



MECKLENBURG COUNTY
Land Use & Environmental Services Agency

MEMORANDUM

To: Charlotte-Mecklenburg Planning Commission

From: LUESA, Mecklenburg County

Date: 8.25.22

Subject: 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.

<u>Petitioner Information:</u> 2130 North Tryon Street LLC 2130 North Tryon Street Charlotte, NC, 28206 Home Phone: 980-333-7005 brittany.lins@alexanderricks.com	<u>Parcel GIS ID(s):</u> 08301111
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2022-044: 2130 N. Tryon

Air Quality Comments: The proposed development will result in residential property being located adjacent to property zoned for industrial use (I-1/I-2). Within 0.5 mile of the parcels there is 1 source of air pollution required to hold an air quality permit and 15 registered facilities. 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.

MCAQ recommends that the Planning Commission consider this information in its determination of whether this rezoning request constitutes an incompatible land use. The requested rezoning will result in residential development in close proximity to existing heavy industrial use.

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 planned to serve a multifamily/community/office group and to have vehicle parking greater than or equal to 20 spaces. Mecklenburg County Air Quality recommends that the proposed development be constructed with at least 10% EV-ready parking spaces. EV-ready spaces are those that have pre-installed electrical panel capacity with a dedicated circuit, raceway with conduit, and either a junction box or 240V outlet.

It is typically 3-4 times less expensive to install EV charging infrastructure during initial construction versus retrofitting due to the increased costs from demolition, trenching, and redundant permitting fees.

As a point of reference, the LEED (Leadership in Energy Efficiency and Design) standard for Electric Vehicles in New Construction requires developers to install electrical vehicle supply equipment (EVSE) in 5% of all parking or make 10% of all parking spaces EV-ready. More information on these standards can be found in LEED v4.1: Building Design and Construction: New Construction located at: www.usgbc.org.

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.

Subsurface Investigation Permit (SIP) 500000374 was issued for this parcel. Eleven monitoring wells (MWs) are registered.

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.

Information from property records does not indicate the current use of oil heat, but since records indicate structures were built in 1946, 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.

This parcel is referenced in two NCDEQ Inactive Hazardous Sites Branch (IHSB) releases, NCD05301724m ICI-Americas, and NONCD000221, Norfolk Southern Railway/Uniqema.

Please contact Collin Day for more information.

Collin Day
Environmental Supervisor
NC Department of Environmental Quality, Winston-Salem Regional Office
Division of Waste Management, Superfund Section-IHSB Western Region

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Storm Water Services Comments: No Comments

Solid Waste Comments: No 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)

Ground Water Services: Shawna Caldwell - (shawna.caldwell@mecklenburgcountync.gov)

Storm Water Services: Myrette Stephen - (myrette.stephen@mecklenburgcountync.gov)

Solid Waste Comments: Joe Hack - (joe.hack@mecklenburgcountync.gov)

Additionally, please CC Erin Stanforth, (erin.stanforth@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.