

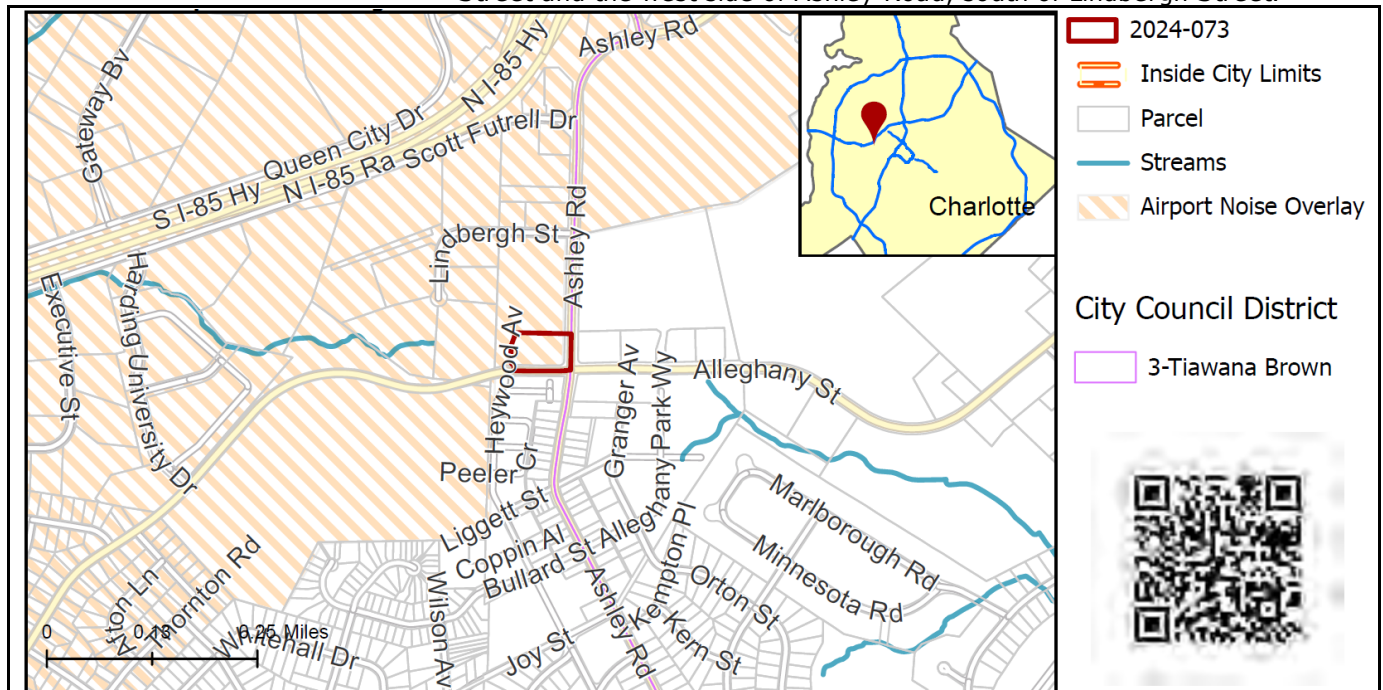
REQUEST

Current Zoning: B-1(CD) ANDO (Neighborhood Business, conditional, Airport Noise Disclosure Overlay)

Proposed Zoning: CG(CD) ANDO (General Commercial, conditional, Airport Noise Disclosure Overlay)

LOCATION

Approximately 1.519 acres located along the north side of Alleghany Street and the west side of Ashley Road, south of Lindbergh Street.



SUMMARY OF PETITION

The petition proposes the development of a commercial use with an accessory drive-through on a vacant outparcel.

PROPERTY OWNER PETITIONER

BGW Elevation Group, LLC
CLT Operations Holdings, LLC

AGENT/REPRESENTATIVE COMMUNITY MEETING

David Murray, Murray Law Firm, PLLC
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 3

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for the Commercial Place Type.

Rationale for Recommendation

- The proposed rezoning is reasonable and in the public interest as the site is within an area designated by the *2040 Policy Map* for the Commercial Place Type.
- The site is currently zoned B-1(CD) (Neighborhood Business, conditional) and is entitled to develop with neighborhood retail uses, commercial, office, and personal service uses.
- Drive-through establishment uses are permitted under prescribed conditions in the CG district. The proposed site plan and conditional notes meet the prescribed conditions and further limit the allowed uses while

providing design standards above and beyond those laid out in the Unified Development Ordinance to better mitigate the impacts of the proposed uses on adjacent properties.

- The site is abutting a 4+ lane avenue and a 2+ lane avenue and is a short drive from a 6+ lane boulevard with access to I-85.
- The Commercial Place Type calls for standalone retail and restaurant uses located on high-volume arterial streets and near interstate interchanges and is intended, generally, for auto-oriented developments while also accommodating other travel modes.
- The site plan proposes streetscape and pedestrian access improvements such as an 8-foot sidewalks along Alleghany Street and Ashley Road.
- The site is located along the route of the number 2, 30, 34, and 235 CATS local buses providing access to the Charlotte Transportation Center (CTC), SouthPark Community CTC, Goodwill Campus, West Boulevard Library, and the Lynx Blue Line among other destinations.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 8: Diverse & Resilient Economic Opportunity

PLANNING STAFF REVIEW

• Background

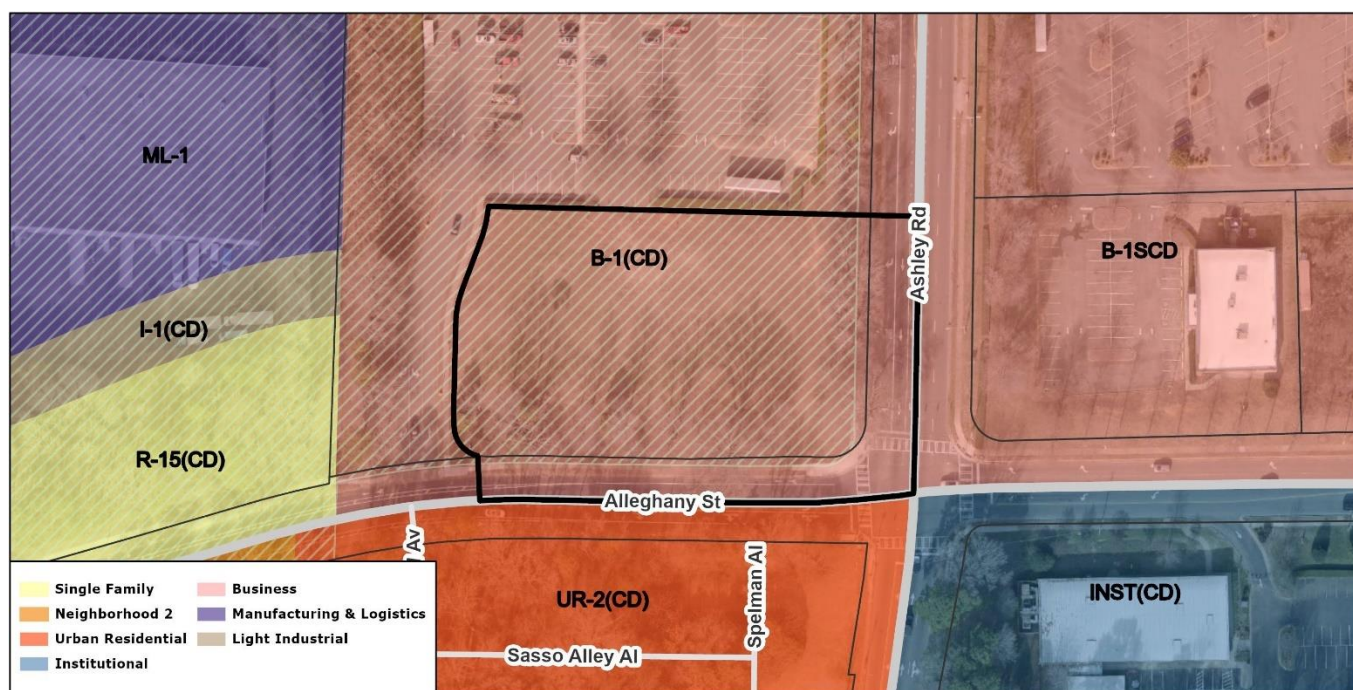
- The property is currently zoned B-1(CD) as a result of petition 2000-157, which allowed for a shopping center with a separate outparcel. The outparcel from this rezoning is the subject property.
- The previously approved petition permitted all commercial, office, and personal service uses allowed in the B-1 zoning district with the exception of fast food restaurants.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes to allow a 4,000 square foot commercial use with an accessory drive-through.
- Proposes the following site and building design standards:
 - Maximum building height is limited to 50 feet.
 - An 8-foot sidewalk/8-foot planting strip will be provided along the site's frontages on Alleghany Street and Ashley Road.
 - Direct pedestrian connections will be provided to the public sidewalk from street facing and corner entrances.
 - Publicly accessible open space will be provided.
 - Parking and drive-through areas will be screened from view from the adjacent streets.
 - Solid waste service areas will be screened from view with building materials matching those of the principal structure.
- Proposes the following transportation improvements:
 - Access to the site will be primarily provided from full movement shared private driveways. No new access points to public streets will be constructed.
 - All required right-of-way and external transportation improvements will be completed and dedicated to CDOT/NCDOT prior to the issuance of the first certificate of occupancy (CO).

• Existing Zoning



The site is currently zoned B-1(CD) (Neighborhood Business, conditional) and is adjacent to other sites zoned B-1(CD) to the north and west, B-1SCD (Neighborhood Business, Shopping Center District) to the east, UR-2(CD) (Urban Residential, conditional) to the south, INST(CD) (Institutional, conditional) to the southeast, and R-15(CD) (Single-Family, conditional), I-1(CD) (Light Industrial, conditional), and ML-1 (Manufacturing & Logistics-1) to the west. The area is within the Airport Noise Disclosure Overlay District (ANDO).



The site (indicated by red star above) is located along the north side of Alleghany Street and the west side of Ashley Road, south of Lindbergh Street. The site is located within a ½-mile radius of several retail developments, manufacturing and logistics uses, single-family and multi-family residential, and three schools.



View of the site looking northwest corner of Alleghany Street and Ashley Road. The property is currently zoned B-1(CD) (Neighborhood Business, conditional) and is vacant.



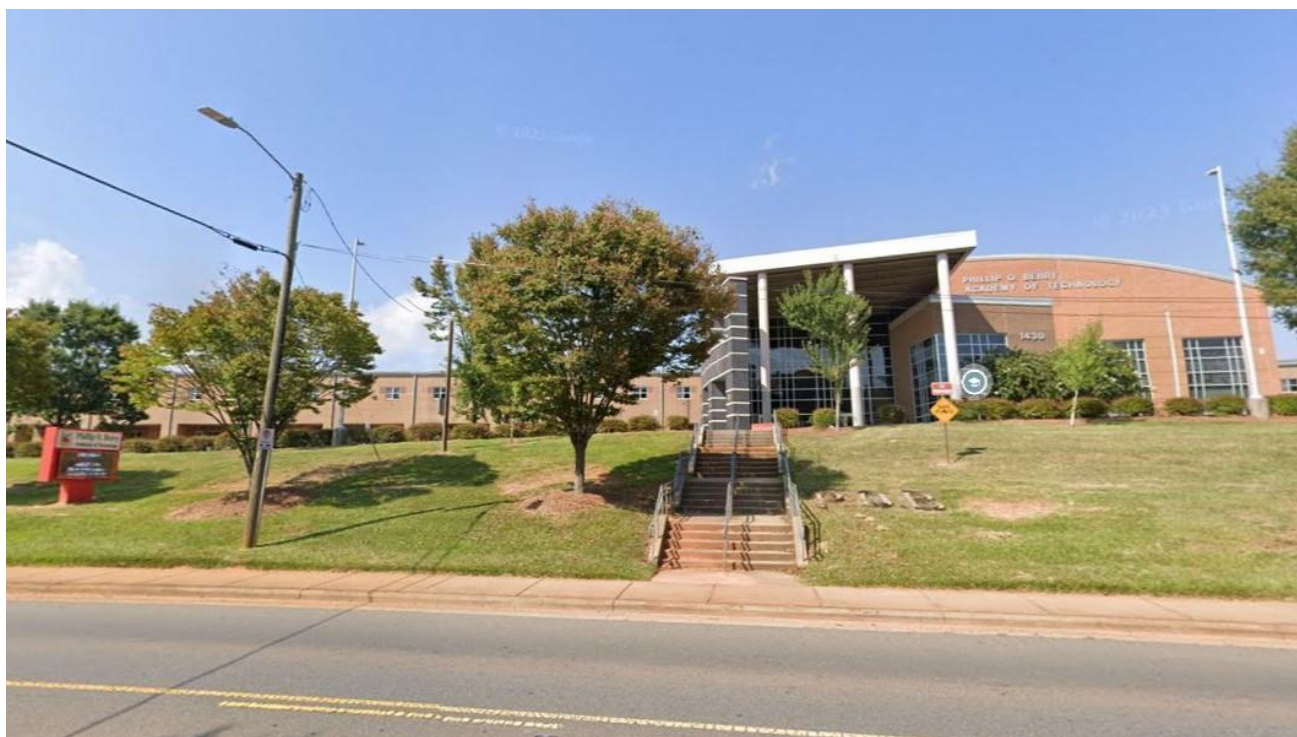
View of the shopping center located at the northwest corner of Alleghany Street and Ashley Road. The subject property is an outparcel of this shopping center. There are several retail developments located within 1-mile of the site.



View of a shopping center located east of the site across Ashely Road. Much of the area is designated as the Commercial Place Type by the *2040 Policy Map* and developed as retail.

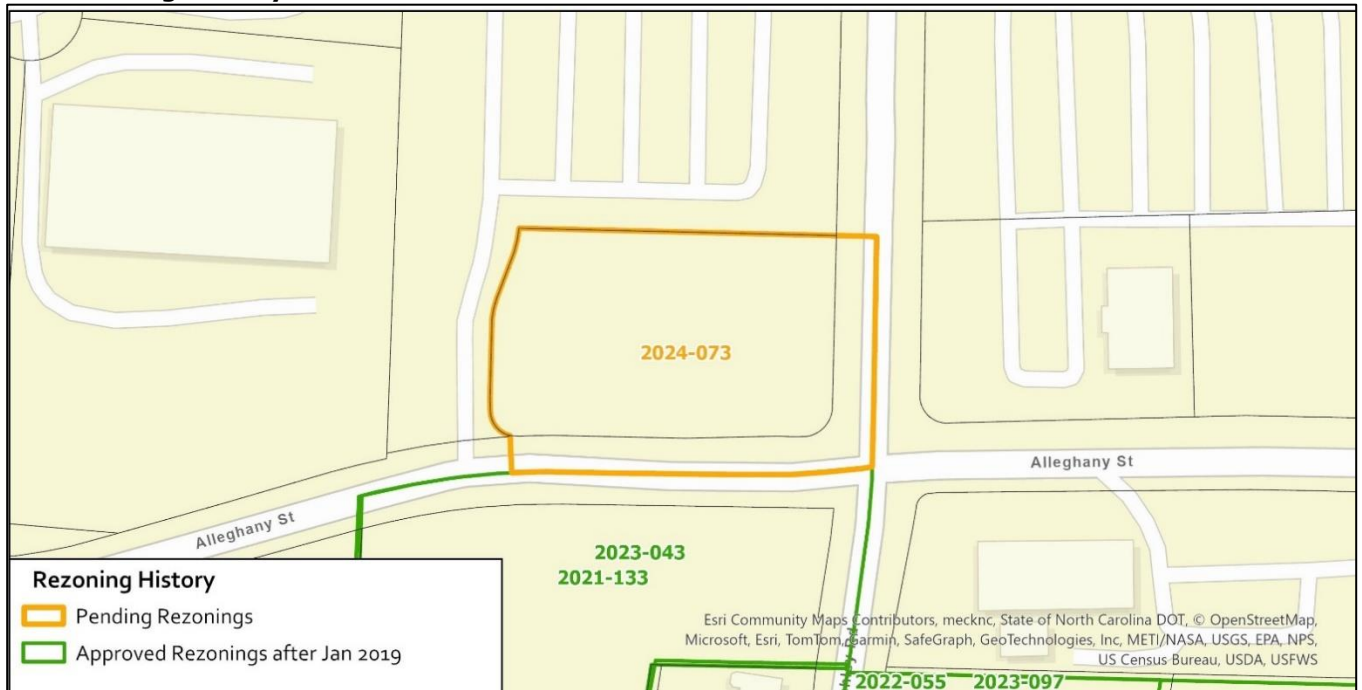


View of the Central Piedmont Community College (CPCC) City View Center campus cosmetology school located Southeast of the site, at the southeast corner of the intersection of Alleghany Street and Ashley Road.



View of the Philip O. Berry Academy of Technology located on Allegheny Street east of the site. There are three schools located within a ½-mile walking distance of the site including Harding University High School and Ashley Park Elementary School.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-133	Rezoned 7.07 acres located on the south side of Alleghany Street and north side of Bullard Street, west of Ashley Road from R-12MF to NS for a townhome development with up to 107 units.	Approved
2022-055	Rezoned 13 acres located on the east and west side of Granger Avenue and south side of Alleghany Street, east of Ashley Road from B-D(CD) and INST to R-22MF(CD) for a multi-family development with up to 220 units.	Approved
2023-043	Rezoned 7.01 acres located at the southwest intersection of Alleghany Street and Ashley Road, and the north side of Bullard Street, west of Heywood Avenue from N2-B and UR-2(CD) to UR-2(CD) for a townhome development with up to 123 units superseding petition 2021-133.	Approved
2023-097	Rezoned 0.64 acres located along the east side of Ashley Road, south of Alleghany Street from R-22(CD) to N2-B to allow any use permitted by the N2-B district.	Approved

- **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for the Commercial Place Type for this site.

- **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Alleghany Street, a City-maintained minor arterial, and Ashley Road, a City-maintained minor arterial. A Traffic Impact Study (TIS) is required for the proposed development. The TIS was approved by CDOT on November 20, 2024. Based on the 1,870 daily trips, the petitioner will be required to satisfy Tier 3 Multimodal assessment. There are no further outstanding CDOT transportation issues.

- **Active Projects:**

- CIP: Alleghany Avenue Pedestrian and Bike Improvements
 - Project ID: PMES171523
 - Location Description: Alleghany Avenue from Wilkinson Boulevard to Ashley Road
 - Project Description: This project will provide sidewalk on north side of Alleghany Avenue with pavement restriping to provide bike lanes from Wilkinson Boulevard to Ashley Road.
 - Project Type: Pedestrian and Bike
 - Project Phase: Complete
 - Anticipated Completions Date: Late 2022
 - PM: Brooke Gaines - bgaines@charlottenc.gov

- **Transportation Considerations**

- No Outstanding Issues.

- **Vehicle Trip Generation:**

Current Zoning: B-1(CD)

Existing Use: 0 trips per day (based on the site being vacant).

Entitlement: 871 trips per day (based on 15,190 sq.ft. of retail).

Proposed Zoning: CG(CD). 1,870 trips per day (4,000 sq.ft. fast food w/ drive-thru).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.

- **Charlotte Water:** Accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Alleghany St. Accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Ashley Rd. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Notes 1 and 2.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Environment

1. ~~Urban Forestry: Trees within the existing 30' setback along Alleghany and the 20' setback along Ashley Rd must be protected.~~ Addressed
2. ~~Urban Forestry: Sidewalk needs to be adjusted to protect existing trees within the ROW and setback.~~ Addressed

REQUESTED TECHNICAL REVISIONS PRIOR TO PUBLIC HEARING

Site and Building Design

3. ~~Entitlement Services: Parking shown on site plan is in compliance with UDO requirements. However, parking calculations in Development Data Table are incorrect.~~ Addressed

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Maxx Oliver 704-336-3818