

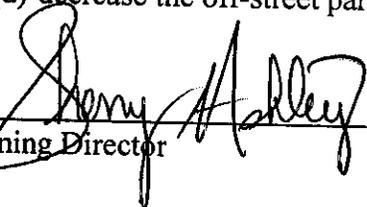
**ORDER GRANTING/DENYING
MINOR CHANGE(S) TO SPECIAL USE PERMITS
TOWN OF MINT HILL, NORTH CAROLINA**

APPLICANT: Mr. Tommy Luncetford
ADDRESS: 6050 Hickory Grove Road
Charlotte, NC 28215

APPLICATION NO. MC05-4
SPECIAL USE PERMIT NO. SP01-3

A request for Minor Changes to the Special Use Permit to allow the addition of a 3 ft. white vinyl fence along both sides of the entrance to the Hickory Grove Athletic Complex located at 5715 Wilgrove-Mint Hill Road, Tax Parcel #137-041-47 was reviewed by the Planning Department in accordance with the provisions of the Section 10.802 of the Zoning Ordinance on March 23, 2005 and has been granted. The minor changes do not:

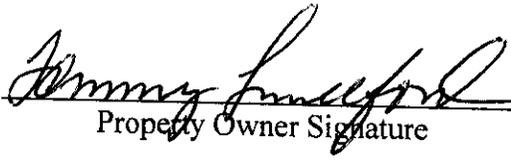
- (a) alter the basic relationship of the proposed development to adjacent property; and
- (b) alter the uses permitted or increase the density or intensity of development; and
- (c) increase the gross floor area of any nonresidential use by the smaller of the percent or 10,000 square feet; and
- (d) decrease the off-street parking ration below the minimum number of spaces required.



Planning Director

Tommy Luncetford

Property Owner (Please Print)



Property Owner Signature

Copy to Applicant and Zoning Administrator 4/7/05
(Date)

**ORDER GRANTING/DENYING
MINOR CHANGE(S) TO SPECIAL USE PERMITS
TOWN OF MINT HILL, NORTH CAROLINA**

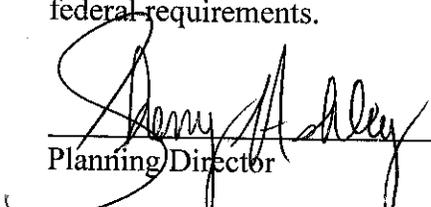
APPLICANT: Tommy Lunceford.
ADDRESS: 6050 Hickory Grove Rd.
Charlotte, NC 28215

APPLICATION NO. MC04-5
SPECIAL USE PERMIT NO. SP01-3

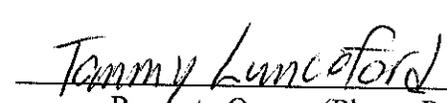
A request for Minor Changes to the Special Use Permit to allow the addition of a 36' x 45' playground to the Hickory Grove Baptist Church Athletic Complex located at 5715 Wilgrove-Mint Hill Rd. was reviewed by the Planning Department in accordance with the provisions of Section 10.802 of the Zoning Ordinance on October 21, 2004, and has been granted because the minor changes do not:

- (a) alter the basic relationship of the proposed development to adjacent property; and
- (b) alter the uses permitted or increase the density or intensity of development; and
- (c) increase the gross floor area of any nonresidential use by the smaller of the percent or 10,000 square feet; and
- (d) decrease the off-street parking ration below the minimum number of spaces required.

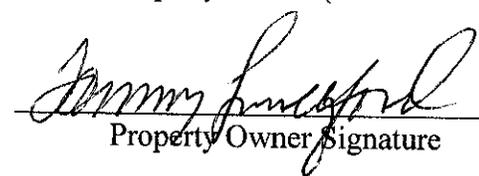
Approval is based on site plan presented and approval from Mecklenburg County regarding stormwater, septic systems and meeting the building code requirements along with any state and federal requirements.



Planning Director



Property Owner (Please Print)



Property Owner Signature

Copy to Applicant and Zoning Administrator 12/17/04
(Date)

**ORDER GRANTING/DENYING
SPECIAL PERMIT
TOWN OF MINT HILL, N. C.**

Applicant: Hickory Grove Baptist Church **Application No:** SP01-03
Address:

A request for a Special Permit, filed by Hickory Grove Baptist Church to Allow Construction of Additional Ballfields and Amend the Site Plan located at 5715 Wilgrove-Mint Hill Road, Tax Parcel #137-041-47, was heard by the Town Board of Commissioners in accordance with the provisions of the Zoning Ordinance on April 26, 2001 (continued from April 12, 2001) has been **granted**. The decision is as follows: (state the reason for **granting/denying** the request and any conditions set forth in the decision):

See attached.

This permit^⓪ shall expire:

(Date)

Beck A. Hancock

Town Clerk

J. H. Dyer

Mayor

Date:

**Copies to: Applicant, Zoning Administrator
& Revaluation Officer**

⓪Special Permits expire one year from date of approval unless a building permit, if required for such use, is obtained.

Memorandum Summarizing Decision to Approve special use permit Application #SP01-3,
Filed by Hickory Grove Baptist Church to Allow Construction of Additional
Ballfields and to Amend the Site Plan for Certain Property Located at 5715 Wilgrove-
Mint Hill Road, Tax Parcel #137-041-47

Hickory Grove Baptist Church requested a special use permit to allow the construction of additional ballfields and to amend the site plan for certain property located at 5715 Wilgrove-Mint Hill Road, Mecklenburg County Tax Parcel #137-041-47. The Mint Hill Board of Commissioners held a public hearing on April 12, 2001, which was continued until April 26, 2001. After closing the public hearing on April 26, 2001, the Board of Commissioners approved the special use permit with certain conditions as stated below. This memorandum summarizes the Board's decision.

I. Background Information

Hickory Grove Baptist Church owns certain property located at 5715 Wilgrove-Mint Hill Road. The property is developed with athletic fields and related facilities as generally shown on that certain site plan entitled Hickory Grove Baptist Church Athletic Complex, labeled "New Site Plan Presented April 26, 2001."

Hickory Grove Baptist Church's development on the subject property is considered to be a park and playground under the Mint Hill Ordinance.¹

The subject property is in the R zoning district. In 1987, Mint Hill's Zoning Ordinance allowed parks and playgrounds by right in the R (Residential) zoning district. Hickory Grove Baptist Church initially developed the subject property under these zoning rules after duly obtaining a variance from the Mint Hill Zoning Board of Adjustment. The Mint Hill Zoning Ordinance was amended on March 10, 1994 to require a special use permit for parks and playgrounds.

Hickory Grove Baptist Church recently constructed two new fields without obtaining the required special use permit. Hickory Grove Baptist Church is now requesting the required special use permit. The New Site Plan shows the layout of the existing fields and the additional fields being requested.

II. Summary of Decision

Section 10.916, Nonresidential Uses in the R district, is the section of the Mint Hill Zoning Ordinance that requires Hickory Grove Baptist Church to obtain a special use permit. The purpose of Section 10.916 is to ensure that new construction and expansion of allowed nonresidential uses in residential areas are in harmony with the spirit and intent of the residential district. In addition to other requirements, Section 10.916 requires the Board of Commissioners to evaluate a site plan. The Board

¹ Based on letters from Robert Brandon, the Zoning Administrator for Mecklenburg County, the question was raised of whether Hickory Grove Baptist Church's development is classified as a "community recreation center" rather than a "park and playground." Because the development has historically been classified as a park and playground and does not appear to meet to ordinance definition of a "community recreation center," the Board of Commissioners determined that "park and playground" is the correct classification under the Mint Hill Zoning Ordinance.

of Commissioners may deny the site plan if the Board of Commissioners finds the site plan does not contain adequate measures to protect the surrounding residential area from possible adverse effects expected from the proposed nonresidential development. The only disputed issue before the Board of Commissioners was whether the New Site Plan did or did not contain adequate measures to protect the surrounding residential area from possible adverse effects expected from the proposed nonresidential development.

The Board, after hearing conflicting evidence on this disputed issue, determined that the provisions of Section 10.916 , and all other relevant ordinance provisions, are satisfied if certain conditions are met. Accordingly, the New Site Plan is approved, and the special use permit is granted, in accordance with the New Site Plan (meaning that the property must be developed and used in accordance with the New Site Plan) subject to the following additional conditions, all of which were agreed to by the Hickory Grove Baptist Church:

- All corrections and conditions volunteered by Hickory Grove Baptist Church referenced in their letter dated April 25, 2001 (copy attached) along with their proposed timetable for completion of certain items (copy attached) except: (1) the sixth item in the April 25, 2001 letter (concerning the septic system) is deleted because such matters are addressed in more detail as stated below; (2) the eleventh item concerning construction of berms is deleted because these were not part of the original plan in 1987 the fencing and screening proposed to be installed is sufficient;
- The septic alarm must be re-located more centrally in the park so that the alarm will not be as disturbing to the adjoining property owners and a dialer shall be installed on the alarm to notify a representative of Hickory Grove Baptist Church if the alarm sounds;
- The plans must show the future right-of-way for Wilgrove-Mint Hill Road;
- The parking area needs to represent the actual parking on the site and show clearly that the required minimum (186 parking spaces) is satisfied; and
- The dugout for the tee-ball field shall be re-located to the other side of the field and a 35 ft. foul ball fence installed as indicated on the New Site Plan.

All of tax parcel number 137-041-47 is now subject to this special use permit. Upon a material breach of any of the conditions and safeguards made a part of this special use permit, in addition to any other remedies available to the Town, the Town Board of Commissioners in its sole discretion may revoke this special use permit. Additionally, in accordance with Section 14.402.2 of the Zoning Ordinance, a violation of the conditions and safeguards made a part of this special use permit shall be deemed a violation of the Zoning Ordinance and punishable in accordance with Article 16 of the Zoning Ordinance. Hickory Grove Baptist Church also agrees to the provisions of this last paragraph.



Tommy Lunceford
Minister of Recreation
(704) 531-4016

April 25, 2001

Dear Neighbor:

Once again, I want to thank you for working with our organization to reach a mutually beneficial agreement. At the Mint Hill Planning Meetings, there were several questions raised and some new agreements that we entered into. I have amended those conditions put forth by the Planning Committee into a written agreement.

I believe these also reflect conditions presented by some residents that were proposed in a separate correspondence. I present these agreements on behalf of our organization's willingness to be responsible neighbors.

Items we are willing to provide:

- ▶ Re-align field lights to focus the intense light on the fields and shield if needed.
- ▶ Construct a barrier around overflow parking to prevent intruding into unauthorized areas with two rail white vinyl as shown on plat.
- ▶ Secure the entrance gate during closed hours,
- ▶ Landscape to prevent headlight interferences at end of parking lot with Wax Myrtle, Ligustrum or approved equal, 5 feet on center, 3 feet high at planting and 6 feet high within two years.
- ▶ Place timers on field lights to automatically turn lights off at 10:30 p.m. and to abide by the city of Mint Hill's noise ordinance on the discontinuance of play, which is presently 10:00 p.m.
- Ⓢ Make necessary improvements to septic system to prevent the alarm from sounding,
 - ▶ Improve plan for cutting grass all over the complex property especially near the borders of the property,
 - ▶ Add shrubbery to property boundary around the two new ballfields, and other areas of the ballfield complex to buffer noise and light disturbance as shown on plat. We will use a mixture of Wax Myrtle, Leyland Cypress, Ligustrum or approved equal 5 feet on center, 3 feet high minimum and 6 feet high within two years.
 - ▶ Add 6 foot sound buffer privacy fencing along property boundary around the two new fields as shown on plat.

Main Campus
6050 Hickory Grove Road
Charlotte, North Carolina 28215
704/531-4000

North Campus
2350 Odell School Road
Harrisburg, North Carolina 28075
704/547-9906

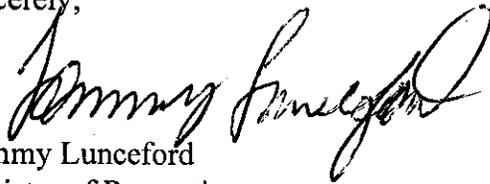
April 25, 2001

Page two

- ▶ NOT proceed with the proposed lighting of the two new ballfields and NOT continue with the proposed fitness trail without going through the special permitting process,
- ▶ Insure that the berms are constructed as proposed on the original drawings that are on file with the city of Mint Hill (Revised 1/22/87),
- ▶ Schedule a police officer for games and church activities at the complex and to schedule a police officer to make random checks of the property on the weekends,
- ▶ Schedule at least one meeting per year where the neighbors can give input and guidance into their concerns at end of this season and beginning of each upcoming season,
- ▶ The above listed proposals will be precisely located on a set of drawings to be presented to the Mint Hill Planning Committee and available for review at your desire. As we desired in our first correspondence, we will try to have the illustrated drawings available by April 30,
- ▶ Make effort to control dust when dragging fields,

Once again, thanks to everyone for helping to keep the dialogue open.

Sincerely,



Tommy Lunceford
Minister of Recreation
704-531-4016

Version Legend

1. Draft March 20th - after meeting on March 14, 2001
2. Letter March 28th - agreement from Planning Board
3. Revised letter April 11th - after meeting on April 10, 2001
4. Revised letter April 23rd - after meeting on April 12, 2001

MINTHILL NEIGHBOR AGREEMENTS

Below you will find a list some of the agreements and a timetable of which we propose to complete each one:

	Begin	Complete
* Align lights	April	June '01
* Overflow parking containment	complete	
* Landscape at new parking	April	May '01
* Timers on lights	April	May '01
* Dialer on septic system <i>and relocation</i>	April	May '01
* Landscape		
* adjacent to new ballfields		
* exterior side of overflow parking	April	June '01
* Privacy Fencing (property line along two new ballfields property)	April	May '01

Our plans are to complete the above projects on the above schedule.