

## **COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2022-160**

**Petitioner:** Penler Development, LLC  
**Rezoning Petition No.:** 2022-160  
**Property:** ±24.13-acres located along Mt. Holly Rd. near the intersection with Creston Circle (the “Site”)

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning, Design and Development Department pursuant to Section 6.203 of the City of Charlotte Zoning Ordinance.

### **PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time, and details of the Virtual Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on 2/14/2023. A copy of the written notice is attached as **Exhibit B**.

### **TIME AND DATE OF MEETING:**

The Community Meeting required by the Ordinance was held virtually on Tuesday, February 28, 2023, at 6:00 PM. The Petitioner also contacted the property owners that abut the Site on Creston Circle and Mt. Holly Rd. prior to the scheduled community meeting and invited them to contact the Petitioner should they have questions, several the adjoining property owners reached out to review the rezoning petition. In addition, the Petitioner and his representatives attended a meeting sponsored by some of the residents and property owners of Creston Circle on 2/13.

### **PERSONS IN ATTENDANCE AT MEETING:**

The list of registered attendees from the required Virtual Community Meeting is attached as **Exhibit C**. The Petitioner’s representatives at the required Community Meeting were William McGuire with Penler Development, LLC and Thomas Haapapuro with Design Resource Group. Also, in attendance was Keith MacVean with Moore & Van Allen, PLLC.

### **SUMMARY OF MEETING DISCUSSION:**

#### **I. Overview of Petitioner’s Presentation.**

##### **Introduction and Overview of Development Plan.**

Mr. McGuire opened the meeting, welcomed the attendees, and introduced the development team.

Mr. McGuire explained the Site is ±24.13-acres located along Mt. Holly Rd and bound on the west to Creston Circle. It also has Long Creek running through the middle of the property. Mr. MacVean then explained that the Site contains three zoning designations: R-3, I-1 and B-2. The petitioner has asked the city to rezone the Site to R-12MF(CD), 12 units to the acre maximum for multi-family, conditional district. There is a specific Site plan for the property. That limits the number of allowed units to 288.

Mr. MacVean showed the 2040 future land use map adopted by city council in March 2022. It shows two place types: Neighborhood 1 and Manufacturing and Logistics which reflects the current zoning. The Petitioner sees this Site as a good location for a moderate density residential community which is in close proximity to the existing retail uses on Mt. Holly-Huntersville Rd. just west of the Site, easy access to I-485 on the east side and being on a major thoroughfare with existing bus service. There's also future access to the Long Creek greenway and amenities like the Whitewater Center and the town of Mt. Holly.

Mr. MacVean shared the proposed Site plan. Mr. McGuire stated that they tried to focus the community a little further away from Creston Circle for privacy. He added a significant portion of the Site will be donated to the county for future park space and potential expansion to the Long Creek greenway. The Whitewater Center is neighboring to the south and have been told their long-term vision is to have a trail system that ties into the Long Creek greenway.

Mr. McGuire spoke of the illustrative building elevation presented. He recommended the attendees go to their website ([www.penler.com](http://www.penler.com)) for similar project images in Mt. Holly, just across the Catawba River. He also welcomed them to the Mt. Holly project site.

Mr. Haapapuro discussed the infrastructure and potential road improvements around the Site. Creston Circle is currently a narrow two-lane driveway and will require curb and gutters and an eight (8) foot planting strip and eight (8) foot sidewalk. This will clean up that edge of the Site. Mount Holly Road is an NCDOT road. Penler will dedicate a row to create a 50-foot centerline (going from 60' to 100'), a new right turn lane from Mt. Holly Rd., a new left turn lane from Mt. Holly Rd. to Creston Circle, and a 12-foot multi-use trail. The left turn lane will benefit Creston Circle residents. The city requires the developer to add a connection to Creston Circle within in the Site and they will work with NCDOT and CDOT to get approval on all improvements.

Mr. McGuire explained that they usually get questions about rents. The renters that typically want home ownership but cannot afford it just yet, are the demographic they get in this type of community. They also see a lot of empty nesters who want to be closer to family and/or want to be able to lock their doors and leave. They are making a significant investment in the community. They shared precedent images of one of their properties.

Mr. MacVean reviewed the proposed rezoning schedule with a public hearing on April 17, 2023, zoning committee on May 2, 2023, and then a decision on May 15, 2023, however this can change based on staff comments. He then opened the meeting up for questions.

## **II. Summary of Questions/Comments and Responses:**

Mr. MacVean answered a question about the rezoning request and the conditional aspects of the Site. There was a question about traffic on Mt. Holly Rd. The current zoning and what it allows could generate a greater number of trips than the multi-family. Mr. McGuire added that there will be a right deceleration lane around the curve going eastbound. Mr. Haapapuro added that they can only make improvements within the boundaries of their property. They were also asked if north neighbors were offered property buyouts and Mr. McGuire indicated they have not been but that doesn't mean it isn't possible in the future. They were also asked questions about the number and mix of units being built and if there was any commercial planned. Commercial is not planned only residential. A question was asked about the Site being in Mt. Holly or Charlotte and if there's any

mass transportation. It was explained that this is in the extra-territorial jurisdiction (ETJ) of Charlotte, and we were asked to build a transportation stop (bus stop) along the front of the Site. The Site is currently served by CATS bus route #18.

There being no further questions, Mr. MacVean thanked everyone for their attendance and the meeting was adjourned. The Team offered contact information if there are any other concerns.

**CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:**

The development team will continue to address staff comments as they arise.

cc: Malcolm Graham, Charlotte City Council District 2 Representative  
David Pettine, Charlotte Planning, Design and Development Department  
Will McGuire, Penler Development, LLC  
Jeff Brown, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

## EXHIBIT A

### Adjacent Owners:

OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST	MAILADDR1	MAILADDR2 CITY	STATE	ZIPCODE
MECKLENBURG COUNTY			ATTN CFO	700 E 4TH ST 4TH FLOOR	CHARLOTTE	NC	28202
MILLER	BRANDON P	PATRICE OTEY	MILLER	10716 MOUNT HOLLY RD	CHARLOTTE	NC	28214
VAUGHN	WILSON H	AMY T	JONES	10606 MT HOLLY RD	CHARLOTTE	NC	28214
JONES	STEVEN			10606 MOUNT HOLLY RD	CHARLOTTE	NC	28214
VAUGHN	WILSON H	AMY T	VAUGHN	10606 MT HOLLY RD	CHARLOTTE	NC	28214
VAUGHN	AMY T			10606 MOUNT HOLLY RD	CHARLOTTE	NC	28214
JONES	AMY LEIGH TWEED			10606 MOUNT HOLLY RD	CHARLOTTE	NC	28214
MECKLENBURG COUNTY			C/O REAL ESTATE /FINANCE DEPT.	600 E 4TH ST 1TH FLOOR	CHARLOTTE	NC	28202
NGUYEN	QUOC HUU	NANCY ANH TRUC	NGUYEN	9908 SHOPTON RD W	CHARLOTTE	NC	28278
NGUYEN	QUOC HUU	NANCY ANH TRUC	NGUYEN	9908 SHOPTON RD W	CHARLOTTE	NC	28278
NGUYEN	QUOC HUU	NANCY ANH TRUC	NGUYEN	9908 SHOPTON RD W	CHARLOTTE	NC	28278
SERHAL	SALAM N			3721 ATLAS DR	CHARLOTTE	NC	28269
KERTZIE	PETER F	JUDITH M	KERTZIE	32 VIA PINTO DR	WILLIAMSVILLE	NY	14221
VAN VACTOR	TIMOTHY DALE			419 BRETON RD	CHARLOTTE	NC	28214
BAUTISTA	MARIO RAMIREZ			PO BOX 681177	CHARLOTTE	NC	28216
VAN VACTOR	TIMOTHY DALE			419 BRETON RD	CHARLOTTE	NC	28214
DOMINION INVESTMENT PROPERTIES MT HOLLY INC				4330 PETE BROWN RD	CHARLOTTE	NC	28269
HUGHES	LYNN R	KAREN	HUGHES	9504 HICKORY CREEK RD	CHARLOTTE	NC	28214
FINCH	JOSEPH BARNETT			8442 SANDOWNE LN	HUNTERSVILLE	NC	28078
REAL ELLATION LLC				10621 MOUNT HOLLY RD	CHARLOTTE	NC	28214
FRALEY	EDITH			203 SMITH RD	MT HOLLY	NC	28120
FRALEY	EDITH A			203 SMITH RD	MT HOLLY	NC	28120
TWELVE-NINETY, LLC				10809 MT HOLLY RD	CHARLOTTE	NC	28214
TWELVE-NINETY, LLC				10809 MT HOLLY RD	CHARLOTTE	NC	28214
TWELVE-NINETY, LLC				10809 MT HOLLY RD	CHARLOTTE	NC	28214
YANG	CHOU	MAI KER	VANG	411 CRESTON CIR	CHARLOTTE	NC	28214
CLARK	ROBERT K	SHEILA	CLARK	419 CRESTON CIR	CHARLOTTE	NC	28214
U S NATIONAL WHITEWATER CENTER INC				5000 WHITEWATER CENTER PARKWAY	CHARLOTTE	NC	28214
SHEPPARD	DAWN B	JONETTA B	EDWARDS	184 RAVINE CR SE	CONCORD	NC	28025
TWELVE-NINETY, LLC				10809 MT HOLLY RD	CHARLOTTE	NC	28214
TWELVE-NINETY, LLC				10809 MOUNT HOLLY RD	CHARLOTTE	NC	28214
TWELVE-NINETY, LLC				10809 MT HOLLY RD	CHARLOTTE	NC	28214
TWELVE-NINETY, LLC				10809 MT HOLLY RD	CHARLOTTE	NC	28214
MATTICK	BYGIE S			10837 MOUNT HOLLY RD STE 1	CHARLOTTE	NC	28214
CPC CORP				10908 HILTON DR	CHARLOTTE	NC	28214
SEAY	FASET THOMAS III	RICHARD ALEXANDER	SEAY	10900 HILTON DR	CHARLOTTE	NC	28214
GHASSEMI	FAROKH	SHAHROKH	GHASSEMI	213 DOGWOOD DR	MT HOLLY	NC	28120
BARNES	WILLIAM ALAN	SHELLY	BOURGEOIS	1014 SOUTH CHURCH ST	MURFREESBORO	TN	37130
LOVE	JOHN C	TERRY K	LOVE	136 HUGH CALDWELL RD	CHARLOTTE	NC	28214
CPC CORP		THOMAS P	C/O OWENS	PO BOX 531	MOUNT HOLLY	NC	28120
GHASSEMI	FAROKH	SHAHROKH	GHASSEMI	213 DOGWOOD DR	MT HOLLY	NC	28120
VAN VACTOR	TIMOTHY DALE			419 BRETON RD	CHARLOTTE	NC	28214
SEAY	FASET THOMAS III			10925 HILTON DR	CHARLOTTE	NC	28214
SEAY	FASET THOMAS III	BENNY DALE	SEAY	10925 HILTON DR	CHARLOTTE	NC	28214
SEAY	FASET THOMAS III	BENNY DALE	SEAY	10925 HILTON DR	CHARLOTTE	NC	28214
SEAY	FASET THOMAS JR			10925 HILTON DR	CHARLOTTE	NC	28214
PUTNAM	JOHN RAY II	MARIE O	PUTNAM	416 BRETON RD	CHARLOTTE	NC	28208

### Neighborhood Organizations:

ORGANIZATION_NAME	FIRST_NAME	LAST_NAME	STREET_ADDRESS	UNIT_NUM	CITY	STATE	ZIP
Catawba Plantation	John	Milline	1033 Chalk Hill Lane		Charlotte	NC	28214
Catawba River Plantation Homeowners Association	Samuel	Reeves	9520 Eagle Feathers Dr		Charlotte	NC	28214
Cedar Mill Homeowners Association	Chiquena	Moody	507 Knothole Ln		Charlotte	NC	28214
Cedar Mill Homeowners Association	Elaine	Tanner	9741 Turning Wheel Drive		Charlotte	NC	28214
Cedar Mill Homeowners Association	Khadijah	Karriem	2222 Sonoma Valley Dr		Charlotte	NC	28214
Cedar Mill Homeowners Association	Maurice	Karriem	2222 Sonoma Valley Drive		Charlotte	NC	28214
Cedar Mill Homeowners Association	Myna	Watford	500 Knothole Lane		Charlotte	NC	28214
Cedar Mill Homeowners Association	Ronnie E.	Lail	2705 Grain Mill Ln		Charlotte	NC	28214
Cedarhill Homeowners Association	Ann	Dornblazer	10540 River Hollow Ct		Charlotte	NC	28214
Pine Island	Lesley	McKendrick	1940 Stoneryridge Dr.		Charlotte	NC	28214
Pine Island	Rachel	Irias	924 Pine Forest Rd.		Charlotte	NC	28214
Rapids at Belmeade HOA	Kimberly	Helms	2230 Verde Creek Rd.		Charlotte	NC	28214

## EXHIBIT B

### NOTICE TO INTERESTED PARTIES OF A REZONING PETITION PETITION # 2022-160 PENLER DEVELOPMENT, LLC

Subject: Rezoning Petition No. 2022-160  
Petitioner/Developer: Penler Development, LLC  
Current Land Use: Residential and Commercial  
Existing Zoning: I-1, B-2 & R-3  
Rezoning Requested: R-12MF(CD)

**Date and Time of Meeting:** *Tuesday, February 28, 2023, at 6:00 p.m.*

**Virtual Meeting Registration:** *Please send an email to Drenna Hannon at [drennahannon@mvalaw.com](mailto:drennahannon@mvalaw.com) to receive a secure meeting link.*

Date of Notice: 2/14/2023

Moore & VanAllen is assisting Penler Development, LLC (the "Petitioner") on a recently filed request to rezone 24.13-acres located along Mount Holly Rd. near the intersection with Creston Circle in Charlotte, North Carolina (the "Site") from I-1, B-2 and R-3 to R-12MF(CD). The request will allow the development of the Site with a multi-family residential community. Access to the Site will be from Mount Holly Road and Creston Circle.

In an effort to prevent the further spread of COVID-19, the Petitioner will hold a **Virtual Community Meeting** to discuss this rezoning proposal with nearby property owners and organizations. The Charlotte-Mecklenburg Planning, Design and Development Department's records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the Site.

**Accordingly, we are extending an invitation to participate in the upcoming Virtual Community Meeting to be held on Tuesday, February 28, 2023, at 6:00 p.m.**

*Please send an email to Drenna Hannon at [drennahannon@mvalaw.com](mailto:drennahannon@mvalaw.com) by February 27<sup>th</sup> to receive a secure virtual meeting link and reference Petition #2022-160.*

Residents who expect they will be unable to access the virtual meeting or have questions about this matter are asked to email Keith MacVean at [keithmacvean@mvalaw.com](mailto:keithmacvean@mvalaw.com) or call 704-331-3531 to make alternative arrangements to receive the presentation information. Presentation materials will be shared upon request after the virtual meeting.

Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Virtual Community Meeting. Thank you.

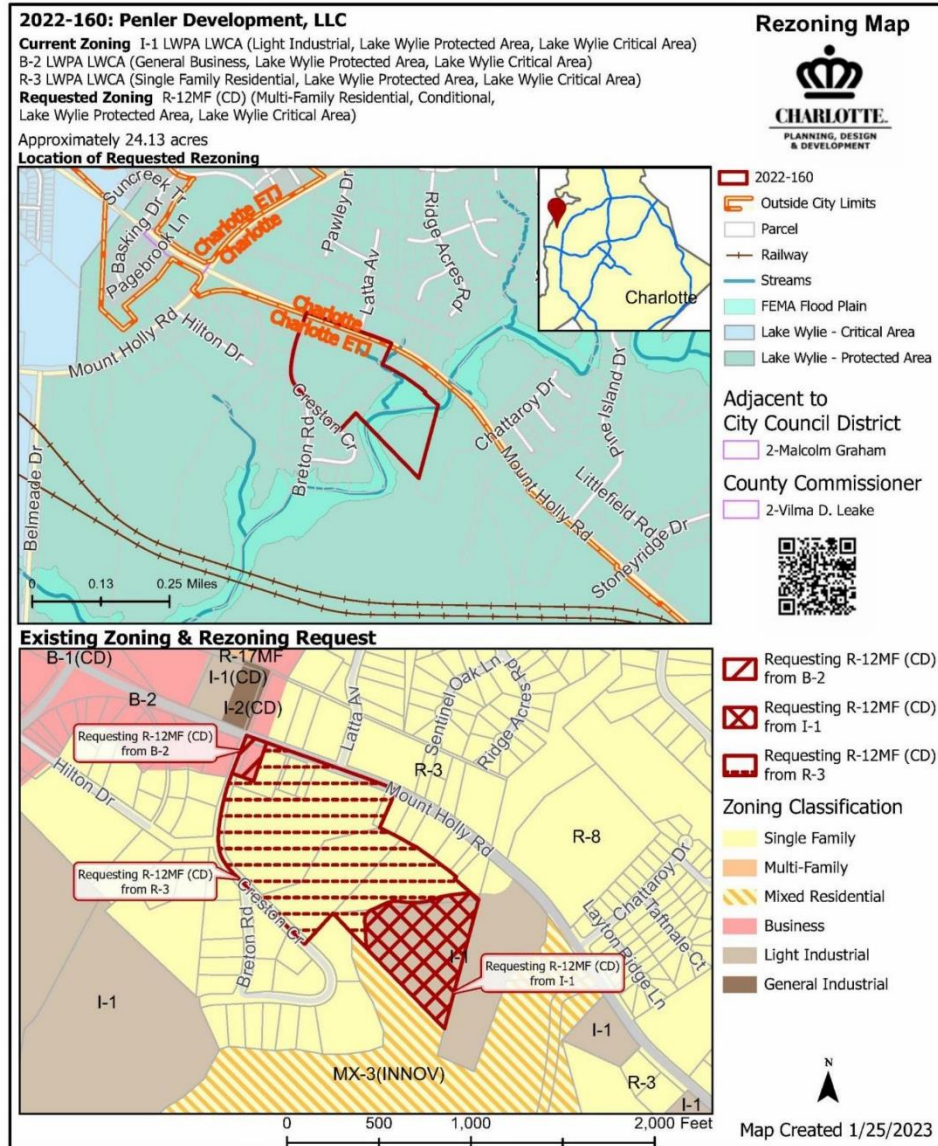
cc: Malcolm Graham, Charlotte City Council District 2 Representative  
David Pettine, Charlotte Planning, Design and Development Department  
Will McGuire, Penler Development, LLC  
Jeff Brown, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

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## EXHIBIT B (continued)

Site location:



### EXHIBIT C

<b>Name</b>	<b>Email</b>
John Putnam	signfabnc@bellsouth.net
Dawn Sheppard	jatanna@gmail.com
Miles Ware	wareprop@aol.com
Peter F. Kertzie	kertzie@gmail.com
Joy & Paul Edwards	joybedwards@yahoo.com

## **Notice Sent to Adjacent Parcel Owners Prior to Community Meeting**

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### **Moore & Van Allen**

**Keith H. MacVean**  
Land Use and Zoning Consultant

T 704 331 3531  
F 704 378 1954  
keithmacvean@mvalaw.com

Moore & Van Allen PLLC

100 North Tryon Street  
Suite 4700  
Charlotte, NC 28202-4003

January 18, 2023

«OWNERFIRST» «OWNERLASTN»  
«COWNERFIRS» «COWNERLAST»  
«MAILADDR1»  
«MAILADDR2»  
«CITY», «STATE» «ZIPCODE»

Re: Rezoning request for Mt. Holly Rd/Creston Circle; Rezoning Petition No. 2022-160

Dear Neighbors,

We are assisting the petitioner of the above property on a recently filed rezoning petition (2022-160). The City of Charlotte documents indicate you are a property owner of an adjacent property from the rezoning petition. We would like to see if you would be interested in meeting with us to review and discuss the rezoning request.

Please call me, Keith MacVean, at 704.331.3531 so we can schedule a time to review and discuss the request.

I look forward to speaking with you soon.

Very truly yours,



Keith MacVean  
Land Use and Development Consultant  
Moore & Van Allen PLLC

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Charlotte, NC  
Charleston, SC

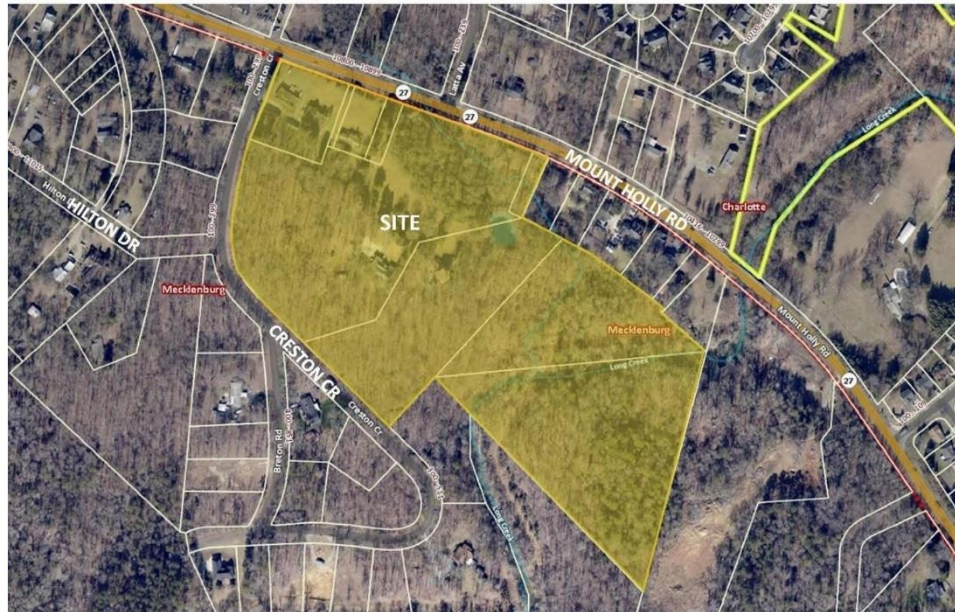


## **Notice Sent to Adjacent Parcel Owners Prior to Community Meeting (Cont.)**

Rezoning Petition No. 2022-160

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SITE LOCATION:



## Adjacent Parcel Owners Sent Notice Prior to Community Meeting

TAXPID	OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST	MAILADDR1	MAILADDR2 CITY	STATE	ZIPCODE
05302101	KERTZIE	PETER F	JUDITH M	KERTZIE	32 VIA PINTO DR	WILLIAMSVILLE	NY	14221
05302102	VAN VACTOR	TIMOTHY DALE			419 BRETON RD	CHARLOTTE	NC	28214
05302103	BAUTISTA	MARIO RAMIREZ			PO BOX 681177	CHARLOTTE	NC	28216
05302201	DOMINION INVESTMENT PROPERTIES MT HOLLY INC				4330 PETE BROWN RD	CHARLOTTE	NC	28269
05302202	HUGHES	LYNN R	KAREN	HUGHES	9416 HICKORY CREEK RD	CHARLOTTE	NC	28214
05302204	FINCH	JOSEPH BARNETT			8442 SANDOWNE LN	HUNTERSVILLE	NC	28078
05302205	REAL ELATION LLC				10621 MOUNT HOLLY RD	CHARLOTTE	NC	28214
05302207	FRALEY	EDITH			203 SMITH RD	MT HOLLY	NC	28120
05302213	YANG	CHOU	MAI KER	VANG	411 CRESTON CIR	CHARLOTTE	NC	28214
05302214	CLARK	ROBERT K	SHEILA	CLARK	419 CRESTON CIR	CHARLOTTE	NC	28214
05302218	SHEPPARD	DAWN B	JONETTA B	EDWARDS	184 RAVINE CR SE	CONCORD	NC	28025
05304119	SEAY	FASET THOMAS III	RICHARD ALEXANDER	SEAY	10900 HILTON DR	CHARLOTTE	NC	28214
05304120	GHASSEMI	FAROKH	SHAHROKH	GHASSEMI	213 DOGWOOD DR	MT HOLLY	NC	28120
05304204	VAN VACTOR	TIMOTHY DALE			419 BRETON RD	CHARLOTTE	NC	28214
05304223	PUTNAM	JOHN RAY II	MARIE O	PUTNAM	416 BRETON RD	CHARLOTTE	NC	28208
05304203	NUNEZ	ASIA	VRENNI	ABREU	840 BRETON RD	CHARLOTTE	NC	28214
05302216	TAUBOLD	CAROLYN S	CRAIG	TAUBOLD	511 CRESTON CIRCLE	CHARLOTTE	NC	28214
05302226	O'CONNELL	MOLLY	CHAMBERLAIN	ROWAN	2438 BELMEADE DR	CHARLOTTE	NC	28214
05302223	HASEGAN	ADRIANA	NICOLAE	HASEGAN	6954 PIN OAKS DR	DENVER	NC	28037
05302227	CHERISMEAU	YVES	MAGGRIE	MAHONEY	4710 NUINSKY CT	CHARLOTTE	NC	28216
05302215	BLUEMKE	TODD A			433 CRESTON CIR	CHARLOTTE	NC	28214