

**TOWN OF LIBERTY**

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

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

**A G E N D A**

**Planning Board**

**Special Meeting**

**January 17, 2024 5:30PM**

1. **Call to Order**
2. **Rezoning Request EHC Builders R6 to RMF West Butler Avenue Extension  
(tabled from regular meeting)**
3. **LDP Discussion and Recommendation**
4. **Citizen Comments**
5. **Adjourn**



## GENERAL USE REZONING REQUEST

<b>ABSTRACT:</b>	<p>A legislative review request by applicant EHC Builders, for a rezoning request from R6 (Residential 6000 square feet) to RMF (Residential Multifamily) on parcels 8727816041, 8727802663, 8727805663, and 8727808644, approximately 7.74 acres, with an additional +/- 0.87 acres of a potential road closure, for a total of approximately 8.61 acres, located at West Butler Avenue Extension.</p>
<b>BACKGROUND:</b>	<p>EHC Builders submitted the application for a zoning map amendment on November 8, 2023.</p> <p>Currently, the properties are zoned R6. The request to rezone to Residential Multifamily will allow the applicant more density for development of the site. The RMF zoning designation currently allows a FAR of 0.27. This would allow approximately 2.32 acres, or 101,264 square foot of building area. This is the total building area allowed and can span 1 story of 101,264 square feet, a 2 story footprint of potentially 50,632 square feet , etcetera, with a maximum height of 35 feet. Site plans will be reviewed by Town Staff under the zoning and watershed ordinance guidance.</p>
<b>DISCUSSION:</b>	<p>The Town is currently updating the Land Development Plan (LDP). From draft documents staff has been reviewing, it appears the request meets the future LDP of high density residential/infill. The existing LDP shows this area as future low density residential, but is bordered by future high density residential and no designation. City Council will tentatively be discussing the new LDP at their February 26, 2024 meeting.</p> <p>The maximum amount of area permitted to be developed, without a SNIA (Special Nonresidential Intensity Allocation) per the watershed ordinance, is 24%.</p> <p>There are no water features or floodable area on the property.</p> <p>5.92 acres of the properties being considered for rezoning are within town limits, and approximately 3.28 acres is not currently within Town limits. The annexation request will be processed</p>



	<p>concurrently with the rezoning application at the City Council meeting, potentially on February 26, 2024. The adjacent zoning varies between RMF to the east, R6 and R40 to the north, west, and south.</p>
<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 statement for compliance with the Land Development Plan.</p> <p>Attachment B is the applicant's application.</p>



## ATTACHMENT A

### Town of Liberty Land Development Plan Consistency Statement

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, but inconsistent with the existing designation. This area of the Plan is proposed to be developed as low density residential. Due to the Town currently updating the Plan and the future use of this property to be high density residential, the Plan shall be reflected to show these properties in a proposed use of high density residential/infill.

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Planning Board Chair

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Date





### EHC Rezoning Request



#### Addressing

#### Structures



#### MultiStructures



#### Transportation

#### ROADS

#### Jurisdiction

- Highways
- Highways
- Highways
- Secondary Roads
- Secondary Roads
- Secondary Roads

H Attachment B

pd  
me 11/9/23

Liberty Zoning Ordinance

# TOWN OF LIBERTY APPLICATION FOR ZONING MAP AMENDMENT

Applicant EHC BUILDERS  
Applicant's Address 139 KNIGHTS RIDGE DR.  
STUCESDALE, NC 27357  
Applicant's Phone Number (336) 715 - 7537  
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.

LIBERTY DOES NOT HAVE ANY TOWN HOMES OR ONLY NEW APARTMENTS.  
IN THE IMMEDIATE FUTURE, MORE HOUSING WILL SURELY BE NECESSARY  
IN LIGHT OF TOYOTA MEGASITE

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

THE COMPANY REQUESTING THE AMENDMENT HAS BEEN BUILDING IN  
LIBERTY FOR SEVERAL YEARS AND HAS A BECOMBE WORK RECORD  
ALREADY

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

TOWN OF LIBERTY SEWER UPGRADES WILL NOW OPEN UP HOUSING  
ACTIVITY THAT HAS BEEN CURTAILED IN PRIOR YEARS

Property Owner's Name FELL, ROBERT L  
Title to the property was acquired UNDER CONTRACT, 20\_\_\_\_  
The Deed is recorded in Deed Book \_\_\_\_\_, on Page \_\_\_\_\_  
The Randolph Co. Parcel Identification (PIN)# SEE ATTACHED  
Subdivision \_\_\_\_\_, Section \_\_\_\_\_, Lot # \_\_\_\_\_  
Plat Book 36 Page 20

Application for a Zoning Map Amendment

**Liberty Zoning Ordinance**

Exact Location of Property (Plat Reference or Street Address)

WEST BUTLER AVE. & FANNING DRIVE

Area of Property (sq. ft or acres) 7.74 ACRES

Present Zoning District R-6 Requested Zoning District RMF

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.

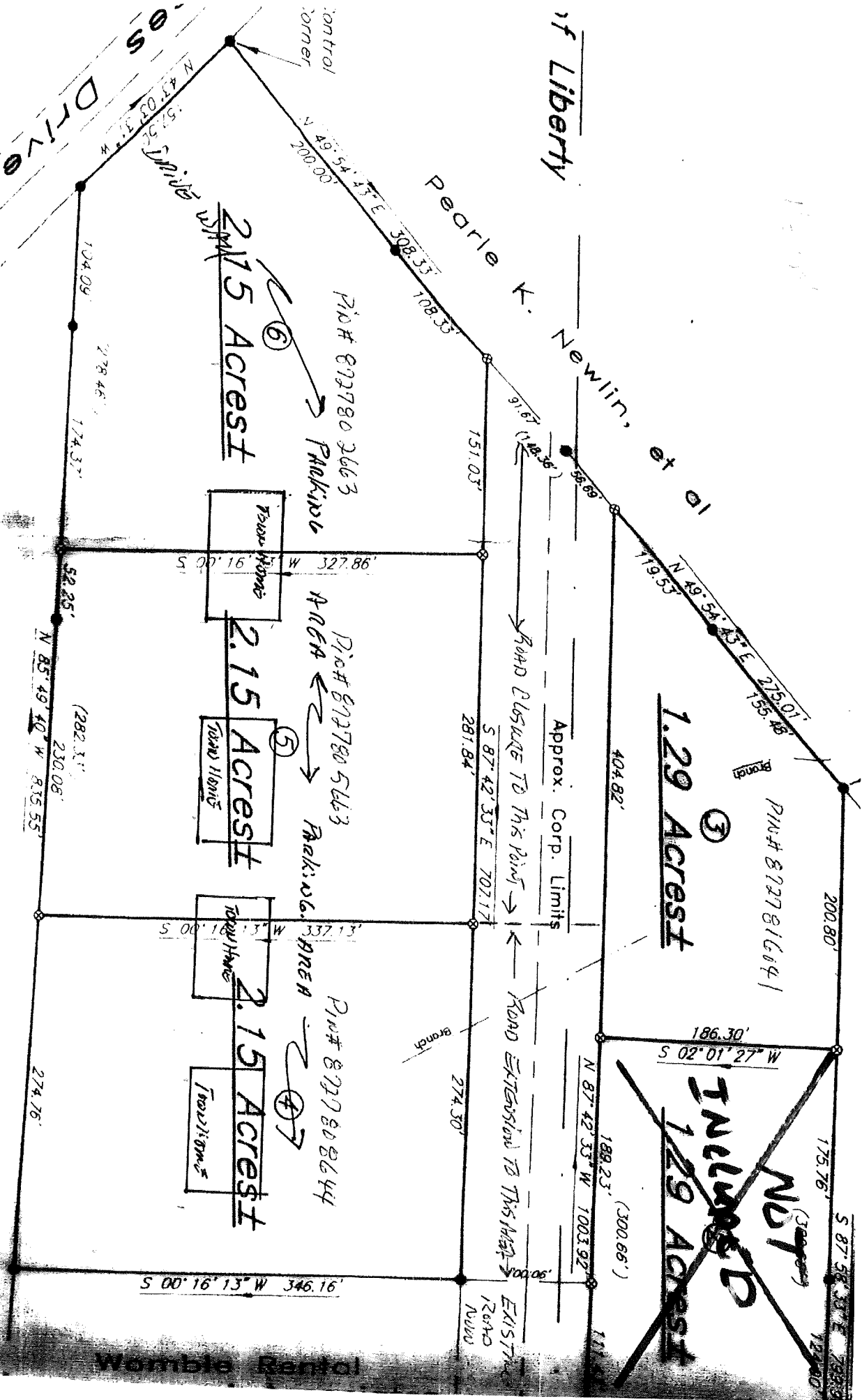
Attach a list of all adjoining property owners, including across any streets or roads.

SEVEN PROPERTY OWNERS - SEE ATTACHED -

Applicant signature: *[Signature]* Date: 11-08-2023

Received and found complete by: \_\_\_\_\_ Date: \_\_\_\_\_

of Liberty  
Pearle K. Newlin, et al





000514



10.50  
20.215

89-R-158      Excise Tax    20.50      Recording Time, Book and Page

Tax Lot No.      Parcel Identifier No.  
 Verified by      County on the      day of      , 19  
 by

Mall after recording to      JAMES L. WILSON, ATTORNEY AT LAW  
 Post Office Box 70, Liberty, North Carolina 27298

This instrument was prepared by      James L. Wilson, Attorney

Brief description for the Index

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 21st day of July, 1989, by and between

GRANTOR

CARROLL MOTOR SALES, INC.,  
 a West Virginia Corporation

GRANTEE

ROBERT L. FELL  
 and wife,  
 LYNN J. FELL  
 750 Osborne Road  
 Naugatuck, CT 06770

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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 described as follows:

THE DESCRIPTION FOR THIS DEED IS SHOWN ON SCHEDULE "A" ATTACHED TO AND MADE A PART HEREOF.

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SCHEDULE "A"

To be attached to and made part of Deed dated July 21, 1989 from Carroll Motor Sales, Inc. to Robert L. Fell and wife, Lynn J. Fell.

P  
BEGINNING at an existing iron pipe in the northern right-of-way line of N.C.S.R. No. 2411, the northwest corner of Fred R. Oosting; thence along the northern right-of-way line of N.C.S.R. No. 2411 North 43 degrees 03 minutes 31 seconds West 157.50 feet to an existing iron pipe, the southwest corner of Pearl K. Newlin et al; thence along the southern boundary line of Newlin et al North 49 degrees 54 minutes 43 seconds East 731.70 feet to an existing axle, the southwest corner of Hoyt M. Hinshaw; thence along the southern boundary line of Hinshaw South 87 degrees 58 minutes 33 seconds East 799.90 feet to a new iron pipe, a new corner with Carroll Motor Sales, Inc.; thence along a new line with Carroll Motor Sales, Inc. South 02 degrees 01 minute 27 seconds West 189.08 feet to a new iron pipe in the northern right-of-way line of a 100 foot proposed street, a new corner with Carroll Motor Sales, Inc.; thence along the northern right-of-way line of said proposed street North 87 degrees 42 minutes 33 seconds West 409.87 feet to a new iron pipe; thence South 00 degrees 16 minutes 13 seconds West the following distances: 100.06 feet to an existing iron pipe in the southern right-of-way line of the aforesaid proposed street and in the northwest corner of Womble Rental Management Associates; 346.16 feet to an existing iron pipe in the northern boundary line of Fred R. Oosting, the southwest corner of Womble Rental Management Associates; thence along the northern boundary line of Oosting North 85 degrees 49 minutes 40 seconds West 835.54 feet to an existing iron pipe, the point and place of BEGINNING, containing 11.82 acres, more or less.

The foregoing description is in accordance with a survey for George H. Carroll by Piedmont Surveying, RLS, Dunn, North Carolina, dated July 19, 1989.

00000000000516

# Randolph County, NC



1	8727802663 77429 FELL, ROBERT L No Physical Address	4	8727816041 77437 FELL, ROBERT L No Physical Address
2	8727805663 77431 FELL, ROBERT L No Physical Address	5	<del>8727818081 77438 FELL, ROBERT L No Physical Address</del>
3	8727808644 77434 FELL, ROBERT L No Physical Address	6	<del>8727912001 77457 FELL, ROBERT L 326 W BUTLER AVE EXT</del>



*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 = 188 feet  
10/11/2023