



## Village of Marvin

**DATE:** July 8<sup>th</sup>, 2025  
**TO:** Village Council  
**FROM:** Hunter Nestor, Planner and Zoning Director  
**SUBJECT:** Public Hearing for CZ-2025-1 (ROMS Investment LLC)

### Requested Action

Staff request the Village Council open the Public Hearing on July 8th at 6PM at Village Hall for Discussion and Consideration of a Development Agreement and Conditional Zoning Map Amendment (CZ-2025-1) to rezone the 3.022 acres located at 10018 Marvin School Road, Marvin, NC 28173 (Parcel Number 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO), submitted by ROMS Investment LLC

### Background

The Applicant (ROMS Investment LLC) is seeking a Conditional Zoning Map Amendment to rezone the 2.94-acre property located at 10018 Marvin School Road, Marvin, NC 28173 from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO). The subject property is further identified by parcel numbers 06-225012. The rezoning request is to develop the site as a commercial mixed-use development to include light commercial uses such as retail, restaurant, and professional office uses permitted in the MHD outlined in Table 8.1. of the Marvin Development Ordinance.





## Village of Marvin

### Analysis

	Existing Land Use	Zoning Designations
Subject Property	Residential	Rural-Residential
North	Residential/Common Open Space (Preserve at Marvin)	SFR-2
South	Civic (Village Hall)	Civic
East	Residential (Gates at Ansley)	Union County R-40
West	Residential/Common Open Space (Preserve at Marvin)	SFR-2

**General:** The rezoning application is to rezone the subject property from Rural-Residential to the Marvin Heritage Conditional Zoning District Commercial Only (MHD-CO) for permitted uses such as general commercial and retail, restaurant, and office uses per Article 8 of the Marvin Development Ordinance. The purpose of the rezoning request is to develop the property in accord with the vision created by the Village of Marvin community through its approved Heritage District Small Area Plan.

The site currently consists of approximately 2.94 acres, with an existing single-family home and detached accessory structure. The applicant is proposing to demolish the existing structures on the property and construct 4 new commercial buildings totaling 30,000 square feet for retail and office uses. The proposed development will be phased, with Building 1 and 2 being constructed during Phase I and building 3 and 4 being built during Phase II with completion not anticipated to exceed 7 years.

**Permitted Uses:** The intended uses include specialty commercial and retail space offering goods and services such as ice cream, coffee, specialty foods and wines, gifts, clothing boutique, art gallery, etc. on the first floor, with office type uses on the second floor.

Except as otherwise set forth as part of this conditional rezoning, the property may be devoted to all listed uses, special uses, and uses listed with additional standards in the Heritage District Overlay column of Table 8.1 of the MDO, a copy of which is attached into the agenda packets and incorporated herein by reference. All special uses allowed in the HD-CO District shall require a Special Use Permit. Proposed uses within the proposed development are subject to change based on market demand, but once rezoned, uses are limited to those allowed in HD-CO zoning.

**Architectural Uniformity and Consistency with the Master Plan:** In addition to the requirements set forth in the Article 8.5-6 of MDO, the proposed development shall be substantially consistent with the design themes, architectural themes, architectural elements, building materials, and color palettes shown on the architectural renderings submitted and approved as part of the conditional rezoning (the “elevations”) and attached in the agenda



## Village of Marvin

packets. Said elevations are conceptual in nature and minor modifications may occur during design, engineering and construction of the buildings provided, however that the overall design intent is maintained.

**Tree Preservation:** There are approximately 26 trees on the existing site. The Tree Preservation and Mitigation Plan is required to be included with the preliminary plat and construction documents phase. During the rezoning process, the Applicant has prepared a tree survey of all trees over 12 inches in diameter and would be required to mitigate for any trees lost during development. The Village prefers for developers to save trees when they can. If trees cannot be saved, developers must replant at a 1:1 rate or pay a fee-in-lieu of replanting if replanting is not possible.

The site plan includes a tree conservation area to preserve existing trees along the perimeter. Additional trees will be required to be planted along the perimeter per the buffer requirements.

**Buffers:** The applicant is proposing a 20' vegetative buffer along the rear and side property lines. This complies with the Type C Buffer Yard per article 11 of the MDO. The Type C Buffer requires a minimum of 60% opacity. **Staff have recommended the applicant increase the buffer to 25'. Additionally, it was recommended with approval from the Preserve HOA, remove the existing wood fence located on the adjacent property owned by the Preserve HOA and install a new fence on the applicant's property. The applicant agreed to these conditions.** The detailed landscape and buffer plans will be required as part of the construction document phase.

**Open space:** The proposed plan has 9.5 % of tree preservation and buffers. The proposed plan has approximately 20 % of dedicated open space amenities of the proposed development totaling 30 % of open space.

**Greenway and Trials:** Applicant is proposing an (8) foot asphalt sidewalk along the Property's Marvin School Road frontage in the location as generally shown on the Site Plan. The applicant can construct this portion in accordance with the Marvin Loop project (NCDOT Project No. BL-0012) approved plans or, upon the election of the Developer, make a payment to the Village (in an amount equal to the direct linear foot cost of the asphalt material for the proposed 8 foot asphalt sidewalk) in lieu of such construction, and the Village shall construct the sidewalk in accordance with the Marvin Loop project (NCDOT Project No. BL-0012). Any portion of the Loop that is not within the existing or dedicated Right-of-Way will need to be secured with a dedicated easement.

**Parking:** The proposed development has a total of 98 parking spaces, including 4 ADA Accessible Parking Spots and 3 PEV parking spaces. This is approximately 3.5 SPACES / 1,000 SF.



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## Village of Marvin

**Vehicle Access and Transportation:** Access to the site will be from Marvin School Road in the manner generally depicted on the master site plan. The applicant is proposing cross-access connections with the Village Hall site for internal vehicular connection. The placement and configuration of the vehicular access point(s) are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by NCDOT and the Village in accordance with applicable published standards.

**Water and Sewer:** This development will utilize Union County Water and Sewer. Water is accessible at the front of the property along Marvin School Road. There is an existing sanitary sewer easement from the Preserve neighborhood that extends to the subject property. The applicant would have to extend the sewer to the property line within the existing easement. The full details of the utility plan will be submitted during the construction document phase if the rezoning is approved.

**Stormwater:** The site plan also includes an underground stormwater retention system. Per Article 19 of the MDO, all developments disturbing an acre or more of land and having net increased impervious built-upon area exceeding 24% of the total area of the development site minus all built-upon area that was developed before the adoption of the MDO, shall provide stormwater detention to control the peak runoff from the two-, ten-, 25-, 50- and 100-year, 24-hour storm events to pre-development levels. This will be reviewed for compliance apart of the Site Development and Construction Plan phase.

**Lighting:** The applicant shall submit a lighting plan consistent with ordinance requirements. The applicant shall provide a photometric plan.

**Other agency notes** (not fully required at this stage):

- NCDOT: DOT has done a preliminary review of the site plan and anticipated trip counts generated from the Site and provided the applicant with the improvements that would be needed as part of the drive permit approval. The applicant has incorporated that into their new Site Plan.

**Neighborhood Meeting:** The Applicant held their Neighborhood Meeting for the rezoning submission on Tuesday February 18, 2025, at 6:00 pm at Marvin Village Hall. The Neighborhood Meetings minutes and sign-in sheets are attached in the Planning Board Packets.



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## Village of Marvin

### **Development Agreement**

The applicant has submitted a development agreement in compliance with the Conditional Zoning Application Procedure and Requirements in Article 5.4 and 7.15 of the MDO. The development agreement shall be drafted in a format as directed by the Planning and Zoning Director. The development agreement is still being reviewed by the Village Attorney and will be presented to the Planning Board during the June Meeting. The development agreement and the Planning Board recommendation shall be published for public inspection and notification shall be made in accordance with the provisions of G.S. 160D-601. This agreement will be considered concurrently with the rezoning.

### **Consistency with Land Use Plan and Other Adopted Plans**

State Statute requires that all zoning regulations shall be made in accordance with an adopted comprehensive plan. When adopting or rejecting any zoning amendment, the Council shall approve a statement describing whether its action is consistent or inconsistent with our 2020 Land Use Plan or any other officially adopted plan that is applicable, and briefly explain why the Council considers the action taken to be reasonable and in the public interest. A Planning Board/Village Council can adopt a rezoning that is inconsistent, as long as it's acknowledged in writing and there is rationale for the decision.

The Village of Marvin Land Use Plan and the Marvin Heritage District Small Area Plan designates this area as the Marvin Heritage District. It designated the subject property as Commercial Only within the Marvin Heritage District. The scale of the development is consistent with these adopted plans. Furthermore, this development is consistent with the goals and purpose of the plan by providing conservation land or fee-in-lieu for future greenway connections, maintaining rural aesthetics, transportation improvements, and economic development to the area.

### **Conclusion and Next Steps**

Once the public hearing has been held, the Village Council shall take action on the rezoning petition. The Village Council shall have the authority to: Approve the application, deny approval of the application, and approve the application with modifications that are agreed to by the applicant; or send the application to the Planning Board for further study. The Village Council may hold additional public hearings on an application at any time before it takes a final vote to approve or deny that application.



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## Village of Marvin

**If the rezoning sketch plan is approved by the Village Council the applicant can move forward with the following required steps:**

- a) ***Preliminary site & civil design plans:*** The approval of a rezoning site plan confers approval upon land uses, preliminary site plans, setbacks, buffers, general arrangement of improvements upon the lot, deviation list, and development standards governing development upon the Property and shall be considered equal to the approval of a site specific vesting development plan for purposes of plan approval, described in the Subdivision Article, pursuant to Article 16.1-4 of the MDO. Within one year of the approval, preliminary site and civil design plans (i.e. construction documents) shall be prepared to meet the requirements of Article 7.7-1(G) and in accord with the Development schedule set forth herein.
- b) ***Site Development and Construction Plan Approval:*** The site development and construction plan review process is required before land disturbance activity begins. This review process is established to ensure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the Village as a whole.
- c) ***Building Codes and Laws Other Than Land Use Regulations:*** The Development shall comply with any other local, state or federal codes and regulations subsequently adopted by the Village or other governmental entity.
- d) ***Local Development Permits and Other Permits Needed:*** The applicant will have to obtain any applicable permit approval from the Village and any applicable other local, state or federal permitting before land development will occur.



## Village of Marvin

### Proposed Land Use Consistency and Reasonableness Recommendation

Staff have currently drafted the following Land Use Consistency and Reasonableness statement for consideration and recommendation from the Planning Board and of adoption by the Village Council.

*The Village Council finds that the proposed rezoning of the property located at 10018 Marvin School Road, Marvin, NC 28173 (further identified by parcel numbers 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO) is consistent with the goals and recommendations of the Village of Marvin 2020 Land Use Plan and the Marvin Heritage District Small Area Plan.*

*The Village of Marvin 2020 Land Use Plan designates this area as the Marvin Heritage District and the Marvin Heritage District Small Area Plan further designates the subject property as the Marvin Heritage District – Commercial Only.*

*The scale of the development is consistent with these adopted plans. Furthermore, this development is consistent with the goals and purpose of the plan by the following:*

- 1. Cultivating a sense of community and creating a gathering place within the Heritage District (B.1 and D.1)*
- 2. Maintaining rural character and heritage (B.2, C.1, D.2 and E.2)*
- 3. Providing development adjacent to existing neighborhoods that is compatible in terms of intensity, scale, and architecture (C.2, D.6 and E.4)*
- 4. Providing conservation land or fee-in-lieu for future greenway connections and additional pedestrian-oriented amenities (C.3, D.4 and E.3)*
- 5. Creating a walkable, compact core of neighborhood-friendly commercial, retail and public uses and spaces (D.3)*
- 6. Proposing and further incorporation of appropriate traffic calming strategies (D.8)*
- 7. Providing shared parking solutions/options and future vehicular connectivity within the district (D.9)*

*The proposed rezoning of 10018 Marvin School Road, (further identified by parcel numbers 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO) is reasonable and is in the public interest because it promotes the goals and recommendations of the adopted 2020 Land Use Plan, Marvin Heritage District Small Area Plan, and any other officially adopted plans.*



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## Village of Marvin

<b>Staff Recommendation</b>
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Staff recommends the approval of the Conditional Zoning Application 2025-1 and the development agreement with the following recommended conditions:

- Rezoning Plan Exhibits and Attachments. All exhibits and attachments, as submitted by the applicant, shall be incorporated as part of this rezoning.
- Compliance with all the terms and conditions of the included Development Agreement
- All NCDOT and Village traffic engineering comments and recommendations shall be considered with the Construction Documents
- Consult with NCDOT on potential road improvements along Marvin School Road;
- Require a detailed lighting and landscape plan with construction documents to be reviewed by the Village for compliance with Chapter 152: Outdoor Lighting of the Village Ordinances.;
- Easement for Marvin Loop will be dedicated per the site plan to the Village;
- Consider fee-in-lieu or potential improvements of the Marvin Loop to be installed by developer;
- Require a maintenance plan and agreement for parking, landscaping, buffer, etc.;
- Increase the rear buffer to 25' and installation of new fence along the property line (contingent upon the Preserve HOA allowing the removal of fence on their property)
- Applicant will continue to work with the Village and Preserve HOA on stormwater improvements.



## Village of Marvin

### Planning Board Recommendation

The Planning Board voted 6-1 during their May 20<sup>th</sup>, 2025, to recommend approval of the Conditional Rezoning submission with the following recommended conditions:

- All exhibits and attachments, as submitted by the applicant, shall be incorporated as part of this rezoning;
- Compliance with all the terms and conditions of the included Development Agreement;
- All NCDOT and Village traffic engineering comments and recommendations shall be considered with the Construction Documents;
- Consult with NCDOT on potential road improvements along Marvin School Road;
- Require a detailed lighting and landscape plan with construction documents to be reviewed by the Village for compliance with Chapter 152: Outdoor Lighting of the Village Ordinances;
- Easement for the Marvin Loop will be dedicated per the site plan to the Village;
- Consider fee-in-lieu or potential improvements of the Marvin Loop to be installed by developer;
- Require a maintenance plan and agreement for parking, landscaping, buffer, etc.;
- Increase the rear buffer to 25' and installation of new fence along the property line (contingent upon the Preserve HOA allowing the removal of fence on their property);
- Applicant will continue to work with the Village and Preserve HOA on stormwater improvements.

The Planning Board also recommend the following Land Use Consistency and Reasonableness statement to the Village Council:

*"The Village Council finds that the proposed rezoning of the located at 10018 Marvin School Road, Marvin, NC 28173 (further identified by parcel numbers 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO) is consistent with the goals and recommendations of the Village of Marvin 2020 Land Use Plan and the Marvin Heritage District Small Area Plan.*

*The Village of Marvin 2020 Land Use Plan designates this area as the Marvin Heritage District and the Marvin Heritage District Small Area Plan further designates the subject property as the Marvin Heritage District – Commercial Only.*

*The scale of the development is consistent with these adopted plans. Furthermore, this development is consistent with the goals and purpose of the plan by the following:*

1. *Cultivating a sense of community and creating a gathering place within the Heritage District (B.1 and D.1);*
2. *Maintaining rural character and heritage (B.2, C.1, D.2 and E.2);*
3. *Providing development adjacent to existing neighborhoods that is compatible in terms of intensity, scale, and architecture (C.2, D.6 and E.4);*



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## Village of Marvin

4. *Providing conservation land or fee-in-lieu for future greenway connections and additional pedestrian-oriented amenities (C.3, D.4 and E.3);*
5. *Creating a walkable, compact core of neighborhood-friendly commercial, retail and public uses and spaces (D.3);*
6. *Proposing and further incorporation of appropriate traffic calming strategies (D.8);*
7. *Providing shared parking solutions/options and future vehicular connectivity within the district (D.9).*

*The proposed rezoning of 10018 Marvin School Road, (further identified by parcel numbers 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO) is reasonable and is in the public interest because it promotes the goals and recommendations of the adopted 2020 Land Use Plan, Marvin Heritage District Small Area Plan, and any other officially adopted plans."*

The Planning Board also voted 6-1 during their June 18<sup>th</sup>, 2025, to recommend approval of the proposed Development Agreement for CZ 2025-1 contingent upon Village Attorney review.