

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

Meeting Date: January 3, 2005

Subject: Set Public Hearing on Rezoning Application # R-04-04 As Amended (R-30 to C-2)
Ingles Markets, Inc., Applicant; William G. Lapsley & Charles L. Murdock,
Applicant's Agents

Attachments: 1. Rezoning Application #R-04-04 As Amended (cover sheet only)
2. Vicinity/Current Zoning Map

SUMMARY OF REQUEST:

Rezoning application #R-04-04, which was submitted on November 19, 2004, requested that the County rezone a 5.64-acre (approximate) portion of parcel #00964079954255, located at the intersection of NC 191 and North Rugby Road, from an R-30 (Low-Density Residential) zoning district to a C-2 (Neighborhood Commercial) zoning district. The original applicant and property owner was Conomo Properties, LLC., and the applicant's agent was William G. Lapsley & Associates, P.A. Staff was notified on Monday, December 20, 2004, that on Friday, December 17, 2004, the Subject Area parcel was sold to Ingles Markets, Inc. ("Ingles"). The nature of the rezoning application did not change, and Ingles requested to continue with rezoning application #R-04-04 as amended to reflect the change in property ownership. William G. Lapsley and Charles L. Murdock were appointed the agents for Ingles in all matters relating to this rezoning application.

The Henderson County Planning Board first considered rezoning application #R-04-04 at its regularly scheduled meeting on Tuesday, December 21, 2004, at which time the Board took the following actions:

1. Voted unanimously (6-0) on a motion to accept rezoning application #R-04-04 as amended to show the change in applicant and property owner name, and reappointing the Applicant's agents.
2. Voted five to one (5-1) on a motion to send the Board of Commissioners an unfavorable recommendation on rezoning the Subject Area to a C-2 district.
3. Voted three to three (3-3) on a motion to recommend that if the Board of Commissioners decides that the 2020 CCP recommendation for a commercial node at the intersection of NC 191 and North Rugby Road is appropriate, then the size of the Subject Area should be reduced to five (5) acres and rezoned to a C-1 zoning district, and also that the Board take into account the concerns of the community and the comments made by the applicant.

Before taking action on the application, the Board of Commissioners must hold a public hearing. Staff proposes that the hearing be scheduled for Monday, February 7, 2005, at 7:00 P.M.

COUNTY MANAGER'S RECOMMENDATION/BOARD ACTION REQUESTED:

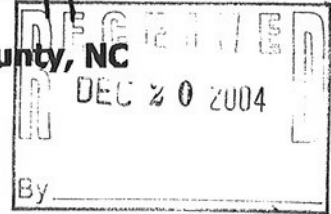
I recommend that the Board of Commissioners schedule a public hearing on rezoning application #R-04-04 for Monday, February 7, 2005, at 7:00 P.M.

Application #: R-04-04

Amended Application

Application to Amend the Official Zoning Map of Henderson County, NC

REZONING



1. PROPERTY OWNER INFORMATION

INGLES MARKETS, INC.
Property Owner Name

POST OFFICE Box 6676
Mailing Address

ASHEVILLE, NORTH CAROLINA
City, State, Zip Code 28816

828-669-2941
Telephone Number (s)

Note:
The property owner must file applications for zoning map amendments. If owners of multiple parcels are requesting rezoning, one owner should sign the application and attach statements or other documents showing support for the application with signatures from the other owners. Include property owner names and mailing addresses as well as parcel identification numbers (PINs)

2. SUBJECT PROPERTY INFORMATION

Attach a description of the property for which rezoning is being proposed. Such description may be in the form of a property survey, a legal description or a legible copy of a Henderson County cadastral or composite tax map which shows the proposed zoning district boundary changes.

Size of Area to be Rezoned 5.64 (a portion of the total parcel)

Current Zoning* R-30

Parcel ID Number (s)* 9640-97-5985

Proposed Zoning* C-2

*If additional space is needed, attach a list of PINs, the current zoning and the proposed zoning for each parcel proposed for rezoning.

3. ADJACENT PROPERTY INFORMATION

Attach a list of property owner names, mailing addresses and parcel ID numbers for parcels **abutting** the property proposed for rezoning.

I certify that the information contained in this application is true and accurate to the best of my knowledge.

Signature of Property Owner

William G. Lapsley
Agent For Applicant
& Property Owner

Date: 12/20/04

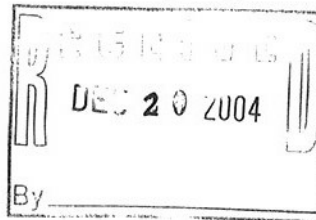
Staff Use Only

Previous request for same amendment?

Yes No

Refer to file # R-02-07 + # R-03-06

Action * Application withdrawn for both



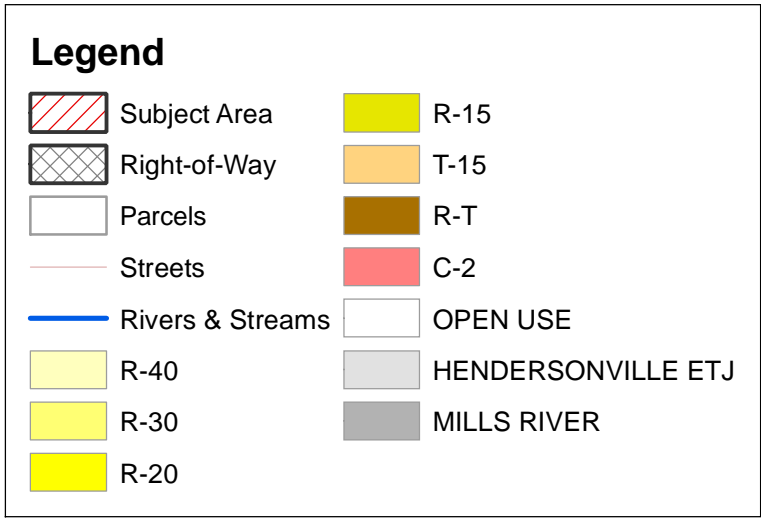
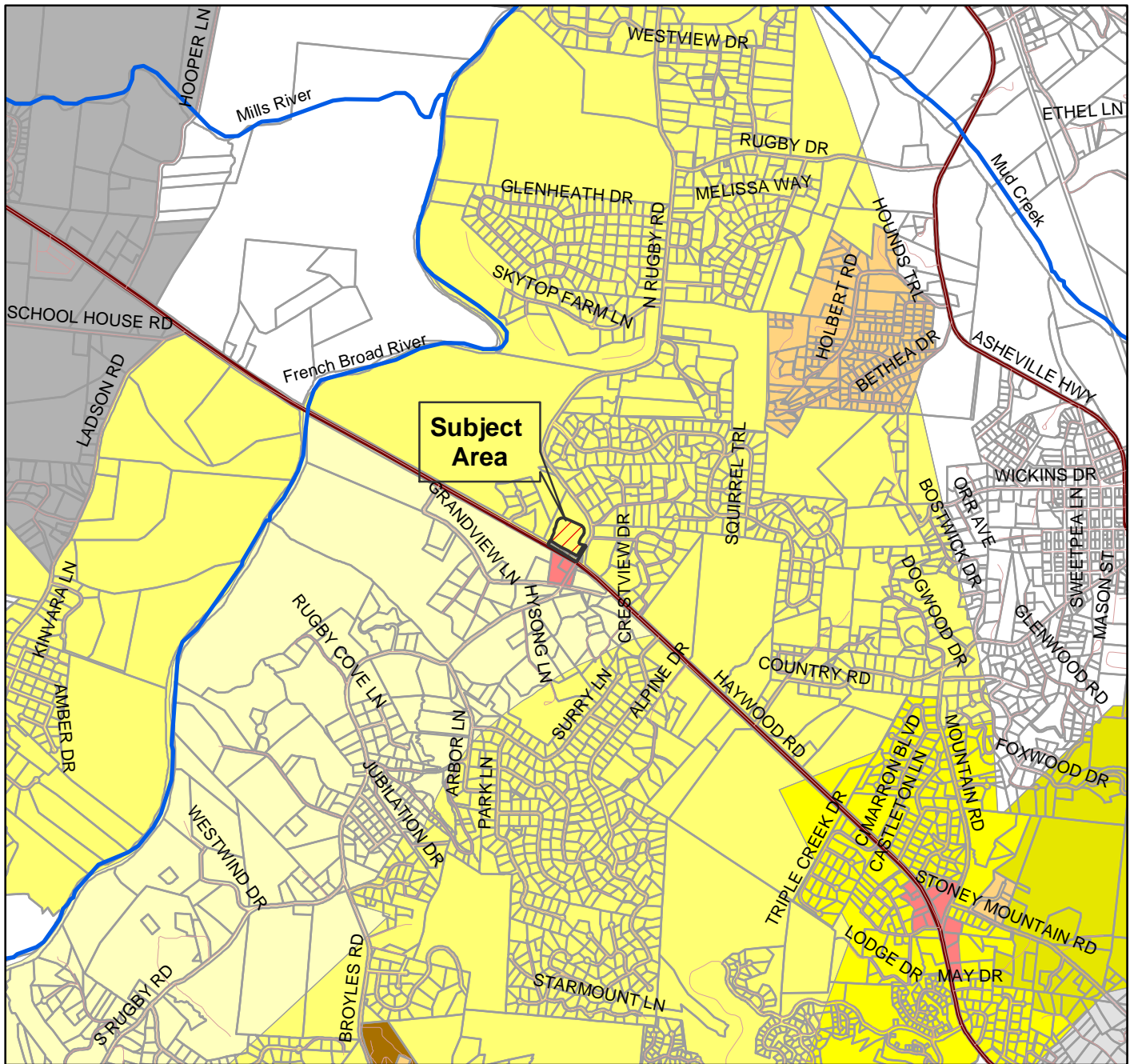
Received By: A. Radcliff

Date: 12/20/04

Paid on 11-19-04

A non-refundable \$300 application fee is required. Contact the Planning Department at 828-697-4819 for more information.

Vicinity / Current Zoning Map



**Rezoning Application
#R-04-04
Conomo Properties, LLC., Applicant
William G. Lapsley & Associates, P.A.,
Applicant's Agent**

