



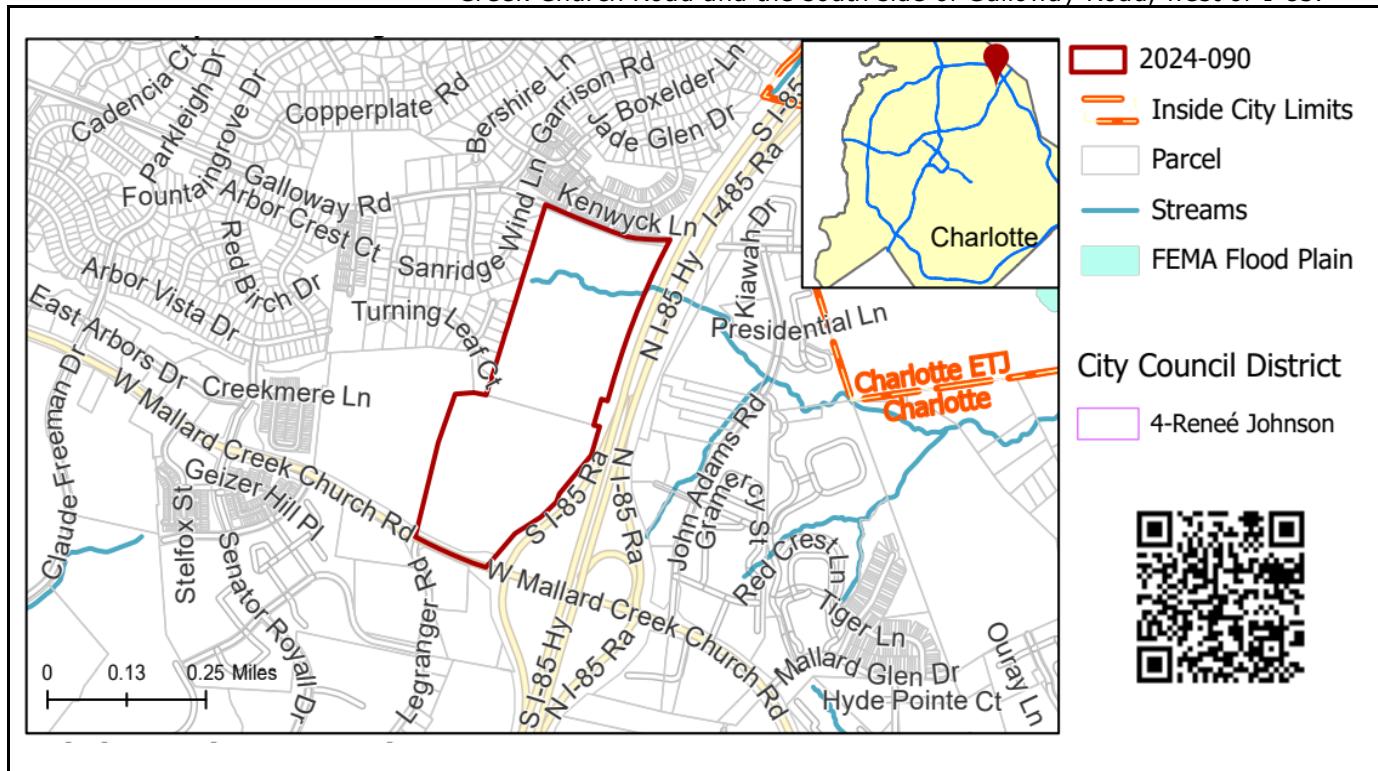
**REQUEST**

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.



**SUMMARY OF PETITION**

The petition proposes a mix of multi-family residential and commercial/retail uses divided into five development areas. The petition proposes a maximum total of 860 residential units and 30,000 square feet of commercial/retail uses on undeveloped land.

**PROPERTY OWNER**

Selburn Apartments, LLC

**PETITIONER**

Charter Properties, Inc.

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson & Bradshaw, PA

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 10

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

**Plan Consistency**

The petition is **consistent** and **inconsistent** with the 2040 Policy Map recommendation for the Neighborhood 2 and Commercial Place Types. 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).

Rationale for Recommendation

- 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 quadraplexes, 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.

## PLANNING STAFF REVIEW

### • Background

- This 65.7 acre site was rezoned (RZP-2016-139) from RE-1 (Research), RE-3(Conditional), and R-3 (Single Family Residential) to MUDD-O (Mixed Use Development District, Optional) and R-12MF(Conditional) (Multi-family, Conditional) to allow up to 395 multi-family residential units and up to 160,000 square feet of commercial uses as allowed in the MUDD zoning district. The acreage was roughly divided equally between the residential and the commercial uses. It was never developed.

### • Proposed Request Details

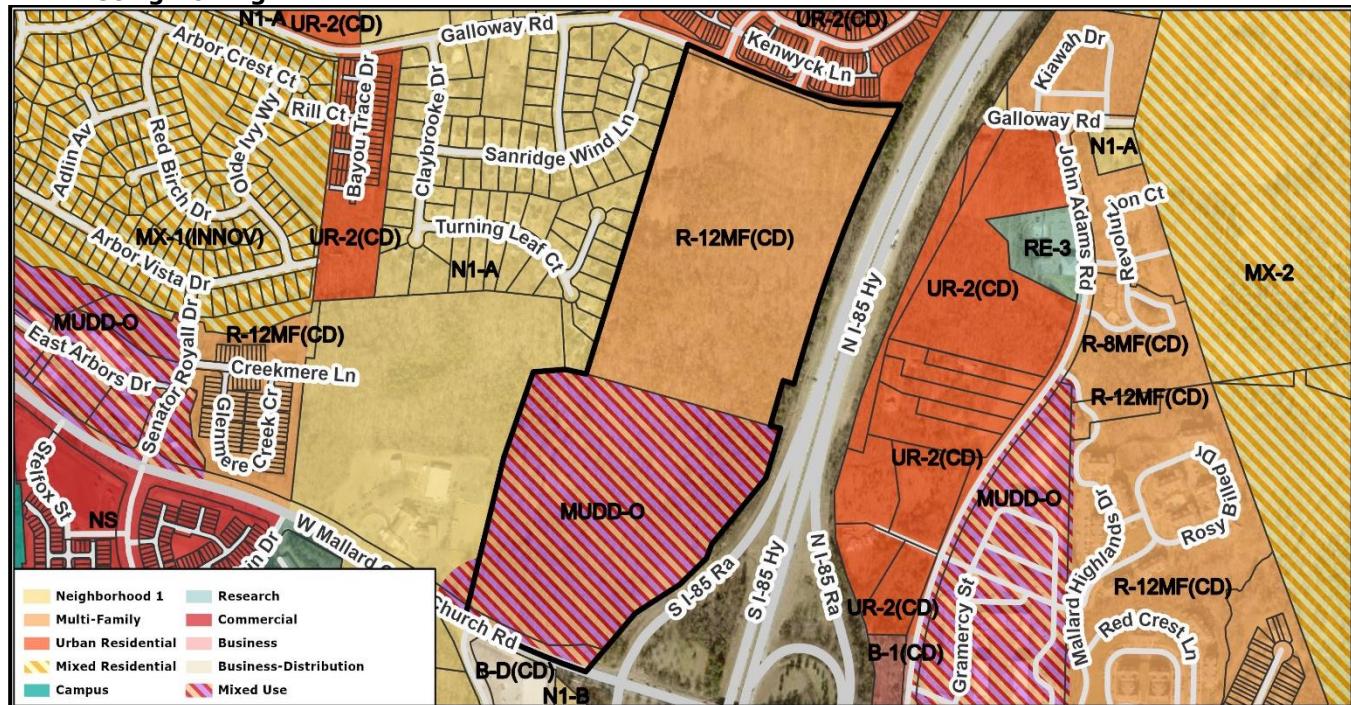
The site plan accompanying this petition contains the following provisions:

- The site is divided into 5 separate development areas with 860 multi-family residential units and 30,000 square feet of commercial uses.
- Development Area A
  - Allows a maximum of 30,000 square feet of commercial/retail uses (excluding the hotel square footage if built).
  - Allows only one vehicle fueling facility.
  - Limits the accessory drive-in and drive-through service lanes/windows as an accessory use to a financial institution.
  - Allows a 130 room hotel.
- Development Area B
  - Allows up to 80 age-restricted (55+), affordable (earning 80% or less of AMI for a period of 15 years) multi-family stacked units.
  - If petitioner is unable to obtain low-income tax credits or other required funding after 1 year, then the age-restricted requirement will not be required.
  - Limits building height to 65-feet.
- Development Area C
  - Allows a maximum of 350 units total.
  - 310 multi-family stacked, and 40 multi-family attached units.
  - Provides a minimum 10,000 square-feet pocket park.
  - Limits building height for the multi-family stacked to 65-feet.
  - Limits building height for the multi-family attached to 50-feet.
  - If less than 310 multi-family stacked units are built, the remaining units (up to the 350 total) may be developed as multi-family attached dwelling units. The total number of all dwelling units (stacked + attached) must not exceed 350.
- Development Area D
  - Allows a maximum of 350 units total.

- 290 multi-family stacked units, and 60 multi-family attached units.
- Limits building height for the multi-family stacked to 50-feet.
- Limits building height for the multi-family attached to 40-feet.
- If less than 290 multi-family stacked units are built the remaining units (up to the 350 total) may be developed as multi-family attached dwelling units. The total number of all dwelling units (stacked + attached) must not exceed 350.
- Development Area E
  - Allows a maximum of 80 multi-family attached units.
  - Includes a provision that provides no more than 20% of the total units may be rented or leased to third parties at any one time.
  - West of the Connector Road, the maximum height for any multi-family attached dwelling unit building shall be 40 feet and limited to two stories.
  - East of the Connector Road, the maximum height for any multi-family attached dwelling unit building shall be 50 feet.
- Transportation Improvements
  - Provides a minimum 8-foot-wide planting strip and a minimum 8-foot-wide sidewalk on Galloway Road frontage.
  - Provides a minimum 8-foot-wide planting strip and a minimum 12-foot-wide multi-use path along the West Mallard Creek Church Road frontage.
  - West Mallard Creek Church Rd & Senator Royall Drive (Signalized) improvements:
    - Implement a signalized thru-cut access at Legranger Rd / Access "B" to eliminate westbound U-turn site trips.
  - West Mallard Creek Church Road & Legranger Road / Access "B" (Unsignalized)
    - Convert to a signalized thru-cut access with the following improvements:
      - 1 ingress lane and 3 egress lanes (a southbound terminating right turn lane and dual left turn lanes with 150 feet of storage each)000 on Access B.
      - Re-mark the existing two-way left-turn lane median.
      - Add an eastbound left turn lane with 500 feet of storage.
      - Widen West Mallard Creek Church Road to meet median requirements as shown in the concept plan.
      - Install medians to restrict northbound/southbound thru movements to improve safety and manage turning conflicts.
      - Construct a right turn lane with 150 feet of storage on West Mallard Creek Church Road.
      - Legranger Road improvement: Northbound left-turn lane with 150 ft storage
  - West Mallard Creek Church Road improvements:
    - Re-mark median to include eastbound left-turn lane (500 ft storage)
    - Widen roadway to accommodate median per concept plan
    - Westbound right-turn lane with 150 ft storage
  - West Mallard Creek Church Road & I-85 Southbound Ramps (Signalized) improvements:
    - Construct a second westbound left-turn lane (100 ft storage)
    - Note: No structural modifications to the existing bridge deck
    - Construct a second southbound receiving lane on the I-85 SB on-ramp
    - Transitions back to a single lane after ~800 ft
    - Provide pedestrian crossing on the west side of the intersection
  - West Mallard Creek Church Road & I-85 Northbound Ramps (Signalized) improvements:
    - Implement signalized thru-cut access at Legranger Rd / Access "B" to eliminate eastbound U-turn site trips
    - Construct a second eastbound left-turn lane (100 ft storage)
    - No structural modifications to the existing bridge deck
    - Construct a second northbound receiving lane on the I-85 NB on-ramp
    - Transitions back to a single lane after ~800 ft.
    - Install signage to prohibit eastbound U-turns.
  - Galloway Road & Galloway Park Drive / Access "C" (Unsignalized) improvements:
    - Full movement access with:
      - 1 ingress lane
      - 1 egress lane
  - Galloway Road & Coran Cross Drive / Access "D" (Unsignalized) improvements:
    - Full movement access with:
      - 1 ingress lane
      - 1 egress lane
  - West Mallard Creek Church Road & Access "E" (Unsignalized) improvements:
    - Right-in only access configuration
  - Mallard Creek Rd & Galloway Road (Signalized) improvements:
    - Construct a westbound right-turn lane on Galloway Road with 100 feet of storage.

- Implement protected phasing for northbound and southbound left-turn movements.
- Open Space and Green Space
  - Provides a minimum 10,000 square-feet pocket park in Development area A with hardscape, landscaping, seating elements, and shade structures.
  - Provides 6 common open space areas that includes at least 4 of the following: Shading elements (shade structures or large trees), Seating options (moveable chairs, benches, seat walls), Enhanced landscaping beyond ordinance minimums, Specialty paving materials (excluding standard concrete/asphalt), Decorative lighting (uplighting, bollards, pedestrian-scale poles).
  - Provides a minimum 75-foot Class B landscape yard along portions of the site's western and northern boundary lines as depicted on the rezoning plan.
  - Provides a 50-foot Class B landscape yard with a wooden fence along portions of the site's western boundary line as depicted on the rezoning plan.
- Cemetery Preservation
  - A portion of an existing cemetery is located on the southwestern corner of the site and shall be preserved. Boundaries are shown on the rezoning plan.
  - Prior to construction, a temporary construction barrier shall be installed around the cemetery perimeter to prevent encroachment. It shall remain until the connector road and multi-family building/parking lot are completed.
  - Prior to the first Certificate of Occupancy, the petitioner shall donate \$10,000 to Mallard Creek Presbyterian Church or a cemetery preservation non-profit. Funds may be used for security, signage, education, or other cemetery-related improvements.
- Architectural and design standards for multi-family stacked
  - A minimum of 20% of the façade facing a network-required public or private street must include: brick, natural stone, stucco. Prohibits vinyl siding and unfinished concrete masonry units.
  - Buildings over 120 feet in length must include: Modulations (recesses, projections, architectural details) Minimum modulation: 10 feet wide, projecting/recessing at least 2 feet, and extending through a full floor. Balconets are not allowed at street level along network-required streets.
  - No blank wall expanses greater than 20 feet; must include features like banding, medallions, or other design elements.
  - Minimum pitch for pitched roofs: 4:12.
  - Rooftop HVAC/mechanical equipment must be screened from public view at grade.
- Architectural and design standards for multi-family attached
  - Permitted Materials (primary exterior): Brick veneer or similar masonry products, stone, manufactured stone, cementitious siding. Prohibited Materials: Vinyl (except for windows, doors, garage doors, soffits, trim, and railings) EIFS, masonite
  - If pitched roofs are provided, they must be: Symmetrically sloped with a minimum pitch of 5:12.
  - Each unit's front elevation must include windows or architectural details to limit blank wall expanses to no more than 10 feet per level.
  - Each corner or end unit must include windows or architectural details on the side elevation. Maximum blank wall expanse of 15 feet per level.
  - Each unit must have a covered front stoop:
  - Minimum depth: 4 feet Minimum width: 5 feet
  - Each unit must include a garage.

- Existing Zoning



- The site is currently zoned MUDD-O (Mixed Use Development District, Optional) and R-12MF(CD) (Multi-family, Conditional). The surrounding zoning includes UR-2(CD) (Urban Residential, Conditional), N1-A (Neighborhood 1-A), R-12MF(CD) (Multi-family, Conditional), B-D(CD) (Distributive Business, Conditional), and MUDD-O (Mixed Use Development District, Optional).



The site (indicated with a red star) is located along the north side of West Mallard Creek Church Road and the south side of Galloway Road, west of I-85. The surrounding land uses include a religious institution, single family homes, townhomes, apartments, commercial and retail uses.



The site to the north along Galloway Road is developed with townhome units.



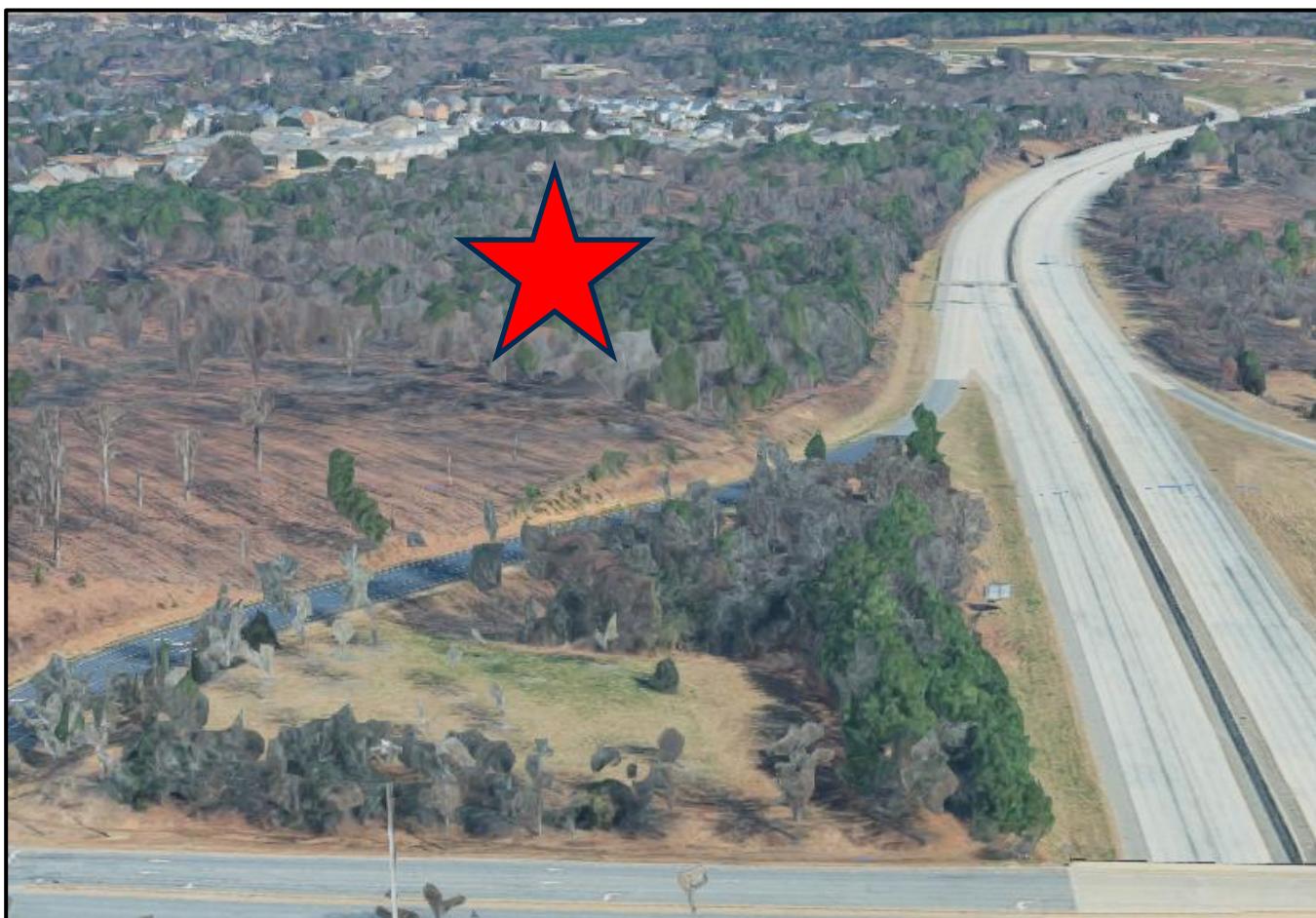
The property to the west along loganberry trail is developed with single family homes.



The property to the west along West Mallard Creek Church Road is Mallard Creek Presbyterian Church.

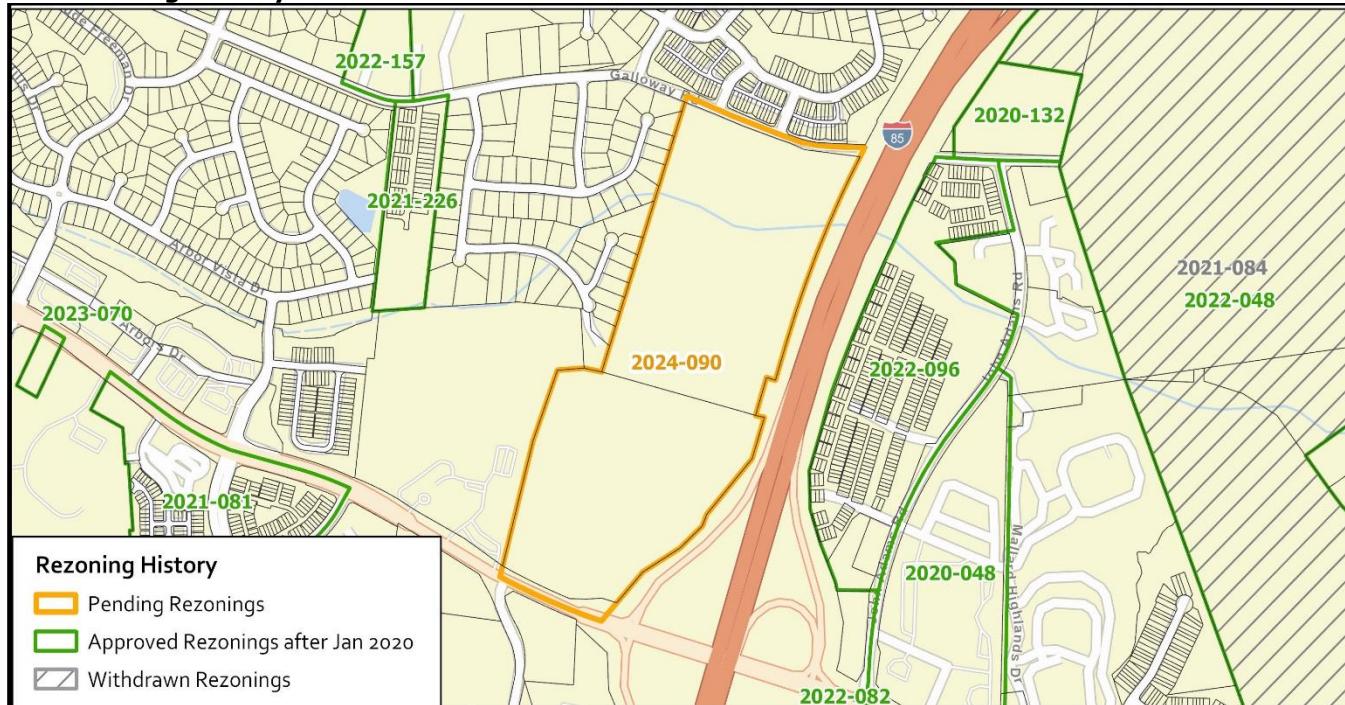


The property across West Mallard Creek Church Road is developed with a storage facility.



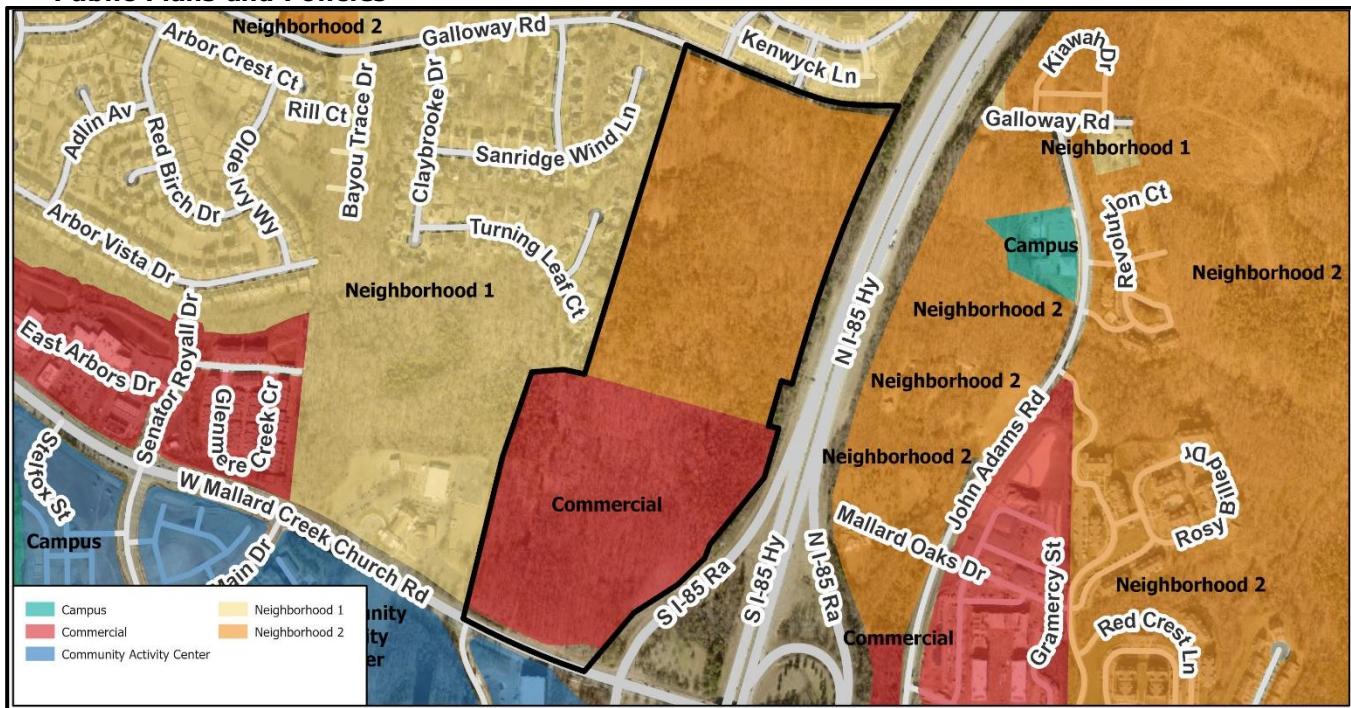
Interstate 85 borders the site to the east.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-048	Rezoned 24 acres from B-1(CD) (Neighborhood Business, Conditional), O-1(CD) (Office, Conditional) to MUDD-O (Mixed-Use Development District, Optional) to allow up to 366 multi-family residential dwelling units, 56 single family attached townhome units, and up to 10,000 square feet of office and non-office commercial uses	Approved
2020-132	Rezoned 8 acres from R-3 (Single Family Residential) to R-12MF(CD) (Multi-family Residential, Conditional) to allow up to 63 single-family attached dwelling units.	Approved
2021-081	Rezoned 15.9 acres from RE-3(O) (Research, optional) to NS (Neighborhood Services) to allow up to 140 single family attached dwelling units (townhomes) and 20,000 square feet of commercial uses	Approved
2021-084	Proposed to rezone 181 acres from R-3 (Single Family Residential) to I-1(CD) (Light Industrial, Conditional) to allow up to 1,900,000 square feet of warehousing, distributive, manufacturing, and office uses.	Withdrawn
2021-226	Rezoned 8 acres from R-3 (Single Family Residential) to UR-2(CD) (Urban Residential, Conditional) to allow up to 48 townhome units.	Approved
2022-048	Rezoned 182.7 acres from N1-A (Neighborhood 1-A) to MX-2 (Mixed Use) to allow a mix of uses including residential, neighborhood-serving commercial/retail, institutional, and park/outdoor recreation in several development areas. The residential units shall not exceed 1950 units, in any combination of single-family detached and/or attached, and/or multi-family residential units.	Approved
2022-082	Rezoned 13.2 acres from R-3 (Single family Residential), R-43MF (Multi-family Residential) to UR-2(CD) (Urban Residential, Conditional) to allow up to 305 multi-family units.	Approved
2022-096	Rezoned 33 acres from N1-A (neighborhood 1-A), RE-3(CD) (Research, Conditional), OFC (Office), CG (General Commercial), B-1(CD) (neighborhood Business, Conditional) to UR-2(CD) (Urban Residential, Conditional) to allow up to 345 single-family attached dwelling units in a townhouse style.	Approved
2022-157	Rezoned 4.2 acres from N1-A (Neighborhood 1-A) to UR-2(CD) (Urban Residential, Conditional) for up to 28 single-family attached dwelling units.	Approved
2023-070	Rezoned 0.97 acres from N1-A (Neighborhood 1-A) to CG (CD) (General Commercial, Conditional) to develop a small scale shopping center with up to 8,650 square-feet of commercial/retail space.	Approved

- **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Commercial and Neighborhood 2 Place Types for this site.

- **TRANSPORTATION SUMMARY**

- The site is located on a /State-maintained, Boulevard W Mallard Creek Road. This petition is located in the Northeast Corridor. A Comprehensive Transportation Review (CTR) is required for this site due to the site falling within the medium to high intensity development. Based on the 9,776 daily trips, this will trigger a Traffic Impact Study, Tier 3 multimodal assessment, and Tier 3 transportation demand management (TDM) assessment. The TIS was approved on 9/26/2025. Site plan and/or conditional note revisions are needed to provide phasing clarification via TIS addendum in accordance with the UDO.

- **Active Projects:**

- N/A

- **Transportation Considerations**

- ~~See Outstanding Issues, Note 1 Addressed~~

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 22,964 trips per day (based on 130,000 SF of supermarket, 18,750 SF of retail, 6,500 SF of fast food w/ drive-thru, 395 dwelling units, and 2,000 SF of coffee/donut shop with drive-thru).

Proposed Zoning: 9,776 trips per day (based on 16 pump gas station, 130 room hotel, 7,500 SF of restaurant, 168 townhomes, 75 senior multi-family dwelling units, and 544 multi-family stacked units).

## DEPARTMENT COMMENTS

- **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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte-Mecklenburg Schools:** This development may add 116 students to the schools in this area.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 78% to 85%.
    - Ridge Road Middle from 88% to 92%.
    - Mallard Creek High from 108% to 110%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Galloway Drive. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located inside the zoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

#### **OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING**

##### Transportation

1. ~~Add "Implement permitting and overlap phasing for the westbound right turn movement" per approved TIS to list of improvements for Mallard Creek Road and Galloway Road.~~ **Addressed**
2. ~~Please provide prescriptive language for each open space component utilized or add a note that such details will be included during the land development process.~~ **Addressed**
3. ~~Please provide a minimum useable common open space square footage per development area.~~ **Addressed**
4. ~~Add a maximum data development table showing the maximum development possible across the development areas with conversion rights applied. See rezoning.org for table templates.~~ **Addressed**

**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225