

**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](http://www.Liberty-NC.com)

**A G E N D A**

**Planning Board**

**October 9, 2024 5:30PM**

1. **Call to Order**
2. **Approval of Minutes May 8, 2024**
3. **General Rezoning Request - John Delafield for 5484 Old 421 parcel# 8737115790  
from R12 to R6**
4. **Manager's Report**
5. **Citizen Comments**
6. **Adjourn**





## GENERAL USE REZONING REQUEST

<b>DATE:</b> <b>TO:</b> <b>FROM:</b>	October 9, 2024 Planning Board Janie Phelps, Assistant Town Manager
<b>ABSTRACT:</b>	A legislative review request by applicant John Delafield, authorized agent for property owner Clifton Smith, for a rezoning request from R12 (Residential 12,000 square feet) to R6 (Residential 6,000 square feet) on parcel 8737115790, approximately 13.16 acres, located at 5484 Old 421.
<b>BACKGROUND:</b>	Mr. Delafield submitted the application on September 9, 2024.  Currently, the property is zoned R12. The request to rezone to R6 will allow the applicant more density for development of the site. The R6 zoning designation currently allows a minimum of 6,000 square foot lot for single family dwelling, and 10,000 minimum square foot lot for a duplex. The maximum built upon area of lots smaller than ½ acre or 20,000 square feet is 24%.
<b>DISCUSSION:</b>	The Land Development Plan (LDP) shows this area as future high density residential/infill, and is bordered by future high density/infill and medium density residential.  The maximum amount of area permitted to be developed for lot sizes less than ½ acre or 20,000 square feet per the watershed ordinance is 24%. A SNIA (Special Nonresidential Intensity Allocation) is not permitted to be applied to single family residential uses.  There are no water features or floodable area on the property.  The property is not currently within Town limits, but is contiguous to the municipal boundary. The adjacent zoning varies between R12 to the east, and R40 to the north, west, and south.
<b>FINDINGS:</b>	There are four findings to be answered. The applicant's responses are located in the application, and staff has



	<p>determined if each finding has been answered and the sufficiency of the request to the findings.</p> <ol style="list-style-type: none"> <li>1. <b>Is there any alleged error in this chapter which would be corrected by the proposed amendment? If so, please provide a detailed explanation of the error in the chapter and detailed reasons how the proposed amendment will correct the same;</b> <ol style="list-style-type: none"> <li>a. Staff finds this has been met.</li> </ol> </li> <li>2. <b>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;</b> <ol style="list-style-type: none"> <li>a. Staff finds this will be met.</li> </ol> </li> <li>3. <b>The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan; and</b> <ol style="list-style-type: none"> <li>a. Staff finds this has been met.</li> </ol> </li> <li>4. <b>All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.</b> <ol style="list-style-type: none"> <li>a. Staff finds this will be met.</li> </ol> </li> </ol>
<p><b>RECOMMENDATION:</b></p>	<p>The Planning Board shall review and discuss the request. The following statements are provided:</p> <p>APPROVE the request and forward it to the City Council for consideration.</p> <p><b>-OR-</b></p> <p>DENY the request.</p> <p><b>-OR-</b></p> <p>TABLE the request for further discussion to a future Planning Board meeting.</p>
<p><b>ATTACHMENTS:</b></p>	<p>Attachment A includes the consistency and inconsistent statement for compliance with the Land Development Plan. Attachment B is the applicant's application.</p>



## Delafield Rezoning Request





## ATTACHMENT A

### **Town of Liberty Land Development Plan Consistency Statement**

*For John Delafield, with D TOO Development LLC, on behalf of property owner Clifton Smith*

In accordance with 160D-605(a), the requested rezoning is consistent with the objectives of the Town of Liberty Land Development Plan (the "Plan"), due to its location and existing use, and consistent with the existing designation. This area of the Plan is proposed to be developed as high density residential/infill. This property is located at 5484 Old 421 and is identified by parcel number 8737115790. Specifically, the Plan supports this rezoning primarily by the following statements:

1. This encourages a variety of housing types and provides better density to the expected population growth due to TBMNC.
2. More residences create a need for more supportive services (business expansion, new businesses, etc).

\_\_\_\_\_  
Planning Board Chair

\_\_\_\_\_  
Date



**Town of Liberty Land Development Plan Inconsistency Statement**

*For John Delafield, with D TOO Development LLC, on behalf of property owner Clifton Smith*

In accordance with 160D-605(a), the requested rezoning is inconsistent with the objectives of the Town of Liberty Land Development Plan (the "Plan"), due to its location and existing use, and consistency with the existing designation. This area of the Plan is proposed to be developed as high density residential/infill. This property is located at 5484 Old 421 and is identified by parcel number 8737115790.

\_\_\_\_\_  
Planning Board Chair

\_\_\_\_\_  
Date



Permit # 241939

**APPLICATION FOR GENERAL USE REZONING**

*Fee: \$550 due with application*

**APPLICANT INFORMATION:**  
 Name John DeLafield  
 Mailing Address 292 West St  
 City, State, Zip Pittsboro, NC 27312  
 Phone Number 919-612-7238  
 Email John.Development@gmail.com

**PROPERTY OWNER INFORMATION (if different):**  
 Name Clifton Smith  
 Mailing Address 2880 S Melrose St Apt 234  
 City, State, Zip Burlington, NC 27215  
 Phone Number \_\_\_\_\_  
 Email \_\_\_\_\_

**REZONING REQUEST INFORMATION**  
 Parcel number: 8737115790 Address: 5484 Old 421  
 Property acreage: 13.16 Acreage to be rezoned: 13.16  
 Current zoning: R-12 Requested zoning: R-6  
 Deed book and page: 001938/01141 Plat book and page: 22/136  
 Subdivision (if applicable): N/A, Section \_\_\_\_\_, Lot # \_\_\_\_\_

Please provide, at a minimum, a map or plat of the proposed rezoning of the property, a copy of the legal description of the property, and a completed application.

Please answer the following questions (if any questions are left unanswered, the application shall be deemed incomplete). Please use additional sheet(s) for responses to the following:

1. Is there any alleged error in this chapter which would be corrected by the proposed amendment? If so, please provide a detailed explanation of the error in the chapter and detailed reasons how the proposed amendment will correct the same;
2. 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;
3. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan; and
4. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

PLEASE SIGN THE MOST ACCURATE SIGNATURE OPTION(S)

1. I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Jean C Smith \_\_\_\_\_ 9-7-2024  
Signature Date

Jean C Smith  
Printed Name

2. I hereby certify that (print) John Delafield is an authorized agent for said property and is permitted by me to file this application.

Jean Smith \_\_\_\_\_ 09/09/2024  
Signature Date

Jean Carol Smith  
Printed Name

3. I acknowledge that I am not the landowner OR authorized agent of the property for which this application is being made, but I do live within the zoned area of the Town.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name

STAFF USE ONLY

Watershed: WS-III Floodmap #: 872ek Floodmap date: 1/2/2008

Floodzone?: X

Received: September 12, 2024 Fee amount: \$ 550

Method of payment: check cash card # 1003

Staff signature and title: Jamie M Phelps

9/6/24

## Liberty Rezoning request/questions

### Question #1

No there is no alleged error.

### Question #2

There is at least one really significant change and changing condition: the arrival of the Toyota manufacturing facility. The changing condition in Liberty is the now pressing need for additional housing. The rezoning will promote public health, safety, and general welfare by creating new, workforce affordable housing for the growing population of Liberty. It will place density on the north side of Liberty, thus elimination increased traffic through the town of Liberty. Buildings will be new, energy efficient housing.

### Question #3

This property is located on the north side of town, proximate to the Toyota plant. It is located in the region of Liberty and its ETJ, identified as appropriate for both R-6 and Multi-Family zoning.

### Question #4

The increased density will help to keep housing unit pricing in the modest cost segment. These housing units will be connected to the Town's existing wastewater facilities, helping the town to spread its facilities cost over a larger installed base. The same financial principle applies to developing the land, and constructing the housing units. Infrastructure costs will be amortized over a larger number of units. Additional housing, at affordable prices, close to Toyota, can be a win – win for the Town of Liberty.



D POWERS  
REALTY, LLC

www.JDPowersRealtyLLC.com

Town of Liberty.

I represent the Owners of the property at 5484 Old 421, Liberty NC 27298, just outside of Liberty's jurisdiction, however inside of the ETJ.

The property is for sale and is under contract. John Delafield is the Buyer purchasing the property from my Clients, Clifford Garland Smith and his wife Jean Carol Smith.

Mr Delafield and his partners are applying for a rezoning permit for the property. The Smith's are ok with Mr Delafield moving forward with his application. I would like to insert that the Smith's have no written knowledge of the plans for the 13 acre property other than hearsay from myself and I have no written plans of action for the property other than verbal discussion. I have seen preliminary drawings, but do not have them in writing.

The Smith's have owned the property since the early 90's. They have not been able to do anything with the property since they purchased it because shortly after their purchase the zoning laws changed and they were not able to obtain a rezoning approval based on the subdivision plat that was sold to them with the property at .25ac+/- lots.

Now that the Zoning Ordinance has been updated with a change favorable to a subdivision of the property, the Buyer, Mr John Delafield, would have a positive chance to bring new workforce housing to Liberty, which in my professional opinion as a Realtor, is much needed for the growth of the area now that Toyota has established themselves a corporate base here with their Battery Manufacturing. This would increase the Town of Liberty's tax base and give more opportunity to the Town of Liberty for a stronger economy.

If you could keep me informed about any Planning and Zoning meetings or Town Council meetings concerning this property, I would be happy to attend in person and represent the Smith's interests.

Thank you.

Julie D Powers



**JD Powers Realty, LLC**

Julie D Powers BIC/Owner

P : 336.880.0537

E: jdpowersrealtyllc@gmail.com

W: www.JDPowersRealtyLLC.com



2  
1  
2

FILED Ann Shaw  
Register of Deeds, Randolph Co., NC  
Recording Fee: \$17.00  
NC Real Estate Ex Tax: \$.00



20050913000234570 GCD  
Bk:RE1938 Pg:1141  
09/13/2005 04:07:54 PM 1/3

### QUITCLAIM DEED

File No. **05-R-132** Excise Tax **Division Deed**

Tax Lot No. \_\_\_\_\_ Parcel Identifier **8737115790**  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_  
by \_\_\_\_\_

Mail after recording to *plu* James L. Wilson, Attorney at Law - P. O. Box 70 - Liberty, N. C. 27298

This instrument was prepared by James L. Wilson (without title examination)  
Brief description for the Index

13.16 acres, more or less

THIS QUITCLAIM DEED made this the 13<sup>th</sup> day of September, 2005, by and between

<b>GRANTORS</b>	<b>GRANTEES</b>
<b>June L. Smith</b> a free trader,	<b>Clifton Garland Smith</b> a free trader,  7536 Richland Church Road Liberty, North Carolina 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 said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) to him in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey, and forever quitclaim unto the Grantee, his heirs and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot or parcel of land lying and being in **Liberty** Township, **Randolph** County, North Carolina, and more particularly described as follows:

**BEING ALL of Lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 & 29, as shown on a survey entitled "Property of Arnon Max Hurwitz", recorded at Plat Book 22, Page 36, Randolph County Registry, and containing 13.16 acres, more or less.**

This Deed is made for the purpose of terminating marital rights in accordance with the terms of a Memorandum of Separation and Property Settlement Agreement between the parties dated August 24, 2005 and recorded at Book 1935, Page 2629, Randolph County Registry, North Carolina.



TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereunto belonging to the Grantee, his heirs and/or successors and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under him.

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

Title to the property hereinabove described is subject to the following exceptions.

Rights-of-way, easements and restrictions of record; and to ad valorem taxes.

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 adopted the word seal as its seal by authority of its Board of Directors, the day and year first above written.

June L. Smith (Seal)  
June L. Smith

NORTH CAROLINA, RANDOLPH COUNTY

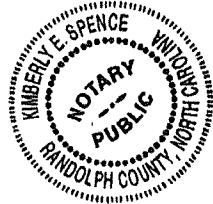
I, **Kimberly E. Spence**, a Notary Public of the County and State aforesaid, certify that **June L. Smith**, a free trader, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the **13<sup>th</sup>** day of **September, 2005**.

Kimberly E. Spence N.P.  
Kimberly E. Spence

My commission expires: November 8, 2005

Seal - Stamp



The foregoing Certification(s) of \_\_\_\_\_

Is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By \_\_\_\_\_ REGISTER OF DEEDS \_\_\_\_\_ COUNTY  
Deputy/Assistant - Register of Deeds



**NORTH CAROLINA - RANDOLPH COUNTY**

The foregoing certificate(s) of  
KIMBERLY E SPENCE, NOTARY PUBLIC,

is (are) certified to be correct.

This the 13 th day of September 2005.

Ann Shaw  
Register of Deeds

BY: Vickie Blim  
Deputy

