Marvin Gardens

Individual Conditional District
Zoning Application Package

Presented By

Regency Centers. Publix.
TABLE OF CONTENTS
Marvin Gardens Zoning Application Package

APPLICATION
NARRATIVE

LEGAL DESCRIPTION

SIDE-BY-SIDE COMPARISON

DEVELOPMENT STANDARDS

SIGN EXHIBITS “A” & “B”

RESIDENTIAL SKETCH ELEVATIONS

SCHEMATIC SITE PLAN – CZ-1

PRELIMINARY GRADING PLAN - CZ-2

TREE PRESERVATION PLAN – CZ-3

TECHNICAL DATA SHEET – CZ-4

SCHEMATIC LANDSCAPE PLAN – CZ-5

BUILDING ELEVATIONS SHEETS A1.0 & A1.1

COLOR LANDSCAPE RENDERING

ALTA BOUNDARY SURVEY

TRAFFIC IMPACT ANALYSIS
(Submitted to Village of Marvin 11/24/14)
APPLICATION FOR CONDITIONAL DISTRICT

Address of Subject Property: Southeast corner of Newtown Road and Providence Rd. (NC 16)

Applicant(s) Name: Regency Centers
Address of Applicant: 2068 Clark Ave.
Raleigh, NC
Phone: (919)831-4904
FAX: (919)755-1131
Zip Code: 27605
Email: cwidmayer@regencycenters.com

Owner(s) Name: NT Land
Address of Owner: 4530 Park Rd., Suite 300
Charlotte, NC
Phone: (704)519-4220
FAX: (704)236-7620
Zip Code: 28209
Email: lat.purser@latpurser.com

Request is for (check all that apply):

- [ ] Commercial Corridor Conditional District (CC-CD)
- [ ] Mixed Use Conditional District (MX-CD)
- [ ] Mixed Use 2 Conditional District (MX2-CD)
- [ ] Office Conditional District (O-CD)
- [ ] Business Conditional District (B-CD)
- [X] Individual Conditional District (Each individual conditional district shall be identified by a name determined by the Zoning Administrator.)
- [ ] Education Overlay District (EO)
- [ ] Conditional Zoning Amendment

Does the applicant own one hundred percent (100%) of the area involved in the application (yes or no)?
No

If no, a consent form must be completed.

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

If yes, list the previous application number(s):
CZ 05-09-01

Tax Parcel Numbers: 06-183-011, 06-183-011A, 06-183-01B, 06-183-011C & 06-159-005B

Consent Form Attached
APPLICATION FOR CONDITIONAL DISTRICT – PAGE 2

Acreage 38.70 (+/-)  Current Zoning Classification: MX-CD

Land Use Plan recommendation:  

MX-CD Approved 2008

Existing Use of the Subject Property:  

Vacant Residential

Existing Improvements on the Subject Property:  

3 residential structures, 1 garage, 2 sheds

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

Mixed use development consisting of a neighborhood shopping center and an age restricted residential community. Shopping center will be anchored by a 55,000 (+/-) sf grocer, 25,000 (+/-) sf of shops and four outparcels. The residential community will contain no more than 35

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

See attached Side by Side Comparison Matrix.

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

Signature(s) of Petitioner(s)

STATE OF North Carolina
COUNTY OF Wake
Subscribed and sworn to before me this 13th day of February, 2015

Notary Public:

Kristi M. Cannistraci

Printed Name of Notary Public
My Commission expires: 4/8/19

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:
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 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 for Conditional District – Page 4

Application Checklist

- 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
CONSENT FORM

The undersigned, NT Land, LLC, being the owner of the property commonly known as Marvin Gardens, hereby authorizes Regency Centers to petition for annexation or file land development applications necessary for the aforementioned address.

This consent shall (check one):

X Remain in effect until revoked by a written statement filed with the Village of Marvin.

_ Remain in effect until ________________________.

_ Remain in effect until these land development applications are resolved.

NT Land, LLC
By: Lat W. Purser, III, Manager

Printed Name of Owner

Signature of Owner

State of North Carolina,
County of Mecklenburg

Subscribed and sworn to before me this 12th day of February, 2015

Notary Public

Marsha L. Mayhew
Printed Name of Notary Public

My commission expires: 28 January 2018
The Developers

Regency Centers, the applicant of the proposed Mixed-Use Project called Marvin Gardens, is a leading developer, owner and operator of the highest quality shopping centers in North Carolina. Regency is a long-term owner and is committed to good stewardship of its retail projects. Regency has developed more than one million square feet and owns 19 shopping centers in North Carolina. Saussy Burbank, a local residential builder that specializes in high quality and unique residential communities, will be partnering with Regency Centers to develop the age-restricted residential portion of the proposed development.

Regency Centers and Saussy Burbank are committed to providing a unique interactive community experience for essentials of life, including comfortable places to live, shop, dine, entertain, socialize and generally feel at home. The goal is to create a family oriented, multi-generation neighborhood gathering place.

The Property and Trade Area

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

The applicant’s request is to reduce the previously approved commercial density from 260,000 square feet to approximately 105,000 square feet of commercial density and up to 105,000 square feet of residential. The Applicant is filing under an Individual Conditional Use District.

The Site Plan

The proposed Mixed-Use project is a fully integrated pedestrian-friendly mixed-use development with two components, a grocery-anchored shopping center and an age-restricted residential community. The shopping center includes a grocery store
not to exceed 55,000 square feet, approximately 25,000 square feet of local shops, and four individual retail use buildings along Providence Road. The shops will be built in two phases with the first phase including 20,000 square feet. A feature building will be located at the main corner of the intersection. This building will be approximately 5,000 square feet and contain a multi-use concept.

The residential community is located on approximately 15 acres and adjoins the shopping center to the east where it is connected by a shared access road and pedestrian sidewalks. The inspiration for the neighborhood is the rich architectural heritage of the region, refined and updated for its modern context. High quality materials will include lap siding, board & batten siding, metal roof accents and stone used in prominent locations. Pitched roofs, front stoops and porches will contribute to the small town neighborly character. This is a deed-restricted community that will contain approximately 35 single-family detached homes. These homes will range from 1,800 to 2,800 square feet and will include an enclosed garage.

Vision and Architecture

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

The Proposed Project will adhere to Local and Federal Laws