



MECKLENBURG COUNTY
Land Use and Environmental Services Agency

April 22, 2019

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 March 2019 rezoning petitions 2019-033 through 2019-048 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.

Air Quality Comments to the Charlotte Mecklenburg Planning Commission:

2019-033 HK Cedarvale, LLC (Attn: David M. Hicks) (Tax Parcel No. 053-193-05)

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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

2019-034 United Community School (Attn: Erika Hedgepeth) (Tax Parcel No. 049-343-04)

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 (≥ 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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

2019-035 Novant Health, Inc. (Attn: David G. Park) (Tax Parcel No. 223-141-52, 53, 54, 55, 56, 57, & 58)

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.

Groundwater & Wastewater Services (GWS) Comments:

GWS records indicate a registered septic system exists on parcel 223-141-55 (Petition 2019-035). No regulations govern the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped by a NC Licensed Septic Hauler to remove any residual contents and then crushed and backfilled. This recommendation is made because improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations or people posing a safety hazard.

Information from property records indicate that the homes and/or buildings on parcel 223-141-56 (Petition 2019-035) use or previously utilized oil, wood or coal heat. Based on this the above-mentioned properties 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.

2019-036 BSL Galbreath Inc. (Attn: Artis Galbreath) (Tax Parcel No. 053-011-31)

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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

2019-037 Jay Kamdar (Attn: Jay Kamdar) (Tax Parcel No. 053-142-02 & 21)

Air Quality Comments:

No comment on this rezoning petition.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

Note that GWS records of registered water supply wells were found for parcel 053-142-21 (Petition 2019-037). Water supply wells 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.

Information from property records indicate that the homes and/or buildings on parcel 053-142-21 (Petition 2019-37) use or previously utilized oil, wood or coal heat. Based on this the above-mentioned properties 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.

2019-038 Dave Hegnauer (Attn: Dave Hegnauer)

Air Quality Comments:

No comment on this text amendment application.

Groundwater & Wastewater Services (GWS) Comments:

No comment on this text amendment application.

2019-039 Dependable Development Inc. (Attn: Shaun Gasparini) (Tax Parcel No. 029-101-04, 05, & 80)

Air Quality Comments:

The proposed development is likely to require the use of heavy-duty diesel equipment (≥ 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.

Groundwater & Wastewater Services (GWS) Comments:

GWS records indicate a registered septic system exists on parcel 029-101-05 (Petition 2019-039). No regulations govern the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped by a NC Licensed Septic Hauler to remove any residual contents and then crushed and backfilled. This recommendation is made because improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations or people posing a safety hazard.

2019-040 Aldersgate at Shalom Park, Inc. (Attn: Suzanne Pugh) (Tax Parcel No. 187-072-02, 03, 04, 05, 06, 07, 08, 14, 15, & 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 development is likely to require the use of heavy-duty diesel equipment (≥ 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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

Note that GWS records of registered water supply wells were found for parcel 187-072-08 (Petition 2019-040). Water supply wells 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.

2019-041 Eastside Connections JV, LLC (Attn: Jensie Teague) (Tax Parcel No. 163-032-47, 48, 52, 53, 54, 55, 56, & 57)

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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

GWS records indicate Subsurface Investigation Permits (SIPs) have been issued for parcel 163-032-53 (Petition 2019-041). 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.

GWS records indicate that parcels listed on Petition 2019-041 are documented as Mecklenburg County Priority List (MPL) sites. According to MPL records, a Dry-Cleaning Solvent incident exists on several parcels listed in Petition 2019-041.

Because further environmental assessment(s) and/or Brownfield's evaluations necessitate Land Use Restrictions (LURs) that could affect future development, additional investigation should be considered. Therefore, based on the MPL designations and the historic land usage of the areas mentioned above more information will be necessary to determine that the change in use will not pose unacceptable health and safety risks.

2019-042 Sanctuary Development, LLC (Attn: Chad L. Howie) (Tax Parcel No. 049-181-07, 09; 049-231-01 & 05; 049-242-12)

Air Quality Comments:

The proposed development is likely to require the use of heavy-duty diesel equipment (≥ 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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

GWS records indicate a registered septic system exists on parcel 049-242-12 (Petition 2019-042). No regulations govern the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped by a NC Licensed Septic Hauler to remove any residual contents and then crushed and backfilled. This recommendation is made because improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations or people posing a safety hazard.

2019-043 Diamondback Acquisitions Company, LLC (Attn: Paul Holst) (Tax Parcel No. 053-271-08 & 26)

Air Quality Comments:

No comment on this rezoning petition.

Groundwater & Wastewater Services (GWS) Comments:

Note that GWS records of registered water supply wells were found for parcel 053-271-08 (Petition 2019-043). Water supply wells 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.

2019-044 Panthers Stadium, LLC (Attn: Mark Hart) (Tax Parcel No. 073-281-01)

Air Quality Comments:

No comment on this rezoning petition.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

GWS records indicate that parcels listed on Petition 2019-044 are documented as Mecklenburg County Priority List (MPL) sites. The parcel listed in Petition 2019-044 was listed as an MPL due to Leaking Underground Storage Tank (LUST) incidents and an Inactive Hazardous Sites Branch (IHSB) incident.

Because further environmental assessment(s) and/or Brownfield's evaluations necessitate Land Use Restrictions (LURs) that could affect future development, additional investigation should be considered. Therefore, based on the MPL designations and the historic land usage of the areas mentioned above more information will be necessary to determine that the change in use will not pose unacceptable health and safety risks.

2019-045 Moores Chapel Holdings, LLC; Mt. Holly Developers, LLC (Attn: Joe Childress) (Tax Parcel No. 055-481-01 & 06)

Air Quality Comments:

No comment on this rezoning petition.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

2019-046 Spectrum Companies (Attn: Jason Fish) (Tax Parcel No. 073-064-23, 26, 28, & 29)

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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

2019-047 NR Pinehurst Property Owner, LLC (Attn: Michael Gribble) (Tax Parcel No. 183-121-11)

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.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

2019-048 B&B RE Ventures, LLC; Michael Bender (Attn: Michael Bender) (Tax Parcel No. 169-076-07 & 08)

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 will result in residential property being located adjacent to property zoned for industrial use (I-2). Within 0.5 mile of the parcels there are 4 sources of air pollution required to hold air quality permits:

Facility Classification	Number of Facilities within 0.5 mile
Synthetic Minor	1
Minor	3

The proposed development is surrounded on all four sides by I-2 industrial zoning. Many industrial uses result in activities that produce regulated air emissions, odors, dust, noise, and truck traffic. The Mecklenburg County Air Pollution Control Ordinance has limited ability to remedy these situations, and no ability to deny air quality permits to new or expanding industrial facilities when all requirements of the ordinance are met. One of the existing facilities included in the table above has been named in odor complaints originating from this area.

MCAQ recommends that the Planning Commission consider this information in its determination of whether this rezoning request constitutes an incompatible land use.

Groundwater & Wastewater Services (GWS) Comments:

Groundwater & Wastewater Services (GWS) records indicate contamination sites 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 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.

GWS records indicate Subsurface Investigation Permits (SIPs) have been issued for parcel 169-076-08 (Petition 2019-048). 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.

GWS records indicate that parcels listed on Petition 2019-048 are documented as Mecklenburg County Priority List (MPL) sites. Parcel 169-076-08 (Petition 2019-048) is documented as an MPL due to the subject site being listed as a Brownfields site in the Brownfield's Program; thus, specific land use restrictions apply to the site as stipulated in the Brownfields Agreement for the property.

Because further environmental assessment(s) and/or Brownfield's evaluations necessitate Land Use Restrictions (LURs) that could affect future development, additional investigation should be considered. Therefore, based on the MPL designations and the historic land usage of the areas mentioned above more information will be necessary to determine that the change in use will not pose unacceptable health and safety risks.

Please note, Storm Water Services has no comments on the above referenced petitions currently.

Regards,

Jeanne M. Quinn
Administrative Support Supervisor
Mecklenburg County, Land Use and Environmental Services Agency
2145 Suttle Avenue
Charlotte, NC 28208
980-314-3630