



Special Use Permit Granted

On Monday April 6, 2015 the Huntersville Town Board held a public meeting to consider the below noted Special Use Permit:

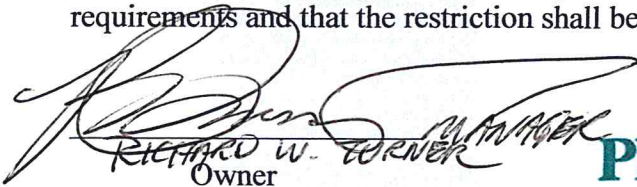
Petition SUP15-01, a request by Kalmia, LLC for a special use permit to operate a temporary school use in the Corporate Business (CB) zoning district. The proposed school and permit would be located at 12340 Mount Holly Huntersville Road (parcel number 01720205) for the Phoenix Montessori Academy.

Having heard all the evidence and argument presented at the meeting, the Board finds the application is complete, that the application complies with all of the applicable requirements of the Huntersville Zoning Ordinance for the operation proposed, and therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance, the attached Findings of Fact, and the following conditions:

1. The applicant shall complete the development strictly in accordance with the site plan and notes attached which were submitted to and approved by this Board, a copy of which is filed in the Town of Huntersville Planning Department.
2. That if the applicant chooses to develop the grass field into a permanent parking facility, they may do so per Huntersville Zoning Ordinance requirements and process without having to amend the approved special use permit.
3. The applicant has until April 6, 2016 to occupy the building or this permit becomes null and void.
4. This permit is good for a period of three (3) years from the date of building occupancy.
5. If any of the conditions or findings of fact affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, the Town of Huntersville has cause this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

KALMIA LLC, owner(s) of the above identified property, do hereby acknowledge receipt of this Special Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to the permit except in accordance with all of its conditions and requirements and that the restriction shall be binding on them and their successors in interest.


Richard W. Turner
Owner

Planning

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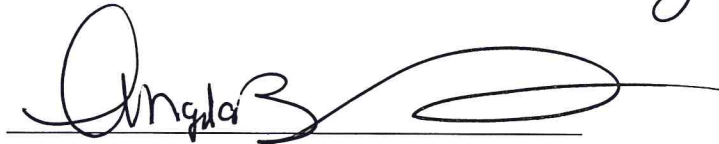
STATE OF VIRGINIA
COUNTY OF Tazewell

I, Angela Greene, a Notary Public of the County and State aforesaid, certify that Richard W Turner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this 29th day of May 2015.

(SEAL)

Notary Public



My commission expires: June 30, 2018



APPROVED FINDINGS OF FACT

Article 3.2.9

Schools are allowed in the Corporate Business District (CB) with the issuance of a special use permit and subject to the conditions outlined in Article 9.35.

STAFF FINDINGS: The property owners of 12340 Mount-Holly Huntersville Road (tax parcel #01720205), Kalmia, LLC, have applied for a special use permit to operate a school at that location. The property is zoned Corporate Business (CB)

Article 9.35.11 (A)

Schools shall only be allowed in existing buildings and existing lots no greater than 50,000 sqft. Additions to buildings intended for school use will be limited to 10% of the existing floor area of the building.

STAFF FINDINGS: The building in question (12340 Mount-Holly Huntersville Road) is 10,101 sqft in size and conforms to the mentioned size restraint. The special use permit plan that was submitted and is attached to the application shows no plan for building expansion. Only the existing building will be used.

Article 9.35.11 (B)

Schools shall be limited to a temporary use. The length of time allowed for the school to operate will be determined by the Town Board during the special use permit process; not to exceed three (3) years from the occupancy of the temporary building. If the school does not occupy the building within one (1) year of the special use permit approval, the permit will become null and void. A school may apply for another special use permit allowing an additional two (2) years in the CB district with the approval of the Town Board. At no time shall an individual school be located in the CB district at the same location for more than a total of five (5) years.

STAFF FINDINGS: The plan attached to the application notes that the school is requesting approval for a school use for a period of 3 years, with the opportunity for a two year extension at a later time. The ordinance would allow the applicant, after their 3 year period, to apply for an optional extension with the Town Board approval.

Article 9.35.11 (C)

The maximum number of students shall be 300.

STAFF FINDINGS: The special use permit states that the number of students will be limited to 97 in compliance with the ordinance restriction.

Article 9.35.11 (D)

In a CB zoning district, the school site shall be designed, located, and accessed such that primary passenger vehicles routes avoid those that will be heavily used by truck/industrial traffic.

STAFF FINDING: The school is located and would be accessed from Mount Holly Huntersville Road which is a major thoroughfare and a Major Arterial (Class III) as defined by the Town of Huntersville Zoning Ordinance. The property is not located interior to an office/industrial park where large concentrations of truck/industrial traffic would be.

Staff reviewed the school's Traffic Impact Assessment (TIA) Determination of Need Form (see attached). Due to the limited number of students and the suggested triple staggered drop off and pick up times, it was determined that the threshold for needing a TIA would not be reached as proposed