



MECKLENBURG COUNTY
Land Use & Environmental Services Agency

MEMORANDUM

To: Charlotte-Mecklenburg Planning Commission
From: LUESA, Mecklenburg County
Date: 8.25.23
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> James Freeman Providence Group Capital 300 W. Summit Ave., Ste. 250 Charlotte, NC, 28203 Home Phone: 704-904-0713 jfreeman@providencegroup.com	<u>Parcel GIS ID(s):</u>
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2023-052: 506 W Summit Ave Rzg

Air Quality Comments: Demolition or renovation of existing structures may require proper notification and removal of asbestos. A letter of notification and the required forms have been mailed directly to the petitioner.

The rezoning may result in residential use(s) being located adjacent to property currently being used for heavy industry. The Zoning Commission should determine whether this is compatible land-use. Within 1/2 mile of the parcels, there is 1 source of air pollution required to hold air quality permits. Many industrial uses result in activities that produce regulated air pollution, odors, dust, noise, and truck traffic. Local air quality regulations have 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.

This rezoning may result in residential use(s) being located adjacent to Charlotte Pipe & Foundry Company Inc., a facility cited in multiple odor complaints. The Zoning Committee should determine whether to restrict residential use in close proximity to the Charlotte Pipe & Foundry Company Inc. facility. If residential development is approved, the zoning committee should determine whether to require the petitioner or subsequent developers and builders to disclose the proximity and nature of complaints to all potential buyers or renters. As noted above, MCAQ routinely deals with odor and dust complaints when residential development is located in close proximity to an industrial site with potential to produce odor and dust. Local air quality regulations cannot completely eliminate odors and dust from sources.

Ground Water Services Comments: Summary: Contamination sites exist in the vicinity, so there may be restrictions for water supply wells. Fuel oil tanks may exist at the property.

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 records indicate that a structure was built in 1954, so 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.

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: Megan Green - (megan.green@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.