



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

**MEMORANDUM**

To: Charlotte-Mecklenburg Planning Commission  
From: Dylan J. Kirk, Mecklenburg County LUESA  
Date: January 21, 2021  
Subject: Initial Rezoning Petition Comments

Charlotte-Mecklenburg Planning Commission  
600 East Fourth Street Charlotte, North Carolina 28202

Mecklenburg County has reviewed the City of Charlotte rezoning petition below 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.

<b><u>Petitioner Information:</u></b> Andy Cauble / 1600 PINKYS LLC 704 JACKSON AVE Charlotte, NC 28204 704-372-7855 andy@pinkyswestsidegrill.com	<b><u>Parcel GIS ID(s):</u></b> 06703101
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**2020-184: 1600 Pinkys LLC**

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

*Ground Water Services Comments:* Groundwater & Wastewater Services records indicate contamination site(s) 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 does not indicate the current use of oil heat, but since records indicate a structure was built in 1954, the property may contain an underground or above ground fuel oil storage tank. Any existing tank and its contents should be removed, following applicable NCDEQ guidance, prior to any demolition or grading activity.

Subsurface Investigation Permit (SIP) 70000921 was issued for this parcel. Monitoring wells registered to this SIP are documented as permanently abandoned.

If any MWs are identified within the project boundary GWS recommends that the petitioner 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 36223, Triple G Automotive. The incident received a No Further Action letter from NCDEQ requiring a Land Use Restriction for groundwater contamination at concentrations greater than the State standard. Any development on this parcel should comply with applicable NCDEQ requirements for management of this contamination site. Please contact Dan Bowser with NCDEQ at [dan.bowser@ncdenr.gov](mailto:dan.bowser@ncdenr.gov) to request assistance.

*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.

*Solid Waste Comments:* No petition comments.

**Department Contacts:**

Petitioners seeking to address individual comments and issues may follow up with the following Mecklenburg County staff:

*Air Quality Comments:* PJ McKenzie - ([paul.mckenzie@mecklenburgcountync.gov](mailto:paul.mckenzie@mecklenburgcountync.gov))

*Ground Water Services:* Shawna Caldwell - ([shawna.caldwell@mecklenburgcountync.gov](mailto:shawna.caldwell@mecklenburgcountync.gov))

*Storm Water Services:* Myrette Stephen - ([myrette.stephen@mecklenburgcountync.gov](mailto:myrette.stephen@mecklenburgcountync.gov))

*Solid Waste Comments:* Joe Hack - ([joe.hack@mecklenburgcountync.gov](mailto:joe.hack@mecklenburgcountync.gov))

Additionally, please CC Dylan Kirk, ([dylan.kirk@mecklenburgcountync.gov](mailto:dylan.kirk@mecklenburgcountync.gov)) on all communications to individual departments.

**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.