



TOWN OF LIBERTY

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www.Liberty-NC.com

A G E N D A

Planning Board

April 10, 2024 5:30PM

1. Call to Order
2. Approval of Minutes March 13, 2024
3. Rezoning Request Duke Energy Progress, LLC, 1.15 acres located at W. Brower Avenue from TOWN to Industrial (I)
4. Manager's Report
5. Citizen Comments
6. Adjourn

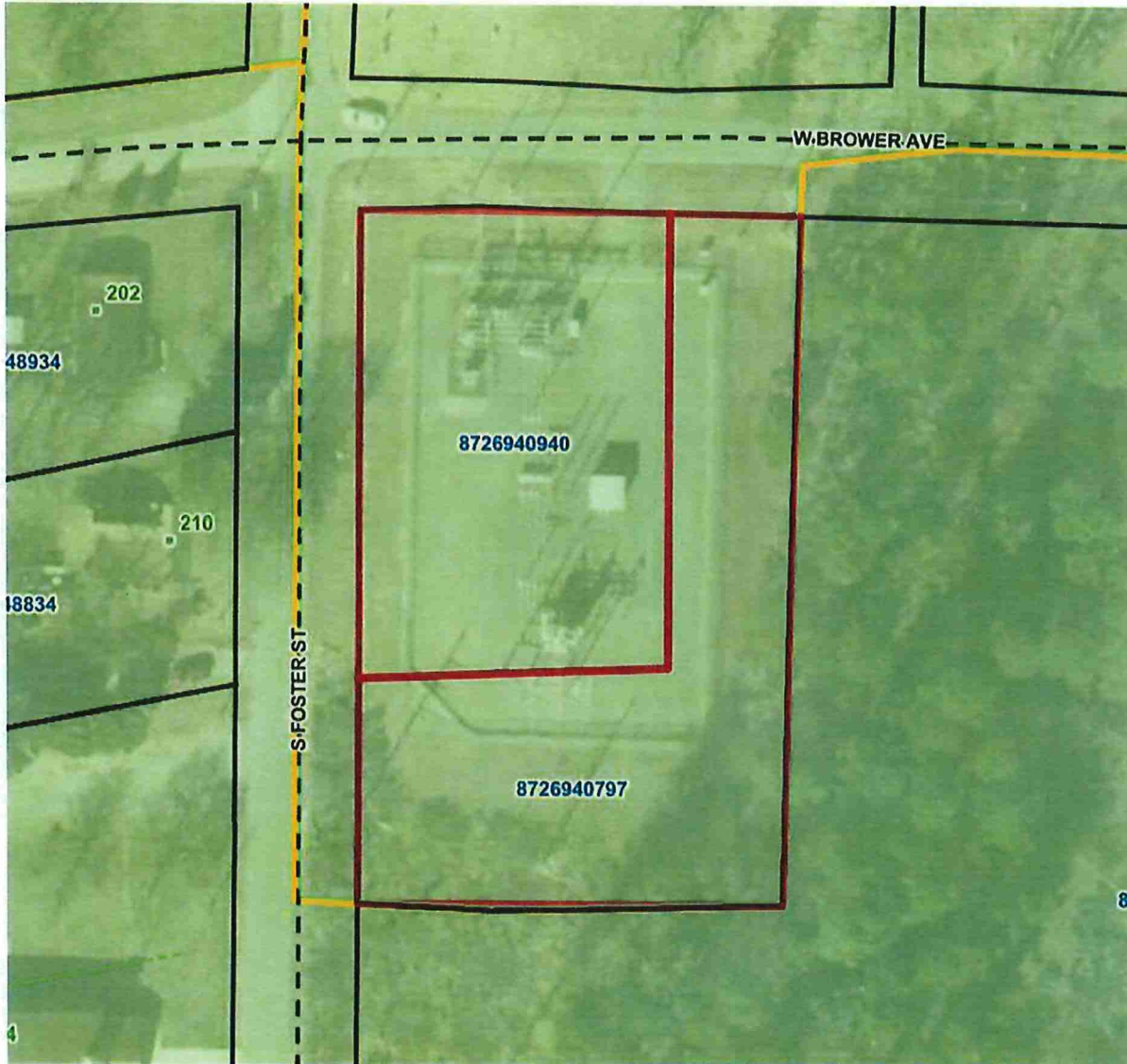


GENERAL USE REZONING REQUEST

ABSTRACT:	A legislative review request by the Town of Liberty, acting on behalf of Duke Energy Progress, LLC, for a rezoning request from TOWN to Industrial (I) on parcels 8726940940 and 8726940797, approximately 1.15 acres, located at W Brower Avenue.
BACKGROUND:	The properties are currently zoned as a TOWN district. The Town of Liberty does not have an adopted TOWN district. Representatives for Duke Energy Progress have been in discussions with staff to conduct upgrades to the site, which cannot be done due to a nonexistent zoning district. The purpose of the request is to correct what appears to be an administrative error many years ago.
DISCUSSION:	<p>The Town of Liberty Land Development Plan 2024 (LDP) identifies this property within the Office and Institutional classification. That description is to identify “areas designated for business, government offices, and educational institutions” (page 54). This is currently inconsistent with the adopted LDP, but this use has existed for several decades (earliest aerials available through Randolph County GIS are from 1982). The LDP is a living document and subject to be amended from time to time.</p> <p>There are no water features or floodable area on the property.</p> <p>The adjacent zoning to the west, east, and south is R6, and to the north is TOWN.</p>
RECOMMENDATION:	<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 Town Council for consideration.</p> <p>-OR-</p> <p>DENY the request.</p> <p>-OR-</p> <p>TABLE the request for further discussion to a future Planning Board meeting.</p>



ATTACHMENTS:	Attachment A includes the consistency statement for consistency or inconsistency with the Land Development Plan. Attachment B is the applicant's application.
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ATTACHMENT A

Town of Liberty Land Development Plan Consistency Statement *For Duke Energy Progress, LLC*

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 the Plan designating this property as Office and Institutional. The properties are located off W Brower Ave and are identified by parcel numbers 8726940940 and 8726940797. By recommending approval, and if adopted, would also amend the Plan to reflect this property to be designated as Industrial. Specifically, the Plan supports this rezoning primarily by the following statements:

1. Since light industries typically do not require large land areas, they can be more easily located within urbanized areas.
2. Due to this zoning district being an oversight prior to current staff, this request is to correct an oversight during the Plan update.

Planning Board Chair

Date



Town of Liberty Land Development Plan Inconsistency Statement
For Duke Energy Progress, LLC

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 the Plan designating this property as Office and Institutional. The properties are located off W Brower Ave and are identified by parcel numbers 8726940940 and 8726940797. By recommending approval, and if adopted, would also amend the Plan to reflect this property to be designated as Industrial.

Planning Board Chair

Date



APPLICATION FOR GENERAL USE REZONING

Fee: \$550 due with application

APPLICANT INFORMATION:
 Name Town of Liberty (Janie Phelps)
 Mailing Address 1216 S. Fayetteville Ave
 City, State, Zip Liberty, NC 27298
 Phone Number 336-9404-5055
 Email jphelps@townoflibertync.org

PROPERTY OWNER INFORMATION (if different):
 Name Duke Energy Progress, LLC
 Mailing Address 525 S. Tryon St, DEP-21B
 City, State, Zip Charlotte, NC 28202
 Phone Number _____
 Email _____

REZONING REQUEST INFORMATION
 Parcel number: 8726940940 / 8726940797 Address: W Brower Ave
 Property acreage: 0.57 / 0.58 Acreage to be rezoned: 0.57 / 0.58
 Current zoning: Town Requested zoning: Industrial
 Deed book and page: 400 / 1067 / 295 / 551 Plat book and page: _____ / _____
 Subdivision (if applicable): _____, 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)

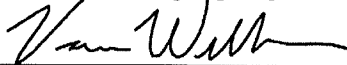
1. I hereby certify that I am the owner or authorized agent of said property and that the information provided is complete and the statements given are true to the best of my knowledge.

Signature

Date

Printed Name

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



3/26/2024

Signature

Date

Vance Williams - Manager, Transmission Eng

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

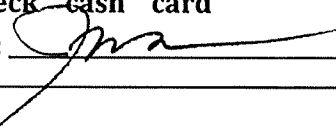
STAFF USE ONLY

Watershed: WS - III Floodmap #: 8726 K Floodmap date: 1/2/2008

Floodzone?: X

Received: March 26, 2024 Fee amount: \$ N/A

Method of payment: check cash card

Staff signature and title:  Asst. Town Manager

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;

- There is currently no adopted zoning designation of "TOWN", hence the request to rezone the property to the appropriate designation in order to foster proper development.

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;

- As the Town continues to grow, so do utility/infrastructure requirements. In order for this property to continue to be modified as needed, and potential expansion of existing services, the property is required to have a designated zoning classification.

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

- The Land Development Plan (LDP) identifies this area as office and institutional. Currently our Ordinance does not have a zoning designation of office and institutional, but does designate two commercial districts. The use of infrastructure on this property has been in place, from aerials available through Randolph County GIS, since at least 1998. This is determined as a pre-existing and continuing use and the zoning should be reflected properly. If approved, this would also amend the LDP map automatically to classify these properties as high density residential/infill, commercial, or industrial.
- Telecommunication towers are permitted with a SUP in all zoning districts. This property is surrounded by high density residential/infill, and office and institutional. Classifying this as any of these 3 designations would allow a proper transition.

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

- Town Staff has researched the properties to determine the reasoning of the current zoning, which is not an existing nor previous zoning designation, and to correct the issue as it has appeared to be an administrative mistake. The sole purpose of the rezoning request from "TOWN" to "Industrial" is for the properties to carry the proper designation. Additionally, this allows the property in the future to properly apply for permits that may need to modify the site and ~~imply~~ ^{apply} specific standards.