



**MECKLENBURG COUNTY**  
Land Use and Environmental Services Agency

**To:** Michael Russell, Principal Planner City of Charlotte  
**From:** Dylan Kirk, Sustainability Program Coordinator  
**Date:** Monday, September 23, 2019  
**Subject:** City of Charlotte August Rezoning Petitions 2019-105 through 2019-121

Mr. Michael Russell  
Charlotte-Mecklenburg Planning Commission  
600 East Fourth Street Charlotte, North Carolina 28202

Dear Mr. Russell,  
Mecklenburg County has reviewed the City of Charlotte August rezoning petitions 2019-105 through 2019-121 to identify regulatory requirements of the petitioner; inform the petitioner, planning staff, and other affected parties of such regulatory requirements; and identify potential effects on, and impacts from, nearby properties.

**2019-105      The Greenstone Group, LLC (Attn: John H. Wagener) (Parcel #: 02756118)**

*Air Quality Comments:* No comment on this rezoning petition.

*Ground Water Services Comments:* Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-106      Darren Vincent (Attn: Darren Vincent) (Parcel #: 02936208)**

Air Quality Comments: No comment on this rezoning petition.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-107      Albemarle Road Partners, LLC (Attn: Jeff Watson) (Parcel #: 10910204)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate a Subsurface Investigation Permit (SIP) was issued for the parcel listed on the petition. Please note that if monitoring wells exist on these parcels the wells need to be located, flagged and protected prior to development or be permanently abandoned in accordance with the Mecklenburg County Groundwater Well Regulations.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-108      J.S. & Associates, Inc. (Attn: James Scruggs) (Parcel #: 04711202)**

Air Quality Comments: The proposed development is likely to require the use of heavy-duty diesel equipment ( $\geq 25$  hp) and is located adjacent to a population sensitive to air pollution (e.g. hospital, clinic, retirement facility, school, daycare). Diesel exhaust may pose health risks to these sensitive populations. Therefore, MCAQ recommends that during construction the petitioner use diesel equipment that meets EPA Tier 4 emission standards, the cleanest equipment available. Using the cleanest equipment available will minimize air pollution thereby minimizing health impacts to the surrounding communities. A letter communicating this recommendation has been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-109      Miriam E. Franco (Attn: Miriam E. Franco) (Parcel #: 11702220, 2, 17, 35, 39, 88)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - "Air Quality Permits." A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-110      Jay Patel (Attn: Jay Patel) (Parcel #: 08111106, 13)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: GWS records indicate that parcel 081-111-06 is a Mecklenburg County Priority List (MPL) site because of groundwater contamination related to former dry cleaning operations at the site, Dan Meigs Cleaners, NCDEQ DSCA 60-0048. According to accessible records, Land Use Restrictions were filed with the Registrar of Deeds Office on June 27, 2012 for this site in accordance with a Notice of Dry-Cleaning Solvent Remediation. The Notice can be accessed here: [https://edocs.deq.nc.gov/WasteManagement/0/edoc/58285/SF\\_F\\_DC600048\\_06-27-2012\\_DSCAR\\_C.pdf?searchid=76c9a2f7-31e1-4f8b-b5e6-bf2cfac3b5ef](https://edocs.deq.nc.gov/WasteManagement/0/edoc/58285/SF_F_DC600048_06-27-2012_DSCAR_C.pdf?searchid=76c9a2f7-31e1-4f8b-b5e6-bf2cfac3b5ef)

#### LAND USE RESTRICTIONS

NCGS § 143-215.104M requires that the Notice identify any restrictions on the current and future use of the Property that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the Property and that are designated in the dry-cleaning remediation agreement. The restrictions shall remain in force in perpetuity unless canceled by the Secretary of DENR, or his/her designee, after the hazards have been eliminated, pursuant to NCGS §143-215.104M. Those restrictions are hereby imposed on the Property, and are as follows:

1. The Property shall be used exclusively for retail, commercial or industrial purposes and related amenities (parking, landscape areas and walkways), and all other uses of the Property are prohibited except as approved in writing by DENR.
2. Without prior written approval from DENR, the Property shall not be used for:
  - a. child care centers or schools; or
  - b. mining or extraction of coal, oil, gas or any mineral or non-mineral substances.
3. No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval of DENR.
4. No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the Property without prior approval of DENR.
6. No person conducting environmental assessment or remediation at the Property or involved in determining compliance with applicable land use restrictions, at the direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.
7. The owner of any portion of the Property shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. The failure to include such a provision shall not affect the validity or applicability of any land use restriction in this Notice.

Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-111      Hive Fitness, LLC (Attn: Josiah Boling) (Parcel #: 14903104)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be

permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-112      Mark Heisig (Attn: Mark Heisig) (Parcel #: 12908309)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Information from property records indicate that the structure on this parcel uses or previously utilized oil, wood or coal heat. Based on this the property may contain an underground or above ground fuel oil storage tank. The tank and its contents should be removed, following applicable NCDEQ guidance, prior to any demolition or grading activity.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-113      The Charlotte Mecklenburg Hospital Authority (Attn: Bennet Thompson) Text Amendment**

Air Quality Comments: No comment on this rezoning petition.

Ground Water Services Comments: No comments.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-114      The Charlotte Mecklenburg Hospital Authority (Attn: Bennet Thompson) (Parcel #: Listed on Exhibit A)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

The proposed development is likely to require the use of heavy-duty diesel equipment ( $\geq 25$  hp) and is located adjacent to a population sensitive to air pollution (e.g. hospital, clinic, retirement facility, school, daycare). Diesel exhaust may pose health risks to these sensitive populations. Therefore, MCAQ recommends that during construction the petitioner use diesel equipment that meets EPA Tier 4 emission standards, the cleanest equipment available. Using the cleanest equipment available will minimize air pollution thereby minimizing health impacts to the surrounding communities. A letter communicating this recommendation has been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: No comments.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-115 Northwood Development, LLC (Attn: Clifton Coble) (Parcel #: Listed on Schedule 1)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

The proposed development is likely to require the use of heavy-duty diesel equipment ( $\geq 25$  hp) and is located adjacent to a population sensitive to air pollution (e.g. hospital, clinic, retirement facility, school, daycare). Diesel exhaust may pose health risks to these sensitive populations. Therefore, MCAQ recommends that during construction the petitioner use diesel equipment that meets EPA Tier 4 emission standards, the cleanest equipment available. Using the cleanest equipment available will minimize air pollution thereby minimizing health impacts to the surrounding communities. A letter communicating this recommendation has been mailed directly to the petitioner by MCAQ.

Because the proposed development will likely attract commuter trips, MCAQ recommends that the petitioner provide “preferred” (attractive, conveniently located, or reduced cost) parking for “Clean Commuters” (carpool, vanpool, hybrid vehicles and/or electric vehicles).

As a point of reference, the LEEDv4 (Leadership in Energy Efficiency and Design) standard for Alternative Transportation requires developers to provide preferred parking for 5% of total parking spaces for car/vanpools or fuel efficient, low emitting vehicles. An additional 2% of parking spaces must have refueling stations: electric vehicle charging, liquid, gas, or battery facilities. More information on these standards can be found in LEED v4: Building Design and Construction located at: [www.usgbc.org](http://www.usgbc.org).

Ground Water Services Comments: GWS records indicate that a water supply well is located within the bounds of parcel 223-151-34. The water supply well should be protected during site development by flagging and fencing or be permanently abandoned in accordance with the Mecklenburg County Groundwater Well Regulations prior to site development commencing.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-116 Billy Graham Evangelistic Association (Attn: Justin Arnot) (Parcel #: 14302107)**

Air Quality Comments: The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - “Air Quality Permits.” A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of

Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-117      Montana Drive Oz Fund, LLC (Attn: Peter Cai) (Parcel #:  
06911404,05,06,07,08,09,10,11,12,13,14,17)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - "Air Quality Permits." A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: A Floodplain Development permit must be obtained documenting compliance with the City of Charlotte Floodplain Regulations for all development occurring in the floodplain. In addition, staff recommend any structures proposed within the Community Special Flood Hazard Area be constructed to a Flood Protection Elevation equal to the Community Base Flood Elevation plus two (2) feet of freeboard based upon recent analyses of the future floodplains supported by the Storm Water Advisory Committee.

**2019-118      Beacon Development Company (Attn: Tim Robertson) (Parcel #: 14130103, 04, &  
14106121, 25)**

Air Quality Comments: The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - "Air Quality Permits." A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of

Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: A Floodplain Development permit must be obtained documenting compliance with the City of Charlotte Floodplain Regulations for all development occurring in the floodplain. In addition, staff recommend any structures proposed within the Community Special Flood Hazard Area be constructed to a Flood Protection Elevation equal to the Community Base Flood Elevation plus two (2) feet of freeboard based upon recent analyses of the future floodplains supported by the Storm Water Advisory Committee.

**2019-119      RKW Builders, LLC (Attn: Robert K. Williams Jr.) (Parcel #: 08308203, 10)**

Air Quality Comments: No comment on this rezoning petition.

Ground Water Services Comments: Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-120      M5 Properties (Attn: Jesse McInerney) (Parcel #: 06702102, 06, 114, 115, 118, 155)**

Air Quality Comments: Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

The proposed development is likely to require the use of heavy-duty diesel equipment ( $\geq 25$  hp) and is located adjacent to a population sensitive to air pollution (e.g. hospital, clinic, retirement facility, school, daycare). Diesel exhaust may pose health risks to these sensitive populations. Therefore, MCAQ recommends that during construction the petitioner use diesel equipment that meets EPA Tier 4 emission standards, the cleanest equipment available. Using the cleanest equipment available will minimize air pollution thereby minimizing health impacts to the surrounding communities. A letter communicating this recommendation has been mailed directly to the petitioner by MCAQ.

Ground Water Services Comments: GWS records indicate that parcel 067-021-02 is a Mecklenburg County Priority List (MPL) site because of groundwater contamination with related land use restrictions as part of the NCDEQ Brownfields Program, West Morehead Uplift, Project#12035-08-60. According to



accessible records, Land Use Restrictions were required to be filed with the Registrar of Deeds Office in 2012. Note that restrictions include the property can only be used as office, commercial, industrial or retail. No use of surface waters or groundwaters is permitted. No soil can be disturbed and no new construction without NCDEQ approval. None of the known contaminants can be stored or used onsite. The property cannot be used for agriculture, timbering, grazing, timber production, mining, kennels, private animal pens, horse-riding, sports of any kind or as a park, playground, child care or school. An update to this Notice can be accessed here:

[https://edocs.deq.nc.gov/WasteManagement/0/edoc/254869/BF\\_F\\_12035-08-060\\_10-21-2013\\_LURU\\_AC.pdf?searchid=faa6da7d-3c85-4538-af64-72b5f6ab4c46](https://edocs.deq.nc.gov/WasteManagement/0/edoc/254869/BF_F_12035-08-060_10-21-2013_LURU_AC.pdf?searchid=faa6da7d-3c85-4538-af64-72b5f6ab4c46)

Groundwater & Wastewater Services records indicate contamination sites exist on or within 1,500 feet of the property included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available water supply wells for potable water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.

Groundwater & Wastewater Services records indicate a Subsurface Investigation Permit (SIP) was issued for some of the parcels listed on the petition. Please note that if monitoring wells exist on these parcels the wells need to be located, flagged and protected prior to development or be permanently abandoned in accordance with the Mecklenburg County Groundwater Well Regulations.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Water Quality, Storm Water, or Permitting & Compliance.

**2019-121      Rickenbacker Enterprises (Attn: Jamarico Rickenbacker) (Parcel #: 11504507)**

*Air Quality Comments:* No comment on this rezoning petition.

*Ground Water Services Comments:* No comments.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Water Quality, Storm Water, or Permitting & Compliance.

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**MCAQ Scope of Review:**

Mecklenburg County Air Quality (MCAQ) has reviewed the petitions with regard to air quality regulations for stationary sources and demolition and/or renovation of structures (e.g. National Emission Standards for Hazardous Air Pollutants for asbestos). Comments may also be made regarding incompatible land uses, sources of Toxic Air Pollutants, proximity to Risk Management Plan facilities, and proximity to known nuisance conditions or sensitive populations. MCAQ has conducted the review based on information submitted by the petitioner, review of aerial photographs (as available through the Mecklenburg County Polaris system,) review of the “Air Pollution Facility Information Online” database

available from the MCAQ website, and review of Mecklenburg County Health Department records. The review is cursory based on limited information provided within petition applications and site plans.