

**REQUEST FOR COMMITTEE ACTION**  
**HENDERSON COUNTY**  
**TECHNICAL REVIEW COMMITTEE**

**MEETING DATES:** 8/15/23 TRC 8/30/23 ZBA

**SUBJECT:** Variance Application (V-23-02) located at 5620 Hendersonville Rd

**PRESENTER:** Matt Champion, Zoning Administrator

**ATTACHMENTS:**

1. Staff Report
2. Photographs
3. Site Plan

**SUMMARY OF REQUEST:**

The applicant is requesting a variance to reduce the front yard setback for principal structures off a road classified as a Boulevard in the Regional Commercial (RC) zoning district from 30' to 25'.

42-35(B) Dimensional Requirements, Table 2.9 of the Henderson County Land Development Code states:

*Yard Setbacks (feet); Front or ROW; Boulevard 30.*

**Setback, Front Yard.** A *setback* measured from the property line determined to be the *front yard*. Where the *front yard* falls along a *road*, the *setback* is to be measured from the edge of the public *right-of-way* or, where no *right-of-way* exists, edge of *traveled way*.

**Boulevard.** Boulevards generally consist of moderate mobility and low to moderate accessibility. The relationship between mobility and accessibility is more balanced than that of *freeways* and *expressways*. Access control points may not be permitted and if allowed, are limited. Typically, roadways in this category have a median, but may have as few as two (2) lanes. They generally have posted speed limits of 30 to 55 miles per hour. Traffic signals are allowed and recommended at one-half (1/2) mile intervals.

**Suggested Motion:**

**I move that the Technical Review Committee recommend review to the Zoning Board of Adjustment.**



## Henderson County, North Carolina Code Enforcement Services

### 1 Committee Request

- 1.1. **Applicant:** Preston Kendall with Ingles Markets, Inc.
- 1.2. **Request:** Front Yard Setback Variance
- 1.3. **PIN:** 9652-31-4347, 9652-31-6641, & 9652-31-6277
- 1.4. **Size:** 11.2 acres +/-
- 1.5. **Location:** The subject area is located at 5620 Hendersonville Rd
- 1.6. **Variance Requirements:**

G. Quasi-Judicial Proceeding. The concurring vote of four-fifths (4/5) of the ZBA shall be necessary to grant a *Variance*. Any approval or denial of the request must be in writing and permanently filed with the office of the ZBA and with the Administrator as public record.

(1) Standards of Review. The ZBA shall not grant a *Variance* the effect of which would be to: (1) allow the establishment of a *use* not otherwise permitted in a general *use district*, (2) extend physically a *nonconforming use* of land or (3) change the district boundaries shown on the Official Zoning Map. No *Variance* shall be granted or considered where the fact that the property could be used more profitably is the reason for the request for the *Variance*. The following written findings must be made in order for the ZBA to grant a *Variance*:

- a. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:
    1. The fact that, if the *applicant* complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable *use* of, the property.
    2. The hardship of which the *applicant* complains results from unique circumstances related to the *applicant's* land.
    3. The hardship is not the result of the *applicant's* own action.
  - b. The *Variance* is in harmony with the general purpose and intent of this Chapter and will preserve its spirit.
  - c. The *Variance* will secure the *public safety* and welfare and will do substantial justice.
  - d. The *Variance* shall not be based on the existence of a *nonconforming use* of neighboring land or *structures* in the same district, or permitted *nonconforming uses* in other districts, and shall in no way constitute a reason for the requested *Variance*.
  - e. The *Variance* shall not allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or *subdivision* regulations.
- (2) Conditions. The ZBA may, in granting a *Variance*, prescribe: (1) additional conditions; (2) additional safeguards; (3) a time limit within which the action for which a *Variance* is

sought shall be begun; (4) a time limit within which the action for a *Variance* is sought shall be completed; and (5) a time duration within which construction, operation or installation shall commence on the project for which the *Variance* was obtained.

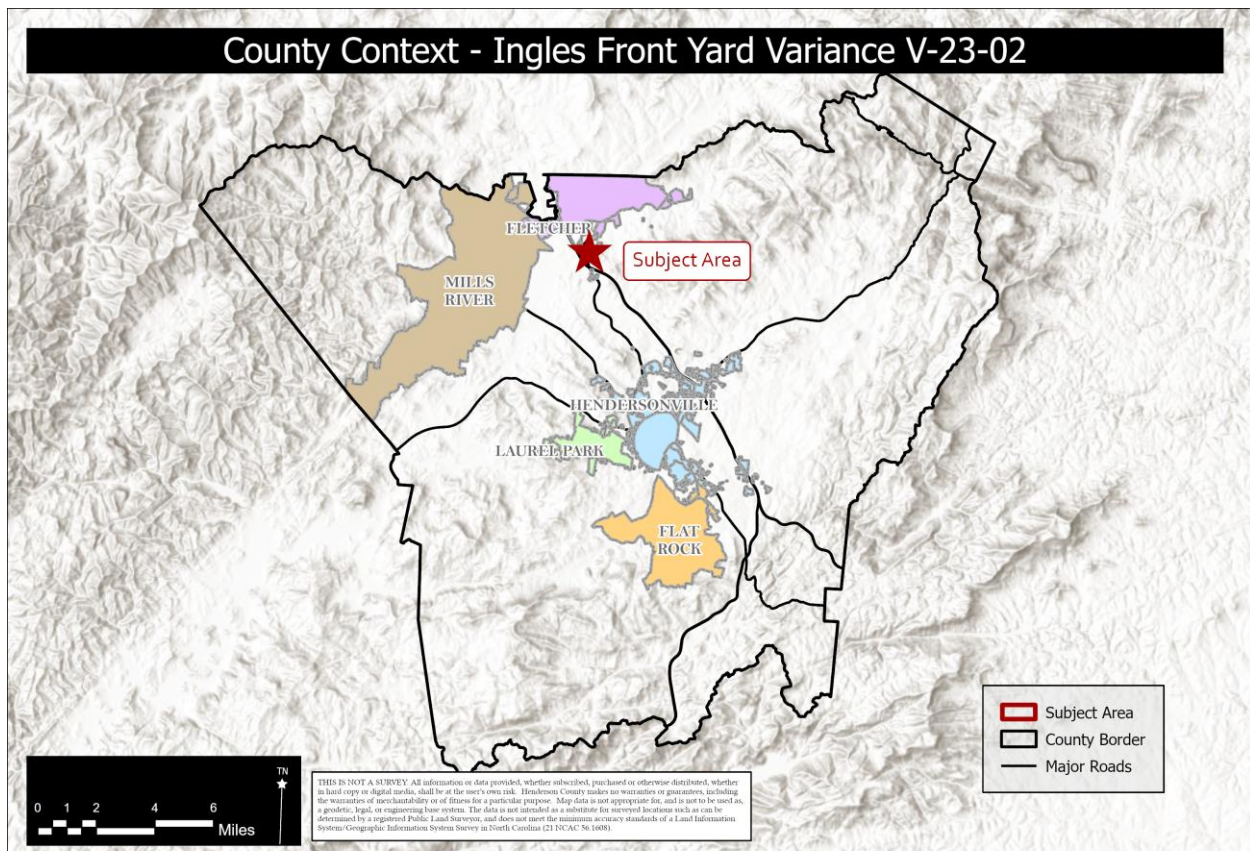
H. **Variance Validity.** Upon issuance of a *Variance*, the *applicant* shall have 12 months within which (unless otherwise specified by the *ZBA*) to commence construction, operation or installation. If construction, operation or installation is commenced within the specified time period the *Variance* shall continue in force as long as the *structure*, operations or installation remains.

(1) **Variance Revocation.** If construction or operation is not commenced within 12 months (or other specified time period), the *Variance* shall no longer be valid.

**Variance.** A grant of relief from the requirements of this Chapter (excluding *variances* from *watershed* and *floodplain* development requirements).

**Height.** The height of a *building* or *structure* measured as the vertical distance from the finished main floor level to the highest point of the *building* or *structure*. Chimneys, cupolas, and steeples are not included in measuring a *building* or *structure* height.

**Map A: County Context Map**



Property Owner: Ingles Markets, Inc. Applicant: Preston Kendall  
Assessed Acreage: 11.2 Acres PINs: 9652-31-6641, 9652-31-4347, & 9652-31-6277  
Current Zoning: Regional Commercial (RC)





## Map B: Aerial Map



Property Owner: Ingles Markets, Inc. Applicant: Preston Kendall  
Assessed Acreage: 11.2 Acres PINs: 9652-31-6641, 9652-31-4347, & 9652-31-6277  
Current Zoning: Regional Commercial (RC)



## 2. Current Conditions

**2.1 Current Use:** One of the subject area's parcels contains an approximately 9,000SQFT warehouse structure. The rest of the subject is vacant with minimal improvements such as concrete.

**2.2 Adjacent Area Uses:** The surrounding properties consist of commercial and industrial uses. Smiley's Market is located to the north of the subject area.

## 3. Current Zoning

3.1. **Subject Area Zoning:** The subject area is currently zoned Regional Commercial (RC) by Henderson County.

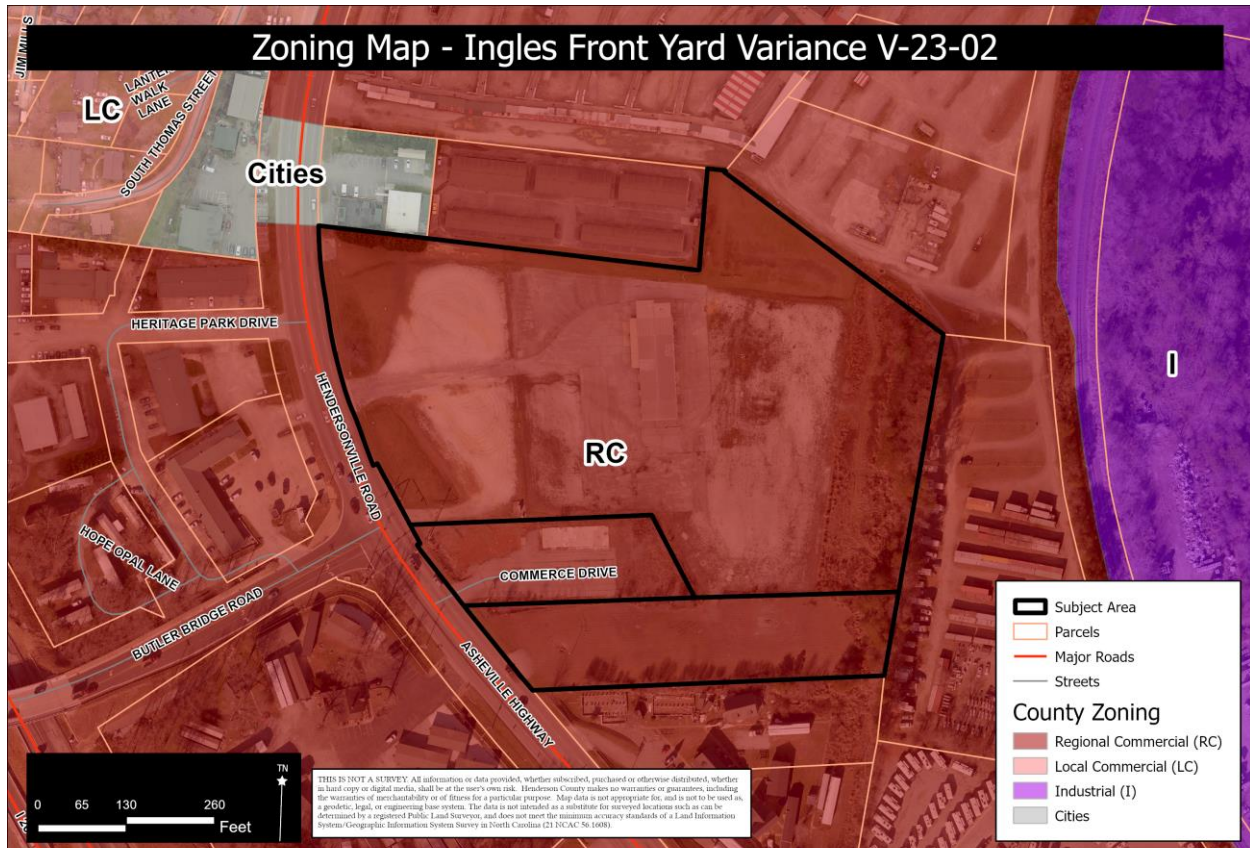
3.2. **Adjacent Area Zoning:** The surrounding properties are zoned Regional Commercial (RC) to the north, east, south, and west. The Town of Fletcher's C-1 and C-2 zoning district is found to the northwest of the subject area. Industrial (I) zoning is found to the east of the subject area across the railroad tracts.

**3.2.1. Regional Commercial (RC):** "The purpose of the Regional Commercial (RC) zoning district is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes



a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community; and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan.” Residential density in Regional Commercial is sixteen (16) units per acre with a maximum impervious surface allowance of 80% (LDC §42-28).

### Map C: Current Zoning



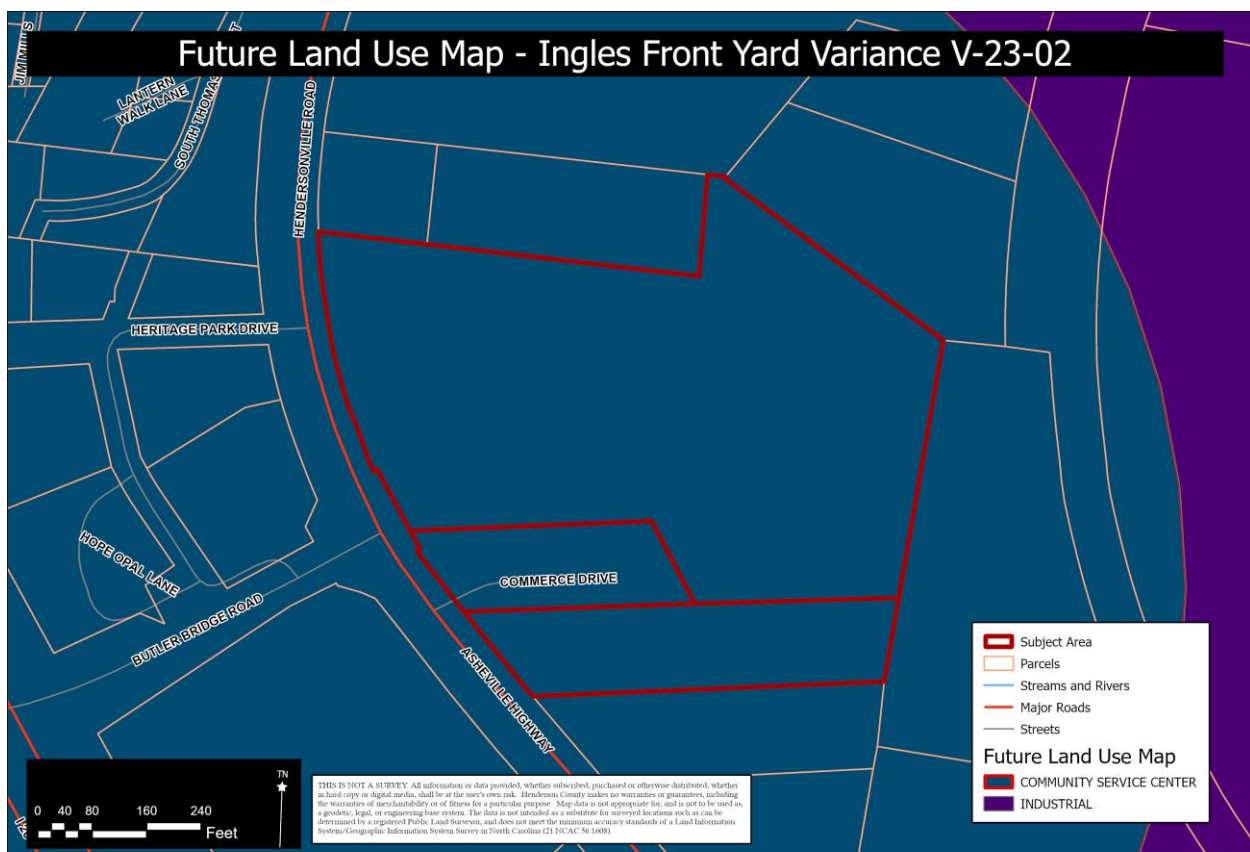
Property Owner: Ingles Markets, Inc. Applicant: Preston Kendall  
 Assessed Acreage: 11.2 Acres PINs: 9652-31-6641, 9652-31-4347, & 9652-31-6277  
 Current Zoning: Regional Commercial (RC)



3. **Floodplain/Watershed Protection:** The property is not located in a Special Flood Hazard Area. The property is not located in a Water Supply Watershed district.
4. **Water and Sewer:** This property is served by City of Hendersonville public water and MSD public sewer.  
**Public Water:** City of Hendersonville  
**Public Sewer:** MSD
5. **County Comprehensive Plan:** The CCP Future Land Use Map places the subject area in the Urban Services Area (USA) classification and encumbered in a Community Service Center. The text and map of the CCP suggest that the subject area would be more suitable for the following:

- a. **Urban Service Area (USA):** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community. The USA will essentially contain all existing and future industrial developments, which will be the future focus of economic development activities” (CCP, Pg. 129).
- b. **Community Service Centers:** The CCP states that, “CSC are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. CSC are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services. The mixture and intensity of land uses contained within CSC are intended to be appropriate within the context of the surrounding community and intended service area.” (CCP, Pg. 138).

### Map D: CCP Future Land Use Map



Property Owner: Ingles Markets, Inc. Applicant: Preston Kendall  
Assessed Acreage: 11.2 Acres PINs: 9652-31-6641, 9652-31-4347, & 9652-31-6277  
Current Zoning: Regional Commercial (RC)



- 6. **The Request:** The applicant has requested to reduce the front yard setback for a principal structure off a road classified as a Boulevard in the RC zoning district requirements. The current prescribed front yard setback measured from the edge of right-of-way off a road classified as a Boulevard is 30'. The applicant's request is to reduce the required setback from 30' to 25' for a total of a 5' variance. The applicant has submitted multiple documents to support their variance request. Originally, the applicant received major site plan approval from the TRC on June 21, 2022. After the initial approval, the applicants started working with NCDOT on the required Traffic Impact Analysis (TIA) and any requirement improvements. During the applicant's discussions with NCDOT, a conclusion

was made as it pertains to the entrance to the subject area and the signalization of the intersection. NCDOT required an additional 5' of right-of-way to be dedicated to US Hwy 25 that encroaches into the subject area. The new right-of-way line does not allow for the required front yard setbacks as prescribed in the Land Development Code to be met.

7. **TRC Recommendations**

TBD

8. **Photographs**

















Application No. \_\_\_\_\_

**HENDERSON COUNTY  
VARIANCE APPLICATION FORM**

**GENERAL INFORMATION**

Date of Application: \_\_\_\_\_  
Previously Submitted (Circle One): Yes No  
Date of Pre-Application Conference: \_\_\_\_\_  
Site Plan Attached (Circle One): Yes No

**PARCEL INFORMATION**

Property Address 5620 Hendersonville Road, Fletcher, NC  
PIN: 9652316641, 9652316277, 9652314347 Deed Book/Page: 3396/597 Acreage: 11.20  
Zoning District: RC Fire District: Fletcher Watershed: \_\_\_\_\_ Floodplain: Zone X  
Driving Directions: Approximately 1020 feet from the intersection of Hendersonville Road and  
and US Highway 26 toward Fletcher.

REASON FOR VARIANCE Request for 5' reduction of front setback to 25'  
FRONT SETBACK (feet/foot) 30'  
SIDE SETBACK (feet/foot) 10'  
REAR SETBACK (feet/foot) 10'

**PROPERTY OWNER CONTACT INFORMATION:**

Name: Ingles Markets, Inc. Phone: 828-669-2941  
Address: P.O. Box 6676 City, State, and Zip: Asheville, NC 28816

**Applicant:**

Name: Preston Kendall Phone: 828-669-2941  
Address: P.O. Box 6676 City, State, and Zip: Asheville, NC 28816

**Agent:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_

Agent Form (Circle One): Yes No

**Plan Preparer:**

Name: John Cox Phone: 864-242-6072  
Address: 110 W 1st Avenue, Suite A City, State, and Zip: Easley, SC 29640

**SITE PLAN REQUIREMENTS**

Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the edge of right-of-way (centerline for variance request in the R-40, WR, or SW districts) and to the side and rear lot lines, as applicable. **It is required that the site be staked or flagged. The Zoning Administrator will take photos of the site and the staked or flagged area. Show placement of well & septic system and drain field if applicable and distances from structures.**

NOTE: Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

**STANDARDS FOR REVIEW**

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance. State facts and argument in support of each of the following:

**SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT**

A. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:

1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property. (It is not sufficient that failure to grant the variance simply make the property less valuable.)

To permit the site with the NCDOT, the NCDOT required Ingles Markets, Inc. to widen Highway 25 and this subsequently required Ingles Markets, Inc. to reduce the currently permitted and approved setback of 30 ft to 25 ft.

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2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

Since the property is located at the intersection of Highway 25 and Butler Bridge Road, to be able to access the traffic signal the NCDOT required that Highway 25 be widened to provide dual left turning lanes from Highway 25 onto Butler Bridge. This resulted in a reduction of the setback from the approved plan.

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3. The hardship is not the result of the applicant's own action.

The hardship is a result of permitting with the NCDOT.

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B. The variance is in harmony with the general purpose and intent of the Land Development Code and will preserve its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

The intent of the 30 foot setback on the building is to keep the building protected from the highway. A reduction of 5 feet would not hinder this intent.

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C. The variance will secure the public safety and welfare and will do substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

The current placement of the building would secure public safety because as the building currently sits, all parking and pedestrian traffic would be internal to the site, further away from the highway. If parking were to be placed in front of the building, the pedestrian and parking traffic would be significantly closer to the road.

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**SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT**

D. The variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts, and shall in no way constitute a reason for the requested variance.

The requested variance does not depend on the nonconforming use of neighboring land or structures in the same district. The request depends on the pedestrian and parking safety.

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Preston Kendall

Print Applicant (Owner or Agent)

Preston Kendall  
Signature Applicant (Owner or Agent)

7-6-2023

Date

County Use Only  
Fee: \$ \_\_\_\_\_ Paid: \_\_\_\_\_ Method: \_\_\_\_\_ Received by: \_\_\_\_\_ Permit#: \_\_\_\_\_

**HENDERSON COUNTY  
CODE ENFORCEMENT SERVICES APPOINTMENT OF AGENT FORM (OPTIONAL)**

I \_\_\_\_\_ owner of property located on \_\_\_\_\_,  
(Name) (Street Address)  
recorded in \_\_\_\_\_ and having a parcel identification number of \_\_\_\_\_,  
(Deed Book/Page) (PIN)

located in Henderson County, North Carolina, do hereby appoint \_\_\_\_\_,  
(Agent's Name)  
\_\_\_\_\_, to represent me in an application to the Code Enforcement Services  
(Agent's phone number)

**Department** and authorize him/her to act as my agent in all matters, formal and informal except as stated herein, and authorize him/her to receive all official correspondence.

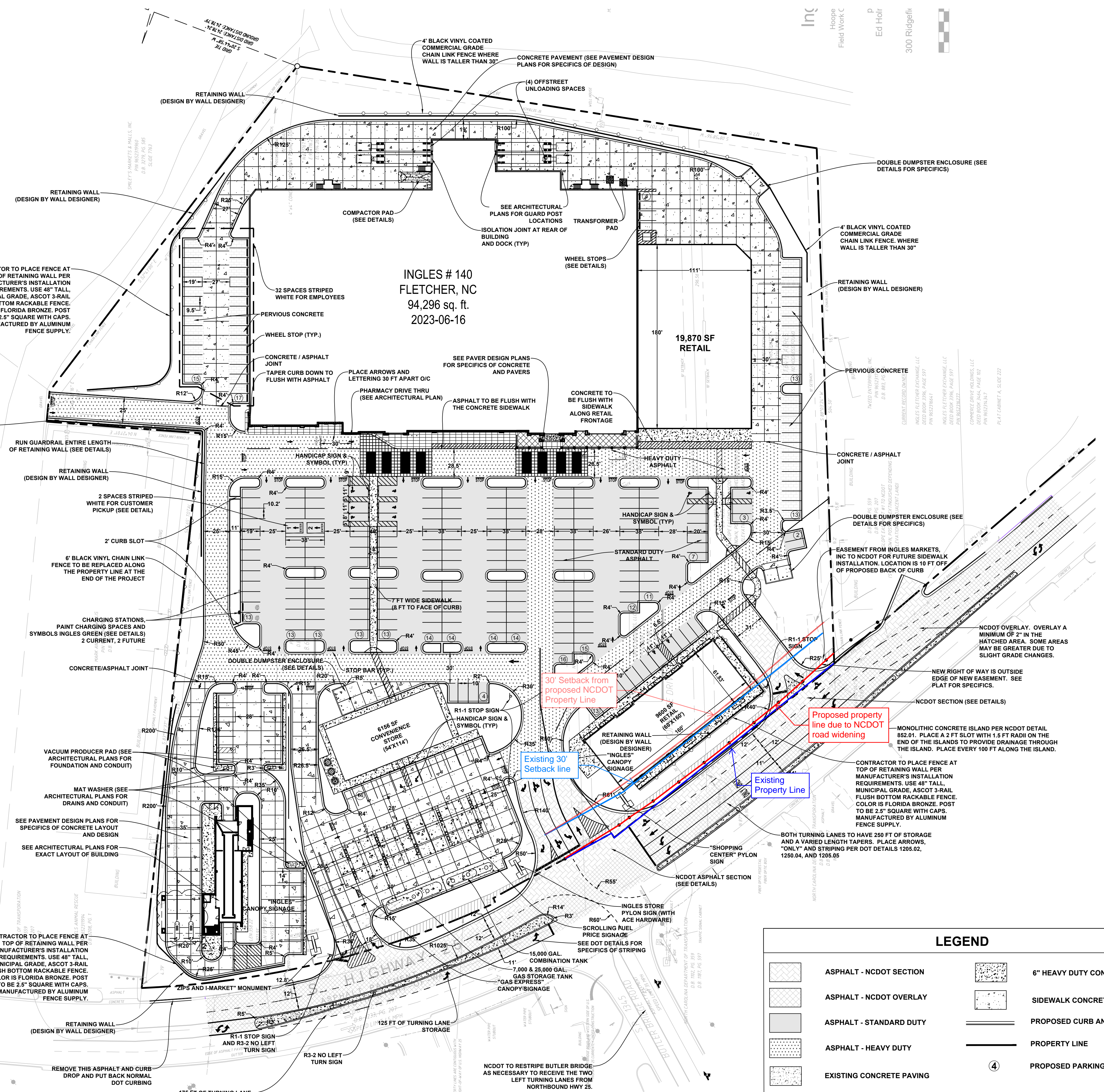
I however understand that as the listed property owner, I must sign all affidavits and statements required by any applicable ordinance.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Date)



P:\01\_18\_2023\18-045\_Fletcher, NC - King Auto\DWG\Civil Drawings\C-104 SITE PLAN.dwg | Layout: C-104 SITE PLAN  
 Jul 27, 2023 at 7:20 by asmm



INGLES # 140  
 FLETCHER, NC  
 94,296 sq. ft.  
 2023-06-16

**SITE NOTES:**

- ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE STANDARD SITE SPECIFICATIONS.
- ALL DIMENSIONS, UNLESS OTHERWISE NOTED, ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTERLINE OF PARKING BAY.
- UNLESS NOTED OTHERWISE, PAVEMENT SHALL BE STANDARD DUTY PAVEMENT.
- ALL HANDICAP SPACES ARE TO RECEIVE A HANDICAP SIGN AND A HANDICAP SYMBOL PAINTED ON THE ASPHALT.
- ALL RADII SHALL BE 4' UNLESS OTHERWISE NOTED.
- ALL CONCRETE SIDEWALKS AND APRONS SHALL RECEIVE CONSTRUCTION JOINTS AT 25' ON CENTER UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN THE PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
- ALL CUSTOMER PARKING STRIPING IS TO BE YELLOW WITHIN PROPERTY BOUNDARIES. ALL EMPLOYEE PARKING STRIPING IS TO BE WHITE TO DESIGNATE THEIR LOCATION. CAR CHARGING SPACES ARE TO BE GREEN PER CAR CHARGING DETAILS. CUSTOMER PICKUP SPACES ARE TO BE WHITE. PLEASE SEE DETAIL SHEET FOR LAYOUT. ALL STRIPING IN D.O.T. RIGHTS-OF-WAY OR LEADING TO A TRAFFIC SIGNAL IS TO BE WHITE THERMOPLASTIC UNLESS SPECIFIED ON THE PLANS DIFFERENTLY.
- THE SITE IS NOT WITHIN A FLOOD HAZARD AREA.

**SITE ANALYSIS**

PROPERTY OWNER 1:	INGLES FLETCHER EXCHANGE, LLC. P.O. BOX 6676 ASHEVILLE, NC 28816
PROPERTY OWNER 2:	COMMERCE DRIVE HOLDINGS, LLC. 301 COLLEGE STREET, SUITE 110 ASHEVILLE, NC 28801
CIVIL CONTACT:	JOHN COX, P.E. LAND PLANNING ASSOCIATES OF NC, INC 110 WEST 1ST AVENUE, SUITE A EASLEY, SC 20640 864-242-6072
PROJECT NAME:	INGLES #140 - HENDERSONVILLE ROAD
PROJECT LOCATION:	5620 HENDERSONVILLE RD. FLETCHER, NC
PIN NUMBER:	9652316641, 9652316277, 9652314347
REF. DEED AND PAGE:	3396 D.B. 597 PG 3464 D.B. 102 PG
ZONING:	REGIONAL COMMERCIAL
PROPOSED BUILDING:	114,166 S.F.
PROPOSED CONVENIENCE STORE:	6,156 S.F.
PROPOSED OUTPARCEL RETAIL:	9,600 S.F.
PROPOSED TOTAL:	129,922 S.F.
REQUIRED PARKING RATIO:	1 SPACES / 500 S.F.
REQUIRED PARKING:	260 SPACES
PROPOSED PARKING:	280 SPACES
PROPOSED PARKING RATIO:	2.15 SPACES/ MSF*
BICYCLE PARKING:	N/A
EXISTING SITE AREA:	11.20 ± ACRES
PROPOSED SITE AREA:	11.20 ± ACRES
FRONT SETBACK (REQUIRED):	30'
SIDE SETBACK (REQUIRED):	10'
REAR SETBACK (REQUIRED):	10'
IMPERVIOUS AREA:	8.9 ACRES (79.5%)
PERVIOUS AREA:	2.3 ACRES (20.5%)
* MSF = 1000 S.F.	

**LEGEND**

	ASPHALT - NCDOT SECTION		6" HEAVY DUTY CONCRETE PAVING
	ASPHALT - NCDOT OVERLAY		SIDEWALK CONCRETE
	ASPHALT - STANDARD DUTY		PROPOSED CURB AND GUTTER
	ASPHALT - HEAVY DUTY		PROPERTY LINE
	EXISTING CONCRETE PAVING		PROPOSED PARKING COUNT
	PERVIOUS CONCRETE		



**REVISIONS:**

NO.	DATE	DESCRIPTION	BY
1	8/26/22	REVISED SITE ANALYSIS BLOCK	SCW
2	9/1/22	REVISED ZIPS PAY BOOTHS	SCW
3	6/28/23	REVISED PER DOT COMMENTS AND BUILDING CHANGE	JDC
4	7/20/23	REVISED JOINTS IN SIDEWALK AND RELOCATED CUSTOMER PICKUP	JDC



CORPORATE SEAL:



DBA  
 LAND PLANNING ASSOCIATES OF NC, INC.  
 110 WEST 1ST AVENUE - SUITE A  
 EASLEY, SC 29640  
 864.242.6072  
 design@lpa-inc.net

**ingles**  
 Markets Incorporated  
**STORE #140**  
 5620 HENDERSONVILLE ROAD  
 FLETCHER NC

**PROPERTY INFORMATION:**

TAX MAP NUMBER:	9652316641, 9652316277
REFERENCE D.B. & PG:	DB 3396 PG 597
ADDITIONAL INFO:	9652314347 DB 3464 PG 102

**ISSUE FOR CONSTRUCTION:**

PERMIT DATE:	
BID DATE:	
DRAWN BY:	PCB
DESIGN BY:	JDC
CHECKED BY:	PMR
DATE:	4/11/22
SCALE:	HORIZ. 1" = 50' VERT.
JOB NUMBER:	21.018

**SITE PLAN**

**C-104**  
 STORE #140  
 HENDERSONVILLE ROAD  
 FLETCHER NC







LINE TYPE LEGEND	
	PROPERTY LINE (SURVEYED)
	DEED / PLAT LINE (NOT SURVEYED UNLESS CONTAINS BEARING AND DISTANCE)
	UNDERGROUND WATER LINE
	UNDERGROUND SANITARY SEWER LINE
	OVERHEAD UTILITY LINE
	EXISTING UNDERGROUND STORMWATER LINE
	EDGE OF CONCRETE
	CONCRETE CURB
	ROAD RIGHT-OF-WAY LINE
	FENCE (AS DESCRIBED)
	BUILDING SETBACK LINE
	UNDERGROUND COMMUNICATIONS LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND GAS LINE
	GUARD RAIL
	EDGE OF GRAVEL

ABBREVIATION LEGEND	
NCDOT	NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
N	NORTHING
E	EASTING
EL	ELEVATION
GNSS	GLOBAL NAVIGATION SATELLITE SYSTEM
INV.	INVERT
@	AT
PN	PARCEL IDENTIFIER NUMBER
S.R.	STATE ROAD
EB	ELECTRICAL BOX
TSB	TRAFFIC SIGNAL BOX
EB	ELECTRICAL BOX
AG	ABOVE GRADE
BG	BELOW GRADE
TTL	TOTAL
TDP	TRUNCATED DOME PLATE
D.B.	DEED BOOK
P.C.	PLAT BOOK
SL	SLIDE

The following information applies to the GNSS portion of the survey:

Horizontal Positional Accuracy: 0.002 Meters  
 Vertical Positional Accuracy: 0.005 Meters  
 Type of GNSS Field Procedure: Static  
 Date of Survey: 9/16/19  
 Vertical Datum/EPOCH: NAD 83 (2011)  
 Horizontal/Vertical Control: NGS Monument "Cranton Az Mk"  
 Vertical Datum: NAVD 88  
 Geoid18  
 Combined Grid Factor: 0.9997804  
 Units: U.S. Survey Feet

To: Ingles Markets, Inc., Chicago Title Insurance Company, and their respective successors and assigns, as their interests may appear.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 8, 13, 16-19 of Table A thereof. The fieldwork was completed on 6-8-2021.

Date of Plat or Map: 6-9-2021

Phillip B. White  
 (Surveyor's signature)

Print name: Phillip B. White, PLS

Professional Land Surveyor No. L-4994



I ALSO HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) AND TRADITIONAL FIELD PROCEDURES. THAT THE LINES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM DEED BOOKS AND PLAT BOOKS AS REFERENCED. THAT THE RATIO OF PRECISION AS CALCULATED ((21 NCAC 56.1600) IS 1:100,000 OR BETTER; THAT THE TOPOGRAPHIC SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS (21 NCAC 56.1606); THAT THE HORIZONTAL ACCURACY MEETS CLASS A AND THE VERTICAL ACCURACY MEETS CLASS A AS DESCRIBED IN 21 NCAC 56.1606 (C). THAT THE VERTICAL CONTROL WAS COMPLETED TO MEET THE CLASS C STANDARD AS DESCRIBED IN 21 NCAC 56.1605 THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 1600).

NGS MONUMENT  
 "CRANTON AZ MK"  
 PIN: FB478  
 N 52°04'42" E  
 E 954994.21  
 EL: 2068.21  
 NAD 83(2011)  
 NAVD 88

NOTES

- \* This survey is of existing parcels of land.
- \* All areas calculated by coordinate computation method.
- \* This property may be subject to rights-of-way, easements, reservations and restrictions, written and unwritten, recorded and unrecorded, as discovered during the course of this survey.
- \* This certification shown herein is not a certification of title, zoning or freedom from encumbrances.
- \* Adjoining property owner information taken from deeds and plats is shown as referenced.
- \* Underground utilities shown are based upon paint markings and above ground structures. No underground utilities were surveyed. Call 1-800-332-4949 before digging.
- \* Distances shown between monuments are horizontal ground distances unless otherwise noted. To obtain grid distances, utilize a combined factor of 0.9997804.
- \* The subject property does not lie within any special flood hazard area according to the National Flood Insurance Program, Flood Insurance Rate Map 370965200J revised dated October 2, 2009.
- \* This survey is oriented to NC Grid North NAD 83 (2011) based upon GNSS observations of NGS Monument "Cranton Az Mk" and on site control points. Elevations are NAVD 88 based upon GNSS observations on same monument. All coordinates are NC Grid, NAD 83(2011) coordinates.
- \* There was no evidence of recent earth moving, building construction, or building additions observed in the process of conducting the fieldwork.
- \* There were no proposed changes in street right-of-way lines found or provided. No evidence of recent street or sidewalk construction or repairs was observed during the survey.
- \* The delineation of wetlands was observed in the process of conducting the fieldwork.
- \* According to the Henderson County GIS website the subject property lies in the Regional Commercial zoning district. Front setbacks are 30' side and rear setbacks are 10'. No zoning report was provided by the client. Henderson County Planning and Zoning should be contacted for verification of setback restrictions.
- \* No documentation was found regarding Commerce Drive. It appears to be a privately maintained asphalt parking lot, accessing various businesses located on South Park Storage, LLC property.
- \* Major Contour Interval: 5' Minor Contour Interval: 1'
- \* Buildings located on PIN 9652314347, originally surveyed, have been removed.
- \* Parking striping inside U.S. Highway 25 was taken from aerial and is approximate. Said parking striping was faded and difficult to trace.

King Auction & Realty Co., Inc.  
 Lying and being situated in Henderson County, North Carolina, and being more particularly described as follows:

BEING Lots 2,4,5,6, and 7, shown on that plat entitled "Property of Smiley's Flea Market Inc.", prepared by Clarence Jenkins, Registered Land Surveyor, dated September 9, 1985, which plat is recorded in Plat Cabinet A, Slide 222, Henderson County Registry, reference to which plat is hereby made for a more particular description. LESS AND EXCEPTING that portion of said lots taken by Memorandum of Action recorded in Book 990, Page 226, and Consent Judgments recorded in Book 1197, Page 559 and Book 1233, Page 207, all of the Henderson County Public Registry.

TOGETHER WITH a perpetual, non-exclusive, right-of-way and easement over and along that 50-foot right of way leading from U.S. Highway 25 in an easterly and northeasterly direction across the southern and southeastern sides of Lot 1, as shown on said plat and hereby more particularly described for the purposes of ingress, egress, and regress, and for utilities purposes, as referenced in Deed Book 667, at Page 387.

South Park Storage, L.L.C.  
 Lying and being situated in Henderson County, North Carolina, and being more particularly described as follows:

BEING Lot 11.55 as shown and delineated on that Plat entitled "Property of Smiley's Flea Market, Inc." prepared by Clarence Jenkins, R.L.S., dated September 9, 1985, which plat is recorded in Plat Cabinet A, Slide 222, Henderson County Registry, and except that portion of the property taken by the North Carolina Board of Transportation by way of Memorandum of Action recorded in Book 990, Page 617, and Judgment recorded in Book 1187, Page 597, Henderson County Registry.

MARK AND HELEN WILLIS  
 PIN 9652411319  
 D.B. 3280, PG. 198  
 SLIDE 7763

LINE	BEARING	DISTANCE
L1	N 57°49'35" E	5.01'
L2	S 65°39'35" W	4.90'

ALTA/NSPS Land Title Survey  
 for  
**Ingles Markets, Inc.**

REFERENCES

Hoopers Creek Township, Henderson County, NC  
 Field Work Completed On: 09/30/2019 DRAWN BY: P. White  
 JOB #19230

Phillip B. White, PLS

Ed Holmes & Associates Land Surveyors, PA  
 www.edholmessurveying.com  
 Company License # C-2806  
 300 Ridgefield Court, Suite 301, Asheville, NC 28806  
 828.225.6562

SCALE 1" = 50'



Chicago Title Insurance Company  
 Commitment Number: 19-17441CH  
 Commitment Date: September 13, 2019 at 5:00 PM

SCHEDULE B, PART II - EXCEPTIONS FOR SOUTH PARK STORAGE, L.L.C. PROPERTY

1	Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.	Not survey related
2	Taxes or assessments for the year 2020, and subsequent years, not yet due or payable.	Not survey related
3	Any discrepancy, conflict, matters regarding access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the boundary of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land.	Title is not survey related
4	The correctness of the square footage/acreage computation contained in the description of the Land is not insured.	Not survey related, area, as calculated from survey, is shown hereon
5	Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Cabinet A, Slide 222.	Any items shown on Plat Cabinet A, Slide 222, affecting the subject property, observed during the course of the survey, are shown hereon
6	Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 700, page 569, and any related maps, plans, bylaws and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.	restriction regarding business type allowed, not survey related, blanket easement for billboard, shown on Plat Cabinet A, Slide 222 (billboard and billboard easement was purchased and extinguished per D.B. 1197, PG. 597)
7	Memorandum of Action recorded in Book 994, Page 617, and Consent Judgment recorded in Book 1102, Page 359	Fee simple title to property acquired by North Carolina Department of Transportation, inside the right-of-way of U.S. Highway 25, shown hereon
8	Consent Judgment recorded in Book 1187, Page 597.	Fee simple title to property acquired by North Carolina Department of Transportation, inside the right-of-way of U.S. Highway 25, shown hereon

Chicago Title Insurance Company  
 Commitment Number: 19-17441CH  
 Commitment Date: September 13, 2019 at 5:00 PM

SCHEDULE B, PART II - EXCEPTIONS FOR KING AUCTION & REALTY CO., INC. PROPERTY

1	Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.	Not survey related
2	Taxes or assessments for the year 2020, and subsequent years, not yet due or payable.	Not survey related
3	Any discrepancy, conflict, matters regarding access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the boundary of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land.	Title is not survey related
4	Covenants, conditions, restrictions, easements, and liens provided for in instrument(s) filed for record in Book 667, page 231, Book 667, page 387, and any related maps, plans, bylaws and other document(s) and amendment(s), but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.	Affects the subject property, no plottable descriptions
5	Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Cabinet A, Slide 222.	Any items shown on Plat Cabinet A, Slide 222, affecting the subject property, observed during the course of the survey, are shown hereon
6	Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Slide 7763 and Slide 7763. (As to the Easement Tract Only)	Any items shown on said plats, affecting the subject property, observed during the course of the survey, are shown hereon
7	Memorandum of Action recorded in Book 990, Page 226, and related Consent Judgments recorded in Book 1197, Page 559, and Book 1233, Page 207.	Fee simple title to property acquired by North Carolina Department of Transportation, inside the right-of-way of U.S. Highway 25, shown hereon
8	Consent Judgment in favor of BellSouth Telecommunications, Inc. recorded in Book 1425, Page 267, and re-recorded in Book 1425, Page 570.	Affects the subject property, shown hereon
9	Reciprocal conveyance of easements recorded in Book 669, Page 335. (As to the Easement Tract Only)	Reciprocal easements for utility and sewer lines lying in the portion of the property inside the right-of-way of U.S. Highway 25. Said portion of property was acquired fee simple by the North Carolina Department of Transportation in Deed Book 1233, Page 207.
10	Memorandum of Action recorded in Book 972, Page 470 and corresponding Consent Judgment recorded in Book 1089, Page 184. (As to the Easement Tract Only)	Area acquired by the North Carolina Department of Transportation, affect western portion of the Easement Tract.
11	Right of Way Agreement recorded in Book 1493, Page 9. (As to the Easement Tract Only)	Blanket Easement to Duke Energy Carolina, L.L.C. Appears to affect the Easement Tract, no plottable description.

SYMBOL LEGEND	
	TEMPORARY BENCHMARK
	UNMARKED POINT
	MONUMENT FOUND (AS DESCRIBED)
	5/8" REBAR WITH "ED HOLMES AND ASSOC." CAP SET
	NGS MONUMENT FOUND
	MAGNETIC NAIL FOUND
	MAGNETIC NAIL SET
	STORMWATER MANHOLE
	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEANOUT
	TELEPHONE MANHOLE
	SIGN
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	TELEPHONE PEDESTAL
	UTILITY POLE
	UTILITY POLE WITH GUY WIRE
	LIGHT POLE (SINGLE HEAD)
	LIGHT POLE (DOUBLE HEAD)
	LIGHT POLE (TRIPLE HEAD)
	LIGHT POLE (QUADRUPLE HEAD)
	SPOT ELEVATION
	HANDICAP SIGN/BOLLARD
	HANDICAP PARKING SPACE
	BOLLARD
	PAINTED TRAFFIC ARROWS
	MONITOR WELL
	AREA LIGHT
#	TITLE EXCEPTION REFERENCE NUMBER (KING AUCTION PROPERTY)
#	TITLE EXCEPTION REFERENCE NUMBER (SOUTH PARK STORAGE PROPERTY)









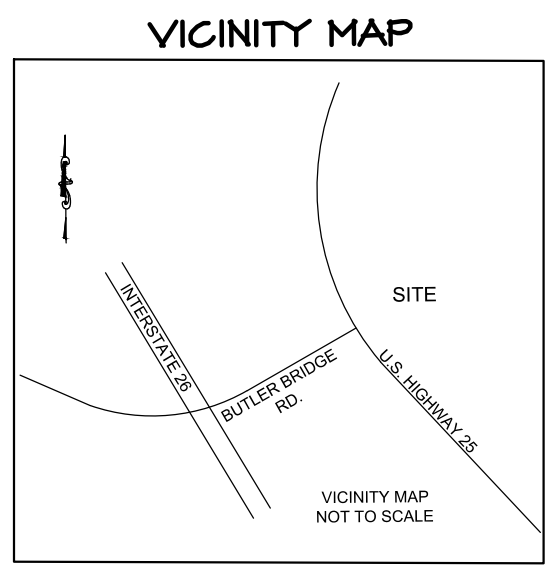












1293 Hendersonville Road  
Suite 21  
Asheville, NC 28803  
828-277-7410  
Fax: 828-277-7413

**DESIGN ASSOCIATES**  
LANDSCAPE ARCHITECTS & LAND PLANNERS

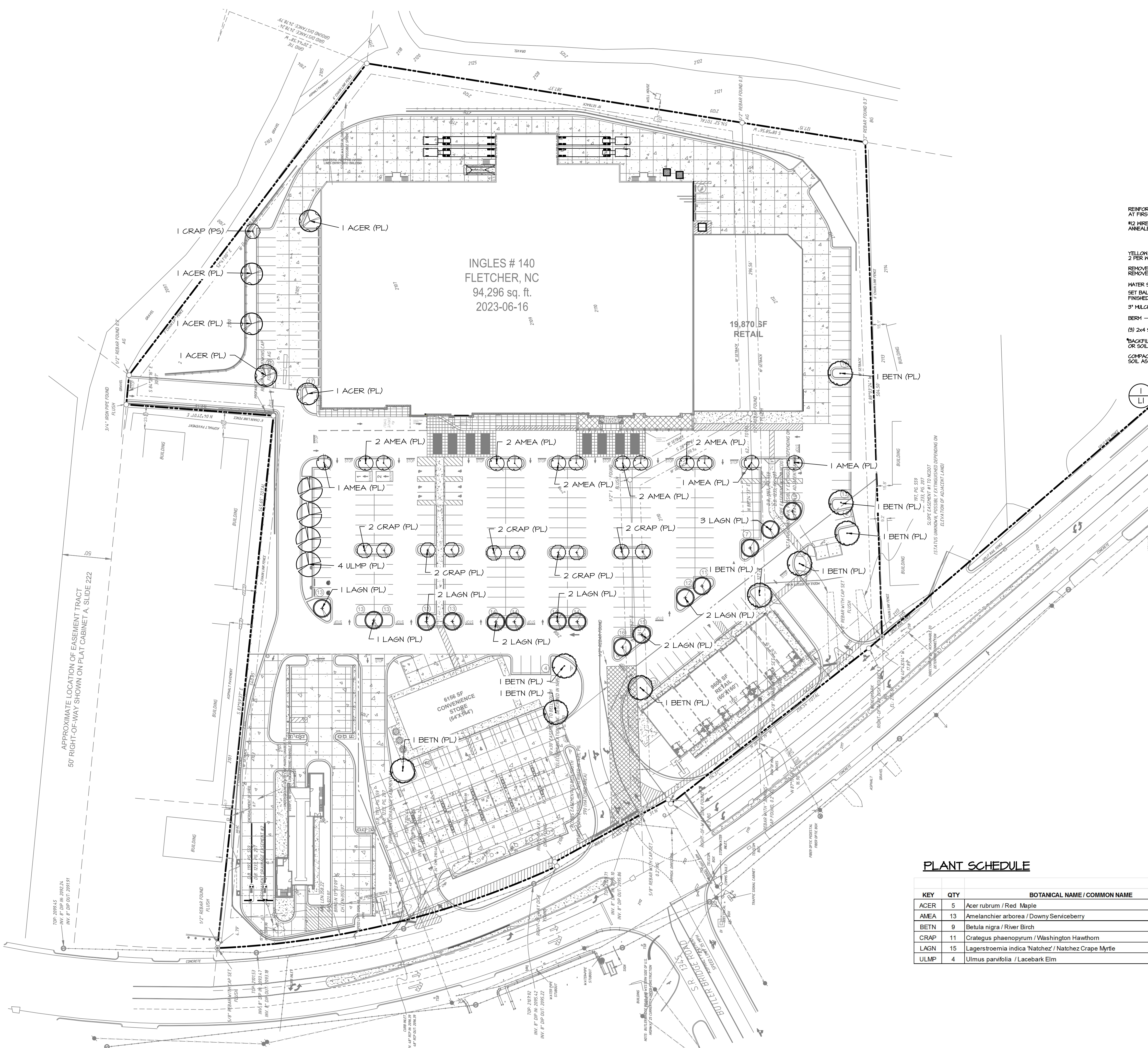


**Ingles #140**  
5620 Hendersonville Road  
Fletcher, NC

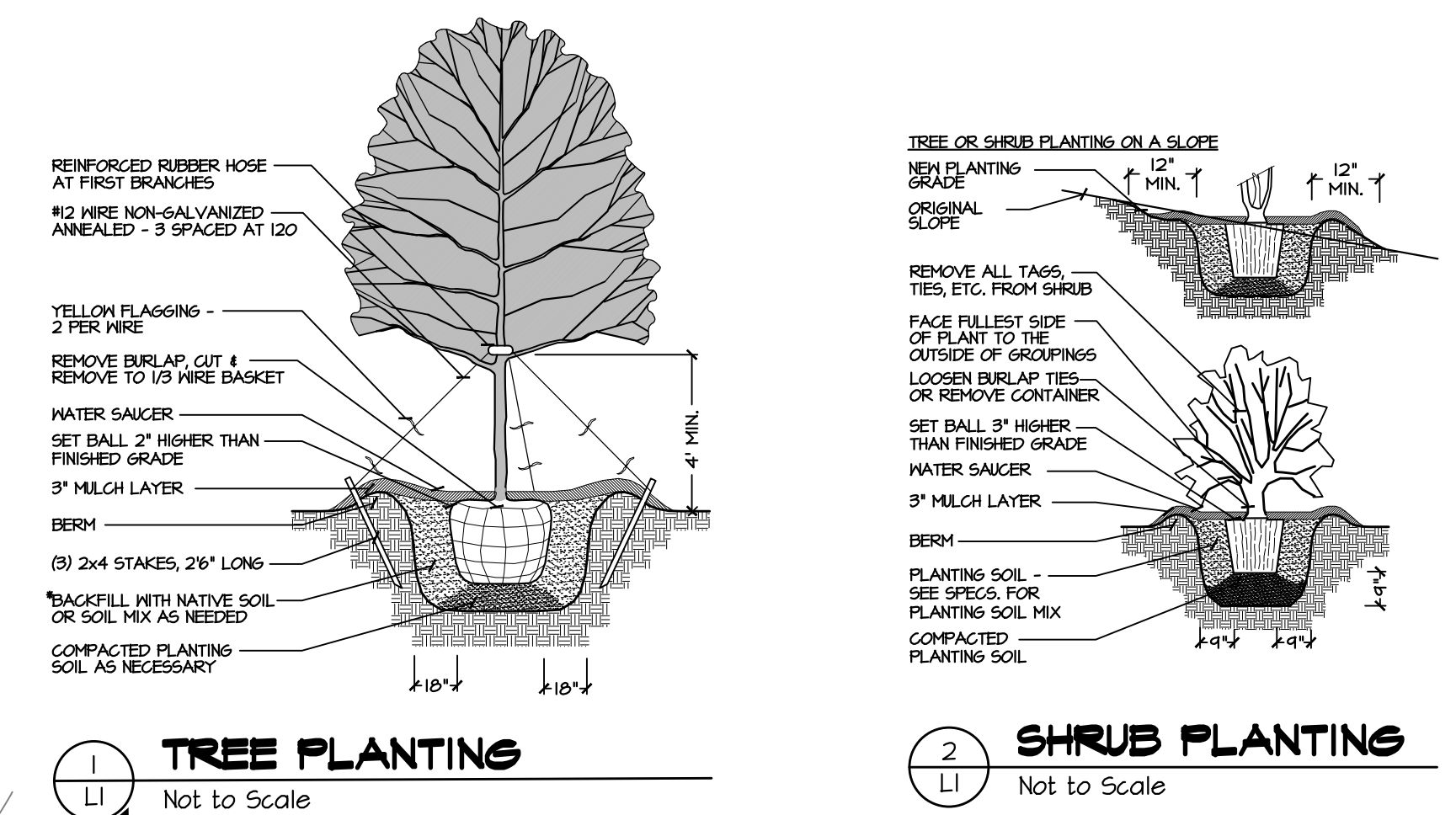
Landscape & Zoning Compliance Plan

REVISIONS:  
7-5-2023 REVISED

L1  
4-26-2022



INGLES # 140  
FLETCHER, NC  
94,296 sq. ft.  
2023-06-16



**PLANTING SUMMARY:**

- 1) PARKING LOT LANDSCAPING**  
1 DECIDUOUS TREE IS REQUIRED PER 5 PARKING SPACES  
280 PARKING SPACES = 56 DECIDUOUS TREES REQUIRED  
DECID TREES PROVIDED = 56
- 2) PLANTING STRIP**  
WHEN PARKING SPACES ARE WITHIN 20' OF THE PROPERTY LINE A MIN. 10' WIDE PLANTING STRIP IS REQUIRED  
2 TREES ARE REQUIRED PER 100 LF OF PLANTING STRIP  
16 LF OF PLANTING STRIP = 0 TREE REQUIRED  
TREES PROVIDED = 0

**PLANTING LEGEND**

- PL = PARKING LOT LANDSCAPING
- PS = PLANTING STRIP LANDSCAPING
- # OF PLANTS
- PLANT KEY (SEE PLANT LIST)
- ACER (PL) ZONING USE ABBREVIATION (SEE LEGEND)

**PLANT SCHEDULE**

KEY	QTY	BOTANICAL NAME / COMMON NAME	CALIPER	HEIGHT	B & B CONTAINER	MATERIAL SPECIFICATIONS
ACER	5	Acer rubrum / Red Maple	2" min. cal.	12'-14' ht.	B&B	single, straight leader, well-branched
AMEA	13	Amelanchier arborea / Downy Serviceberry	1.5" min. cal.	8' to 10' ht.	B&B or cont.	multi-trunk, dense, uniform branching
BETN	9	Betula nigra / River Birch	2" min. cal.	12'-14' ht.	B&B or cont.	multi-stemmed, min. 3 stems
CRAP	11	Crataegus phaenopynum / Washington Hawthorn	1.5" min. cal.	8' to 10' ht.	B&B or cont.	straight trunk, dense, uniform branching, min. 5' branching height
LAGN	15	Lagerstroemia indica 'Natchez' / Natchez Crape Myrtle	1.5" min. cal.	8' to 10' ht.	B&B	3 trunk min.
ULMP	4	Ulmus parvifolia / Lacebark Elm	2" min. cal.	12'-14' ht.	B&B or cont.	straight trunk, dense, uniform branching

