



MECKLENBURG COUNTY
Land Use & Environmental Services Agency

MEMORANDUM

To: Charlotte-Mecklenburg Planning Commission

From: LUESA, Mecklenburg County

Date: 3.23.23

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> Ascent Real Estate Capital, LLC Ascent Real Estate Capital, LLC 2100 CRESCENT AVE STE 200 Charlotte, NC, 28202 Home Phone: 704-200-2637 brittany.lins@alexanderricks.com	<u>Parcel GIS ID(s):</u> 07901506, 07901501, 07901502, 07901503
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2022-192: Ascent/Dalton

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 requested rezoning 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 are three sources of air pollution required to hold air quality permits.

Facility Classification	Number of Facilities within 0.5 mile
Minor	3

The proposed development is adjacent to 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 or 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 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. 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.

Mecklenburg County Air Quality recommends that the proposed multifamily 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 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 that parcel 079-015-06 is a contaminated Mecklenburg County Priority List (MPL) site (MPL#2201) due to an Underground Storage Tank (UST) petroleum release. Subsequently, incident file 36534 was created within the North Carolina's Department of Environmental Quality's UST Section. Additionally, the site has been deemed eligible for entry into the North Carolina Brownfields Program for continued evaluation. The Brownfields Project Number is 25091-21-060. As contamination remains and is undergoing assessment activities, additional investigation should be considered. Also, additional investigation should be considered based the incident's status, the possibility of Land Use Restrictions, the historic land usage and because more 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 site(s) exist on or within 1,500 feet of the properties 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 079-015-06. 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.

Storm Water Services Comments: No Comments for all four parcels

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.