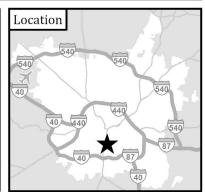
Existing Zoning

Z-87-2022



Property	113, 123 W Davie St; 417 S McDowell St; 416 S Salisbury St
Size	1.75 acres
Existing Zoning	DX-20-SH
Requested Zoning	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). 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

		Rezonnig	ricques	, ,			
Rezoning	General u	use Condition	al use	M	aster plan	OFFICE USE ONLY Rezoning case #	
Туре	Text cha	Text change to zoning conditions				Mezoriing case #	
Existing zoning base d	Height: 20 Frontage: SH		SH	Overlay(s): none			
Proposed zoning base	district: DX	Height: 40	Frontage: SH		SH	Overlay(s): none	
Helpful Tip : View the 2 layers.	Zoning Map to s	search for the addre	ess to be	rezoned	l, then turn o	n the 'Zoning' and 'Overlay'	
If the property has bee	n previously rez	oned, provide the r	ezoning	case nur	mber:		
		General In	formation	on			
Date: 11/4/2022		Date amended (1)	:		Date am	Date amended (2):	
Property address: 123	W. Davie St., 113	3 W. Davie St., 417 S	S. McDov	vell St., 4	16 S. Salisbu	ıry St.	
Property PIN: 17036723	385, 1703673365	5, 1703673211, 1703	3675136				
Deed reference (book/p	oage): (016667/	00986); (015533/02	2229); (0	15809/00	0695); (0080	97/00537)	
Nearest intersection: W	/. Davie St. and S	S. McDowell St.	Propert	y size (a	cres): 1.75		
For planned developm	ent	Total units:		Total squ	Total square footage:		
applications only:		Total parcels:		Total bui	Total buildings:		
Property owner name and address: PHOENIX OF RALEIGH LLC, 5 HUTTON CENTRE DR STE 860 SANTA ANA CA 92707-8725							
Property owner email:	mpaul@morning	starlawgroup.com					
Property owner phone:	919.590.0377						
Applicant name and ac	ldress: Mack Pa	aul, 421 Fayetteville	Street Su	uite 530 R	Raleigh, North	Carolina 27601	
Applicant email: mpaul	@morningstarla	wgroup.com					
Applicant phone: 919-5	90-0379 gned by:	1					
Applicant signature(s):	Applicant signature(s): Sam Sotoodul						
Additional email(s):	23620A4F63AC442						

RECEIVED

By Sarah Shaughnessy at 8:41 am, Nov 08, 2022

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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.		

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. —Docusigned by:

Property Owner(s) Signature: Sam Sotoodul

Printed Name: ______

RECEIVED

By Sarah Shaughnessy at 8:41 am, Nov 08, 2022

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. Statement of Consistency Statement of Consistency

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 the 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 continuation of the shopfront 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).
- 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 Investment in 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 potential redevelopment of property in close proximity to major transit hubs including Union Station and RUS Bus.

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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 re- how the proposed zoning would impact the resource.	zoned. For each resource, indicate
N/A	
Proposed Mitigation	
Provide brief statements describing actions that will be taken to mitigate all n	egative impacts listed above.
N/A	

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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.

perm	its, and planned development master plan applications in downtown.
Click	<u>here</u> to view the Urban Form map
	Fayetteville Street should be free of service elements, including loading docks, mechanical equipment, and driveways.
1	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: Based on the proposed Shopfront frontage, loading or service entrances will be minimized.
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: Based on the proposed Shopfront Footage, there shall be no surface parking between any building and the street.
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: The owner's intent is to design the project so rooftop utilities do not detract from the views of the development.
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: Based on the Shopfront Footage, curb cuts shall be minimized.
	Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.
6	Response: Based on the Shopfront Footage, buildings shall have street facing entrances. The owner intends to emphasize these elements.

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	1
The primary pedestrian building entrances should be located along the store front. For building three streets, the primary pedestrian entrances should be located on the axial street or the corrispondent at an intersection.	
Response:	
Based on the Shopfront Footage, the buildings shall have street facing	g entrances.
8 Building entries should be at grade.	
Response:	
Based on the Shopfront Footage, building entries shall be	e at grade.
The level of architectural detail should be most intense at street level, within view of pedestrian sidewalk.	s on the
9 Response:	
The owner intends to emphasize the street level architectu	ıral details.
The use of solid roll-down security gates is discouraged.	
10 Response:	
There are no plans for solid roll-down security gate	es.
Façades should be broken into distinct 20-30 foot modules or bays from side to side to prevent edge to the street.	a monolithic
11 Response:	
Based on UDO building type requirements, facades shall be broken up and blank	walls avoided.
Large unarticulated walls are discouraged and should have a window or functional public access at least every 10 feet.	
12 Response:	
Based on the UDO's, the building type requirements and UDO standards for tall buildings, the buildings shall have sufficient transp	arency and articulation.
The articulation of the façade should be designed to appear more vertical than horizontal.	
13 Response:	
Through the UDO standards for tall buildings, the buildings shall address versions and the UDO standards for tall buildings.	ertical design.
Entries that provide access to a building's upper floors should be located along a street to pror They should be designed as separate entries and distinguished from ground level spaces with architectural details, materials, colors, lighting, signage, and/or paving so that it is clear which and which are private.	different
Response:	
Based on the Shopfront Footage, buildings shall provide pedestrian accessible street f	acing entrances.
Recessed entries are encouraged. They should be no wider than one-third of the width of the street, whichever is less. Recessed entries should be a minimum of 4 feet deep, except where n fire code.	
15 Response:	

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

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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.
2-4	Response:
	The owner intends to have courtyard spaces with groundcovers, shrubs, etc and avoid bare earth, bare mulch and rocks.
	Walls of buildings should parallel the orientation of the street grid.
25	Response:
	The owner intends for the walls of buildings to be parallel to the orientation of the street grid.
	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.
26	Response: The owner intends to have variable vertical articulation.
	Distance between towers on different blocks should be a minimum of 100 feet to ensure access to light and air.
27	Response:
	Based on UDO standards for tall buildings, there shall be adequate spacing for light and air.
	Public art, performance facilities, and/or civic monuments should be an integral part of any building plan.
28	Response:
	The owner will consider public art, performance facilities, and/or civic monuments in the buildings.
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.
29	Response:
	The owner does not intend to have fences, railings, or walls.
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.
30	Response:
	The owner does not intend to have any fences or solid walls.
	Fences, railings, and walls should be designed to complement the adjacent architecture through the use of similar materials, colors, finishes, and architectural details.
31	Response:
	The owner intends to design any fences, railings, and walls to complement the adjacent architecture.

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

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

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	Invelope 15. 0779A195-0012-4101-00A3-51 3E01 E496E1
50	Illuminated signs should avoid the colors red, yellow, and green when adjacent to a signal controlled vehicular intersection.
	Response:
	The owner intends for signs to utilize a signage plan in keeping with the high quality of the building design.
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: Based on the UDO signage requirements, the buildings will only have allowed sign types.
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: The owner intends to utilize a signage plan in keeping with the high quality of the building design.

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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
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	√				
2. Pre-application conference.	\checkmark				
3. Neighborhood meeting notice and report	\				
4. Rezoning application review fee (see <u>Fee Guide</u> for rates).	\checkmark				
Completed application submitted through Permit and Development Portal	√				
6. Completed Comprehensive Plan consistency analysis	✓				
7. Completed response to the urban design guidelines	√				
8. Two sets of stamped envelopes addressed to all property owners and tenants of the rezoning site(s) and within 500 feet of area to be rezoned.	✓				
9. Trip generation study		✓			
10. Traffic impact analysis		✓			
For properties requesting a Conditional Use District:					
11. Completed zoning conditions, signed by property owner(s).	\checkmark				
If applicable, see page 11:					
12. Proof of Power of Attorney or Owner Affidavit.		✓			
For properties requesting a Planned Development or Campus District:					
13. Master plan (see Master Plan submittal requirements).		✓			
For properties requesting a text change to zoning conditions:					
14. Redline copy of zoning conditions with proposed changes.		✓			
15. Proposed conditions signed by property owner(s).	√				

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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.		√			
2. Total number of units and square feet		\checkmark			
3. 12 sets of plans		√			
4. Completed application; submitted through Permit & Development Portal		\checkmark			
5. Vicinity Map		✓			
6. Existing Conditions Map		\checkmark			
7. Street and Block Layout Plan		\checkmark			
8. General Layout Map/Height and Frontage Map		\checkmark			
9. Description of Modification to Standards, 12 sets		\checkmark			
10. Development Plan (location of building types)		\checkmark			
11. Pedestrian Circulation Plan		\checkmark			
12. Parking Plan		\checkmark			
13. Open Space Plan		√			
14. Tree Conservation Plan (if site is 2 acres or more)		\checkmark			
15. Major Utilities Plan/Utilities Service Plan		√			
16. Generalized Stormwater Plan		√			
17. Phasing Plan		\checkmark			
18. Three-Dimensional Model/renderings		✓			
19. Common Signage Plan		\checkmark			

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SUMMARY OF ISSUES

A neighborhood meeting was held on November 2, 2022 (date) to discuss a potential rezoning
located at 113 & 123 W. Davie St., 417 S. McDowell St., 416 S. Salisbury St. (property address). The
neighborhood meeting was held at(location).
There were approximately 1 (number) neighbors in attendance. The general issues discussed
were:
Summary of Issues:
Discussed Rezoning Process and where the matter is in the process; Discussed current Zoning; Discussed Proposed Zoning; Discussed Future Land Use Map and Central Business District.
Discussed Urban Form Map; Discussed Shopfront frontage; Participant asked if a building is built on the lot that is currently a parking deck would parking be an internal part of the building.
Answer: There are no specific plans for development at this time, however, parking would be part of the plan that would be discussed. Participant asked if the two parking decks are connected.
Answer: I do not believe they are connected, and it is only the one parking deck that is part of this rezoning.
Participant stated that he lives nearby in a mixed-use neighborhood, and he can see this particular property from his building. He is aware that mixed use is usually a building with retail at the bottom with residential on top.
Participant asked about the scope of this process is only about zoning. Answer: This is about zoning, yes.
Participant asked about what the Urban Form Map represents. Staff answered and discussed the goal of the Urban Form Map is to assist in shaping development such as streetscapes, parking and some impact on height.
Participant expressed concern about what is coming in around him. He believes that the two lots across from the Memorial Auditorium will eventually be a hotel and there is a concept design that shows a very tall building.

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Attendance Roster					
	Address				
Name Richard Bryant	Address 301 Fyetheville	St. 3112			
		,			
	2				
	L				