



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

PLANNING BOARD MEETING MINUTES

Tuesday, May 18, 2021 – 6:30pm
Village Hall, 10004 New Town Road
Regular Meeting (Virtual Meeting)

AGENDA ITEMS

1. Call to Order

Chairman Jones called the meeting to order at 6:34pm.

2. Determine Quorum

Chairman Jones determined a quorum was present.

Present: Chairman Jones

Present Virtually: Vice-Chair Cates, Malinda Daniel, Michael Lavelle, Councilman Marcolese (Council Liaison)

Absent: Parag Patel, Mark Petersen, Kent Renner

Staff Present: Rohit Ammanamanchi, Austin W. Yow, Tom Weitnauer

3. Adoption of the Agenda

Board members briefly discussed the items on the consent agenda but made no changes.

MOTION: Vice-Chair Cates moved to adopt the agenda as presented. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously.

Adoption of the Minutes for: 4/20/21

MOTION: Malinda Daniel moved to adopt the minutes as presented. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously.

5. Public Comment Period

Andrea Marsh, 920 Wandering Way Drive:

She stated she had concerns regarding the sketch plan of the proposed Estates at Marvin Branch subdivision. Her concerns focused on drainage, setbacks, tree coverage, and privacy. She stated she hopes that the developer will not remove the large boulders present on the property to preserve natural elements.

Janet Jannet, 912 Wandering Way Drive:

She stated she was concerned about the builder maintaining tree buffer between Marvin Creek and the Estates at Marvin Branch. She was also concerned about drainage and that development seems to be moving through the process too fast. She requested updated documents with the new square footage listed on proposed lots.

Nikhil Sawant, 916 Wandering Way Drive:

He stated that he was concerned about the builder not maintaining tree buffers, as well as maintaining privacy. He requested that additional trees be planted to thicken the tree line near the front of the neighborhood. Mr. Sawant submitted documents to include in the minutes. *(See attached documents, P.C. 3, which are included as references in these minutes).*

CONSENT AGENDA

(Consent Agenda items may be considered in one motion unless items are removed by a Board Member.)

TIME STAMP 11:25

MOTION: Vice-Chair Cates moved to adopt the consent agenda as presented. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously.

(See attached memos, Consent Agenda Items 1-21, which are included as references in these minutes).

Discussion and Consideration of Text Amendments to Amend and Add Conflict of Interest Provisions to Comply with NCGS §160D

2. Discussion and Consideration of Text Amendments to Update References to Former NCGS §160A to Comply with NCGS §160D
3. Discussion and Consideration of Text Amendments to Amend to Change Conditional Use Permits to Special Use Permits Comply with NCGS §160D
4. Discussion and Consideration of Text Amendments to Amend, Delete, and Add Definitions to Comply with NCGS §160D
5. Discussion and Consideration of Text Amendments to Add Requirement for Appointed Board Members to Take an Oath of Office to Comply with NCGS §160D
6. Discussion and Consideration of Text Amendments to Add Requirement to Maintain Zoning Maps and State or Federal Agency Maps Incorporated by Reference for Public Inspection to Comply with NCGS §160D
7. Discussion and Consideration of Text Amendments to Add Procedure to Issue Notices of Violation (NOVs) to Comply with NCGS §160D
8. Discussion and Consideration of Text Amendments to Amend §151.290 to: Require Inspector Obtains Consent of Premises Owner or an Administrative Search Warrant to Inspect Areas Not Open to the Public to Comply with §160D; and Require the Same Process for Approval when Conducting a Revocation of Development Approval or Other Permits to Comply with NCGS §160D
9. Discussion and Consideration of Text Amendments to Amend and Add Provisions to Legislative Decisions to Comply with NCGS §160D
10. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Certain Legislative Decisions to Comply with NCGS §160D
11. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Quasi-Judicial Procedures to Comply with NCGS §160D
12. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Quasi-Judicial Decisions to Comply with NCGS §160D
13. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Administrative Development Approvals to Comply with NCGS §160D
14. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Administrative Determinations to Comply with NCGS §160D
15. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Appeals of Administrative Decisions to Comply with NCGS §160D
16. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Vested Rights and Permit Choice to Comply with NCGS §160D
17. Discussion and Consideration of Text Amendments to Amend and Add Provisions for Substance of Other Development Ordinances to Comply with NCGS §160D
18. Discussion and Consideration of Text Amendment for Adding Marvin Gardens to the List of Existing Individual Conditional Districts
19. Discussion and Consideration of Text Amendment to correct a typographical error in §150.103 LAND DEVELOPMENT PERMITS.
20. Discussion and Consideration of Text Amendment to correct a typographical error in §151.054 ACCESSORY USES AND STRUCTURES.

21. Discussion and Consideration of Text Amendment to correct the title of §151.152 to read “SUBDIVISION ENTRYWAY SIGNAGE, MONUMENTS AND APPURTENANCES.”

ITEMS OF DISCUSSION

TIME STAMP 11:55

1. Discussion and Consideration of the Estates at Marvin Branch Sketch Plan (See attached documents, Item 1, which are included as references in these minutes).

Rohit Ammanamanchi, Planning & Zoning Administrator, explained that Jones Homes is proposing a 16-home subdivision on 28 acres, which amounts to a density of .56 units per acre. He added that the developer is requesting to reduce the viewshed buffer right of the entrance to the minimum of 85 feet, due to the 200ft DEQ buffer placing a hardship on the developer. He clarified that the Elysian Fields subdivision was previously granted the same request for the same reason.

Mark Kime and Robb Klauk of LandDesign, the site design firm, explained that they do not intend to remove trees in preservation strip. He added that they will provide the greenway easement from Joe Kerr Rd to the edge of the property towards the Six Mile Creek Greenway and the Marvin Creek subdivision. He stated that they will likely install a turn lane on Joe Kerr Rd to address traffic concerns after consulting with NCDOT.

Board members discussed the request to reduce the viewshed buffer to 85 feet, as well as the definition of “hardship.” They asked the developer questions about drainage and existing boulders on the property. The developer emphasized that all drainage, including drainage coming from Marvin Creek, will be directed naturally towards the Marvin Branch and away from Marvin Creek. The developer stated that they plan to incorporate the boulders into the landscaping.

MOTION: Chairman Jones moved to recommend approval of the reduction of the viewshed buffer to 85ft on the east side of the property. Michael Lavelle seconded the motion.

VOTE: The motion passed 3-1. Chairman Jones, Vice-Chair Cates, and Michael Lavelle voted “Yea.” Malinda Daniel voted “No.”

MOTION: Vice-Chair Cates moved to approve the sketch plan with the recommendations to keep the boulders, to not disturb the tree buffer, to increase the density of the trees to match the ordinance, and to plant trees around lots with insufficient screening. Michael Lavelle seconded the motion.

VOTE: The motion passed 3-1. Chairman Jones, Vice-Chair Cates, and Michael Lavelle voted “Yea.” Malinda Daniel voted “No.”

MOTION: Chairman Jones moved to take a five-minute recess. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously.

Chairman Jones reconvened the meeting at 7:32pm.

TIME STAMP 52:25

2. Discussion and Consideration of the 7-Eleven at Marvin Gardens Construction Plan (See attached documents, Item 2, which are included as references in these minutes).

Mr. Ammanamanchi explained that the sketch plan of the Marvin Gardens ICD is administrative. Kathleen Rose of Kimley-Horn explained that the site is located on New Town Road and that the building will face towards the Publix parking lot. She added that the request for additional signage was made because the proposed building’s screening.

Board members asked questions regarding the signage, including the ATM and fuel price signs, as well as the lighting and building materials. The Board discussed this item in depth.

MOTION: Michael Lavelle moved to recommend approval of the construction plan as submitted. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously.

TIME STAMP 1:23:00

3. Perform the Function of the Design Review Board to Discuss and Consider the Wayfinding Signs Proposed by the 7-Eleven at Marvin Gardens (See attached documents, Item 3, which are included as references in these minutes).

Mrs. Rose explained that the incline on the site driveway necessitates additional directional signage to direct visitors where to drive in for fuel. Mr. Ammanamanchi explained that the proposed signage is both smaller in size and shorter than the allowed dimensions.

Board members asked questions regarding the height and lighting of the sign, as well as surrounding landscaping. The Board discussed this item in depth.

MOTION: Vice-Chair Cates moved to approve the wayfinding signs with the revisions of removing the interior lighting and changing it to either a reflective sign or a flat sign with up-lighting; and considering a different type of base or adding landscaping to mask the poles. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously.

Board members briefly discussed electric car charging stations.

TIME STAMP 1:46:35

4. Discussion and Consideration of Text Amendment to Cause the Guidance in the Roadway Median Landscaping Section to Instead be Regulation *(See attached documents, Item 4, which are included as references in these minutes).*

Mr. Ammanamanchi explained that the language in the roadway median landscaping ordinance describes the ordinance as a guide, instead of a regulation. He explained that the text amendment revises the ordinance to describe it as a regulation.

MOTION: Chairman Jones moved to adopt the text amendment as presented. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously.

TIME STAMP 1:50:35

5. Discussion and Consideration of Text Amendment to Add “Small-Scale Retail” to §151.016 DEFINITIONS

Mr. Ammanamanchi explained that since the term “small-scale retail” is used frequently, that a definition should be added to the Village’s ordinances. The Board discussed this item in depth and agreed that the item should be tabled.

MOTION: Vice-Chair Cates moved to table this item. Chairman Jones seconded the motion.

VOTE: The motion passed unanimously.

TIME STAMP 1:57:40

6. Discussion and Consideration of Text Amendment to Clarify Dwelling Allowances in §151.049(A) ONE PRINCIPAL BUILDING and 151.054(F) ACCESSORY USES AND STRUCTURES *(See attached documents, Item 6, which are included as references in these minutes).*

Mr. Ammanamanchi explained that the definitions of these terms are required to be revised due to the adoption of NCGS §160. He added that the purpose of this text amendment is to clarify allowances in terms of dwelling units and dwellings and to match application of the definitions required to be adopted by NCGS §160D. The Board discussed this item in depth.

MOTION: Malinda Daniel moved to adopt the text amendment as presented. Vice-Chair Cates seconded the motion.

VOTE: The motion passed unanimously.

TIME STAMP 2:08:35

7. Discussion and Consideration of Text Amendment to Remove the Large Tract/Small Tract System of Classifying Subdivisions

Mr. Ammanamanchi explained that the consultant the Village hired to complete the Code of Ordinances reorganization is recommending this text amendment. This amendment would alter confusing language regarding the tract system used to classify subdivisions.

MOTION: Chairman Jones moved to table this item. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously.

TIME STAMP 2:12:10

8. Recap of the Previous Marvin Heritage District Strategic Plan Committee Meeting

Mr. Ammanamanchi explained that he presented the first in-progress draft of a form-based code for the Marvin Heritage District. He reflected on the comments and discussions of the Committee members. He asked the Planning Board for their feedback. The Board discussed this item in depth.

AGENDA ITEMS

TIME STAMP 2:41:15

1. Review of Action Items

- Mr. Ammanamanchi will flesh out the two tabled text amendments.
- Mr. Ammanamanchi will present the negotiations made on the Estates subdivision to Council.
- Mr. Ammanamanchi will bring back the revised wayfinding signage for 7-Eleven.

- Mr. Ammanamanchi will send the final draft of the form-based code to the Planning Board once complete.

TIME STAMP 2:43:40

Board Member Comments

Vice-Chair Cates: She thanked staff for their work; she stated she is concerned about so many members missing meetings.

Malinda Daniel: She thanked staff for their hard work.

Michael Lavelle: He thanked everyone for their work and encouraged members to be understanding of members who cannot attend.


Austin W. Yow, Village Clerk & Assistant to the Manager, briefly reminded board members of the Village's Advisory Board Attendance Policy. He then spoke on how the Board will be required to meet physically once the COVID-19 State of Emergency is repealed by Governor Cooper.

ADJOURNMENT

MOTION: Michael Lavelle moved to adjourn the meeting at 9:30pm. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously.

Adopted: 6-15-21



John Jones, Chairman
Village of Marvin

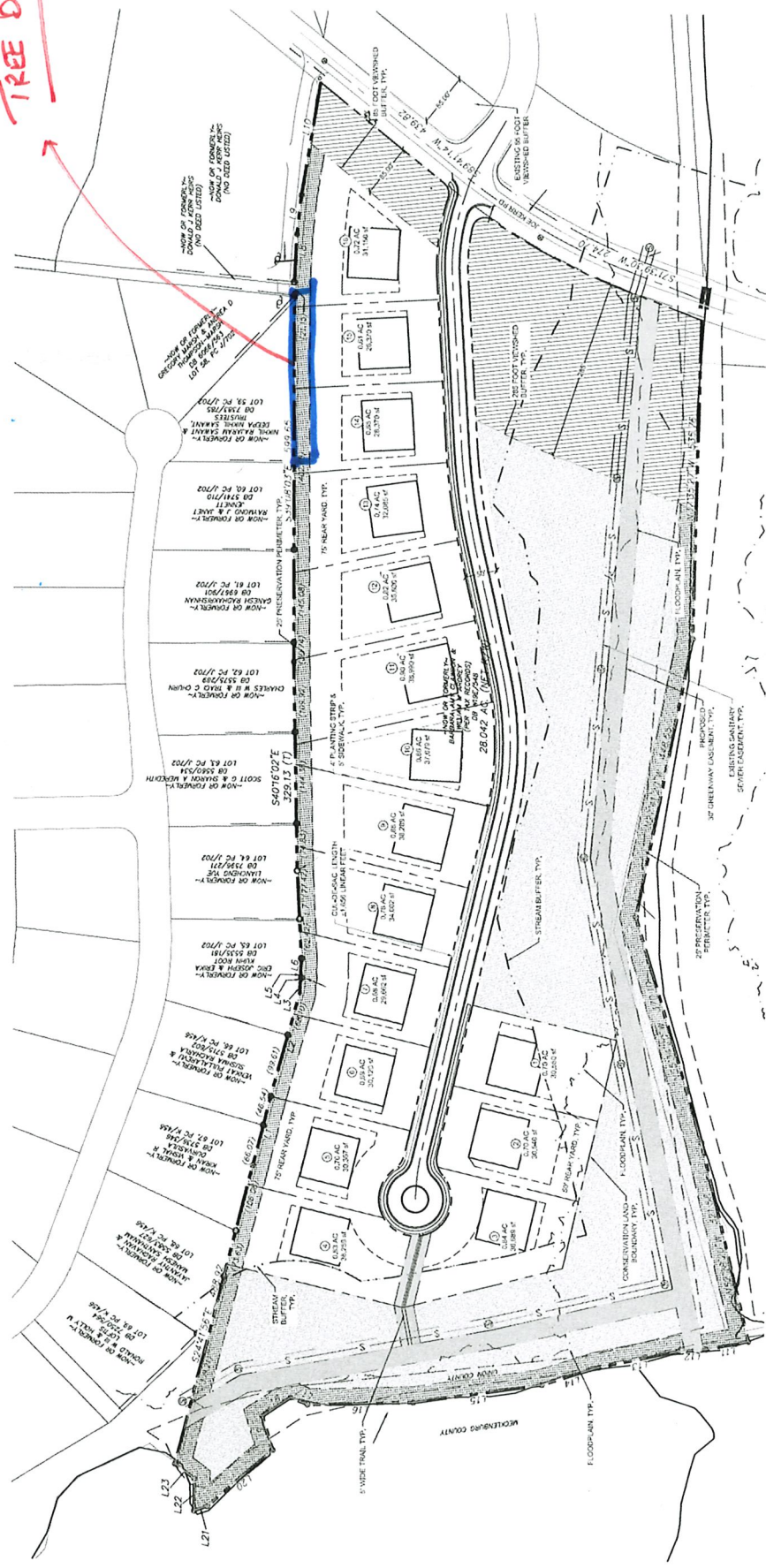


Austin W. Yow
Village Clerk & Assistant to the Manager



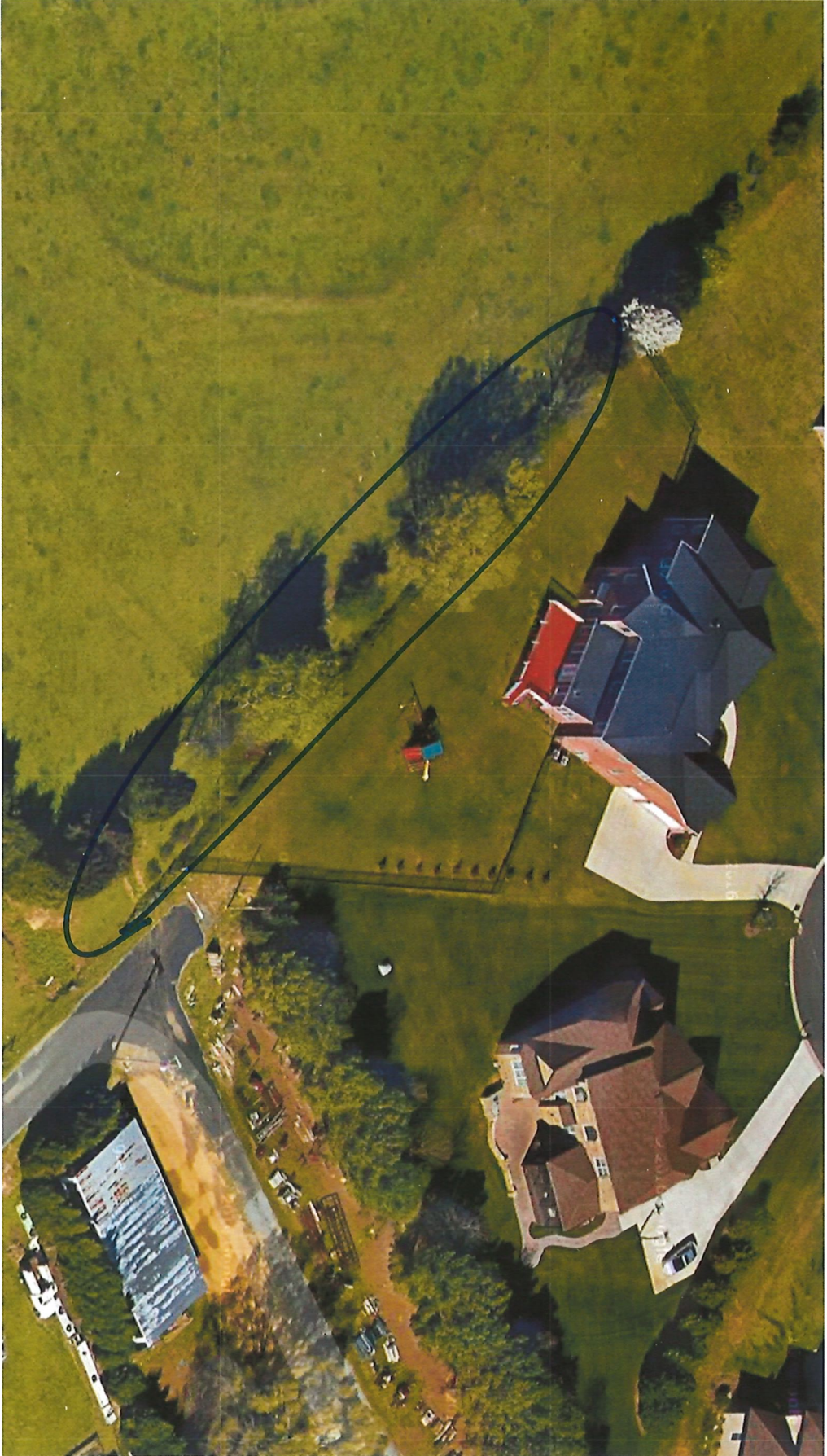
1

2nd Line
TREE Buffer



Other Considerations

- ① Drainage / Slope away from mc
- ② Small Stream alongside property P.C. 3.
- ③ Trees max away from property (Leave AS IS)



3

2



Consent Agenda
Items 1-21



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Conflict of Interest Provisions to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #1. Amend §151.251.D(9)(j)
Item #2. Amend §151.252.D(7)(d)
Item #3. Amend §151.234(B)

Item #4. Add §151.005
Item #5. Add §151.180(C)
Item #6. Add §151.202
Item #7. Add §151.215(D)(7)(o)
Item #8. Add §151.230(D)

Current

[Excerpt from §151.251 Zoning Amendments; Conditional Districts as follows]
§151.251.D(9)(j)

(j) Conflicts of interest. A Village Council member shall not vote on any zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

[Excerpt from §151.252. Zoning Amendments; Text Amendments as follows]
§151.252.D(7)(d)

(d) Conflicts of interest. A Village Council member shall not vote on any zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

[Excerpt from §151.234(B) as follows]

(B) Any member(s) of the Board who declares that a potential conflict of interest may exist with respect to any petition or application before the Board may be excused and replaced by an alternate. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a

member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. In the event fewer than three members remain, no reversal of any prior decision may be made.

Redlines

[Item #1. Amend §151.251.D(9)(j) as follows]

~~(j) Conflicts of interest. A Village Council member shall not vote on any zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.~~

(j) Conflicts of interest. Village Council members, appointed boards, and administrative staff shall comply with conflicts of interest standards in §151.005(A) on all zoning amendments.

[Item #2. Amend §151.252.D(7)(d) as follows]

~~(d) Conflicts of interest. A Village Council member shall not vote on any zoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.~~

(d) Conflicts of interest. Village Council members, appointed boards, and administrative staff shall comply with conflicts of interest standards in §151.005(A) on all zoning amendments.

[Item #3. Amend §151.234(B) as follows]

~~(B) Any member(s) of the Board who declares that a potential conflict of interest may exist with respect to any petition or application before the Board may be excused and replaced by an alternate. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. In the event fewer than three members remain, no reversal of any prior decision may be made. Board of Adjustment members staff shall comply with conflicts of interest standards in §151.005.~~

[Item #4. Add §151.005 CONFLICTS OF INTEREST]

§151.005 CONFLICTS OF INTEREST

(A) Village Council. A Village Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being

considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Village Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Village of Marvin Appointed Boards. Members of appointed boards of the Village of Marvin, including the Planning Board, Board of Adjustment and Design Review Board, shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(C) Administrative Staff. Administrative staff, including the Zoning Administrator, shall not make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Village of Marvin to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Village of Marvin, as determined by the Village.

(D) Quasi-Judicial Decisions. A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(E) Resolution of Objection. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(F) Familial Relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

[Item #5. For the Zoning Administrator, add §151.180(C) CONFLICTS OF INTEREST]
Conflicts of interest. Administrative Staff, including the Zoning Administrator, staff shall comply with conflicts of interest requirements in §151.005.

[Item #6. For the Planning Board, add §151.202 CONFLICTS OF INTEREST]
Conflicts of interest. Planning Board members staff shall comply with conflicts of interest requirements in §151.005.

[Item #7. For the Design Review Board, add §151.215(D)(7)(o) CONFLICTS OF INTEREST]
Conflicts of interest. Design Review Board members staff shall comply with conflicts of interest requirements in §151.005.

[Item #8. For the Board of Adjustment, add §151.230(D) CONFLICTS OF INTEREST]
Conflicts of interest. Board of Adjustment members staff shall comply with conflicts of interest requirements in §151.005.

Reason

§160D-109 requires municipalities to adopt broadened conflict-of-interest standards for governing and advisory boards.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Update References to Former NCGS §160A to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #9. §151.280(A)

Current

[Excerpt from § 151.280]

§ 151.280 STATUTORY AUTHORIZATION; FINDINGS OF FACT.

(A) The Legislature of the State of North Carolina has in G.S. Chapter 143, Article 21, Part 6; and Chapter 160A, Article 8, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety and general welfare.

Redlines

[Item #9. Amend §151.280(A) as follows]

§ 151.280 STATUTORY AUTHORIZATION; FINDINGS OF FACT.

(A) The Legislature of the State of North Carolina has ~~in G.S. Chapter 143, Article 21, Part 6; and Chapter 160A, Article 8,~~ delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety and general welfare.

Reason

§160D require updates to any references to former NCGS Chapter 160A.



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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend to Change Conditional Use Permits to Special Use Permits to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #10. Change 79 references of 'Conditional Use Permit' throughout §151 to 'Special Use Permit.' In addition, change all acronyms of CUP to SUP.

Reason

§160D-102 requires municipalities to change Conditional Use Permits to Special Use Permits.



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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend, Delete, and Add Definitions to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #11. Amend definitions of:

- Building

Remove definitions of:

- Accessory Use Dwelling
- Dwelling, Single Family

Add definitions for:

- Dwelling
- Dwelling Unit
- Sleeping Unit
- Development
- Legislative decision
- Subdivision regulation
- Zoning regulation

Current

Building –A structure, temporary or permanent, having a roof or other covering, supported by constructed columns or exterior walls designed or used for the shelter, housing or enclosure of persons, animals or property. The term BUILDING shall be construed as if followed by the words OR PARTS THEREOF which include but are not limited to: uncovered attached decks and other appurtenances of the structure such as stairs, roofs, chimneys, eaves, heating and air conditioning fixtures, bay windows, balconies and the like. Any structure that is a mere appendage to a building such as a flagpole, trellis, perimeter wall or fence shall not be considered as part of the building.

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family, but not to include mobile homes as defined by this chapter.

Redlines

[Item #11. Amend §151.016 DEFINITION OF THE SPECIFIC TERMS AND WORDS as follows]

Building – Any structure used or intended for supporting or sheltering any use or occupancy. ~~A structure, temporary or permanent, having a roof or other covering, supported by constructed columns or exterior walls designed or used for the shelter, housing or enclosure of persons, animals or property. The term BUILDING shall be construed as if followed by the words OR PARTS THEREOF which include but are not limited to: uncovered attached decks and other appurtenances of the structure such as stairs, roofs, chimneys, eaves, heating and air conditioning fixtures, bay windows, balconies and the like. Any structure that is a mere appendage to a building such as a flagpole, trellis, perimeter wall or fence shall not be considered as part of the building.~~

[Delete the following definition:]

~~Accessory Use Dwelling—A complete housekeeping unit with a kitchen, sleeping area, bathroom facilities and a separate external entrance attached to the primary dwelling.~~

~~DWELLING, SINGLE FAMILY.—A detached building designed for or occupied exclusively by one family, but not to include mobile homes as defined by this chapter.~~

[Add the following definitions:]

Dwelling – A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Sleeping Unit - A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not for both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Development – Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Legislative decision – The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement

Subdivision Regulation – A subdivision regulation authorized by 160D-801.

Zoning Regulation – A subdivision regulation authorized by 160D-702.

Reason

§160D-706 (b) states, “When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a State agency, including the State Building Code Council.” The source for definitions proposed in this text amendment were from the 2018 State Building Code.



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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Add Requirement for Appointed Board Members to Take an Oath of Office to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Amend:
Item #12. Amend §151.201

Add:

- Item #13. Add §151.205(F)
- Item #14. Add 151.230(D)

Current

[Excerpt from §151.201]

§ 151.201 APPOINTMENTS AND TERMS.

The Planning Board shall consist of seven members, all of whom are residents of the village and whom the Village Council has duly appointed for designated staggered terms.

Redlines

[Item #12. Amend §151.201 as follows]

§ 151.201 APPOINTMENTS AND TERMS.

The Planning Board shall consist of seven members, all of whom are residents of the village and whom the Village Council has duly appointed for designated staggered terms. All appointed members shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

[Item #13. Add §151.205(F) as follows]

(F) Design Review Board Oath of Office.

All Design Review Board members shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

[Item #14. Add §151.205(F) as follows]

§ 151.230(D) Oath of Office.

All Board of Adjustment members shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

Reason

§160D-309 requires municipalities to adopt a requirement for board members to take an oath of office before starting his or her duties.



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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Add Requirement to Maintain Zoning Maps and State or Federal Agency Maps Incorporated by Reference for Public Inspection to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #15. Add §151.032

Current

[This is a new section]

Redlines

[Item #15. Add §151.032 as follows]

§151.032 Maintenance of Maps

(A) Zoning Map. – The Village of Marvin’s adopted current and prior Zoning Maps shall be maintained for public inspection in the office of the Village Clerk. The maps may be in paper or a digital format.

(B) Maps Incorporated by Reference. – Flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies referenced in the Village of Marvin Zoning Ordinance are incorporated by reference as part of this Zoning Ordinance. For these maps, a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection in the Office of the Village Clerk.

(C) Map Copies. – Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the Village Clerk in accordance with G.S. 160A-79 or G.S. 153A-50, shall be admissible into evidence and shall have the same force and effect as would the original map.

Reason

§160D-105 requires municipalities to maintain Zoning Maps and State or Federal Agency Maps Incorporated by Reference for Public Inspection.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Add Procedure to Issue Notices of Violation (NOVs) to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #16. Add §150.014(C)(5)

Current

[This is a new subsection]

Redlines

[Item #1. Add 150.014(C)(5) as follows]

(5) Issuing notices of violation in conformance with statutory procedures must be delivered to the permittee and the landowner if different. It may be delivered to an occupant or person undertaking the activity. Delivery can be by hand, email, or first-class mail. It may be posted onsite. An administrator shall certify NOV for the file.

Reason

§160D-404(a) and 160D405 requires municipalities to adopt procedure to issue notices of violations.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend §151.290 to:
Require Inspector Obtains Consent of Premises Owner or an Administrative Search Warrant to Inspect Areas Not Open to the Public to Comply with §160D; and Require the Same Process for Approval when Conducting a Revocation of Development Approval or Other Permits to Comply with NCGS §160D.

DATE: May 13, 2021

Sections

Item #17. Amend §151.290

Current

[Excerpt from §151.290]

Redlines

[Item #17. Amend §151.290 as follows]

§ 151.290 ADMINISTRATIVE PROCEDURES.

(A) Inspections of work in progress. As the work pursuant to a permit progresses, the Zoning Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of these regulations and the terms of the zoning permit. In exercising this power, the Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action, provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

(B) Stop orders. Irrespective of all other administrative procedures contained in these regulations, whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of these regulations, the Administrator may order the work to be immediately stopped. The stop work order shall be in writing and be directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage and the conditions under which the work may be resumed.

(C) Revocation of development approvals or other permits. In addition to initiation of enforcement actions under G.S. 160D-404, development approvals or other permits may be revoked by the Village of Marvin by notifying the holder in writing stating the reason for the revocation. The Village of Marvin shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals or other permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable Village of Marvin regulation or any State law delegated to the Village of Marvin for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval or other permits mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development or other permits approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by the Village of Marvin, the owner may appeal the administrative decision to the Board of Adjustment.

~~Revocation of permits. The Zoning Administrator may revoke and require the return of the zoning permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.~~

(D) Periodic inspections. The Zoning Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises at any reasonable hour for the purposes of inspection or other enforcement action, provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured. .

Reasons

§160D—403(e) requires municipalities to obtain consent of premises owner or an administrative search warrant to inspect areas not open to the public.

§160D—403(f) requires municipalities to use the same process for approval when conducting a revocation of development approval.



VILLAGE OF MARVIN

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Item #18. Reserved – Previously Drafted Item was Deleted



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions to Legislative Decisions to Comply with NCGS §160D

DATE: May 13, 2021

Sections

Item #19. Amend §151.250(D)(4)
Item #20. Amend §151.250(D)(6)(d)
Item #21. Amend §151.250(D)(9)(h)
Item #22. Add §151.250(D)

Current

[Item #19. Excerpt from §151.250(D)(4)as follows]

(4) Planning Board review and recommendation.

[Item #20. Excerpt from §151.250(D)(6)(d)]

(d) At least ten days, but not more than 25 days before the date established for the public hearing, a notice of the proposed zoning change shall be sent by first class mail to the owner(s) of the affected parcel(s) as shown on the county tax listing and all adjacent and abutting property owners as shown on the county tax listing.

[Item #21. Excerpt from§151.250(D)(9)(h)]

(h) Land Use Plan consistency. Prior to adopting or rejecting the zoning map amendment, the Village Council shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and why the Village Council considers the action taken to be reasonable and in the public interest. The adopted statement is not subject to judicial review.

Redlines

[Item #19. Amend §151.250(D)(4) as follows]

(4) Planning Board review and recommendation. According to North Carolina GS 160D-604, all zoning amendments must be referred to the Planning Board for review and comment. The procedures shall be as follows:

[Item #20. Amend §151.250(D)(6)(d) as follows]

(d)The Village must provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the ~~(d) At least ten days, but not more than 25 days before the date established for the public~~ hearing, a notice of the proposed zoning change shall be sent by first class mail to the owner(s) of the affected parcel(s) as shown on the county tax listing and all adjacent and abutting property owners as shown on the county tax listing. For zoning map amendments, the Village must provide notice not only to immediate neighbors but also to properties separated from the subject property by the subject property by street, railroad, or other transportation corridor.

[Item #21. Amend §151.250(D)(9)(h) as follows]

(h) Land Use Plan consistency. Prior to adopting or rejecting the zoning map amendment, the Village Council shall adopt a statement describing whether its action is consistent with the adopted Land Use Plan and why the Village Council considers the action taken to be reasonable and in the public interest. The adopted statement is not subject to judicial review. If the Council approves an amendment that is consistent with the plan, a note shall be made on the future land use map and it shall also be deemed amended. Additional Reasonableness Statement for Rezoning. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Council. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

[Item #22. Add §151.250(D) as follows]

(D) Refer zoning amendments to the Planning Board for review and comment; must not have governing board handle Planning Board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)

Reasons

§160D-602 requires municipalities to adopt procedures to expand notices beyond immediate neighbors.

§160D-602(c) requires municipalities to adopt procedures to post notices with specific duration periods.

§160D-604(c), (e) requires municipalities to adopt procedures to have Planning Boards review zoning map amendments and comment.

§160D-604(d) requires municipalities to adopt procedures to have Planning Boards consider any plan adopted when making a comment on plan consistency.

§160D-605(a) requires municipalities to adopt procedures to adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. Must not on the applicable future land use map is deemed amended when an inconsistent rezoning is approved.

§160D-605(b) requires municipalities to adopt procedures to adopt a statement of reasonableness for zoning map amendments.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Certain Legislative Decisions to Comply with NCGS §160D

DATE: May 13, 2021

Item #23. Amendments to Amend and Add Provisions for Certain Legislative Decisions

Summary of Amendments

Must prohibit third-party down-zonings; may process down-zonings initiated by the local government or landowner (G.S. 160D-601; S.L. 2019-111, Pt. I.)

Must obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)

May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)

Reason

§160D-601; S.L. 2019-111, Pt. I., §160D-703(b); S.L. 2019-111, Pt. I., and §160D-102.requires municipalities to adopt provisions for certain legislative decisions.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Quasi-Judicial Procedures to Comply with NCGS §160D

DATE: May 13, 2021

Item #24. Amendments to Amend and Add Provisions for Certain Quasi-Judicial Procedures

Summary of Amendments

Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)

Must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing must have testimony under oath; must establish written findings of fact and conclusions of law. (G.S. 160D-406.)

Board chair must rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling may be appealed to the full board. (G.S. 160D-406(d).)

Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; may allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)

Reason

§160D-102(28), §160D-406, and §160D-406(d) requires municipalities to adopt provisions for certain quasi-judicial procedures.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Quasi-Judicial Decisions to Comply with NCGS §160D

DATE: May 13, 2021

Item #25. Amendments to Amend and Add Provisions for Certain Quasi-Judicial Decisions

Summary of Amendments

Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.)

Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)

Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)

Reason

§160D-705(c); S.L. 2019-111, Pt. I., §160D-1402(k), §160D-1403.2; S.L. 2019-111, Pt. I., and §160D-405(c) requires municipalities to adopt provisions for certain quasi-judicial decisions.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Administrative Development Approvals to Comply with NCGS §160D

DATE: May 13, 2021

Item #26. Amendments to Amend and Add Provisions for Administrative Development Approvals

Summary of Amendments

Must provide that development approvals run with the land. (G.S. 160D-104.)

Must provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing. (G.S. 160D-403(a).)

Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)

For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)

Reason

§160D-104, §160D-403(a), and §160D-403(f) requires municipalities to adopt provisions for administrative development approvals.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Administrative Determinations to Comply with NCGS §160D

DATE: May 13, 2021

Item #27. Amendments to Amend and Add Provisions for Administrative Determinations

Summary of Amendments

Must provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)

Reason

§160D-403(b)) requires municipalities to adopt provisions for administrative determinations.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Appeals of Administrative Decisions to Comply with NCGS §160D

DATE: May 13, 2021

Item #28. Amendments to Amend and Add Provisions for Appeals for Administrative Decisions

Summary of Amendments

Must allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building code and housing code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)

Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)

Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)

Must pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)

Reason

§160D-405, §160D-405(c), and §160D-406 requires municipalities to adopt provisions for appeals of administrative decisions.



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Vested Rights and Permit Choice to Comply with NCGS §160D

DATE: May 13, 2021

Item #29. Amendments to Amend and Add Provisions for Vested Rights and Permit Choice

Summary of Amendments

Must recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule adjusted by statute or local rule. (G.S. 160D-108(d)(2).)

Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1 G.S. 160D-108(d)(3);-108(f).)

Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(c)(d)(4); -108(f).)

Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)

Reason

§160D-108(d)(2), §160D-108.1, §160D-108(d)(3);-108(f), §160D-108(c)(d)(4); -108(f), §143-755, and §160D-108(b) requires municipalities to adopt provisions for Vested Rights and Permit Choice



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendments to Amend and Add Provisions for Substance of Other Development Ordinances to Comply with NCGS §160D

DATE: May 13, 2021

Item #30. Amendments to Amend and Add Provisions for Substance of Other Development Ordinances

Summary of Amendments

Must conform subdivision performance guarantee requirements with statutory standards. (G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)

Must conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)

Must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided. (G.S. 160D-804; S.L. 2019-174.)

Must exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)

Must not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)

Must follow standardized process for housing code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)

Reason

§160D- 160D-802, established prior to §160D, §160D-804; S.L. 2019-174, §160D-903(c), §160D-910, §160D-1203(6) requires municipalities to adopt provisions for Substance of Other Development Ordinances.

Must conform subdivision performance guarantee requirements with statutory standards. (G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment for Adding Marvin Gardens to the List of Existing Individual Conditional Districts

DATE: May 13, 2021

Section

§151.092

Current

The following Individual Conditional Districts are established:

- (A) ICD - Courtyards at Marvin; and
- (B) ICD - Amber Meadow.

Redlines

The following Individual Conditional Districts are established:

- (A) ICD - Courtyards at Marvin, ~~and~~
- (B) ICD - Amber Meadow; ~~and~~
- (C) ICD - Marvin Gardens.

New Text

The following Individual Conditional Districts are established:

- (A) ICD - Courtyards at Marvin,
- (B) ICD - Amber Meadow; and
- (C) ICD - Marvin Gardens.

Reason

Marvin Gardens was approved as an Individual Conditional District in 2016



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to correct a typographical error in §150.103 LAND DEVELOPMENT PERMITS.

DATE: May 13, 2021

Section

§150.103

Current

(B) On approved copy shall be returned to the applicant. The second copy shall be retained by the Village Administrator.

Redlines

(B) One approved copy shall be returned to the applicant. The second copy shall be retained by the Village Administrator.

New Text

(B) One approved copy shall be returned to the applicant. The second copy shall be retained by the Village Administrator.

Reason

Typographical Error



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to correct a typographical error in §151.054 ACCESSORY USES AND STRUCTURES.

DATE: May 13, 2021

Section

§151.054

Current

(E) Swimming pools. A swimming pool shall be considered an accessory use.

(1) Swimming pools shall be locate in the rear yard and shall have the following setbacks:

Redlines

(E) Swimming pools. A swimming pool shall be considered an accessory use.

(1) Swimming pools shall be located in the rear yard and shall have the following setbacks:

New Text

(E) Swimming pools. A swimming pool shall be considered an accessory use.

(1) Swimming pools shall be located in the rear yard and shall have the following setbacks:

Reason

Typographical Error



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to correct the title of §151.152 to read “SUBDIVISION ENTRYWAY SIGNAGE, MONUMENTS AND APPURTENANCES.”

DATE: May 13, 2021

Section

§151.152

Current

§ 151.152 SIGNS PERMITTED IN CC COMMERCIAL DISTRICT AND MX MIXED-USE DISTRICT.

Redlines

~~§ 151.152 SIGNS PERMITTED IN CC COMMERCIAL DISTRICT AND MX MIXED-USE DISTRICT.~~ SUBDIVISION ENTRYWAY SIGNAGE, MONUMENTS AND APPURTENANCES.

New Text

§ 151.152 SUBDIVISION ENTRYWAY SIGNAGE, MONUMENTS AND APPURTENANCES.

Reason

Title was recorded incorrectly.

Item 1.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Recommendation of Sketch Plan for the Estates at Marvin Branch Subdivision

DATE: May 13, 2021

Background

Jones Homes USA has submitted an application for a major subdivision of 16 homes. The subject property is a 28.48 acre property on Joe Kerr Road, across from Elysian Fields/Helaina Court, and adjacent to Wandering Way Drive in Marvin Creek. It is just ¼-mile east of Marvin Road, and bordered by the Marvin Branch to the west and Six-Mile Creek to the north.





VILLAGE OF MARVIN

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Analysis

	Existing Land Use	Zoning Designations
Subject Property	Vacant, Field	R-Marvin Residential
North	Residential/Wetland (Ardrey Chase)	R-3 Charlotte-Mecklenburg
South	Residential/Unbuilt (Elysian Fields)	R-Marvin Residential
East	Residential (Marvin Creek)	R-Marvin Residential
West	Residential/Farm (Brantley Farm)	R-Marvin Residential

General: The subdivision application is for 16 homes on 28.48 acres, yielding a density of 0.56 units/acre. There is 37% conservation area, and the subdivision is designed per the conservation/large tract standards in §151.081. This allows 20% of the lots to be at least 25,000 s.f. and the remaining lots to be at least 30,000 s.f.

Greenways: A greenway easement will connect the future Six-Mile Creek greenway to the north, the Marvin Creek Sidewalk if desired by their HOA, and the Elysian Fields Green way to the south. There will be a sidewalk in front of all houses.

Tree Preservation: There is near-zero tree disturbance as the property is currently a pasture. A tree perimeter exists on site which will not be disturbed, and less than 10 trees would need to be removed in the middle area if any. Trees will be planted around Lot 16 to seclude it from view and maintain the minimum tree density of the perimeter buffer. With the intended tree planting, mitigation will be more than satisfied

Lot Characteristics: The lot characteristics are as follows:

- 50' front yard setback
- 20' side yard setback
- 75' rear yard buffer
- On the east side, the 25' tree perimeter buffer is incorporated into the properties as permitted in §93.22(C)(3)
- Lot sizes ranging from 26,370 s.f. to 38,990 s.f. with 3/16 lots being between 25,000 – 30,000 s.f. (18%)
- 130' minimum lot width at building front
- 50' minimum road frontage

Drainage: There will be no underground pipes, as the natural property grading lends itself to drainage sheet-flow into the creek and branch. In addition, the development is less than 24% impervious surface, so stormwater detention facilities are not required.

Water and Sewer: This development will utilize Union County Water and Sewer. The sewer will flow into Mecklenburg County, thus avoiding the current sewer capacity issues in Union County.



VILLAGE OF MARVIN

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Viewshed: There is a requested exemption to reduce the viewshed buffer to 85' on the east side of the main cul-de-sac while having a 285' viewshed on the west side. This request is allowable through the subdivision process with a proven hardship per §151.081(E)(1)(a). Elysian Fields was designed in the same way, with an 85' buffer on the east side of the road and a greater-than minimum viewshed on the west side of the road. The developer of Elysian Fields petitioned to the council the hardship that the 200' DEQ buffer reduced the buildability on the west side, and was granted that exemption.

Other agency notes (not required at this step):

NCDOT: May require a right turn lane west bound on Joe Kerr Road

Union County Public Schools: The subdivision would add approximately 16 schoolkids Pre-K -12

NC DEQ: 200' buffer on both North and West borders are satisfied

Public Involvement Meeting: Approximately 9 people attended each of the on-site portion and the Village Hall portion on May 5, 2021. Questions posed included tree preservation, rear buffers on the side adjacent to Marvin Creek, greenway alignments, road curvature, house model information, traffic, and school impact. Most residents were satisfied to the answers to their questions. Some comments caused revisions to the plans, most significantly a revision to the road alignment to allow an increase in rear buffer from 40' to 75' on all lots.

Conclusion and Next Steps: The subdivision plan meets or exceeds all relevant ordinances, however the viewshed exemption must be discussed. Following Planning Board recommendation, the Village Council will deliberate and vote on the sketch plan. If approved, the applicant will be permitted to proceed to the construction plan phase, which will involve the review of the Village Engineer, other pertinent agencies, and the vote of Planning Board and Council once again. Finally, the Final Plat would then be voted on by Planning Board and Council. The approximate timeline for all approvals, barring unforeseen roadblocks is early 2022.

Attachments:

Sketch Plan

Minutes of Jan 15, 2008 Council meeting, approving viewshed exemption for Elysian fields
Public Involvement Meeting Notes

Discussion and Consideration of Preliminary Sketch Plan for Elysian Fields Subdivision

Mr. Edwards reviewed his memo on the Elysian Fields subdivision dated 1/15/08 in depth (*See attached: This document is hereby incorporated by reference and made a part of these minutes*).

Mr. Robert Epp, developer of Elysian Fields Subdivision stated: He purchased this property from a developer who planned to over develop it. He plans to under develop the property, keeping it as open as possible. He has complied with all Village requests. **His only request to the Council is for a reduction in the viewshed buffer requirements to allow him to maintain a stand of trees that he wants to preserve and to allow him to develop the number of lots he needs to in order to make the project financially feasible. He discussed the planned development in depth.**

Mr. Chris Hismon, a biologist hired by the developer, reviewed a report that he prepared. He gave the site evaluations and reviewed the site plan for the development. He stated that there would be no discernable impact on the Heelsplitter Mussel or on the water quality by this development if it is developed as proposed. He is basing his assessment on public documents by various resource agencies and his own professional experience. Specific considerations to keep in mind are: US Fish & Wildlife Services has not designated this area as a critical habitat for the Heelsplitter. This population of the Heelsplitter is imperiled and is not expected to survive for much longer. This area is 1/1000 of the drainage area for this basin. The development complies significantly with the buffer regulations found in wildlife resource commission documents. The 100-year floodplain is preserved throughout the property. Stormwater controls have been approved by the Village Engineer.

Mr. Tom Griffin, an environmental attorney with Parker, Poe, Adams & Bernstein addressed the Council. He stated: There are really no legal requirements on what the Village must do. The Endangered Species Act states that one cannot take (harm) or cause to be taken an endangered species. The Village could be at risk if they permit someone else to take and endangered species through the permit process. The Council should take reasonable steps to protect the Village from this. The only time regulations apply to buffers is if a federal agency or federal monies become involved. The 200' buffer is only a recommendation, it is not a mandate. The Village is not the final arbiter in this process. DWQ issues the phase II post construction permit. They will have the final say if they do not find the proposed buffer acceptable.

Councilman Curtis asked if the Village should hire a biologist. Mr. Griffin stated that it wasn't necessary, but that it wouldn't be a bad use of funds. He added that the Council should take comfort in the fact that the Engineer reviewed the stormwater controls for this site and feels comfortable with the plan.

Mayor Ciaramella stated: The main concern for the Council is stormwater runoff and protection of the Heelsplitter. From his standpoint, the environment as it exists is being improved by this development. Enforcing the 200' buffer doesn't improve the situation. DWQ will make the final determination on the setback.

Mr. Griffin added: There is no required regulation for a 200' setback. This is just a recommendation. DWQ might require more or less of a setback. The Council just needs to be sure that they are comfortable that the environment is being protected.

The Council discussed the viewshed buffer for the development in depth.

Councilwoman Lawton stated: She does not have any problem with what has been submitted. Preserving trees is of great value to the Village. The plan is consistent with what the Council would like to protect.

Councilman Curtis agreed. He added that he sees this as a good trade off for the Village.

Councilman Curtis asked if the proposed detention pond is in the 100 year floodplain. Mr. Edwards explained that the Village Engineer has reviewed the detention pond and determined that it is not in the 100 year floodplain and that the pond is acceptable.

Mr. Epps stated that the detention ponds will not be a square area in the center of the pasture. He added that they will be more irregular shaped and will not be visible from the road.

Mr. Fox stated that the Council should add an amendment to the site plan stating that the detention ponds are irregular shaped, not rectangular.

The Council discussed the sewer system for the development. Mr. Epps explained that the main sewer line runs through the property and he is able to tie into that line. He added that it will be a gravity sewer line.

The Mayor called for a brief recess at 10:15 p.m.

Mayor Ciaramella reconvened the meeting at 10:20 p.m.

Councilwoman Lawton moved to approve the preliminary sketch plan for Elysian Fields Subdivision subject to the appropriate approvals by the Federal, State and County agencies; including the Division of Water Quality and that no improvement shall be made to the property until the preliminary/construction plat. The motion carried with a unanimous vote.

Councilman Dispenziere moved to continue the Council meeting with New Business even though the time has passed 10 p.m. The motion carried with a unanimous vote.

Discussion and Consideration of a Minor Subdivision of Johnny Helms Property on Waxhaw Marvin Road

Ms. Dotson explained: Mr. Helms has requested a minor subdivision of his property, taking the one parcel of land and dividing it into 3 tracts (*See attached: The plat is hereby incorporated by reference and made a part of these minutes*). The subdivision meets the requirements of the ordinances. Mr. Helms is willing to dedicate a greenway on the back of the property. The PG&R Board met and gave a favorable recommendation to accept the greenway easement. The easement will be dedicated on the plat, but she will need to get the greenway agreement signed.

Councilwoman Lawton moved to approve the minor subdivision of the Johnny Helms property located on Waxhaw Marvin Rd. into three parcels as specified with the acceptance of a 30' easement following the creek line at the rear of the property that will be dedicated to the Village of Marvin in accordance with the Village's standard easement agreement. The motion carried with a unanimous vote.

Discussion and Consideration of Removing the Future DOT Easement from Wheatfield Dr. as a Revision to the Marvin Creek Phase 1A Final Plat

Mr. Edwards explained: Toll Brothers would like to revise the final plat for Marvin Creek phase 1A removing the future Wheatfield Dr. right of way. He distributed a memo explaining the request (*See attached: This document is hereby incorporated by reference and made a part of these minutes*).

Mr. Fox explained that the Council might be required to follow the statutes for a street closing for this revision to the final plat. He will research the subject and advise the Council. The Council agreed to table this topic until further review by the Village Attorney.



May 5th, 2021

Rohit Ammanamanchi
Village of Marvin Planning Director
10004 New Town Road
Marvin, NC

RE: The Estates at Marvin Branch Public Information Meetings

Two Public Information Meetings were held on May 5th, 2021 to discuss the Sketch Plan application for the proposed development, The Estates at Marvin Branch. The first meeting was held on-site from 2:00-4:00pm and the second meeting was held in person at the Village of Marvin Town Hall as well as virtually via WebEx.

Below is a summary of questions, comments, and responses that came out of both meetings.

1. Will the existing treeline along Marvin Creek be preserved? Yes, no disturbance to the existing treeline is proposed.
2. Why are there no lots on the western edge of the spine road for the majority of the length. Due to the presence of the 200-foot undisturbed buffer, no building pads for homes can be located within that buffer.
3. What are the school impacts for this subdivision? A subdivision of this type is about 0.95 students per household with an overall estimate of 16 students for this development. All students would fall in Marvin ES, Marvin Ridge MS, and Marvin Ridge HS.
4. Are there any improvements to Joe Kerr Road proposed or will the speed limit be reduced? NCDOT at most will require a right turn lane into the site westbound. The speed limit on Joe Kerr Road is posted as 35 MPH and will not be lowered.
5. What are the price points for the homes? Homes will start more than likely no lower than \$850,000 and up with comparable products found in the Falls of Weddington.
6. Can the site be gated? No, Marvin will not permit a gated neighborhood.
7. Will there be a homeowner's association, dues? Yes, this subdivision will have its own homeowner's association. Dues have not been set at this time as we are just too early in the permitting process for the subdivision to make that determination.

8. Will there be an amenity site for this subdivision? No, the size of the subdivision is too small to support the cost associated with a clubhouse and pool package. The walking trails will provide the only amenity for this project.
9. Can the road alignment be reconfigured in order to move west or angle further west? NCDOT is going to require that the road alignment align with the centerline of Helaina Court. Minimum tangents and radii are proposed in order to maximize lot area east of the road.
10. Will there be a stormwater pond? No, the intent is to provide a low-density stormwater plan that maintains the impervious cover under 24% in order to utilize natural conveyances for water quality and avoid the need for detention.
11. Will any lots be placed on septic? No, all lots will be provided public water and sewer.
12. Will the greenway be constructed by the developer? Yes, the developer has committed to constructing the portion of the greenway on site and stubbing out to adjacent properties in order to make connections to future trail systems.
13. Will there be an entry feature or fountain? Yes, there will be some sort of entry feature, but that is still in the design phase at this time.
14. Will the houses be largely all brick? Yes, the homes are largely brick masonry with accent materials.
15. What is the timetable for full buildout? From the start of construction, full build-out would take about three years as it takes at least four months to build the road and each home takes twelve months to build.
16. What basin would sewer flow into? Union County lines flowing into Mecklenburg County.
17. Who would provide Power and Internet? Union Power for electric. Windstream and Spectrum for Internet.
18. Will there be any homes located in the floodplain? No, homes are not permitted to be located within the floodplain or the 200-foot undisturbed tree buffer.
19. Are any of the homes three stories in height? No, all homes are two stories or less. Some have false dormers.
20. What is next in terms of permitting? The Planning Board will give their recommendation on the Sketch Plan at the May 18th meeting. The Village Council will vote on the project on June 8th.

Sincerely,
Mark E. Kime, PLA
Senior Designer, LandDesign, Inc.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Recommendation of Construction Plan for Marvin Gardens Outparcel 1: 7-Eleven

DATE: May 13, 2021

Background

As part of the Marvin Gardens I-CD, the outparcels shall be developed in strictly defined parameters. In addition to the relevant regulations in the recently amended Development Standards, the conditions of approval in the Ordinance OR-2016-11-01 state a few additional mutually agreed conditions. Both documents are attached to the memo.

As such, 7-Eleven has submitted a proposal to develop on Outparcel 1, where this outparcel is the only allowable location for the Convenience Store/Fuel Sales use. A map showing the parcel is attached.

Planning Staff has determined in the sketch plan phase, after a round of revisions, that the proposal meets all requirements (Specifically, the architecture, landscape, buffer, and signage requirements).

The following sections have yet to be discussed, and may be discussed at this time:

- Wayfinding Signs are allowed in general, but require DRB approval, therefore, they would not be approved at this agenda item.
- The applicant wishes to store propane tanks and ice directly outside the front door, as is customary for this use; however, the district prohibits all outdoor sales except for seasonal sales by the anchor tenant (Publix). A text amendment may be the only route to allow this for the applicant.

Following the recommendation of the Planning Board and the vote by Council, the Construction Plan will be reviewed by the Village Engineer and all applicable outside agencies. So long as those revisions do not affect the zoning regulations in a way that reduces the quality, the construction plan need not be reviewed again by the Planning Board and Council.

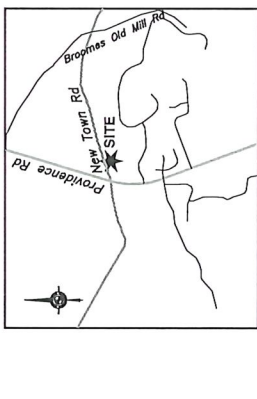
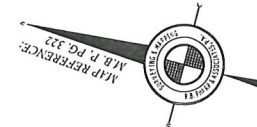
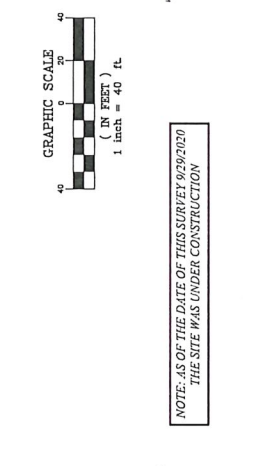
Current

Staff recommends Planning Board review the construction plan and recommend approval as presented or with modifications, if any are discussed, or deliberate at the next meeting if substantial revisions or additional information is required.

- LEGEND:**
- CGG - CURB & GUTTER
 - CB - CATCH BASIN
 - CP - CALCULATED POINT
 - DA - DEED BOOK
 - DI - DROP INLET
 - DR - DUCTILE IRON PIPE
 - ER - EXISTING IRON PIPE
 - EN - EXISTING NAIL
 - EV - END UNKNOW
 - EG - END GROUND
 - GP - GATE POST
 - GH - GUY WIRE
 - HPAC - HEATING VENTILATION AIR COND
 - HT - HORIZONTAL CONTROL PILE
 - JBX - JUNCTION BOX
 - LMP - LAMP POST
 - MR - MALLEON
 - MS - NEW NAIL
 - NGS - NATIONAL GEODETIC SURVEY
 - NR - NEW IRON ROD
 - PA - PARCEL IDENTIFICATION NUMBER
 - PP - POWER METER
 - PP - POWER POLE
 - PP - PAGE
 - PP - PLASTIC PIPE
 - PP - REINFORCED CONCRETE PIPE
 - PP - SAND/STAINLESS STEEL PIPE
 - PP - TOTAL
 - TP - TELEPHONE BOX
 - TP - TELEPHONE
 - WP - WATER BOX
 - WP - WATER METER
 - WP - WATER VALVE

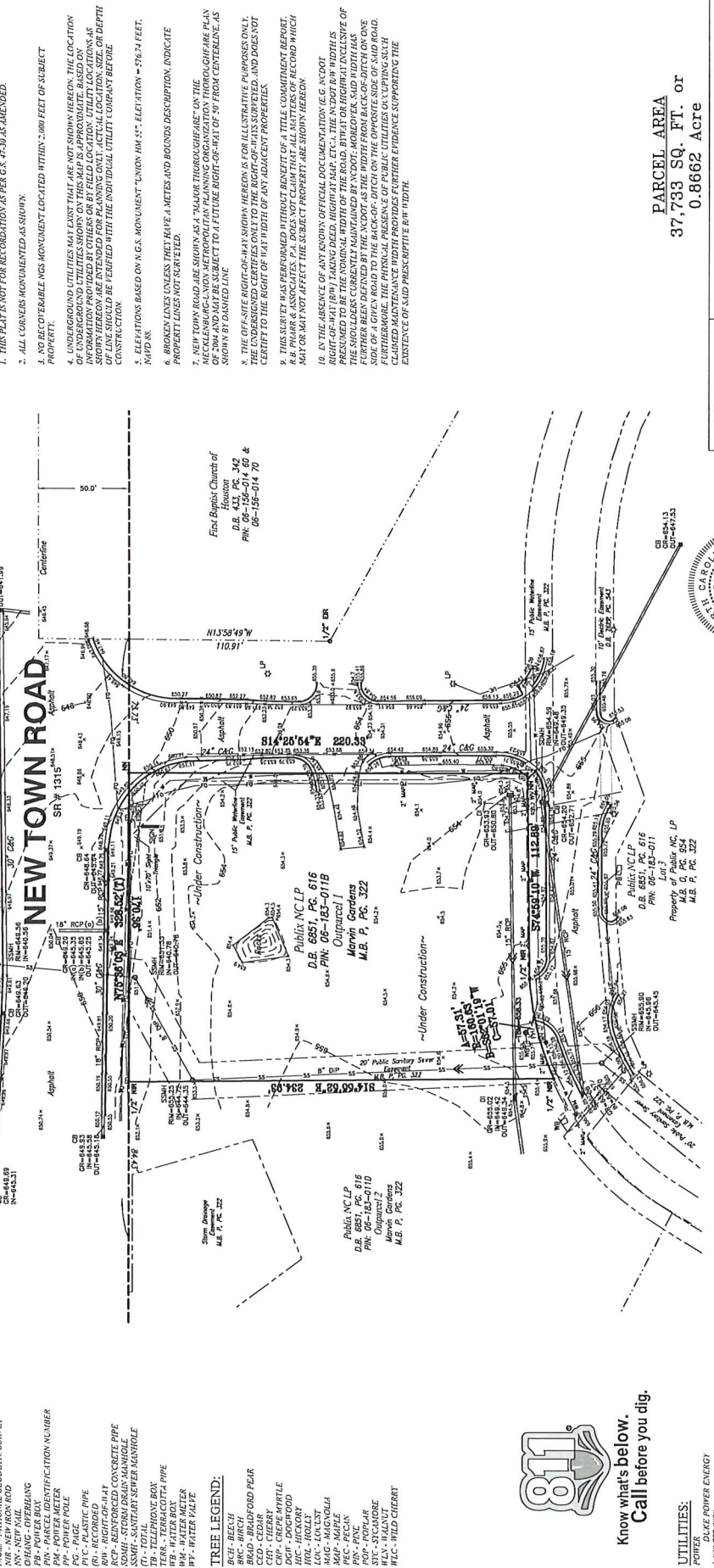
- LINE LEGEND:**
- EASEMENT
 - GUARD RAIL
 - PROPERTY LINE
 - RIGHT-OF-WAY (NOT SURVEYED)
 - SETBACK
 - FIBER OPTIC LINE
 - GAS LINE
 - POWER LINE (UNDERGROUND)
 - SANITARY SEWER PIPE
 - STORM DRAIN PIPE
 - TELEPHONE LINE (UNDERGROUND)
 - WATER VALVE

ZONING:
SUBJECT PROPERTY ZONED: I-C (INDIVIDUAL CONDITIONAL DISTRICT).
FOR FURTHER INFORMATION CONTACT THE VILLAGE OF MARTIN ZONING DEPARTMENT AT 704-451-1800.
NOTE: NO ZONING REPORT OR ZONING VERIFICATION LETTER WAS PROVIDED TO THE PURCHASER / DEVELOPER TO VERIFY ZONING REQUIREMENTS PRIOR TO DEVELOPMENT OF THIS SITE.
PARKING:
NO PARKING ON SUBJECT PROPERTY.



NOTES:

- THIS PLAN IS NOT FOR RECORDATION, AS PER G.S. 47-39-45, AMENDED.
- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF UTILITIES SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
- ELEVATIONS BASED ON N.G.S. MONUMENT "UNION HILL 57", ELEVATION = 76.74 FEET, M.A.P. 86.
- BROKEN LINES UNLESS THEY HAVE A METERS-JOB BOUNDS DESCRIPTION, INDICATE PROPERTY LINES NOT SURVEYED.
- NEW TOWN ROAD IS SHOWN AS A "MAJOR THROUGHWAY" ON THE "PROPOSED" MAP. THE "PROPOSED" MAP IS A "PROPOSED" MAP AND DOES NOT REPRESENT A "PROPOSED" MAP. THE "PROPOSED" MAP IS A "PROPOSED" MAP AND DOES NOT REPRESENT A "PROPOSED" MAP.
- THE SITE RIGHT-OF-WAY IS SHOWN AS A "PROPOSED" MAP. THE "PROPOSED" MAP IS A "PROPOSED" MAP AND DOES NOT REPRESENT A "PROPOSED" MAP.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT BEFORE R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
- IN THE ABSENCE OF ANY KNOWN OFFICIAL DOCUMENTATION (E.G. N.C.DOT RIGHT-OF-WAY [R/W] TAKING DEED, HIGHWAY MAP, ETC.), THE N.C.DOT R/W WIDTH IS PRESUMED TO BE THE NOMINAL WIDTH OF THE ROAD. BYWAY OR HIGHWAY DISCRETELY FURTHER DEFINED BY THE N.C.DOT, AS THE WIDTH FROM BACK-OF-DITCH ON ONE SIDE OF A GIVEN ROAD TO THE BACK-OF-DITCH ON THE OPPOSITE SIDE OF SAID ROAD. FURTHERMORE, THE PHYSICAL PRESENCE OF PUBLIC UTILITIES OCCUPYING SUCH RIGHT-OF-WAY IS NOT CONSIDERED AS FURTHER EVIDENCE SUPPORTING THE EXISTENCE OF SAID PRESCRIPTIVE R/W WIDTH.



REVISIONS

NO.	DATE	DESCRIPTION
1	09-23-20	ISSUED FOR PERMITS

ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:
VERDAD REAL ESTATE & CONSTRUCTION SERVICES
NEW TOWN ROAD
VILLAGE OF MARTIN, UNION COUNTY, NC
OUTPARCEL: MARVIN GARDENS
MAP REFERENCE: BOOK P. PAGE 322
DEED REFERENCE: BOOK 8851, PAGE 616
TAX PARCEL NO: 06-183-011B

R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
420 HAWTHORNE LANE
CHARLOTTE, N.C. 28204 TEL: (704) 374-2188

SCALE: 1" = 40'
DATE: SEPT 29, 2020
JOB NO. 927060

FINAL FOR PERMITTING
FOR REVIEW ONLY

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON A FLOOD HAZARD MAP OF THE VILLAGE OF MARTIN, NC, AGENT: FEDERAL INSURANCE ADMINISTRATION, DATED OCTOBER 15, 2008.
RHP NUMBER: MAP NUMBER: 3710445000; ZONE: X
THIS IS TO CERTIFY THAT ON THE 23RD DAY OF SEPTEMBER 2020 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAN, AND THAT THE BOUNDARY LINES AND THE DIMENSIONS, IF ANY, SHOWN THEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE BOUNDARY LINES DO NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECOND TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TAKEN.

ANDRETT B. BAKER, P.S. (L-452)
email: abaker@apharr.com

ALTA/NSPS CERTIFICATION:
TO: VERDAD REAL ESTATE & CONSTRUCTION SERVICES:
I HEREBY CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2015 ANTI-MAP STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS. I HAVE ESTABLISHED AND MAINTAINED THE NECESSARY QUALITY CONTROL PROCEDURES AS SET FORTH IN 14.16, 18.19, 19.20 AND 21 OF TABLE 1 THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 29, 2020.

UTILITIES:
POWER: 1-800-455-6900
TELEPHONE: 1-800-377-6800
CABLE TELEVISION: 1-800-255-9504
FIBER OPTIC: 1-800-455-6900

NO.	REVISIONS	DATE	BY

Kimley»Horn
 4330 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
 PHONE: 757-213-8600 FAX: 757-213-8601
 WWW.KIMLEY-HORN.COM

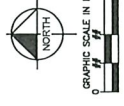


KHA PROJECT
 116678005
 DATE
 04/20/2021
 SCALE AS SHOWN
 DRAWN BY
 JF
 CHECKED BY

GRADING AND DRAINAGE PLAN

7-ELEVEN MARVIN
 PREPARED FOR
 VERDAD REAL ESTATE, INC.
 NORTH CAROLINA

SHEET NUMBER
CG101



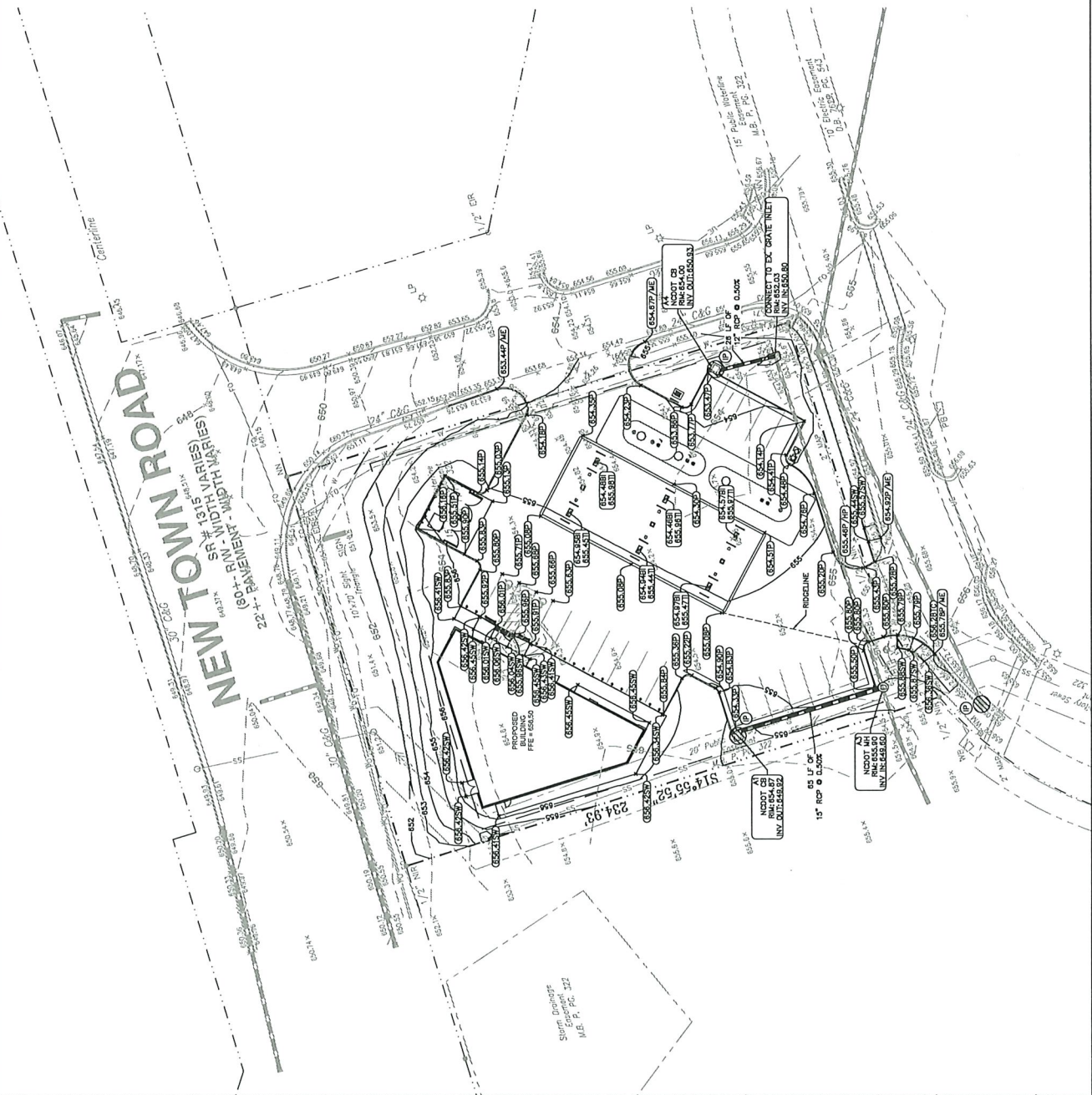
GRADING AND DRAINAGE PLAN LEGEND

	INLET PROTECTION
	CATCH BASIN
	MANHOLE
	PROPOSED CONTOUR
	EXISTING CONTOUR
	PAVEMENT ELEVATION
	FLOWLINE ELEVATION
	TOP OF CURB ELEVATION
	HIGH POINT ELEVATION
	FINISHED FLOOR ELEVATION
	WATCH DITCH ELEVATION
	GROUND ELEVATION
	SIDEWALK ELEVATION
	BOTTOM OF ISLAND ELEVATION
	TOP OF ISLAND ELEVATION
	INVERT ELEVATION

- GRADING AND DRAINAGE PLAN NOTES**
- ADA ACCESSIBLE SPACES SHALL BE MAXIMUM 1.5% SLOPE IN ALL DIRECTIONS.
 - ALL PROPOSED SIDEWALKS AROUND THE BUILDING AND ALONG THE PROPERTY PERIMETER SHALL HAVE A MAXIMUM 2% CROSS SLOPE AND 2% LONGITUDINAL SLOPE.
 - PIPE LENGTHS ARE MEASURED FROM CENTER OF CHAMBER TO CENTER OF CHAMBER.
 - CONTRACTOR TO VERIFY DEPTH OF EXISTING UNDERGROUND UTILITIES AND NOTIFY HEALTH-HORN IF ANY CONFLICTS OCCUR.
 - ALL CLEAREMENTS ARE TO BE TRAFFIC RATED.

DRAINAGE NARRATIVE

THE EXISTING DRAINAGE FROM THIS SITE IS CAPTURED BY DRAINAGE INLETS ON THE NORTH-SIDE OF THE SITE NEAR PROVIDENCE ROAD. DEVELOPMENT OF THE PROPOSED 7-ELEVEN MARVIN STORE WILL REQUIRE THE INSTALLATION OF A DRAINAGE SYSTEM TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND ADHERENCE TO ANY OTHER APPLICABLE LOCAL AND STATE REGULATIONS. THE PROPOSED DRAINAGE SYSTEM WILL BE DESIGNED TO HANDLE PROPOSED 0.54 ACRES OF BUILT-UPON AREA. THEREFORE, THE PROPOSED DEVELOPMENT IS HANDLED BY THE PONDS IN THE MARVIN GARDENS MASTER DEVELOPMENT PLAN.



GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT

Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

SECTION E: GROUND STABILIZATION		
Site Area Description	Required Ground Stabilization Timeframes	Timeframe variations
(a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
(b) High Quality Water (HQW) Zones	7	None
(c) Slopes steeper than 3:1	7	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
(d) Slopes 3:1 to 4:1	14	-7 days for slopes greater than 50' in length and with slopes steeper than 4:1 -7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones
(e) Areas with slopes flatter than 4:1	14	-10 days for Falls Lake Watershed -7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones -10 days for Falls Lake Watershed unless there is zero slope

NOTE: After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

GROUND STABILIZATION SPECIFICATION	
Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:	Permanent Stabilization
<ul style="list-style-type: none"> Temporary grass seed covered with straw or other mulches and tackifiers Hydroseeding Rollled erosion control products with or without temporary grass seed Appropriately applied straw or other mulch Plastic sheeting 	<ul style="list-style-type: none"> Permanent grass seed covered with straw or other mulches and tackifiers Geotextile fabrics such as permanent soil reinforcement matting Hydroseeding Shrubs or other permanent plantings covered with mulch Structural methods such as concrete, asphalt or reinforced walls Rollled erosion control products with grass seed

POLYACRYLAMIDES (PAMS) AND FLOCCULANTS

- Select flocculants that are appropriate for the soils being exposed during construction, selecting from the NCDWR List of Approved PAMS/Flocculants.
- Apply flocculants at or before the inlets to Erosion and Sediment Control Measures.
- Apply flocculants at the concentrations specified in the NC DWR List of Approved PAMS/Flocculants and in accordance with the manufacturer's instructions.
- Provide ponding area for containment of treated Stormwater before discharging offsite.
- Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.

EQUIPMENT AND VEHICLE MAINTENANCE

- Maintain vehicles and equipment to prevent discharge of fluids.
- Provide drip pans under any stored equipment.
- Identify leaks and repair as soon as feasible, or remove leaking equipment from the project.
- Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible).
- Remove leaking vehicles and construction equipment from service until the problem has been corrected.
- Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE

- Never bury or burn waste. Place litter and debris in approved waste containers.
- Provide a sufficient number and size of waste containers (e.g. dumpster, trash receptacle) on site to contain construction and domestic wastes.
- Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland.
- Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers.
- Anchor all lightweight items in waste containers during times of high winds.
- Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow.
- Dispose waste off-site at an approved disposal facility.
- On business days, clean up and dispose of waste in designated waste containers.

PAINT AND OTHER LIQUID WASTE

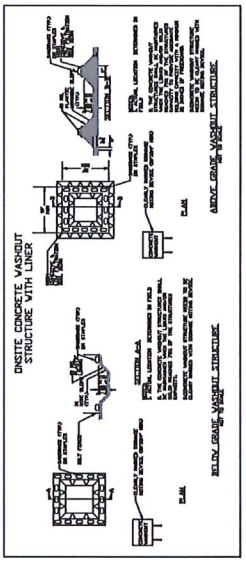
- Do not dump paint and other liquid waste into storm drains, streams or wetlands.
- Locate paint washouts at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Contain liquid wastes in a controlled area.
- Containment must be labeled, sized and placed appropriately for the needs of site.
- Prevent the discharge of soaps, solvents, detergents and other liquid wastes from construction sites.

PORTABLE TOILETS

- Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags.
- Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas.
- Monitor portable toilets for leaking and properly dispose of any leaked material. Utilize a licensed sanitary waste hauler to remove leaking portable toilets and replace with properly operating unit.

EARTHEN STOCKPILE MANAGEMENT

- Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available.
- Protect stockpile with silt fence installed along toe of slope with a minimum offset of five feet from the toe of stockpile.
- Provide stable stone access point when feasible.
- Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.



CONCRETE WASHOUTS

- Do not discharge concrete or cement slurry from the site.
- Dispose of, or recycle, settled, hardened concrete residue in accordance with local and state solid waste regulations and at an approved facility.
- Manage washout from mortar mixers in accordance with the above item and in addition place the mixer and associated materials on impervious barrier and within lot perimeter silt fence.
- Install temporary concrete washouts per local requirements, where applicable. If an alternate method or product is to be used, contact your approval authority for review and approval. If local standard details are not available, use one of the two types of temporary concrete washouts provided on this detail.
- Do not use concrete washouts for dewatering or storing defective curb or sidewalk sections. Stormwater accumulated within the washout may not be pumped into or discharged to the storm drain system or receiving surface waters. Liquid waste must be pumped out and removed from project.
- Locate washouts at least 50 feet from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available. At a minimum, install protection of storm drain inlet(s) closest to the washout which could receive spills or overflow.
- Locate washouts in an easily accessible area, on level ground and install a stone entrance pad in front of the washout. Additional controls may be required by the approving authority.
- Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout itself to identify this location.
- Remove leavings from the washout when at approximately 75% capacity to limit overflow events. Replace the tarp, sand bags or other temporary structural components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions.
- At the completion of the concrete work, remove remaining leavings and dispose of in an approved disposal facility. Fill pit, if applicable, and stabilize any disturbance caused by removal of washout.

HERBICIDES, PESTICIDES AND RODENTICIDES

- Store and apply herbicides, pesticides and rodenticides in accordance with label restrictions.
- Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning.
- Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into wells, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately.
- Do not stockpile these materials onsite.

HAZARDOUS AND TOXIC WASTE

- Create designated hazardous waste collection areas on-site.
- Place hazardous waste containers under cover or in secondary containment.
- Do not store hazardous chemicals, drums or bagged materials directly on the ground.

NCG01 GROUND STABILIZATION AND MATERIALS HANDLING EFFECTIVE: 04/01/19

Kimley-Horn
 9 2001 KIMLEY-HORN AND ASSOCIATES, INC.
 4525 MAIN STREET, SUITE 1000, WISCONSIN BEACH, VA 23462
 PHONE: 757-213-8600 FAX: 757-213-8011
 HUNTERSLEY-HIGHWAY

E&S DETAILS

DATE: 04/20/2021
 SCALE: AS SHOWN
 DESIGNED BY: DJD
 CHECKED BY: JYS
 DRAWN BY: AMB
 RHA PROJECT: 116679005

7-ELEVEN MARVIN
 PREPARED FOR
 VERDAD REAL ESTATE, INC.
 NORTH CAROLINA

SHEET NUMBER
 C5501

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E&S DETAILS

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION C: REPORTING

1. Occurrences that must be reported
- Permittees shall report the following occurrences:
- (a) Visible sediment deposition in a stream or wetland.
 - (b) Oil spills if:
 - They are 25 gallons or more,
 - They are less than 25 gallons but cannot be cleaned up within 24 hours,
 - They cause sheen on surface waters (regardless of volume), or
 - They are within 100 feet of surface waters (regardless of volume).
 - (c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.
 - (d) Anticipated bypasses and unanticipated bypasses.
 - (e) Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. Occurrences outside normal business hours may also be reported to the Division's Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment release in a stream or wetland	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. Sediment and actions taken to address the cause of the deposition, case-by-case basis. • If the stream is named on the NC 303.00 list as impaired for sediment, monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions. • Within 24 hours, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(b) Oil spills and hazardous substances per Item 1.(b)-(c) above	<ul style="list-style-type: none"> • A report at least ten days before the date of the bypass, if possible. The report shall include an evaluation of the anticipated quality and effect of the bypass.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification, quality and effect of the bypass.
(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none"> • Within 7 calendar days, a report that includes an evaluation of the noncompliance with the conditions that may endanger health or the environment [40 CFR 122.41(i)(7)]. • Division staff may waive the requirement for a written report on a case-by-case basis.

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION B: RECORDKEEPING

1. E&S Plan Documentation

The approved E&S plan as well as any approved deviation shall be kept on the site. The approved E&S plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&S plan shall be documented in the manner described:

Item to Document	Documentation Requirements
(a) Each E&S Measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&S Plan.	Initial and date each E&S Measure on a copy of the approved E&S Plan or complete, date and sign an inspection report that lists each E&S Measure shown on the approved E&S Plan. Initial installation of the E&S Measures or if the E&S Measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&S Plan is signed and signed in inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&S Plan.	Initial and date a copy of the approved E&S Plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&S Measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&S Measures.	Initial and date a copy of the approved E&S Plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation

In addition to the E&S Plan documents above, the following items shall be kept on the site and available for agency inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

- (a) This general permit as well as the certificate of coverage, after it is received.
- (b) Records of inspections made during the previous 30 days. The permittees shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records.
- (c) All data used to complete the Notice of Intent and older inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Report.

Inspect	Frequency (Normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods and no individual-day rainfall report for those periods is submitted, the permittee shall determine if a site inspection is needed. Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&S Measures	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Date and time of the inspection. 2. Name of the person performing the inspection. 3. Indication of whether the measures were operating properly. 4. Description, evidence, and date of corrective actions taken.
(3) Stormwater discharge outfalls (DOOs)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the discharge outfall inspected. 2. Date and time of the inspection. 3. Name of the person performing the inspection. 4. Sheen, floating or suspended solids or discoloration. 5. Description, evidence, and date of corrective actions taken.
(4) Perimeter of Site	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If visible sedimentation is found outside site limits, then a record shall be taken to clean up or stabilize the sediment that has left the site limits. 1. Description, evidence, and date of corrective actions taken, and an explanation as to the actions taken to control future sedimentation.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If the stream or wetland has increased visible sedimentation or activity, then a record of the following shall be made: 1. Description, evidence and date of corrective actions taken, and an explanation as to the actions taken to control future sedimentation. 2. Documentation that the required ground stabilization measures have been provided within the required time frame and assurance that they will be provided as soon as possible.
(6) Ground stabilization measures	After each phase of grading	1. The phase of grading (installation of perimeter E&S measures, clearing and grubbing, installation of storm water control structures, construction or reestablishment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required time frame and assurance that they will be provided as soon as possible.

NOTE: The rain inspection resets the required 7 calendar day inspection requirement.



NO.	REVISIONS	DATE

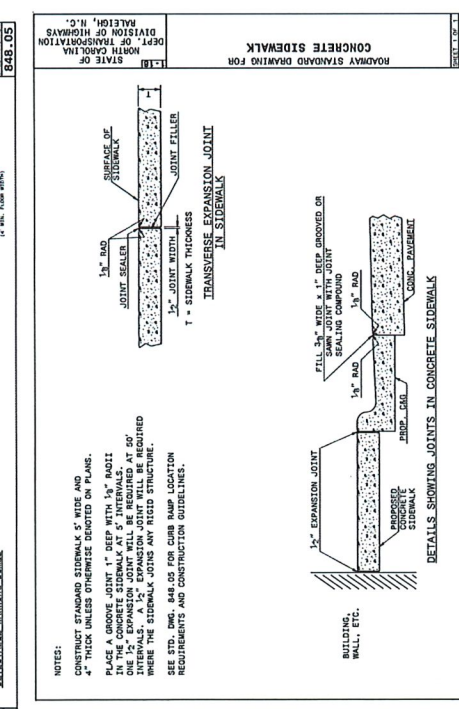
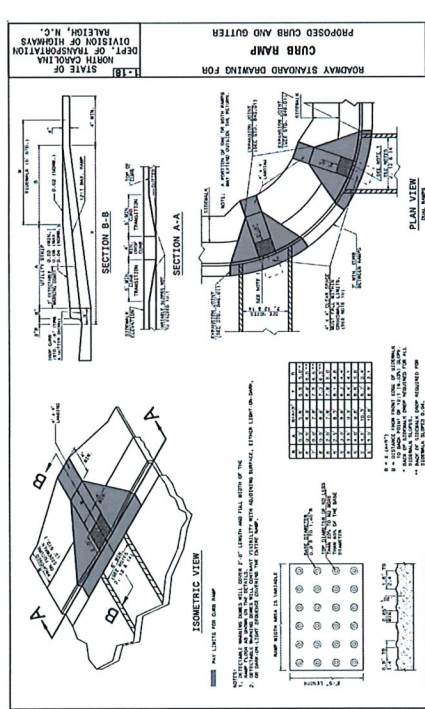
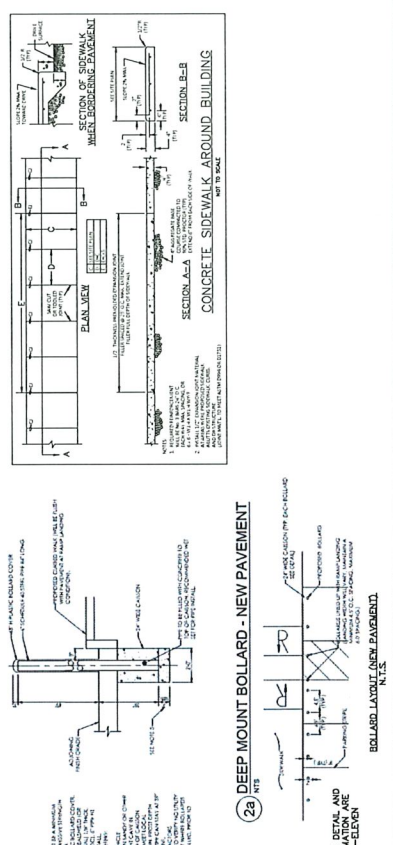
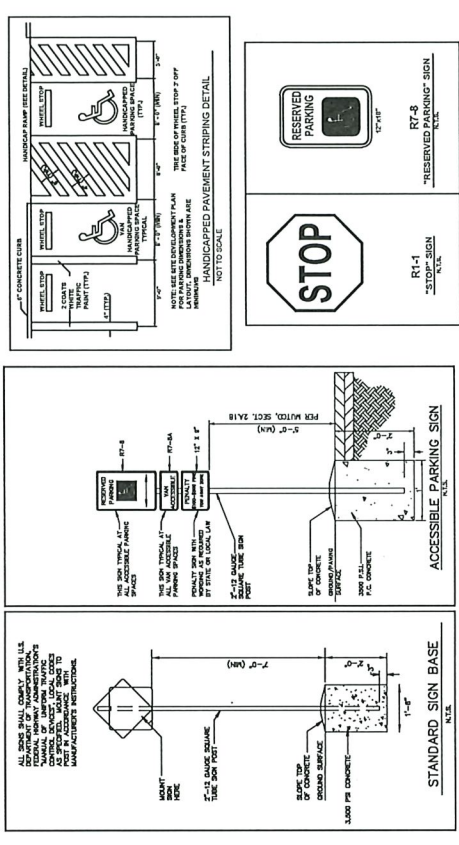
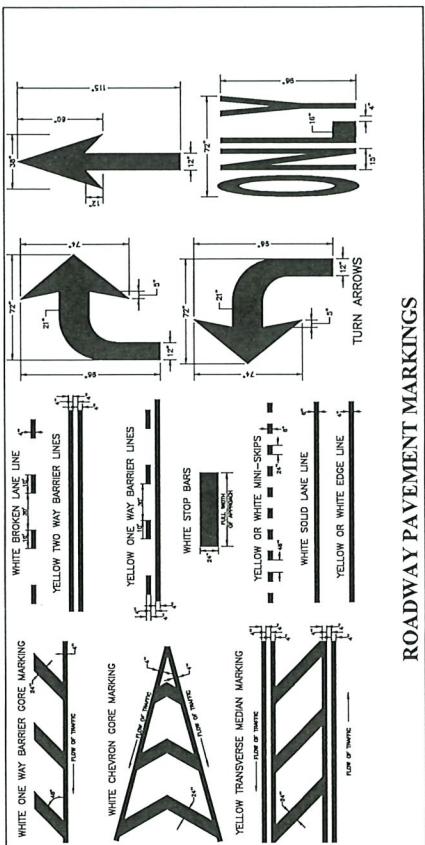
Kimley-Horn
 4523 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
 PHONE: 757-213-8600 FAX: 757-213-6601
 WWW.KIMLEY-HORN.COM



CONSTRUCTION DETAILS
 KHA PROJECT: 116678005
 DATE: 04/20/2021
 SCALE: AS SHOWN
 DESIGNED BY: DCB
 DRAWN BY: AYB
 CHECKED BY: JT

7-ELEVEN MARVIN
 PREPARED FOR:
 VERDAD REAL ESTATE, INC.
 NORTH CAROLINA

SHEET NUMBER
CS504



NOTES:
 1. CONSTRUCT STANDARD SIDEWALK 5' WIDE AND 4" THICK UNLESS OTHERWISE DENOTED ON PLANS.
 2. PLACE A GROOVE JOINT 1" DEEP WITH 1/4" RADIUS IN THE CONCRETE SIDEWALK AT 9' INTERVALS.
 3. ONE 1/2" EXPANSION JOINT SHALL BE REQUIRED FOR EVERY 30' OF SIDEWALK. JOINTS SHALL BE LOCATED WHERE THE SIDEWALK JOINS ANY RIGID STRUCTURE.
 4. SEE STD. DWG. 848.05 FOR CURB RAMP LOCATION REQUIREMENTS AND CONSTRUCTION GUIDELINES.

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING:
 2. MVDOT STANDARD DRAWINGS FOR HIGHWAYS
 3. MVDOT SPECIFICATIONS FOR HIGHWAYS
 4. MVDOT MANUAL OF PRACTICES FOR HIGHWAYS
 5. MVDOT MANUAL OF MATERIALS FOR HIGHWAYS
 6. MVDOT MANUAL OF TEST PROCEDURES FOR HIGHWAYS
 7. MVDOT MANUAL OF MIXTURE DESIGN FOR HIGHWAYS
 8. MVDOT MANUAL OF QUALITY CONTROL FOR HIGHWAYS
 9. MVDOT MANUAL OF SAFETY FOR HIGHWAYS
 10. MVDOT MANUAL OF SIGNAGE FOR HIGHWAYS
 11. MVDOT MANUAL OF TRAFFIC CONTROL FOR HIGHWAYS
 12. MVDOT MANUAL OF UTILITIES FOR HIGHWAYS
 13. MVDOT MANUAL OF WATERWAYS FOR HIGHWAYS
 14. MVDOT MANUAL OF AIRPORTS FOR HIGHWAYS
 15. MVDOT MANUAL OF BRIDGES FOR HIGHWAYS
 16. MVDOT MANUAL OF TUNNELS FOR HIGHWAYS
 17. MVDOT MANUAL OF TRANSPORTATION PLANNING FOR HIGHWAYS
 18. MVDOT MANUAL OF TRANSPORTATION ECONOMICS FOR HIGHWAYS
 19. MVDOT MANUAL OF TRANSPORTATION ENVIRONMENT FOR HIGHWAYS
 20. MVDOT MANUAL OF TRANSPORTATION HISTORY FOR HIGHWAYS
 21. MVDOT MANUAL OF TRANSPORTATION POLICY FOR HIGHWAYS
 22. MVDOT MANUAL OF TRANSPORTATION RESEARCH FOR HIGHWAYS
 23. MVDOT MANUAL OF TRANSPORTATION STATISTICS FOR HIGHWAYS
 24. MVDOT MANUAL OF TRANSPORTATION TRAINING FOR HIGHWAYS
 25. MVDOT MANUAL OF TRANSPORTATION TECHNOLOGY FOR HIGHWAYS
 26. MVDOT MANUAL OF TRANSPORTATION TRENDS FOR HIGHWAYS
 27. MVDOT MANUAL OF TRANSPORTATION VISUAL QUALITY FOR HIGHWAYS
 28. MVDOT MANUAL OF TRANSPORTATION WORKS FOR HIGHWAYS
 29. MVDOT MANUAL OF TRANSPORTATION ZONING FOR HIGHWAYS
 30. MVDOT MANUAL OF TRANSPORTATION LEGISLATION FOR HIGHWAYS
 31. MVDOT MANUAL OF TRANSPORTATION POLICY FOR HIGHWAYS
 32. MVDOT MANUAL OF TRANSPORTATION RESEARCH FOR HIGHWAYS
 33. MVDOT MANUAL OF TRANSPORTATION STATISTICS FOR HIGHWAYS
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 39. MVDOT MANUAL OF TRANSPORTATION ZONING FOR HIGHWAYS
 40. MVDOT MANUAL OF TRANSPORTATION LEGISLATION FOR HIGHWAYS

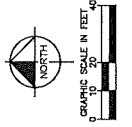
NO.	REVISIONS	DATE	BY

Kimley-Horn
 4523 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
 PHONE: 757-451-6600 FAX: 757-451-8801
 WWW.KIMLEY-HORN.COM

7-ELEVEN MARVIN
 VERDAD REAL ESTATE, INC.
 NORTH CAROLINA

LANDSCAPE PLAN

PROJECT NO: 116675005
 DATE: 04/20/2021
 SCALE: AS SHOWN
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]



PLANT SCHEDULE

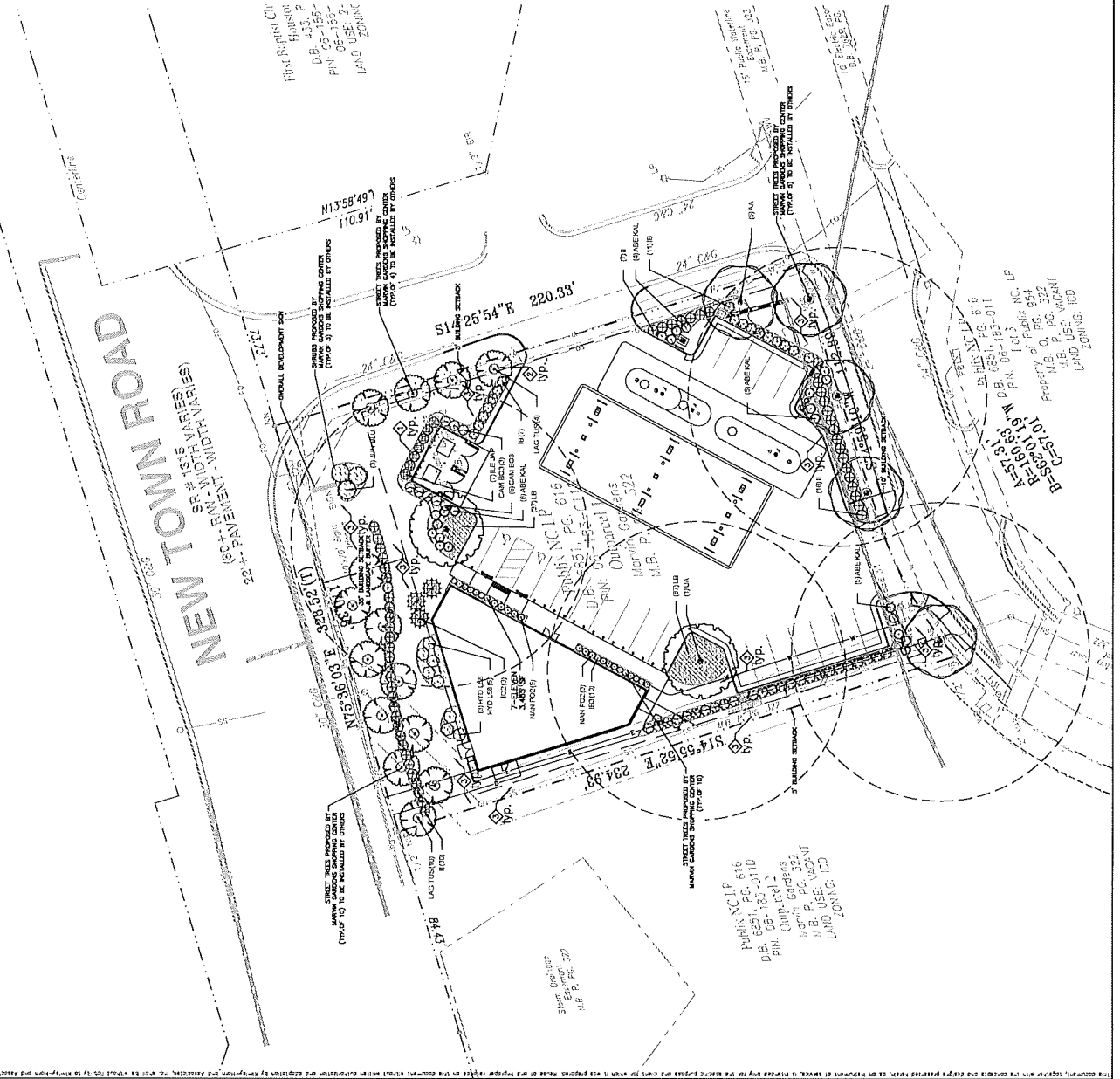
NO.	SYMBOL	PLANT NAME	SIZE	QUANTITY	REMARKS
1	(Symbol)	WATER BUTT LAMP	8 FT	1	INSTALL IN CENTER OF DRIVE
2	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
3	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
4	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
5	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
6	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
7	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
8	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
9	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
10	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
11	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
12	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
13	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
14	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
15	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
16	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
17	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
18	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
19	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE
20	(Symbol)	SMALL TREE	12 IN	10	PLANT IN FRONT OF DRIVE

LANDSCAPE NOTES

- ALL AREAS DISTURBED BY CONSTRUCTION THAT ARE NOT OTHERWISE PLANTED SHALL BE SEEDED WITH PERMANENT LAWN GRASS TO MATCH THE SHIPPING CENTER LAWN GRASS SPECIES.
- ALL SHRUB BEDS AND TREE RINGS ARE TO BE MULCHED WITH 3" OF PINE STRAW MULCH.
- ALL SHRUBS AND TREES TO BE PLANTED WITH 3" OF PINE STRAW MULCH. CONTRACTOR SHALL PROVIDE A DESIGN BUILT IRRIGATION SYSTEM. IRRIGATION SHALL BE INSTALLED PRIOR TO INSTALLING PAVEMENT BASE MATERIALS OR FINISHES. WORK SHALL BE COORDINATE WITH OTHER DISCIPLINES.
- SEE SHEET LP010 FOR LANDSCAPE SPECIFICATIONS AND DETAILS.

KEY NOTES

- MULCH ALL SHRUB BEDS IN THEIR ENTIRETY WITH 3" OF PINE STRAW MULCH.
- PROVIDE MULCH RING ACCORDING TO THE DETAILS ON SHEET LP010. AROUND THE BASE OF ALL ISOATED, NEW TREES, MULCH IS NOT TO BE PAID UP THE TREE TRUNK.
- SEED WITH PERMANENT LAWN GRASS. SEE SEEDING NOTES SHEET LP010 AND LANDSCAPE NOTES THIS SHEET.



Kimley-Horn and Associates, Inc. is not responsible for the accuracy of the information provided on this drawing. The user of this drawing shall be responsible for the accuracy of the information provided on this drawing. The user of this drawing shall be responsible for the accuracy of the information provided on this drawing.

Table with 2 columns: NO, REVISIONS

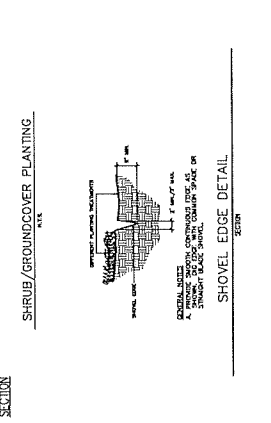
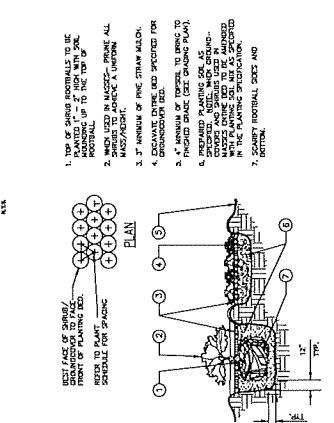
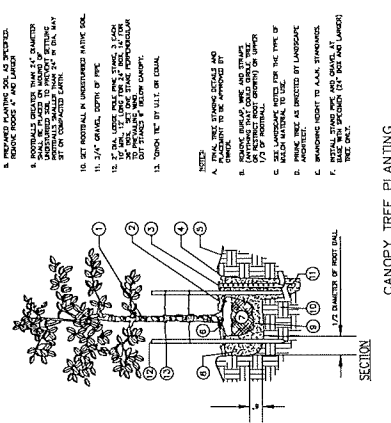
Kimley-Horn & Associates, Inc. 4923 MAIN STREET, SUITE 1000, WINONA BEACH, FL 32981

Project information table including KHA PROJECT, SCALE, DATE, SHEET NO., SHEET TOTAL, DRAWN BY, CHECKED BY

PLANTING DETAILS & NOTES

7-ELEVEN MARVIN VERDAD REAL ESTATE, INC. NORTH CAROLINA

- LANDSCAPE NOTES: 1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL... 2. ALL PLANTS MUST BE PLANTED AT THE CORRECT DEPTH... 3. ALL PLANTS MUST BE PLANTED AT THE CORRECT SPACING...



- 16. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITY LINES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY LINES DURING THE CONSTRUCTION PROCESS.

- 17. FOR NEW PLANTING AREAS, REMOVE ALL PAVEMENT, GRAVEL, SUB-BASE AND CONSTRUCTION DEBRIS. FOR EXISTING AREAS, CALL THE OWNER TO RESOLVE BEHIND PLANTING AREAS. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE WRITTEN AUTHORIZATION OF THE PROJECT LANDSCAPE ARCHITECT AND THE MUNICIPALITY HAVING JURISDICTION OVER THE PROJECT.

- 18. LARGE WATERING TRUCKS MAY NOT BE USED FOR PLANTING AREAS. WATERING SHALL BE DONE BY HAND OR BY A SMALL WATERING TRUCK. WATERING SHALL BE DONE AT LEAST ONCE A WEEK FOR THE FIRST YEAR AFTER PLANTING.

- 1. PLANT MATERIALS: (Refer to the PLANT SCHEDULE on the drawings for specific types and quantities of plants.) 2. PLANTING: (Refer to the PLANTING SCHEDULE on the drawings for specific types and quantities of plants.) 3. SOIL: (Refer to the SOIL SCHEDULE on the drawings for specific types and quantities of soil.)

- 1. PLANTING: (Refer to the PLANTING SCHEDULE on the drawings for specific types and quantities of plants.) 2. SOIL: (Refer to the SOIL SCHEDULE on the drawings for specific types and quantities of soil.) 3. MULCH: (Refer to the MULCH SCHEDULE on the drawings for specific types and quantities of mulch.)

- 1. PLANTING: (Refer to the PLANTING SCHEDULE on the drawings for specific types and quantities of plants.) 2. SOIL: (Refer to the SOIL SCHEDULE on the drawings for specific types and quantities of soil.) 3. MULCH: (Refer to the MULCH SCHEDULE on the drawings for specific types and quantities of mulch.)

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Luminaire Schedule

Symbol	Qty	Label	Arrangement	LMF	Lum. Lumens	Lum. Wats	Part Number
18	1	CPY-FLAT_A	SINGLE	1,000	7720	60	CPY250-B-DM-F-A-UL-57K-WH-HZ
5	1	CPY-FLAT_C	SINGLE	1,000	4520	31	CPY250-B-DM-F-C-UL-57K-BZ-HZ
1	1	XSPGLG-3ME	SINGLE	1,000	23600	184	XSPGLG-D-HT-3ME-24L-57K-UL-BZ-N
4	1	XSPGLG-4ME	SINGLE	1,000	23600	184	XSPGLG-D-HT-4ME-24L-40K7-UL-BZ-N
4	1	XSPW	WALL MOUNT	1,000	4270	31	XSPW-B-WM-3ME-4L-57K-UL-BZ

Calculation Summary (Footcandles calculated using predicted lumen values @ 50K hrs of operation)

Label	Units	Avg	Max	Min	Avg/Min	Max/Min
CANOPY	Fc	29.48	41	17	1.73	2.41
PAVED AREA	Fc	6.76	19.1	1.9	3.56	10.05
SITE	Fc	1.07	22.7	0.0	N.A.	N.A.

FIXTURE MOUNTING HEIGHTS AS SHOWN
POLES MOUNTED ON 3' BASE

ADDITIONAL EQUIPMENT:

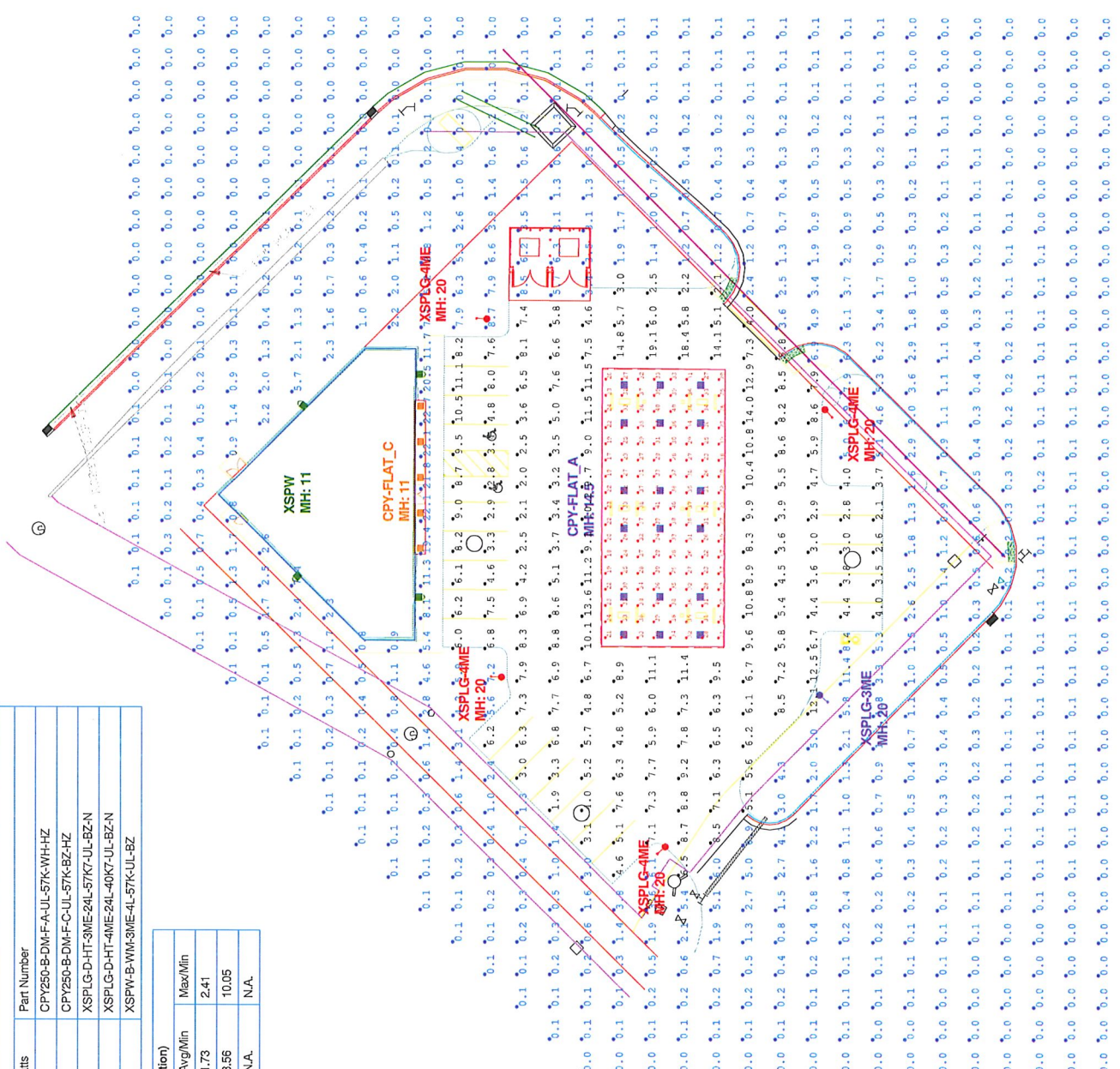
- (5) SSS-4-11-17-CW-BS-OT-N-BZ (17' X 4" X 11Ga STEEL SQUARE POLE)
- (5) PD-1H4

Proposed poles meet 140 MPH sustained winds.

*** CUSTOMER TO VERIFY ORDERING INFORMATION AND CATALOGUE NUMBER PRIOR TO PLACING ORDER ***

BOM: Complete Part Description

- 18- CPY250-B-DM-F-A-UL-WH-57K-HZ
- 5- CPY250-B-DM-F-C-UL-BZ57K-HZ
- 1- XSPGLG-D-HT-3ME-24L-57K-UL-BZ-N
- 4- XSPGLG-D-HT-4ME-24L-57K-UL-BZ-N
- 4- XSPW-B-WM-3ME-4L-57K-UL-BZ
- 5- SSS-4-11-17-CW-BS-OT-N-BZ
- 5- PD-1H4



CREE LIGHTING
A COMPANY OF IDEAL INDUSTRIES, INC.
9201 Washington Ave, Racine, WI 53406 https://creelighting.com - (800) 236-6800

Illustration results shown on this lighting design are for informational purposes only and are not to be used for construction. All lighting test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. Footcandle readings are for general verifying dimensional accuracy along with lighting or energy code.

711 #1045559 Marvin Gardens @ New Town Rd.
Waxhaw, NC 28173
SR-41712 || Footcandles calculated at grade || 711-200421WHNCUSAGI

Layout By:
LINDA SCHALLER
Date: 4/22/2020

Scale 1" = 25'
0 50 100

KHA PROJECT 116678005
 DATE 04/20/2021
 SCALE AS SHOWN
 DESIGNED BY
 CHECKED BY

Kimley-Horn
 423 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
 PHONE: 757-213-8600 FAX: 757-213-8801
 WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY

CREE LIGHTING

CREE LIGHTING

PH02 LED Trackdown Luminaire - Long

PH02 LED Trackdown Luminaire - Long

Beam Angle	Beam Diameter (ft)	Beam Area (sq ft)	Beam Area (sq m)	Beam Area (sq yd)	Beam Area (sq ft) @ 100 ft	Beam Area (sq m) @ 100 ft	Beam Area (sq yd) @ 100 ft
10	1.75	3.06	0.28	0.33	3.06	0.28	0.33
15	2.63	6.91	0.64	0.75	6.91	0.64	0.75
20	3.50	12.25	1.13	1.33	12.25	1.13	1.33
25	4.38	19.05	1.77	2.08	19.05	1.77	2.08
30	5.25	27.56	2.55	3.00	27.56	2.55	3.00
35	6.13	37.79	3.49	4.08	37.79	3.49	4.08
40	7.00	49.00	4.59	5.40	49.00	4.59	5.40
45	7.88	61.66	5.75	6.75	61.66	5.75	6.75
50	8.75	75.79	7.07	8.25	75.79	7.07	8.25
55	9.63	91.50	8.54	9.90	91.50	8.54	9.90
60	10.50	108.75	10.17	11.70	108.75	10.17	11.70
65	11.38	127.66	11.95	13.68	127.66	11.95	13.68
70	12.25	148.25	13.89	15.84	148.25	13.89	15.84
75	13.13	170.56	15.98	18.18	170.56	15.98	18.18
80	14.00	194.63	18.23	20.70	194.63	18.23	20.70
85	14.88	220.50	20.64	23.40	220.50	20.64	23.40
90	15.75	248.25	23.21	26.25	248.25	23.21	26.25
95	16.63	277.94	25.95	29.28	277.94	25.95	29.28
100	17.50	309.50	28.87	32.49	309.50	28.87	32.49

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85	14.88	220.50	20.64	23.40	220.50	20.64	

LIGHTING
SPECIFICATIONS

KHA PROJECT	116678005
DATE	04/20/2021
SCALE	AS SHOWN
DRAWN BY	
CHECKED BY	

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
4520 MAIN STREET, SUITE 1000, WINDYBROOK, VA 23162
PHONE: 757-213-6600 FAX: 757-213-6601
WWW.KIMLEY-HORN.COM



NO.	REVISIONS	DATE	BY

CREE® LIGHTING

Technical specifications table for Cree lighting products, including columns for Part Number, Description, and various performance metrics.

CREE® LIGHTING

Technical specifications table for Cree lighting products, including columns for Part Number, Description, and various performance metrics.

XSP Series

Technical specifications table for XSP Series lighting products, including columns for Part Number, Description, and various performance metrics.

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Technical specifications table for Cree lighting products, including columns for Part Number, Description, and various performance metrics.

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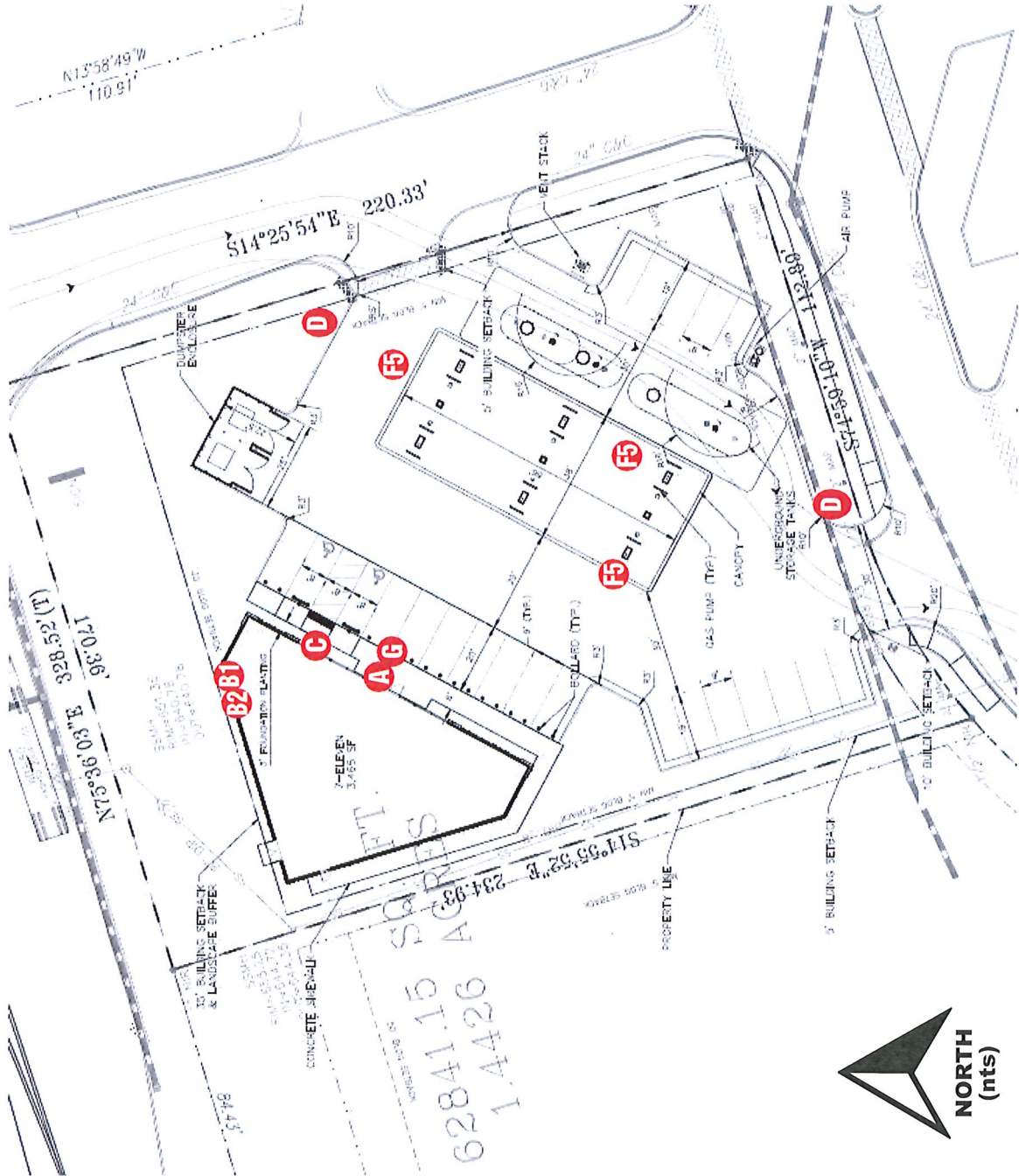
CREE® LIGHTING

Technical specifications table for Cree lighting products, including columns for Part Number, Description, and various performance metrics.

SITE PLAN

PRODUCT LIST		
SQ. FT.	QTY	ITEM
EXTERIOR BUILDING SIGNS		
50	1	CHANNEL LETTER SET (HALO)
36	1	SF KEYSTONE WALL SIGN
18	1	SF FUEL PRICE WALL SIGN
INTERIOR WINDOW SIGNS & VINYL		
3.2	1	ATM HANGING SIGN
N/A	14	WINDOW VINYL SET
EXTERIOR GROUND SIGNS		
6	2	DIRECTIONAL
FUEL CANOPY SIGNS		
22.17	3	CHANNEL LETTER SETS (HALO)

- A**
- B1**
- B2**
- C**
- G**
- D**
- F5**



Job Location: 1045559
 Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173
 Date: May 3, 2021

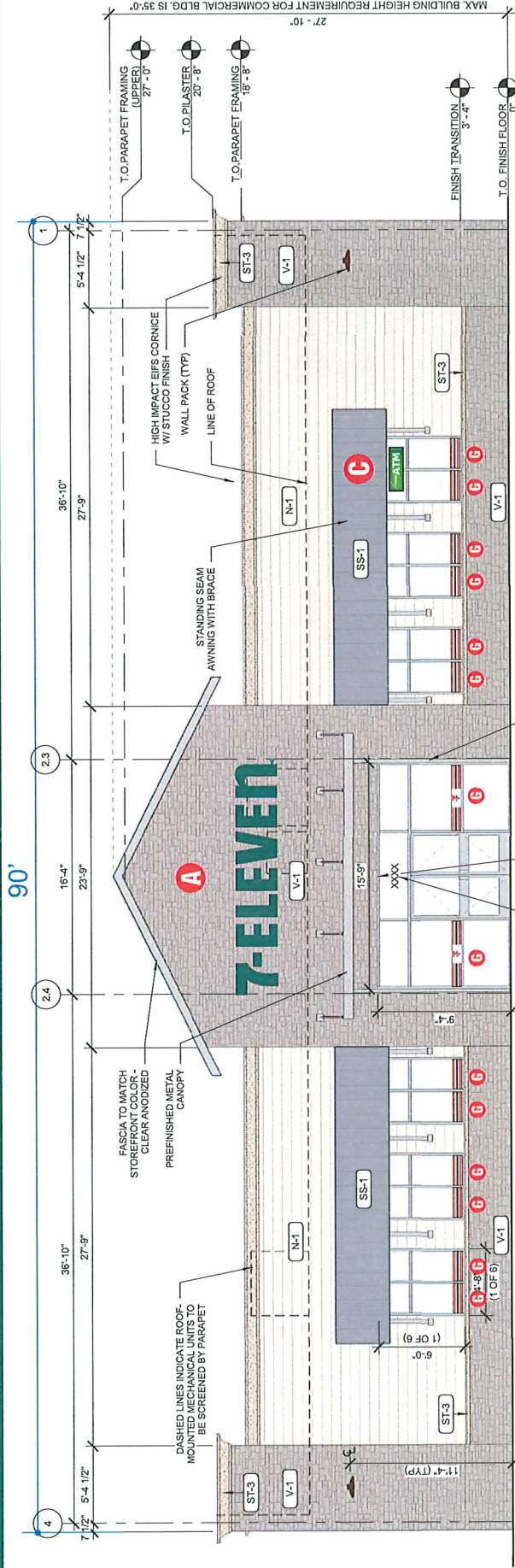


CUMMING'S

D-ORDER# 101987.11 TDP/WSJ
 Project Mgr.: Hannah McMillion
 hannah.mcmillion@cummingsigns.com
 Page: 1 of 9

ELEVATION - WALL SIGNAGE

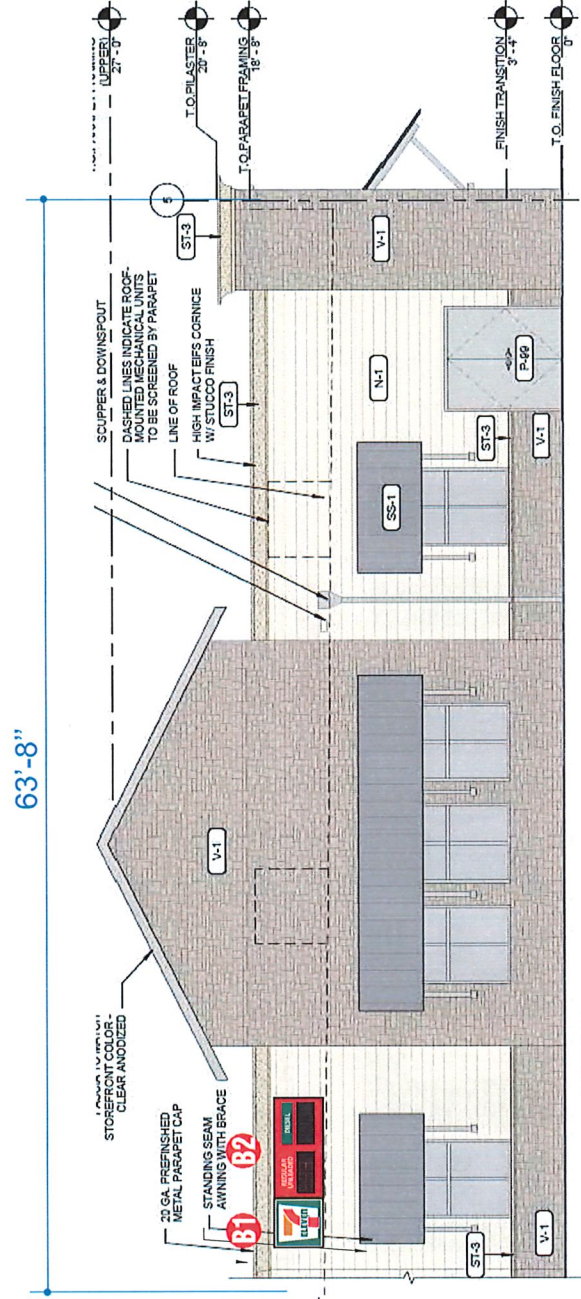
SCALE: 3/32" = 1'-0"



FRONT ENTRANCE

REQUIREMENT: SEC. 5 - ARCHITECTURE. DESIGN AND PERFORMANCE STANDARDS (C.1.) A MINIMUM OF 50% OF A PRIMARY FACADE (EXCLUDING WINDOWS; DISPLAY WINDOWS; DOORS; ROOFING FASCIA OR SOFFIT MATERIALS) SHALL CONSIST OF

90'



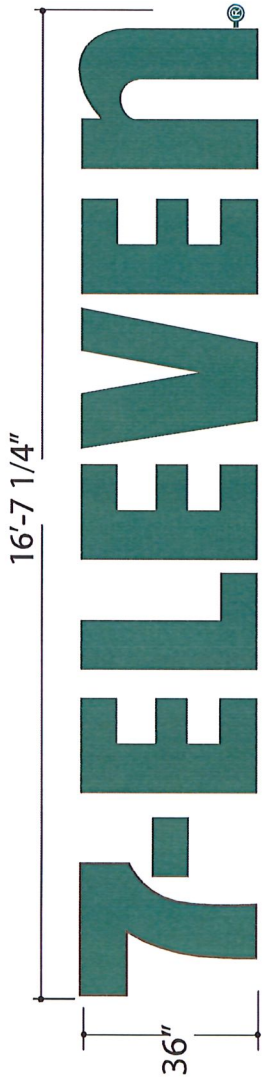
REAR

Job Location: 1045559
 Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173
 Date: May 3, 2021



D-ORDER# 101987.11 TDP/WSJ
Project Mgr.: Hannah McMillion
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 Page: 2 of 9

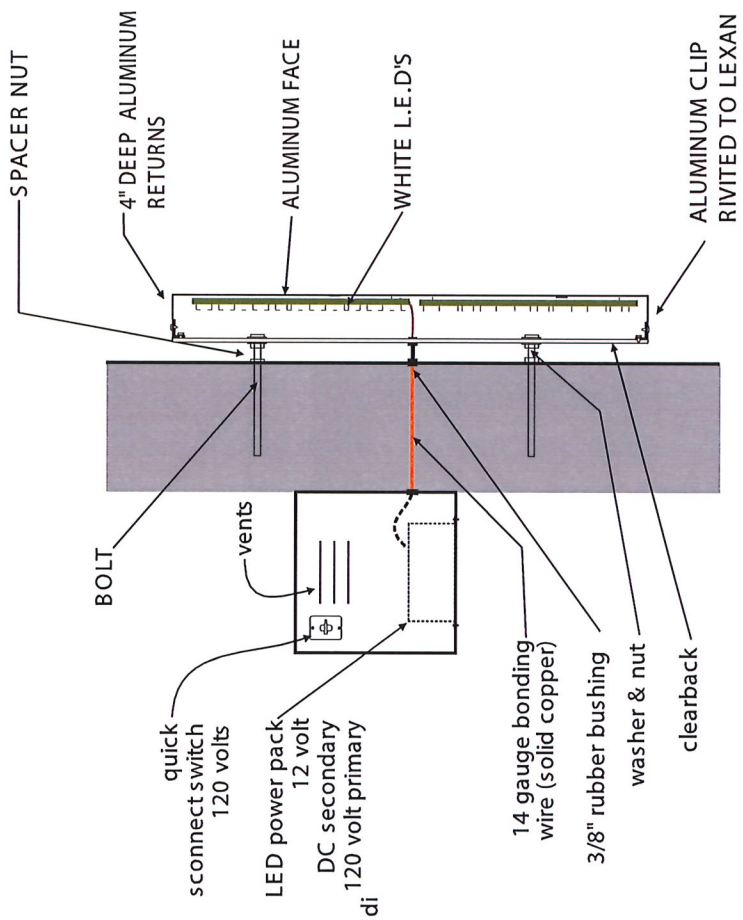
A



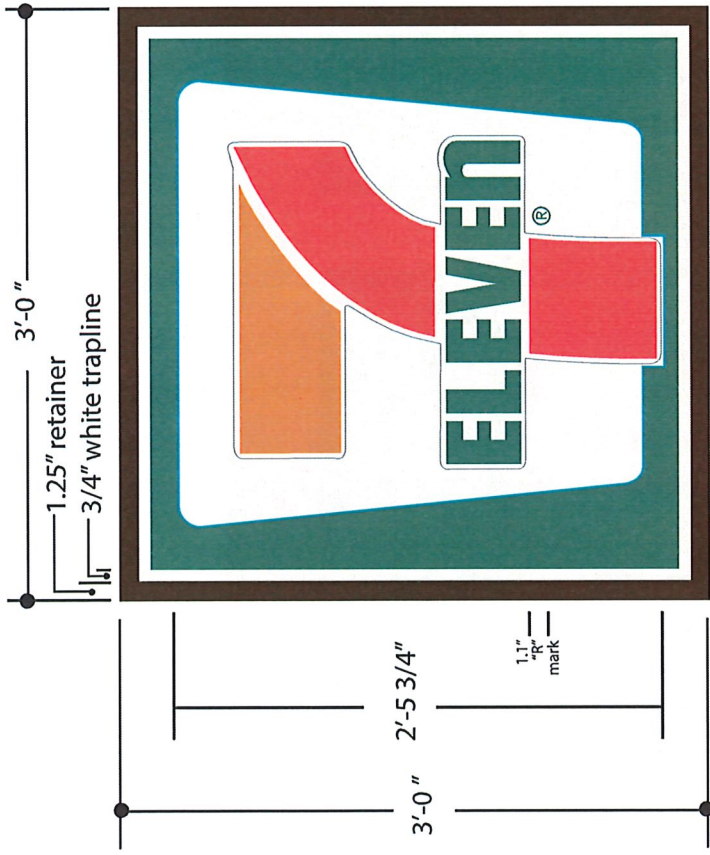
50 SQ. FT.

- LED ILLUMINATED REVERSE CHANNEL LETTER SETS.
- ALUMINUM FACES & 4" RETURNS.
- CLEAR POLYCARBONATE BACKS.
- LETTERS PAINTED.
- REGISTRATION MARK DISC TO BE DECORATED WITH 1ST SURFACE VINYL

■ PMS 341C



B1



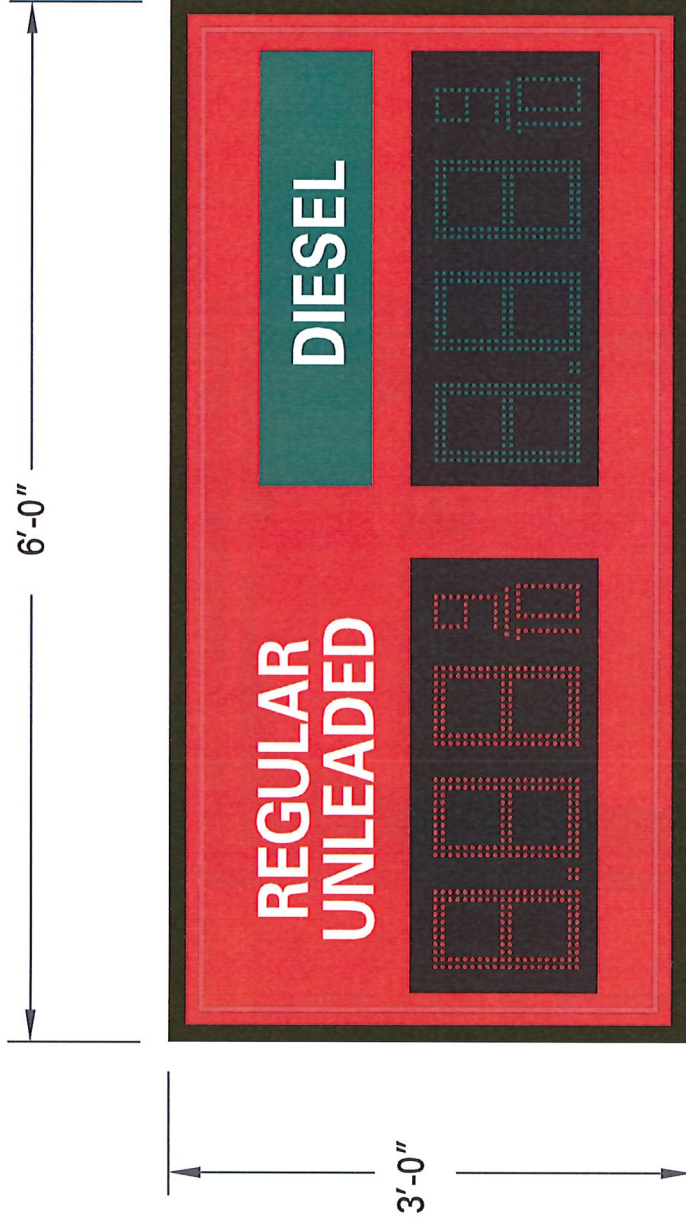
- SINGLE FACE INTERNALLY ILLUMINATED WALL SIGN.
 - LED ILLUMINATION.
 - 5 1/2" EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED BRONZE.
 - FORMED POLYCARBONATE FACES WITH EMBOSSED GRAPHICS.
 - TRAPLINE PROPORTIONAL TO LOGO FIELD.
- Color and material specifications:
- 3M 3630-26 (Dark Green)
 - 3M 3630-33 (Red)
 - 3M 3630-44 (Orange)
 - WHITE
 - BRONZE

Job Location: 1045559
Marvin Gardens & New Town Rd.,
Waxhaw, NC 28173
Date: March 24, 2021

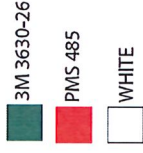


CUMMING'S

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Project Mgr.: Hannah McMillion
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Page: 4 of 9



- SINGLE FACE INTERNALLY ILLUMINATED SIGN CABINET.
 - EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED DURANODIC BRONZE.
 - PAN FORMED CLEAR ACRYLIC FACE BACK SPRAYED PMS 485 RED.
 - WHITE COPY.
 - WHITE LED ILLUMINATION
 - DIGITAL PRICER -
 - 10" RED LED *CUSTOM SIZE*
 - 10" GREEN LED *CUSTOM SIZE*
 - ELECTRICAL NOTES:
- TOTAL AMPS - T.I.B.D.
- TOTAL CIRCUITS - (1) 20 AMP REQUIRED
- VOLTS - 120

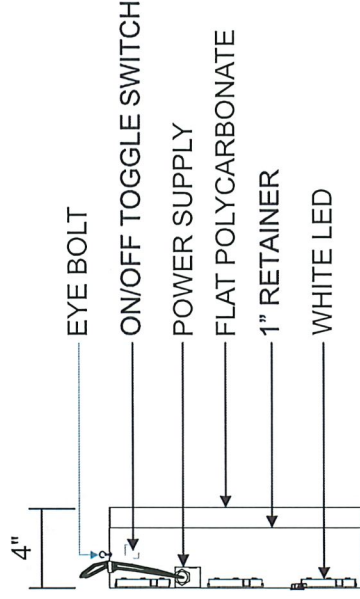
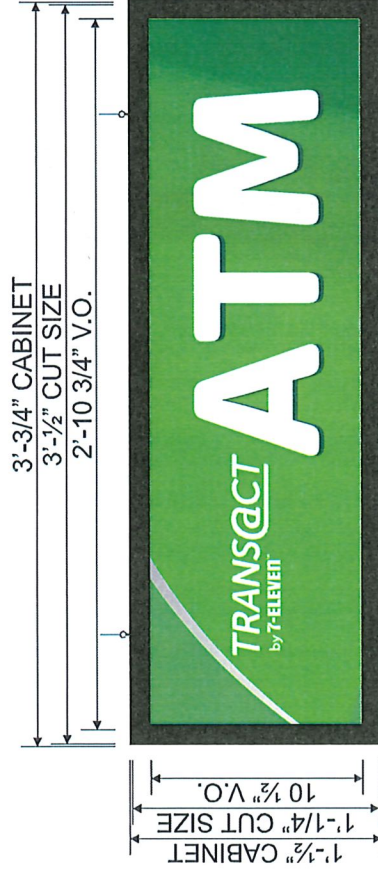


Display Square Footage (Cabinets): 18

INTERIOR SINGLE FACE WINDOW SIGN



SPECIFICATIONS
SF INTERNALLY ILLUMINATED HANGING SIGN (INTERIOR)
CABINET: EXTRUDED ALUMINUM PAINTED DURANODIC BRONZE 313E
FACE: 3/16" THICK FLAT WHITE POLYCARBONATE WITH 1ST SURFACE DIGITAL PRINT IMAGE.
ILLUMINATION: GE WHITE LED



SHOWN FOR PERMITTING PURPOSES ONLY. SIGN PROVIDED BY FCTI.

Display Square Footage (Cabinet): 3.2

Job Location: 1045559

Marvin Gardens & New Town Rd.,
Waxhaw, NC 28173

Date: March 24, 2021



CUMMINGS

D-ORDER# 101987.010 TDP/WSJ
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Page: 6 of 9








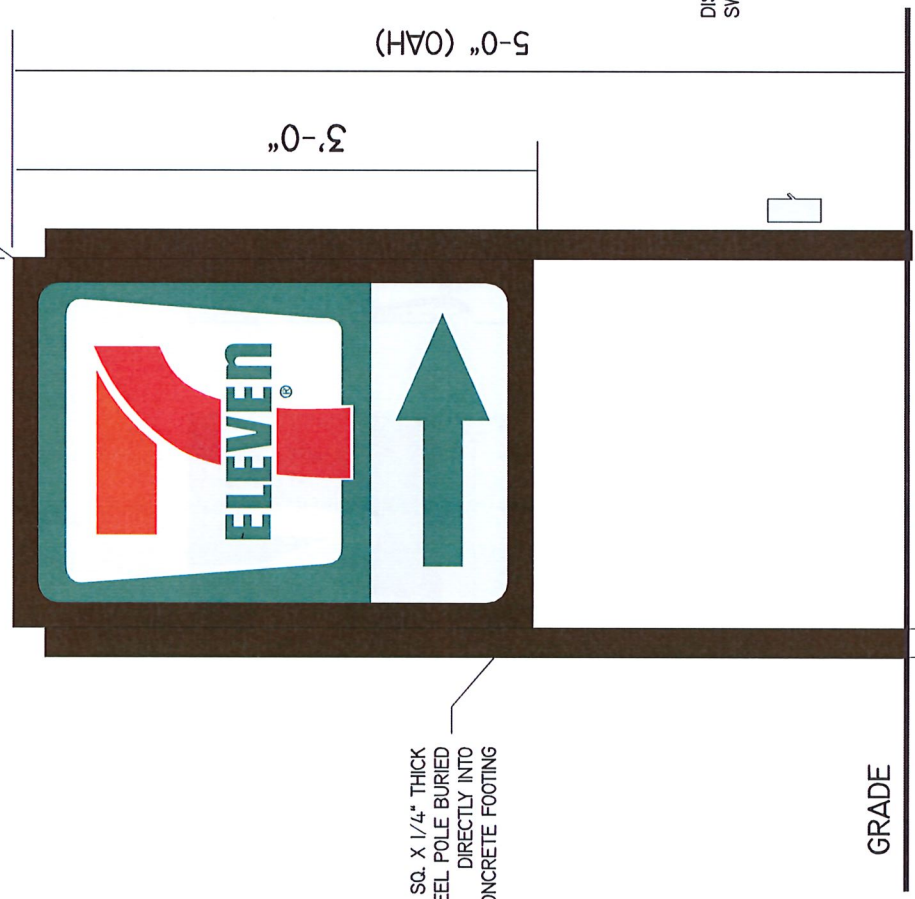
24" W X 36" H X 6" DEEP (6 SF)
 D/F ILLUMINATED CABINET
 1" X 1/8" ANGLE IRON FRAME
 PAN FORMED LEXAN FACES
 1-1/2" RETAINERS
 3M VINYL GRAPHICS & LOGO
 LED ILLUMINATION
 UL LISTED

2'-0"

3'-0"

5'-0" (OAH)

-  3M 3630-26
-  3M 3630-33
-  3M 3630-44
-  WHITE
-  BRONZE



2" SQ. X 1/4" THICK
 STEEL POLE BURIED
 DIRECTLY INTO
 CONCRETE FOOTING

DISCONNECT
 SWITCH

GRADE

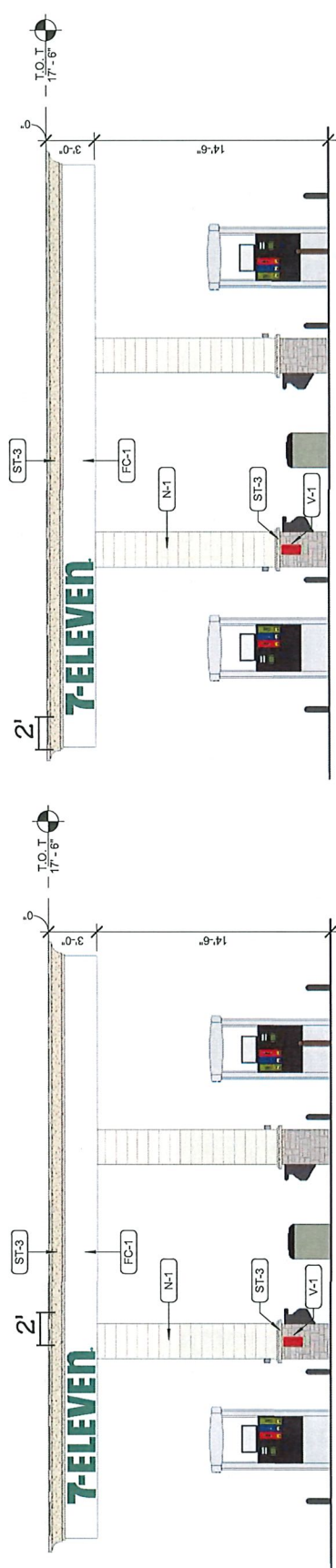
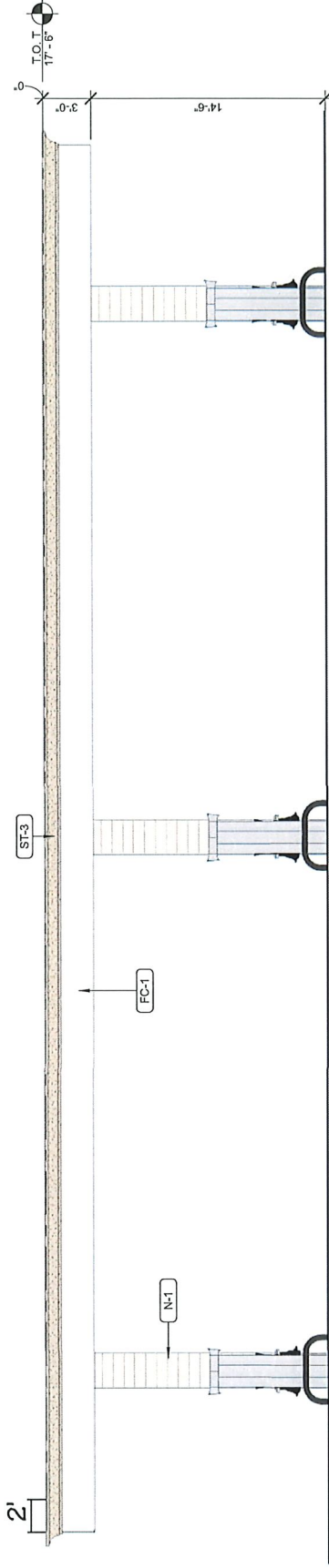
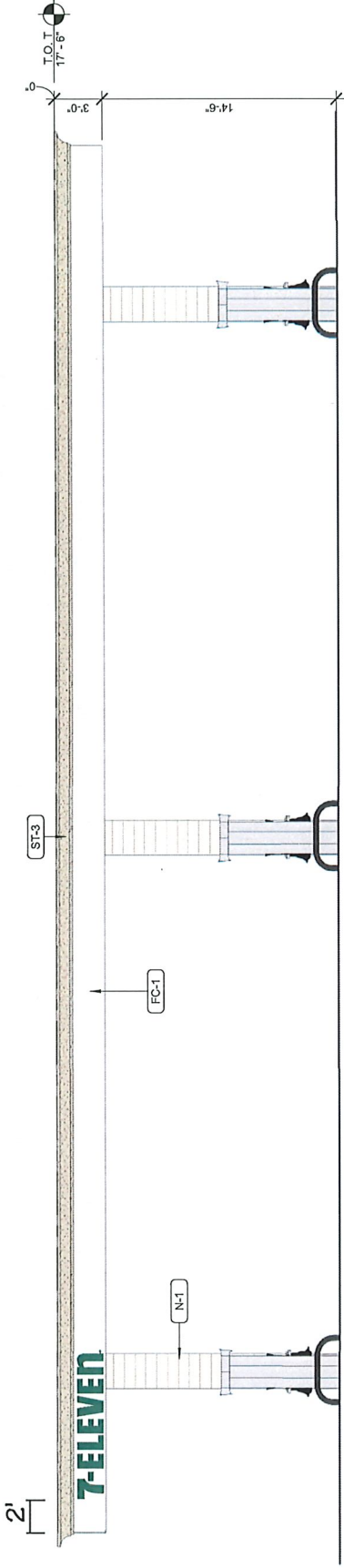
Display Square Footage (Cabinet): 6

Job Location: 1045559
 Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173
Date: March 24, 2021



D-ORDER# 101987.010 TDP/WSJ
Project Mgr.: Hannah McMillion
 hannah.mcmillion@cummingsigns.com
 Page: 7 of 9

FUEL CANOPY FASCIA CHANNEL LETTERS & ACM STRIPES



Job Location: 1045559

Marvin Gardens & New Town Rd.,
Waxhaw, NC 28173

Date: March 24, 2021

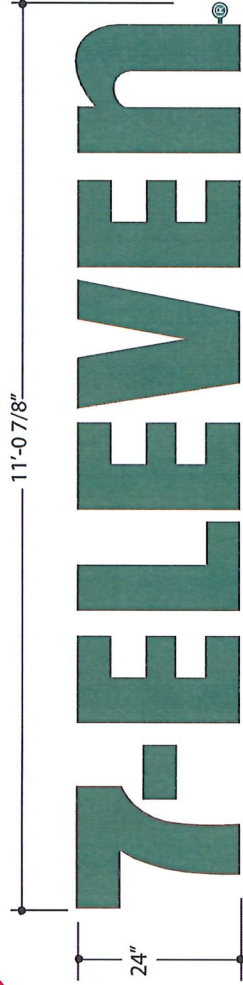


CUMMINGS

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Page: 8 of 9

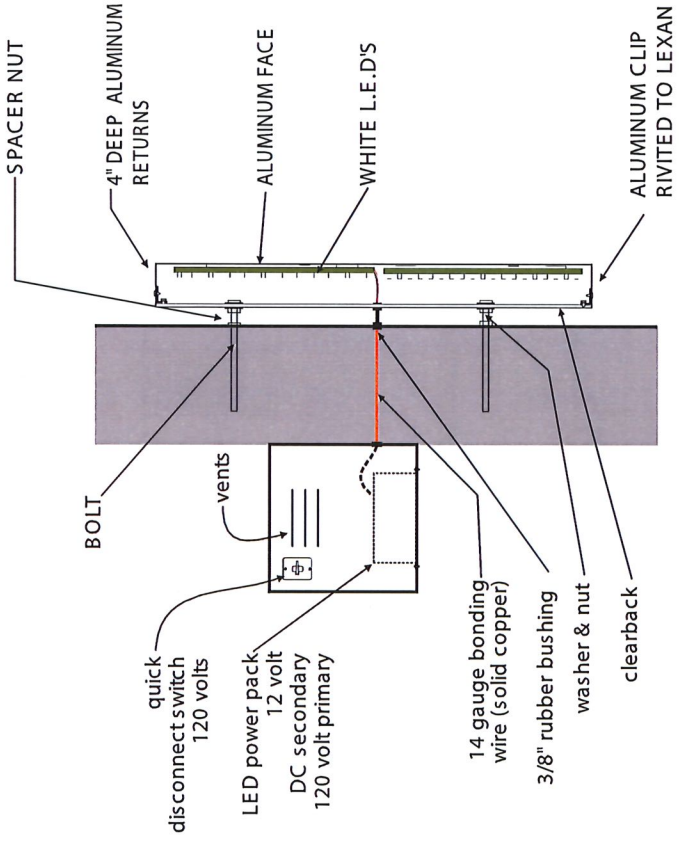
24" REVERSE PAN CHANNEL LETTERS (HALO)

F5



- LED ILLUMINATED REVERSE CHANNEL LETTER SETS.
- ALUMINUM FACES & 4" RETURNS.
- CLEAR POLYCARBONATE BACKS.
- LETTERS PAINTED.
- REGISTRATION MARK DISC TO BE DECORATED WITH 1ST SURFACE VINYL

■ PMS 341C



22.17 SQ. FT.

Job Location: 1045559
 Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173
Date: March 24, 2021



CUMMINGS

D-ORDER# 101987.010 TDP/WSJ
Project Mgr.: Hannah McMillion
 hannah.mcmillion@cummingsigns.com
 Page: 9 of 9

Item 3

Village of Marvin, North Carolina

Marvin Gardens Individual Conditional District (I-CD) Development Standards

**As Amended through Amendment Application 20-12525
Approved by Village Council November 10, 2020**

Introduction

Regency Centers Development, LLC has submitted a rezoning application to the Village of Marvin requesting to build a mixed-use project including a neighborhood grocery anchored retail development and an “age-restricted” residential community. We believe the proposed location is well suited and fulfills a significant need for Marvin today and well into the future. Regency is requesting zoning from the Village of Marvin for an Individual Conditional District; known as the Marvin Gardens - Conditional District. This zoning on the subject property will allow the development of a neighborhood grocery anchored retail project and an “age restricted” residential community featuring unique detached homes.

Regency is a leading developer, owner and operator of the highest quality shopping centers in North Carolina. Regency is a long-term owner and is committed to good stewardship of its retail projects. Regency has developed more than one million square feet and owns 19 shopping centers in North Carolina. Saussy Burbank, a local residential builder that specializes in high quality and unique residential communities, will be partnering with Regency Centers to develop the age-restricted residential portion of the proposed development. Regency Centers and Saussy Burbank are committed to providing a unique interactive community experience for essentials of life, including comfortable places to live, shop, dine, entertain, socialize and generally feel at home. The goal is to create a family-oriented, multi-generation, neighborhood gathering place.

Property and Trade Area

The property is a 38-acre (+/-) tract located at the intersection of two major NCDOT thoroughfares, Providence Road and New Town Road. The intersection is served by a full traffic signal and both the northwest and southwest corners are currently commercial developments. The subject property is zoned Mixed-Use Conditional District (MX-CD) approved for 260,000 square feet of commercial development in 2008. However, the preponderance of low density residential in the trade area surrounding this property will not support such a dense development such as this in the near or mid-term. The applicant’s request is to reduce the previously approved commercial density from 260,000 square feet to approximately 105,000 square feet of commercial density and up to 75,000 square feet of residential.

Village of Marvin Seniors

According to Claritas, a census based demographic research firm, the population of the Village of Marvin is experiencing a much higher number of residents 55 years old and over. During the period 2000 to 2013, the age 55+ population of Marvin has increased 393%. Projections for the next 5 years indicate continued significant growth resulting in an 18-year period of growth where 55+ residents will increase by 667% from year 2000 – 2018. In 2000, the percent of total population for 55+ residents was 11.2% and in 2018 they are projected to be about 1,150 in total or 17% of the total population. The proposed new “age restricted” community will be created as an “age 55+ restricted property” under Federal guidelines with no less than 80% of the homes having at least one owner 55 years of age or older.

The Site Plan

The proposed project is a fully integrated pedestrian-friendly mixed-use development with two components, a grocery-anchored shopping center and an “age restricted” residential community. The shopping center includes a grocery store not to exceed 55,000 square feet, approximately 25,000 square feet of local shops, and four individual retail use buildings along Providence Road. The shops may be built in two phases. It is anticipated that the first phase will include approximately 20,000 square feet. A feature building will be located at the main corner of the intersection. This building will be up to 6,000 square feet and contain a multi-use concept.

The residential community is located on approximately 15 acres and adjoins the shopping center to the east where it is connected by a shared access road and pedestrian sidewalks. The inspiration for the neighborhood is the rich architectural heritage of the region, refined and updated for its modern context. High quality materials will include stone on architecturally prominent elements, board & batten siding, lap siding and metal roof accents. Pitched roofs, front stoops and porches will contribute to the small town neighborly character. This is

an “age restricted” community that will contain approximately 25 single-family detached homes. These homes will range from 1,800 to 2,800 square feet and will include an enclosed garage.

Vision and Architecture

Marvin Gardens will enhance the community’s connection to its agrarian and equestrian roots. Acting together, the homes and shops will strengthen the sense that this is a place with a unique history. The character of the buildings draws inspiration from the forms of country barns, small town shops and classic farmhouses, and brings those forms into the present through careful proportions and refined details. A palette of traditional architectural materials: stone, metal roofs, clapboard, and board & batten siding recall the historical buildings of the area. Pedestrian paths offer the opportunity for residents to walk or cycle between shopping and home while pasture fencing reinforces the image of country roads and grazing horses. Garden plantings and outdoor amenities offer the opportunity for neighbors to gather for chance encounters to reinforce a sense of community.

The Proposed Project will adhere to Local and Federal Laws

TABLE OF CONTENTS

Preface: Background and Statement of Justification

DEVELOPMENT STANDARDS

Section 1: General Provisions

Section 2: Definition of Terms

Section 3: Permitted Uses

Section 4: Site Design Standards

Section 5: Architecture, Design and Performance Standards

Section 6: Off-Street Parking, Loading, Stacking and Pedestrian Networks

Section 7: Screening, Buffers and Landscaping Standards

Section 8: Signs Standards

Section 9: Lighting Standards

Section 10: Binding Effect of Rezoning

Section 11: Statement of Impact

Attached: Anchor Tenant Wall Signs

DEVELOPMENT STANDARDS

SECTION 1: GENERAL PROVISIONS

[Home](#)

(A) GENERALLY APPLICABLE STANDARDS

- (1) **Applicable Marvin Codes.** Standards not addressed, and code references that are referenced herein shall be governed by the Marvin Code of Ordinances as of March 1, 2015. Any references to the Design Review Board or Code of Ordinances Section 151.215 are referring to OR- 2016-07-06 approved by Village Council on July 12, 2016, and future amendments.
- (2) **Grading and Seeding.** All areas within the development shall be seeded with grass after grading. Areas that will not be developed, improved or otherwise landscaped, shall be seeded with grass and maintained. Grass or weeds shall not exceed a maximum height of 8 inches.
- (3) **Maintenance and Cleaning.** The Applicant shall be responsible for the maintenance and cleaning of all commercial common areas, driveway and parking areas.
- (4) **Hours of Operation.** Except as provided herein, the daily hours of operation for all commercial uses, shall begin no earlier than 6:00 a.m. and end no later than Midnight, with the following exceptions:
 - (a) 24-hour ATMs (automatic teller machines) shall not be limited at any time.
 - (b) Truck deliveries shall be restricted to the hours between 6 a.m. & 10 p.m.
 - (c) Waste/trash removal shall be restricted to the hours between 7 a.m. & 10 p.m.
 - (d) All leases and contracts shall reflect this restriction.
- (5) **Design Review and Approval.** Development plans for Marvin Gardens I-CD, shall receive Design Review and Approval pursuant to processes outlined in §151.215 prior to receiving Zoning Permits.
- (6) **Specific Site & Design Plans Required.** Approval of the Marvin Gardens I-CD Sketch Plan confers approval upon land-uses, preliminary site plans, setbacks, buffers, general layout of parking in Envelope A, general arrangement of improvements upon the lot, deviation list and development standards governing development upon the site. Specific Plan details regarding building orientation, architecture for principal buildings, accessory structures, loading facilities, vehicular stacking lanes, drive-through implements, waste collection devices, and internal landscaping and screening, have not been approved with the Marvin Gardens I-CD Sketch Plan. Approval of Specific Site & Design Plans for individual buildings, architecture, landscaping and signs shall be conferred during Design Review and Approval. Where no drawing, elevation, landscaping, or screening plan has been provided, and no development standard has been established herein, or per the Marvin ordinance, details shall be worked out between the Applicant and the Design Review Board during the Design Review and Approval, pursuant to §151.215
- (7) **Amendments to the District.** Amendments, including Administrative Amendments, to the Marvin Gardens I-CD, inclusive of amendments to any Development Standard, shall follow the process outlined in Section §151.251
- (8) **Phasing Plan** - The development shall be constructed in phases. Phase I shall include Buildings 1, 2, and 3 in Envelope A. Other phases will include Building 4 in Envelope A and all buildings in Envelope B.

Definitions, which are not outlined here, shall be reliant on the 2016 Marvin Code definitions. The following definitions shall be used within this Individual Conditional District in addition to those enumerated in Section 151.016 of the Code:

- (1) **Age Restricted Single-Family Residential** - A residential community that is “age 55+ restricted property” under Federal guidelines with no less than 80% of the homes having at least one owner 55 years of age or older.
- (2) **Anchor Tenant Pharmacy, Drive-through Window** - A retail enterprise in which the profession of pharmacy is practiced and where prescriptions are compounded and offered for sale as an ancillary use of the anchor tenant’s general use. A Pharmacy shall include a pharmacist licensed by the State of North Carolina on duty on the premises. An Anchor Pharmacy may utilize a Drive-through Window Service Lane.
- (3) **Childcare Center: Drop-Off / Drop-In / Short-Term** - A child care arrangement where care is provided occasionally; in accord with NC State law while parents participate in activities that are not employment related, and where the parents are on the premises or otherwise easily accessible. This use may be established in a health spa, health club, community center, fitness club, shopping mall, or other similar locations.
- (4) **Coffee Shop with Drive-through Window** - A retail establishment primarily selling coffee and associated products where cars may utilize a Drive-through Window Service Lane. Orders are generally placed using a microphone and picked up and paid for at a pick-up window. For the purpose of interpreting these Development Standards, this use shall not be considered a ‘Restaurant with a Drive-through Service Window’ and shall strictly refer to this definition.
- (5) **Consignment Store** - Any “second hand” store which is consistent with a first class, high-end shopping center generally found in the Greater Charlotte, NC area; a first class operation providing resale of upscale clothing and accessories. Examples of such stores including but not limited to Plato’s Closet, Once Upon A Child, Fifi’s, and Clothes Mentor; an establishment, which sells specialty, mercantile items such as vintage or antique furniture, estate jewelry, and similar retail concepts.
- (6) **Drive Aisle** - A vehicular access way located within an off-street parking area, or vehicular use area, which serves individual parking stalls and driveways.
- (7) **Drive-through Lane/Stacking Lane** - A lane separated from other parking area traffic on a property, provided expressly for stacked vehicles waiting in queue enabling motorists to submit a request for service and/or receive service from a drive-through service window while remaining in a motor vehicle.
- (8) **Drive-Through Window Service Lane** - A lane that provides for a person to receive a product or service without leaving their vehicle. This definition does not include car washes.
- (9) **Financial Institution with Drive-through Window** - A Financial Institution, as defined in the Code, is an establishment that utilizes a Drive-through Window Service Lane and a drive-through window/ATM/Bank Teller Machine/pneumatic tube or other devices commonly used in banks for customer transactions. The term ‘Financial Institution’ shall be interpreted to include traditional ‘banks’.
- (10) **Fueling Position** - The number of operable fuel dispensers available to fuel vehicles simultaneously.
- (11) **Learning Centers** - Includes private tutoring services, test preparation centers, drivers' education services, instruction in arts, performing arts, and specialized crafts; and similar educational facilities. Learning centers do not include nursery schools, preschools or daycare centers.
- (12) **Restaurant, With Drive-Through Service Window** - A restaurant whose primary business is the preparation and service of food, which provides patrons the option to purchase food without leaving their vehicles, and receive food purchases in a ready-to-consume state, through a ‘pick-up window’ situated in a drive-through lane. This shall not include any use that is considered to be a ‘Coffee Shop’ or ‘Coffee Shop with Drive-through Service Window’.
- (13) **Restaurant, Fast Casual** - Primarily a concept restaurant or chain restaurant, positioned between the Fast Food Restaurant and the Casual Dining Restaurant. Decor is unique to the concept and somewhat more ‘highly developed’ than Fast-Food Restaurant decor. More of the food is prepared inside the restaurant,

cooked to-order, and takes incrementally more time to prepare than Fast Food. Fast Casual Restaurants serve more ingredients, which are fresh, and fewer ingredients that are frozen or processed than ingredients used at Fast-Food Restaurants. Fast Casual Restaurants do not offer full table service but may deliver food to a table or provide non-disposable plates and cutlery. Fast Casual Restaurant may be taken out of the restaurant however most of the food is designed to be consumed with utensils, at a table, rather than designed for consumption in a vehicle. The cost of food tends to be higher at Fast Casual Restaurants than food at Fast Food Restaurants. Though drive-through windows are sometimes provided, they are not typical.

(14) **Restaurant, Fast Casual, With Drive-Through Window Service Window** - An establishment providing patrons with the option to purchase food and beverages, from a Fast Casual Restaurant without leaving their vehicles.

(15) **Restaurant, Fast Food** - An establishment whose principal business is the sale of pre-cooked or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off the premises. In contrast to food from a Fast Casual Restaurant food; which may be picked up but normally requires utensils and/or a table for appropriate consumption, the majority of food offered at a Fast Food Restaurant is designed to be eaten 'on-the-go' or packaged for consumption within a vehicle. Orders for food may be placed either within the restaurant building or from a centrally located outdoor ordering box. These restaurants may also have a drive-through window service from which to pick-up food orders.

(16) **Restaurant, Fast Food with Drive-Through Window Service** - An establishment providing patrons with the option to purchase food and beverages, from a Fast-Food Restaurant, as defined above, without leaving their vehicles.

(17) **Service Area** - An area often located on the rear-side of buildings, which contains one or more of the following: a trash collection area, refuse containers, outdoor loading and unloading area per use outdoor shipping and receiving area, temporary, outdoor, interim storage of shipped or received product, outdoor repair areas of any service station, safety equipment inspection stations or dealers, wall-mounted utility, mechanical or electrical equipment, and the like.

(18) **Urgent Care Facilities** - Urgent care facilities are medical facilities that are designed or used to provide medical services on a walk-in or emergency care basis that operate outside of standard business hours. Urgent Care Facilities are not allowed to provide ambulance service or provide services for overnight patients.

(A) GENERAL PROVISIONS.

- (1) A Conditional District amendment, pursuant to §151.251 shall be required for a change in any use over 45,000 sq. ft.
- (2) All Uses, including those with Drive-through Windows, must comply with all standards listed in the Developments Standards.
- (3) Any Department/Variety Store or Consignment Store listed in the permitted use tables shall be limited to 5,000 square feet.
- (4) Internal driveway locations, curb cuts and specifications shall be subject to the Village Engineer’s evaluation and recommendations prior to Design Review and Approval.

(B) ENVELOPE A

(1) **Permitted Uses:** Per table 3.1 and 3.2

Table 3.1: Marvin Gardens I-CD - Permitted Uses for all Non-Residential Envelopes	
<ul style="list-style-type: none"> 1. Restaurant, Fast Casual; 2. Restaurant, Fast Food; 3. Ice cream, smoothie, coffee or yogurt shop; 4. An “ABC” store (or, if permitted by law, a private liquor store) selling spirituous liquor for off-premises consumption; 5. Formal wear sales/rental, and wedding/bridal boutiques; 6. Shoe repair; 7. Pet shops and supplies, pet grooming; 8. Pool and spa supplies; 9. Medical supplies; 10. Sign or banner shops; 11. Frame store; 12. Consignment or resale store; 13. Bicycle shop, bicycle shop repair; 14. Furniture and housewares; 15. Lawn and garden supply without outdoor overnight storage; 	<ul style="list-style-type: none"> 16. Camera shop and photo finishing shop; 17. Health food, vitamins and supplements; 18. Beauty supply stores; 19. Cosmetic services including nail salons; 20. Fitness center, martial arts; 21. Weight loss centers 22. Childcare centers, drop-off; 23. Learning centers; 24. Massage therapists and therapeutic spas; 25. Optical dispensary (with or without a related Optometry practice); 26. Performing Arts companies; 27. Urgent care not providing ambulance service; 28. Wireless providers; 29. Travel agency 30. Consulting and/or professional offices such as medical, counseling, law, employment agency, armed forces recruiting; 31. Pharmacy with Drive-through Window (associated with a Grocery Store)

Table 3.2: Commercial Corridor CD (§151.085) - Permitted Uses for all Nonresidential Envelopes

1. Animal hospital, indoor;	22. Insurance agency;
2. Antique shop;	23. Jewelry store;
3. Arts and crafts store;	24. Library;
4. Athletic goods shop;	25. Library, public;
5. Banks and financial institutions;	26. Linen and notion shop;
6. Bank teller machines;	27. Music store;
7. Bakery, retail;	28. Office Building
8. Barber and beauty shop;	29. Photocopying shop;
9. Book and stationery store;	30. Post office;
10. Clothing store;	31. Postal store and contract station;
11. Computer/electronics store;	32. Real estate agency;
12. Dance and gymnastic studio;	33. Restaurant,
13. Department / Variety Store;	34. School for the arts;
14. Doctor's office;	35. Stock brokerage firm;
15. Dry cleaning service store	36. Tailor, dressmaking and millinery shop;
16. Essential services, class I and II;	37. Tax preparation service;
17. Fabric store;	38. Toy and hobby store;
18. Floor covering, wallpaper, paint and window covering store;	39. Travel agency;
19. Florist and gift shop;	40. Village government buildings and facilities (indoors);
20. Grocery store;	41. Video store; and
21. Hardware store;	42. Fitness Center / Health Club / Fitness

(2) Additional Criteria for Uses in Envelope A:

(a) Building 1 shall be permitted as a Grocery Store only.

(b) A Drive-through Pharmacy, associated with a grocery store, shall be permitted in Envelope A.

(c) No other Pharmacy with a drive-through service window, nor any other drive through use, shall be permitted.

(C) ENVELOPE B

(1) Permitted Uses: All uses allowed in Envelope A as enumerated in Table 3.1, 3.2, and all uses outline in Table 3.3

Table 3.3: Marvin Gardens I-CD - Permitted Uses for Envelope B Only

1. Restaurant, with Drive-through Service Window, (Fast Food, Fast Casual or Sit-down)	3. Financial Institution with Drive-Through Window Lanes
2. Coffee Shop with Drive-through Window	4. Convenience Store/Mini Mart/Express Fuel

(2) **Additional Criteria for Uses:** The following standards apply to Permitted Uses in Envelope B:

- (a) No more than two (2) cumulative uses with a Drive-through Window shall be permitted.
- (b) No more than one (1) use with a Drive-through Window shall be permitted in each Outparcel.
- (c) No more than one (1) tenant shall be permitted within in buildings on Outparcels 1, 3 and 4
- (d) No more than (3) three tenants shall be permitted in Outparcel 2.
- (e) No more than one (1) Restaurant with a Drive-through Service Window (Either Fast-Food, Fast Casual or Sit-Down) in Outparcel 1 or 3 only.
- (f) No more than one (1) Coffee Shop with Drive-through in Outparcel 1, 2 or 3
- (g) The only drive-through use permitted in Outparcel 2 is a Coffee Shop with a Drive through Window.
- (h) Any Financial Institution shall have no more than three (3) drive-through service lanes.
- (i) No more than one (1) Convenience Store/Mini Mart/Express Fuel as follows:
 - 1. No cross -branding or co-branding shall be permitted in conjunction with this use. No restaurant, grill, service counter or separate establishment, or tenant; serving food or beverages which require preparation, shall be permitted at, or in, a Convenience Store / Mini Mart / Express Fuel establishment.
 - 2. This use shall only be permitted in Outparcel 1.
 - 3. A maximum of twelve (12) fueling positions is permitted as defined in Section 2. (11/10/2020)
 - 4. For clarification purposes, a Convenience Store/Mini Mart/Express Fuel shall not be considered a Drive-through use.

(D) ENVELOPE E

(1) **Permitted Uses:**

- (a) Age Restricted Single Family Residential

(2) **Additional Criteria for Permitted Uses in Envelope E:**

- (a) A maximum of 25 dwelling units shall be permitted

(E) PROHIBITED USES: The following uses are expressly prohibited from this conditional district.

Table 3.4: Marvin Gardens I-CD - Expressly Prohibited Uses	
1. Adult entertainment;	14. Funeral parlor;
2. Adult Bookstore / Adult novelty shop	15. Gaming or gambling (exclusive of sale of lottery tickets);
3. Amusement gallery, electronic game room	16. Gas station, Full service (providing maintenance services and repairs);
4. Auto Parts Store	17. Movie theatre or cinema;
5. Auto Sale, Lease or Rent (exclusive of auto lease by a travel agency)	18. Night club;
6. Bail Bond service	19. Pawn shop;
7. Bingo parlor	20. Pool hall, billiards parlor;
8. Bowling alley	21. Residential Uses, except in Envelope E
9. Carwash	22. Tattoo or piercing parlor;
10. Consignment Store; except as defined in Section 02.	23. YMCA
11. Department Store	24. No other use shall be permitted, unless expressly permitted herein.
12. Dry cleaning plant	
13. Flea market	

(A) GENERAL SITE DESIGN STANDARDS. [Reserved]

(B) COMMERCIAL SITE DESIGN STANDARDS

(1) Permitted Structures per Lot. Only one (1) principal building shall be permitted in each Outparcel lot, in Envelope B

(2) Construction of Public Amenities. Public amenity areas, like pocket parks and other community spaces, as identified on CZ-1 in the commercial portion of the development, shall be constructed within one year of the Anchor Tenant’s Certificate of Occupancy.

(3) Setbacks and Dimensional Standards

(a) Setbacks and Buffers: Shall be provided as shown on CZ.1 & CZ5.0 - CZ 5.5

(b) Maximum Size of Buildings:

Envelope A: No anchor building shall exceed 55,000 sf.
Envelope A: No multi-tenant building shall exceed 15,000 sf.
Envelope B: Outparcel 1 shall not exceed 5,000 sf.
Envelope B: Outparcel 2 shall not exceed 6,000 sf.
Envelope B: Outparcel 3 shall not exceed 6,000 sf.
Envelope B: Outparcel 4 shall not exceed 7,000 sf.
Any Outparcel used for Convenience Store/Mini Mart/Express Fuel shall be limited to a building size not to exceed 3,500 sf.

(c) Maximum Building Heights:

1. Commercial Buildings (anchor): 50 feet
2. Commercial Buildings (all other): 35 feet

(d) Principal Building Setbacks for Individual Lots/Outparcels. The following setbacks shall apply to outparcel lots in Envelope B:

1. Setbacks along Right of Ways
 - a. 50 ft. along Outparcels 2, 3 & 4
 - b. 35 ft. along Outparcels 1
 - c. Parking stalls may not be placed between the building and a public right-of-way.
2. All other setbacks shall be as shown on CZ.1
3. A single drive-aisle lane (not a Drive-through Lane/Stacking Lane) may be considered adjacent to a public right-of-way in parcels with a drive-through.

(4) Commercial Amenities & Pedestrian-Oriented Spaces.

1. Commercial amenities and recreational spaces proposed in the district shall be maintained for ‘public use’ and shall not be reserved for private use or established as leasable space for tenants, except for portions of these areas which may be surrounded by a gate or fence and reserved for patrons of a tenant. These areas shall not exceed 800 sf. per side, as outlined on the amenity plan.
2. Envelope C shall be a useable common open space equipped with landscaping, safety lighting and pedestrian seating for the use of patrons.

(5) **Outdoor, Overnight Storage.** Overnight, outdoor storage is prohibited for any use. The Anchor Tenant Grocery Store may display seasonal merchandise, outdoors, and overnight if it is presented in a first-class manner. (See Figure 01)



Figure 01: Permissible, overnight, outdoor storage for grocery tenant.

(C) RESIDENTIAL DEVELOPMENT SITE DESIGN STANDARDS

(1) **Residential Lot Regulations.** The following lot regulations shall apply to residential dwelling units in the conditional district.

Development Component	Development Standard
Lot Size Min. Square Footage:	8000 sq. ft. minimum
Side Yard Setbacks	5 ft. minimum
Rear Yard Setback	20 ft. minimum
Front Yard Setbacks	20 ft. minimum to the outer most point of the house.
Lot Width	60 ft. minimum
Garage Recess:	Garages shall be recessed a minimum of 5' from the front facade

(2) **Residential Pocket Park.** The pocket park provided for the residential development and as shown on CZ.1 shall be designed in accordance with the following standards. It shall be:

1. A minimum of 20,000 usable, accessible sq. ft.
2. Unimpeded by any other access easement or utility easement,
3. Landscaped with plantings and trees
4. Equipped with outdoor furnishings and fixtures; including but not limited to a gazebo, arbors, benches and lighting.

(D) TOPOGRAPHY / GRADING / STORMWATER RETENTION / EROSION CONTROL

(1) No landscaping shall be permitted in the proposed overflow path, embankment or access easement area of any stormwater pond. This provision shall supersede all landscape provisions in the Ordinance and in this Conditional District.

(2) All wet ponds in the commercial and residential development be designed with a vegetative buffer with a depth required by the NCDEQ to facilitate pollutant removal and a fountain, or other mixing mechanism, to ensure the full water column remains oxidized through each season.

(3) Specific Site and Design plans shall demonstrate how all Stormwater Ponds will be integrated into the site plan. Stormwater design and improvement plans shall be subject to Design Review and Approval pursuant to §151.215

(A) GENERAL ARCHITECTURAL PROVISIONS.

- (1) *Architectural Uniformity and consistency with the Plan:* This development, including the building architecture, design elements, signs, hardscape, lighting fixtures and furnishings shall be substantially consistent with the design themes, architectural themes, architectural elements, exterior building features, building materials and color palette exhibited in the Sheets A1.0 and A1.1 and any rezoning plan document, adopted as part of conditional district rezoning plan. A materials board using natural and/or earth tones shall be provided to the Design Review Board for approval.
- (2) *Visual Renderings as part of the Rezoning Plan:* All documents, renderings and illustrations provided with the July 6, 2016 rezoning submission shall be regarded as the conceptual design standards.
- (3) *Design Review.* Specific individual building design plans shall receive Design Review and Approval. When reviewing these plans, written standards herein shall be regarded.
- (4) *Traditional, Agrarian Themes & Elements.* Architectural building forms and exterior treatments shall exhibit traditional, rural design themes prescribed by the Land Use Plan. All principal buildings shall include varied rooflines, agrarian-style shed roofs and gables (as opposed to flat roofs), open, shuttered windows, and fieldstone, which are depicted on Sheet A1.0.
- (5) *Envelope A.* Each building's architecture and exterior design elements shall be substantially consistent with the approved architecture exhibited in approved Rezoning Plans, per Sheet Nos. A1.0 & A1.1.
- (6) *Envelope B* except for a Convenience Store / Mini Mart / Express Fuel use, which shall follow provisions in subsection 6
- (a) Each building's architecture and exterior design elements shall be substantially consistent with the approved architecture shown on Sheet A1.0, and A1.1, and similar to the end cap of Building 4 in Envelope A. All sides of each building shall be architecturally treated.
- (b) The feature building in Outparcel 2 shall be constructed in a single, cohesive style and shall look substantially similar to Building 4, in Envelope A. (see Figure 02)



Figure 02: Model for the Outparcel 2 Feature; Building: Envelope A, Building 4

(7) Envelope E

- (a) Elevations shall depict a distinct, architectural design theme across the residential development. The elevations for each dwelling unit shall be substantially consistent, in terms of architecture, exterior treatments, building form and building materials as depicted in sheet A1.3.
- (b) The primary front facades of the principal residential structures shall have decorative masonry elements (natural / unpainted brick or stone) on at least 30% of the, primary facade exclusive of windows and doors, or an amount proportionate to the masonry area shown on the conceptual elevations. All other facades shall be brick, stone, wood, hard coat stucco or fiber cement. At the time of permitting an individual house, the Design Review Board will review each proposed design for consistency with the architectural style and materials shown on the conceptual elevations.

(B) WINDOWS, DOORS AND BLANK WALLS. All first floors of all buildings shall be designed to encourage and complement pedestrian-scale interest and activity. Where blank expanses of wall are necessary, they may not exceed 20 feet in length. Windows and doors located on the rear-side of buildings may utilize spandrel glass or alternate architectural elements to satisfy the requirement for “pedestrian-scale interest and activity” unless the rear facade of the building is located along the right-of-way. The following provisions shall also apply:

(1) Envelope A: Anchor Tenant / Grocery Store (Building Number 1)

(a) The first floor of the Anchor Tenant Building shall look substantially consistent with Sheet A1.0 and shall not be subject to further restrictions described in this section.

(b) The rear facade of the building may be constructed of painted block and no transparency given that evergreen trees shall be planted every 50’ on center to break up the massing.

(2) Envelope A: Multi-Tenant Buildings and Phase 2 Building (Building Numbers 2, 3 & 4)

(a) The buildings shall utilize transparent windows and doors, arranged on at least 50% of the linear frontage of the first floor of the front elevation.

(b) The buildings shall utilize transparent windows and doors, arranged on at least 30% of the linear frontage of the first floor of the side elevation of each building.

(c) Where windows and doors are not arranged on the sides of the buildings, varying materials, massing and architectural elements shall ensure blank walls do not exceed 20 ft.

(d) The rear facade of the building may be constructed of painted block and no transparency given that evergreen trees shall be planted every 50’ on center to break up the massing.

(3) Envelope B: The following standards shall apply for all uses located in Envelope B, except for a Convenience Store/ Mini Mart/ Express Fuel use which shall follow provisions in Subsection 6.

(a) The buildings shall utilize transparent windows and doors, arranged on at least 50% of the linear frontage of the first floor of the front and side elevations.

(b) The buildings may utilize spandrel glass on the rear and side elevations of the buildings where glass is impractical, however windows and doors must be arranged on at least 50% of the linear frontage of non-glassed areas of the first floor when the rear side of the building faces a right-of-way or main access drive.

(c) Service Area doors must be consistent and compatible with the themes colors, texture and materials of the principal building facade

(C) BUILDING MATERIALS.

(1) **High-Quality Materials.** High-quality building materials shall be utilized throughout the development, including brick, stone, natural or cultured stone, limestone, marble, or granite, split-face block or architectural concrete; if the surface is designed to simulate stone it shall reflect the range of colors, tones and texture exhibited in the fieldstone presented on the Anchor Tenant Building. A minimum of 50% of a primary facade (excluding windows; display windows; doors; roofing; fascia or soffit materials) shall consist of quality, masonry building materials, particularly along public right-of-ways and along primary access drives. This section shall not apply to Envelope E.



*Figure 03: Rear-side of building public-right-of-way
Featuring faux façade with transparent windows & doors*

(2) **Fieldstone and Brick.** Fieldstone elements, as featured in A1.0 and A1.1 shall be utilized on buildings in Envelope A and Envelope B. However, the applicant may occasionally propose an unpainted brick of similar color to the fieldstone as a substitute for outparcel buildings; including the fuel station canopy columns. Any substitute shall be submitted and subject to Design Review Board approval.

(D) SKYLINE / ROOF TREATMENTS / ROOFLINES

- (1) Structures or roof treatments within a development shall be of varying heights so that a varied skyline is achieved.
- (2) Rooflines shall vary in height, material, treatment, direction, etc. and shall not extend in a continuous plane for more than twenty (20) feet.
- (3) Distinct and interesting rooflines shall be provided.
- (4) All sides of parapet walls visible from public view shall be finished to match the primary facade and shall extend an appropriate depth that is proportionate with the building size.

(E) ARTICULATION, OFF-SETS & FACADE REQUIREMENTS

- (1) **Articulation:** Public Entrances should be clearly differentiated and articulated.
- (2) **Distinct, Recognizable Base, Middle and Cap:** Buildings shall include a clearly recognizable base, middle, and cap.
- (3) Articulation, and building façade requirements shall be subject to all architectural standards herein and shall receive Design Review, pursuant §151.215.

(F) ARCHITECTURAL STANDARDS SPECIFIC TO CONVENIENCE STORE/MINI MART/ EXPRESS FUEL USE.

- (1) The rear façade of the Convenience Store shall be oriented to face the public right of way. The Convenience Store building shall be physically aligned with the Fuel Station Canopy so that the view of the canopy shall be minimalized from view from the public right-of-way.
- (2) The use shall utilize transparent windows and doors, arranged on at least 50% of the first floor of the primary building façade.
- (3) The windows and doors on the rear facade must be arranged on at least 50% of non-glassed areas of the first floor. The arrangement of windows and doors shall project a façade similar to a primary façade, consistent with the depiction exhibited below, in Figure 04.
- (4) Service door located on the rear-façade shall be painted or finished in a color that blends with the materials used for the façade.

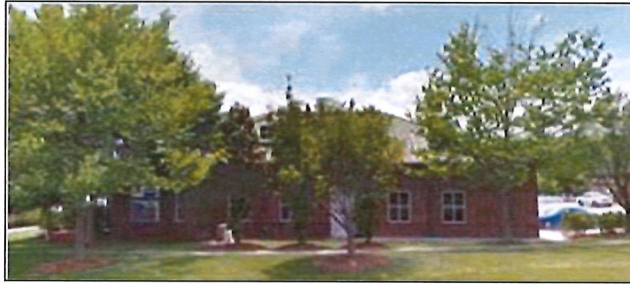


Figure 04: Convenience Store orientation, landscaping, arrangement of windows and doors

(5) The fuel station canopy may be consistent with what is depicted in Figure 05, however the canopy shall be a dark color, as approved by the Design Review Board.

(6) The Fuel Pump Island Canopy shall not resemble the canopy depicted in Figure 05, in terms of the colors or striping exhibited.



Figure 05: Acceptable fuel station canopy (not including color)

(A) GENERAL PROVISIONS.

(1) **Overnight Parking.** The HOA covenants governing residential dwelling units shall prohibit overnight road parking on all residential roads within the development.

(B) PARKING LOT MANEUVERABILITY AND CIRCULATION.

(1) **Maneuvering on the Lot of Use.** Parking and loading facilities must be designed and constructed so that all maneuvering in and out of parking and loading spaces can take place entirely within the property lines of the lot.

(2) **Visibility.** Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.

(3) **Transitions from Access Driveways to a Parking Lot or Parking Segment.** All parking facility driveways shall provide a protected transition distance of not less than twenty-five (25) feet in length from the public right-of-way, street or driveway aisle to the nearest parking space. (See Figure 06)

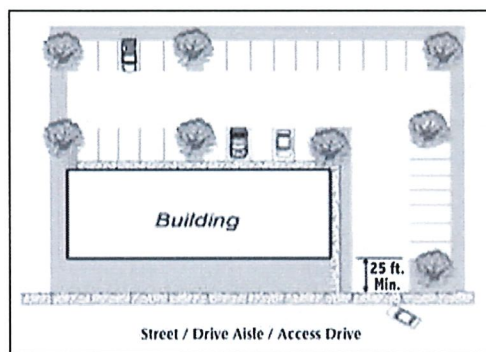


Figure 06: Driveway Transition and Parking Stall Setback

(C) CURBING, WHEEL GUARDS AND BARRIERS.

(1) **Curbing for Landscape Strips, Parking Island & Medians.** Parking islands, parking medians and perimeter landscape strips, which create a frame around parking spaces, shall also be constructed with standard, concrete curbs.

(2) **Curbs, Wheel Guards, Bollards and Barriers.** Curbs shall be installed in front of all buildings and sidewalks, curbs and bollards shall be installed where parking stalls are adjacent to buildings containing patron seating or children gathering areas inside or outside of a building. Striping or signage should also be used to prevent parking in areas where parking is not permitted.

(3) **Parking Spaces Require Curbs or Wheel Guards.** Parking spaces on the interior of parking lot adjacent to landscaped areas or sidewalks must be equipped with curbs. However, breaks shall be permitted in curbing to allow for ADA stalls and facilities, shopping cart storage systems, pedestrian crosswalks, or breaks in curbed, landscape strips, etc.

(4) **Parking Spaces Adjacent to Landscaping & Sidewalks.** Vehicles may not overhang into landscaping and parking spaces adjacent to landscaping shall be equipped with a curbing extended by two feet to protect landscaping from damage or interfere with plant growth or its irrigation. (See Figure 07)

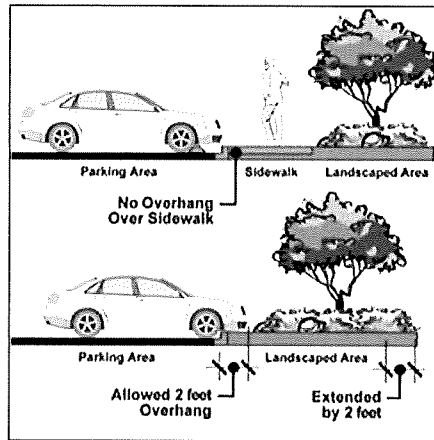


Figure 07: Curb and wheel guard provisions for pedestrian walkways and landscaping.

(5) **Striping and Demarcation.** All parking spaces shall be clearly demarcated with 4-inch, white painted lines, or other markings.

(6) **Directional Signage.** The Design Review Board shall authorize the installation of all signage for nonresidential uses, and development within a Conditional District, including the installation of directional signage, pursuant to §151.215. No other sign may be erected without the submission of a Sign Permit.

(D) OFF-STREET PARKING REQUIREMENTS

(1) **Fractions.** When calculations of the number of required parking spaces results in a fraction, the number of minimum spaces shall be rounded up to the next whole number.

(2) **Parking Based On Floor Area.** When standards use the amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area (GFA). The term or form "sf." shall mean "gross square feet" and refers to total building floor area unless otherwise specified.

TABLE 6-1: OFF-STREET PARKING REQUIREMENTS	
Land use	Minimum Parking Spaces Required
Retail Trade Uses	Number of Spaces per Sq. Ft.
Envelope A	1 per 200 sf.
Envelope B (all uses except individual uses below):	1 per 200 sf.
Convenience Store/Mini Mart/Express Fuel	1 per 200 sf.
Financial Institutions with Drive-through Service	1 per 200 sf.
Retail and Mixed Uses in Multi-Tenant Buildings Outparcel 2	6 per 1,000 sf.
Restaurant, (Coffee Shop, Fast Food, or Fast Casual with or without Drive-through)	1 per 100 sf.
Restaurant, Sit-down	1 per 150 sf.
Other Uses	

Special Events	As required per Temporary Use Permits
Temporary Uses	As required per Temporary Use Permits
Notes: Stacking Requirements are required in addition to parking spaces, as outlined in paragraph (F)	

(1) *Envelope A*. Parking spaces and drive aisles shall comply with the minimum dimension requirements in Figure 08 and 09, 'Publix Site Development Manual'.

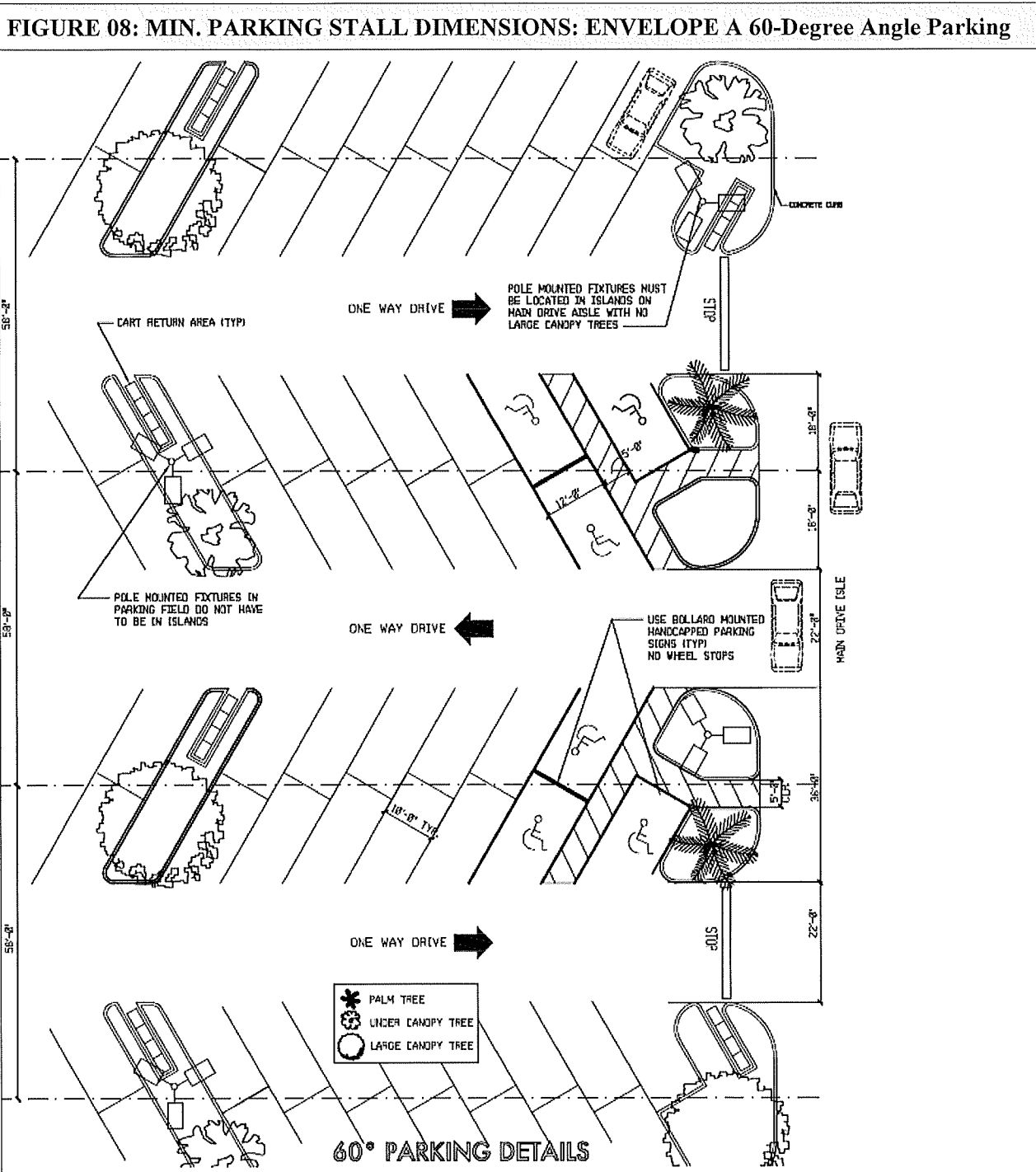
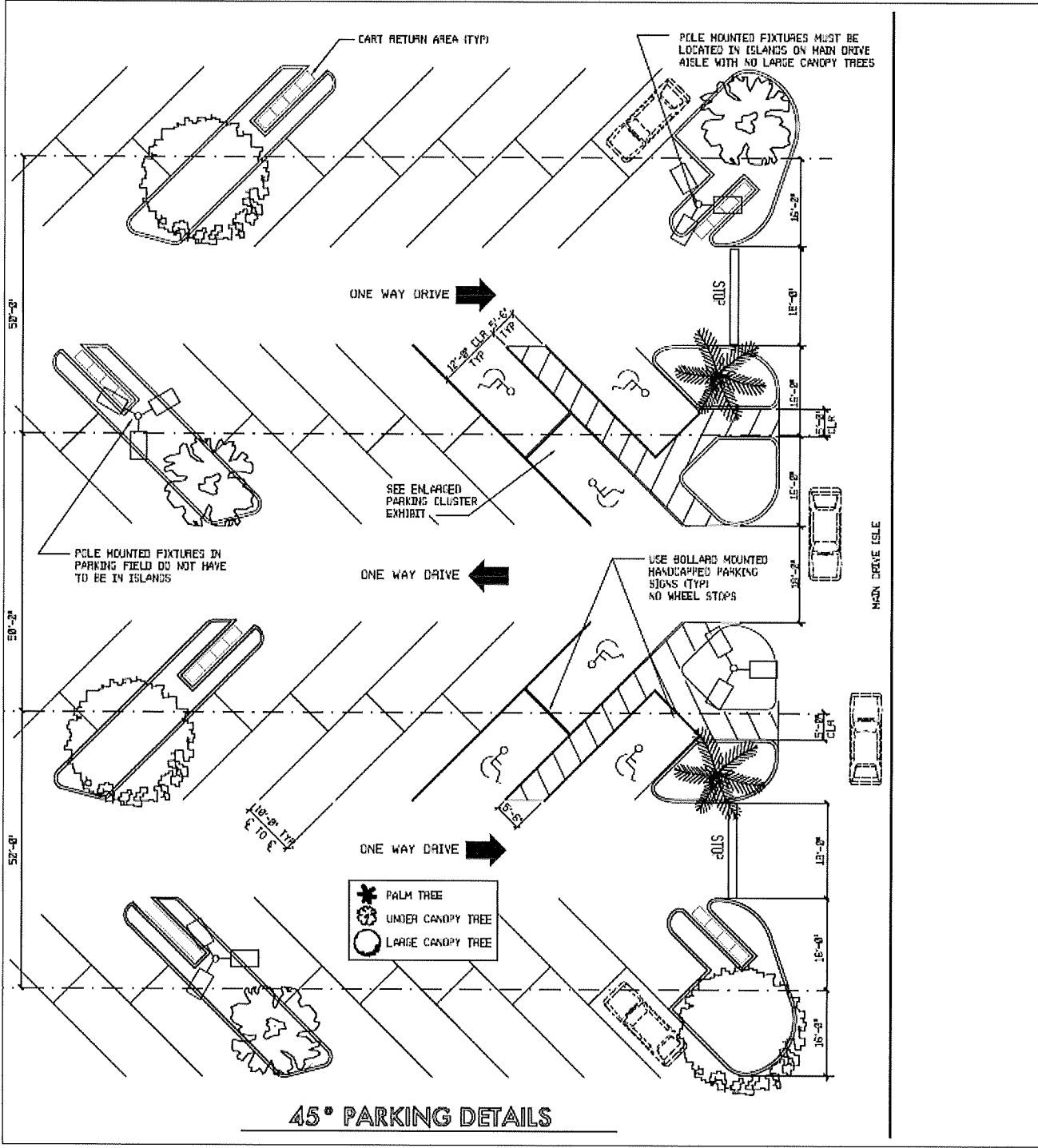


FIGURE 09: MINIMUM PARKING STALL DIMENSIONS: ENVELOPE A

45-Degree Angle Parking



(2) *Envelope B*. Parking spaces and drive aisles shall comply with the minimum dimension requirements exhibited in Table 6-2 and 6-3.

Parking Stall Type	Parking Stall Width:	Length of Line		Drive Aisle:	
		Face of Curb	Wall or Adj. Space	One-way	Two-way
90° Parking Stall	9 ft.	19 ft.	19 ft.	N/A	24 ft.
60° Parking Stall	10 ft. 5 in.	21 ft.	19 ft.	19 ft.	24 ft.
45° Parking Stall	12 ft. 9 in.	20 ft.	17 ft.	16 ft.	24 ft.
0° Parking Stall	22 ft.	9 ft.	NA	13 ft.	24 ft.

90° Parking Stall <i>(Two-way operation only)</i>	60° Parking Stall <i>(One-way operation only)</i>	45° Parking Stall <i>(One-way operation only)</i>	0° Parking Stall

(F) DESIGN REQUIREMENTS FOR PERMITTED USES WITH DRIVE-THROUGH WINDOWS

(1) *Minimum Stacking Spaces Requirements.* A structure with a single drive-through lane shall accommodate the minimum number of vehicle stacking spaces per lane specified in the table below, for the specified use.

TABLE 6-4: DRIVE-THROUGH LANE STACKING REGULATIONS				
Land Use	Minimum Number of Stacking Spaces required	Point from Which Queuing Length Shall Be Measured.	Total Queue Length Required	Lane Width
Bank, Teller Lane (Each)	4	Teller Window	80 feet	10 feet
Bank, ATM (Each)	3	Teller Machine	60 feet	10 feet
Restaurant, with Drive-through	10	Service Window	200 feet	12 feet
Restaurant, Fast-food, with Drive-through	10	Service Window	200 feet	12 feet
Coffee Shop	12	Service Window	240 feet	12 feet
Pharmacy	5	Service Window	100 feet	10 feet
Service Station, When pump islands are perpendicular to the pavement edge.	25 ft. min. (Vehicle storage length)	Between the pump islands and the driveway	See Figure 10	
Service Station, When pump islands are parallel to the pavement edge.	25 ft. min. (Vehicle storage length)	Between the pump islands and the driveway		
Unlisted Uses	** See below.			

** Uses not specifically listed must be determined by submitting a study on the need for queuing spaces from a qualified traffic engineer.

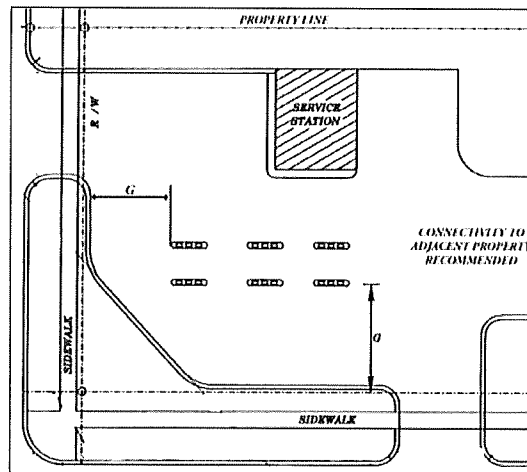


Figure 10: Illustration of Fuel Stacking Setback

(G) DESIGN REQUIREMENTS FOR PERMITTED USES WITH DRIVE-THROUGH WINDOWS.

The following design standards shall be applicable to uses with drive-through service windows:

(1) GENERAL STANDARDS FOR DRIVE-THROUGH LANES

- (a) *Drive-through on End-Cap Buildings.* No drive-through uses shall be allowed on an end-cap building except for the Anchor Tenant.
- (b) *Length of Each Stacking Space.* Each vehicle stacking space in a Drive-through Lane/Stacking Lane shall be a minimum of twenty (20) feet in length.
- (c) *Width of Drive-through Lanes.* The minimum Drive-through Lane/Stacking Lane width shall be in accord with widths provided in the 'Drive Through Lane Stacking Regulations' table.
- (d) *Stacking Space Allotment.* For any Drive-through Restaurant, a minimum of four (4) stacking spaces must be established between the pick-up window and the ordering box.
- (e) *Drive-through Lane Radius.* Drive-through Lane/Stacking Lanes shall have a minimum 25 foot interior radius for any curve.
- (f) *Stacking Capacity.* The location and layout of a Drive-through Lane/Stacking Lane shall be designed to ensure traffic flow entering and leaving the Drive-through Lane/Stacking Lane will not disrupt traffic on adjacent public and private streets or main access driveways.
- (g) *Parking Space Calculations.* The installation of a Drive-through Lane/Stacking Lane and associated improvements shall not reduce the number of required parking spaces below the minimum required for the use.

(2) SITE DESIGN STANDARDS FOR DRIVE-THROUGH LANES

- (a) *Drive-through Lane Stacking and Adjacent Lots.* Vehicle stacking lanes shall not extend beyond the drive-through site's property line.
- (b) *Vehicular Use Area Considerations Imposition Upon Parking Lots.* Vehicle stacking lanes must function independent of parking lot aisles. No part of a stacking lane shall be located such that a motor vehicle entering and leaving the lane may potentially block, impede or interfere with the use of parking spaces or drive aisles on the facilities' lot or any area surrounding the lot.
- (c) *Drive-through Lane Placement on the Lot.* Drive-through windows and Drive-through Lane/Stacking Lane shall be placed to the side or rear of the building. Drive-through windows may not be placed between a principal building and a public street. The lane must be screened with an Evergreen Screening Wall pursuant to section 7.
- (d) *Drive-through Lane & Signs.* The Zoning Administrator or Design Review Board may require signs or pavement demarcations to illustrate the entry and exit points of any drive-through lane/stacking lane. All such signs and markings shall be reviewed and approved by the Design Review Board pursuant to §151.215.

(H) PEDESTRIAN CONNECTIVITY

(1) For Restaurants with Drive-through Service Windows

- (a) The design, layout and location Drive-through Lanes - must minimize interactions with pedestrian access to parking spaces, sidewalks, primary public business entrances or seating areas in a way that is unsafe.
- (b) Pedestrians must be provided with clear lines of sight to vehicles entering and exiting a drive- through lane
- (c) Pavement markings must clearly define vehicular areas and direct vehicular movement so pedestrians can anticipate vehicular activity and maneuver safely around it.
- (d) Pedestrians should be able to enter and exit the main entrance of the building from the parking lot without crossing through the middle of stacked vehicles.

- (e) Reasonable efforts must be made to place the primary public business entrance as far away as possible from a drive-through lanes entrance and exit points; particularly the drive-through lane exit point just beyond the pick-up window.
- (f) A minimum length of 25 feet must be provided between the primary public entrance and the drive-through pick-up window for any restaurant with a drive-through window.

(2) *Where Pedestrian Walkways Intersect Drive Aisles.* Wherever a pedestrian pathway crosses a drive aisle, the pathway shall be demarked with, stamped concrete or stamped asphalt, or other comparable improvement, which clearly differentiate the pedestrian walkway from sidewalk curbs and the vehicular pavement. Unless otherwise directed pursuant to Design Review, primary crossings providing routes to primary building entrances and public spaces shall be at least 6 feet wide.

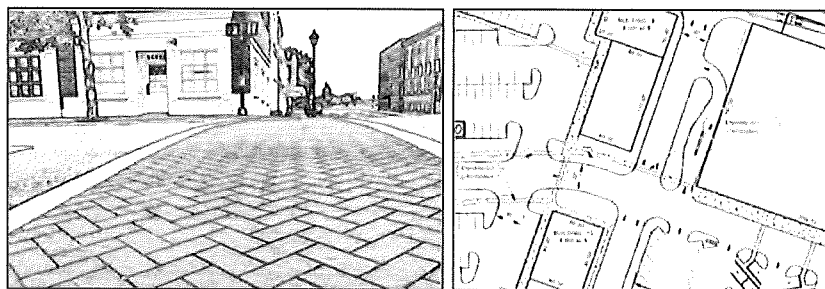


Figure 11: Pedestrian pathways intersecting with parking aisles, major drive aisles and access drives

(3) **Pedestrian Access Sidewalks within the Development.**

- (a) Interior frontage roads (Primary Access Drives) shall include walkways, pedestrian scale lighting fixtures and seating amenities to help create an attractive and inviting community space.
- (b) All sidewalks/walkways shall meet American with Disabilities Act (ADA) standards.

(I) **OFF-STREET LOADING REQUIREMENTS**

(1) *Location Requirements.* Each building shall provide adequate loading and service areas located either to the rear or the side of any building. Off-Street loading and service areas shall not be located in a front yard or corner side yard (Building #4 only) of a building. Off-Street loading and service areas shall be screened as required in Section 7.

(2) *Site Designed to Accommodate Over-sized Vehicle Activity.* Off-street loading areas shall be designed such that any area needed to maneuver a vehicle into or out of a loading space shall be located entirely on the same lot as the use it serves. Off-street loading areas, and drive aisles serving the loading area, shall be designed with adequate widths and turning radii so delivery vehicles of probable size can provide service without backing-out unreasonable distances or making other dangerous or hazardous turning movements. Adequate space to accommodate the turning radii of trucks and trailers, shall exclude the need to use any parking spaces, pedestrian walkways, storage and dumpster areas.

(3) *Off-Street Loading Requirement Table.* The following table indicates the minimum number and size of spaces that satisfy the standard set forth in this subsection. The Zoning Administrator may require fewer or more loading or unloading space based on a determination of what is necessary and to insure safe and convenient shipping and deliveries to the property.

TABLE 6-5: OFF-STREET LOADING SPACE REQUIREMENTS

Specific Land Use Type	Size: <i>(Square feet of gross floor area)</i>	Required Number and Size of Loading and Unloading Spaces	
		Type 'A' 12 feet x 25 feet	Type 'B' 12 feet x 50 feet
Office, Restaurant	10,000 - 99,000	1	0
	100,000 - 149,999	0	1
	150,000 and over	0	2
Retail Establishments Shopping Centers	0 - 4,999	1	0
	5,000 - 19,999	0	1
	20,000 - 49,999	0	2
	50,000 - 79,999	0	3
	80,000 - 99,999	0	4
	100,000 - 149,999	0	5

(A) GENERAL PROVISIONS FOR SCREENING, BUFFERS AND LANDSCAPING.

(1) *Landscape Buffers.* Landscaping and buffers shall be provided as shown on Sheets CZ 5.0 - 5.5.

(2) *Landscape Maintenance.* Landscape easements shall be provided for all buffer areas identified on Sheets CZ 5.0 - CZ 5.5. These areas shall be established, irrigated, and maintained in common open space, which shall be regulated and protected in accordance with provisions outlined in a maintenance agreement and/or covenants for the development.

(3) *Design Review and Approval.* Landscaping and screening shall receive final Design Review and Approval, pursuant to §151.215

(B) PLANTINGS FOR DWELLING UNITS.

(1) In addition to required street trees, two trees shall be provided for each residential dwelling lot. One of the trees shall be placed in the front yard and one in the rear yard of each residential lot.

(2) Foundation landscaping plans shall be provided for each dwelling unit model offered for sale.

(3) Foundation landscaping strips shall be at least 5 ft. wide and extend across the primary façade of each dwelling unit not including breaks for doorways, sidewalks or driveways.

(C) LANDSCAPING ALONG PUBLIC RIGHT-OF-WAYS

(1) Street trees outlined in the Landscape / Buffer plans, shown on CZ 5.0 - 5.5 shall be planted 25 ft. on center. In addition, a densely planted, continuous, evergreen hedgerow, as shown on profiles A, B, C and D, shall be installed in an continuous row across all four outparcels except for locations required for easements, pedestrian or vehicular access. The evergreen hedgerow shall consist of shrubs at least 24 inches in height at the time of planting, installed no more than 36 inches apart, and reach a height of 48 inches within three (3) years of planting. The evergreen hedge shall be irrigated and maintained at a height of at least 48 inches and the landscaping shall be similar to the landscaping exhibited in Figure 12 and 13.

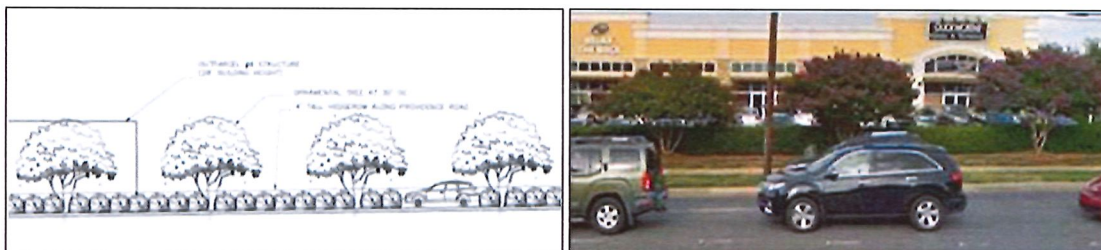


Figure 12: Excerpt from Outparcel Profile in Rezoning Plan Modeling Right-of-Way Landscaping

Figure 13: A Model of Acceptable Parking Lot Landscaping Adjacent to Public Right-of-Ways. (Charlotte, NC)

(2) *Landscaping For Principal Entryways.* Primary Access Drives shall include walkways, pedestrian scale lighting fixtures and seasonal landscaping to help create an attractive and inviting community space.

(D) LANDSCAPING FOR EXTERIOR BUILDINGS. Foundation plantings or planter boxes shall be provided. Landscaping within landscape beds or planter boxes shall provide massings of natural colors and shapes to offset the mass of the building and provide visual relief to the straight lines of building architecture, parking lots and other man-made features.

(1) **Landscape Beds.** Exterior building walls adjacent to parking lots, drive aisles, or public sidewalks that are visible from a public or private right-of-way must be improved with a landscaped bed at least four (4) feet in width and installed at grade level. The sum length of this planting must equal 50% of the length of each side of the building. Service and loading areas shall not be excluded from these calculations. In lieu of the landscape bed, buildings within Envelope A may utilize planter boxes described below. The rear facade of buildings in Envelope A shall be exempt from this requirement, however, an evergreen tree shall be planted 50 feet on-center.

(2) **Planter Boxes.** Where a four (4) foot wide landscaped bed is not feasible, planter boxes or containers shall be provided to serve the same aesthetic purpose as foundation landscaping. Planter boxes must be constructed for outdoor use and designed with high-quality materials and blend with the principal building theme, architecture and materials. The length and quantity of the planter boxes must be similar to what's depicted in A1.0 and A1.1

(3) **Primary Public Business Entrances.** Where the exterior building façade provides public access to the building and is adjacent to a surface parking lot and/or a drive aisle, there shall be a four (4) foot wide landscape bed and a five (5) foot wide walkway with a combined width of at least nine (9) feet measured from the back of curb. Any landscape bed must be well planted or planter boxes shall be provided pursuant to the standards outlined herein.

(E) DRIVE-THROUGH LANE LANDSCAPING

(1) Drive-through lanes shall be delineated and differentiated from surrounding drive aisles and parking lot areas using a combination of pavement markings, textures, colored or stamped concrete/asphalt, and/or landscaping. An example is depicted in Figure Set 14.

(2) Drive-through menu boards and order box equipment shall incorporate landscaping at the base of the equipment located within a defined landscape bed.

(3) The landscaping used shall consist of a combination of dwarf trees, shrubs, flowering plants, ornamental grasses and live ground covers of various heights and textures, designed to provide year-round, seasonal interest.

(4) The overall landscape design and effect shall be consistent with depictions provided below in Figure 14. Final site design plans and landscaping for any drive-through lane shall receive Design Review and Approval in accord with §151.215.

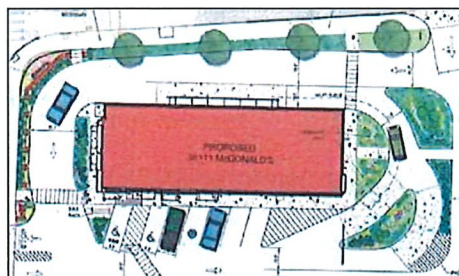


Figure 14: Models of Acceptable Landscaping around Drive-through Lanes and Equipment

(F) SCREENING

(1) METHODS OF SCREENING.

(a) **Masonry Screening Walls.** A 'Masonry Screening Wall ' used for screening service areas, loading areas, mechanical & utility equipment, waste collection devices, dumpster enclosures or vehicular uses must be opaque and structurally safe, completed with a cap stone and constructed of high quality, masonry; including brick, stone, or cast-stone that is compatible and consistent with the principal building in terms of architectural themes, quality, materials, texture and colors. Masonry Screening Walls shall be attractively landscaped along the foot of the wall at a height at least 1/3 of the wall height. *Wall Heights:* When used for screening vehicular use areas a 'Masonry Screening Wall' shall be at least four (4) feet high. When screening equipment, service areas, waste collection areas and loading areas walls shall be at least eight (8) feet high, or a height necessary that blocks 100 percent (100%) of the service and loading area interior. (Figure 15 and Figure Set 18)

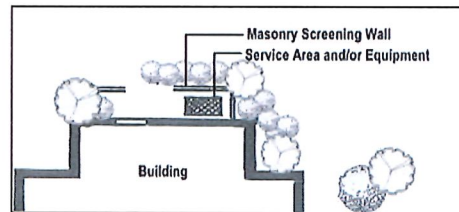


Figure 15: Landscaped, Masonry Screening Wall Along Public Rights-of-Way and Access Driveways.

(b) **Evergreen Screening Wall:** An Evergreen Screening Wall used for service areas, loading areas, mechanical and utility equipment, waste collection devices and dumpsters shall, at a minimum, consist of a row of evergreen trees, a minimum of six (6) feet at the time of planting, planted no more than three (3) feet apart, expected to spread three (3) feet wide within three years of installation to form an opaque hedge . The hedge shall be irrigated and maintained at a height 15% higher than the highest point of the element being screened.

(c) **Evergreen Screening Hedgerow:** This Screening for vehicular use areas, parking stalls, drive aisles or stacking lanes adjacent to a public street or primary access drive shall, at a minimum, consist of a row of densely planted evergreen shrubs, a minimum of three (3) feet high at planting, planted three (3) feet apart, expected to spread three (3) feet wide and reach a height of four (4) feet within three (3) years to form an opaque hedgerow. The hedgerow shall be irrigated and maintained at a height of four (4) feet.

(d) **Spot Screening:** Spot screening shall be provided for any item requiring screening pursuant to the ordinance, as of March 2015. Screening shall be in accord with minimum vegetative screening requirements in §151.046. The Zoning Administrator and Design Review Authorities shall reserve the right to require spot screening for any use or element of development adjacent to a residential property, public right-of-way, primary access drive, pedestrian route or pedestrian gathering area.



Figure 16: Spot Screening for Drive-through Service /Loading /Drive-through Along Roadway (Blakeney NC)

(2) SCREENING FOR PARKING AREAS AND DRIVE AISLES AND DRIVE THROUGH LANES IN ENVELOPE B

(a) Parking stalls and drive aisles may only be located adjacent to a public right-of-way when the facilities are screened. A detailed landscape plan shall be reviewed and approved by the Design Review Board pursuant to §151.215. Topography shown on Profiles A-D, existing right-of-way buffers and parking lot landscaping must be considered when determining whether additional plantings are needed for these facilities.

(b) A Drive-through Lane/Stacking Lane may be permitted in Outparcel 2 only if screened by a masonry wall pursuant to Section (7)(F)(1)(a).

(c) A detailed landscape plan shall be reviewed and approved by the Design Review Board pursuant to §151.215. Design Review Authorities; meaning the Council and the Planning Board, shall have the ability to require additional screening if required. Topographical cross-sections, showing existing rights-of-way, proposed buffers or screening, the parking lot and landscaping must be submitted and will be considered when determining what additional plantings are needed for these facilities.

(3) SCREENING REQUIREMENTS FOR ALL USES IN OUTPARCEL 1.

(a) Any use shall supplement the street trees along the public streets with one additional row of understory trees in a quantity no less than 4 trees per 100' of street frontage. The additional trees shall be used as a visual buffer between the public street and the use. Accommodations will be made in the placement of the trees to allow building signage to be seen by vehicular traffic on the public street.

(4) SCREENING FOR MECHANICAL AND OTHER UTILITARIAN EQUIPMENT.

(a) *All Mechanical or Utility Equipment.* All mechanical or utility equipment, whether on the roof, ground or side of building must be screened from view. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. The design of the screening should be done in concert with and as a part of the design of the building, rather than as an afterthought.

(b) *Audible Impacts.* The applicant shall use all reasonable efforts to minimize the audible impact of any such equipment.

(c) *Rooftop Equipment.* Rooftop HVAC equipment and other mechanical equipment shall be screened from public view at the floor elevation of the building that such equipment serves. In addition, buildings in Envelope B shall screen rooftop equipment on all sides behind a parapet or roof screen the same height as the tallest part of the equipment, or height necessary to shield the equipment from public right-of-way, despite changes in elevation or topography.

(d) *Wall-Mounted Equipment.*

1. Wall-mounted equipment must be screened from a public right of way, primary access drive/major drive aisle, and pedestrian areas uses using one of the screening methods in paragraph (F)(1).

2. When practical, wall mounted equipment shall be located behind a service area/loading area masonry screening wall or behind a principal building in the rear yard and screened by a principal building facade.

3. Wall-mounted equipment visible along a public right-of-way shall be fully enclosed or screened in accordance with paragraph (F)(1). In the event it is full enclosed, it shall be within a cabinet attached to, and integrated with, the principal building and the principal building facade. The cabinet shall be compatible and consistent with the principal building in terms of texture, quality, materials and colors.

4. Screening wall-mounted equipment shall be submitted with Specific Site and Design plans which receive Design Review and Approval pursuant to §151.215.

(d) *Ground-Mounted Equipment.*

1. Ground-mounted equipment must be screened from view from public rights of-way, primary access driveways, major drive aisles, pedestrian areas and residential properties using one of the screening methods in paragraph (F)(1).
2. Ground-mounted equipment shall, when practical, be located behind a service area / loading area screening wall, pursuant to the standards in paragraph (F)(1)
3. If the ground-mounted equipment is not located behind a service / loading area screening wall, the ground equipment shall be screened subject to minimum vegetative screening requirements, outlined in (F)(1)(c). Ground-mounted equipment screening shall be at least 15% higher than the highest point of the equipment being screened and plans will be provided for Design Review and approval pursuant to §151.215.
4. The requirements of utility companies shall supersede all Village of Marvin landscape requirements.

(5) SCREENING FOR SERVICE AREAS IN ENVELOPE B

- (a) Any service area shall be screened the full perimeter or length of the service area. See (F)(1)(a) or (F)(1)(b) of this section.
- (b) Whenever practical, a service and loading area shall be combined with the loading area and located behind a principal building so that its entire length is within the rear yard and screened from public view by the principal building.
- (c) Detailed landscape and screening plans shall be reviewed and approved at the discretion of by the Design Review Board pursuant to §151.215
- (d) A service area/loading area may only be located adjacent to a public right-of-way or primary access drive or major or drive aisle with the provision of a 'Masonry Screening Wall' subject to standards in (F)(1)(a) of this section. Additionally, the masonry screening wall must be designed in the form of a corral, contiguous with, and indistinguishable from, the principal building wall finish.



Figure Set 17: Acceptable Service / Loading Area Screening Along Roadways (Blakeney, NC)

(6) DUMPSTER SCREENING

- (a) Dumpsters shall be located in the rear or side yard and may not be placed on public streets, alleys, sidewalks or public property. All dumpster enclosures shall be located to facilitate collection and minimize negative impact on the community, neighboring properties, public right- of-ways, and persons occupying the development site or business.
- (b) The total area of a concrete pad must be eighteen (18) feet long and twelve (12) feet wide. The entire concrete pad area shall accommodate one dumpster and additional area beyond the entrance of dumpster enclosure to provide a reinforced pad to accommodate waste service vehicles. Dumpster pads shall be constructed so that they can support a dumpster or collection device along with the front wheels of the collection truck.
- (c) The pad area under the dumpster and within the dumpster enclosure, shall be at least twelve (12) feet wide, and twelve (12) feet long and the long, concrete pad located under the containers shall be a minimum of six (6) inches thick.

(d) The six (6) foot long concrete pad extending through and beyond the entrance of the dumpster enclosure shall be at least twelve (12) feet wide, and six (6) feet long and the concrete pad shall be a minimum of twelve (12) inches thick to provide service vehicles with necessary support.

(e) All dumpsters shall be fully enclosed within a brick or stone dumpster enclosure with a minimum height of eight (8) feet, or taller, if required to block 100 percent of the view of the enclosed refuse area. The dumpster enclosure shall be made of brick or stone and match the primary color of the brick or stone materials featured in the front façade of the associated principal building. Dumpster enclosure design and architecture shall be approved pursuant to Design Review procedures §151.215. The enclosure entrance must be designed so that a twelve (12) foot wide clear opening is provided, unimpeded by obstruction, to allow for adequate access for collection trucks.

(f) Fixed barrier guard posts are required, located near the rear and side(s) of the dumpster pad, within the dumpster enclosure, to minimize potential damage to adjacent structures. The interior dimensions within fixed barrier guard posts shall be a minimum of twelve (12) feet by twelve (12) feet.

(g) The dumpster enclosure shall be designed to include an opaque gate(s) at the opening. The gate shall be constructed of brushed or painted metal, or decorative fiber cement board (in earth tones only). The gate shall be affixed to a brushed, painted metal frame, with painted, brushed metal hinges. The gate's metal frame shall be mounted to six (6) inch steel pipe bollards, filled with concrete, finished with column caps. The steel pipe bollards shall be coated to match the gate's frame.

(h) The dumpster enclosure gates shall be equipped with minimum 1/2 inch diameter metal drop pins capable of alignment with holes in concrete to hold gates closed and opened during waste collection process. Dumpster enclosure design and architecture shall be approved pursuant to Design Review.

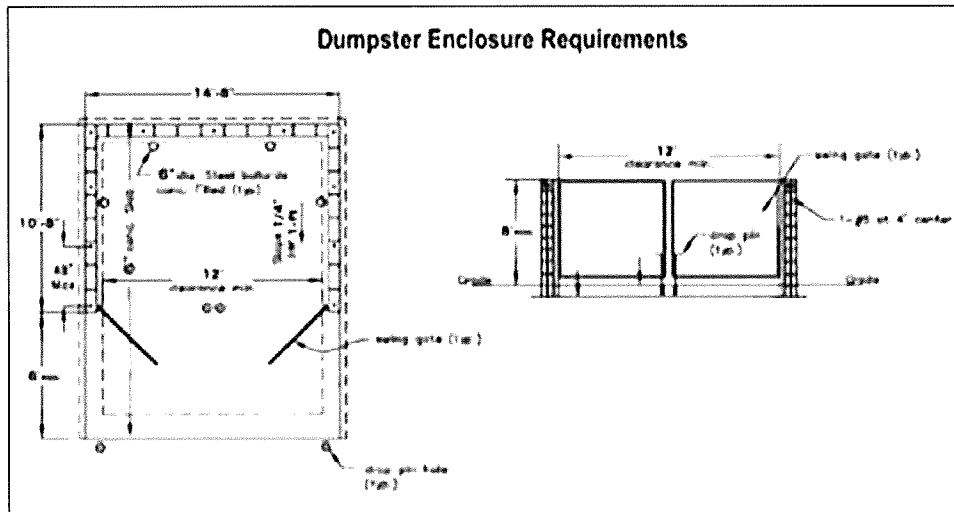


Figure 18: Construction Standards for Dumpster and Waste Collection Devices

(i) In addition to the dumpster enclosure, a six (6) foot high evergreen, vegetative screening wall shall be required when a dumpster enclosure is adjacent to a public right-of-way, primary access driveway, or opens towards a public right-of-way or primary access drive. Evergreen trees must be a minimum of six (6) feet high at planting.

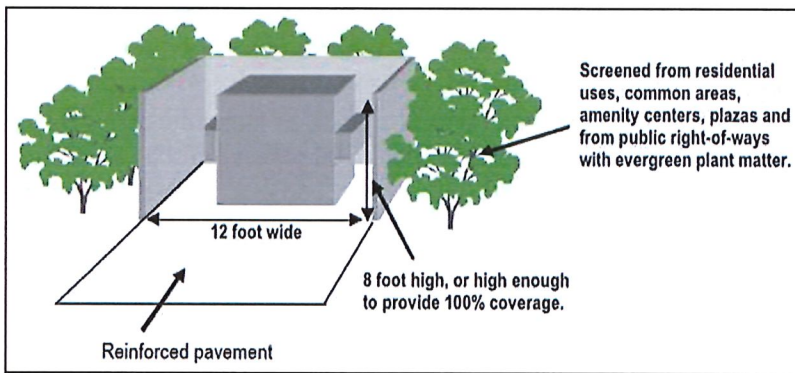


Figure 19: Vegetative Screening for Dumpster and Waste Collection Devices

(A) **GENERAL STANDARDS FOR SIGNS.** Signs permitted within the Marvin Gardens Conditional District shall meet the requirements herein defined.

(1) **Primary Facades.** The primary wall façade shall be the portion or portions of an exterior wall of any permanent structure, on which the primary public business entrance is located, that is visible from, and oriented parallel to, a dedicated public or private right-of-way. For a structure that is not oriented parallel to the right-of-way, the primary wall facade shall include all of the facades visible from the right-of-way.

(2) **Landscaping.** Any Freestanding Sign or Monument Sign shall include landscaping at the base of the sign. The landscaping shall be designed to include, but not limited to, at least one of the following: Annual and/or perennial flowerbeds; ground cover; ornamental grasses and shrubs. Turf and other grasses are not permitted as part of the landscaping of the sign. Landscaping of the sign shall be in keeping with the adjacent area landscaping. The required landscaping shall be irrigated and well maintained.

(3) **Architectural Consistency.** All signs shall be consistent with the architectural style, color, scale and materials of the principal buildings, landscaping and fixtures in the development or exhibited in rezoning plans.

(4) **Uniform Color Schemes.** Uniform color scheme sign colors shall be limited to black, white, green, and architectural bronze. Federally registered trademark colors are permitted subject to the following restrictions.



Figure 08-01: Sample of Architectural Bronze Lettering for Signs

(5) **Federally Registered Trademarks.** Federally registered trademarks or other logos, shall be limited to no more than 25% of the sign area of any Wall or Ground Sign proposed on the lot or within the development.

(6) **Sign Maintenance, Repair and Safety.** All signs and all components thereof, including but not limited to supports, braces, and anchors, light sources and bulbs, shall be kept in a state of good repair and in functioning, working order. Light sources and bulbs shall be expediently replaced if they are non-functioning.

(7) **Abandonment of Signs.** If a sign advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted (except for remodeling or renovation), that sign shall be considered abandoned and shall, within 90 days of the enterprise or activity ceasing, be removed by the sign owner, owner of the property where the sign is located or other party having control over the sign.

(8) **Design Review and Approval.** The following signs shall be reviewed by the Design Review Authorities to determine if designs presented meet with development standards outlined herein, Village Ordinances and Design Review approval criteria. These signs include Wayfinding Signs, Incidental Directional Signs and Non-Illuminated Awning Signs.

(9) **Permitted Sign Types.** The following sign types are permitted in the Marvin Gardens I-CD in accord with all standards pertinent to uses, tenants, buildings, design standards and illumination outlined herein. In general, permitted signs, subject to conditions, include: Wall Signs, Awning Signs, Canopy Signs, Projecting Signs, Window Signs, Monument Signs, Primary and Secondary Identification Signs, Menu Board Signs and Digital Signs.

(10) **Expressly Prohibited Signs.** A Halo-Lit, Channel Logo Sign, shall be permitted in conjunction with a

Wall Sign, when installed in accord with Wall Sign standards and dimensions. Any Freestanding Ground Sign, Identification Sign or Attached Sign not specifically permitted per these development standards, shall be prohibited in the district. The following signs are expressly prohibited: Neon signs, Freeform Signs, Box Signs, Cabinet Signs, Logo Box Signs, and Post and Panel Signs.

(11) **Signs in Village Ordinances:** Signs referenced in Sections §151.141 (Signs without a Permit), §151.142 (Prohibited Signs) §151.147 (Temporary Signs), §151.148 (Project Identification Signs), §151.149 (Permitted in all R-Residential Districts) and §151.150 (Subdivision Monument Signs) shall be permitted, in accord with all Village ordinances not specifically addressed herein and with additional standards as follows:

- (a) In section §151.141 (Signs Permitted without Permit) the following provision shall also apply:
 1. No luminous portable signs shall be prohibited.
 2. Commercial off-premise signs are permitted within Envelope A & B, subject to maintenance regulations within covenants.
 3. Signs erected by a residential lot owner, must be located within Envelope E of the Marvin Gardens I-CD, subject to covenants and management regulations.
- (b) In section §151.142 (Prohibited Signs) the following, additional provision shall apply: Luminous signs shall be permitted in accord with the permissions and restrictions for luminous signs, per tenant and / or use, as outlined herein.
- (c) In section §151.147 (Temporary Signs) the following, additional provision shall apply:
 1. Luminous signs shall be prohibited unless permitted through regulations outlined herein,
 2. Windblown signs of all types are prohibited.

(B) **TENANT REGULATIONS.** In addition to the regulations outlined herein, each commercial tenant in the development shall be allowed a panel on which to display their business name as part of a Primary or Secondary Identification Sign, subject to Primary and Secondary Identification Sign design provisions and management’s regulations.

(1) **Envelope A: Anchor Tenant Signs.** The Anchor Tenant, particularly the Grocery Store, shall be afforded specialized sign standards outlined in this sub-paragraph and throughout sections pertaining to particular sign types. They shall be permitted to install the following signs, without any further restriction as may be enumerated in this section.

(a) The following Wall Signs per rezoning plans, as attached:

PUB-F&P14-RCL-USLED	PUB-FCO-8-EXIT-PVC
PUB-P48-RCL-USLED	PUB-FCO-8-ENTRY-PVC
PUB-PDT14-RCL-USLED	PUB-FCO-8-CLR-PVC
PUB-FCO-10-PDT-PVC	PUB-FCO-8-EXIT ONLY-PVC
PUB-PRESTO-1536	

- (b) One (1) Anchor Tenant Wall Sign, subject to Wall Sign standards in this section.
- (c) Anchor Tenant Panels for Primary and Secondary Identification Signs
- (d) The color green shall be permitted for the federally registered trademark copy associated with the Grocery store.
- (e) The Anchor Tenant Signs referenced in Section 8(B)(1)(a) above may be changed from time- to-time to update its branding as needs arise. The Anchor Tenant shall be able to update signs for this reason without receiving Design Review and Approval, unless the sign area increases beyond the current rate by more than 10%.

(2) Ancillary Tenants are permitted the following signs, as long as provisions are met for each sign herein:

(a) **Envelope A: Ancillary Tenants in Non-Corner Units.**

1. One (1) Wall Sign
2. One (1) Projecting Sign
3. One (1) Window Sign

(b) **Envelope A: Ancillary Tenants in Corner Units.**

1. Two (2) Wall Signs are permitted. One Wall Sign shall be placed over the primary business entrance. The second Wall Sign, if desired, shall face the private right-of-way
2. One (1) Projecting Sign
- One (1) Window Sign,
- One (1) Digital Sign,

(c) **Envelope B: Tenants and Uses.** Any use or tenant located in Envelope B shall be subject to the sign permissions outlined herein, except for Convenience Store / Mini Mart / Express Fuel establishments and Establishments Serving Food and/or Beverages Using a Drive-through Service Window.

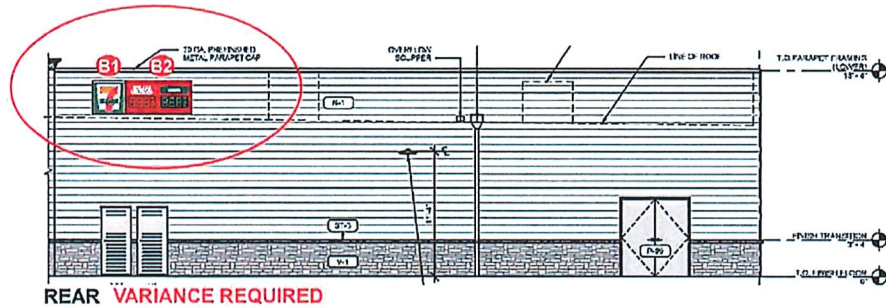
1. Two (2) Wall Signs are permitted. One Wall Sign Shall be placed over the primary business entrance. The second Wall Sign, if desired, shall face the public right-of-way.
2. One (1) Projecting Sign
3. One (1) Window Sign

(d) **Convenience Store / Mini Mart / Express Fuel Tenant.** The following signs are permitted for Convenience Store / Mini Mart / Express Fuel Tenant:

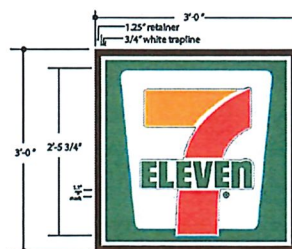
1. Two (2) Wall Signs are permitted. One sign shall be placed over the primary entrance. The second wall sign, if desired, shall face the public right-of-way. The second sign shall not be larger or different than the attached diagram (Figure Set 08-01.1) prepared by Cummings on September 15, 2020. (11/10/2020)
2. One (1) Window Sign
3. One (1) Digital Sign placed on the rear of the principal building, facing the ROW, to display the price of fuel.

Figure Set 08-01.1: Second Wall Sign Referenced in 8(B)(2)(d)(1)

(Prepared by Cummings on September 15, 2020 in Text Amendment Application 20-12525 approved 11/10/2020)



B1



- SINGLE FACE INTERNALLY ILLUMINATED WALL SIGN.
 - LED ILLUMINATION.
 - 5 1/2" EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED BRONZE.
 - FORMED POLYCARBONATE FACES WITH EMBOSSED GRAPHICS.
 - TRAPLINE PROPORTIONAL TO LOGO FIELD.
- | | |
|---|------------|
| ■ | 3M 3630-26 |
| ■ | 3M 3630-33 |
| ■ | 3M 3630-44 |
| □ | WHITE |
| ■ | BRONZE |

- (e) *Uses with a Drive-through Service Window.* In addition to signs listed in sub-paragraph (B) (2) as applicable, any Restaurant with a Drive-through Window as defined in this section, shall also be permitted a Menu Board Sign.

(C) PERMITTED SIGN TYPES AND REGULATIONS

(1) WALL SIGNS.

(a) *Description.* A sign attached to a wall or surface of a building or structure; the display surface of which does not project more than eighteen (18) inches from the outside wall of the building or structure. Wall signs may be internally or externally illuminated. Figure 8-2 provides samples of Illuminated Wall Signs, which are in general conformity with illuminated Wall Signs standards outlined herein. Raceways are prohibited.

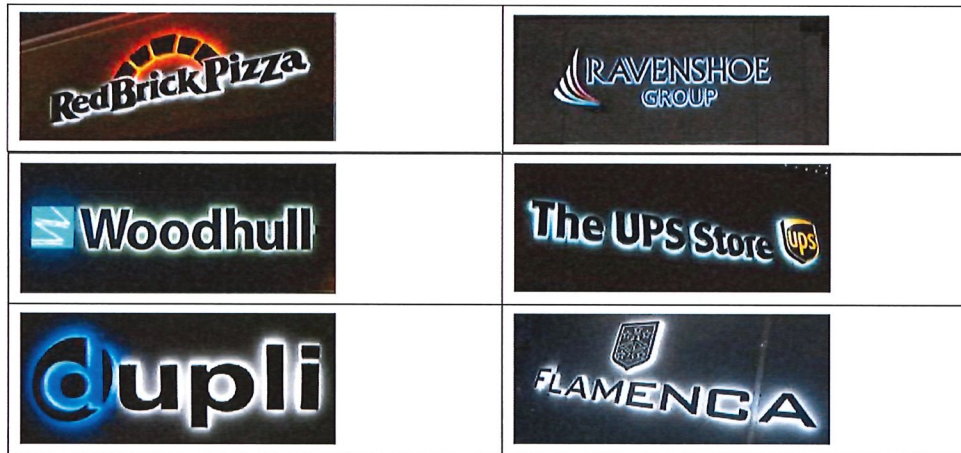


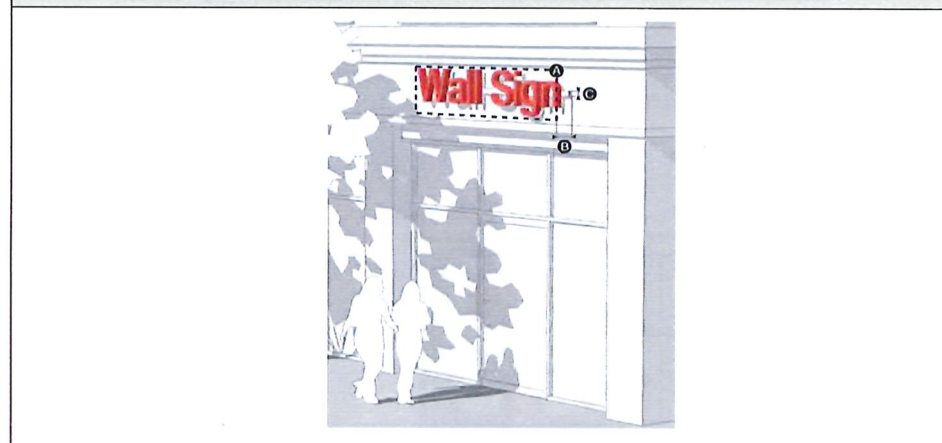
Figure Set 08-02: Wall Signs in general Conformity with Signs Standards Herein.

(Depictions are conceptual. Measurements may not conform to the standards required in this document.)

(b) Dimensions and Installation Regulations. Wall Signs are subject to the dimensions and calculations within Table 1.1 and 1.2.

Dimensions for Wall Signs - Table 1.1		
A	Area	Maximum
	One (1) sq. ft. per linear ft. of the Primary Facade.	
	Secondary Tenant	32 SF.
	Anchor Tenant	200 SF.
B	Projection	Measured from Building Facade
		1 FT.
C	Raceways	Raceways are prohibited.

Dimensions for Wall Signs - Table 1.2



(c) ***Right-of-Way Encroachment.*** A wall sign may encroach over the public sidewalk but not over any public street or alley.

(d) ***General Provisions.***

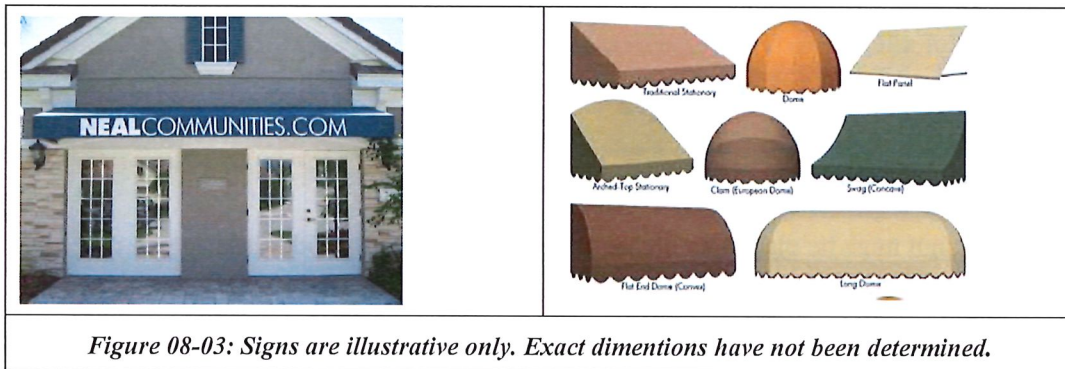
1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roofline or above a parapet wall of a building with a flat roof.
3. A wall sign may not cover windows or architectural details.
4. A wall sign may be externally or internally illuminated in accordance with the provisions herein.
5. The number of Wall Signs permitted per tenant shall be in accord with the provisions herein.
6. Wall Signs may be internally or externally illuminated. However, all development and design standards below shall apply.

(e) ***Design Standards and Permissible Means of Illumination for Wall Signs.***

1. Wall Signs shall only consist of channel letters
2. Routed Push-Thru Signs may not be used as Wall Signs.
3. Channel letters, which are part of a Wall Sign, may be reverse lit / halo lit but may not be 'backlit'.
4. Channel letter faces shall be black, white or architectural bronze.
5. Channel letter returns shall also be black, white or architectural bronze, however the channel letter return must match the channel letter face.
6. No restrictions shall be placed on the 'typeface' used for channel letters, which are part of a Wall Sign.
7. A Wall Sign may incorporate a federally registered trademark logo within a single channel, subject to the following restrictions:
 - a. No restrictions shall be placed on the 'typeface' used for channel letters, however, for the purpose of measuring Wall Sign Copy and maintaining a Uniform Color Scheme, no channel letter, regardless of the 'typeface' used, shall be considered part of a federally registered trademark for the purpose of interpreting these development standards. Channel letter faces shall be black, white or architectural bronze, regardless of whether the business name is considered part of a federally registered trademark.
 - b. A Wall Sign may incorporate the use of a federally registered trademark logo as long as the logo is no more than 25% of the permitted Wall Sign area.
 - c. Any federally registered trademark or logo, permitted as part of a Wall Sign Area, must be reverse lit or halo lit, but may not be 'backlit'.
 - d. Figure Set 08-02 depicts halo-lit, reverse-lit channel letter wall signs and the approximate ratio of the wall sign area allowed for the registered trademark logos relative to the letters in of a Wall Sign.

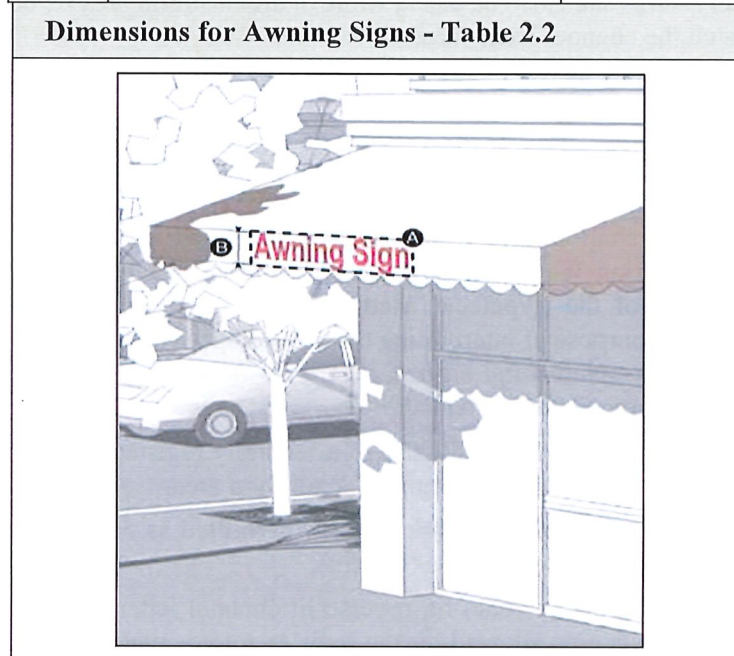
(2) **AWNING SIGNS.**

(a) **Description.** Attached signs, where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself. See Figure 08-03.



(b) **Dimensions and Installation Regulations.** Awning signs are subject to the dimensions and calculations within Table 2.1 and 2.2

Dimensions for Awning Signs - Table 2.1		
A	Area	Maximum
	Facing Major Road / Drive Aisle	16 SF
	Facing Residential	9 SF
B	Height	Maximum
	Facing Major Road / Drive Aisle	2 FT
	Facing Residential	1 FT



(c) **Right-of-Way Encroachment.** An Awning Sign may encroach over the sidewalk but not over any drive aisle. The sign must be a minimum of two (2) feet inside the curb line; or edge of pavement,

whichever is greater.

(d) **General Provisions.**

1. Awning Signs are not encouraged, but may be permitted in the district at the discretion of the Design Review Board if suitable plans are provided and the awning color is in accord with the color palette, outlined in the architectural standards, pursuant to Section 05. Notwithstanding, the following standards are required.

- a. An awning sign cannot extend outside the awning.
- b. Only one sign is allowed per awning. A sign can be on either the front or side valance (but not both). While awnings signs are not encouraged on the face of the awning, one may be approved by the Design Review Board.
- c. Only awnings over ground story doors or windows may contain signs.
- d. Signs are generally not allowed on the sloping face of the awning, however the Design Review Board may consider and approve a suitable design, which attractively fits into the development's design.
- e. An awning sign may not be internally lit, but may be externally illuminated.
- f. Awning sign copy lettering, including federally registered trademark names or logos, must utilize a single color, and the colors shall be black, white or architectural bronze.
- g. Awning colors must be colors selected from the Uniform Color Palette outlined in Section 05 above.
- h. Awning signs shall be included in the maximum area of wall signs for each side of the building, or may replace a projecting sign if it is otherwise permitted.

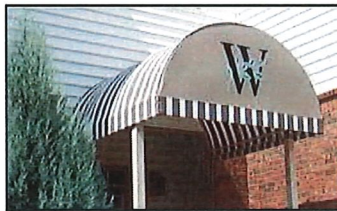


Fig. 08-04: Awning Sign with Awning and Logo in Uniform Color Palette

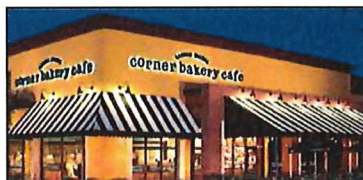


Fig. 08-05 Acceptable Illumination

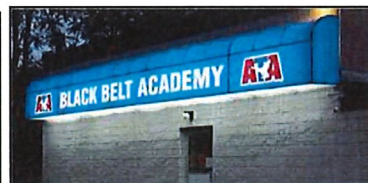


Fig. 08-06 Strictly Prohibited Illumination(3)

(3) **PROJECTING SIGNS.**

(a) Description. Attached Signs; fastened to the building facade at a 90-degree angle that hangs from a bracket or support extending more than 1 foot from the outside wall of the building or structure. (See Figure 08-07)

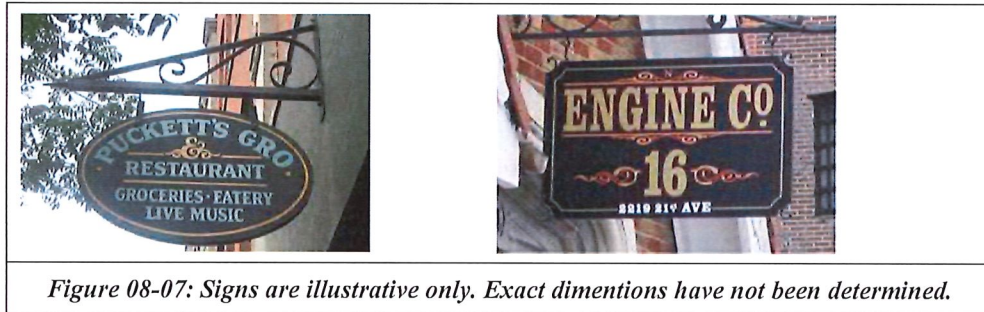
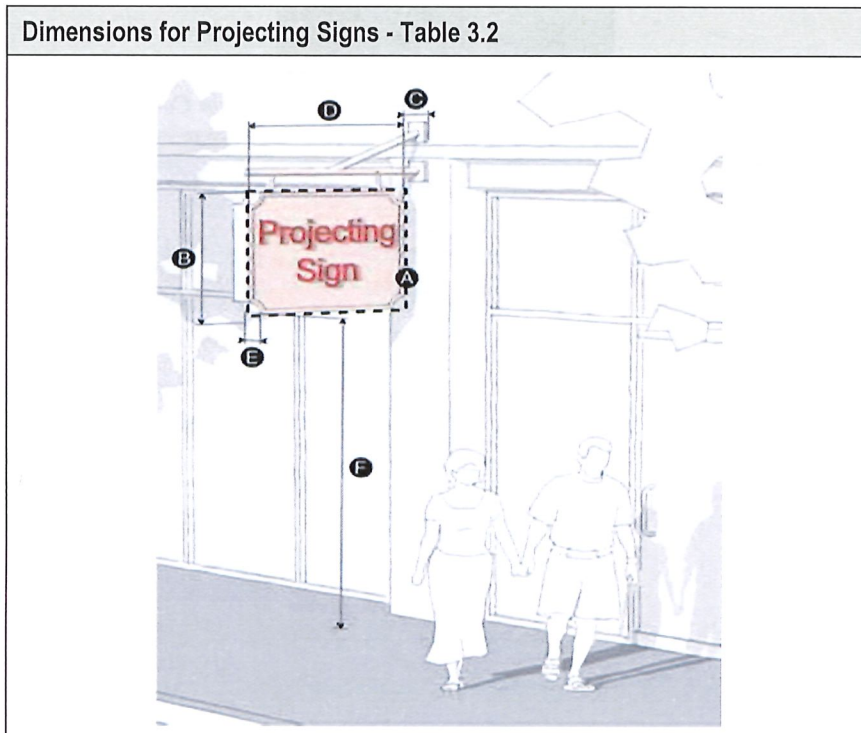


Figure 08-07: Signs are illustrative only. Exact dimensions have not been determined.

(b) **Dimensions and Installation Regulations.** Projecting Signs are subject to the dimensions and calculations within Table 3.1 and 3.2

Dimensions for Projecting Signs - Table 3.1			
A	Area	Max.	12 SF
B	Height	Min.	3 FT
C	Spacing from Building Facade	Min. / Max.	6 IN / 12 IN
D	Projection Width	Max.	3.5 IN
E	Depth	Max.	6 IN
F	Clear Height Above Sidewalk	Min.	9 FT
+	Clear Height Above Parking or Driveway	Max.	12 FT



(c) ***Right-of-Way Encroachment.*** A Projecting Sign may encroach over the sidewalk but not over any drive aisle. The sign must be a minimum of two (2) feet inside the curb line; or edge of pavement, whichever is greater.

(d) ***General Provisions.***

1. The hanging bracket must be an integral part of the sign design.
2. The Projecting Sign must be located below the windowsills of the second story on a multi-story building or below the roofline on a single-story building.
3. Projecting Signs may be externally lit, but may not be internally lit.

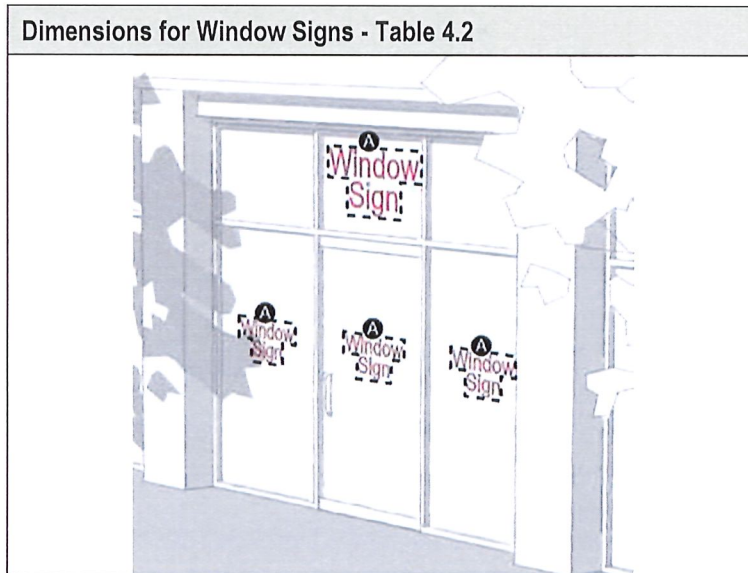
(4) **WINDOW SIGNS.**

(a) **Description.** Window Signs are attached signs, affixed to the inside of a window or door.



(b) **Dimensions and Installation Regulations.** Window Signs are subject to the dimensions and calculations within Table 4.1 and 4.2

Dimensions for Window Signs - Table 4.1	
A Area - Max.	36 SQ IN.
Notwithstanding, Temporary Signs permitted per Section 151.147 of the Village Ordinance.	



(c) **General Provisions.**

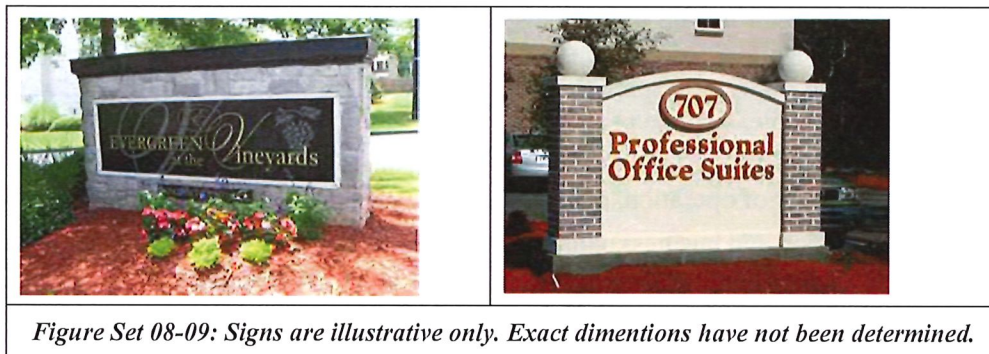
1. Windows Signs are only allowed on ground story windows and doors.
2. A Window Sign cannot be illuminated.
3. Window Signs shall not be used to display full-color advertisements.
4. Window Signs shall not be used to display full-color photos, full-color graphics or full-color federally registered logos or trademarks. However, federally registered logos or trademarks, which are frosted, semi-transparent, or a singular color; when the color is in accord with the Uniform Color Scheme, shall be permitted.
5. Window Signs shall be strictly used to display business identification information; including the business name, hours of operation, business address, exit and entrance location, etc.
6. Hours of operation and business address are permitted and shall not be considered Window Signs. Hours of operation and address shall be permitted in either frosted glass or black typeface.
7. The sign copy shall be frosted, semi-transparent, or a singular color compliant with the uniform color scheme
8. Window Sign Area: shall not exceed 36 square inches.
9. Window Signs depicting “coming soon” messages or leasing information, which are temporary in nature, shall be allowed, subject to the uniform color scheme described in Section 05.
10. *Commercial Window Film*: Translucent window film may be used to prevent full-view of the interior part of an empty building, or the interior part of a building being used for storage or other utilitarian purpose that is commonly considered to be ‘unsightly’ with additional provisions as follows;
 - a. Must be translucent, opaque, or semi-opaque
 - b. Must be a neutral shade or color (e.g. frosted, brown, gray, etc.)
 - c. Must not be ‘white’, ‘black’ or ‘mirror-reflective’
 - d. Must be commercial grade
 - e. Must be near identical, in terms of type, color and sheen for all buildings within the development
 - f. Need not comply with the size restrictions outlined in this section.



Figure 08-09: A Model of Acceptable Window Films Pursuant to Standards and Design Review & Approval.

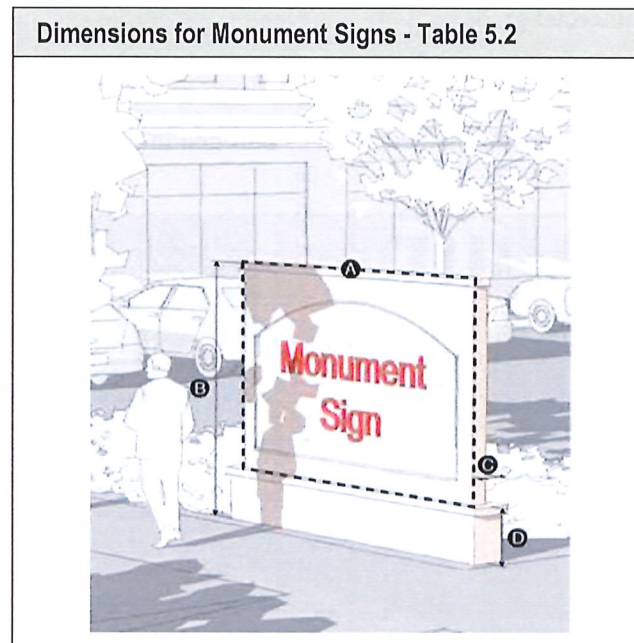
(5) **MONUMENT SIGNS.**

(a) **Description.** Ground Signs; permanently affixed to the ground along their entire length, wholly independent of a building for support.



(b) **Dimensions and Installation Regulations.** Monument Signs are subject to the dimensions and calculations within Table 5.1 and 5.2

Dimensions for Monument Signs - Table 5.1			
A	Area	Max.	40 FT
B	Height	Max.	6 FT
C	Depth	Min.	2 FT
D	Sign Base Height	Min. / Max.	2 FT / 4 FT



(c) **Right-of-Way Encroachment.**

1. A monument sign must be set back at least 5 feet from the primary or side street lot line and ten (10) feet from a side interior lot line.

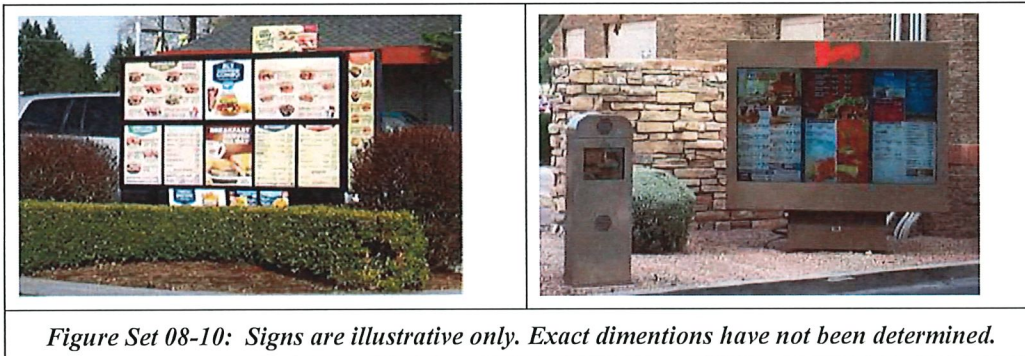
(d) **General Provisions.** A monument sign may be externally lit per the standards of this Sign section.

(e) **Monument Sign Standards in the Conditional District.** The following Monument Signs are permitted and/or will be provided along with the accompanying regulations:

1. One curved monument wall sign, designed to coordinate with the architectural themes and materials proposed for the development, shall be provided along the corner lot line, abutting the public right-of-ways, of Outparcel 2, to encase the retention pond and/or to distinctly identify the development and provide the name of the development.
2. Two subdivision entrance signs (or monument signs) shall be provided for the residential development. These signs may only be located within the 50-foot viewshed buffer, located near the dwelling unit entrance. One monument sign shall be placed on each side of the entrance, within the landscaped beds.
3. For the purpose of evaluating the number of Monument Signs permitted in the district, Primary and Secondary Identification Signs shall not be considered ‘Monument Signs’.
4. Monument signs may deviate from the design standards outlined herein, however the design must meet with Design Review Board approval. The number of monument signs, and their purpose, may not be altered from the standards outlined herein.

(6) MENU BOARD SIGNS.

(a) **Description.** Menu Board Signs may be ground signs, permanently affixed to the ground, or may be Attached Signs, dependent on a building for support. Menu Board Signs list food and beverage items available through a drive-through service lane window. Menu Board Signs are located adjacent to the drive-through service lane they serve.



(b) **Dimensions.** Menu Board Signs are subject to the dimensions and calculations within Table 6.1

Dimensions for Menu Board Signs - Table 6.1			
A	Area	Max.	32 SQ FT
B	Height	Max.	6 FT
C	Depth	Min.	2 FT
D	Sign Base Height	Min. / Max.	2 FT / 4 FT

(c) **Illumination.** A monument sign may be externally or internally illuminated in accordance with standards in this section.

(d) **General Provisions.**

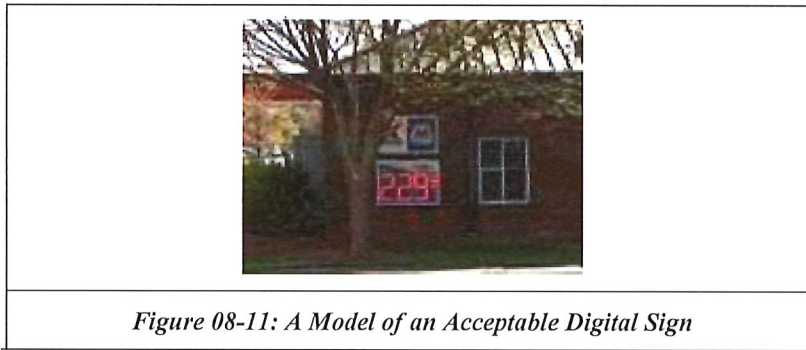
1. One Menu Board Sign with one face is allowed per drive-through service lane.
2. Drive-through Menu Boards signs shall not be located so the menu board and copy is visible to vehicular traffic from the public street.

3. A Menu Board Sign must be located within a landscape bed with standard concrete curbs.
4. Sign cabinets shall be aluminum, powder-coated black, architectural bronze or dark earth tone.
5. The Menu Board Sign design shall use complimentary materials to the approved architecture of the building it serves.
6. Acrylic sign faces shall be prohibited. LED screens are allowed without quick-paced animation.

(7) **DIGITAL SIGNS.**

(a) **Description.** An attached sign, affixed to a wall, with a fixed display message composed of a series of lights that may be changed through electronic means. A Menu Board Sign shall not be considered a Digital Sign.

(b) **Dimensions.** Digital Signs are subject to the dimensions and calculations within Table 7.1



Dimensions for Digital Signs - Table 7.1			
A	Area	Max.	10 FT
B	Height	Max.	3 FT
C	Depth	Min.	2 FT

(c) **General Provisions.**

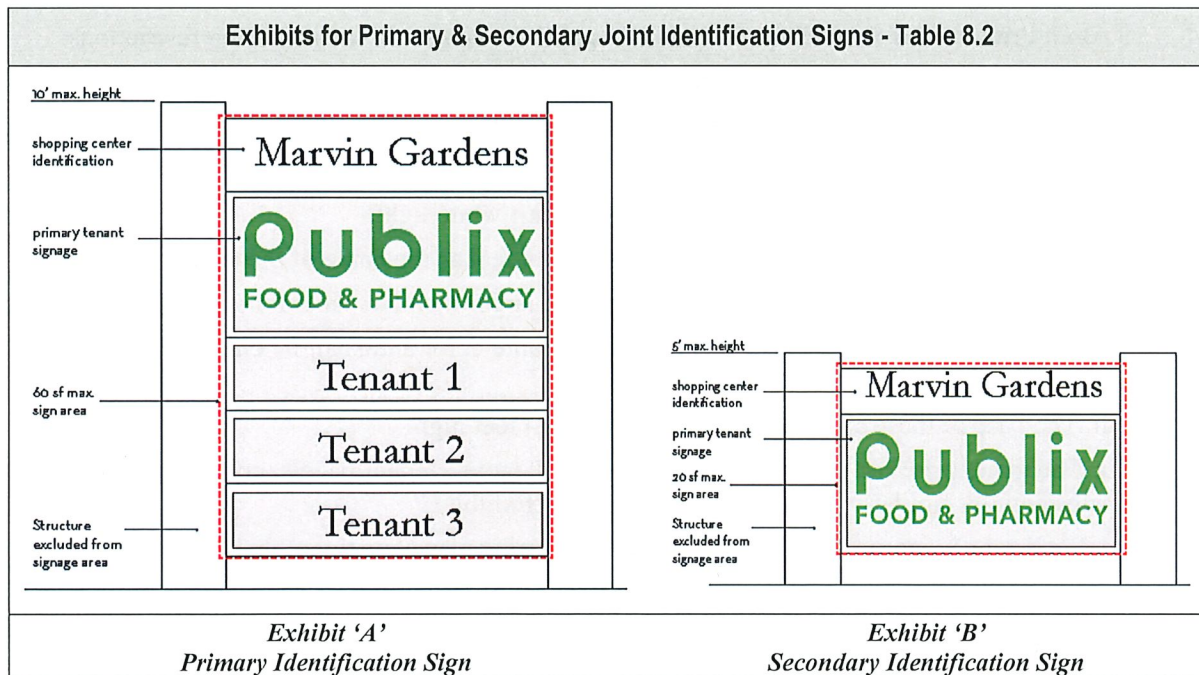
1. A Digital Sign is only allowed for a Convenience Store/Mini Mart/Express Fuel use
2. A Digital Sign shall only be used to display fuel prices.
3. A Digital Sign shall be attached to the primary building
4. Sign cabinets shall be aluminum, powder-coated black, architectural bronze or dark earth tone.
5. A Digital Sign shall use materials to visually blend into the architectural features, building materials and colors of the building.
6. Blinking, flashing or other quick-paced copy or animation is prohibited.

(8) PRIMARY AND SECONDARY TENANT JOINT IDENTIFICATION SIGN

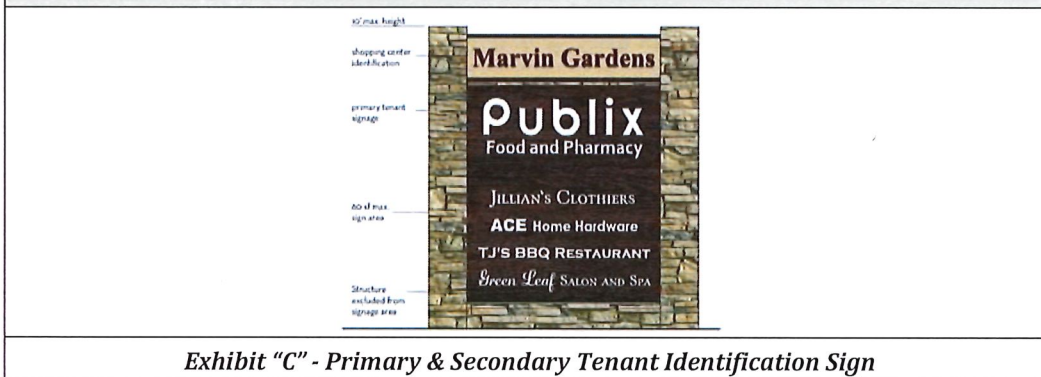
(a) **Description.** Grounds signs that are affixed to the ground along their entire base, which identify the name of the commercial development and the names of Tenants of the development.

(b) **Dimensions and Installation Regulations.** Primary and Secondary Tenant Joint Identification Signs are subject to the dimensions, calculations, materials and layout shown within Table 8.1-8.3

Dimensions for Primary & Secondary Identification Signs - Table 8.1		
A	Primary Identification Sign	
	Maximum Sign Area:	60 SQ FT.
	Maximum Height:	10 FT.
B	Secondary Identification Sign	
	Maximum Sign Area:	20 FT.
	Maximum Height:	5 FT.
C	Minimum Depth:	2 FT.
D	Base Height: Min: / Max.	2 FT. / 5 FT.
E	Maximum No. of Faces:	2 FACES
+	No. of Signs Permitted	



Materials / Exterior Treatment for Primary & Secondary Joint Identification Signs - Table 8.3



(c) Right-of-Way Encroachment.

1. No part of a Primary or Secondary Identification Sign; including projections, may extend into or over an existing right-of-way.
2. All Primary and Secondary Tenant Identification Signs must be secured to the ground or affixed so as not to create a public safety hazard.
3. The sign shall be located so as not to impair traffic visibility.

(d) General Provisions.

1. One Primary Ground Sign shall be allowed at Entrance 1 as shown on CZ 1.0 Site Plan.
2. One Secondary Ground Sign shall be allowed at Entrance 2 & 3 as shown on CZ 1.0 Site Plan.
3. Both Primary and Secondary Ground Signs shall be subject to the following restrictions:
 - a. Only Routed, Push-Thru, internally illuminated signs are permitted for these signs.
 - b. Sign cabinets shall be aluminum, powder-coated black, architectural bronze or dark earth tone.
 - c. A maximum of one anchor tenant panel and four secondary tenant panels shall be allowed.
 - d. All lettering should be white and shall only emit white light.
 - e. The name of the development must be as prominent as the name of the anchor tenant.
 - f. The tenant panel for the anchor tenant may be larger than the panel for the secondary tenants.
 - g. The panel colors for all tenants must be the same color and shall be either black, architectural bronze or a dark colored, earth tone.
 - h. The base of these signs shall be at least two (2) feet high.
 - i. The general format and set up of the business names, tenant panels, colors and format will be substantially similar to the concept exhibited in 'Exhibit C'
 - j. Fieldstone (consistent with the Envelope A rezoning plan elevations) shall be used for monument sign depicted in Exhibit 'C'.
 - k. The Primary and Secondary Identification Signs shall both be significantly similar in terms of materials, design, internal dimensions, format and proportionate use of exterior materials.

(9) ADDITIONAL REQUIREMENTS FOR SIGNS.

(a) **General Provisions.** Illumination of signs must be in accordance with the following requirements.

1. The source of illumination shall be kept in functioning order at all times

(b) **Prohibited Light Sources.** The following are not permitted for any illuminated signs:

1. Blinking, flashing and/or chasing.
2. Bare bulb illumination.
3. Colored lights used in any manner to be confused with or construed as traffic control devices.
4. Direct reflected light that creates a hazard to operators of motor vehicles.
5. Seasonal lighting, except for low luminosity seasonal lighting, lights which outline property lines, sales areas, rooflines, doors, windows or similar types of areas are prohibited.
6. Where lit signs are permitted, only white or amber colored bulbs shall be allowed.
7. Only white light may be emitted from any lit sign. If trademark colors are deemed acceptable, per Wall Sign standards outlined herein, and Design Review Authorities, it shall not exceed 25% of the permitted sign area.

(c) **External Illumination.**

1. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
2. Lighting fixtures must be directed downward rather than upward.
3. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, blend in with the signs schematics and not obscure the sign.

(d) **Internal Illumination.**

1. Internally illuminated signs may be reverse lit or ‘halo lit’ only.
2. Aluminum cabinets with routed lettering must be a black with a powder-coated finish. No other cabinet color or material is permitted.

(e) **Raceways and Transformers.**

1. Raceways are prohibited.
2. Visible transformers are prohibited
3. All wiring and other mechanisms must be secured and hidden from view. Only channel letters or aluminum cabinets may be exposed and visible.

(f) **Illumination Permitted by Sign Type.**

Signs Permitted with Illumination	Internal Lighting Permitted	External Lighting Permitted
Wall Sign, Channel Letters, Halo Lit Only*	Yes*	Yes
Awning Sign Update	No	Yes
Projecting Sign	No	Yes
Window Sign	No	No
Menu Board Signs	Yes	Yes
Monument Sign	No	Yes
Identification Signs - Routed Push-Thru Illumination Only	Yes*	Yes

SECTION 9: LIGHTING STANDARDS

[Home](#)

- (A) The following standards shall apply to lighting fixtures and lighting standards within the conditional district:
- (1) All lighting within the development shall meet or exceed the requirements of the Village Lighting Ordinance.
 - (2) Perimeter parking lights shall be dimmed by Midnight. Lighting between Midnight and 6 a.m. shall be reduced to a level, which reduces glare while still maintaining a safe environment on the site.
 - (3) Per the ordinance, lighting shall be approved by the Village Council once specific plans are provided and reviewed by the Design Review Board pursuant §151.215

SECTION 10: BINDING EFFECT OF REZONING

[Home](#)

- (A) The final provisions shall apply upon municipal approval of the Individual Conditional District rezoning plan.
- (1) The Applicant shall be responsible for the maintenance and cleaning of all common areas, buildings exteriors, driveway and parking areas and structures developed on the Site
 - (2) The rezoning approval shall be valid for a maximum of five (5) years.
 - (3) All plans submitted shall be considered a part of this rezoning.
 - (4) Development of the site shall be governed by the Rezoning Plan.
 - (5) All conditions applicable to the development of the Site imposed under the Rezoning Plan shall, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and its respective heirs, devisees, personal representatives, successors in interest or assigns.

SECTION 11: STATEMENT OF IMPACT

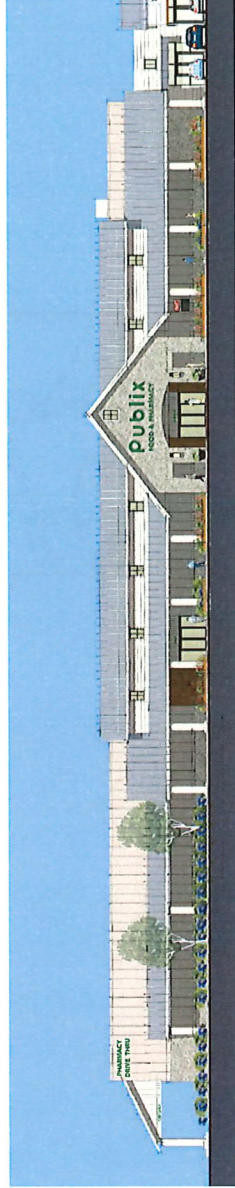
[Home](#)

- (A) The proposed site will have the following impacts to public facilities:
- (1) **Schools:** Per Amber Meadows zoning case, the proposed site will have minimal impact to the Marvin/Union County school district due to the commercial and age-restriction to the residential.
 - (2) **Traffic/Road Network:** Impact to local traffic and recommended roadway improvements are outlined in the Traffic Impact Analysis required by the Village of Marvin and approved by the North Carolina Department of Transportation performed by Kimley Horn and Associates dated October 5, 2015.
 - (3) **Fire:** We received a letter from Steve McClendon with the Wesley Chapel Fire Department stating that they would rate our project as having a minimal impact for the Department.
 - (4) **Police:** We have received a letter from Cody Luke with the Union County Sheriff's Department stating that they do not foresee a noticeable impact from our project on its ability to service the area.
 - (5) **Water and Sewer Utilities:** Water and Sewer Sketch Plan shall be submitted through Union county Public Works to meet the requirements to serve the proposed development.

Publix

Site Name: Publix Property ID: xx
 Address: TBD City/ST: Marvin NC QID #: 15-26912

- A** PUB-P48-RCL-USLED
 PUB-F&P14-RCL-USLED
- B** PUB-PDT14-RCL-USLED
- C** PUB-FCO-10-PDT-PVC
- D** PUB-FCO-8-CLR-PVC
- E** PUB-FCO-8-EXIT ONLY-PVC
- F** PUB-PRESTO-1536
- G** PUB-FCO-8-ENTRY-PVC
- H** PUB-FCO-8-EXIT-PVC



Scale: 1/32" = 1'



Scale: 1/16" = 1'



HILTONDISPLAYS
 GREAT SIGNS FOR GREAT COMPANIES

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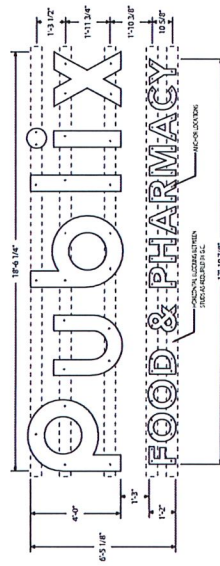
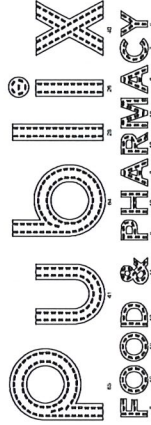
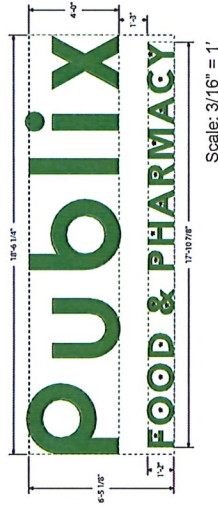
Publix

Site Name: Publix Property ID: xx
 Address: TBD City/ST: Marvin NC QID #: 15-26912

PUB-P48-RCL-USLED Qty. 1

PUB-F&P14-RCL-USLED Qty. 1

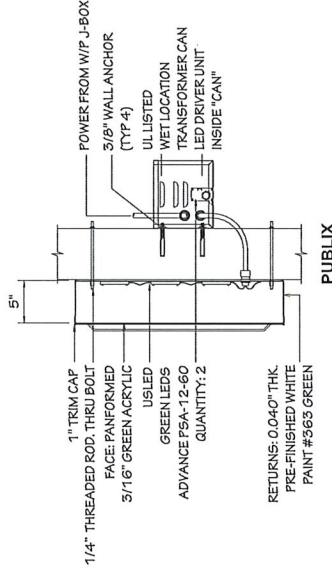
Illuminated Channel Letters - Remote



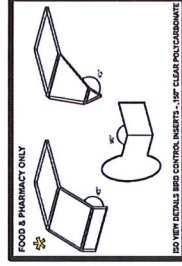
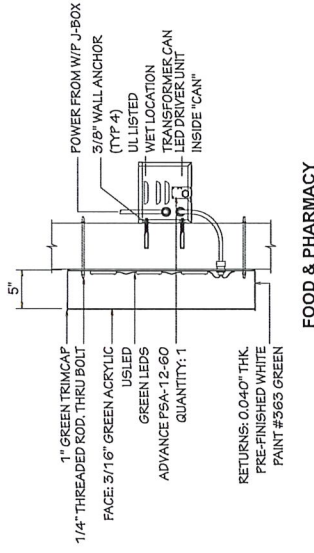
Publix	SQ. FOOTAGE
FOOD & PHARMACY	119.04
Publix	
FOOD & PHARMACY	20.89
	74.08

PMS 363 C

GENERAL DESCRIPTION:	BACKLIT LETTERS FABRICATED OF WELDED ALUMINUM (.040 RETURNS) (.063 BACKS) (5" DEEP)
COLORS:	COPY: FACES: 3/16" GREEN ACRYLIC #XXXX RETURNS: 5" PTM PMS 363C GREEN TRIMCAP: 1" PMS 363C GREEN
LED:	USLED (GREEN)
WIRING:	UL-APPROVED
DRIVERS:	(1) 20 AMP CIRCUIT RECD ADVANCE-PSA-12-60
MOUNTING:	FLUSH TO FASCIA WITH LIBERTY ANCHORS



GENERAL DESCRIPTION:	BACKLIT LETTERS FABRICATED OF WELDED ALUMINUM (.040 RETURNS) (.063 BACKS) (5" DEEP)
COLORS:	COPY: FACES: 3/16" GREEN ACRYLIC #XXXX RETURNS: 5" PTM PMS 363C GREEN TRIMCAP: 1" PMS 363C GREEN
LED:	USLED (GREEN)
WIRING:	UL-APPROVED
DRIVERS:	(1) 20 AMP CIRCUIT RECD ADVANCE-PSA-12-60
MOUNTING:	FLUSH TO FASCIA WITH LIBERTY ANCHORS



HILTONDISPLAYS
 GREAT SIGNS FOR GREAT COMPANIES

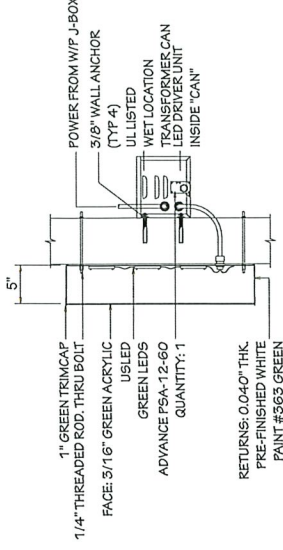
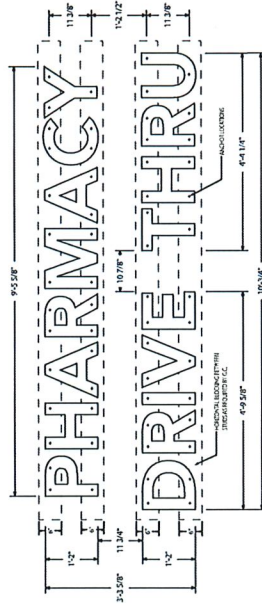
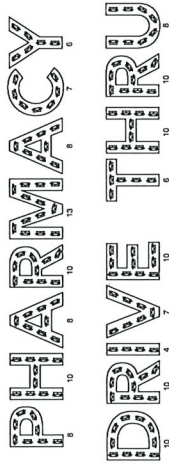
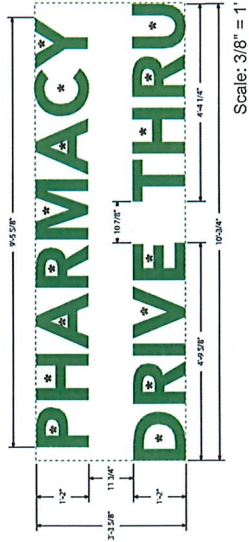
125 Hillside Drive Greenville, South Carolina 29607 Phone: 864-233-0401 National Toll Free: (800) 353-9132 www.hiltondisplays.com

PUB-PDT14-RCL-USLED Qty. 1

Illuminated Channel Letters - Remote

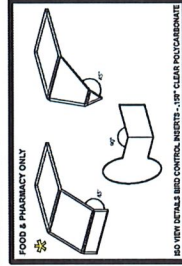
PMS 363 C

SO. FOOTAGE
 PHARMACY
 DRIVE THRU 33.54



PHARMACY DRIVE-THRU

GENERAL DESCRIPTION:	BACKLIT LETTERS FABRICATED OF WELDED ALUMINUM (040 RETURNS) (.063 BACKS) (5\" DEEP)
COLORS:	COPY: FACES: 3/16\" GREEN ACRYLIC #XXXX RETURNS: 5\" PTM PMS 363C GREEN TRIMCAP: 1\" PMS 363C GREEN
LED:	USLED (GREEN)
WIRING:	UL APPROVED
DRIVERS:	(1) 20 AMP CIRCUIT RECD ADVANCE-PSA-72-60
MOUNTING:	FLUSH TO FASCIA WITH LIBERTY ANCHORS



Publix

Site Name: Publix Property ID: xx
Address: TBD City/ST: Marvin NC QID #: 15-26912

PMS 363 C

PUB-FCO-8-ENTRY-PVC Qty. 1

FCO (Flat Cut Out) Letters & Numerals

3'-2 3/16"

ENTRY

SQ. FT.
2.17

Scale: 1" = 1'

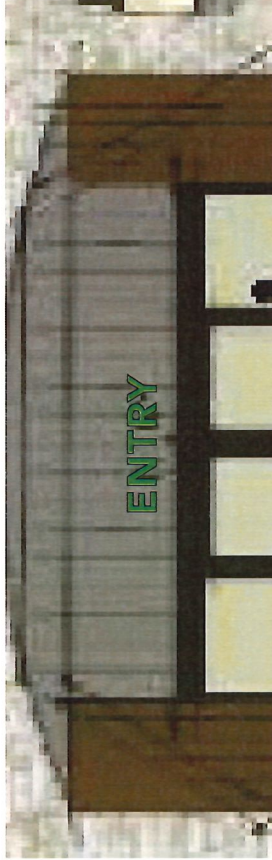
COPY & NUMERALS - FCO

MATERIAL: 3/4" SINTRA

COLOR: PMS 363 C GREEN

INSTALL: ADHERE TO CANOPY
WITH CONSTRUCTION GRADE
ADHESIVE & STUDS

R



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Publix

Site Name: Publix Property ID: xx
Address: TBD City/ST: Marvin NC QID #: 15-26912

■ PMS 363 C

PUB-FCO-8-EXIT-PVC Qty. 1

FCO (Flat Cut Out) Letters & Numerals

2'-1 3/8"

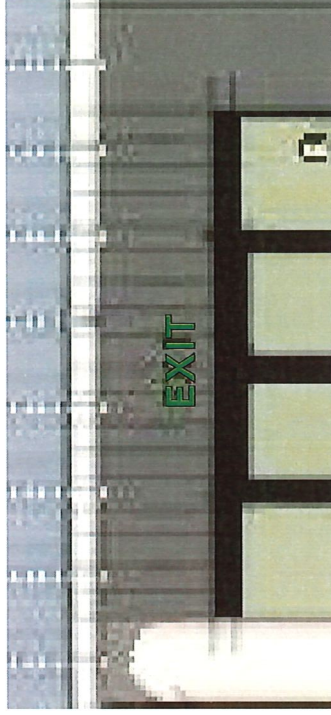
EXIT

SC. FT.
1.41

Scale: 1" = 1'

COPY & NUMERALS - FCO
MATERIAL: 3/4" SINTRA
COLOR: PMS 363 C GREEN
INSTALL: ADHERE TO CANOPY
WITH CONSTRUCTION GRADE
ADHESIVE & STUDS

R



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Publix

Site Name: Publix Property ID: xx
Address: TBD City/ST: Marvin NC QID #: 15-26912

PUB-FCO-8-CLR-PVC Qty. 1

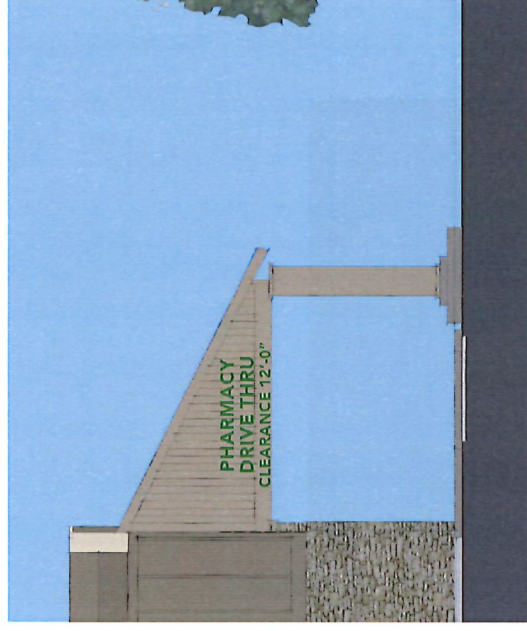
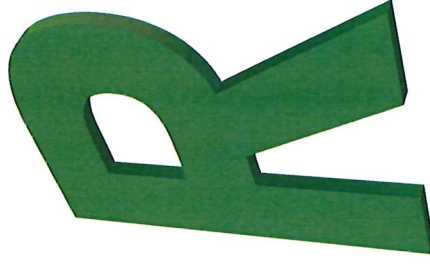
PUB-FCO-10-PDT-PVC Qty. 1

FCO (Flat Cut Out) Letters & Numerals

CLEARANCE 12'-0"
Scale: 1/2" = 1'
SQ. FT. 6.08

PHARMACY
DRIVE THRU
Scale: 1/2" = 1'
SQ. FT. 15.10

COPY & NUMERALS - FCO
MATERIAL: 3/4" SINTRA
COLOR: PMS 363 C GREEN
INSTALL: ADHERE TO CANOPY
WITH CONSTRUCTION GRADE
ADHESIVE & STUDS



HILTONDISPLAYS
GREAT SIGNS FOR GREAT COMPANIES

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PMS 363 C

Publix

Site Name: Publix Property ID: xx
Address: TBD City/ST: Marvin NC QID #: 15-26912

■ PMS 363 C

PUB-FCO-8-EXIT ONLY-PVC Qty. 1

FCO (Flat Cut Out) Letters & Numerals



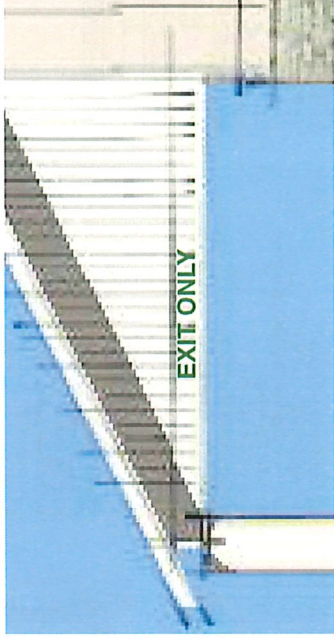
EXIT ONLY

SQ. FT.
7.85

Scale: 1" = 1'

COPY & NUMERALS - FCO
MATERIAL: 3/4" SINTRA
COLOR: PMS 363 C GREEN
INSTALL: ADHERE TO CANOPY
WITH CONSTRUCTION GRADE
ADHESIVE & STUDS

R



HILTONDISPLAYS
GREAT SIGNS FOR GREAT COMPANIES

125 Hillside Drive Greenville, South Carolina 29607 Phone: 864-233-0401 National Toll Free: (800) 353-9132 www.hiltondisplays.com

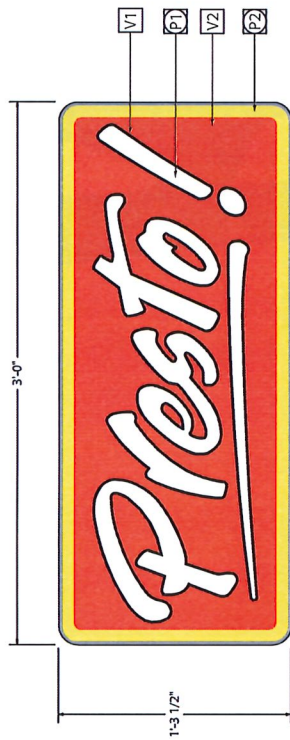
PUB-PRESTO-1536 Qty. 1

Illuminated Wall Sign

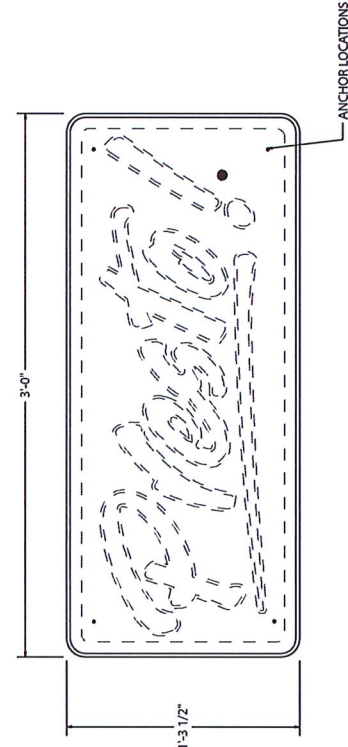
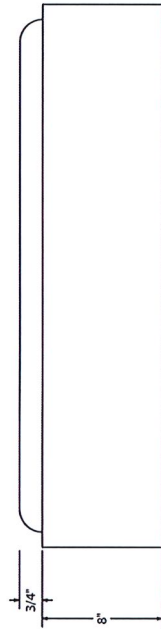


METALLIC SILVER	SQ. FOOTAGE
BLACK 7725-12	3.88
3630-43 TOMATO RED	
PMS 108 C YELLOW	
WHITE	

THIS SIGN IS TO BE MOUNTED 6'-9" FROM GRADE TO BOTTOM OF SIGN



Scale: 1 1/2" = 1'



- EXISTING WALL PUBLIX CMU
- 1" JEWELITE TRIMCAP SILVER
- .090" PAN-FORMED POLYCARB CLEAR W/ 2ND SURFACE GRAPHICS
- ALUMINUM WIRE TRACK
- .063" ALUMINUM RETURNS PAINTED METALLIC SILVER #331 EC
- .080" ALUMINUM BACKS
- WALL FASTENERS SEE ANCHOR SCHEDULE
- DRAIN HOLES WITH COVERS (IF USED OUTDOORS)
- KULKA TOMBSTONE SOCKETS
- H.C. COOL WHITE FLUORESCENT LAMPS
- ELECTRONIC BALLAST
- 1/2" LIQUID TIGHT CONDUIT
- 1/2" LIQUID TIGHT CONNECTOR
- LISTED DISCONNECT SWITCH IN PRIMARY TO BE WITHIN SIGHT OF SIGN, NEC 110-3(B), 600-5
- PRIMARY ELECTRICAL SOURCE CONNECTION TO J-BOX BY G.C.
- 2' x 4' JUNCTION BOX

MATERIAL FOR WALL SIGN			
BACK:	.080" ALUMINUM		
EXT. FILLER:	.063" ALUMINUM		
FRAMING:	N/A		
FACES:	.090" POLYCARB CLEAR, PAN-FORMED, @ X, O.C. <input type="checkbox"/> EMB <input type="checkbox"/>		
REINFORCE:	1" JEWELITE		
FASTENERS:	SEE ANCHOR SCHEDULE		
WALL FASTENERS:	PER ENGINEER		
GRAPHICS:	3M VINYL A,B,C,SPRAY <input type="checkbox"/> GFS <input type="checkbox"/>		
COLOR FOR WALL SIGN			
FILLER:	METALLIC SILVER, #331 EC		
REINFORC. SILVER:			
INTERIOR:			
FACE FINISH:	CLEAR, W/ NOTED 2ND SURFACE GRAPHICS		
VINYL COLOR:			
1) 3M BLACK #7725-12 - 2ND SURFACE			
2) 3M TOMATO RED #3630-43 - 2ND SURFACE			
3) X			
PAINT COLORS			
1) WHITE - BACKPRINTED			
2) YELLOW PMS 108 - BACKPRINTED			
3) X			
4) X			
ELECTRICAL NOTES			
1) EEB-424-13L BALLAST - (1) REQUIRED			
2) F40T12CW/WH FLUORESCENT LAMP - (1) REQUIRED			
3) DISCONNECT SWITCH			
4) X			
5) X			
ELECTRICAL SPECIFICATIONS			
PUB-1536 WALL SIGN (PUB-1536) ELECTRICAL SPECIFICATIONS			
BALLAST #	LAMP	MAX LINE IN AX	OPEN CIRCUIT VOLTAGE
CURRENT	AMPS	WATTS	
1) EEB-424-13L	.800	1.1	134
X	X	X	X
X	X	X	X
TOTAL		1.1	134
(1) 20 AMP - 120 VOLT CIRCUIT REQUIRED			



OR-2016-11-01

**AN ORDINANCE AMENDING THE VILLAGE CODE
WITH RESPECT TO THE ZONING ORDINANCE**

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MARVIN:

SECTION 1. That the Official Zoning Maps referenced in Section 151.030 of the Code of Ordinances are hereby amended by changing the zoning of the property described on the attached map from MX-CD (Mixed Use Conditional District) to ICD – Marvin Gardens (Individual Conditional District - Marvin Gardens).

SECTION 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan, exhibits and attached documents presented and approved for the district at the time of adoption of this Ordinance, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

The following Conditions have been mutually agreed upon:

1. **Wire Fencing**. The Preliminary Site plan/Civil Design plans shall include a demolition plan for the removal of the existing barbed wire fencing on the site.
2. **CCR's**. CCR's for both residential and commercial portions shall be reviewed and approved prior to plat approval.
3. **Residential Lot Sizes**. Amend the plan so no lots are less than 8000 sq. ft. and the minimum lot size of 8000 sq. ft. is added to the data table for sheet CZ-1A.
4. **Lot 2 Acreage Label**. Amend LOT 2 acreage label.
5. **Outdoor Lighting**. The development shall be subject to Chapter 152: Outdoor Lighting of the Village Ordinances.
6. **Engineering Manual**. The development shall be subject to the Village of Marvin Engineering Standards and Procedures Manual (upon adoption).
7. **Maintenance Plan Updates**. The Maintenance Plan shall be updated with the new residential layout.
8. **Conceptual Site Layouts**. The conceptual site layouts on outparcels shall be removed and not be considered a part of the rezoning plan.

9. **Drive-through Masonry Screening Wall.** The drive-through service lane for Outparcel 2 requires a masonry screening wall.
10. **Buffer Width Reductions.** A note shall be added to the plans that buffers are a material consideration to the rezoning and it is recommended to all future boards and councils that these not be reduced in any way.
11. **Supplemental Screening for Outparcel 1.** Screening for Outparcel 1 shall be supplemented with an additional row of understory trees due to the reduced setback.
12. **Publix Sign Plans.** Publix signage shall be attached to the development standards.
13. **Wall Sign Projections.** Wall signs shall not project more than twelve (12) inches from the outside of a wall.
14. **Truck Delivery and Services.** 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.
15. **Weddington Chase Sidewalk Connection.** The applicant shall provide a check in the amount of \$5000 payable to the Village of Marvin upon receipt of a land development permit to be applied toward the cost of the construction of a sidewalk connection. If the sidewalk connection is not constructed by the Weddington Chase HoA within six months of the CO of the anchor tenant building, the funds shall be returned to the applicant.
16. **Fuel Station Canopy.** The fuel station canopy shall be constructed in accordance with the image shown on the applicant's response to staff's conditions listed in the 10/11/2016 staff report and shown as item #10 and the development standards will be updated with this image.



17. **Raceways for Signs.** No raceways shall be used in conjunction with signage on a building.
18. **Foundation Landscaping.** Foundation landscaping standards shall be restored to indicate five (5) foot wide sidewalks and four (4) foot wide planting strips, for a total of nine (9) feet, as measured from the back of the curb.
19. **Stacking Space Requirements.** Remove the stacking space standard permitting a reduction of up to two stacking spaces and insert the following standards into the Development Standards document; as outlined below.

Restaurant, with drive-through	10	Service Window	200 feet	12 feet
Restaurant, Fast-food, with drive-through	10	Service Window	200 feet	12 feet
Coffee Shop	12	Service Window	240 feet	12 feet

20. **Outparcel 2 Parking Space Requirements.** The minimum parking standard for Outparcel 2 is six (6) spaces per 1000 square feet of building area.
21. **Architecture for Feature Building and Outparcels.** The Feature Building in Outparcel 2 and architecture in Envelope B shall be developed as a single, cohesive style, substantially similar to Building 4 in Envelope A.
22. **Rezoning Plan Exhibits and Attachments.** All exhibits and attachments, as submitted by the applicant, shall be incorporated as part of this rezoning. Amendments to site plans shall be completed by the applicant and must be provided to Village Staff within two weeks.

Applicant Submitted Exhibits to be incorporated as part of the rezoning.

- #1 – 505 Design Vision Book
- #2 – Building Elevations
- #3 – Commercial Amenity Plan
- #4 – Cut-Fill Plan
- #5 – CZ Cover through 5.5
- #6 – Legal Description
- #7 – Preliminary Photometric Plan
- #8 – Profile Views
- #9 – Truck Path Exhibit
- #10 – Development Standards
- #11 – Deviations
- #12 – TIA

SECTION 3. That this ordinance shall become effective upon its adoption.

Adopted this 1st day of November, 2016

Joseph E. Pollino Jr., Mayor

ATTEST:

Melody A. Graham, Clerk



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to cause the guidance in the Roadway Median Landscaping section to instead be regulation.

DATE: May 13, 2021

Section

§151.046(H)(2)

Current

(2) *Roadway median landscaping.*

(a) The following information is to be used as general guidelines for designing parkway medians. It is intended for use as a resource to develop median designs. Several recommendations are subjective in nature and may require modification to fit median openings, width or stopping site distances. It is important that significant deviations from the guide be based on operational experience and objective engineering analysis. These guidelines do not pertain to the design of bioswales.

(b) Landscape elements within a median should include shade trees, ornamental trees, shrubs, low-growing evergreens, perennials, grasses and groundcovers. Species shall be heat and drought tolerant.

Redlines

(2) *Roadway median landscaping.*

(a) The following information is to be used as general **guidelinesregulation** for designing parkway medians. ~~It is intended for use as a resource to develop median designs.~~ Several ~~recommendationsregulations~~ are ~~subjectivegeneric~~ in nature and may require modification to fit median openings, width or stopping site distances. It is important that significant deviations from ~~the guide~~**this section** be based on operational experience and objective engineering analysis. These ~~guidelinesregulations~~ do not pertain to the design of bioswales.

(b) Landscape elements within a median ~~should~~**shall** include shade trees, ornamental trees, shrubs, low-growing evergreens, perennials, grasses and groundcovers. Species shall be heat and drought tolerant.



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New Text

(2) Roadway median landscaping.

(a) The following information is to be used as general regulation for designing parkway medians. Several regulations are generic in nature and may require modification to fit median openings, width or stopping site distances. It is important that significant deviations from this section be based on operational experience and objective engineering analysis. These regulations do not pertain to the design of bioswales.

(b) Landscape elements within a median shall include shade trees, ornamental trees, shrubs, low-growing evergreens, perennials, grasses and groundcovers. Species shall be heat and drought tolerant.

Reason

Manager pointed out that no ordinances should be guidelines, and should be regulations.

Item 6



VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to clarify dwelling allowances in §151.049(A) ONE PRINCIPAL BUILDING and 151.054(F) ACCESSORY USES AND STRUCTURES.

DATE: May 13, 2021

Section

§151.049 and §151.054

Current

§151.049

(A) In any single-family residential district, one single-family dwelling or one mobile home and accessory structure(s) shall be permitted on a single lot (except as permitted under § [151.052\(A\)](#)) which meets at least the minimum requirements of this chapter.

§151.054

(F) *Accessory use dwellings.* Accessory use dwellings shall be subject to the issuance of a conditional use permit by the Village Council and shall be in accordance with the following criteria.

Redlined

§151.049

(A) In any single-family residential district, one ~~single-family~~ dwelling or one mobile home and accessory structure(s) shall be permitted on a single lot (except as permitted under § [151.052\(A\)](#)) which meets at least the minimum requirements of this chapter. [One Accessory Dwelling Unit attached to the principal dwelling unit is allowed per §151.054\(F\), but detached dwelling units are not allowed.](#)



VILLAGE OF MARVIN

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§151.054

(F) *Accessory-use dwellings unit*. Accessory-use dwellings units shall be subject to the issuance of a conditional use permit by the Village Council and shall be in accordance with the following criteria.

New Text

§151.049

(A) In any single-family residential district, one dwelling or one mobile home and accessory structure(s) shall be permitted on a single lot (except as permitted under § [151.052\(A\)](#)) which meets at least the minimum requirements of this chapter. One Accessory Dwelling Unit attached to the principal dwelling unit is allowed per §151.054(F), but detached dwelling units are not allowed.

§151.054

(F) *Accessory dwelling unit*. Accessory dwelling units shall be subject to the issuance of a conditional use permit by the Village Council and shall be in accordance with the following criteria.

Reason

Application of the 160D-required definitions of Dwelling and Dwelling Unit must match the intent of the Planning Board and Village Council, which is to continue allowing one primary dwelling unit, and one attached dwelling unit by Conditional Use Permit but not allow detached dwelling units.

NOTE: Instances of “CUP” and “Conditional Use Permit” in §151.054 shall be considered for amendment to “SUP” and “Special Use Permit” in a different Text Amendment, as required by 160D.