



MECKLENBURG COUNTY
Land Use & Environmental Services Agency

MEMORANDUM

To: Charlotte-Mecklenburg Planning Commission

From: LUESA, Mecklenburg County

Date: 9.29.23

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> Hugh H. Shytle Clachan Properties 115 Shockoe Slip Richmond, VA, 23219 Home Phone: 617-306-1949 hugh@clachanproperties.com	<u>Parcel GIS ID(s):</u> 08115343
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2023-084: Hawthorn Mill Outparcel

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.

This rezoning may result in residential use(s) being located adjacent to property zoned for industrial use (ML-1/ML-2). 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.

Ground Water Services Comments:

Executive Summary: Contamination incidents exist onsite and in the vicinity, so there may be associated restrictions. Additionally, monitoring well(s) may exist on this property.

Groundwater & Wastewater Services records indicate that parcel 081-153-43 is a contaminated Mecklenburg County Priority List (MPL) site (MPL#2287) due to various contaminants detected at the site during an assessment investigation as part of a Brownfield's Agreement proposal. Subsequently, the Brownfield's Program ID 27035-23-066 was generated within the North Carolina's Department of Environmental Quality's Brownfields Program. As residual contamination may remain additional investigation should be considered. Also, additional investigation should be considered based on potential Land Use Restrictions that may apply to the parcel, 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 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.

Groundwater & Wastewater Services records indicate a Subsurface Investigation Permit (SIP) was issued for parcels 081-153-43. 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:

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.