



Village of Marvin

DATE: July 8th, 2025

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Director

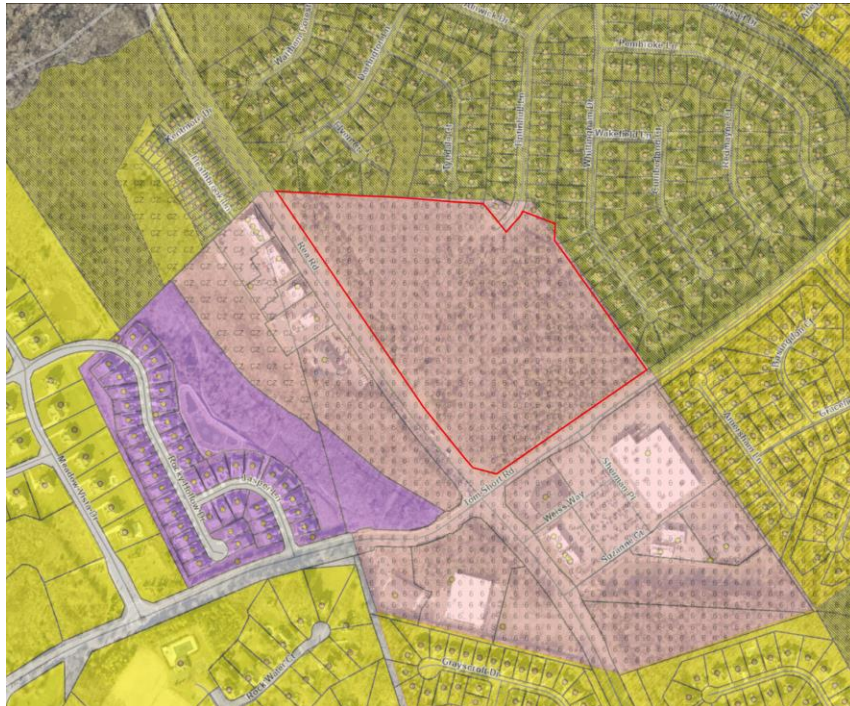
SUBJECT: Public Hearing for CZ-2025-2 (Marvin Commons)

Requested Action

Staff request the Village Council to 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-2025-2) to rezone the 28.11-acre property located at the 9802 Rea Road (Parcel Number:06-198002A) from Union County B-2 (PUD6-B2) to Village of Marvin Mixed-Use 2 CZ (MU-2 CZ), submitted by Jones Homes USA.

Background

The owner (RTS Investor II, LLC) and applicant (Jones Homes USA) is seeking to Annex and a Conditional Zoning Map Amendment to rezone the 28.11-acre property located at the corner of Tom Short Road and Rea Road from Union County B-2 (PUD6-B2) to Village of Marvin Mixed-Use 2 CZ (MU-2 CZ). The subject property is further identified by parcel numbers 06-198002A. The rezoning request is to develop the site as a mixed-use development to include 13 detached single-family homes, 62 attached single family homes (townhomes), and 165,000 SQFT of commercial retail.





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Analysis

	Existing Land Use	Zoning Designations
Subject Property	Vacant	Union County - PUD6-B2
North	Residential (Somerset)	Union County – PUD6-R6
South	Commercial	Union County - PUD6-B2
East	Commercial/Residential (Towns at Audrey Park)	Union County - PUD6-B2 Union County – R6-CZ
West	Commercial/Residential (Hunter Oaks)	Union County - PUD6-B2 Union County - PUD6-R20

General: The rezoning application is to rezone the subject property from Union County B-2 (PUD6-B2) to Village of Marvin Mixed-Use 2 CZ (MU-2 CZ) for permitted uses such as attached and detached single-family residential and general commercial and retail, restaurant, and office uses per Article 8 of the Marvin Development Ordinance. The applicant has revised their submission based on feedback received at the neighborhood meeting, and planning board meetings.

The site currently consists of approximately 28.11 acres, that is currently vacant wooded land. The applicant is proposing to construct 13 detached single-family homes, 62 attached single family homes (townhomes), and 165,000 SQFT of commercial retail. With completion not anticipated to exceed 7 years. The proposed rezoning plans includes three (3) different development areas as follows:

- **Development Area A** proposed to be developed with up to thirteen (13) detached single-family residential dwelling units and accessory uses permitted in the MU-2 zoning district. Including but not limited to recreation features, open space, gazebos and/or similar.
- **Development Area B** proposed to be developed with up to sixty-two (62) attached single-family residential dwellings (townhome) units and accessory uses permitted in the MU-2 zoning district including but not limited to recreation features, open space, gazebos and/or similar.
- **Development Area C** is proposed to be developed with up to 165,000 square feet of commercial uses together with accessory uses as permitted in the MU-2 zoning district. The maximum size of any free-standing building shall be 65,000 square feet; however no more than one (1) 65,000 square foot building shall be allowed.



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Permitted Uses: 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 MU-2 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 MU-2 District require a Special Use Permit. The applicant has agreed to prohibit the following uses:

- Bingo Games
- Bowling Lanes – **As a Principal Use**
- Coin Operated Amusement
- Game Room, Video Game Room, Coin Operated - **As a Principal Use.**
- Day Care Center Home Operation
- Dwelling, Multifamily 8 Units pr Less
- Dwelling, Multifamily (apartments or condominiums)
- Family Care Facility (Family Care Home)
- Group Care Facility
- Hotel or Motel
- Laundromat, Coin Operated
- Nursing Home, Assisted Living
- Service Station (Automobile Repair Services, Minor) – Including Gas Station and Fuel Pumps
- Sign Fabrication
- Storage Self w/interior access to individual units
- Storage, Self with Outdoor Storage of Vehicles
- Theater (indoor)
- Truck And Utility Trailer Rental and Leasing
- Warehouse, Self-storage With Outdoor Storage
- Assembly of components manufactured off-site, Final

Staff is recommending also prohibiting the following:

- Batting Cages, Outdoor
- Billiard Parlors

The applicant is also proposing to restrict the daily hours of operations for any commercial use. The proposed times for commercial uses to operate is between 5 AM and Midnight.



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Architectural Uniformity and Consistency with the Master Plan: Development of the Site, including placement of buildings and other improvements, shall be substantially consistent with the design themes, architectural themes, architectural elements, and building materials, shown on the architectural renderings and pictures submitted and approved as part of the Conditional Rezoning (the “Elevations”) and incorporated in the Rezoning Plans. 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: 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 Type B Buffer Yard per Article 11 of the MDO. This consists of 25’ to 40” wide vegetative buffer along the portions rear and side property lines. The average width of the proposed buffer is 31.97’ which complies with the requirements of the MDO for this buffer type. The Type B Buffer requires a minimum of 60% opacity. The detailed landscape and buffer plans will be required as part of the construction document phase.

Open space: The proposed plan 1.63 Acres of tree preservation and buffers and 1.18 Acres of interior open space. The proposed plan has 10 % of open space which exceeds the required minimum of 7.5 %. This does not include open space amenities and areas within Development Area C (Commercial Portion).

Parking: The proposed development has a total of 472 parking spaces, including 5 PEV parking spaces. This is approximately 3 SPACES / 1,000 SF. Final layout and parking spaces provided will have to comply with the required parking minimums per the MDO.

Access, Pedestrian Improvements And Internal Circulation: Access to the site will be from Tom Short Road and Rea Road in the manner generally depicted on the rezoning plan. 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.

The new internal public streets will be improved with a seven-foot (7') planting strip and a Five-foot (5') sidewalk within a fifty-foot (50') right-of-way. An external five-foot (5') sidewalk shall be provided along both Rea and Tom Short Roads. If the sidewalk cannot be placed within



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NCDOT Right-of-Way, it may be placed on the subject property and within the setback. The applicant will provide a permanent sidewalk easement.

Water and Sewer: This development will utilize Union County Water and Sewer. 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 2 BMPs. 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 as a part 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 permitting approval.
- Union County Public Schools - UCPS is currently utilizing a 20% ratio to anticipate the generated number of students for each subdivision based on the total units. Among other factors, we discuss with our demographer, we are accounting for the current birth rate and housing sale/inventory numbers. If I utilize that principle, I will anticipate 15 students from this subdivision upon completion. However, as you are aware, that makes some pretty broad assumptions based on the current market and birth rate which is/are subject to change.

Neighborhood Meeting: The Applicant held their Neighborhood Meeting for the rezoning submission on Monday March 31st, 2025 at 6:00 pm.



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Development Agreement

The applicant has submitted a draft of the 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 was reviewed by the Village Attorney and was presented to the Planning Board during the June Meeting. The development agreement and the Planning Board recommendation shall be published for public inspection and notifications 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 identifies the subject property within our annexation area. However, the adopted plan does not provide a Future Land Use Designation. 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 proposing development that is designed to serve the local market and the needs of residents; establishing intensities of commercial development compatible with adjacent and surrounding land uses; providing transitioning density of uses between residential and commercial zoning; including pedestrian friendly amenities and gathering places (e.g. sidewalks, greenways, plazas, etc.) where appropriate and feasible; and proposing to improve transportation networks, local streets, infrastructure and commuter conditions

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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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.



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Staff Recommendation

Staff recommend the approval of the Conditional Zoning Application 2025-2 and the development agreement as submitted with the following additional recommended conditions:

- Rezoning Plan Exhibits and Attachments. All exhibits and attachments, as submitted by the applicant, shall be incorporated as part of this rezoning. **Condition Included in Development Standards and Development Agreement.**
- 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. **Condition Included in Development Standards.**
- Applicant shall install a sidewalk along the entire Tom Short and Rea Road frontage. The sidewalk extensions shall be subject to the review and approval of the NCDOT and the Village. **Condition Included in Development Standards and on Rezoning Plan.**
- The maximum size of any free-standing building shall be 65,000 square feet; however no more than one (1) 65,000 square foot building shall be allowed. . **Condition Included in Development Standards**
- Up to four accessory drive throughs may be provided of which no more than two of the permitted drive throughs be accessories to a fast food and/or restaurant establishment. **Condition Included in Development Standards**
- All Prohibited Uses outlined in the Development Standards and additionally prohibiting the following uses:
 - Batting Cages, Outdoor
 - Billiard Parlors
- Require detailed lighting and landscape plans with construction documents to be reviewed by the Village for compliance with Chapter 152: Outdoor Lighting of the Village Ordinances. **Condition Included in Development Standards**
- Require a maintenance plan and agreement for parking, landscaping, buffer, etc.;
- CCR's for both residential and commercial portions shall be reviewed and approved prior to plat approval.
- Truck deliveries shall be permitted between the hours of 6 a.m. and 10 p.m. Waste and trash removal trucks shall only be permitted between the hours of 7 a.m. and 10 p.m. and outlined in the maintenance agreements and CCRs for the development. **Condition Included in Development Standards.**
- Applicant to provide a commercial amenity/open space plan with final site layout. **Condition Included in Development Standards.**
- Applicant to increase the rear setback for the principal structure in Development Area A to 25 feet.



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- Applicant to submit a Master Signage Plan in accordance with Article 17 of the Marvin Development Ordinance
- Applicant agrees to grant an easement to the Village to install a Village of Marvin Gateway Monument Sign on the subject property in accordance with the Village of Marvin Wayfinding Master Plan dated May of 2023. Develop/Owner may elect to install the sign or will endeavor to negotiate with the Village the feasibility and potential cost share of installing the sign.



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Planning Board Recommendation

During the June 17th, 2025 Planning Board Meeting, the Board made the motion to recommend approval of the CZ 2025-2 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.
- Applicant shall install a sidewalk along the entire Tom Short and Rea Road frontage. The sidewalk extensions shall be subject to the review and approval of the NCDOT and the Village.
- The maximum size of any free-standing building shall be 65,000 square feet; however no more than one (1) 65,000 square foot building shall be allowed.
- Additionally, prohibiting the following uses:
 - Batting Cages, Outdoor
 - Bowling Lanes
 - Coin Operated Amusement
 - Game Room, Video Game Room, Coin Operated
 - Hotel or Motel
 - Laundromat, Coin Operated
 - Dwelling, Multi-family 8 Units or Less
 - Dwelling, Multi-family (Apartments or Condominiums)
 - Service Station (Automobile Repair Services, Minor)
 - Storage Self with Interior Access to Individual Units
 - Theater (Indoor)
 - Assembly of Components Manufactured Off-Site, Final
- Require 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.
- Require a maintenance plan and agreement for parking, landscaping, buffer, etc.
- CCR's for both residential and commercial portions shall be reviewed and approved prior to plat approval.
- Truck deliveries shall be permitted between the hours of 6am and 10pm.
- Waste and trash removal trucks shall only be permitted between the hours of 7am and 10pm and outlined in the maintenance agreements and CCRs for the development.
- Applicant to provide a commercial amenity/open space plan with final site layout.
- Applicant to apply a Type B buffer in accordance with Article 11 of the Marvin Development Ordinance.
- Applicant to increase the rear setback for the principal structure in Development Area A to 25 feet,

The Board had split 3-3 vote on this motion to recommend approval of CZ-2025-2.