



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

**MEMORANDUM**

To: Charlotte-Mecklenburg Planning Commission  
From: LUESA, Mecklenburg County  
Date: 5.24.23  
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.

<b><u>Petitioner Information:</u></b> Houston Roberts OLD PINEVILLE INVESTMENTS LLC 5320 OLD PINEVILLE RD CHARLOTTE, NC, 28217 Home Phone: 7043610129 houston@forsiteinc.com	<b><u>Parcel GIS ID(s):</u></b> 16907507
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**2023-006: 5046 Old Pineville Rd**

*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.

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 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](http://www.usgbc.org).

In the last 12 months, Mecklenburg County Air Quality (MCAQ) investigated numerous odor complaints attributed to the Cargill, Inc. facility located adjacent to the site of this petition. MCAQ routinely deals with nuisance odor complaints when residential development is located in close proximity to an industrial site with potential to produce nuisance conditions. The Mecklenburg County Air Pollution Control Ordinance has limited ability to remedy these situations and no ability to completely eliminate odors. MCAQ recommends that based on the record of odor complaints, the Planning Commission consider whether to restrict residential use in close proximity to the Cargill, Inc. facility. MCAQ further recommends that if residential development is approved that the petitioner and subsequent developers and builders be required to disclose the proximity and nature of nuisance complaints generated by said facility to all potential buyers.

*Ground Water Services Comments:* Groundwater & Wastewater Services records indicate that parcel 169-075-07 is a contaminated Mecklenburg County Priority List (MPL) site (MPL#279) due to Underground Storage Tank (UST) petroleum releases and due to the discovery of chlorinated solvents and other various compounds in the soil and/or groundwater. Subsequently, the North Carolina Department of Environmental Quality's (NCDEQ's) Underground Storage Tank incidents 7076 and 86748 and Inactive Hazardous Sites incident NONCD0001499 have been generated. Additionally, the site has been accepted into the Brownfields Program with an applicable Brownfields Agreement that includes specific Land Use Restrictions under the Brownfields Project Number 16022-12-060. As contamination remains and is undergoing assessment activities, additional investigation should be considered. Also, additional investigation should be considered based the incident's status, known 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 169-075-07. 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

*Solid Waste Comments:* No Comments

**Department Contacts:**

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

**PEOPLE ● PRIDE ● PROGRESS ● PARTNERSHIP**  
**2145 Suttle Avenue ● Charlotte, North Carolina 28208 ● Fax 980.335.2253**  
**[www.mecknc.gov](http://www.mecknc.gov)**

*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.