

Angela Murphy

From: Thad Ellett <thad_ellett@hotmail.com>
Sent: Wednesday, April 07, 2021 12:00 PM
To: Info
Subject: Public Comment for Planning and Zoning
Attachments: Letter to the P&Z Commission - Hayner-Slattery-Williams - April 5 2021.pdf

April 7, 2021

Montreat Planning and Zoning Committee
Montreat Town Council

Re: Proposed zoning changes

Dear Sirs and Madams,

To quote G.K. Chesterton:

“Don't ever take a fence down until you know the reason it was put up.”

The current zoning wording protects Montreat as the refuge it was meant to be. Shifting the burden of protecting Montreat from overdevelopment, clear-cutting and commercialization to each citizen each time a special or conditional issuance permit is requested is to eliminate the reason for a Planning and Zoning Committee. You have been appointed as representatives of the community to articulate our collective desires. The overwhelming desire and founding reason for Montreat is to be a serene retreat. Montreat is different than Ridgecrest, and should remain so.

I am in full agreement with the letter from Priscilla Hayner, Brendan Hayner-Slattery and Evan Williams, Esq., dated 4/5/2021 and attached and linked herein: <https://www.montreat-stewards.org/zoning/april-5-letter-to-pz>

I am sincerely,

Thad Ellett
193 Mississippi Rd (since 1919)

The only thing necessary for the triumph of evil is for good men to do nothing. Edmund Burke 1770

Angela Murphy

From: Bryant McEntire <mbmcentire@yahoo.com>
Sent: Tuesday, April 06, 2021 10:36 AM
To: Info
Subject: McEntires: Public comment for P&Z and Town Council Meeting

Dear P&Z + Town Commissioners,

I want to thank the P&Z for reciprocating and encouraging public reflection on the proposed changes to our Town's zoning ordinance. I would like to point out that over the last year this has been pitched to me as a "simplification" with no significant changes in function. It has also been said by those that I know personally serving on the committee that redundancy has been removed and complexities made easier to read for the common citizen. At this juncture and after careful reading and comparison, it must be said this simply is not the case. I have yet to meet a single property owner who agrees with the changes below no matter their stance on the MRA 33,000 sq foot building proposal. We have reviewed these changes and made comparisons our young adult children who will carry Montreat into the future and they grasp the importance of checks and balances even in the pursuit of growth inside the Gate. They too respectfully request that these not be stripped from the zoning under consideration and that the other suggestions below be included.

I also want to admonish the Commissioners to thoroughly review, reflect upon and cross compare to analyze the real changes this re-write represents. Please do not have a cursory vote on what is presented by the P&Z but vet it fully.

Specifically, we the McEntire family request that -

- 1) The *Conditional Use permit* process remain in place for certain kinds of development in areas zoned as "Institutional/Residential." This includes building a hotel, lodge or inn. While we assume good neutral intentions it must be stated, again, that it is uncanny how such a change is in parallel with the pending application of the MRA's mammoth building in the middle of Collegiate Circle. Where there is enough smoke there is fire. At present the plum is billowing and can be seen for miles!
- 2) This singular change above attenuates the rights of Montreat tax payers to oppose developments in relation to their protections for the use and enjoyment of their homes. The new ordinance:
 - **Significantly reduces opportunity for public hearing and comment, weakens or eliminates protections for Montreat residents, property owners, and the community. It is also the wrong direction as more attention needs to be brought to the right to "use and enjoyment" of property and traffic is already an issue so new proposals should have increased scrutiny in this area of safety.**
 - **Changes also shifts the burden of proof** to those opposing the application. This is backwards. Residents who have been here for generations deserve more respect than this. Rather than requiring developers to show that their plans will not cause harm, the **new ordinance assumes that permits will be granted** and puts the burden of arguing objections and proving harm on Montreat tax payers who have an enduring tangible relationship with the Town.
- 3) Finally, three other requirements are omitted in the proposed ordinance:
 - **Conflict of interest** provisions as required by North Carolina law.
 - Language to ensure that **historical preservation** is a factor in zoning and permitting decisions, as is stated as a clear priority in the Town's 2008 Montreat's Comprehensive Plan; and,
 - Specific **environmental safeguards in line** with the recommendations of the 2008 Comprehensive Plan.

If these reasonable suggestions are not included then a serious breach of trust will cause a rift in our community and a dramatic shift in how business and development should happen. This would be serious enough under normal circumstances but the fact that the MRA plans have been discovered in the last hour compounds the injury. I hope that these safeguards will be reinstated or added as need be to codify processes that encourage us to work with one another while protecting establishments when an individual or entity puts self and/or profits above public welfare whether it be in general or a lack of consideration for an individual cottager or two.....or three.....or four.....or a whole municipality. Sincerely, The McEntire seven - 304 GA Terrace

Angela Murphy

From: Kyle Kirk <kkirk71@gmail.com>
Sent: Sunday, March 14, 2021 3:04 PM
To: Info
Subject: Public Comment

Enclosed below is my public comment for the next scheduled town meeting. If it's possible include this as a comment for the P&Z meeting too, that would be appreciated. Thank you for the effort you went through last week to read through all the long comments everyone wrote!

To both the Montreat Town Council and Planning and Zoning,

I had the pleasure of listening to both of the meetings that occurred on March 11th. The meetings were characterized by an outburst of concern from residents like myself who had heard of a new lodge development. Though these concerns have a degree of merit, we've found ourselves being largely met with silence.

Most concerning were multiple instances during both meetings, when officials made comments that were disparaging and disrespectful to the public comments. Asking if it were "legal" to not read the comments aloud in the P&Z meetings, requesting future comments be shortened, and implying that the length or amount of comments was bothersome, all helps perpetuate the idea that the town's representatives are either uninterested or uncaring.

I implore the select few who made obvious their displeasure to use more tact in future public meetings.

Respectfully,

Kyle Kirk

Angela Murphy

From: Harriet Pharr <hpharr79@aol.com>
Sent: Tuesday, April 06, 2021 12:29 PM
To: Info
Subject: Public comment for Planning and Zoning

As a 3rd generation cottage owner I strongly oppose the rewording of the zoning laws! Montreat is not broken! Don't try to fix it!

Harriet Pharr

Sent from my iPhone

Angela Murphy

From: Heather L. Williams <HLW04747@pomona.edu>
Sent: Monday, April 05, 2021 11:15 PM
To: Info
Subject: Public comment for P&Z

Dear Commissioners,

I write as a member of the family who lives at 319 Assembly Drive ("By-the-Way"). Though I currently work in California, Montreat is my home of the heart. My great grandmother, Mary Elisabeth Benedict Foreman, built our family home in 1908. My grandmother and two great uncles grew up there, as did my father, Timothy Alden Williams, and his sister and brother, Margaret Williams and John Williams. I have spent countless summer vacations in Montreat; the mountains and the forest that glue Montreat together are my principal connection to family and heritage.

Montreat is a place like no other. To that end, I write to thank you for your willingness to revisit a number of points in the new proposed zoning ordinance that will replace the current town land use ordinance. I urge you to extend greater protections in the zoning document to existing property owners. The points detailed by Priscilla Hayner, Brendan Hayner-Slattery, and Evan Williams in their letter posted April 5th reflect my own concerns precisely.

In the coming years, many developers will apply for conditional use permits or special use permits to demolish existing homes and build new structures inside the town limits. Though some changes and updates are inevitable, I hope that you will craft an ordinance that protects people's rights to the use and enjoyment of their homes, and that protect the aesthetic character of largely residential areas.

Sincerely,

Heather Williams

Angela Murphy

From: Hayner, Kate <khayner@samuelmerritt.edu>
Sent: Tuesday, April 06, 2021 12:17 AM
To: Info
Cc: Hayner, Kate
Subject: Public Comment for P&Z

Dear Montreat Planning & Zoning Commission,

Thank you in advance for your more thorough look at the proposed new zoning ordinance. I send this to say that I fully support all concerns and recommendations submitted to you and the committee members in a letter from Priscilla Hayner, Brendan Hayner-Slattery and Evan Williams, Esq. and dated 4/5/2021.

While I am aware of the requirement to update the zoning ordinance, as required by the state of North Carolina, I am very concerned about the removal of language currently held in the zoning ordinance that would diminish the rights of Montreat residents and property owners. Specifically, the removal of the opportunity for public hearing and comment with the removal of the review of the Montreat Planning and Zoning Commission for review of the special use permits, the weakening and elimination of protections for residents, property owners, and the Montreat community that is currently held under the conditional use permit considerations and clear in the letter sent to your committee, the burden-shifting from developers to concerned residents, the lack of the required conflict of interest statement, the lack of addressing the Comprehensive Plan to allow for the preservation of the character of Montreat, and the lack of/weak environmental protections.

I fully support the suggested changes made in the aforementioned letter.

I would also like to inform the committee that to date 496 individuals have signed their name to express concern over the currently proposed changes to the zoning ordinance. This currently represents 89 distinct households in Montreat.

Sincerely,

Kate Hayner, EdD, OTR/L

Angela Murphy

From: Jane Warner <skylinetreegirl@mail.com>
Sent: Wednesday, April 07, 2021 2:03 AM
To: Info
Subject: Public comment for P&Z

Dear Commissioners,

I would like to address three points of concern.

I note that a 1999 zoning requirement has been eliminated from the proposed new ordinance. The 1999 Ordinance, Sec 801 (2) states that to gain approval on a conditional use permit, the structure must “not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted...”

So clear is the need for such language that I believe its omission must be inadvertent. I ask that you respond.

Secondly, I wish to add my support to the recommendations of Priscilla Hayner, Brendan Hayner-Slattery and Evan Williams that the expressed wishes of the residents of Montreat, with respect to preservation of character, as stated in the 2008 Comprehensive Plan, be embodied in town zoning regulations. I approve of their recommendations in their entirety.

Finally, of particular concern to me is the shift of the burden of proof regarding harm to the community from the special use applicant to the hopefully alert citizens of Montreat. The responsibility rightfully lies with the applicant.

Thank you,
Jane Warner

Angela Murphy

From: Eleanor Peters <efpnyc45@gmail.com>
Sent: Tuesday, April 06, 2021 5:48 PM
To: Info
Subject: Public comment for P&Z

Thank you to the P&Z Commissioners for your ongoing work to revise the zoning codes. We are particularly concerned about the proposals which would significantly reduce opportunities for public hearing and comment AND those which would weaken or eliminate protections for Montreat property owners, residents and the community including the right to “use and enjoyment” of one’s property.

We strongly urge you to adopt the clear and well-researched recommendations made by Priscilla Hayner, et al, in their letter of 5 April 2021.

Sincerely,

Mike and Eleanor Frith Peters
317/319 North Carolina Terrace
505-603-9263

Angela Murphy

From: Robert Warner <ltredwagon@mail.com>
Sent: Wednesday, April 07, 2021 2:16 AM
To: Info
Subject: Public Comment for P&Z

Dear Commissioners,

It is my understanding that the Planning and Zoning Commission has written a draft of a new zoning ordinance which would replace the current one enacted in 1999 and revised in 2016. I believe the Commission today is going to receive comments and recommendations on this draft from the community and will then consider revisions.

I have two questions:

1. Will the revised draft again be made available to the community for review prior to any decision-making?
2. Can you provide an approximate timeline on when you expect such a revised ordinance will be enacted?

Thank you for considering these questions.

Sincerely,

Robert Warner

346 Chapman Road

Angela Murphy

From: Morris, Nevitte <swink@musc.edu>
Sent: Wednesday, April 07, 2021 9:49 AM
To: Info
Subject: Public comment for P&Z"

To the Planning and Zoning Commission:

I am writing in objection to proposed changes in zoning bylaws. They are not in best interest of Montreat, present or future . Please leave wording as it currently exists.

Thanks you for the opportunity to voice my sincere opinion.

Nevitte Swink Morris

Nevitte Swink Morris, MSP, CCC-SLP, LSLS, Cert. AVT
Speech-Language Pathologist
Certified Auditory-Verbal Therapist

phone: 843-792-6136
fax: 843-876-2881
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169 Ashley Avenue
PO Box 250335
Charleston, SC 29425

Angela Murphy

From: Anne Hayner <ahayner@nd.edu>
Sent: Wednesday, April 07, 2021 11:00 AM
To: Info
Subject: Public Comment for P&Z

To the **Planning and Zoning Commission:**

I fully support all the points raised in the letter of April 5 from Priscilla Hayner, Evan Williams and Brendan Hayner-Slattery. I thank the Planning and Zoning Commission for their willingness to give careful consideration to these concerns, and I trust the proposed changes will be helpful improvements. Our shared goal is surely to create a zoning ordinance which will protect the character of Montreat, including its environment, history and quality of life.

I am particularly concerned that the Special Use Permit process be strengthened to provide robust protections for homeowners, by guaranteeing a process for public comments, protecting public health, safety and the right to enjoyment of property, and making it clear that the burden of proof for special use permits is on the developer to show that their requested use will not be harmful, and not on the residents to prove anticipated damage. Without these protections, the Town of Montreat will lose the ability to protect the unique place we all treasure.

Anne Hayner
By-the-Way
319 Assembly Drive

Angela Murphy

From: Julie Schell <julie19923@gmail.com>
Sent: Wednesday, April 07, 2021 11:19 AM
To: Info
Subject: public comment for P&Z

Dear **Planning and Zoning Commission** - our family of five owns a cottage in Montreat, and we feel so fortunate to have become a member of this unique community. We will retire to this special place, and look forward to hosting our kids and their future families in Montreat for generations.

We were surprised to hear of the proposed hotel and zoning change to allow it. This is particularly surprising after the careful approach P&Z took to plans for the Town Hall. That situation was also impactful to many neighborhood families and there were careful public deliberations, a respectful and open process, and consideration of multiple views.

We ask that you apply this same approach here. This ordinance change will have far-reaching consequences, which, along with permitting the hotel to move forward, will make Montreat more like other towns with a heavy retail presence.

We request that you revise the proposed ordinance to address the concerns raised by the Montreat Stewards. If you are not prepared to do so, then we ask that you apply the same governance standards used earlier to ensure the community has the opportunity to voice concerns and all parties have the chance to weigh in.

Sincerely,

Julie and Dan Schell

Angela Murphy

From: Priscilla Hayner <priscilla.hayner@gmail.com>
Sent: Wednesday, April 07, 2021 11:32 AM
To: Info
Subject: Public comment for P&Z

To the **Planning and Zoning Commission:**

I write to confirm my April 5th submission to the P&Z Commission, in the form of a letter from Evan Williams, Esq., Brendan Hayner-Slattery, and myself. I understand (but I am writing to confirm) that this letter has been put into the official record of the P&Z Commission. If this is true, I do not suggest that this letter is read into the record at the meeting, given its length, but it would be appreciated if it could be attached to the public record of this meeting.

Again I express my appreciation for the Commission's work on these matters, and I look forward to further discussion with the Commission - and the broader community -- on these important issues.

Sincerely,

Priscilla Hayner
319 Assembly Drive

Priscilla Hayner
Member, UN Standby Team of Senior Mediation Advisors
New York
priscilla.hayner@gmail.com
Cell: +1 917 969 3698
Twitter: @PriscillaHayner

Angela Murphy

From: David Kirk <davidkirk5885@icloud.com>
Sent: Wednesday, April 07, 2021 11:43 AM
To: Info
Subject: Public Comment for P and Z

I, David Kirk, part-time resident of Montreat, wholly and without reservation support the comments posted by Priscilla Hayner, Brendan Hayner-Slaterry and Evan Williams, Esq. and dated 4/5/2021.

Thank you,

David Kirk

Sent from my iPad

Angela Murphy

From: Harry Jones <harryt@blackberrypatch.com>
Sent: Wednesday, April 07, 2021 11:54 AM
To: Angela Murphy; Info
Subject: Planning & Zoning public comment for April 8, 2021 morning meeting
Attachments: Town of Montreat planning and zoning public comment 40721 H Jones.docx

Mr. William Scheu, Chairman, and the Town of Montreat Planning and Zoning Commission

Thank you for faithfully serving our community with the best interests of all stakeholders. The two topics I am offering comment for your consideration are the proposed changes to the existing zoning ordinances and the concept of MRA building a 48 room hotel and conference center.

There are specific aspects of the current zoning ordinances that the state of North Carolina is 'mandating' for change by July 1, 2021. How can the P&Z commission segregate these issues to address 'mandated' by the deadline and consider other proposed changes after providing public comment and further study?

In reviewing the 2008 comprehensive plan, the Town of Montreat website, and some of the results of the 2020 community survey, there is overwhelming support for keeping our Town a 'mountain retreat' and for the stakeholders to work together for planned growth. We trust that these will continue to guide the P&Z commission along with the ordinances and proposed changes. It is worth reading the Town of Montreat website 'about' which includes some of our distinctives (secluded mountain cove community).

Please consider the value in some of the current definitions and elements of current Montreat zoning ordinances as you propose changes:

p.14 ..use would not adversely affect adjacent property or the health, safety or general welfare of persons in the area adjacent to the use...

...and protect the health, safety and general welfare of persons residing in the area, and to insure the compatibility of the use with adjacent properties and within the entire community of Montreat....

p. 55 708 TCO -Town Center Overlay District. That core area centered on Lake Susan which encompasses the majority of seasonal, community activity and Institutional facilities and uses as indicated on the official zoning map of the Town of Montreat. The requirements of this section shall supplement the requirements of the underlying Zoning District(s). In case of conflict between the requirements of this section and any other law or regulation the more stringent provision shall apply.708.1 Purpose. This Zoning District is established to support and encourage specific permitted uses representative of the core Institutional and Institutional/Residential Districts of Town. The Town Center of Montreat contains many significant historical buildings and other architectural features of interest. These touchstones define the unique character and rich heritage that residents and visitors alike have come to cherish.

Last fall the Mountain Retreat Association discussed with the Town (former) Zoning Administrator the concept of a proposed 48 room hotel and conference center. The initial site discussed will disrupt a historic neighborhood and is inconsistent with the definitions and elements listed above. There are at least 5 sites within the existing Town Center Overlay district of the current Town of Montreat zoning ordinances, including an 'infill area' mentioned in the 2008 comprehensive plan. Some of these sites have been submitted to the MRA board and we are encouraging the Planning and Zoning commission to utilize the perspective of the TCO and comprehensive plan when the formal plan is submitted to Planning & Zoning Commission for review prior to going to the Board of Adjustment.

It is a blessing to have folks like you willing to serve and help future generations to have the same type of Montreat experience we enjoy.

Holly and Harry T Jones
North Carolina Terrace
229 224 5281
harryt@cultivatingimpact.biz

Angela Murphy

From: CHARLES W WOFFORD <cwwofford@cs.com>
Sent: Wednesday, April 07, 2021 1:04 PM
To: Info
Subject: Zoning changes

We do not support any zoning changes that would change private citizen rights with regard to encroachment by neighboring citizens. The setback rules are at least a minimal effort to protect us from both private and commercial plans to construct improvements too close to the property lines. This kind of activity not only reduces privacy, it disallows for sunlight and plant growth to survive between buildings.

Please do not take our protection away. Nancy Thomas and Charlie Wofford

Sent from my iPad

Angela Murphy

From: CHARLES W WOFFORD <cwwofford@cs.com>
Sent: Wednesday, April 07, 2021 1:11 PM
To: Info
Subject: Zoning change

As property owners, we are opposed to any changes that would remove zoning protections of private citizens, either commercial or private buildings on neighboring properties.
Nancy and Charlie Wofford, 202 Louisiana Road.

Sent from my iPad

Angela Murphy

From: Margaret Berry <mugsyberry@aol.com>
Sent: Wednesday, April 07, 2021 2:54 PM
To: Angela Murphy <amurphy@townofmontreat.org>; Info
Subject: Planning and Zoning Public Comment for zoning meeting on morning of April 8, 2021

Dear members of the planning and zoning commission:

We are writing in support of the April 5, 2021 letter submitted by Priscilla Hayner, Brendan Hayner-Slattery, and Evan Williams, Esq. Thank you for your diligent work to protect Montreat.

Sincerely,
Margaret Jones Berry
Emmett R. Berry, MD
314 N. Carolina Terrace Montreat

Angela Murphy

From: Mary Davis <mfdlcd@me.com>
Sent: Wednesday, April 07, 2021 6:54 PM
To: Info
Subject: Planning and zoning

Both Clif and Mary Ford Davis support the letter from Priscilla Haynor and Brendan Haynor Slattery and Evan Williams regarding the new zoning verbiage. Our address is 307 Nc Terrace.

Sent from my iPhone

