

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
November 17, 2021

Subject: Cheat Sheet - Town of Waynesville Planning Board Public Speaking.

It was clear attending the last Town of Waynesville Planning Board Meeting on 11/15/2021 that the public speakers against the 150 Unit Apartment Complex on 10.41 acres of undeveloped land were sandbagged.

Most, if not all, of the public speakers who spoke against this project were wasting their breath. Everything that they said did not apply to the factors the Planning Board members considered in rendering their judgement.

How can this be? See: <https://www.haywoodtp.net/pubII/211116PlanningBoardMeeting.pdf>

Listen:

<https://drive.google.com/file/d/1cGoHfkw6u1i3ohC25rgnyKFnNS4XBWw4/view?usp=sharing>

There are several factors, outlined below:

- This was a Quasi-Judicial Procedure.
- Instructions were provided in a Planning Board Agenda Packet that was sent out the Friday before the Monday meeting.
- The board was only voting on one (1) item.
- The board had to also consider six (6) other requirements or factors.
- The board had to render decisions based on “findings of fact”, or evidence, during the actual hearing.

In this instance, the Board only had one thing to vote on - whether to increase the density from 104 units to 150 units for this property, plus the six other associated requirements, for a total of seven (7) items.

During this vote, Board members consistently referred to the Agenda Packet for evidence. Since speakers were generally not aware of these criteria, no board members referred to speaker testimony for facts or evidence. Therefore, speakers were wasting their breath, concentrating on generalities of why they objected to the development being built. But that was already a done deal.

Page 65 of the Agenda Packet actually contains the blueprint for board members making their decisions, but no one knew to follow this, including me. Handing this out to board members on a Friday before the meeting on a Monday certainly does not give the general population a great deal of time to prepare.

In this instance, the board had a difficult time finding any evidence that they could rule or vote for a change of density from 104 to 150 units for this property. Everyone was tired when the final vote was taken, and it kind of slid through.

So, in the future, much like county commission meeting agenda's being put out at the very last minute, concerned citizens must be vigilant, obtain the Agenda Packet, and make preparations over the weekend.

As far as I could determine, the Agenda Packet is not available on the Town Website, and I had to make a Request for Public Information to obtain the Agenda Packet. I received it on the Saturday before the Monday meeting.

The following is my request (on a Saturday). I received the packet within three (3) minutes.

Subject: Request for Public Information

Date: Sat, 13 Nov 2021 09:44:40 -0500

From: Monroe Miller

To: Eddie Ward <eward@waynesvillenc.gov>

CC: Rob Hites <rhites@waynesvillenc.gov>, Elizabeth Teague <eteague@waynesvillenc.gov>, Jesse Fowler <jfowler@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Martha Bradley <martha@sosharpe.com>, Ron Sneed <ronsneed@bellsouth.net>

Ms. Ward,

I cannot seem to locate the Planning Board agenda on the town website. Can you send me the agenda for the meeting to be held Monday, Nov. 15, 2021?

Thank you,
Monroe A. Miller, Jr.

Subject: Fwd: November 15 Planning Board Agenda Packet

Date: Sat, 13 Nov 2021 14:47:34 +0000

From: Rob Hites <rhites@waynesvillenc.gov>

To: Monroe Miller

Sent from my iPhone

Begin forwarded message:

From: Byron Hickox <bhickox@waynesvillenc.gov>

Date: November 12, 2021 at 12:17:10 PM EST

To: Barbara Thomas <barbchristi@bellsouth.net>, Byron Hickox <bhickox@waynesvillenc.gov>, Don McGowan <djm McGowan100@gmail.com>, Elizabeth Teague <eteague@waynesvillenc.gov>, Esther Coulter <ecoulter@waynesvillenc.gov>, Ginger Hain <gghain@hotmail.com>, Gregory Wheeler <ashevillehealer@gmail.com>, Kathy Johnson <kjohnson@waynesvillenc.gov>, Marty Prevost <mprevost@beverly-hanks.com>, Robert M Blackburn <michael.fumc@gmail.com>, Ron Sneed <ronsneed@bellsouth.net>, Stuart Bass <swbass8220@icloud.com>, Susan Smith <SusanTeasSmith@me.com>, Tommy Thomas <tommy_thomas2@hotmail.com>

Cc: Mayor & Board of Aldermen <BoA@waynesvillenc.gov>, Leadership Team <LT@waynesvillenc.gov>, Media Contacts <MediaContacts@waynesvillenc.gov>, Martha Sharpe Bradley <martha@sosharpe.com>

Subject: November 15 Planning Board Agenda Packet

Planning Board Members,

Please find attached the agenda packet for your November 15, 2021 meeting to be held at 5:30 PM in the Town Hall Board Room.

Byron Hickox

Byron Hickox | Land Use Administrator
Town of Waynesville, NC

The following is handwritten page number 65 from the Agenda Packet.

**Planning Board Staff Report
Special Use Permit Application – Multi-Family Development
Quasi-Judicial Special Use Permit
November 15, 2021**

NOV 15 2021

Project: 150 Unit Apartment Complex on 10.41 acres of undeveloped land
Location: Howell Mill Road, PINs 8616-94-1047 and 8616-94-1485
Zoning District: Raccoon Creek Neighborhood Residential (RC-NR)
Applicant: Triangle Real Estate of Gastonia
Property Owner: Triangle Real Estate of Gastonia

Background:

The subject property is a vacant, unaddressed 10.41-acre lot located on Howell Mill Road (State Road 1196) near the intersection with Asheville Road (U.S. Highway 23). The property is located within the Raccoon Creek Neighborhood Residential District (RC-NR) district. Base density in this zoning district is 10 units per acres, with a possible density of 16 units per acre with a Special Use Permit. The developer is proposing a density of 14.4 units per acre, requiring a special use permit hearing which is quasi-judicial in nature and will be conducted in accordance with LDS Section 15.10.2.

Following the public hearing, the Planning Board may approve, deny, or approve with conditions the application for a Special Use Permit within thirty-two (32) days of the date of the public hearing. In making their decision, the Board must establish “findings of fact” based on evidence presented at the hearing. In addition to determining that the application meets requirements of this ordinance (no variances are permitted), the Planning Board must find the following:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.
6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The Planning Board may place conditions on the use as part of the approval to mitigate impacts associated with the use. The conditions shall become part of the Special Use Permit approval and shall be included in the final site plan application.

Staff Review Comments:

Zoning District Compliance and the Comprehensive Land Use Plan

The proposed development is a 150-unit multi-family development on 10.41 acres, consisting of seven multi-family buildings, a clubhouse with a pool, and three detached garage buildings. The residential buildings are each three stories, and range in height from approximately 42 feet to 47 feet above the surrounding grade. The development will be served by two entry drives off of Howell Mill Road and

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The information highlighted in yellow was the actual templet the board members used to vote. If speakers could have addressed these issues with facts, or evidence, the outcome may have been different.