p>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.</p> <p><b>Response:</b> <b>The owner does not intend to have any fences or solid walls.</b></p>
31	<p>Fences, railings, and walls should be designed to complement the adjacent architecture through the use of similar materials, colors, finishes, and architectural details.</p> <p><b>Response:</b> The owner intends to design any fences, railings, and walls to complement the adjacent architecture.</p>

32	<p>Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.</p> <p><b>Response:</b> The owner intends for the design to be contextual to adjacent buildings.</p>
33	<p>Innovative design and unusual lighting of the exterior of the building is important to emphasize the monumentality of government buildings.</p> <p><b>Response:</b> The owner intends to have innovative design.</p>
34	<p>The principal building entrance should be easily identified by building features and landscape elements; additional public entrances should be provided at every street face.</p> <p><b>Response:</b> Based on the proposed Shopfront frontage, the building entrances shall be easily identified.</p>
35	<p>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.</p> <p><b>Response:</b> The owner intends to use high quality materials that will respect major buildings in the area.</p>
36	<p>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).</p> <p><b>Response:</b> The owner intends to use a mixture of one or more of the following: metal, brick, stone, concrete, plaster, and wood trim.</p>
37	<p>Materials covering original architectural features of historic or architecturally significant buildings are discouraged.</p> <p><b>Response:</b> The owner does not intend to cover architectural features of historic or architecturally significant buildings.</p>
38	<p>A minimum of 35 percent of each upper story should be windows.</p> <p><b>Response:</b> Based on UDO building types, upper stories shall have substantial transparency.</p>
39	<p>Building corners that face an intersection should strive for a distinctive form and high level of articulation.</p> <p><b>Response:</b> The owner intends for corners that face an intersection to be distinctive and have high level articulation.</p>
40	<p>Buildings may step back further at intersections in order to articulate the corners.</p> <p><b>Response:</b> The owner intends for buildings to acknowledge the intersections at the corners.</p>

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.
	<p><b>Response:</b></p> <p>Based on UDO standards for tall buildings, stepbacks will be wide enough to mitigate wind and increase light and air.</p>
42	<p>Flat roof buildings should have decorative parapets with elements, such as detailed cornices, corbeling, applied medallions, or other similar architectural treatments.</p> <p><b>Response:</b></p> <p>The owners intend for flat roof buildings to have decorative architectural treatments.</p>
43	<p>Signage should be compatible in scale, style, and composition with the building or storefront design as a whole.</p> <p><b>Response:</b></p> <p>Based on signage requirement in the UDO, the signage shall be compatible with the building or storefront design as a whole.</p>
44	<p>Diverse graphic solutions are encouraged to help create the sense of uniqueness and discovery found in an urban, mixed-use environment.</p> <p><b>Response:</b></p> <p>The owner intends to have diverse graphics, creating a sense of uniqueness and discovery.</p>
45	<p>All mechanical and electrical mechanisms should be concealed.</p> <p><b>Response:</b></p> <p>The owner intends for all mechanical and electrical mechanisms to be concealed.</p>
46	<p>Signs should not obscure a building's important architectural features, particularly in the case of historic buildings.</p> <p><b>Response:</b></p> <p>The owner intends for signs to not obscure the buildings architectural features.</p>
47	<p>Signs should be constructed with durable materials and quality manufacturing.</p> <p><b>Response:</b></p> <p>The owner intends for signs to be constructed of durable materials and quality manufacturing.</p>
48	<p>Sign bands above transom and on awnings are preferred signage locations.</p> <p><b>Response:</b></p> <p>The owner intends to utilize a signage plan in keeping with the high quality of the building design.</p>
49	<p>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.</p> <p><b>Response:</b></p> <p>The owner intends to utilize a signage plan in keeping with the high quality of the building design.</p>

50	<p>Illuminated signs should avoid the colors red, yellow, and green when adjacent to a signal controlled vehicular intersection.</p> <p><b>Response:</b> The owner intends for signs to utilize a signage plan in keeping with the high quality of the building design.</p>
51	<p>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.</p> <p><b>Response:</b> Based on the UDO signage requirements, the buildings will only have allowed sign types.</p>
52	<p>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.</p> <p><b>Response:</b> The owner intends to utilize a signage plan in keeping with the high quality of the building design.</p>

<b>Rezoning Checklist (Submittal Requirements)</b>					
To be completed by Applicant	To be completed by staff				
	Yes	N/A	Yes	No	N/A
<b>General Requirements – General Use or Conditional Use Rezoning:</b>	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 <a href="#">Development Fee Guide</a> 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"/>
<b>For properties requesting a Conditional Use District:</b>	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"/>
<b>If applicable, see page 8:</b>	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"/>
<b>For properties requesting a Planned Development or Campus District:</b>	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"/>
<b>For properties requesting a text change to zoning conditions:</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<b>Master Plan (Submittal Requirements)</b>					
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: July 26, 2021

Re: 323 W Morgan St; 327 W Morgan St

Dear Neighbors:

We are counsel for Wilmorite Constructions, LLC (“Wilmorite”), which is considering rezoning the above-captioned Property, a context map of which appears on the back side of this notice. Currently, the Property is zoned DX-12-SH. Wilmorite is considering rezoning the Property to Downtown Mixed Use, up to forty stories, with Shopfront frontage (DX-40-SH). The purpose of the rezoning is to increase the maximum height of the building to up to forty stories.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding neighbors on Thursday, August 5, 2021, from 6:30 p.m. to 7:30 p.m. This meeting will be held at Chavis Park Community Center, Historic Carousel House, located at 505 Martin Luther King Jr Blvd, Raleigh.

The City of Raleigh requires a neighborhood meeting involving the owners and tenants of property within 500 feet of the site prior to filing a rezoning application. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

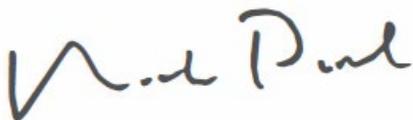
Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0377 or [mpaul@mstarlaw.com](mailto:mpaul@mstarlaw.com). Information about the rezoning process is available online; visit [www.raleighnc.gov](http://www.raleighnc.gov) and search for “Rezoning Process.” Complete application materials may be viewed at <https://raleighnc.gov/services/zoning-planning-and-development/current-development-activity>. If you have further questions about the rezoning process, please contact:

JP Mansolf  
Raleigh Planning & Development  
(919) 996-2180  
[JP.Mansolf@raleighnc.gov](mailto:JP.Mansolf@raleighnc.gov)

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

Mack Paul  
Morningstar Law Group  
919-590-0377  
[mpaul@mstarlaw.com](mailto:mpaul@mstarlaw.com)

Sincerely,



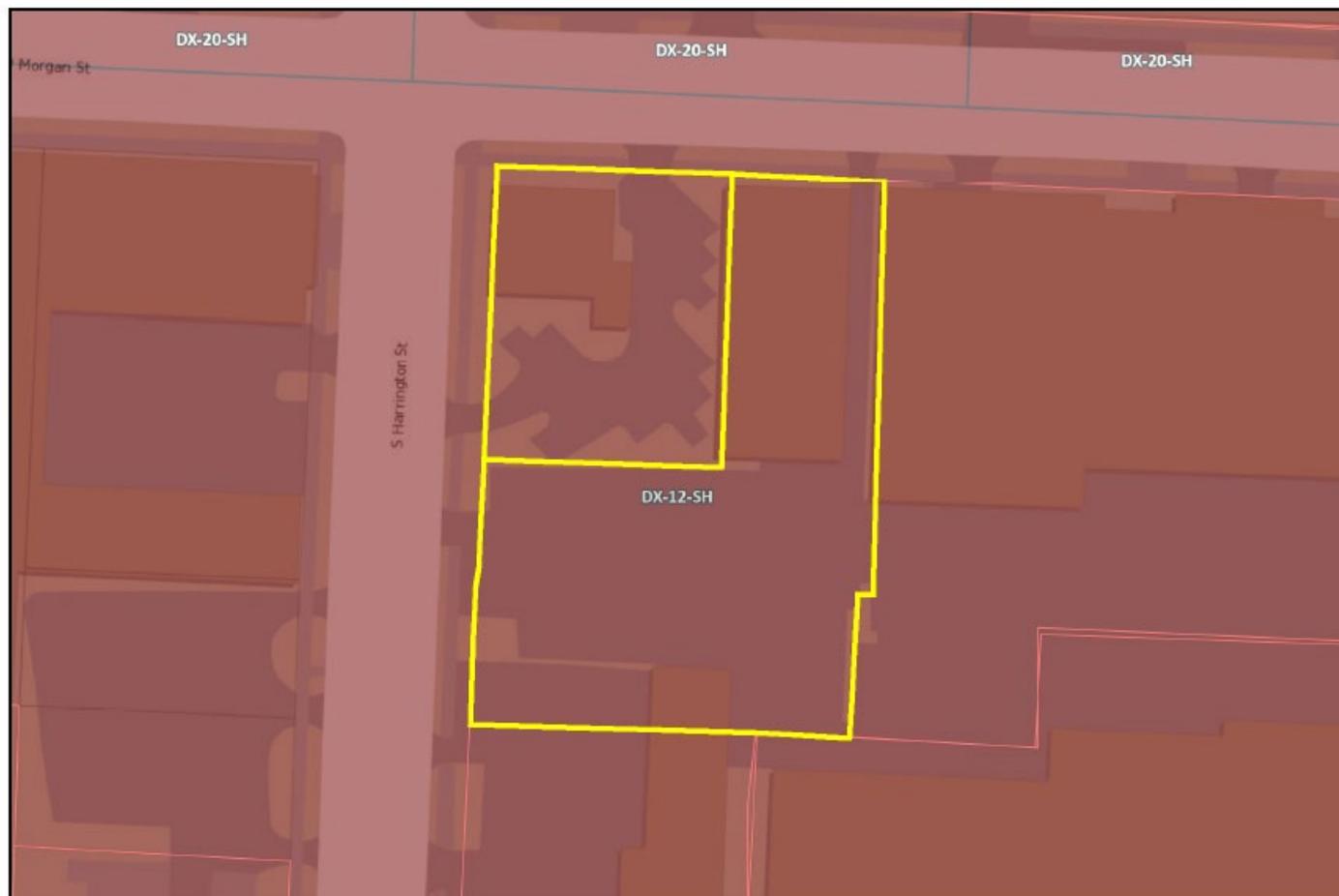
## **Neighborhood Meeting Agenda**

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

# Aerial Photo



# Zoning





# 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](http://permitportal.raleighnc.gov)). Please see page 8 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](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case # _____
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district: DX		Height: 12	Frontage: SH	Overlay(s):
Proposed zoning base district: DX		Height: 40	Frontage: SH	Overlay(s):
<b>Helpful Tip:</b> 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: 323 W MORGAN ST; 327 W MORGAN ST		
Property PIN: 1703584832; 1703583864		
Deed reference (book/page): 16693/2168; 16771/1090		
Nearest intersection: S. Harrington St and W Morgan St		Property size (acres): 0.48; 0.22
For planned development applications only	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: MASON STREET, LLC, 115 S MASON ST, APEX NC 27502-1916		
Property owner email:		
Property owner phone:		
Applicant name and address: Wilmorite Construction, LLC, 1265 Scottsville Rd, Rochester, NY 14624		
Applicant email: <a href="mailto:ewright@wilmorite.com">ewright@wilmorite.com</a>		
Applicant phone: 585.771.0597		
Applicant signature(s):		
Additional email(s):		

Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	<b>Office Use Only</b> Rezoning case # _____
Existing zoning: <b>DX-12-SH</b>	Proposed zoning: <b>DX-40-SH</b>	

Narrative of Zoning Conditions Offered
<p>The following uses shall be prohibited on the property; Dormitory, fraternity, sorority; pawnshop; detention center, jail, prison; self-service storage; vehicle repair; vehicle fuel sales; and adult establishment.</p>

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(s): \_\_\_\_\_

SUMMARY OF ISSUES

A neighborhood meeting was held on August 5, 2021 (date) to discuss a potential rezoning located at 323 & 327 W Morgan St (property address). The neighborhood Meeting was held at Chavis Park Community Center (location). There were approximately 11 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

- |  |
|--|
| 1. Participant asked how many windows and balconies are on the west side of the building.  |
| 2. Participant asked about the massing and location of the taller portions of the building.  |
| 3. Participant asked about the levels of parking within the building.  |
| 4. Participant asked about outdoor amenity area on the site and how much will be located at the ground  |
| 5. Participant asked about screening of the parking garage lights.   |
|  |
|  |
|  |

