



Planning Board Meeting Agenda

Tuesday, February 18, 2025, 6:00 p.m.
Marvin Village Hall, 10006 Marvin School Road

Pages

A.	<u>CALL TO ORDER</u>		
B.	<u>CONSIDER ALLOWING REMOTE PARTICIPATION</u>		
C.	<u>ADOPTION OF THE AGENDA</u>		
D.	<u>ADOPTION OF THE PREVIOUS MINUTES</u>		2
E.	<u>PUBLIC COMMENT PERIOD</u>		
	<i>Please sign-in if you wish to address the Planning Board, only those signed in prior to the beginning of the meeting will be allowed to speak. Each speaker has 3 minutes to speak. The Board may request that one person speak on behalf of large groups expressing the same opinion. The public comment period is limited to 30 minutes.</i>		
	<i>Speakers shall approach the podium when called and shall state their name and address for the record.</i>		
F.	<u>PRESENTATIONS</u>		
G.	<u>UNFINISHED BUSINESS</u>		
	1. Discussion and Recommendation of Zoning Map Amendment Application 2025-1	Hunter Nestor	6
H.	<u>NEW BUSINESS</u>		
	1. Discussion of CZ-2025-1 (10018 Marvin School Road)	Hunter Nestor	36
	2. Discussion of Questions for 2025 Community Survey	Austin W. Yow	50
I.	<u>REPORTS & UPDATES</u>		
	1. Planner's Report		
J.	<u>REVIEW OF ACTION ITEMS</u>		
K.	<u>BOARD MEMBER COMMENTS</u>		
L.	<u>ADJOURNMENT</u>		



Planning Board Meeting Minutes

January 21, 2025, 6:00 p.m.

Marvin Village Hall, 10006 Marvin School Road

Members Present: Chair Cates, Vice-Chair Holzberg, Michael Lavelle, Marcus Williams, John Jones, Angel Martin

Members Absent: Ken Marino

Staff Present: Councilman Marcolese (Council Liaison), Austin W. Yow, Hunter Nestor, Poulami Das

A. CALL TO ORDER

Chair Cates called the meeting to order at 6:02pm and determined a quorum was present.

B. CONSIDER ALLOWING REMOTE PARTICIPATION

No board members participated remotely.

C. ADOPTION OF THE AGENDA

Moved by Vice-Chair Holzberg

Seconded by Michael Lavelle

To adopt the agenda as presented.

Vote: Motion Passed Unanimously

D. ADOPTION OF THE PREVIOUS MINUTES

Moved by Vice-Chair Holzberg

Seconded by Michael Lavelle

To adopt the minutes from 11/19/24 and 12/17/24 as presented.

Vote: Motion Passed Unanimously

E. PUBLIC COMMENT PERIOD

No one signed up to speak.

F. ITEMS OF DISCUSSION

1. Discuss and Consider Repeal and Replacement of Planning Board Rules of Procedure

TIME STAMP 10:15

(See attached Item F1, which is included as a reference in these minutes.)

Poulami Das, Planning Technician and Deputy Clerk, introduced the proposed Rules of Procedures to the Board and explained the proposed changes, noting that seconds are no longer required, the Board can make use of a consent agenda and hold public hearings, and that the Board adopts the Council's rules for public comments and public hearings. Board members briefly discussed the proposed rules and asked questions.

Moved by Vice-Chair Holzberg

Seconded by Michael Lavelle

To repeal and replace the Planning Board Rules of Procedure as presented.

Vote: Motion Passed Unanimously

2. Discussion and Recommendation of Zoning Map Amendment Application 2025-1

TIME STAMP 14:05

(See attached Item F2, which is included as a reference in these minutes.)

Hunter Nestor, Planning Director, introduced zoning map amendment application (ZMA 2025-1) to rezone the two parcels at 9709 Marvin School Rd (Parcels: 06-204530 and 06-204004) from Rural-Residential (RR) to Single Family Residential (SFR-1). He noted that the 7.011-acre property was originally planned to be zoned SFR-1, but after review by Planning Board and Council, was amended to RR. He noted that this property was similar to the Vickery property rezoning application reviewed last year, as the property was also initially identified to be zoned SFR-1 but was later zoned RR.

Board members asked Mr. Nestor about future proposed uses, site layout, and about the applicable ordinances. Members further discussed water, sewer, driveway access, and the traffic impact on Marvin Elementary School along Marvin School Road. Mr. Nestor stated that Marvin School Road is controlled by NCDOT and any entrances to the proposed property would have to abide by their standards. Mr. Nestor noted that the Board was not required to take action on the application at this meeting and could defer the decision to the next regularly scheduled meeting.

Moved by Chair Cates

To defer consideration until the next regularly scheduled meeting.

Vote: Motion Passed Unanimously

3. Board of Adjustment Training Session

TIME STAMP 54:30

(See attached Item F3, which is included as a reference in these minutes.)

Mr. Nestor asked the Board if they had any questions on the Board of Adjustment background information. The Board asked Mr. Nestor questions on the process and special cases such as variances. Mr. Nestor gave some examples of cases in which Board of Adjustment would review and not review. Mr. Nestor and Mr. Yow answered various questions pertaining to how Board of Adjustment meetings are conducted.

G. PLANNER'S UPDATE

TIME STAMP 1:22:40

Mr. Nestor explained that two neighborhood meetings will occur at Marvin Village Hall (10006 Marvin School Road) from 6-8pm on February 4th and 6th. He noted that the first meeting on February 4th will be for ROMS Investment LLC's conditional rezoning proposal to rezone the 3.022 acres at 10018 Marvin School Road from Rural Residential (RR) to Marvin Heritage District Commercial Only (HD-CO). He further noted that the second meeting on February 6th will be for Rosemarie Hall LLC's rezoning application to rezone the 7.011 acres (2 parcels total) at 9709 Marvin School Road from Rural Residential (RR) to Single Family Residential (SFR-1). He explained that these meetings are good opportunities for board members to hear feedback from residents and to gain a better understanding of the application proposals.

H. REVIEW OF ACTION ITEMS

Board Members will review the Board of Adjustment information to prepare for future meetings.

I. BOARD MEMBER COMMENTS

Chair Cates: She noted that staff had a difficult past six months and commended staff for their hard work.

Vice-Chair Holzberg: He stated that he was looking forward to a successful 2025.

Michael Lavelle: He thanked the staff.

J. ADJOURNMENT

Moved by Vice-Chair Holzberg

To adjourn the meeting at 7:27 pm.

Vote: Motion Passed Unanimously

Kelly Cates
Planning Board Chair

Austin W. Yow
Village Clerk & Assistant to the Manager



VILLAGE OF MARVIN
NORTH CAROLINA

Marvin Village Hall
10006 Marvin School Road
Marvin, NC 28173

Phone: (704) 843-1680
Fax: (704) 843-1660

Planning Board Agenda Report

Meeting Date: Tuesday, February 18, 2025

MarvinNC.gov

Title: Discussion and Recommendation of Zoning Map Amendment Application 2025-1

Attachments: Staff Report, Application Materials and Article 5 of the MDO **Action Requested:** Recommend

Draft Motion: To recommend approval of Zoning Map Amendment 2025-1 and find that the proposed Zoning Map Amendment is consistent with the recommendations and goals of the Village of Marvin 2020 Land Use Plan, other officially adopted Village Plans and is reasonable and in the public interest.

Budgetary Impact: No Budgetary Action Required

Background:

Please see the attached staff memo.

Current:

Please see attached staff memo.



Village of Marvin

DATE: February 18th, 2025

TO: Planning Board

FROM: Hunter Nestor, Planner and Zoning Director

SUBJECT: Discussion and Recommendation for Zoning Map Amendment 2025-1
(9709 Marvin School Road, Marvin, NC 28173)

Background

Rosemarie Hall LLC has submitted a Zoning Map Amendment (Rezoning) application to rezone the 7.011-acre property (2 parcels) located at 9709 Marvin School Road, Marvin, NC 28173 (Parcel Numbers: 06-204004 and 06-204530) from Rural-Residential (R-R) to Single Family Residential (SFR-1). This rezoning will follow the procedure outlined in 5.3 of the Marvin Development Ordinance.





Village of Marvin

Analysis

	Existing Land Use	Zoning Designations
Subject Property	Residential	R-R
North	Residential	R-R
South	Residential	R-R and Union County R-40
East	Residential	R-R and SFR-1
West	Civic - Marvin Elementary	Civic

General: The rezoning application is to rezone the 7.011-acre property (2 parcels) located at 9709 Marvin School Road, Marvin, NC 28173 (Parcel Numbers: 06-204004 and 06-204530) from Rural-Residential (R-R) to Single Family Residential (SFR-1) to subdivide the property to create an additional 4-5 lots for a total of 6-7 single-family lots.

Lot Characteristics:

The property is currently zoned Rural-Residential per the Marvin Development Ordinance. Prior to the adoption of the MDO, the property was zoned R-Marvin Residential and then zoned Rural-Residential with the adoption of the MDO. Below are the minimum lot regulations for Rural-Residential, SFR-1 and the old R-Marvin Residential:

Zoning	R-R	SFR-1	R-Marvin Residential
Minimum Lot Size (Gross Square Foot)	2.5 Acres	34,900 SQFT	43,560 SQFT (1 Acre)
Minimum Lot Width (Measured at Front Street Setback)	144'	130'	130'
Minimum Front Street Setback (measured from Street ROW)	50'	50'	50'
Minimum Rear Yard Setback	40'	40'	40'
Minimum Side Yard Setback	16'	16'	20'

Neighborhood Meeting: Neighborhood Meeting was held Thursday, February 6th, 2025, from 6PM to 8PM at Village Hall. Approximately 20 residents attended the meeting. Most of the questions/comments received were from the adjoining property owners stating that their CCR's do not allow property to be subdivided. **Please note, that Village does not enforce covenants, deeds and restrictions. That can only be enforced by the HOA/property owners and a civil matter.** However, where the regulations of the Marvin Development Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of the MDO shall govern.



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Residents that attended also asked questions regarding road access, stormwater and utilities for potential development. Staff have also included in the packets, a letter from the adjoining property owners regarding this rezoning.

Review and Discussion

The subject property was recommended to be zoned SFR-1 with the adoption of the MDO. However, at the time of the adoption, this property was changed to Rural-Residential. SFR-1 was recommended for these 2 parcels as the owner was in the process of applying to subdivide the property under the old ordinance but did not submit a formal application prior to the adoption of the MDO. The owner of the property is making this request to help with the sale of the property.

Per Article 5 of the Marvin Development Ordinance (5.3-3(D)(2)):

When considering a proposed amendment, the Marvin Village Council shall not evaluate the petition based on any specific proposal for the use or development of the property unless explicitly required by this Ordinance. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification including applications for an overlay district Zoning Map Amendment (TNDO & HIO) where the use is highly pertinent to the facts during consideration of the amendment and/or where a development agreement is to be made as part of the project.

When the Board is reviewing this rezoning application, it is for the rezoning only. The submitted site plan by the applicant is not tied specifically to the rezoning. And it only represents a visual of how the property could potentially be subdivided if the rezoning is approved. The Planning Board shall consider both the consistency and reasonableness of the rezoning with the Village of Marvin 2020 Land Use Plan, other officially adopted Village Plans. This includes the following:

- The size, physical conditions, and other attributes of the area proposed to be rezoned;
- The benefits and detriments to the landowners, the neighbors, and the surrounding community;
- 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;
- Why the action taken is in the public interest; and
- Any changed conditions warranting the amendment.



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If the rezoning is approved, it may be subdivided further through the minor or major subdivision process as outlined in the MDO. The proposed lots of the subdivision would have to comply with all the minimum lot requirements for the SFR-1 Zoning District. Below is an overview of the Major and Minor subdivision process per the MDO.

Major Subdivisions (For creating more than 8 lots)

1. **Pre-application Conference (Required):** Discuss your project with the Planning Department to understand the process and requirements.
2. **Application Submittal:**
 - a. Include a Preliminary Plat and Site Development Plan meeting specific standards.
 - b. Application form with landowner/agent info and authorization proof.
3. **Planning Board and Staff Review:**
 - a. Planning Department checks compliance with regulations.
 - b. Planning Board provides input on the proposal.
 - c. Review by other agencies may be required.
4. **Preliminary Plat Approval (if compliant):**
 - a. Valid for 2 years (with possible 3-year extension).
 - b. Develop construction plans and start construction within this timeframe.
5. **Final Plat Submittal and Approval:**
 - a. Must be recorded within 60 days of approval.
 - b. Plat needs signatures from owner(s) and Planning Department.

Minor Subdivisions (For creating up to 8 lots)

6. **Pre-application Conference (Required):** Discuss your project with the Planning Department.
7. **Application and Plat Submittal:**
 - a. Include a Minor Subdivision Plat meeting specific standards.
 - b. Application form with landowner/agent info and authorization proof.
8. **Staff Review:**
 - a. Planning Department checks compliance with regulations.
9. **Final Plat Approval (if compliant):**
 - a. Valid upon recording (needs to happen within 60 days).
 - b. Plat needs signatures from owner(s) and Planning Department.

Additional Notes:

- A sign-off license is required for anyone erecting or maintaining signs (except for some business owners installing their own signs).
- For Major Subdivisions proposing new street infrastructure, a Development Agreement is required.
- Failing to meet deadlines or comply with regulations can result in needing to resubmit the application.
- Refer to Article 7 of the Marvin Development Ordinance for complete details and additional requirements.



Village of Marvin

Recommendation

Staff Recommendation: Recommend Approval of Zoning Map Amendment 2025-1 and find that the proposed Zoning Map Amendment is consistent with the recommendations and goals of the Village of Marvin 2020 Land Use Plan, other officially adopted Village Plans and is reasonable and in the public interest.

Planning Board Recommendation: Per Article 5, the *Planning Board* shall make recommendations to the Marvin *Village Council* regarding whether to approve or deny each proposed amendment. When considering an amendment, the *Planning Board* shall consider both the consistency and reasonableness of the amendment with the “The Plan” referenced in Article 1 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans for the area affected by the proposed amendment.

Following a recommendation by the Marvin *Planning Board* on the proposed amendment(s), the action shall be reported to the Marvin *Village Council* for a legislative hearing and final action according to the process set forth in Section 5.3-3 of this Ordinance. The legislative hearing will be scheduled as provided by the rules of procedure of the Village Council for calling legislative hearings.

ARTICLE 5

AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP

5.1 General

The *Marvin Village Council* may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160D-601 through G.S. 160D-605. Such amendments shall be evaluated for compliance with the “The Plan” referenced in Article 1, Sections 1.3, 1.4, and 1.5 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the *Village Council*, after recommendation from the *Planning Board*.

5.2 Initiation of Amendments

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the *Marvin Village Council*, the *Marvin Planning Board*, the *Marvin Planning, Zoning & Subdivision Administrator*, any owner of a legal or equitable interest in land located in the Village’s jurisdiction, or any resident of the Village’s jurisdiction having a legal or equitable interest in land affected by the proposed amendment. See Section 5.3-1(D) of this Article for content of an application for amendment(s).

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Village.

The following changes to this Ordinance are authorized and may be carried out by either the *Village Clerk* or the *Planning, Zoning, & Subdivision Administrator* or their designee, without processing a formal amendment:

1. Corrections to the Official Zoning Map to reflect updated information on property boundaries, street alignments, natural stream alignments, etc. shall not be considered amendments;
2. Edits to the text of this Ordinance and/or the Official Zoning Map to update a table of amendments, add information to the legend of the Official Zoning Map, correct typographical errors, add and/or correct geographical information, and/or insert notations representing amended text in an article, section, subsection or

- provision;
- 3. Modifications directed by legislative action of the North Carolina legislature; and
- 4. Deletions of provisions stricken down by a court of competent jurisdiction.

5.3 Amendment Process

5.3-1 Initial Application Process.

- (A.) Pre-filing meeting. Before filing an application for an amendment an applicant shall meet with the *Planning, Zoning & Subdivision Administrator* to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures.
- (B.) Neighborhood meeting. It is required that the applicant for a zoning map amendment (rezoning) meet with representatives and/or landowners of the neighborhood in which the property for which the proposed map amendment (rezoning) is located as authorized by G.S. 160D-602(e), with mailed notice to all property owners within 1,300 linear feet of the subject property at least ten (10) days before the meeting date. The applicant shall coordinate the time and date of the meeting to enable the *Planning, Zoning & Subdivision Administrator* to attend and address procedural questions that arise. The neighborhood meeting shall be conducted prior to the date of the legislative hearing at which comments on the application will be heard. This meeting may be held either before or after, but not on, the date of the meeting at which the Planning Board review and recommendation is scheduled.
- (C.) Filing.
 - (1.) An application requesting an amendment shall be filed with the *Planning, Zoning & Subdivision Administrator*.
 - (2.) Applicable fees shall be payable as set forth by the *Marvin Village Council*.
 - (3.) Completed applications submitted by 12:00 noon on the 25th day, or next business day in the event of closure, of any calendar month will be considered at the meeting of the *Marvin Planning Board* scheduled for the following month.
- (D.) Content and valid authorization of applications.
 - (1.) Each application shall contain or be accompanied by all information required on the application form provided by the *Planning, Zoning & Subdivision Administrator*.
 - (2.) Every amendment proposing to change the district boundary lines shall be accompanied by metes and bounds description, a survey of the area involved, or reference to existing lots, sufficient in the estimation of the *Planning, Zoning &*

Subdivision Administrator to plot or otherwise identify the amendment on the Official Zoning Map of the Village of Marvin.

- (3.) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application. See Section 5.2 of this Article.
- (4.) Applications for Conditional Zoning of property within the jurisdiction of the Village of Marvin shall follow the procedures appearing in Section 5.4 of this Ordinance.

5.3-2 Review by the Marvin Planning Board.

General. Upon submission of a request for amendment of the Marvin Development Ordinance or an Official Zoning Map amendment, the request shall be scheduled *for review by the Marvin Planning Board* in a public meeting in accordance with Section 5.3-1(C)(3) of this Article.

- (A.) Review – General. The *Planning Board* shall make recommendations to the Marvin *Village Council* regarding whether to approve or deny each proposed amendment. When considering an amendment, the *Planning Board* shall consider both the consistency and reasonableness of the amendment with the “The Plan” referenced in Article 1 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans for the area affected by the proposed amendment.
- (B.) Recommendation by the Marvin *Planning Board*. Following a recommendation by the Marvin *Planning Board* on the proposed amendment(s), the action shall be reported to the Marvin *Village Council* for a legislative hearing and final action according to the process set forth in Section 5.3-3 of this Ordinance. The legislative hearing will be scheduled as provided by the rules of procedure of the Village Council for calling legislative hearings.
- (C.) Continuance by the Marvin *Planning Board*. In those cases where, upon hearing the request, the *Planning Board* feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the Board to make a decision, the *Planning Board* may continue their meeting for up to sixty-four (64) days. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, and/or conduct other investigations during this time to enable the Board to decide at the reconvening of the continued meeting. The *Planning Board* shall act upon either an affirmative or negative recommendation on continued items at the continued meeting.
- (D.) Content of recommendation and statement of consistency. Any recommendation made by the Marvin *Planning Board* to the Marvin *Village Council* pursuant to this

section shall be in writing. In addition, the *Marvin Planning Board* shall approve a statement in accordance with G.S. 160D-605(a) describing whether or not the proposed amendment is consistent with the “The Plan” referenced in Article 1 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans.

- (E.) Conflict of Interest. A member of the *Planning Board* shall not participate in or vote on any matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. A member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. A 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 with an affected person. 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. (G.S. 160D-109).

5.3-3 Review by the Marvin Village Council.

- (A.) Review and Legislative Hearing. Before adopting, amending, or repealing any ordinance authorized by this Article, the Village Council shall hold a legislative hearing on it. Following receipt of either a recommendation, or receipt of the petitioner's request for an amendment, the *Marvin Village Council* shall hold a legislative hearing on the proposed amendment to obtain public comment(s). The legislative hearing shall be scheduled and conducted as provided by the Village Council’ rules of procedure.
- (B.) Notification. The *Village Clerk* or authorized designee shall prepare a public notice for the legislative hearing as required below: (G.S. 160D-601 and G.S. 160D-602).
- (1.) Method of procedure for publishing notice of all amendments per G.S. 160D-601.
A notice of the legislative hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- (2.) Method of procedure for mailed notice of Zoning Map Amendments per G.S. 160D-602.
- (a) In addition to the publication requirements for notices of legislative hearings required in Section 5.3-3(B)(1), the procedures adopted pursuant to this

section provide that whenever there is a zoning map amendment the owner of that parcel of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel of land including those separated by a street, railroad, or other transportation corridor as shown on the county tax listing shall be mailed a notice of a legislative hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the legislative hearing. Except for a Village-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Village Council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of legislative hearing. The person or persons required to provide notice shall certify to the Village Council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

- (b) The first-class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Village elects to use the expanded published notice provided for in this subsection. In this instance, the Village may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160D-601, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.
- (c) When a zoning map amendment is proposed, the Village shall prominently post a notice of the legislative hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way during the same time period as stated in Sub-section 5.3-3(B)(2)(a). When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Village shall post sufficient notices to provide reasonable notice to interested persons.

(C.) Upon receipt of the recommendations from the Planning Board, the Village Council shall hold a legislative hearing on the application for an amendment. Notice of the legislative hearing shall be provided in accordance with the provisions for legislative hearings for amendments as set forth in section 5.3-3(B) of this Ordinance and the North Carolina General Statutes. (ref. G.S. 160D-601 through G.S. 160D-603)

(D.) Action.

(1.) Before acting on any proposed amendment, the *Marvin Village Council* shall consider any recommendation made by the *Marvin Planning Board*, the recommendation submitted by the *Planning, Zoning & Subdivision Administrator* to the *Planning Board*, the comments made at the legislative hearing, and may consider any other relevant additional information available.

(2.) When considering a proposed amendment, the *Marvin Village Council* shall not evaluate the petition based on any specific proposal for the use or development of the property unless explicitly required by this Ordinance. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification including applications for an overlay district Zoning Map Amendment (TNDO & HIO) where the use is highly pertinent to the facts during consideration of the amendment and/or where a development agreement is to be made a part of the project.

(3.) Upon reviewing all pertinent information, the *Marvin Village Council* may take whatever action it may deem appropriate, including tabling the application for the purpose of additional neighborhood meeting(s) as required by Section 5.3-1(B) of this Article.

(E.) Statements of Consistency and Reasonableness. Prior to adopting or rejecting any amendment, the *Village Council* shall approve a statement in accordance with G.S. 160D-605(a) describing whether or not the proposed amendment is consistent with the “The Plan” referenced in Article 1 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans. When either adopting or rejecting a zoning map amendment the *Marvin Village Council* shall approve a statement analyzing the reasonableness of the proposed amendment in accordance with G.S. 160D-605(b). The statement of reasonableness may consider, among other factors:

(1.) The size, physical conditions, and other attributes of the area proposed to be rezoned;

(2.) The benefits and detriments to the landowners, the neighbors, and the surrounding community;

- (3.) 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;
- (4.) Why the action taken is in the public interest; and
- (5.) Any changed conditions warranting the amendment.

Such statements may be combined into a single statement per G.S. 160D-605(c) and incorporated into ordinances amending either the text of an ordinance established under the authority of G.S. 160D or, the Official Zoning Map established under the authority of G.S. 160D-105(a) reflecting the division of territorial jurisdiction established under authority of G.S. 160D-703.

(F.) Conflict of Interest. A *Village Council* member shall not vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. A member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable 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 with an affected person. 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. (G.S. 160D-109).

5.3-4 Waiting period for subsequent applications.

- (A.) Waiting period - general. When an application for a zoning map amendment has been approved or denied by the Marvin *Village Council*, no application including the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.
- (B.) Waiting period - waiver. The waiting period required by this section may be waived by a three-fourths vote of Marvin *Village Council* if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the *Planning, Zoning & Subdivision Administrator*, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the *Village Council* in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.

5.4 Conditional Zoning

5.4-1 Purpose.

Conditional zoning is established in accordance with G.S. 160D-703(b) to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a Primary General Use District. Additional standards and regulations, mutually agreed upon in writing by the Village of Marvin and the petitioner, may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans in accordance with the requirements of this section.

5.4-2 Conditional zoning districts.

Conditional zoning is available for any of the Primary General Use or Overlay District classifications enumerated in Article 8 of this Ordinance, except for those that require a site-specific development plan as part of the application (e.g., Traditional Neighborhood Development (TNDO) Overlay District, Heavy Industry (HIO) Overlay District). The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix, "(CZ)" and enumerated to reference the ordinance on record of the approval (e.g. "MU-1(CZ-2021-01), Ord. #2021-99").

5.4-3 General requirements.

The following provisions shall apply in the administration of conditional zoning:

(A) A conditional zoning application shall be considered only upon request of the owner of the affected property or a duly authorized representative of the property owner demonstrated by written, signed and notarized documentation.

(B) Applicant shall meet with representatives of the surrounding property owners and of the surrounding neighborhood(s) to discuss the proposed development, and include a report of any such meetings in accordance with Section 5.3-1(B) of this Article to the *Planning, Zoning & Subdivision Administrator*.

(C) All standards and requirements of the corresponding Primary General Use District shall be met, except to the extent that the conditions imposed by the conditional zoning are more restrictive than the general use standards.

(D) No uses shall be permitted except those enumerated in the ordinance adopting the conditional zoning.

(E) The conditions agreed upon pursuant to the Conditional Zoning approval shall be stated in the adopting ordinance and may limit the uses which are permitted on the property. By way of illustration and not limitation, conditions may specify location on the property of the proposed structure(s), the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the height of structures, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters as may be identified as appropriate for the proposed development.

(F) Minor modifications to the approved Conditional Zoning ordinance may be approved by the *Planning, Zoning & Subdivision Administrator* per authorization under G.S. 160D-703(b). The minor modifications authorized herein are intended to provide relief where conditions established by the Conditional Zoning ordinance create a hardship based upon a unique physical attribute of the property itself or some other factor unique to the property which was not known at the time of ordinance adoption and which has subsequently rendered the property difficult or impossible to use due to the condition(s) imposed by the zoning. The permit holder shall bear the burden of proof to secure the modification(s). Such modifications shall be limited to the following:

1. A deviation of up to ten percent or 24 inches, whichever is greater, from the approved setback, provided that the conditions for approving a deviation from the required setback established by Article 14 (Flexible Development Standards) of this Ordinance are met.
2. A reduction of up to 25 percent in the number of parking spaces required for the use provided that the proposed development is located within ½ mile of either the Heritage District (HD) or the Mixed Use (MU-1 and MU-2) and on-street parking is available.
3. Any other minor modification in accordance with the limitations and procedures prescribed in this Ordinance, unless restricted by G.S. 160D-703(b), or the Conditional Zoning ordinance adopted pursuant to this section specifies otherwise.

Any other modifications must be approved by the Village Council as an amendment to the Conditional Zoning ordinance and may be referred to the Planning Board or *Planning, Zoning & Subdivision Administrator* as appropriate. The *Planning, Zoning & Subdivision Administrator* shall in every case have the discretion to decline to exercise the power to approve or deny modifications as provided for herein, and may require the applicant to seek an amendment to the Conditional Zoning ordinance.

(G) Any violation of a provision of a Conditional Zoning ordinance shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any other such violation.

(H) If for any reason any provision of a Conditional Zoning ordinance is found to be illegal or invalid, or if the applicant should fail to accept any condition, the entire Conditional Zoning ordinance shall be null and void, and the property shall revert to its previous zoning classification without further action by the Village Council.

(I) If no formal action (e.g. construction plan submittal, permit application, etc.) has been taken to begin the development of the property in accordance with the Conditional Zoning ordinance within 24 months of its approval by Village Council, or no vested right has been obtained, then the property shall revert to its previous zoning classification, or the *Planning, Zoning & Subdivision Administrator* may initiate appropriate action to rezone the affected property to any other classification deemed consistent with “The Plan” referenced in Article 1 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans.

(J) If the use or uses commenced pursuant to a Conditional Zoning ordinance adopted pursuant to this section are abandoned or discontinued or no vested right has been obtained then the property shall revert to its previous zoning classification, or the *Planning, Zoning & Subdivision Administrator* may initiate appropriate action to rezone the affected property to any other classification deemed consistent with “The Plan” referenced in Article 1 of this Ordinance, including subsequent amendments adopted by the Village Council of the Village of Marvin and other applicable adopted plans.

(K) No variances or special use permits may be issued for developments on property that is subject to a Conditional Zoning ordinance.

5.4-4 Application procedure.

When applying for Conditional Zoning, the application shall specify the nature of the proposed development and shall propose conditions to ensure compatibility with the surrounding uses and consistency with adopted plans. Applications for Conditional Zoning shall be processed, considered, and voted upon in accordance with procedures established in Section 5.3 of this Article for zoning map and zoning text amendments, except as provided below:

(A) The application shall include site plans, landscape plans, building elevations, floor plans, and such other information required to provide the approving bodies with a complete and accurate description of the proposed development.

(B) The application and supporting materials shall be reviewed by the *Planning, Zoning & Subdivision Administrator* in accordance with Section 7.8 of this Ordinance prior to the meeting of the Planning Board at which the application is to be considered. The recommendations and comments of the *Planning, Zoning & Subdivision Administrator* shall be reported to the Planning Board. In addition, the *Marvin Planning, Zoning & Subdivision Administrator* shall evaluate Conditional Zoning applications on the basis of the criteria for special use permits set out in Article 7, and shall submit said report at the legislative hearings on said applications.

(C) Following review by the *Planning, Zoning & Subdivision Administrator*, the Planning Board shall review the application and all requisite documents at a regularly scheduled meeting following the procedures defined in Sub-section 5.3-2 of this Article. The Planning Board may recommend approval of the application, including recommending conditions for the zoning; recommend denial of the application; or continue the consideration of the application in order to receive further information regarding the application as authorized by Sub-section 5.3-2(C) of this Article.

(D) Upon receipt of the recommendations from the Planning Board, the Village Council shall hold a legislative hearing on the application for Conditional Zoning. Notice of the legislative hearing shall be provided in accordance with the provisions for legislative hearings for zoning map amendments as set forth in Section 5.3-3(B) of this Ordinance and G.S. 160D-601 and G.S.160D-602.

(E) The Village Council' consideration of an application for Conditional Zoning is legislative in nature, and the Village Council may consider any relevant information in its deliberations, including the criteria for issuing special use permits specified in Article 7. Consideration shall be given to adopted land use plans for the area, small area plans, corridor plans, and other land use policy documents, and to surrounding land uses. The Village Council may adopt or not adopt a Conditional Zoning ordinance in accordance with the procedures defined in Sub-section 5.3-3 of this Article, or may continue its consideration of the application as necessary to conclude consideration and deliberations.

(F) During the adoption of a Conditional Zoning ordinance, specific conditions may be proposed by the petitioner, Village Council, Planning Board, or Village staff, but only those conditions mutually approved by the Village Council and the petitioner in writing may be incorporated into the zoning regulations and permit requirements. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to Village ordinances, an officially adopted land use, comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

(G) Specific findings of the Village Council are not required for action on an application for Conditional Zoning. However, a statement analyzing the reasonableness of the proposed rezoning shall be prepared for each conditional zoning district as required by Sub-section 5.3-3(E) of this Article.

(H) Upon adoption of a Conditional Zoning ordinance, the Official Zoning Map of the Village of Marvin shall be amended to add the conditional zoning district and denote the reference as required by Sub-section 5.4-2 of this Article. The *Planning, Zoning & Subdivision Administrator* shall maintain a book or file for Conditional Zoning ordinances, and each Conditional Zoning ordinance shall be filed therein. Failure to comply with this provision shall not render the ordinance invalid.

(I) The Conditional Zoning ordinance adopted as provided herein shall be perpetually binding upon the affected property unless subsequently changed or amended as provided for in this Ordinance.

(J) Conditional Zoning ordinances are legislative in nature, and judicial review of Conditional Zoning ordinances shall be as provided by Article 14 of Chapter 160D of the North Carolina General Statutes.



Village of Marvin

Application Number: 2025-1

Application Date: 1-12-2025

APPLICATION FOR ZONING MAP AMENDMENT

Address of Subject Property:

9709 Marvin School Rd Marvin NC 28173

Applicant(s) Name: Rosemarie Hall LLC
Address of Applicant: 9935D Real Rd. Ste 261
Charlotte NC 28277
Email: rosemariehallllc@gmail.com

Phone: _____
FAX: _____
Zip Code: _____

Owner(s) Name: Rosemarie Hall LLC
Address of Owner: 9935D Rea Rd. Ste 261
Charlotte NC 28277
Email: rosemariehallllc@gmail.com

Phone: _____
FAX: _____
Zip Code: _____

Zoning Request Information

Current Zoning District RR

Requested Zoning District SFR1

Current Use of Land _____

Surrounding Uses of Land _____

Is it in a Flood Zone? No

Approval Permit Number _____

Comments This property was zoned the same as SFR1 before MDO approval.

Does the applicant own one hundred percent (100%) of the area involved in the application (yes or no)?
If no, a consent form must be completed. Yes

Consent Form Attached

Was this property the subject of any **previous application** (yes or no)? No

If yes, list the previous application number(s): _____

Tax Parcel Numbers: 06204004 and 06-204530

Acres 7.01 Current Zoning Classification: RR

Land Use Plan recommendation: 7 one acre lots

Existing Use of the Subject Property: One residential property

Existing Improvements on the Subject Property: None

APPLICATION FOR ZONING MAP AMENDMENT – PAGE 2

Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

7 single family one acre lots to front Marvin School Rd., Robinwood Ln. and Dovewood Pl. A preliminary scratch plan is attached.

Specify any specific ordinance(s), standard(s), condition(s), and/or regulation(s) sought to be modified. Attached additional pages or documentation if necessary.

Oath: The above information, to my knowledge and belief, is true and correct.

Will Owens - Rosemarie Hill LLC
[Signature]
Signature(s) of Petitioner(s)

Signature(s) of Owner(s) (if different than petitioner)

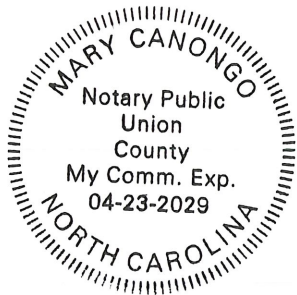
STATE OF North Carolina
COUNTY OF Union
Subscribed and sworn to before me this
13th day of January, 20 25

STATE OF _____
COUNTY OF _____
Subscribed and sworn to before me this
_____ day of _____, 20 _____

Mary Canongo
Notary Public
Mary Canongo
Printed Name of Notary Public
My Commission expires: 04/23/2029

Notary Public

Printed Name of Notary Public
My Commission expires: _____





GENERAL NOTES

EXISTING PARCEL: ZONED R MARVIN RESIDENTIAL DISTRICT
 PERMITTED USE BY RIGHT: SINGLE FAMILY DWELLINGS
 MIN LOT AREA: 43,560 SF (1-ACRE)
 SETBACKS:
 MIN. FRONT SETBACK: 50'
 MIN SIDE SETBACK: 20' (25' CORNER LOTS)
 MIN REAR SETBACK: 40'

LOT WIDTHS:
 MIN LOT WIDTH MEASURED AT THE FRONT YARD SETBACK: 130'
 MIN LOT WIDTH MEASURED AT STREET R/W LINE: 50'
 VIEWSHED BUFFER:
 85' FROM EDGE OF R/W ALONG ALL MAJOR ROADS

MINOR SUBDIVISIONS:
 MAX # OF LOTS: 4 LOTS + REMNANT
 NO ADDITIONAL SUBDIVISIONS OF ANY PARCELS INVOLVED WITH THIS SUBDIVISION ARE ALLOWED WITHIN 3 YEARS OF APPROVAL

STORMWATER MANAGEMENT:
 PER SECTION 150.065 STORMWATER. NO STORMWATER BMP CONTROL FACILITIES ARE REQUIRED SINCE THE LAND DISTURBANCES WILL BE UNDER 1-ACRE AND THE NET INCREASED IMPERVIOUS SURFACE UPON AREA WILL BE LESS THAN 24% OF THE TOTAL AREA OF DEVELOPMENT SITE. MARVIN PLANNER CONFIRMED THAT NO SWM BMP'S WILL BE REQUIRED.

UTILITIES:
 PROPOSING INDIVIDUAL PRIVATE ONLOT SANITARY SEWER SYSTEMS
 PROPOSING INDIVIDUAL PRIVATE WELLS FOR WATER SUPPLY
 IF ANY WATER/SEWER EXTENSIONS ARE PROPOSED, A MAJOR SUBDIVISION WILL BE REQUIRED

ROADS:
 MARVIN SCHOOL ROAD IS A MAJOR PUBLIC ROAD
 ROBINWOOD LANE AND DOVEWOOD PLACE ARE BOTH PRIVATE ROADS

MINOR SUBDIVISION:
 THIS PLAN WAS DEVELOPED WITH THE UNDERSTANDING THAT LOTS 101-104 WILL BE PERMITTED ALONG WITH A REMNANT PARCEL TO KEEP THIS A MINOR SUBDIVISION. IN THE FUTURE, THE REMNANT PARCEL WILL BE FURTHER SUBDIVIDED INTO 3 ADDITIONAL LOTS (201-203).

MINOR SUBDIVISION PROCESS THROUGH THE VILLAGE OF MARVIN:
 SUBMIT PLAN TO ZONING ADMINISTRATOR. UPON APPROVAL, PREPARE FINAL PLAT.

MAJOR SUBDIVISION:
 IF THE NUMBER OF LOTS TO BE SUBDIVIDED AT ONE TIME IS GREATER THAN 4 LOTS OR THE PLAN WILL REQUIRE UTILITY EXTENSIONS, A MAJOR SUBDIVISION WILL BE REQUIRED.

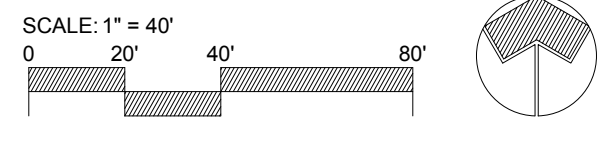
MAJOR SUBDIVISION PROCESS THROUGH THE VILLAGE OF MARVIN:
 PRE-APPLICATION MEETING

SKETCH PLAN REVIEW
 APPLICATION
 PUBLIC INVOLVEMENT MEETING
 ZONING ADMINISTRATOR REVIEW/RECOMMENDATION
 PARK, RECREATION, AND GREENWAY BOARD REVIEW/RECOMMENDATION
 PLANNING BOARD REVIEW/RECOMMENDATION

PRELIMINARY SITE AND CIVIL DESIGN PLAN APPLICATION/REVIEW
 ZONING ADMINISTRATOR REVIEW/RECOMMENDATION
 PLANNING BOARD REVIEW/RECOMMENDATION
 VILLAGE COUNCIL ACTION
 PUBLIC MEETING

APPLY FOR LAND DEVELOPMENT PERMIT

FINAL PLAT SUBMITTAL AND REVIEW
 ZONING ADMINISTRATOR REVIEW/RECOMMENDATION
 PLANNING BOARD REVIEW/RECOMMENDATION
 VILLAGE COUNCIL ACTION



WILLIAM SITE | CONCEPTUAL SINGLE FAMILY LOT LAYOUT

9709 MARVIN SCHOOL ROAD

DATE: 10/06/2022
 CLIENT: WILL OWENS
 PROJ #: 22061
 DRAWN BY: CEM

PLOTTED: C:\DPR Dropbox_Projects\Active\2022\22061 William Site-SouthCHProperties-Marvin\Dwg\Base Files\22061-C-Base.dwg / 10/6/2022 1:54 PM





Village of
Marvin

marvinncc.gov
T: (704) 843-1680
F: (704) 843-1660
10006 Marvin School Rd
Marvin, NC 28173



PLANNING & ZONING

NEIGHBORHOOD MEETING
VISITOR SIGN-IN SHEET

DATE: 2-6-2025 TIME: 6:00

Neighborhood Meeting Subject ZMA 2025-1 - 9709 Marvin School Rd

First & Last Name	Email Address	Address
Bon Hammel	hammel1014@icloud.com	3219 OAK BROOK DR.
Mark + Jewell Watson	markwatson@windstream.net	9509 Dawewood Place
GASH ROSE		1209 LARRYDLE
EUREKA HUMAN	ewreka@icloud.com	
Chris Pamela	Christamela67@gmail.com	
Paul Curcio/Helen Nord	pcurcio@bellcastr.net	9016 Hatterfield Ct 28217
Jennifer Barbara	jbarbara_family@yahoo.com	609 Appomatox Dr.
KOYANNEMOREAN	rxfrancee@gmail.com	979 ROBIN WOOD LANE
BILL MOREAN	w.mcc.morgan@gmail.com	" same
JFK .CEE	iceboard@aol.com	9711 BEAWOOD LANE.
Jan Jay		
Nene Ingle	nene.ingle+icloud.com	9506 Dawewood Pl

Hunter Nestor
Planning Director
10006 Marvin School Road
Marvin NC 28173
2/3/25

From: Robinwood Subdivision Homeowners

Subject : Village of Marvin consideration for a conditional rezoning application on property parcel numbers (06-204004 and 06-204530), 7.001 acres, 9709 Marvin School Road, Marvin NC 28173.

Dear Mr. Nestor,

The homeowners of Robinwood Subdivision were notified by letter dated January 15, 2025 of a conditional rezoning application, submitted for approval, to the Village of Marvin zoning board for the abovementioned parcels.

Robinwood Subdivision is governed by a document titled: Declaration of Covenants, Conditions, Restrictions of Robinwood Subdivision. This document was recorded October 4, 1979, book 330, pages 363-372, Cabinet A, file no. 191A, Register of Deeds, Monroe, N.C.

Quotes from the Covenants:

"No lot on subject property shall be sub- divided " (Paragraph 7).

"Restrictions are effective for a period of 20 years from date hereof, at which time said restrictions shall be automatically extended for successive periods of 10 years each " (Paragraph 18).

To change the Covenants, there must be a 75% approval vote from the subdivision homeowners. No such vote has been taken or requested. Since the covenants are still in effect, approving this rezoning application would clearly contradict the covenant's requirement that no lot be subdivided, which poses considerable concern to the homeowners.

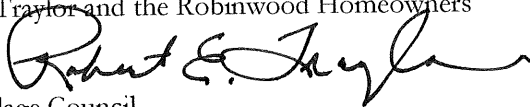
In addition, a subdivision of these lots would greatly impact our neighborhood and negatively change its character.

If current development patterns are followed, the 7 acres would likely be clear cut to accommodate houses. Additional roads and access would be added and the existing Robinwood entrance would likely be altered. Approximately 700 linear feet of sub-divided lots would have access to the right of way and private roads, which would add increased traffic of various types on our private roads. The homeowners are 100% responsible for care and maintenance on Robinwood Lane and Dovewood Place. If the requested zoning change were to be approved, it would create additional road maintenance which would require an unfeasibly high cost to maintain. The intersection of Robinwood Lane and Marvin School Road, at the Marvin School entrance, also already has traffic backed up both ways when the school starts and ends. Adding additional homes and their families to the traffic pattern would increase the problem with no solution.

Based on the referenced Covenant documents, lack of due process requesting a vote, and information included in this letter outlining our concerns, the homeowners of Robinwood ask the zoning board of Marvin to stop all consideration of the application and reject the request for conditional rezoning of Robinwood Subdivision.

Thank you for your consideration. If you have any questions, please do not hesitate to call me.

Robert (Bob) Traylor and the Robinwood Homeowners
704-877-6460



cc: Marvin Village Council
cc: Marvin Planning Board

February 12, 2024

Dear Mr. Nestor,

I am writing in response to the letter regarding the conditional rezoning application for parcels within Robinwood Subdivision. While I understand the concerns raised by one neighbor, I would like to clarify several points that challenge the assertions made in that letter.

1. Covenant Restrictions & Subdivision

- While the letter cites Paragraph 7 of the Covenants prohibiting subdivision, it fails to acknowledge Paragraph 18, which states that restrictions are subject to renewal every ten years after the initial 20 years. These restrictions are 46 years old. If the proper legal process is followed, amendments may be made through legal avenues beyond just a homeowners' vote.**
- Furthermore, North Carolina law and municipal zoning authority may supersede private covenants under certain conditions, particularly when public interest and land-use planning are involved.**

2. Homeowner Voting Process & Representation

- There has not been any organized HOA in Robinwood Subdivision, meaning there is no governing body to enforce or officially represent the collective interests of all 13 homeowners.**

- **The letter opposing the rezoning was sent by a single homeowner and does not include signatures or documented support from a majority of residents. Without such evidence, it does not accurately reflect the collective opinion of the subdivision.**

3. Neighborhood Impact & Development Patterns

- **Concerns about clear-cutting and loss of neighborhood character are speculative. Development plans typically require site plans and environmental considerations that address tree preservation, drainage, and aesthetic consistency.**
- **The addition of homes would likely be subject to village ordinances that ensure proper setbacks, design standards, and infrastructure planning to maintain community integrity.**

4. Traffic and Road Maintenance

- **While it is understandable that increased traffic is a concern, there is no conclusive data provided to demonstrate that the additional homes would significantly burden the existing infrastructure beyond what is manageable.**
- **The Village of Marvin and Union County have processes in place to evaluate traffic impacts, including potential improvements or mitigations to ensure safe and efficient road use.**

5. Financial Burden on Homeowners

- **The claim that increased road maintenance costs would be “unfeasibly high” lacks supporting analysis. Many developments include agreements where developers contribute to infrastructure improvements, reducing financial impact on existing homeowners.**
- **Additionally, conditional rezoning applications often include provisions for traffic and road maintenance responsibilities,**

which would need to be reviewed as part of the approval process.

In conclusion, while I appreciate the concerns presented by this one Robinwood homeowner, this letter does not represent an official HOA position or the consensus of the subdivision. The request for rezoning is a legal and procedural matter that should be considered on its merits, in line with local zoning laws and broader community planning. I urge the zoning board to evaluate this application fairly, ensuring that all perspectives—including those in favor of responsible development—are considered.

Sincerely,

A handwritten signature in black ink that reads "William H. Owens". The signature is written in a cursive style with a long horizontal flourish at the end.

William(Will) H. Owens

Homeowner

9709 Marvin School Rd.

Marvin NC., 28173

704-269-8458

cc: Village of Marvin Council

cc: Village of Marvin Planning Board

From: Russell Asti

<rasti@hrlbattorneys.com>

Date: Wed, Mar 27, 2019 at 4:17 PM

**Subject: RE: 9709 Marvin School
Road & 9720 Robinwood lane**

To: Will Owens

<william@southcltproperties.com>

Thanks Will.

I had my title assistant check to on restrictions and he was unable to find anything other than what you have also provided.

I have reviewed the restrictions and find nothing that would prohibit you from dividing or re-aligning the boundary line to your two lots. In my opinion there is no requirement or need to obtain approval of the other lot owners of the subdivision.

However, the property is subject to any local governmental subdivision ordinances that may apply. I believe you told me that the property is within the Town of Marvin.

However, the property is subject to any local governmental subdivision ordinances that may apply. I believe you told me that the property is within the Town of Marvin.

To make any division or re-alignment of the lots you will need to have a survey made by a surveyor. This can be made either in the form a regular survey, or a survey plat to that would be recorded with the Register of Deeds. It may be that the Town of Marvin will also require a recorded plat. Whether or not the Town requires the plat, I would recommend the recorded plat.

There will be a minimum lot size for the lot, usually 40,000 square feet (approximately one acre). You will need to check with the town to confirm this. Your surveyor will be able to adjust the lot size to what you and the Town require. If you do not already know of a surveyor, I will be happy to suggest several from which you may choose.

Typically, once a plat has been recorded, Union County will assign a tax parcel number to each new parcel shown on the plat without the necessity of a new deed. In all likelihood you will be using the same tax parcel numbers that are being currently used that will be assigned to each of the two new lots created.

Since you own both parcels now ,
there is no practical need to have
deed from you to yourself for the
parcel you will retain. The recorded
plat will define your house and the
seven acres after you sell the one
acre parcel.

Please let me know if you should
have any questions.

Best regards,

Russ

Russell Z. Asti

Of Counsel

HRLB

HELMS ROBISON LEE & BENNETT, PA

314 North Hayne Street (28112)

P. O. Drawer 99

Monroe, NC 28111-0099

Telephone: (704) 289-4577 Ext. 45

Fax: (704) 283-1122

RAsti@hrlbattorneys.com



VILLAGE OF MARVIN
NORTH CAROLINA

Marvin Village Hall
10006 Marvin School Road
Marvin, NC 28173

Phone: (704) 843-1680
Fax: (704) 843-1660

Planning Board Agenda Report

Meeting Date: Tuesday, February 18, 2025

MarvinNC.gov

Title:	Discussion of CZ-2025-1 (10018 Marvin School Road)		
Attachments:	Staff Memo and Rezoning Package	Action Requested:	Recommend
Draft Motion:	No motion requested.		
Budgetary Impact:	No Budgetary Action Required		

Background:

The Applicant (ROMS Investment LLC) is seeking a Conditional Zoning Map Amendment to rezone the 3.022 acres located at 10018 Marvin School Road, Marvin, NC 28173 from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO). The rezoning request is to develop the site as a commercial mixed-use development to include light commercial uses such as retail, restaurant, and professional office uses permitted in the MHD outlined in Table 8.1. of the Marvin Development Ordinance. The current proposed plan submitted by the applicant includes 4 commercial buildings, 93 parking spots, and 15% open space and buffers.

Current:

Planning staff is currently completing their review of the submittal and will have a staff report for the Board during the meeting. Staff is also not requesting the Board to make a formal recommendation during this meeting.



VILLAGE OF MARVIN

10006 Marvin School Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.gov

Application Number: _____

APPLICATION FOR CONDITIONAL DISTRICT

Address of Subject Property:

10018 Marvin School Road, Marvin, NC 28173

Applicant(s) Name: ROMS Investments, LLC by Chris Duggan (The Duggan Law Firm, PC)

Phone: 704-776-9610

Address of Applicant: 1105 Baltusrol Lane

FAX: _____

Waxhaw, NC

Zip

Code: 28173

Email: mjorsinc@gmail.com / cduggan@dugganlegal.com

Owner(s) Name: ROMS Investments, LLC

Phone: _____

Address of Owner: 1105 Baltusrol Lane

FAX: _____

Waxhaw, NC

Zip

Code: 28173

Email: mjorsinc@gmail.com

Request is for (check all that apply):

Commercial Corridor Conditional District (CC-CD)

Marvin Heritage District Residential Only (MHD-RO)

Marvin Heritage District Commercial Only (MHD-CO)

Marvin Heritage District Civic (MHD-CIVIC)

Marvin Heritage District Mixed Use (MHD-MU)

Individual Conditional District (Each individual conditional district shall be identified by a name determined by the Zoning Administrator.)

Individual Conditional District Amendment Name of ICD: _____

Education Overlay District (EO)

Conditional Zoning Amendment

Approval Permit Number (or Conditional Zoning Ordinance Number):

Education Overlay District (EO)

Does the applicant own one hundred percent (100%) of the area involved in the application (yes or no)? If no, a consent form must be completed.

Yes

Consent Form Attached

Was this property the subject of any **previous application** (yes or no)?

No

If yes, list the previous application number(s): _____

APPLICATION FOR CONDITIONAL DISTRICT – PAGE 2

Tax Parcel Numbers: 06225012

Acreage 2.94 Current Zoning Classification: Rural Residential (RR)

Land Use Plan recommendation: Commercial (MHD-CO)

Existing Use of the Subject Property: Single-Family Residential

Existing Improvements on the Subject Property: Approximately 1,288 sf single-family home

Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

This application proposes the rezoning of the existing residentially-zoned and used property to a commercially-zoned property within the Heritage District. The development proposes four commercial buildings, 93 parking spaces, and associated site infrastructure. See attached plan.

Specify any specific ordinance(s), standard(s), condition(s), and/or regulation(s) sought to be modified. Attached additional pages or documentation if necessary.

Reduction of front setback from 85' to 50' for conventional commercial building types.

Oath: The above information, to my knowledge and belief, is true and correct.

Chris Duggan | The Duggan Law Firm, PC

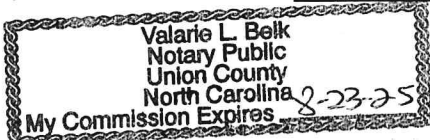
Chris Duggan
Signature(s) of Petitioner(s)

STATE OF North Carolina
COUNTY OF Union

Subscribed and sworn to before me this
22nd day of January, 20 25

Valarie L. Belk
Notary Public

Printed Name of Notary Public
My Commission expires: 8-23-2025



Ravi Vasireddy | ROMS Investments, LLC

Signature(s) of Owner(s) (if different than petitioner)

STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me this
_____ day of _____, 20 _____

Notary Public

Printed Name of Notary Public
My Commission expires: _____

APPLICATION FOR CONDITIONAL DISTRICT – PAGE 3

A. Application

All applications must include three (3) site plan drawn to scale, prepared by an architect, landscape architect or engineer licensed to practice in the State of North Carolina and must include the information required per Chapter 151.251A of the Marvin Code of Ordinances.

Due to the amount of detailed information needed to be submitted to the Village, it is recommended that early contact with the Village of Marvin be accomplished to avoid unnecessary delays. Prior to submitting an application, the Zoning Administrator may review the proposed plans and advise the applicant as to its general compliance.

B. Public Involvement Meeting (PIM) 1

The applicant shall schedule the **first** Public Involvement Meeting (PIM) in coordination with Village Staff. PIM's are designed to provide a framework for creating a shared vision with community involvement directed by the applicant with the following requirements:

- Applicant to provide an agenda, schedule, location and list of participants such as landscape architects, engineers and the like to answer questions from citizens and service providers.
- The meeting shall be a minimum of 2 hours. The PIM shall be scheduled during normal business hours. It is strongly recommended that this meeting take place at the proposed development site.
- Public Notice shall be provided in accordance with Chapter 151.251(C)(3).

C. Planning Board Review 1

After the first PIM is held, the applicant shall submit ten (10) copies of the site plan to be submitted to the Planning Board at their next meeting. The Planning Board shall have the opportunity to recommend and make changes to the application based on the information and comments received.

D. Public Involvement Meeting (PIM) 2

The **second** PIM shall be held after the 1st meeting of the Planning Board. The second meeting shall meet the requirements as listed above for the 1st PIM, except that:

- The second PIM shall be scheduled during evening hours at the Village Hall or other nearby location agreed upon by the applicant and planning staff.

E. Zoning Administrator Review

The Zoning Administrator shall have up to 30 days following the second PIM or any revision of the application to make comments.

F. Planning Board Review 2

The applicant shall submit at least ten (10) copies of the application for transmittal to the Planning Board and other appropriate agencies. The Planning Board shall have up to 60 days from the date that the application is presented to review the application and to take action.

G. Action by Village Council

Conditional Zoning District decisions are a legislative process. Decisions shall be made in consideration of the t adopted Land Use Plan and other adopted land use policy documents and/or ordinances. Additional copies of the site plan may be required for transmittal to the Village Council.

Prior to making a decision on rezoning request, the Village Council shall hold a public hearing. Village Council may hold more than one public hearing and notice of such hearing(s) shall be given as prescribed in Section 151.250(G) of the Zoning Ordinance. Once the public hearing has been held, the Village Council shall take action on the petition.

Application Checklist

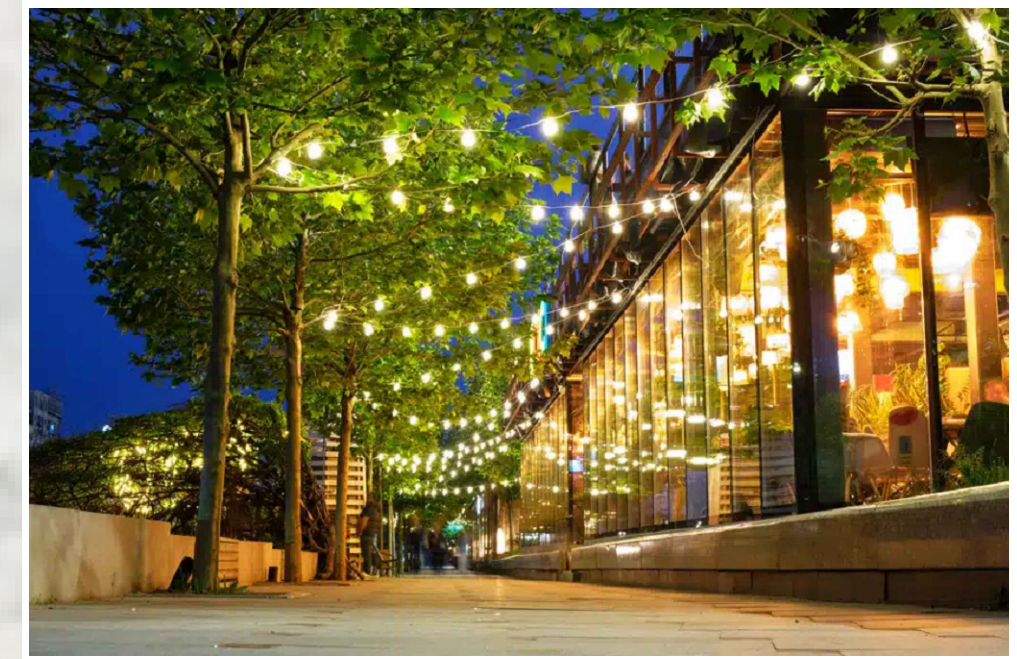
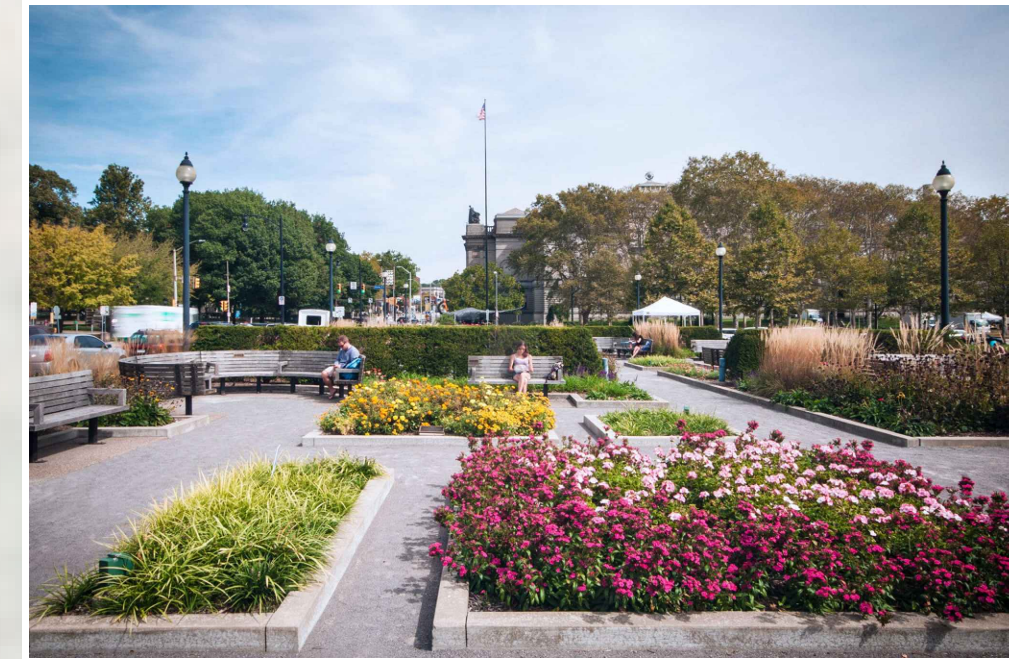
APPLICATION FOR CONDITIONAL DISTRICT – PAGE 4

- **Written legal description of the property.**
- **A boundary survey and vicinity map showing the property's total acreage, its zoning classification, the general location in relation to major streets, railroads and waterways, the date and north arrow.**
- **Written description of project, regulations and conditions. Include uses, lot sizes, setbacks, landscape and buffer standards and materials, etc.**
- **Elevations of all proposed structures with description of exterior materials.**
- **Proposed phasing of project, if any.**
- **Proposed number, location, type and size of all signs**
- **Site plan must include the following:**
 - **Zoning classification of all adjoining properties and all property lines with dimensions.**
 - **All existing easements, reservations and rights of way.**
 - **Existing and proposed structures, number and general location of all structures.**
 - **Proposed uses of all land and structures, including number of residential units and the total square footage of any nonresidential development.**
 - **Scale and physical relationship of buildings relative to abutting properties.**
 - **Lot lines and sizes.**
 - **All proposed setbacks, buffers, screening and landscaping required by the ordinance or proposed by applicant.**
 - **All existing and proposed points of access to public streets. Distances to access points from nearest intersections. Show adjoining streets, with rights of way and pavement widths.**
 - **Traffic, parking, pedestrian and circulation plans showing the proposed locations and arrangement of parking spaces including typical parking spaces, dimensions, locations and sidewalks, trails, greenways or multi-use paths.**
 - **Delineation of marginal lands including streams, wetlands, or other water bodies, steep slopes, regulatory floodplains as shown on the Official Flood Insurance Rate Maps.**
 - **The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.**
 - **Existing and proposed topography at 5-foot contour intervals.**
- **Tree survey and preservation plan in accordance with the Tree Ordinance. The location of all trees with a caliper 12 inches or greater for canopy trees and 4 inches or greater for understory trees must be shown.**
- **Traffic Impact Analysis. Study area is to be determined by the Village Engineer.**
- **Side by side comparison of proposed project and corresponding zoning district.**
- **A written statement of justification if deviating from Ordinance Standards.**
- **The names and addresses of all adjoining property owners within 1300 feet, as show on the current records of the Union County Tax Assessors Office, typed on address labels (3 sets).**
- **Public Involvement Meeting Notices**

P:\PTB 2 - Sherata\Projects\2023\23015 Marvin Oaks - ROMS Investment\Marvin Oaks\Sheeta\Rezoning\23015-RZ1.dwg / 2/4/2025 10:32 AM



COURTYARD PRECEDENT IMAGERY



DECORATIVE CROSSWALK PRECEDENT IMAGERY



NOTE
THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND ARE CONCEPTUAL IN NATURE. FINAL DESIGN MAY VARY.



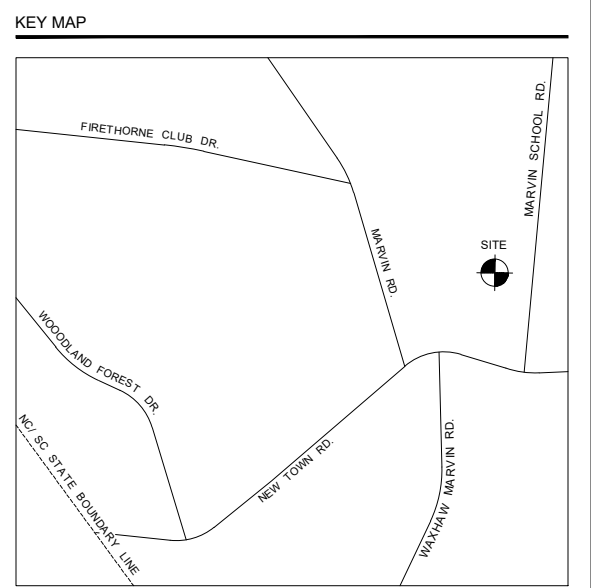
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urban design · landscape architecture
919 berryhill rd. ste 101 · charlotte, nc 28208
704.352.1204 · www.dpr.design
NC Eng. Firm #C-0650 | LA Firm #C-032

CLIENT / OWNER
ROMS INVESTMENTS, LLC
1105 BALTIKROCK LANE
WAXHAW, NC 28173

LAND SURVEYOR
JEREMY D. GILLIARD, PLS
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MONROE, NC 28112
(704) 434-2192

LAND USE ATTORNEY
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101 S. MAIN ST.
MONROE, NC 28112
(704) 276-6610

ARCHITECT
REDLINE DESIGN GROUP
925 TUCKASEEGEE ROAD
SUITE 110
(704) 377-2990



PROJECT
MARVIN OAKS

10018 MARVIN SCHOOL ROAD
MARVIN, NORTH CAROLINA 28173

PROJECT NUMBER
23015

DATE
02.04.2025

ISSUED FOR
REZONING

REVISIONS

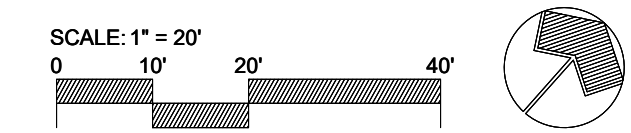
NO.	DATE	DESCRIPTION	BY

PROJ. MANAGER: SKY
DRAWN BY: SKY + CM
CHECKED BY: SKY + CM

SCALE
AS INDICATED

DRAWING
ILLUSTRATIVE SITE PLAN

RZ-1

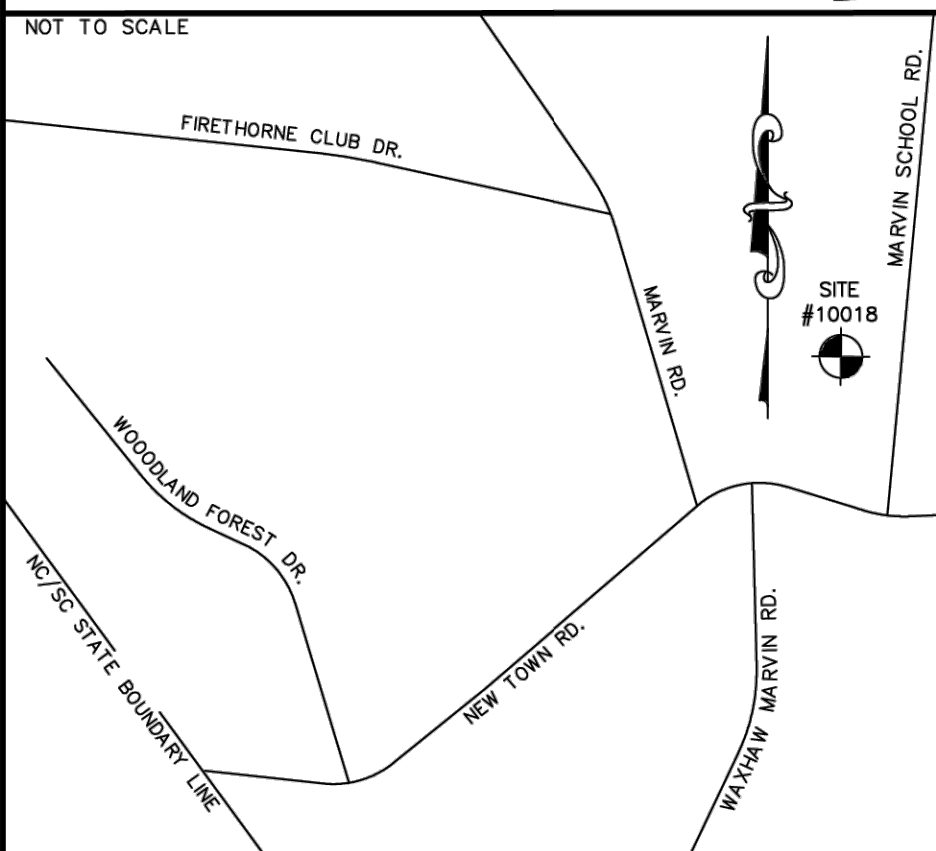


JEREMY D. GILLIARD, PLS

2712 Old Course Rd.
Monroe, N.C. 28112
(704)634-2192



NOT TO SCALE



TAX ID. #06-225-243
THE PRESERVE AT MARVIN
COMMUNITY ASSOC. INC.
P.C. M FILE 350
DB. 6738 PG. 080

TAX ID. #06-225-243
THE PRESERVE AT MARVIN
COMMUNITY ASSOC. INC.
P.C. M FILE 350
DB. 6738 PG. 080

TAX ID. #06-225-390
THE PRESERVE AT MARVIN
COMMUNITY ASSOC. INC.
P.C. M FILE 910
DB. 6738 PG. 080

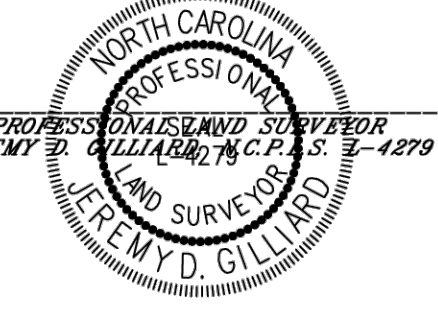
TAX ID. #06-225-390A
VILLAGE OF MARVIN
P.C. Q FILE 524
DB. 6588 PG. 697

OPUS CONTROL NAIL
NO 83 NC
GRID COORDINATES
N 456,948.829
E 1,456,988.075
P.C. M FILE 910

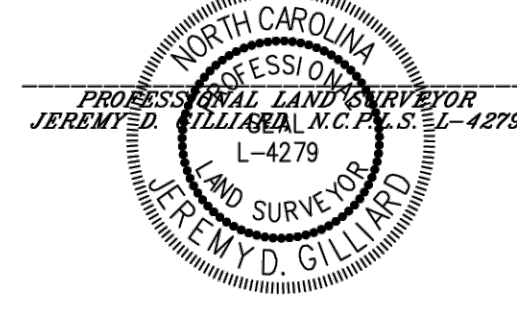
LINE	DESCRIPTION	DISTANCE
1	S 28°24'07" W	10.61
2	N 87°25'25" W	20.89
3	N 84°15'25" W	8.54
4	S 27°48'31" W	85.61

LEGEND
 EIR = EXISTING IRON REBAR
 FIP = FOUND IRON PIPE
 SCS = SET COTTON SPINDLE
 SMO = SET MAG NAIL
 R/W = RIGHT-OF-WAY
 EOP = EDGE OF PAYMENT
 FMN = FOUND MAG NAIL
 FIP = FOUND IRON PIPE
 CP = COMPUTED POINT
 NTS = NOT TO SCALE
 MBL = MINIMUM BUILDING LINE
 SY = SIDE YARD
 RY = REAR YARD
 --- EDGE-OF-PAYMENT
 --- CENTERLINE-OF-ROAD
 --- RIGHT-OF-WAY
 --- LINES NOT SURVEYED
 --- OVERHEAD UTILITY

- I, JEREMY D. GILLIARD, NOTES L-4279, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:
- A. THAT THIS MAP IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - B. THAT THIS MAP IS OF A SURVEY THAT IS LOCATED IN SUCH A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNINCORPORATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - C. THAT THIS MAP IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - D. THAT THIS MAP IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE REDEMPTION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF A SUBDIVISION.
 - E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THRU (D) IN THE ABOVE.



CERTIFICATE OF SURVEY AND ACCURACY
 I HEREBY CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME. A DEED DESCRIPTION RECORDED IN BOOK 8858, PAGE 18 OF THE UNION COUNTY REGISTER, THAT THE PLAT OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES OF 1" = 60.000'. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DOTTED LINES PLOTTED FROM INFORMATION OBTAINED IN BOOK 8858, PAGE 18. AND THAT THIS MAP IS PREPARED IN ACCORDANCE WITH G.S. 47-30. WITHIN MY ORIGINAL CERTIFICATE, REGISTRATION NUMBER AND SEAL THIS 20th DAY OF APRIL, 2025.



- NOTES**
- NO USGS HORIZONTAL MONUMENT FOUND WITHIN 800' OF SITE
 - OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN
 - PROPERTY SUBJECT TO FULL TITLE SEARCH
 - THIS PROPERTY MAY BE SUBJECT TO RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS EITHER IMPLIED OR RECORDED
 - ATTORNEY TO VERIFY COMPLIANCE ZONING RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REGULATIONS OF RECORD
 - THIS MAP IS NOT PREPARED IN ACCORDANCE WITH GS 47-30 AND IS INTENDED FOR RECORDATION
 - RATIO OF PRECISION IS 1:100000
 - THIS MAP IS FOR THE EXCLUSIVE USE OF THE NAMED IN THE TITLE BLOCK
 - ZONED CITY OF MARVIN



THIS IS A PLAT SHOWING AN TREE SURVEY FOR THE BENEFIT OF ROMS INVESTMENT, LLC		
DRAWN	DATE	JACKSON TOWNSHIP
JDC	1/19/2025	UNION COUNTY, NC
APPROVED	DATE	VILLAGE OF MARVIN
JDC	1/19/2025	TAX ID. 806-225-012
SCALE	SHEET	PROJECT NO.
1"=40'	1 OF 1	20240404



SITE DATA

PROPERTY OWNER:	RIMS INVESTMENTS, LLC 1105 BALTIUSCOL LANE WAXHAW, NC 28173
TOTAL SITE AREA:	2.94 ACRES±
TAX PARCEL ID:	06-225-012
EXISTING ZONING:	RR (RURAL RESIDENTIAL)
PROPOSED ZONING:	HD-CO-C2 (HERITAGE DISTRICT-COMMERCIAL ONLY)
EXISTING USE:	SINGLE-FAMILY RESIDENTIAL
PROPOSED USE:	THE PROPERTY SHALL BE DEVOTED TO COMMERCIAL USES SUCH AS RETAIL, RESTAURANT AND OFFICE, ALONG WITH ALL USES PERMITTED BY RIGHT IN THE COMMERCIAL ONLY SUB-DISTRICT OF THE VILLAGE OF MARVIN HERITAGE DISTRICT (HD-CO). THESE USES ARE SUBJECT TO COMPLIANCE WITH VALID APPLICABLE STANDARDS SET FORTH IN THE MARVIN HERITAGE DISTRICT SMALL AREA PLAN ADOPTED DECEMBER 14, 2021, AS AMENDED MAY 14, 2024 (AMENDMENT #2024-01). ALL SPECIAL USES ALLOWED IN THE HD-CO SUB-DISTRICT SHALL REQUIRE A SPECIAL USE PERMIT.
PARKING RATIO:	92 SPACES / 35,000 SF = ± 2.60 SPACES / 1,000 SF
FEV STATIONS PROPOSED:	3
BICYCLE PARKING REQUIRED:	4 SPACES / BUILDING
BICYCLE PARKING PROVIDED:	4 SPACES / BUILDING (LOCATED ON PARKING LOT SIDE OF BUILDINGS)
BUILDING TYPE:	CONVENTIONAL SQUARE COMMERCIAL
MAX. GFA OF DEVELOPMENT:	UP TO FOUR (4) SEPARATE TWO-STORY COMMERCIAL BUILDINGS NOT TO EXCEED: BLDG 1: 8,000 SF GFA BLDG 2: 7,000 SF GFA BLDG 3: 10,000 SF GFA BLDG 4: 10,000 SF GFA
MAX. BUILDING HEIGHT:	35'
MAX. PR. BUILDING HEIGHT:	35'
MAX. NUMBER OF BUILDINGS:	4
PARKING:	APPLICANT RESERVES THE RIGHT TO INCREASE, DECREASE, OR RELOCATE PARKING SPACES AS NECESSARY SUBJECT TO COMPLIANCE WITH APPLICABLE REGULATIONS
SETBACKS	
FRONT:	50 FT FROM MARVIN SCHOOL ROAD R.O.W.
SIDES:	5 FT
REAR:	75 FT
IMPERVIOUS AREA	
TOTAL IMPERVIOUS AREA:	± 1.90 AC (UP TO 80% MAX PROPOSED)

REQUESTED DEVIATION TO STANDARDS

THE FOLLOWING MODIFICATION TO MINIMUM STANDARDS ARE REQUIRED FOR THE SUCCESSFUL DEVELOPMENT OF THIS PROPERTY. OTHER MODIFICATIONS MAY BE REQUESTED DURING THE FINAL DESIGN OF THE PROJECT AS PROVIDED IN THE VILLAGE OF MARVIN DEVELOPMENT ORDINANCE (MDO).

- FRONT SETBACK SHALL BE 50' FROM R.O.W.
- REDUCTION OF REQUIRED PLUG-IN ELECTRIC VEHICLE PARKING SPACES TO THREE (3).

NOTES

- PROJECT PHASING MAY BE REQUIRED DUE TO LIMITATIONS OF AVAILABLE SEWER CAPACITY ALLOCATION. FLOW ACCEPTANCE IS NOT GUARANTEED UNTIL PROJECT PERMITTING.
- REQUIRED SIGHT DISTANCES SHALL BE MAINTAINED AT ALL DRIVEWAYS.
- LANDSCAPING SHOWN IS FOR ILLUSTRATIVE PURPOSES ONLY AND QUANTITY, SIZE, AND LOCATION ARE SUBJECT TO CHANGE. MINIMUM CODE-REQUIRED LANDSCAPING WILL BE PROVIDED.

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NC Eng. Firm #C-0650 | LA Firm #C-032

CLIENT / OWNER
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ARCHITECT
REDLINE DESIGN GROUP
925 TUCKASEEGEE ROAD
SUITE 110
(704) 377-2990

KEY MAP

MARVIN OAKS

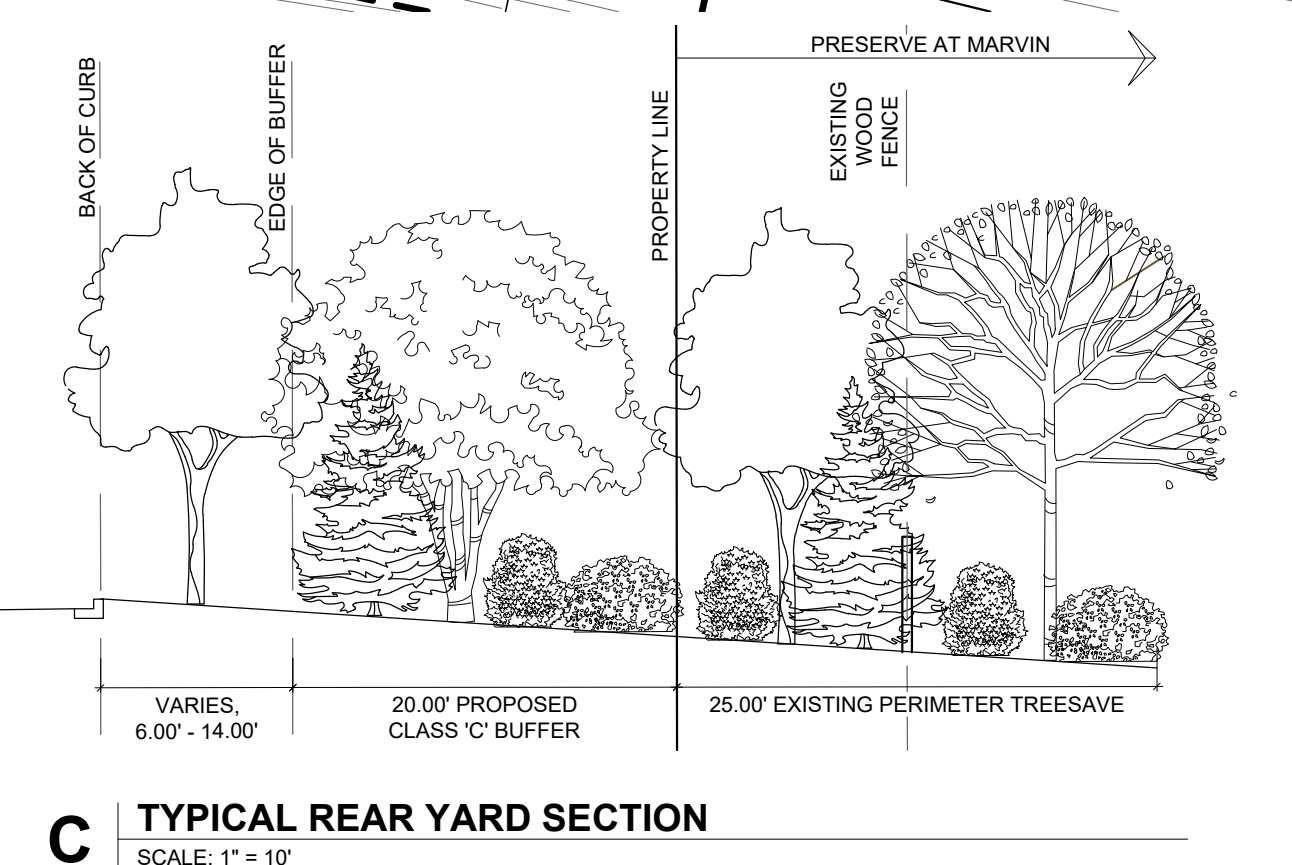
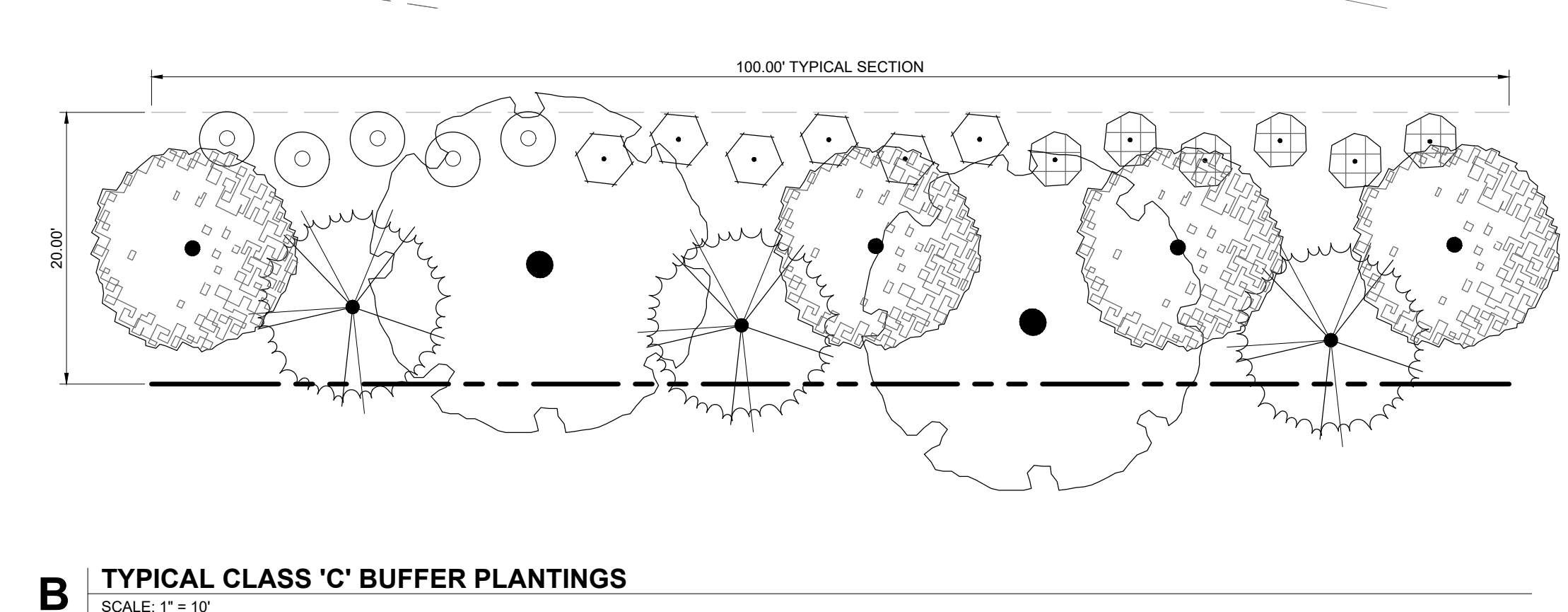
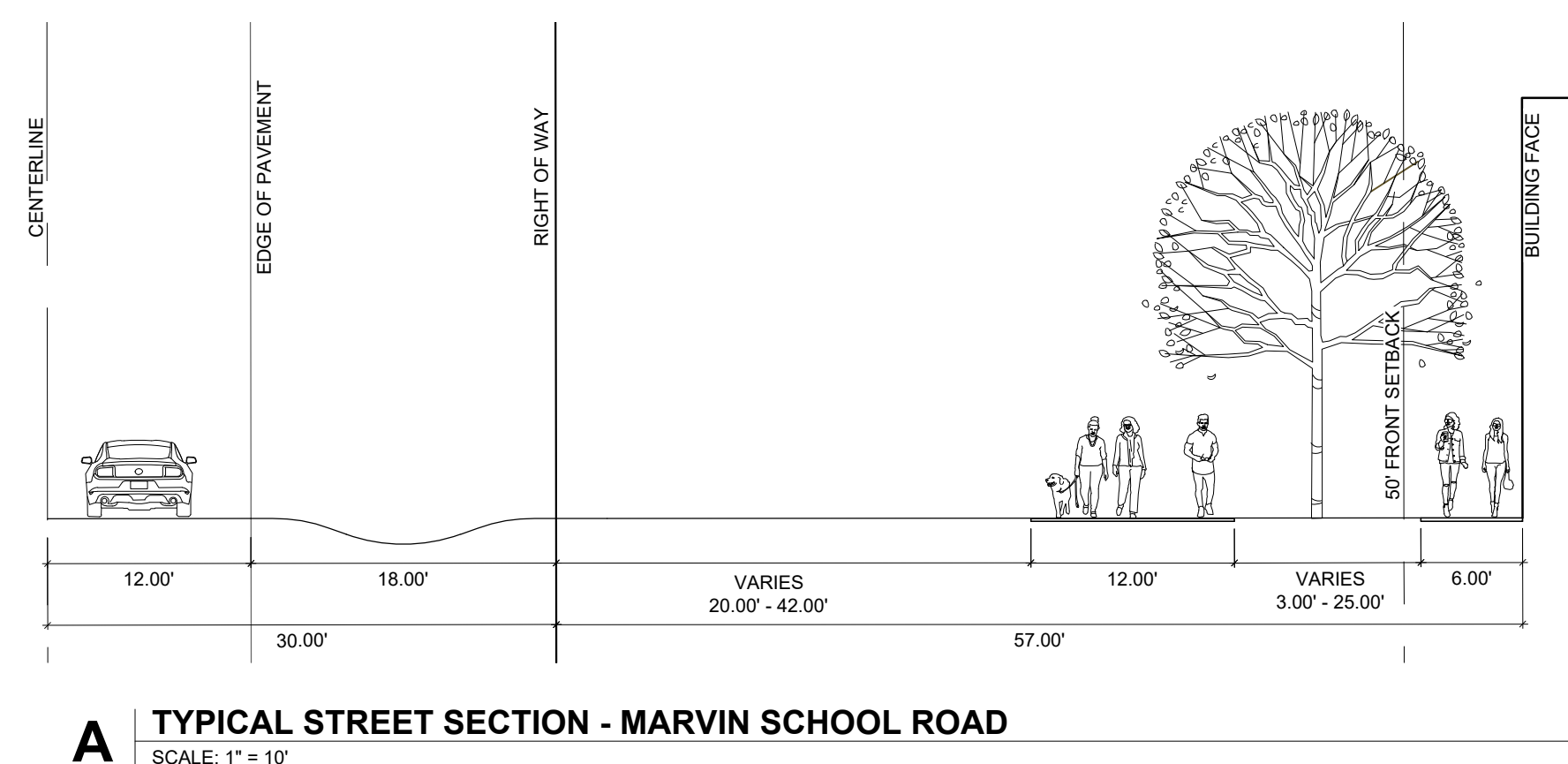
10018 MARVIN SCHOOL ROAD
MARVIN, NORTH CAROLINA 28173

PROJECT NUMBER: 23015
DATE: 02.04.2025
ISSUED FOR: REZONING

NO.	DATE	DESCRIPTION	BY

PROJ. MANAGER: SKY
DRAWN BY: SKY + CM
CHECKED BY: SKY + CM

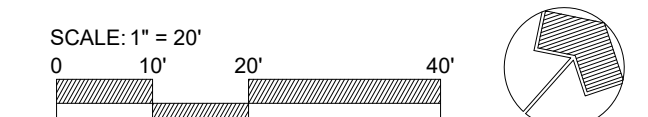
SCALE: AS INDICATED
DRAWING: SCHEMATIC SITE PLAN



A TYPICAL STREET SECTION - MARVIN SCHOOL ROAD
SCALE: 1" = 10'

B TYPICAL CLASS 'C' BUFFER PLANTINGS
SCALE: 1" = 10'

C TYPICAL REAR YARD SECTION
SCALE: 1" = 10'



STORMWATER MANAGEMENT
 STORMWATER MANAGEMENT WILL BE SUBJECT TO MARVIN AND STATE DESIGN GUIDELINES. IT WILL BE PROVIDED VIA EITHER INFILTRATING PERMEABLE PAVEMENTS TO MEET THE LOW DENSITY THRESHOLD AT 24% BUA, OR/AND AN UNDERGROUND WATER QUALITY AND DETENTION SYSTEM.



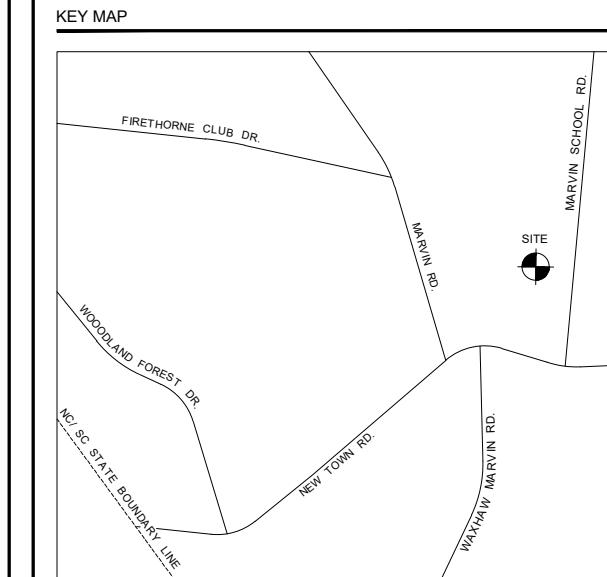
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 NC Eng. Firm #C-0650 | LA Firm #C-032

CLIENT / OWNER
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 1105 BALTUSCK LANE
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 MONROE, NC 28112
 (704) 276-6610

ARCHITECT
REDLINE DESIGN GROUP
 925 TUCKASEEGEE ROAD
 SUITE 110
 (704) 377-2990



MARVIN OAKS

10018 MARVIN SCHOOL ROAD
 MARVIN, NORTH CAROLINA 28173

PROJECT NUMBER
 23015
 DATE
 02.04.2025

ISSUED FOR
REZONING

REVISIONS

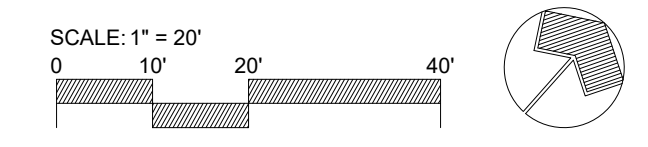
NO.	DATE	DESCRIPTION	BY

PROJ. MANAGER: SKY
 DRAWN BY: SKY + CM
 CHECKED BY: SKY + CM

SCALE
 AS INDICATED

DRAWING
SCHEMATIC UTILITY PLAN

RZ-4



PC12EB 2: \Share\Projects\2023\23015_Marvin Oaks - Roms Investment - Marvin Oaks - Rezoning\23015-RZ1.dwg / 2/4/2025 10:33 AM

P:\FEB 23\Shoreline\Projects\2023\23015 Marvin Oaks - ROMS Investment - Marvin Oaks - Sheets\Rezoning\23015-RZ1.dwg / 2/4/2025 10:33 AM



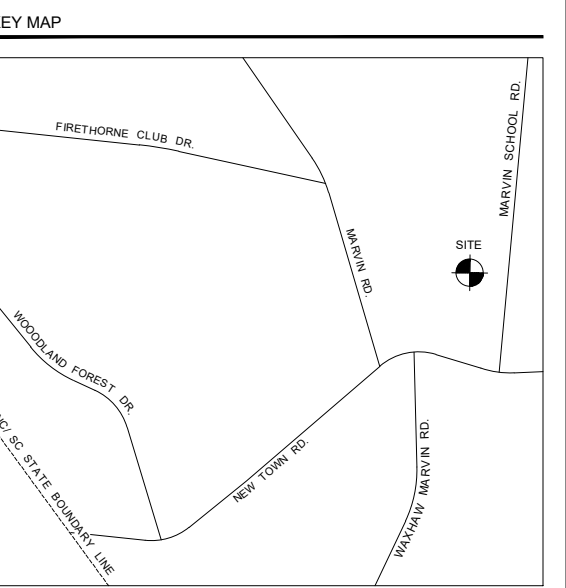
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urban design . landscape architecture
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704.352.1204 . www.dpr.design
NC Eng. Firm #C-0650 | LA Firm #C-032

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LAND USE ATTORNEY
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(704)776-6610

ARCHITECT
REDLINE DESIGN GROUP
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SUITE 110
(704)377-2990



PROJECT
MARVIN OAKS

10018 MARVIN SCHOOL ROAD
MARVIN, NORTH CAROLINA 28173

PROJECT NUMBER
23015

DATE
02.04.2025

ISSUED FOR
REZONING

NO.	DATE	DESCRIPTION	BY

PROJ. MANAGER: SKY
DRAWN BY: SKY + CM
CHECKED BY: SKY + CM

SEAL

SCALE
AS INDICATED

DRAWING
DEVELOPMENT STANDARDS

RZ-5

OPEN SPACE + TREE SAVE REQUIREMENTS	
REQUIRED OPEN SPACE:	7.5% OF SITE AREA (9,600 SF)
PROVIDED OPEN SPACE:	9,600 SF
REQUIRED TREE SAVE:	1.5% OF SITE AREA (1,920 SF)
PROVIDED TREE SAVE:	1,950 SF



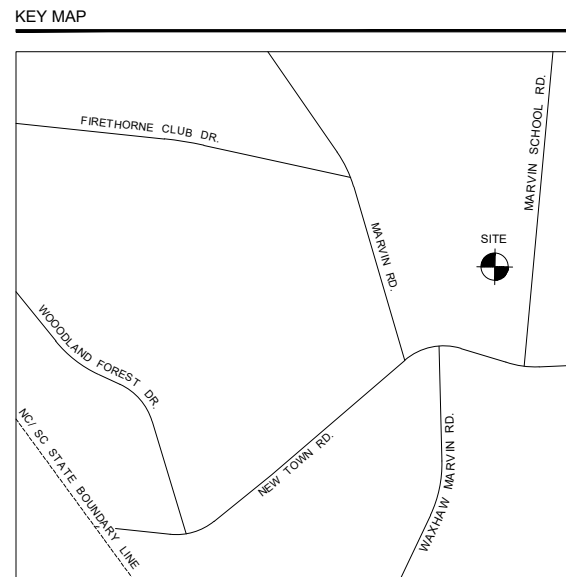
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CLIENT / OWNER
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1105 BALTIMORE LANE
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LAND SURVEYOR
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MARVIN OAKS

10018 MARVIN SCHOOL ROAD
MARVIN, NORTH CAROLINA 28173

PROJECT NUMBER
23015

DATE
02.04.2025

ISSUED FOR
REZONING

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PROJ. MANAGER: SKY
DRAWN BY: SKY + CM
CHECKED BY: SKY + CM

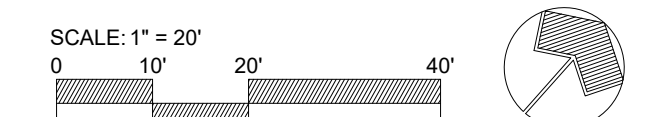
SCALE
AS INDICATED

DRAWING
OPEN SPACE + TREE SAVE PLAN

RZ-7



1 EXISTING TREE CANOPY
SCALE: 1" = 100'



P:\PTEB 2 - Shared\Projects\2023\23015 Marvin Oaks - ROMS Investment - Marvin Oaks - Rezoning\23015-RZ7.dwg / 2/4/2025 10:33 AM

PUBLIC MEETING
Roms Investments, LLC.
Conditional Rezoning
2/4/2025 Minutes

A public meeting was held for the conditional rezoning of Parcel #06225012 on February 4, 2025, beginning at 6:00 p.m., for the Applicant's request for a conditional zoning change, from Rural Residential to MHD-CL. There were approximately fifteen (15) individuals in attendance at the public hearing as well as members of the Planning Board and members of the Village Council. The following is a brief recitation of the minutes for the meeting:

- Hunter Nestor provided a brief introduction to the proposed zoning application and the process under which the zoning request would proceed.
- Poulami Dos assisted Mr. Nestor at the time of the hearing.
- Mr. Nestor introduced the applicant's team to include Skylar DeMatteis from DPR Design, Aaron Longo from Redline Architects, Ravi Vasireddy from Roms Investments, LLC., (the applicant), and Christopher Duggan, from The Duggan Law Firm, P.C., counsel for the applicant.
- Ms. DeMatteis provided an overview of the proposed development to include four individual buildings with a maximum square footage of all of the buildings to be approximately 35,000 square feet total.
- Ms. DeMatteis discussed the required tree buffer around the property, and advised those in attendance that the traffic impact analysis (TIA) was in process. She advised that the proposed provides for 92 parking spaces which equates to approximately 2.5 spaces per 1,000 square feet of building.
- Mr. Longo discussed that the commercial district would be a small commercial hub for the area, and that the buildings would be approximately 35 feet in height, to include a three (3) foot parapet.
- The attendees provided numerous feedback and questions to the applicant, which included the following:
 - One resident commented that he believed that there was too much proposed commercial space within the immediate vicinity of the proposed project.
 - Another attendee commented that the proposed design of the buildings stood out as being too commercial in nature, and not fitting within the look of the surrounding area.
 - Other residents agreed regarding the commercial design of the proposed buildings, and wanted a more attractive/unique design, to be more residential in look and character, and to fit more in with the historic feel of the area.
 - Questions of the applicant were presented, regarding the lighting on site with which the applicant responded that a photometric study would be conducted which would not allow light to escape the property.

- Another resident expressed his concern about security on site, if there would be restaurants or other businesses inviting individuals to the area.
- Residents were concerned regarding increased traffic as a result of the proposed commercial development.
- One resident inquired as to whether the development could be a single floor, rather than two stories.
- A resident whose property neighbors the proposed development expressed concern about water runoff to his property, and concern that the proposed development would increase that water flow. The applicant advised the resident that pursuant to the development's standards the applicant could not increase any water flow onto neighboring properties.
- The applicant advised those in attendance that he had been a resident at the subject property, and had owned the same since approximately 2012, and that he also wanted the development to fit into the aesthetic of the surrounding area and would consider a redesign of the proposed structures, to take into account the residents' desires and concerns.
- With regard to security, the applicant discussed the fact that there would be security to include cameras, as well as potential for the hiring of private security should it become necessary.
- There was also a discussion regarding the potential to have a substation of the Sheriff's Department on site.
- The applicant discussed tree save around the property.
- Mr. Nestor advised that the residents could access the plans for the proposed development on the Village website and they would receive notice of public hearings regarding the same.
- Mr. Nestor also advised the attendees as to the process and that the planning board consider the same over the course of two to three meetings and then the matter would go before the Village Board.
- No further questions were offered, and the meeting was adjourned at approximately 7:30 p.m.



VILLAGE OF MARVIN
NORTH CAROLINA

Marvin Village Hall
10006 Marvin School Road
Marvin, NC 28173

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Planning Board Agenda Report

Meeting Date: Tuesday, February 18, 2025

MarvinNC.gov

Title:	Discussion of Questions for 2025 Community Survey		
Attachments:	Draft Survey	Action Requested:	Give Consensus
Draft Motion:	No Motion Requested		
Budgetary Impact:	No Budgetary Action Required		

Background:

Over the past year, the Village Staff has been working on a new community survey. The questions in the attached survey were devised by the Council, Staff, and Planning Board Member Angel Martin who volunteered her time to work on the project.

Since the compilation of the initial questions, Council has asked the PR&G Board and Planning Board to review the questions and recommend adding additional questions. The PR&G Board is considering survey questions as they review and consider revisions or a complete rewrite to the Village's 2020 Parks and Greenways Master Plan. The PR&G Board is projected to complete their work by April or May.

Current:

Staff is asking Planning Board to review the survey and suggest questions to add to the survey. Questions to be added should focus on planning issues. Once the questions have been compiled, the Council and selected vendor will choose which questions to include in the final survey.

Planning Board Members are encouraged to work ahead and send any questions to staff prior to the meeting, as the meeting should focus on the curation of questions for the Board to recommend to the Council.

The survey is expected to be distributed this fall with a final report and presentation expected at a Council Meeting in Q4 of this year.

Please keep in mind that projects in the Village of Marvin may require a tax increase, as the Village is currently operating with an 8-cent tax rate.

1. What neighborhood do you live in? (Fill in the blank)

2. What are some of your reasons for living in the Village of Marvin? Check all that apply.

- a. Acreage
- b. Small Town Surroundings
- c. Low taxes
- d. Proximity to Charlotte
- e. Proximity to family or friends
- f. Housing available
- g. Proximity to employment
- h. Proximity to retail services
- i. Quality of schools
- j. Zoning and ordinance regulations
- k. Other ... please specify

3. Are greenways/walking trails important to you?

- a. Yes
- b. No

4. Is connectivity and walkability important to you?

- a. Yes
- b. No

5. If yes, why? (Fill in the blank)

6. Would you like to see more parks, open space or recreation options in Marvin?

- a. Yes
- b. No

7. What improvements, if any, would you like to see on our current walking trails/greenways? Please choose all that apply.

- a. Adding lights
- b. Adding police safety call boxes
- c. putting concrete on the trails
- d. more police patrol
- e. Nothing. They are fine as they are.
- f. Other. Please specify.

8. What improvements would you like to see in Efird Park or throughout the Village?

- a. Walking trails
- b. Sports Complex
- c. Farmers market
- d. More parking
- e. Pickleball courts
- f. Sand Volleyball courts
- g. Dog Park
- h. Aquatic center
- i. None of the above
- j. Other. Please specify.

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9. Do you have any interest in partnering with other municipalities to fund a sports complex?

- a. Yes
- b. No

10. Do you have an interest in pickleball courts in Marvin?

- a. Yes
- b. No

11. Would you be interested in seeing deputies at critical intersections?

- a. Yes
- b. No

12. Do you think updated Marvin Wayfinding signs (directional, street, greenways and monument village entrance signs are important to the look of Marvin?

(ADD IMAGE OF NEW SIGNS)

- a. Yes
- b. No

13. Do you want to see all Marvin street blades standardized for a cohesive look?

(ADD IMAGE OF NEW BLADES)

- a. Yes
- b. No

14. Are you pleased with the number of events held in Marvin on an annual basis?

- a. Yes
- b. No

15. What events, if any, would you like to see held in Marvin annually? (Fill in the blank)

16. What other government services would you like to see offered in Marvin?

- a. Additional trash services
- b. Police services
- c. Recycling services
- d. Village Water/Sewer Utilities
- e. Storm water services
- f. programming/Sports for parks and rec
- g. Additional events
- h. Other, please specify

17. How important is it for the Village of Marvin to buy land to preserve?

- a. Very Important
- b. Somewhat important
- c. Not very important

18. Are you open to a newly created position for a person solely to find grants to help fund larger projects? Over the previous five years the Village has acquired over \$4M in grant funds.

- a. Yes
- b. No

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19. What do you think about a limited number of townhomes in Marvin? (Fill in the blank)

20. Please rank the biggest issues facing Marvin today:

- a. Traffic Volume/Speeding
- b. Safety
- c. Commercial development
- d. Lack of parks/greenways
- e. Overdevelopment

21. The recent Marvin bond package was not approved by Marvin voters on March 5, 2024. If you voted against the bonds, what was your primary reason(s)?

- a. Too expensive
- b. Projects are unnecessary.
- c. Did not want tax increases.
- d. The projects would not have benefitted me or my neighborhood.
- e. Didn't have the ability to vote for individual projects.
- f. I voted for the bond package.
- g. Other. Please specify.

22. What do you consider to be the most important issues related to the Village's environment and natural resources?

- a. Maintaining a Tree canopy
- b. Land conservation
- c. Improving public access to outdoor recreation
- d. Stormwater management for developed or redeveloped properties.
- e. Preserving wildlife habitat

23. Are you subscribed to receive emails from the Village (newsletters, meeting notices, event updates)? You can sign up through the homepage of MarvinNC.gov.

- a. Yes
- b. No

24. If you are subscribed, what do you think of the frequency of emails sent from the Village government?

- a. Too Many Emails
- b. Just Enough Emails
- c. Not Enough Emails

25. If you think more emails are needed, what additional information would you like to receive? (Fill in the blank)

26. Do you follow the Village of Marvin on social media (Facebook, Instagram, and YouTube)?

- a. Yes
- b. No

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27. Where do you receive your news/information about Marvin?

- a. The Village's Email Newsletter, the Marvin Wise Newsletter
- b. Social Media
- c. The Village Website, MarvinNC.gov
- d. Local newspapers/local tv news
- e. banners/signage
- f. direct mail
- g. Other, please specify.

28. If you receive news from social media, do you receive your news from the Village's official accounts?

- a. Yes
- b. No

29. How can the Village better communicate with residents? (Fill in the blank)

30. What makes Marvin a great place to live? (Fill in the blank)

We are interested in your input. If there are additional comments you would like to contribute, or if you have an interest in volunteering for the Village, please leave your contact information and someone will contact you. Thank you for submitting your opinions.