

ORDER GRANTING
CONDITIONAL USE PERMIT
TOWN OF MINT HILL, NORTH CAROLINA

APPLICANT: Crescent Retail

APPLICATION NO. CUP04-7

ADDRESS: 400 S. Tryon Street

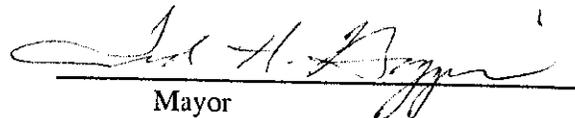
Charlotte, North Carolina 28202

A request for a Conditional Use Permit for an exception regarding the sidewalk along a portion of Evans Road behind the Lowe's Grocery Store at 7036 Brighton Park Drive, Tax Parcel #135-381-69 heard by the Town Board of Commissioners in accordance with the provisions of the Zoning Ordinance on September 9, 2004, has been granted with the following corrections and conditions:

- (1) Evans Drive be corrected to Evans Road.
- (2) The correct planting schedule listed on Sheet C6.1 match sheet C6.
- (3) Two October Glory Maples need to be planted along the rear of the grocery store to meet the street tree requirements (this may involve removing 4 of the small trees; Yoshino Cherries of TM's).
- (4) The concrete pavers need to be removed from the sidewalk (they would not fit at this location).
- (5) The crosswalk needs to be labeled and the details (concrete brick pavers per streetscape) need to be indicated on the site plan.

This permit shall expire: September 9, 2006
(Date)


Clerk


Mayor

Copy to Applicant and Zoning Administrator: 4/18/2005
(Date)

Note: Conditional Use Permits expire two years from date of approval if the Planning Board finds that no progress has been made to develop in accordance with approved plans.

P/CUP04-70G

**ORDER GRANTING/DENYING
CONDITIONAL USE PERMIT
TOWN OF MINT HILL, NORTH CAROLINA**

APPLICANT: Mr. Jimmie Pourlos
ADDRESS: 9300 Edwards Place
Charlotte, North Carolina 28227

APPLICATION NO. CUP03-2

A request for a Conditional Use Permit to allow construction of a restaurant to be located on Matthews-Mint Hill Road, being a portion of 135-381-69 heard by the Town Board of Commissioners in accordance with the provisions of the Zoning Ordinance on September 11, 2003, has been **granted**. The decision is as follows:

Approved in accordance with all the requirements of the Ordinance being met and the following corrections and conditions: (1) All the conditions of ZC01-12 shall apply; (2) Subdivision approval must be obtained prior to transfer of property; (3) Correct the jurisdiction notes on pg. C1 to Town of Mint Hill, Mecklenburg County (Incorporated); (4) Correct the vicinity map; (5) The type of door installed accessible from Highway 51 needs to be able to be usable in the future; (6) An exception be granted for the mirrored glass/faux casements shown along Highway 51; (7) Materials and height for the restaurant will be verified through a zoning permit; (8) Show road improvements (make sure everything fits inside right-of-way); (9) The pedestrian lights need to be relocated on the opposite side of the sidewalk and brick paver bands need to be shown at the base of these lights. Details of the enhancement streetscape need to be shown on the site plans. The developer is responsible for providing underground electrical conduits for the lights and must pay for the one-time decorative upcharge. The Town will be responsible for the utility bill and maintenance. It is also preferred that the town will try to coordinate the lights with the construction of the streetscape and Duke Power; (10) Parking area must be shifted back behind the front building setback line; (11) A lighting plan needs to be submitted showing spillage onto adjacent properties to verify that it does not exceed 1.5 and a note added that the average intensity should not exceed 6-foot candles. The plans also need to indicate the maximum pole height as required by code and the pole height to meet IES standards; (12) The type of screening for the trellis needs to be provided and shown to screen parking along Highway 51. The type also needs to be indicated on the landscaping plan; (13) The landscaping plan needs to be revised to meet the requirement of no parking space shall be less than 60 feet from the base of a canopy tree (there are 3 spaces that do not meet this requirement); (14) The signage needs to be clarified to follow either the signage requirements for a shopping center or for individual retail shops; (15) A recorded easement is needed to obtain access for stormwater discharge and improvements on the town's property prior to issuance of building permits; and, (16) Mint Hill's approval is contingent upon approval from all federal, state, county and local agencies.

This permit shall expire: September 11, 2005

Bonnie Harwick
Clerk

Bob A. Dyer
Mayor

Copy to Applicant and Zoning Administrator 2/9/04
(Date)

Note: Conditional Use Permits expire two years from date of approval if the Planning Board finds that no progress has been made to develop in accordance with approved plans.

ORDER GRANTING/DENYING
CONDITIONAL USE PERMIT
TOWN OF MINT HILL, NORTH CAROLINA

APPLICANT: Crescent Resources, LLC
ADDRESS: c/o Mr. Chris Hack
400 S. Tryon St., Suite 1300, Charlotte, N. C. 28201

APPLICATION NO. CUP02-4

A request for a Conditional Use Permit to allow a retail project in downtown located at 6411 Matthews-Mint Hill Road, Tax Parcel #135-381-69, heard by the Town Board of Commissioners in accordance with the provisions of the Zoning Ordinance on January 9, 2003, has been **granted**.

The decision is as follows:

(1) All conditions of ZC01-12 shall apply with the exception of waivers as noted in the approval of this Permit. (2) The project name, tax parcel number, front setback and parking information on the site plan needs to be corrected. (3) All structures not being built as part of this phase need to be labeled "future" and will require site plans along with elevations before a building permit can be obtained through the CUP process. (4) Outparcel "C" is not to be developed at this time because it is not owned by Crescent, LLC; no site work other than preliminary grading will be commenced; prior to grading, Crescent, LLC will provide staff with letter from property owner granting permission for preliminary grading. (5) The crosswalk across NC 51 could be considered for installation when the property across the street is developed. (6) Roads and road improvements shall be installed as required by the Town's Ordinances, Mecklenburg County Engineering, Mint Hill Planning Staff and North Carolina Department of Transportation as shown on the approved site plan. (7) A recorded easement is needed to construct the Nelson Road (now Evans Drive) connection to Lawyers Road on the Town's property prior to issuance of building permits. (8) Materials and height for each building will be verified through a zoning permit; the proposed restaurant building shown in the blue booklet needs to be corrected to match the site plan. (9) Street trees (October Glory Maples) must be provided on both sides of Nelson Road Extension (now Evans Drive); street trees must also be provided on the applicant's side of NC 51 prior to the Certificate of Occupancy for the grocery store or development of the outparcels whichever comes first. (10) The ten foot planting strip needs to be shown for the perimeter screening of the parking areas visible from the street; screening needs to be provided adjacent to outparcel "D." (11) Pedestrian lights must be provided on both sides of Brighton Park Drive, Abington Lane (now Coventry Commons Drive), Nelson Road Extension (now Evans Drive) and on the applicant's side of NC 51 prior to the Certificate of Occupancy for the grocery store or development of the outparcels whichever comes first; the type fixture needs to be included on the site plans, and the developer is responsible for the one-time upfront decorative upcharge and the Town will maintain utility bill; a lighting plan consistent with the downtown enhancement project should be approved by Staff prior to any building permits being used; the lighting plan needs to be amended to show spillage onto the residential properties to verify that it does not exceed 1.5 and a note added that the average intensity should not exceed six-foot

candles; the poles need to be corrected not to exceed 35 feet in height above grade; minimum lighting shall be in accordance with IES and engineering data. (12) Town Staff and County Engineering would approve Best Management Practices (BMP's) prior to issuance of building permits; a recorded easement is needed to obtain access for stormwater discharge and improvements on the Town's property prior to issuance of building permits. (13) The dumpster for shops "5" and "6" needs to be shown on the site plan. (14) Mint Hill's approval is contingent upon approval from all federal, state, county and local agencies. (15) Eight foot sidewalks need to be provided in front of the shops along Abington Lane (now Coventry Commons Drive) and Brighton Park Drive. (16) A delivery route to be approved by Staff and Engineering that would not block the public street; effort will be made to provide additional screening of loading/delivery area. (17) Facades for buildings facing Abington Lane (now Coventry Commons Drive) will be similar in design to the rear of those buildings. (18) A waiver is granted from Section 1.2.B. of the Downtown Overlay Code for the grocery store and attached shop fronts because they do not front a public street. (19) A waiver is granted from Section 4.4.2.A. for the shop fronts attached to the grocery store because they do not meet the general requirements of this section of the Downtown Overlay Code. (20) A waiver is granted from Section 5.1 of the Downtown Overlay Code to allow the 8' retaining wall along Abington Lane (now Coventry Commons Drive); it was the consensus of the Board that with the addition of steps and landscaping, the wall could be more pedestrian friendly. (21) A waiver is granted from Section 4.4.2.A. for the shops along Abington Lane (now Coventry Commons Drive) and Brighton Park Drive not to have principal functional doorways along the front street facade; these doorways would be constructed and the decision to make them functional will be left to the discretion of the individual business owners occupying them. (22) Board agrees that curb and gutter along Highway 51 not be required as it relates to the project. (23) A waiver is granted to allow sidewalks to be constructed on only one side (that side next to the "Evans" property) of the portion of Nelson Road Extension (now Evans Drive) being developed by Crescent because of Crescent's preference to spend that money toward other enhancements for the project.

This permit shall expire: January 9, 2005
(Date)

Beth A. Hamrick
Clerk

Dr. A. Dugg
Mayor

Copy to Applicant and Zoning Administrator: 5/16/03
(Date)

Note: Conditional Use Permits expire two years from date of approval if the Planning Board finds that no progress has been made to develop in accordance with approved plans.

P/CUP02-40G