

## Zoning Committee Recommendation

Rezoning Petition 2024-090

January 6, 2026

### REQUEST

Current Zoning: MUDD-O (Mixed Use Development District, Optional) and R-12MF(CD) (Multi-family, Conditional).  
Proposed Zoning: CG(CD) (General Commercial, Conditional) and N-2B(CD) (Neighborhood 2-B, Conditional).

### LOCATION

Approximately 65.27 acres located along the north side of West Mallard Creek Church Road and the south side of Galloway Road, west of I-85.  
(Council District 4 - Johnson)

### PETITIONER

Charter Properties, LLC

### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

#### To Approve:

This petition is found to be **consistent and inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* (2022) recommends the Commercial and Neighborhood 2 Place Types for this site.
- It is inconsistent for a small portion of the site where the zoning designation indicates CG (General Commercial), but the map shows N2 (Neighborhood 2).

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The site is designated as both the Neighborhood 2 and Commercial Place Types by the *2040 Policy Map*.
- The petition proposes 30,000 square feet of specified commercial uses that would expand access to essential services, amenities, and services for the surrounding community and the included residential development.
- The petition proposes a diversity of housing options by providing a mix of housing types such as quadplexes, multi-family attached, multi-family stacked and age restricted units.
- The petition proposes to include a maximum of 80 residential units in a multi-family stacked style that will

be age restricted and income-restricted at 80% AMI for no less than 15 years.

- The petition provides a large 75-foot Class B landscape yard along portions of the site's western and northern boundary lines next to single family residential lots.
- The site is located on CATS bus route 59.
- The petition provides provisions for an existing cemetery on the site.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 3: Housing Access for All.

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from the Commercial Place Type to the Neighborhood 2 Place Type for a portion of the site.

Motion/Second: Gaston / Millen  
Yea: Welton, Caprioli, Gaston, Millen, Shaw, Stuart  
Nays: None  
Absent: McDonald  
Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent and inconsistent with the *2040 Policy Map* recommendation for the Neighborhood 2 and Commercial Place Types.

Commissioner Stuart asked whether the provision stating that if the petitioner is unable to obtain low-income tax credits or other required funding within one year, the age-restricted requirement would no longer apply, also includes the affordable housing requirement. Staff clarified that it applies to both the age restriction and the affordability requirement.

Commissioner Stuart asked if development areas B, C, and D would all be rental units. Staff responded that the rezoning plan does not specify whether they will be rental or for-sale units.

Commissioner Millen requested clarification regarding the provision in Development Area E that limits rentals or leases to third parties to no more than 20% of the total units at any given time. Staff clarified that this provision restricts subleasing to a maximum of 20% of the units.

Commissioner Gaston asked if the provision stating that the age-restricted requirement would no longer apply if the petitioner is unable to obtain low-income tax credits or other required funding within one year also requires proof of application. Staff responded that it is based on a good faith effort by the petitioner to apply for credits and funding and suggested the committee could request clarification on what that entails. The petitioner, John Porter, stated they are working with an affordable housing

developer and are willing to include new language in the rezoning plan during resubmittal.

Commissioner Stuart stated that the cemetery did not appear to be on the rezoning site. Staff clarified that there are two cemeteries—one located on the church property and another on the rezoning site.

Chairperson Welton asked if all the roads on the site were public. CDOT responded that the roadway running north-south from Access A to Access C is a network-required public roadway, and the roadway from the roundabout to Access B is also public. The roadway running east-west is a private street with a public access easement. All remaining roadways and alleys are private.

There was no further discussion of this petition.

**PLANNER**

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