

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

Meeting Date: January 19, 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

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. The Board of Commissioners met on Monday, January 3, 2005 and agreed to wait until its January 19, 2005 meeting to set a date for the public hearing on rezoning application #R-04-04 to allow time for the staff to check the availability of the West Henderson High School auditorium. Staff has reserved the auditorium for the evenings of the following dates: Wednesday, February 9, 2005, and Monday, February 14, 2005. Staff suggests that the hearing be scheduled for Wednesday, February 9, 2005, at 6:00 P.M. and that the Board hold the February 14th date open in the event that the hearing needs to be continued.

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 Wednesday, February 9, 2005, at 6:00 P.M. in the West Henderson High School auditorium.