



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

**To:** Michael Russell, Principal Planner City of Charlotte  
**From:** Dylan Kirk, Sustainability Program Coordinator  
**Date:** Friday, December 20, 2019  
**Subject:** City of Charlotte October Rezoning Petitions 2019-154 through 2019-169

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 November Rezoning Petitions 2019-154 through 2019-169 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 November Rezoning Petitions (154 - 169):**

**2019-154 OmShera Hotel Group (Attn: Lauren Chavis) (Parcel #: 12302505)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-155 Plaza Midwood Charlotte 2LP (Attn: Welch Liles) (Parcel #: 08117648)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-156 Parkwood Plaza, LLC (Attn: Reginald Jones) (Parcel #: 08114708, 9)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-157 ABP Development LLC (Attn: Patina Durham) (Parcel #: 02934103, 4)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-158      MPV Properties (Attn: Bailey W. Patrick) (Parcel #: 17101155, 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.

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.

Information from property records indicate that the building or former building on parcel 171-011-56 contains asbestos shingle and/or siding. If demolition or renovation is planned, then disturbance of Asbestos-Containing Materials (ACM) will likely be subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements for asbestos identification and abatement prior to demolition or renovation. Thus, this may include an asbestos survey conducted by a certified asbestos inspector and, if present, possible ACM removal by a certified asbestos contractor prior to demolition.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Mecklenburg County Storm Water and Water Quality.

**2019-159      Ed Zepa (Attn: Ed Zepa) (Parcel #: 14903406)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-160 Meritage Homes of the Carolinas, Inc. (Attn: J. Reid Owen) (Parcel #: 03323101, & 03305103, 10, 15, 16, 21, 31, 32, 33, 34, 41)**

*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 properties: 033-231-01, 033-051-03, 033-051-16, 033-051-32, 033-051-33, 033-051-41, 033-051-10, 033-051-15 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 registered septic system exists on parcels 033-051-03 and 033-051-15. 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.

*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.

**2019-161 Crescent Communities, LLC (Attn: Elizabeth A. McMillan) (Parcel #: 12512106)**

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

*Ground Water Services Comments:* Groundwater & Wastewater Services records indicate that parcel 073-253-01 is a Mecklenburg County Priority List (MPL) site due to leaking Underground Storage Tank (UST) incidents and because the parcel is listed as a Brownfields Property; thus, specific Land Use Restrictions (LURs) apply due to the contamination at the site. Additional assessment investigation should be considered based on the UST incidents' status, Brownfield Land Use Restrictions, historic land usage and because more sufficient information may be necessary to determine that the change in use will not pose unacceptable health and safety risks.

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 parcel 125-121-06. Please note that monitoring wells on this parcel 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 Mecklenburg County Storm Water and Water Quality.

**2019-162      Kenneth Simmons (Attn: Kenneth Simmons) (Parcel #: 04901115, 23)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-163      Novant Health (Attn: Matthew Stiene) (Parcel #: 04744102)**

*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:* 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.

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.

**2019-164 PDAN Holdings, LLC (Attn: Daniel L. McCahan) (Parcel #: 02930131)**

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

*Ground Water Services Comments:* Groundwater & Wastewater Services records indicate that a water supply well is located within the bounds of parcel 029-301-31. 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.

Groundwater & Wastewater Services records indicate a registered septic system exists on parcel 029-301-31. 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.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Mecklenburg County Storm Water and Water Quality.

**2019-165 Wood Parners (Attn: Tom Berkhert) (Parcel #: 06704501, 2, 11, 13, 14, 15, 17, 18, 19, 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.

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.

Groundwater & Wastewater Services records indicate a Subsurface Investigation Permit (SIP) was issued for parcel 067-045-15. Please note that monitoring wells on this parcel 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 Mecklenburg County Storm Water and Water Quality.

**2019-166      Canopy CLT (Attn: Chad Faglier) (Parcel #: 18707116, 9)**

*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 Mecklenburg County Storm Water and Water Quality.

**2019-167      Grubb Management, LLC (Attn: Eric Applefield) (Parcel #: 07107214, 5)**

*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:* 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 parcel 071-072-14. Please note that monitoring wells on this parcel 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 Mecklenburg County Storm Water and Water Quality.

**2019-168 Suncrest Real Estate and Land (Attn: Casey Werner) (Parcel #: 03325102, 3, 4, 18)**

*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.

Groundwater & Wastewater Services records indicate a registered septic system exists on parcel 033-251-04. 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.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Mecklenburg County Storm Water and Water Quality.

**2019-169 Thompson Thrift Development Inc. (Attn: Brad Williams) (Parcel #: 02920124, & 02966404, 5, 6, & 02917103, 21)**

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



*Ground Water Services Comments:* Groundwater & Wastewater Services records indicate a registered septic system exists on parcel 029-171-21. 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.

*Mecklenburg County Solid Waste:* No comments.

*Storm Water Services Comments:* No comments from Mecklenburg County Storm Water 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.