

TOWN OF LIBERTY

239 S. Fayetteville Street | PO Box 1006 | Liberty, NC 27298

Office (336) 622-4276 | Fax (336) 622-2665

www.Liberty-NC.com

A G E N D A

Planning Board

March 8, 2023 5:30PM

- 1. Call to Order**
- 2. Member Oath of Office**
- 3. Approval of Minutes February 8, 2023**
- 4. (Old Business, Continued) RZ-23-2 - R. Lineberry - South Side East Lowe Avenue between 801 S Garden St. and 216 East Lowe Ave - rezone R12 Residential - R6 Residential**
- 5. LDP Update Discussion**
- 6. Manager's Report**
- 7. Citizen Comments**
- 8. Committee Comments**
- 9. Adjourn**

Zoning Change Staff Report

Case # RZ-23-2

Date 1-9-2023

General Information

Applicant Jason Collins
Address 5414 Cox Lane
City Liberty, NC 27298
Phone 336-669-6908
Location South side of East Lowe Avenue between 801 South Garden Street and 216 East Low Avenue

Requested Action Rezone From R12 Residential to R6 Residential

Existing Zone R12 **Existing Land Use** Vacant

Size 21,791 sq.ft. **Pin #** 8736105735

Legal Description Deed Book 2607 **Page** 844

Other Information provided by the Applicant

See Attached Application

Surrounding Land Use

North	Vacant Industrial	East Residential
South	Residential	West Residential

Zoning History None

Land Development Map City

Analysis

1. The property is located on East Lowe Avenue.
2. The property is located within the Balance of the Rocky River Watershed (WS-III).
3. The property does not contain any Flood Hazard Areas.
4. The property is located within the Town limits and is served by Town services.
5. The property is located outside the the Central Business District (CBD).
6. The property is not located within the the Historic District.

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7. The surrounding area west of the railroad R/W is residential in nature. Industrial development is east of the railroad and vacant Industrial parcels are north of East Lowe Avenue.
8. Zoning Ordinance Section 154.064 describes R12 and R6 Districts:
The R12 Residential District is intended to provide regulations which **will produce medium intensity of single-family dwellings** and is usually served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service the urban intensity living.
The R-6 Residential District is intended to provide regulations which **will produce a higher intensity mixture of single-family, 2-family dwellings and Class A manufactured homes** and is required to be served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service the urban intensity living.
9. The addition of 2-family dwelling as a permitted use is the primary difference between the R12 and R6 districts.
10. Water Supply Watershed regulation permits one single family dwelling per half acre. All other development is regulated to a maximum of twenty four percent (24%) impervious area. The subject property meets the one half (1/2) acre requirement.
11. The proposed R6 District is inconsistent with the location, specifically the current residential development pattern and intensity of the surrounding area.

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Staff Recommendation

Deny

Proposed Evaluation of Consistency with Adopted Comprehensive Plans/ Reasonableness and Public Interest

Having reviewed and considered the proposed rezoning, Case RZ-23-2, the accompanying documents, the analysis of the planning staff, the Town of Liberty Planning and Zoning Board adopts this statement of inconsistency.

The Proposed rezoning is inconsistent with the Town of Liberty Land Use Plan. The Plan describes an overall goal for the Town which provides for economic development, while at the same time maintaining Liberty's small town character.

Specifically, the request is in conflict with the Future Land Development Map and Policies.

The Future Land Development Map indicates that the subject property is "City Limits" and is not mapped to support a district change or density increase. The "City Limits" classifications recognizes existing development patterns and zoning districts without proposing future changes. Where change is proposed the Future Land Development Map so indicates.

The Plan states as a Future Land Development Policy that "New development should be encouraged to locate within areas that are currently zoned for the development's use type".

The Plan states as an Economic Development Policy that "The benefits of economic development shall be balanced against the possible detrimental effects such development may have on the small town character and the quality of life enjoyed by area residents.

The Plan states as a Residential Development Policy that "The protection of traditional residential neighborhoods from encroaching commercial development shall be encouraged to insure their continued existence as a major housing source".

Zoning Change Staff Report

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Taken as a whole the Plan seeks to protect Liberty's small town character by maintaining the stability of existing neighborhoods.

The Proposed rezoning is for the above stated reasons not consistent with Adopted Comprehensive Plans, and;

the size, physical conditions, and other attributes of the property and area do not support the application;

Therefore, the action is not reasonable and not in the public interest.

Randolph County, NC



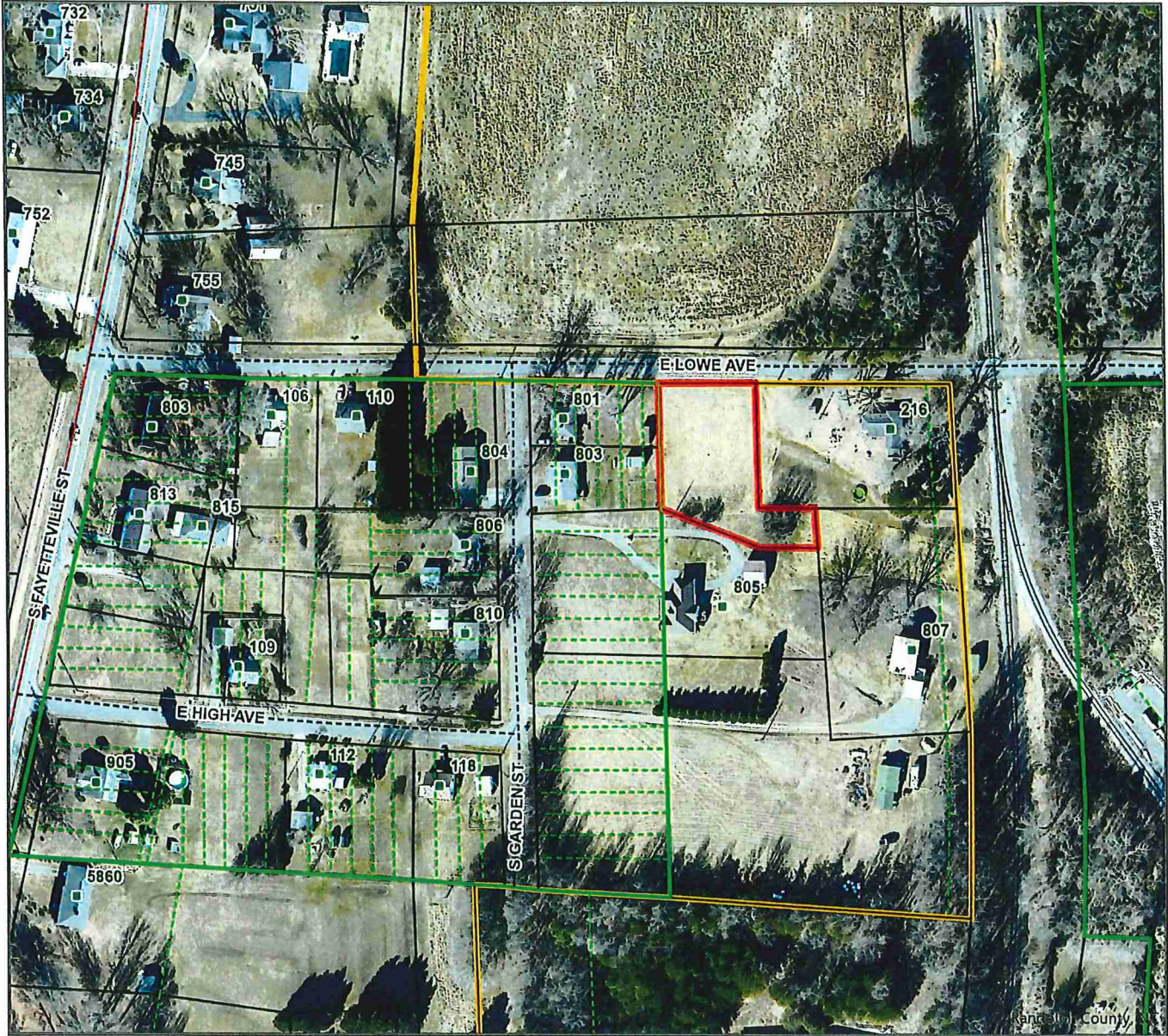
REID	78897	OWNER ADDRESS2	
PIN	8736105735	OWNER CITY	LIBERTY
TAXED ACREAGE	0.5	OWNER STATE	NC
PROPERTY DESCRIPTION	LOU ELLA & THOMAS FERGUSON;L1	OWNER ZIP	27298
DEED BOOK & PAGE	002607/00844	LOCATION ADDRESS	No Physical Address
PLAT BOOK & PAGE	112-37	LOCATION ZIP	No ZIP
OWNER	LINEBERRY, RUSSELL S	DATA REFRESHED	1/1/2023
OWNER ADDRESS	6841 LAYTON RD		



Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.

Map Scale
1 inch = 50 feet
 1/5/2023

Randolph County, NC



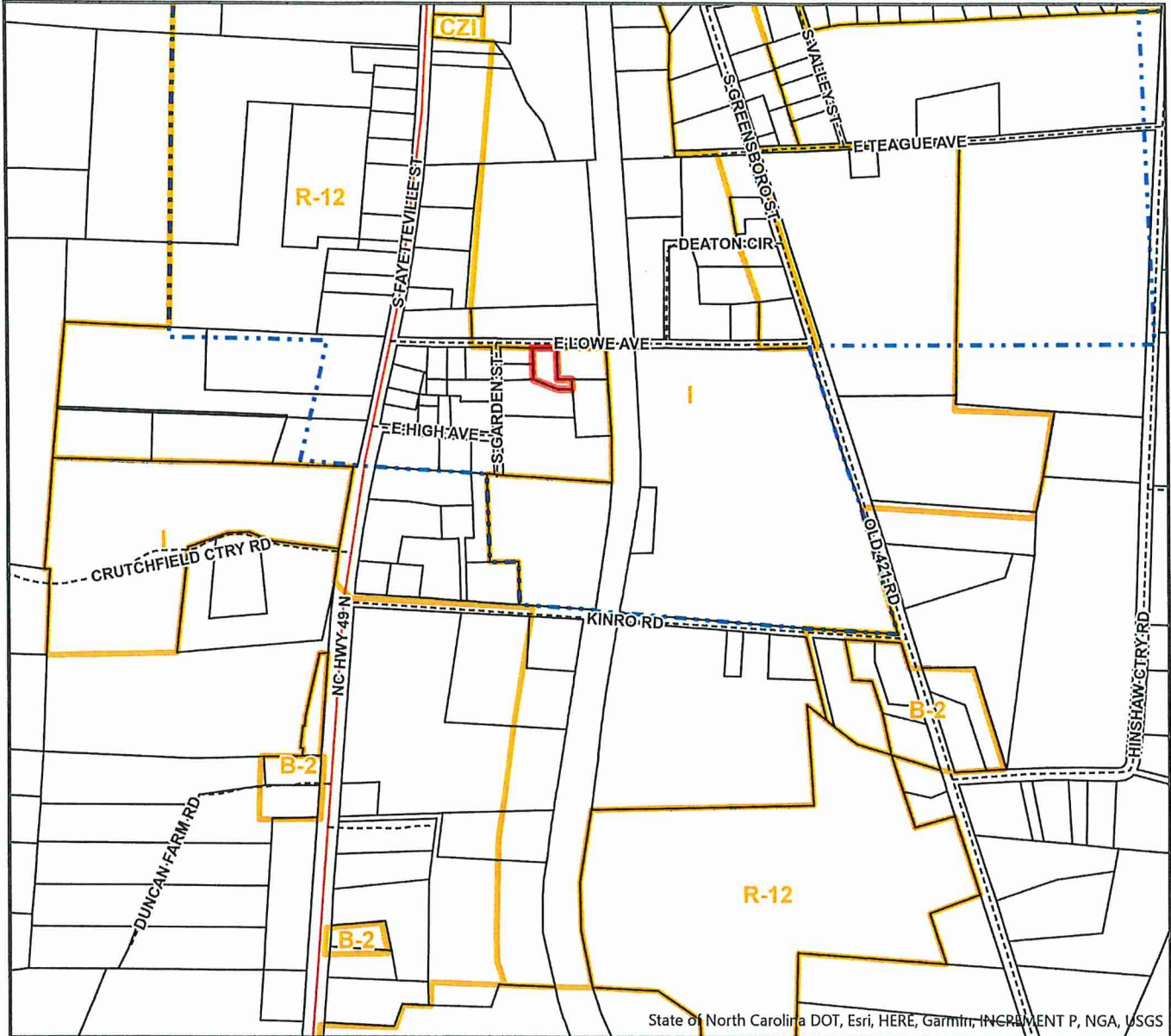
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Map Scale
1 inch = 200 feet
1/5/2023

Randolph County, NC



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TAXED ACREAGE	0.5	OWNER STATE	NC
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Map Scale
1 inch = 800 feet
1/5/2023

Liberty Zoning Ordinance

**TOWN OF LIBERTY
APPLICATION FOR ZONING MAP AMENDMENT**

Applicant JASON COLLINS
Applicant's Address 5414 COE LANE
Liberty NC 27298
Applicant's Phone Number (336) 669-6908

A One Hundred dollar (\$100.00) filing fee is required for any amendment.

PROVIDE ANSWERS AND OR INFORMATION AS REQUIRED BELOW:

The changed or changing conditions, if any, in the jurisdiction of the Town of Liberty generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

Construct a Duplex for Single family Living

The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan.

To be able to construct a duplex

All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

More Housing to Accomodate Liberty

Property Owner's Name Russell S Linberry
Title to the property was acquired April 12th, 2018
The Deed is recorded in Deed Book 002207, on Page 00844
The Randolph Co. Parcel Identification (PIN) # 8736103735
Subdivision _____, Section _____, Lot # _____
Plat Book 112 Page 37

Liberty Zoning Ordinance

Exact Location of Property (Plat Reference or Street Address)

0 E Lowe Ave Between 801 Gardner St + 216 E Lowe Ave

Area of Property (sq. ft or acres)

.5 Acres 21,790 sq ft

Present Zoning District

R-12

Requested Zoning District

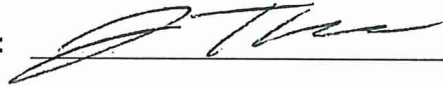
R-6

Attach a fully dimensioned map, at a scale of not more than 200 feet to the inch, showing the land which would be covered by the proposed amendment.

Attach a legal description of such land.

Attach a list of all adjoining property owners, including across any streets or roads.

Applicant signature:



Date:

10-31-22

Received and found complete by:

Date:

BK 2607 PG 844 (2)

This document presented and filed:
07/26/2018 12:59:37 PM

DEED
Fee \$26.00 Excise Tax: \$20.00



Randolph County North Carolina
Krista M. Lowe, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 20.00

***This conveyance does not include the primary residence of the Grantor(s)**

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By _____

Mail/Box: P/U ALIE

This instrument was prepared by: Alie Yates Brown, Attorney At Law, a licensed North Carolina attorney.
Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. (without benefit of title examination)

Brief description for the Index: Lot No. 1 containing 0.500 acre

THIS DEED made this 22nd day of April, 2018 by and between

GRANTOR

THOMAS WAYNE FERGUSON and wife, LOU ELLA WRIGHT FERGUSON

Address: 807 Garden Street Liberty, NC 27298

GRANTEE

RUSSELL S. LINEBERRY, unmarried

Address: 6841 Layton Rd. Liberty, NC 27298

Property Address: 0 E Lowe Ave, Liberty, NC 27298

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in Fee Simple all that certain lot or parcel of land situated in the City of Liberty, Liberty Township, Randolph County, North Carolina and more particularly as follows:

BEING all of Lot No. 1 containing 0.500 acre, 21,791 Sq Ft. as shown on "Recombination Plat Prepared For Lou Ella Wright Ferguson & Thomas Wayne Ferguson" by Glen Lee Brown, PLS and recorded in Plat Book 112, Page 37 in the Office of the Register of Deeds of Randolph County, North Carolina.

No title examination was performed by Alie Yates Brown in connection with the preparation of this Deed and thus no certification as to the title is made.

The property hereinabove described was acquired by Grantor by instrument recorded Book _____ page _____
A map showing the above described property is recorded in Plat Book 112 page 37

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to The Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Easements, Right(s) of Way, and Restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate has caused this instrument to be signed in its Corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Thomas Wayne Ferguson (SEAL)
THOMAS WAYNE FERGUSON

By: _____
Lou Ella Wright Ferguson (SEAL)
LOU ELLA WRIGHT FERGUSON

By: _____ (SEAL)

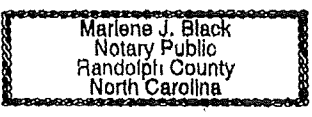
Title _____ (SEAL)

State of North Carolina – County of Randolph

I, the undersigned Notary Public of County and State aforesaid, certify that THOMAS WAYNE FERGUSON and wife, LOU ELLA WRIGHT FERGUSON personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 12 day of April, 2018.

My Commission Expires: 8/24/20

Marlene J. Black
Notary Public



FLUDD CERTIFICATE

THIS PLAN CERTIFIES THAT THE SUBJECT PROPERTY, IS NOT IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

PANEL MAP # 1-270195-02508



NORTH CAROLINA

I, GLENN LEE BROWN, CERTIFY THAT THIS PLAN WAS DRAWN UNDER THE SUPERVISION OF AN ACTUAL SURVEYOR MADE UNDER THE SUPERVISION OF AN ACTUAL SURVEYOR. THE CERTIFICATE IS INDICATED BY BROKEN LINES. (SEE REVISIONS AND SUPPLEMENTARY INFORMATION ON REVISION SHEET.) (AS SHOWN ON THIS PLAN.) THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 15,000. (CALCULATED BY THE SURVEYOR.) (SEE REVISIONS AND SUPPLEMENTARY INFORMATION ON REVISION SHEET.) (AS SHOWN ON THIS PLAN.) AND 90% THIS PLAN IS ORIGINAL SURVEYOR REGISTRATION NUMBER AND 10% THIS PLAN IS ORIGINAL SURVEYOR REGISTRATION NUMBER.

Glenn Lee Brown
 SURVEYOR
 REGISTRATION NO. L-5863



STATE OF NORTH CAROLINA

REVIEW OFFICER OF RANDOLPH COUNTY CERTIFIES THIS PLAN TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL SURVEYOR REQUIREMENTS FOR RECORDING.

7-31-07 *Glenn Lee Brown*
 DATE REVIEW OFFICER

THIS PLAN MUST BE RECORDED WITHIN (60) SIXTY DAYS OF APPROVAL

P.B. _____ PG. _____



Notice: Approved by the Town of Liberty
 7/31/07 *Tom Messinger*
 Town Manager

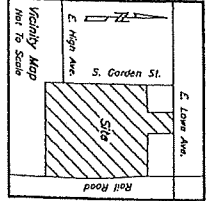
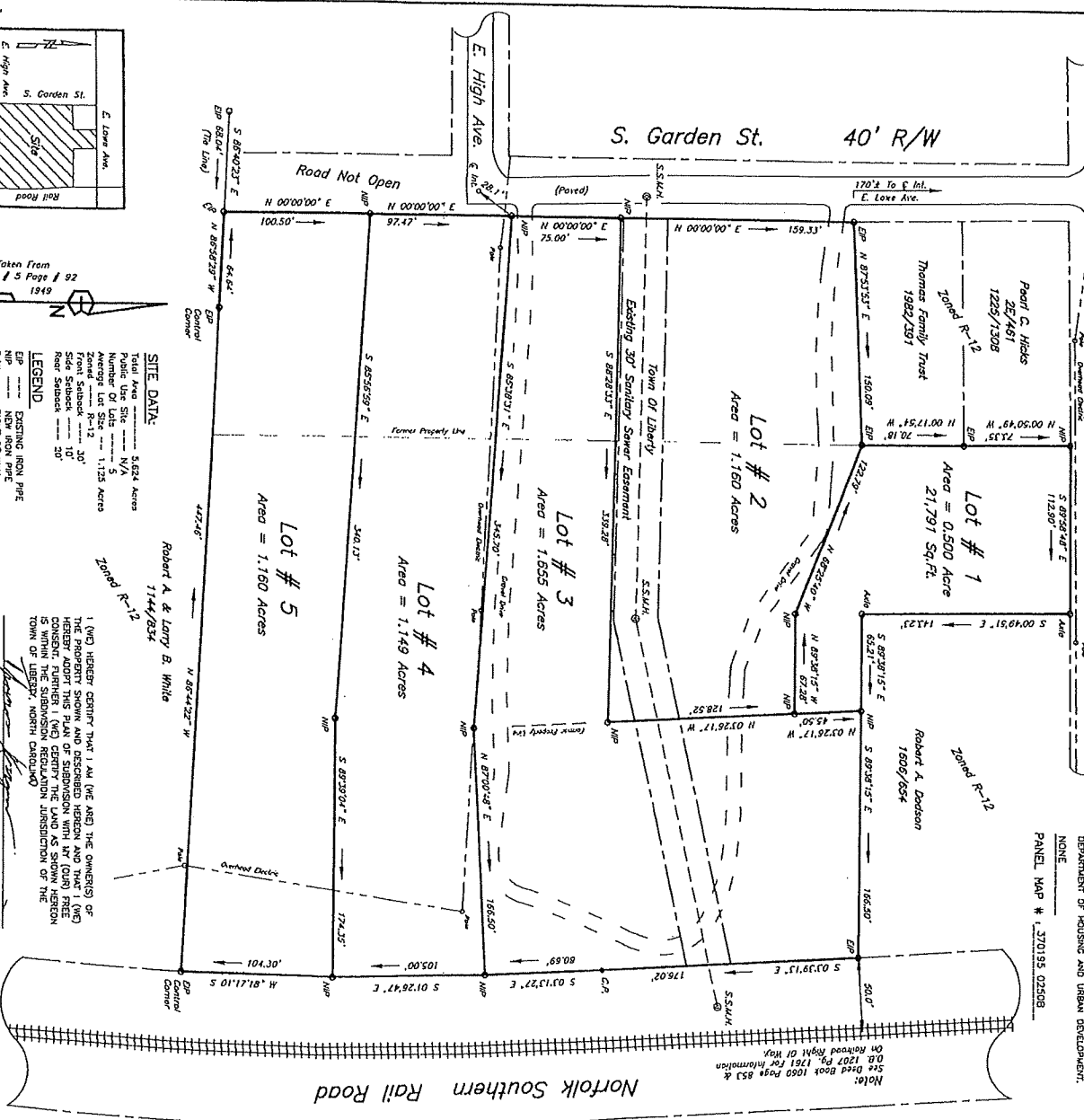
Certificate of Public Water Supply Waterfashed
 Notice: This Property is Located Within a Public Water Supply System. Development Restrictions May Apply.
 7/31/07 *Proprietary Director*



FILED
 Office of the
 Register of Deeds, Randolph County, NC
 20070731000101218 1/1
 BK: 11727 P: 3137
 20070731000101218 1/1
 NC Real Estate Act, Sec. 5-100

1. GLENN L. BROWN, REGISTERED LAND SURVEYOR NO. L-5863, CERTIFIES TO ONE OF THE FOLLOWING:
 a. THAT THE SURVEY IS A SUBDIVISION OF LAND
 b. THAT THE SURVEY IS A SUBDIVISION OF LAND WHICH THE AREA OF EACH LOT OR PARCEL OF LAND HAS AN OBSTACLE THAT REGULATES PARCELS
 c. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR JURISDICTION THAT IS UNREGULATED OR UNRECORDED
 d. THAT THE SURVEY IS UNREGULATED OR UNRECORDED
 e. THAT ONE OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF ANOTHER JURISDICTION OR JURISDICTION OF ANOTHER JURISDICTION.
 2. THAT THE SURVEY IS OF ANOTHER JURISDICTION, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A NEW STREET OR DRIVE OR EXISTING STREET TO THE EXISTING SUBDIVISION.
 3. THAT THE SURVEY IS OF ANOTHER JURISDICTION, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A NEW STREET OR DRIVE OR EXISTING STREET TO THE EXISTING SUBDIVISION.
 4. THAT THE SURVEY IS OF ANOTHER JURISDICTION, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A NEW STREET OR DRIVE OR EXISTING STREET TO THE EXISTING SUBDIVISION.

GENE L. BROWN, PLAT NO. 2383



Bearings Taken From Plot Book # 5 Page # 92 1919

SITE DATA:
 Total Area: 5.624 Acres
 Public Use Site: N/A
 Number of Lots: 5
 Average Lot Size: 1.125 Acres
 Front Setback: 30'
 Side Setback: 10'
 Rear Setback: 20'

LEGEND:
 EIP: EXISTING IRON PIPE
 NIP: NEW IRON PIPE
 R/W: RIGHT OF WAY
 C/P: COMPLETED POINT
 S.S.: SURVEYOR'S SPHER
 M.H.: MANHOLE

1. (AND HEREBY CERTIFY THAT I AM THE AGENT THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY OWN FREE CONSENT. FURTHER I (WE) CERTIFY THE LAND AS SHOWN HEREON IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF LIBERTY, NORTH CAROLINA.

Robert A. & Lanny B. White
 1144/834

DATE: 7-31-07

RECOMBINATION PLAT PREPARED FOR
LOU ELLA WRIGHT FERGUSON & THOMAS WAYNE FERGUSON

TOWN OF LIBERTY, LIBERTY TOWNSHIP
 RANDOLPH COUNTY, NORTH CAROLINA

JOB NO. E. LOWE AVE. & S. GARDEN ST. SCALE: 1" = 50'
 AREA: 5.624 ACRES (TOTAL) DATE: 7/27/07
 DEED REFERENCE: 1069/825. JOB NO.: 021097
 1207/1261 & P. 5, P. 32 CK BY: SBC

50 25 0 50 100 150
 SCALE IN FEET

DESIGNED BY
GLENN LEE BROWN, PLS
 912 SECURDA AVE., ASHEBORO, N. C. 27205
 PH: (336) 623-6692 FAX: (336) 623-6683

Adjoining Property Owners

Scottie Hicks 801 Garden St

Diane Rea 803 Garden St

Jeffrey Ferguson 805 Garden St

Thomas Ferguson 807 Garden St

Lorrie Folgelman 216 E Lowe Ave.

Waldo Causey NPA Across Street