



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

**To:** Michael Russell, Principal Planner City of Charlotte  
**From:** Dylan Kirk, Sustainability Program Coordinator  
**Date:** Wednesday, January 22, 2019  
**Subject:** City of Charlotte October Rezoning Petitions 2019-170 through 2019-185

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 December Rezoning Petitions 2019-170 through 2019-185 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.

**Comments to the Charlotte October Rezoning Petitions (170 - 185):**

**2019-170 James Doyle (Attn: James M. Doyle) (Parcel #: 09309201)**

*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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Subsurface Investigation Permit (SIP) 70002685 was issued for this parcel. One active monitoring well is currently registered to this SIP.

GWS recommends that the petitioner identify any MWs within the project boundary and either protect the wells from damage by flagging and fencing during site development or permanently abandon the wells per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity occurring and conduct survey to locate the monitoring wells. A current SIP from GWS is required for permanent well abandonments. The abandonments must be completed by a North Carolina Certified Well Contractor.

Review of the North Carolina Department of Environmental Quality (NCDEQ) Division of Waste Management Underground Storage Tank (UST) Incident database shows this parcel is the location of contamination incident 36085, Speedy Car Care. The incident received a No Further Action letter from NCDENR requiring public notice for soil remaining onsite at concentrations greater than applicable Maximum Soil Contaminant Concentrations (MSCCs). Any development on this parcel should comply with applicable NCDEQ requirements for management of this contamination site. The Groundwater & Wastewater Services Program (GWS) will assist the Planning Commission with review of specific site conditions upon request.

Please contact Shawna Caldwell, P.G., Hydrogeologist, at 980-314-1626 to request assistance.

Mecklenburg County Solid Waste: No comments.

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

**2019-171      Anthony Kuhn (Attn: Anthony Kuhn) (Parcel #: 08303141)**

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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Subsurface Investigation Permit (SIP) 70002623 was issued for this parcel. No active monitoring wells (MWs) are currently registered to this SIP.

GWS recommends that the petitioner identify any MWs within the project boundary and either protect the wells from damage by flagging and fencing during site development or permanently abandon the wells per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity occurring and conduct survey to locate the monitoring wells. A current SIP from GWS is required for permanent well abandonments. The abandonments must be completed by a North Carolina Certified Well Contractor.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: Permitting & Compliance - 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

Storm Water Service - Stream running along the backside of property: The property is at the downstream end of a Charlotte Water Project that we may be partnering with them on. I've reached out to them – we may want to request a 50-storm water easement.

**2019-172 Sharon Academy Properties, LLC (Attn: Brian A. Crutchfield) (Parcel #: 17112216)**

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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

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

**2019-173 McCraney Property Company (Attn: Dave Williams) (Parcel #: 14129101, 2, 3, 5, 7, & 14118119, 65)**

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.

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: Information from property records indicates that the home on parcel 14118119 uses or previously utilized wood, coal or oil 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. Any related soil and/or groundwater contamination should be remediated to NCDEQ standards prior to redevelopment of the property.

A water supply well is registered as active drinking water well on parcel 14129103.

GWS recommends that the petitioner identify any water supply wells within the project boundary and either protect the wells from damage by flagging and fencing during site development or permanently abandon the wells per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity occurring and conduct survey to locate the septic systems. A permit from GWS is required for permanent well abandonments. The abandonments must be completed by a North Carolina Certified Well Contractor.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: Permitting & Compliance- 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.

Storm Water Services - Beaverdam Creek runs along these lots. SRRS rank is 53, however there has been a dredging project downstream of here... WQ may want to weigh in on this one.

Water Quality- The proposed rezoning is immediately upstream of Brown's Cove which has had significant documented sediment impacts associated with development in the watershed. As a result of these impacts, the cove was dredged in 2016 and funded by prior developers in the watershed. In order to ensure the protection of Brown's Cove and Beaverdam Creek, measures should be taken similar to the River District rezoning in which a portion drains to Brown's Cove. The following measures are requested:

- Aggressive, advanced erosion control such as enlarged basins, enhanced silt fencing, and staged, limited grading as specifically specified by Charlotte Land Development.
- Implementation of continuous monitoring devices downstream to monitor turbidity 24 hours/day during construction and provide alerts to erosion control inspectors if exceedances occur.
- Participation in annual bathymetric monitoring of Brown's Cove (currently being led by River District).

- Implementation of 100 foot undisturbed buffers along Beaverdam Creek and Beaverdam Tributary

**2019-174      2901 LLC (Attn: Hadi Atri) (Parcel #: 18313210)**

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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

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

**2019-175      Weekley Homes LLC (Attn: Shannon Boling) (Parcel #: 22905699)**

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: GWS records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

Storm Water Services Comments: The proposed rezoning is within the Yadkin-Southeast Catawba Post Construction District. The Charlotte Post Construction Ordinance will apply to the project. For the *Six Mile Creek watershed only*, in addition to the standard requirements for streams in the Yadkin-Southeast Basin Watershed, all perennial streams in the Six Mile Creek Watershed shall have 200-foot undisturbed

buffers, plus entire floodplain and all intermittent streams in the Six Mile Creek Watershed shall have 100-foot undisturbed buffers all measured on each side of the stream from top of bank.

**2019-176 Charlotte Douglas International Airport (Attn: Brent Cagle) (Parcel #: 14104123, & 14121101, 2, 3, 11, 20)**

*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 indicates that the home on parcel 14121103 uses or previously utilized wood, coal or oil 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. Any related soil and/or groundwater contamination should be remediated to NCDEQ standards prior to redevelopment of the property.

A review of GWS records indicate a waste water disposal system registered as a pre-existing septic at parcels 14121101 and 14121103. No regulation governs the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped by a licensed waste hauler to removal any residual contents then subsequently crushed and backfilled. This recommendation is made because tanks that collapse pose a safety hazard and improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations, or people.

*Mecklenburg County Solid Waste:* No comments.

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

**2019-177 Encore Real Estate (Attn: Cullen Hawkins) (Parcel #: 02941109)**

*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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

A water supply well is registered as active irrigation well on this parcel.

GWS recommends that the petitioner identify any water supply wells within the project boundary and either protect the wells from damage by flagging and fencing during site development or permanently abandon the wells per the Mecklenburg County Groundwater Well Regulations prior to any demolition or

grading activity occurring and conduct survey to locate the septic systems. A permit from GWS is required for permanent well abandonments. The abandonments must be completed by a North Carolina Certified Well Contractor.

Mecklenburg County Solid Waste: No comments.

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

**2019-178      DRB Group (Attn: Scott Widener) (Parcel #: 06904128, 32, 33, 34, 35, 36, 37, 44)**

Air Quality Comments: No comment on this rezoning petition.

Ground Water Services Comments: GWS records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' 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.

**2019-179      Verde Homes, LLC (Attn: Ronald Stanley, Jr.) (Parcel #: 08119159)**

Air Quality Comments: No comment on this rezoning petition.

Ground Water Services Comments: GWS records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

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

**2019-180      Rosegate Holdings LLC (Attn: Josh Jolley) (Parcel #: 19105106, 7)**

Air Quality Comments: No comment on this rezoning petition.

Ground Water Services Comments: GWS records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

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

**2019-181      Woda Cooper Development, Inc. (Attn: Clay Cooper) (Parcel #: 02510304)**

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: 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.

**2019-182      Carolina Center for Recovery LLC (Attn: Christopher Doyle) (Parcel #: 03719219)**

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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.



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

**2019-183 Rhyno Partners Coffee LLC (Attn: Ryne Davis) (Parcel #: 08117628)**

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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

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

**2019-184 Taft Mills Group (Attn: CJ Tyree) (Parcel #: 02529122)**

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 Storm Water, Permitting & Compliance and Water Quality.

**2019-185 Freedom Communities (Attn: Mark Talbot) (Parcel #: 06505511)**

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 a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. 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 ARGU where municipally supplied water is available water supply wells for 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. Where no other water sources are available, wells may be permitted with special construction and sampling requirements within 1,500' of contamination sites.

Mecklenburg County Solid Waste: No comments.

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

**MCAQ Scope of Review:**

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.