



Village of Marvin

DATE: July 13, 2026

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Director

SUBJECT: Public Hearing for CZ-2026-1 (Lett Property)

Requested Action

Staff request the Village Council to open the Public Hearing on July 13th at 6PM at Village Hall for Discussion and Consideration of a Development Agreement and Conditional Zoning Map Amendment (CZ-2026-1) to rezone the 24.151 ACRES on the southeast corner of New Town Road and Meadowlark Lane from Rural-Residential (RR) to the Marvin Heritage District (Residential Only)-CZ.

Background

Jones Homes USA has submitted a conditional rezoning application to rezone the 24.151 ACRES on the southeast corner of New Town Road and Meadowlark Lane from Rural-Residential (RR) to the Marvin Heritage District (Residential Only)-CZ. The subject property is further identified by parcel number 06225021. The rezoning is for a major subdivision of 24 single-family homes.





Village of Marvin

Analysis

	Existing Land Use	Zoning Designations
Subject Property	Residential, Vacant, Wooded Lot	Rural Residential
North	Residential and Civic (Banks Presbyterian and Cemetery)	Rural Residential, SFR-1 and Civic
South	Residential (Meadowlark)	Rural Residential
East	Residential (Three Pond Acres)	Rural Residential
West	Residential/COS (Heritage at Marvin)	Marvin Heritage District (Residential Only)

General: The development is for 24 homes on 24.151 acres, yielding a density of .99 units/acre. There are 10.58 Acres or 43.80% of conservation/open space area (30% Acres Min Requirement). The Applicant is proposing installing a walking trail beside lot 1 to the roundabout and connect it to the existing trail and the 2.25 acres potential future park space at the Heritage at Marvin.

The applicant has revised their plan from their original submission. This includes reducing the total number of proposed lots from 29 lots to 24 lots and reducing the proposed density to approximately 0.99 dwelling units per acre. The current proposed plan increases minimum lot size from 10,000 SF to 12,000 SF. The proposed lots vary in size from 12,510 SF to 23,603 SF lot width from 70 feet to 85 feet, side setbacks from 5 feet to 12.5 feet, which would mean a minimum of 25' of building separation.

The updated plan now identifies 10.58 acres / 43.80% open space, including active and inactive open space breakdowns, while excluding the existing lake and SCM. The applicant has also provided additional tree disturbance exhibits into a three-sheet tree demo/canopy package and adds a TCA calculation showing ± 1.53 acres provided compared with ± 1.45 acres required per the MDO.

Lot Characteristics: The submittal is compliant with the minimum building type requirements for HD-RO in the MDO and the applicant is proposing to conditionally go above those minimums. The proposed minimum lot characteristics are as follows:

- MINIMUM LOT AREA: 12,000 SF
- MINIMUM FRONT YARD SETBACK: 25 FEET
- MINIMUM LOT WIDTH: 80 FEET
- MINIMUM SIDE YARD SETBACK: 12.5 FEET
- MINIMUM SIDE YARD SETBACK (CORNER LOT): 17.5 FEET
- MINIMUM REAR YARD SETBACK: 25 FEET
- MAXIMUM BUILDING HEIGHT: 35 FEET
- AVERAGE LOT SIZE: 14,241 SF (0.327 AC)
- DENSITY: .99 DUA

With the proposed development there would be a total of 97 homes on 123 acres for a DUA of .78 in the Marvin Heritage District.



Village of Marvin

Conservation Land/Open Space: The proposed development has 10.58 ACRES (43.80%) of Open Space provided which exceeds the minimum of 30% (7.24 acres) per the MDO.

Greenways and Sidewalk: The development will have internal sidewalks and internal walking trails along the existing Pond. The applicant is proposing to also construct a trail connection along New Town Road, as generally depicted on the Rezoning Plan.

The applicant has also proposed in the event that the Village would prefer a greenway or multi-use path to be located along the north side of New Town Road (Marvin Loop) in lieu of the frontage trail shown, the applicant shall be permitted to provide a fee-in-lieu, subject to acceptance by the Village and in an amount to be mutually agreed upon.

Buffers: The Developer is proposing a 100-foot buffer along the southern property line adjacent to the Meadowlark Subdivision, a 70-foot buffer along the western property line adjacent to Three-Pond Acres, 40 to 50 foot buffer along the northern property line and then a 60-foot buffer along the eastern property line adjacent to Meadowlark Lane. No more than fifty percent (50%) of the buffer area may be disturbed. Existing trees may be counted towards the overall planting requirements. If the Village staff determines that existing vegetation does not provide a minimum ninety-five percent (95%) opaque visual buffer, additional vegetative screen shall be installed by the Petitioner.

Tree Preservation: The applicant is proposing to disturb as little as possible. No more than fifty percent (50%) of the buffer area shall be disturbed. Additionally, the applicant has 1.53 Acres of Tree Conservation Area (TCA). The updated plan also preserves 2 additional Heritage Trees with the removal of one of the SCM. A tree removal and mitigation plan are required prior to preliminary site and civil design plan approval. The applicant is also proposing to conserve native plants where possible and replant with native species and identify this on their preliminary site & civil design plans. Staff also recommended additional condition on mitigation calculation to ensure adequate tree mitigation.

Access and Roads: The development is proposed to be accessed by a single ingress and egress road from Meadowlark Lane. The applicant submitted a Transportation Technical Memorandum which has identified that the proposed development has the potential to generate **24 and 31 net new external trips during the AM and PM peak hours, respectively**. Based on the trip generation analysis, the Marvin Development Ordinance (1,000 daily trips and/or 100 peak-hour trips) does not require a traffic impact analysis (TIA). The NCDOT Policy on Street and Driveway Access to North Carolina Highways (July 2003) (3,000 daily trips) thresholds for requiring a TIA are also not met. The village Engineer has reviewed this and concurs with the findings.

If access from Meadowlark Lane is infeasible, the applicant would be allowed to establish access to the Site from New Town Road under the minor modification process outlined in the MDO and subject to applicable review and approval by NCDOT and the Village of Marvin.



Village of Marvin

Stormwater and Drainage: The proposed development will have one SCM that will be constructed to manage Stormwater onsite. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved from an engineering perspective with this rezoning.

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

Water and Sewer: This development plans to utilize Union County Water and Sewer. The sewer will gravity feed to an existing manhole off Meadowlark Lane which then flows through Meadowlark to the Broadmoor Pump Station. This will then be pumped to flow into Mecklenburg County, thus avoiding the current sewer capacity issues in Union County.

Neighborhood Meeting: The Applicant held their Neighborhood Meeting for the rezoning submission on Wednesday February 25th at 6:00 pm. The Neighborhood Meeting report and exhibits are provided in the Planning Board Packets.

Development Agreement

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

Land Use Plan and Other Adopted Plans Consistency

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



Village of Marvin

Conclusion and Next Steps

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

If the rezoning and site specific rezoning plan is approved by the Village Council the applicant can move forward with the following required steps:

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



Village of Marvin

Proposed Land Use Consistency and Reasonableness Recommendation

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

The Village Council finds that the proposed rezoning of the 24.511-acre property located at 1005 Meadowlark Lane, Marvin, NC 28173 (further identified by parcel number 06-225021) from Rural-Residential (RR) to Marvin Heritage District Residential Only (MHD-RO) is consistent with the goals and recommendations of the Village of Marvin 2020 Land Use Plan, the Marvin Heritage District Small Area Plan the Parks and Greenways Master Plan, and other applicable adopted plans when considered as a whole and subject to the commitments and conditions included in the Rezoning Plan.

The rezoning is deemed reasonable and in the public interest because it will facilitate carrying out the goals of the Plan through each of the following:

- 1. Providing residential development within the Marvin Heritage District in a manner that supports the district's long-term vision as a walkable, identifiable Village Center area that promotes Marvin's heritage;*
- 2. Establishing a residential land use pattern that serves as an appropriate transition between existing residential neighborhoods and the broader Heritage District area;*
- 3. Limiting the proposed development to up to twenty-four (24) single-family detached dwelling units on an approximately 24.15-acre tract, thereby maintaining a scale and intensity that is compatible with the surrounding area and traditional Marvin single-family neighborhoods;*
- 4. Promotes low-impact rural neighborhoods with special standards for infrastructure, design and rural aesthetics;*
- 5. Long-term preservation and maintenance of sensitive lands, open spaces, buffers, trees, and viewshed buffers;*
- 6. Incorporating architectural commitments intended to reflect Marvin's historic and rural character, including front porches, columns, dormer windows, and high-quality building materials;*
- 7. Providing internal public streets, planting strips, sidewalks, and a pedestrian connection along New Town Road, or an accepted fee-in-lieu where determined appropriate by the Village, thereby advancing adopted goals for pedestrian connectivity, greenway implementation, and safer non-vehicular movement within the Heritage District;*
- 8. Promoting the public health, safety, and general welfare by allowing orderly and compatible development of property within the Heritage District while addressing transportation, pedestrian connectivity, neighborhood compatibility, buffering, tree protection, and environmental considerations.*



Village of Marvin

The proposed rezoning of the 24.511-acre property located at 1005 Meadowlark Lane, Marvin, NC 28173 (further identified by parcel number 06-225021) from Rural-Residential (RR) to Marvin Heritage District Residential Only (MHD-RO) is reasonable and is in the public interest because it promotes the goals and recommendations of the adopted 2020 Land Use Plan, Marvin Heritage District Small Area Plan, and any other officially adopted plans.

Staff wants to note the Future Land Use Map of the Village of Marvin 2020 Land Use Plan designates this area as the Marvin Heritage District and the Marvin Heritage District Small Area Plan further designates the subject property as the Marvin Heritage District – Mixed Use. Even though the proposed rezoning is for Residential-Only, the Mixed-Use designation was intended to have a residential component. Staff believe that a residential only development is less intensive than having a commercial component and therefore believes that this rezoning is reasonable and is in the public interest because it promotes the goals and recommendations of the adopted 2020 Land Use Plan, Marvin Heritage District Small Area Plan, and any other officially adopted plans.

If the Planning Board and/or Council find it to be inconsistent with the MHD Small Area Plan Future Land Use Map, but the rezoning is still approved, G.S. 160D-605 allows approval of an inconsistent zoning map amendment, with the effect of also amending the future land-use map and no separate plan amendment application required.

Staff Recommendation

Staff finds that the required findings can be made to support this rezoning application for development of the subject property and recommends approval with conditions. The Planning Board and Village Council may discuss additional conditions of approval.

Conditions:

- All terms and conditions outlined in the development standards of the rezoning plan
 - Including the ones recommend by staff after the Planning Board meeting.
- CCR's for the development shall be reviewed and approved prior to a land development permit.
- The applicant will show good faith to work with the Meadowlark HOA to add evergreen screening along New Town Road and Meadowlark Lane.
- The applicant will add evergreen screening with species to be determined by the Union County Urban Forester to the back of lots 1-12.



Village of Marvin

Planning Board Recommendation

During the June 16th, 2026, Planning Board Meeting, the Board made the motion to recommend approval of CZ-2026-1 with the following additional conditions AND to recommend the Land Use Consistency and Reasonableness Statement.

Additional Conditions:

1. All terms and conditions outlined in the development standards of the rezoning plan.
2. CCR's for the development shall be reviewed and approved prior to a land development permit.
3. The applicant will show good faith to work with the Meadowlark HOA to add evergreen screening along New Town Road and Meadowlark Lane.
4. The applicant will add evergreen screening with species to be determined by the Union County Urban Forester to the back of lots 1-12.

The motion failed 0-6 and therefore is not recommended by the Planning Board.