

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

APPLICANT: Charter Development Company, LLC  
ADDRESS: 989 Spaulding Ave., S.W., Grand Rapids, MI 49546

APPLICATION NO. CUP01-6

A request for a Conditional Use Permit to allow construction of a public charter school academy, chartered under the laws of the State of North Carolina heard by the Town Board of Commissioners in accordance with the provisions of the Zoning Ordinance on February 14, 2002, has been **granted**. The decision is as follows:

To approve 9.9 acres of Tax Parcel 195-182-4<sup>2</sup> for a charter school to be located at 6400 Matthews-Mint Hill Road with the following conditions: (1) As part of the rezonings for the 3 tracts (ZC01-12, ZC01-13, ZC01-14), staff recommends a traffic study to be conducted. The traffic study will be reviewed and needed road improvements determined by Mecklenburg County Engineering and NCDOT (NCDOT's decision to send to Raleigh for review if needed); (2) Label centerline of Matthews-Mint Hill Rd. (Hwy 51); (3) Staff recommends a 20' buffer consisting of existing vegetation that is adjacent to existing residential property to remain undisturbed. The site plan currently states a 10' strip of existing vegetation to remain. The gaps also need to be filled in as per Section 4.2 and labeled undisturbed or to remain; (4) If requested by the Town at a future date, the driveway or portion of driveway, should be dedicated to the Town to permit construction of a public road; however, the applicant shall not be required to build such public road; (5) The recreational areas and playground are currently shown within the 50 ft. side and rear yard setback; (6) Recreational areas are not to be lighted at this time. If the fields are to be lighted in the future, the lighting would need to be re-reviewed through the conditional use permit process. Lighting used for parking areas must be shielded not to reflect on adjacent property; (7) The sign must be located on-site and include a bulletin board to have a ground mounted (32 sq. ft.) sign. All signs must be located outside the right-of-way and the site distance triangles of Section 4.7 and permitted through Mecklenburg County before installation; (8) Elevations, including incorporation of some brick on facility (as viewed from the cemetery property), shall be as presented at the February 14, 2002 meeting with the applicant working with Town Staff to approve color of siding; (9) Parking data needs to be submitted to verify if number of parking spaces is adequate. Also, the gaps in landscaping need to be shown as existing vegetation to remain or provide additional landscaping; (10) If during construction the sidewalk needs to be located outside the right-of-way, a sidewalk easement on private property would be needed; (11) The plan needs to accommodate dumpsters for recycling; (12) Approval is contingent upon review and approval of Mecklenburg County Engineering; and, (13) The contractor will be required to install temporary chain link fencing during the construction phase to prevent any activity on the cemetery grounds adjacent to the school property. Further, in approval of CUP01-6, the following waivers requested by the applicant are granted by the Board: (1) The recreational fields/playground area may be located within the 50 ft. setback [this waiver granted due to the fact that the adjoining property lies within the Town's downtown area where current studies are suggesting that consideration be given to reducing the Town's setback requirements for such areas]; (2) The lot coverage (building and impervious areas) may be allowed to exceed 30% as shown on the site plan presented February 14, 2002 due to the fact that the extensive driveway into the property consumes a portion of that impervious area; and, (3) The loading space as required by the Ordinance be waived due to the fact that the school does not operate an on-site cafeteria and does not expect to have tractor-trailer deliveries.

This permit shall expire: February 14, 2004

Beth Q. Hamrick  
Clerk

Ed H. Byrnes  
Mayor

Copy to Applicant and Zoning Administrator: 4/25/02  
(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.*