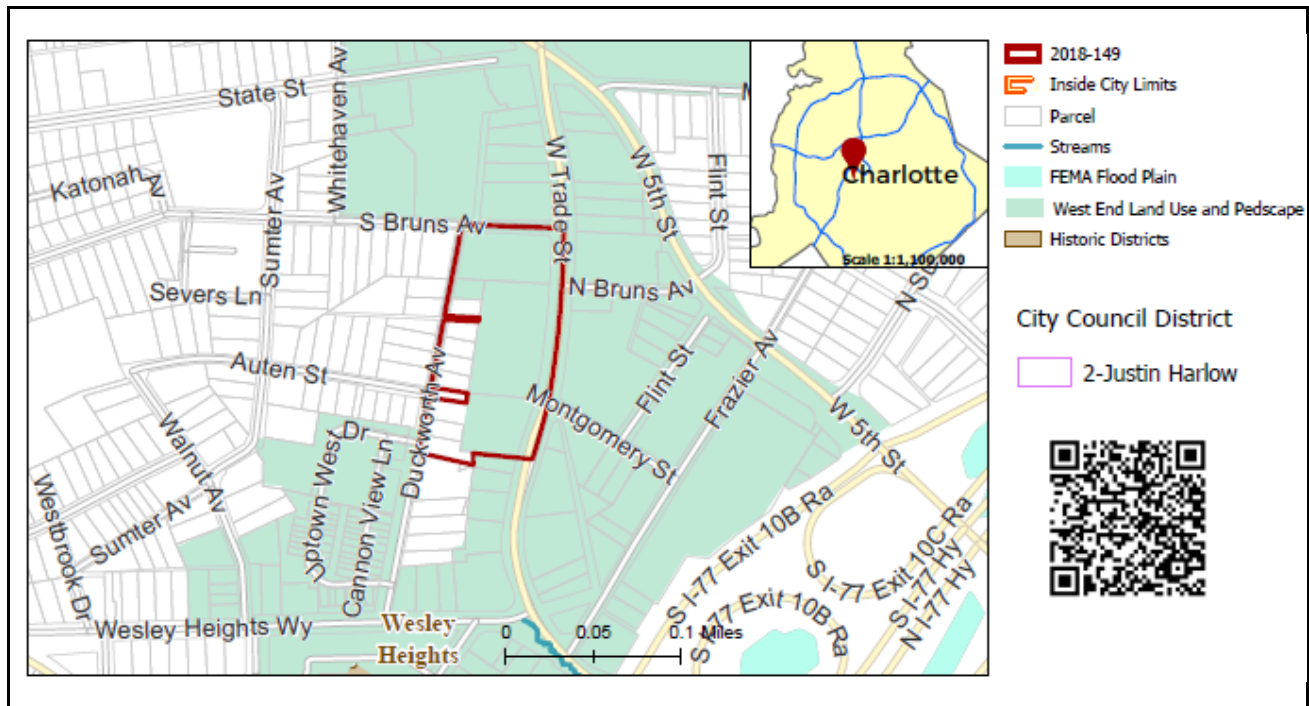


REQUEST

Current Zoning: B-1 (neighborhood business), B-1 PED (neighborhood business, Pedestrian Overlay), R-8 (single family residential), and R-8(CD) (single family residential, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O PED (mixed use development, optional, pedestrian overlay) with five-year vested rights

LOCATION

Approximately 4.13 acres located on the west side of West Trade Street, south of South Bruns Avenue.
(Council District 2 - Harlow)



SUMMARY OF PETITION

The petition proposes to rezone existing Mosaic Village and adjacent parcels to allow its expansion and all uses in MUDD (mixed use development).

PROPERTY OWNER PETITIONER

West End Investments, LLC
West End Investments, LLC/Mosaic Village Holdings, LLC/Paul Edwin Clouer

AGENT/REPRESENTATIVE

Frank S. Quattrocchi/Shook Kelley

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 17

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *West End Land Use and Pedscape Plan* recommendation for mixed use for a portion of the site, and inconsistent with the recommendation for single family residential up to eight dwelling units per acre for the remaining portion of the site, as per the *Central District Plan*.

Rationale for Recommendation

- The proposed development is consistent with the mixed-use recommendation for a portion of the site.
- The portion of the site that is inconsistent with the single-family land use recommendation is proposed to be used for future development expansion.
- The site is located along the Lynx Gold Line, which is currently under construction.
- The proposal supports the Plan's vision for this area as an urban/cultural/arts district with a mix of higher intensity uses.
- The proposal will rezone all the properties under one consistent zoning district that supports a mix of higher intensity uses.
- The proposed development supports pedestrian access and circulation via design guidelines that will provide a network linking buildings, parking areas and areas of interest, along with abutting rights-of-way and multi-use pedestrian path. Pedestrian scale lighting, plazas, and open space areas will enhance this experience.

The approval of this petition will revise the adopted future land use for a portion of the subject property as specified by the *Central District Plan*, from single family residential up to eight dwelling units per acre to mixed retail/office/residential use for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

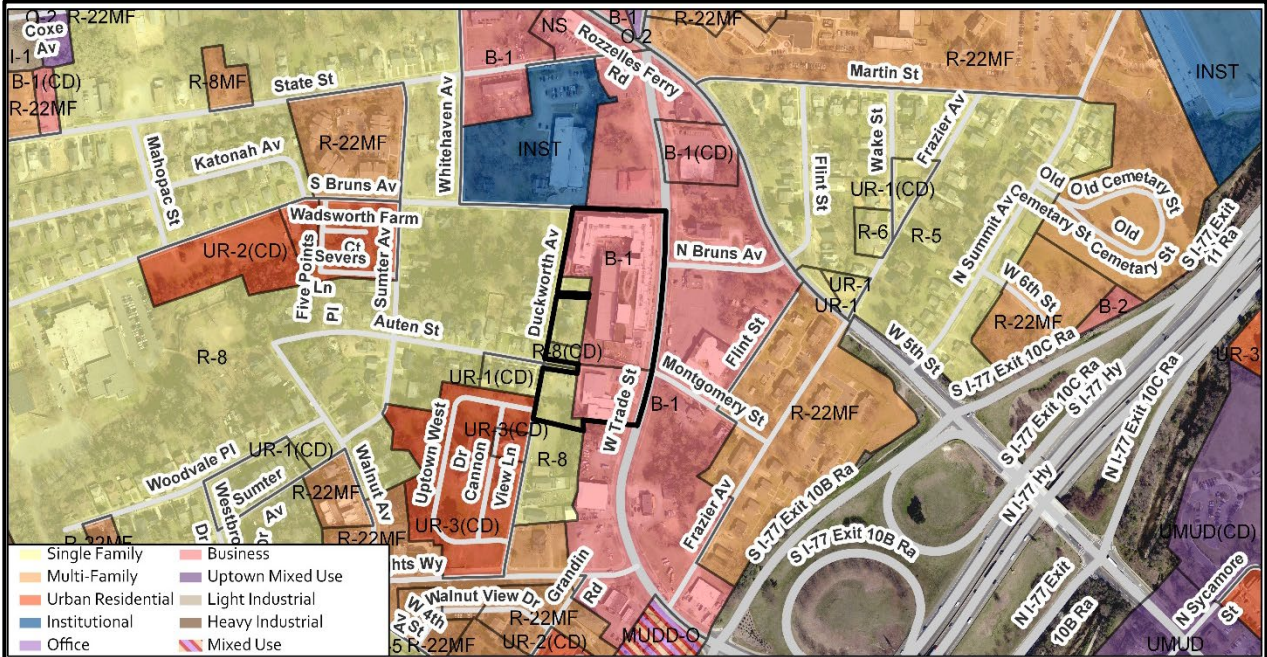
The site plan accompanying this petition contains the following provisions:

- Proposes to rezone the subject site to accommodate existing and proposed development within Development Areas A, B, C and D as follows:
 - *Development Area A*: Retains the existing six-story building Mosaic Village I with approximately 255,430 square feet of retail/office/restaurant/classroom uses and 80 multi-family residential units (suites).
 - *Development Area B*: Proposes up to up to 100,000 square feet of office/retail/restaurant/performing arts/community space with a maximum height of 86.5 feet.
 - *Development Area C*: Proposes up to 90,000 square feet of office/retail/restaurants/performing arts/community space and up to 90 multi-family residential units.
 - *Development Area D*: Proposes up to 80 multi-family and single family (attached) residential units with a maximum building height of 40 feet.
- Limits number of principal buildings on the site to eight.
- ~~Allows retail, restaurant, community space, personal services and other non-office commercial uses to be reduced and converted into office uses at a rate of one square foot of gross floor of such uses so converted to one square foot of office uses up to a total of 25,000 square feet of office uses.~~ Proposes transfer/conversion of indoor community uses of up to 5,000 square feet of gross floor area and up to 20,000 square feet of gross floor area for visual and performing arts may be converted to up to a total of 25,000 square feet of gross floor area for office and/or retail, restaurant or other similar uses as permitted in the MUDD(O) district.
- Identifies an interim parking area for Development Area C that will not be allowed to be converted to permanent parking in future Phase D Development.
- Prohibits the following uses:
 - ~~Drive through uses, including fast food restaurants with drive through facilities, drug stores with drive through window facilities, and banks with drive through facilities.~~
 - ~~Convenience store/gas station.~~
 - ~~Stand alone retail uses in a building as sole principal use.~~
 - ~~Drug stores with drive through windows or drugstores without drive through windows greater than 8,000 square feet.~~
 - ~~Retail stores that sell tobacco, e-cigarettes or similar products except as a minor ancillary part of their business.~~
 - ~~Retail stores that offer retail sale of alcohol, except as a minor ancillary part of their business.~~
 - ~~Hookah lounges, vape stores, tattoo parlors, or similar facilities.~~
 - ~~Sweepstakes parlors.~~
 - ~~Check cashing or payday lender type of operations.~~
 - ~~Gambling/gaming establishments.~~

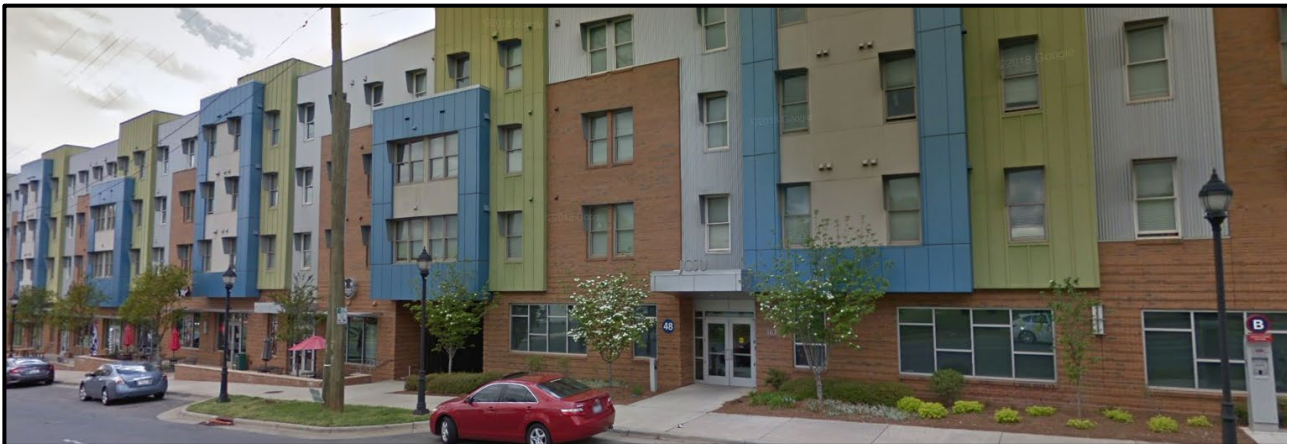
- ~~Fuel sales or automotive service/repair uses.~~
- ~~Data or telecommunications facilities, but does not prevent installation and use of data or telecommunications for use by owner or tenants as an ancillary use.~~
- ~~Mailbox storage uses except for those serving Mosaic Village residents.~~
- ~~Day labor employment support services of agencies.~~
- ~~Donation drop-off facilities operating as a principal use.~~
- ~~Adult clubs or similar facilities.~~
- ~~Temporary employment services as a principal use.~~
- ~~Funeral services as a principal use.~~
- ~~Storage facilities as a principal use.~~
- Requests the following optional provisions:
 - Allow parking between driveways and buildings in Development Areas A, B, C and D. **Future internal driveways will meet all required minimum setbacks, streetscape and screening requirements and may vary in location from those generally depicted on the Rezoning Plan subject to approval of CDOT and the Charlotte Fire Department.**
 - Allow surface parking on **the portions of site along Duckworth Avenue within Development Areas C and D, at the back of the existing VPAC Building within Area C** on an interim basis during the construction staging and subsequent phasing of development on the site.
 - Allow temporary signs and/or banners along West Trade Street with up to 64 square feet of sign face area and with a maximum height of seven feet. Allow a total of two temporary planned development signs along West Trade Street an increase of two feet above ordinance requirements.
 - **On condition that the door swing will not encroach into the sidewalk, Not to require** doorways **shall not be required** to be recessed into the face of buildings when abutting required open space or amenity area sidewalks eight feet or greater.
 - Allow required long-term bike parking spaces for uses located on the site within Development Area B to be located within the four-foot ~~multi-use pedestrian path landscape~~ **MUP Amenity** area constructed below the building portion of Development Area B at street level.
 - Allow balconies located above the first floor of the building between Development Areas B and C to encroach up to four feet into the assumed side yard separation to Development Area C.
 - Allow implementation of an eight-foot planting strip and six-foot sidewalk along the Duckworth Avenue frontage prior to receipt of Certificate of Occupancy for buildings within each separate phase of Development Area D construction along Duckworth Avenue **per specified Transportation Phasing Improvements.**
 - Allow implementation of an eight-foot planting strip and eight-foot sidewalk along the West Trade Street frontage prior to receipt of Certificate of Occupancy for ~~buildings~~ **the first building** within ~~each separate phase of~~ Development Areas B and C construction along West Trade Street.
- Proposes the following transportation/access/streetscape improvements:
 - Proposes vehicular access from West Trade Street via the existing park deck entry within Development Area and via driveway access from Duckworth Avenue.
 - Provides a twelve-foot wide ADA accessible multi-use path (**MUP**) with four-foot ~~landscape strip~~ **MUP Amenity Area**, connecting the eastern side of the Duckworth Avenue public sidewalk at Auten Street to the western side of the public sidewalk at West Trade Street. **The MUP will be substantially completed in conjunction with the development of the Site for Development Area B and prior to issuance of the first certificate of occupancy for the first new building within Site Development Area B.**
 - **Notes the MUP Amenity Area will be substantially completed in conjunction with the development of the site for Development Area B and prior to issuance of the first certificate of occupancy for the first new building within Site Development Area B.**
 - Notes that under separate application petitioner proposes to abandon dead-end portion of Auten Street within Development Area D to accommodate design and construction of multi-use path.
 - Notes location of Duckworth Avenue future back of curb may remain in its current location. Location of West Trade Street future back of curb will be determined by the CATS Gold Line Streetcar project. **Petitioner will coordinate West Trade Street future back of curb with CATS Gold Line Streetcar Manager.**
 - Implements an eight-foot planting strip and six-foot sidewalk along the Duckworth Avenue frontage per requested optional provisions **and noted transportation phasing improvements.**
 - Implements an eight-foot planting strip and eight-foot sidewalk along the West Trade Street frontage per the requested optional provisions.
 - Based upon existing site grades along West Trade Street, petitioner will coordinate final

- engineering and design to maintain necessary site steps and retaining wall structures within the eight-foot amenity area beyond the 16-foot planting and sidewalk areas and per final coordination with CATS Gold Line Streetcar Project. Necessary site steps and retaining wall structures within the eight-foot Amenity Areas will be substantially completed in conjunction with the development of the site for Development Area B and prior to issuance of the first certificate of occupancy for the first new building within Site Development Area B.
- Based upon existing site grades along West Trade Street and final coordination with the CATS Gold Line Streetcar Project, petitioner will coordinate final engineering and design to implement one accessible on-street parking space along the West Trade Street frontage. The one accessible parking space will be substantially completed in conjunction with the development of the site for Development Area B and prior to issuance of the first certificate of occupancy for the first new building within Site Development Area B.
 - Implements a fee simple CDOT right-of-way conveyance to the City for a two-foot setback behind the future sidewalk area along Development Areas C and D, and a portion of Development Area B. Right-of-way conveyance shall be completed prior to release of the first building Certificate of Occupancy for building construction within each separate Development Area.
 - Notes transportation improvements will be substantially completed in conjunction with the development of the Site for Development Areas B, C, and D prior to issuance of the first certificate of occupancy for the first new building(s) on the site within each separate phase of Development Areas B, C and D and per optional provisions.
 - Notes the petitioner will coordinate final engineering and design to implement up to four on-street parking spaces along the West Trade Street frontage per final coordination with the CATS Gold Line Streetcar Project. The on-street parking spaces shall be substantially completed in conjunction with the development of the Site for Development Area B and prior to issuance of the first certificate of occupancy for the first new building within Site Development Area B.
 - Proposes the following design guidelines:
 - Prohibits vinyl siding (but not vinyl hand rails, windows or door trim).
 - Prohibits concrete masonry units not architecturally finished.
 - Provides concept renderings from northeast (towards Interstate 77 and Center City), east, and southeast (towards Five Points).
 - Orients buildings towards West Trade Street, Duckworth Avenue and the multi-use pedestrian path to reinforce streetscape.
 - Commits to designing massing and height to break up monolithic building forms through modulations of the massing/façade plan (such as recesses, projections, and architectural details).
 - Commits to prohibiting building elevations facing existing public streets and the MUP from having expanses of blank walls greater than 20 feet in all directions.
 - Ensures buildings will be designed with a recognizable architectural base on all facades facing the existing public streets and the MUP.
 - Proposes continuation of architectural treatment on all sides of a building except as noted otherwise.
 - Treats ground floor elevations with a combination of fenestration, clear glass, prominent entrances, change in materials, building step backs, art work and landscaping.
 - Proposes building materials associated with facades on parking structures that are generally compatible in character and quality with adjoining buildings, plazas and streetscapes.
 - Proposes pedestrian scale lighting for the multi-use path.
 - Identifies existing and proposed amenity areas.
 - Notes that tree save will not be required for the Site if future guidelines, allowances or requirements change prior to receipt of first Certificates of Occupancy within each development phase of Development Areas A, B, C & D within the PED(O), TOD, MUDD(O), Transit Station, Wedge or any other designations. Until such time, the Petitioner will plan on replacement of the existing Tree Save required within the earlier Mosaic I Rezoning commitments in order to comply with the original 15% Tree Save requirement. Replanting for this and future Tree Save areas may take place in any of the areas #1 through #6. The originally committed and future Tree Save areas may be planted with each consecutive Phase of Development, or will be waived, prior to receipt of Certificate of Occupancy for future development. Final coordination of the Tree Save areas shall be coordinated with Urban Forestry during the site engineering review and approval process.

• Existing Zoning and Land Use



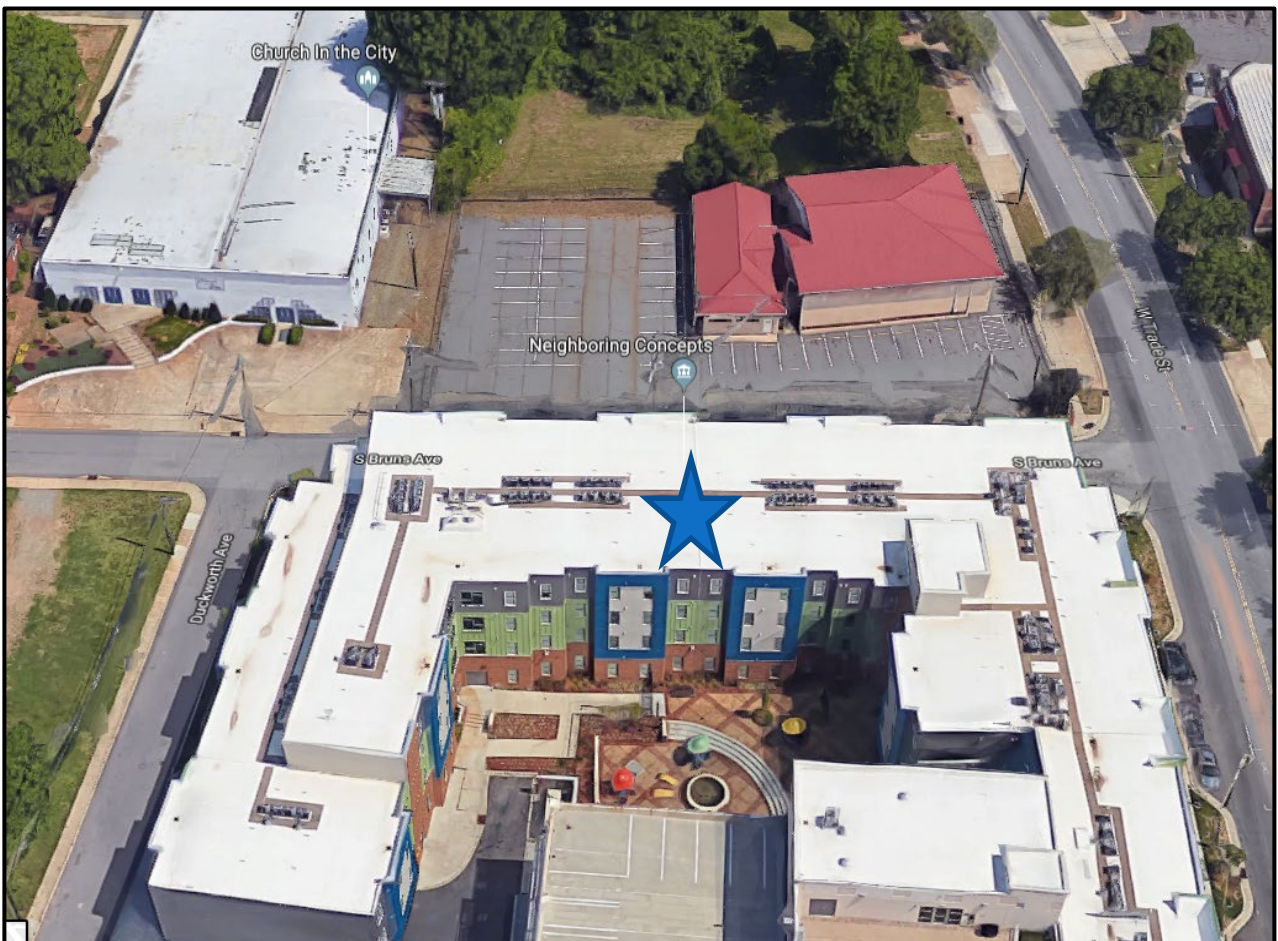
- The site is currently developed with the existing Mosaic Village mixed use development and single family residential homes. Rezoning petition 2016-002 approved an additional 13 feet of height for the previously constructed Mosaic Village building in order to enclose a portion of the existing roof terrace on top of the parking deck and included a new parcel on Duckworth Avenue for tree save.
- The site is surrounded by a mix of single family homes, educational and institutional facilities, retail uses and vacant land in various zoning districts.



The subject property is developed by the Mosaic Village and single-family homes.



The subject property is developed by the Mosaic Village and single-family homes.



The properties to the north along South Bruns Avenue are developed with a church. The blue star represents existing Mosaic Village (part of the rezoning site).



The property to the south along West Trade Street is developed with a warehouse use and vacant land.

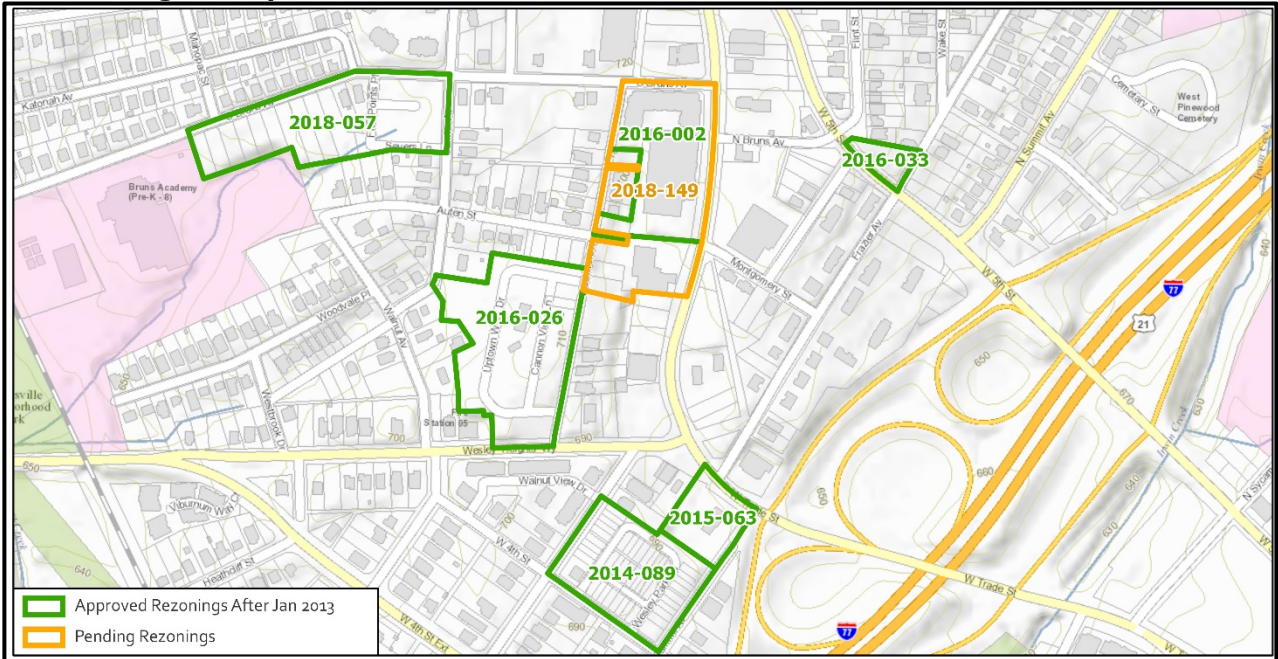


The properties to the east along West Trade Street are developed with a mix of commercial uses, a religious use and the Rosa Parks Farmer's Market.



The properties to the west along Duckworth Avenue are developed with single-family homes.

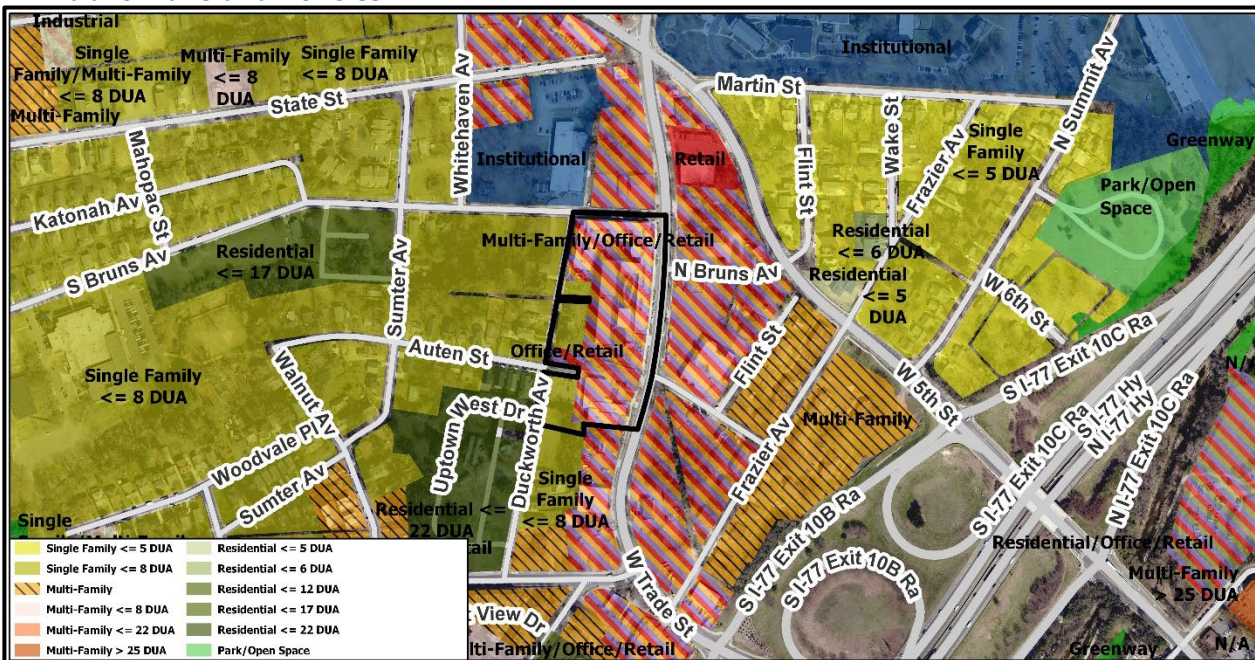
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-057	Rezoned approximately 3.87 acres from UR-2(CD) (urban residential, conditional) and R-8 (single family residential) to UR-2(CD) (urban residential, conditional) and UR-2(CD) SPA (urban residential, conditional, site plan amendment) to allow up to 57 for-sale townhomes.	Approved
2016-033	Rezoned approximately 0.30 acres located on the north side of West 5 th Street between Flint Street and Frazier Street from UR-1(CD) (urban residential, conditional) to UR-1 (urban residential) to allow all uses in the urban residential district.	Approved
2016-026	Rezoned approximately 4.55 acres from R-8 (single family residential), UR-3(CD) PED-O (urban residential, conditional, pedestrian overlay, optional), and UR-3(CD) (urban residential, conditional) to UR-3(CD) PED-O (urban residential, conditional, pedestrian overlay, optional) and UR-3(CD) PED-O SPA (urban residential, conditional, pedestrian overlay, optional, site plan amendment) to allow up to 85 single family attached residential units.	Approved
2016-002	Rezoned 2.75 acres from R-8 (single family residential) and B-1 PED (neighborhood business, pedestrian overlay) to R-8(CD) (single family residential, conditional) and B-1 PED-O (neighborhood business, pedestrian overlay-optional) in order to allow an additional 13 feet of height in order to enclose a portion of the existing roof terrace on top of the parking deck for Mosaic Village and include a new parcel on Duckworth Avenue for tree save.	Approved
2015-063	Rezoned approximately 0.909 acres from B-1 (PED) (neighborhood business, pedestrian overlay), MUDD-O (PED) (mixed use development, optional, pedestrian overlay) to redevelop the site with a new building with an accessory drive-through window to accommodate the existing eating, drinking, entertainment establishment (Type 1) or another non-residential use.	Approved
2014-089	Rezoned approximately 2.69 acres from R-8MF(HD) (multi-family residential, historic district overlay) and R-22MF(HD)(PED) (multi-family residential, historic district	Approved

	overlay, pedestrian overlay) to UR-2(CD)(HD) (urban residential, conditional, historic district overlay) and UR-2(CD)(HD)(PED) (urban residential, historic district overlay, pedestrian overlay) to allow a maximum of 48 for-sale residential units consisting of an existing quadraplex and 44 single family attached units.	
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• Public Plans and Policies



- The *West End Land Use and Pedscape Plan* (2005) recommends mixed use, multi-family/office/retail land uses for a portion of this site. The *West End Land Use and Pedscape Plan* also recommended the implementation of the Pedestrian Zoning Overlay district for the majority of this site and adjacent parcels along West Trade Street and Beatties Ford Road from Interstate 77 up to the Brookshire Expressway, and up to Interstate 85.
- The *Central District Plan* (1993) recommends single family up to eight dwelling units per acre for the remaining portion of the site.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on West Trade Street along the CATS Gold Line Streetcar. The site plan commits to an eight-foot planting strip and an eight-foot sidewalk along West Trade Street. In addition, the site is proposing a 16-foot multi-use path connecting Duckworth Avenue to West Trade Street.
 - See Outstanding Issues, Notes 1-3. **Addressed**
 - **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1,940 trips per day (based on 80 apartments, 3 single family homes, 13,820 square feet of university uses, and 7,780 square feet of retail uses.).

Entitlement: 3,630 trips per day (based on 36,800 square feet of retail, 6 single family homes).

Proposed Zoning: 11,630 trips per day (based on 5,000 square feet community center, 20,000 square feet performing arts, 190,000 square feet of retail use, and 170 multi-family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 5 students, and the development allowed under the proposed zoning may produce 20 students. Therefore, the net increase in the number of students generated from existing to proposed zoning is 15 students.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Bruns Avenue Academy remains at 73%
 - Ransom Middle remains at 109%
 - West Charlotte High remains at 85%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 6-inch water distribution mains located along South Bruns Avenue and Duckworth Avenue. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Applicant must coordinate development details with Charlotte Water.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** See Outstanding Issues, Note 19—Addressed
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. The proposed zoning district has a setback measured from back of the existing or proposed future curbline. The location Duckworth Ave.'s future back of curb can remain as is. The location of West Trade St.'s future back of curb is to be determined by the CATS Gold Line Streetcar Project. The petitioner needs to coordinate with the CATS Gold Line Streetcar Project Manager to verify West Trade St.'s back of curb location. Addressed
2. Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk where feasible. Addressed
3. Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. The petitioner needs to clarify the project's development phasing and which transportation improvements are tied to each development phase. The proposed multi-use path width (MUP) needs to be revised from 16 feet to 12 feet, and the remaining four feet labeled as MUP Amenity area. Addressed

Site and Building Design

4. Provide a building envelope in the area identified as interim development Area C and D parking area and provide standards for the building to ensure that it will be compatible with the existing homes across the street. Addressed
5. Ensure Site Section on Sheet RZ-3 meets the ordinance definition of height. Addressed
6. Under heading *Permitted Uses, Development Area Limitations, Transfers & Conversion Rights*, provide maximum square feet of retail, restaurant, community space, personal services and other non-office commercial uses to be reduced and converted into office uses. Addressed
7. Clarify optional provision 2.a. (Internal Driveways). If petitioner is requesting to allow parking between public rights of way (name streets) and buildings. This optional provision is too broad. Show on site plan where this is being requested. It should be a very limited area. Addressed
8. Clarify optional provision 2.b. (Interim Surface Parking) as surface parking is allowed confirm petitioner is asking to allow surface parking between building and street. Show the location on the plan. Addressed
9. Modify optional provision 2.d. (Recessed Doors) to say this condition is allowed when door swing will not encroach into sidewalk. Addressed
10. Clarify optional provision 2.e. (Bike Parking) to confirm if petitioner is referring to the landscape area abutting the multi-use path. Addressed
11. Clarify the list of prohibited uses b.(i) through (xix). Some of the proposed uses conflict what is allowed in the MUDD by right. Addressed
12. Define what is meant by "non-office commercial uses". Addressed

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13. ~~Annotate color renderings.~~ Addressed
 14. ~~Under Note 4.a.9, petitioner should commit to right-of-way dedication.~~ Addressed
 15. ~~Modify Amenity and Open Space Calculations on Sheet RZ1 to only reference **total** public open space gross square feet to be provided for A2, A3, B1, B2, and C1.~~ Addressed
 16. ~~Clarify what is meant by "Max. Ht. Rear Yard" and "Max. Ht. Front" under Table 1: Development Area Summary on Sheet RZ4.~~ Addressed
 17. ~~Delete average grade calculations and drawing as they are not being reviewed as part of this rezoning.~~ Addressed
 18. ~~Delete site surveys from the site plan submittal.~~ Addressed
- Engineering Property Management/Arborist
19. ~~Site needs to demonstrate compliance with the Tree Ordinance.~~ Addressed
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte-Douglas International Airport Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782