

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

APPLICANT: Lat Purser

APPLICATION NO. CUP04-1

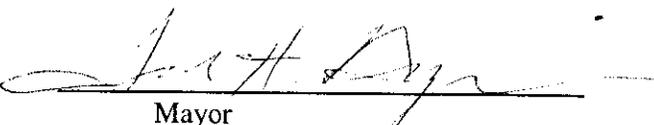
ADDRESS: Lat Purser and Associates, Inc.
4530 Park Road, Suite 300, Charlotte, North Carolina 28209

A request for a Conditional Use Permit to allow construction of a restaurant with a drive-thru at the corner of Matthews-Mint Hill/Evans Roads on a portion of Tax Parcel #135-381-70 heard by the Town Board of Commissioners in accordance with the provisions of the Zoning Ordinance on June 24, 2004, has been **granted** with the following corrections and conditions:

(1) All the remaining conditions of ZC01-12 shall apply; (2) Subdivision approval must be obtained prior to transfer of property; (3) Building setbacks for the building need to be labeled on the site plan; (4) Materials and height for the building and trellis need to be shown on the elevations. Submit specific architectural elevations indicating building materials, color of brick and height; (5) Exception from Sections 1.2 and 4.4 be granted for corner entrance, architectural treatment shall be in accordance with rendering; (6) Label the type of material to be used for the circulation lane; (7) Rooftop equipment must be screened in accordance with Section 4.4-2.D.2; (8) Details of the enhancement streetscape need to be shown on the site plans. The developer is responsible for providing underground electrical conduit for the lights, connection to outlet boxes and must pay for the one-time decorative upcharge. The Town will be responsible for the utility bill and maintenance for the streetscape lighting on Matthews-Mint Hill Road. It is also preferred that the Town will try to coordinate the lights with the construction of the streetscape and Duke Power; (9) Street trees, paver bands and pedestrian lighting must be installed along Matthews-Mint Hill Road prior to issuing the Certificate of Occupancy for the building; (10) Submit lighting plan that meets Section 7.0 *Lighting Standards*; (11) Submit landscape plan that meets requirements of Section 8.0 *Landscaping* and indicates the type/variety of screening, height at time of planting and tree diameters. Staff recommends that additional landscaping be provided within and around the parking area, along the rear elevation, dumpster and freezer units. All parking spaces must be located no less than 60 ft. from the base of a canopy tree; (12) Method of stormwater and location needs to be indication on site plan; detention will be provided through easement agreement with the Town; (13) Signage to meet Article 12. *Signs*; (14) Loading area to be shown on the site plan; (15) Provide a pedestrian path from Evans Road to sidewalk in front of main entrance; (16) Change street name to Evans Road; (17) Sidewalk easement for sidewalk along Evans Road must be provided by property owner for the portion of the sidewalk on private property; (18) Mint Hill's approval is contingent upon approval from all Federal, State, County and local agencies; (19) The pedestrian path shall be specified on the site plan as pavers and shall be constructed to match the width of the opening on Highway 51; (20) Building must be served by underground power as required by the Ordinance; and, (21) The corner of Evans and Highway 51 must have an architectural structure/landscape to provide a "sense of place," and be approved by Staff.

This permit shall expire: June 24, 2006
(Date)


Clerk


Mayor

Copy to Applicant and Zoning Administrator: 1-18-05
(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.