

## Staples asks CAN to drop appeal

Contributed by Heather Rayburn  
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Staples asked Heather to drop the CAN-sponsored appeal to the Board of Adjustment on a non-specific promise to do "something". If not dropped, Staples threatened to postpone an end of February meeting in Asheville, postpone fixing the building, and divert funds to other projects.

(Click picture to enlarge)

To learn more and see Heather's reply select "read more" below.

See Staples-summary for a summary and Q&A of all the research the community has done to date

Hello Everyone,

Here's the latest Staples update. This week, Staples asked me to drop the Coalition of Asheville Neighborhoods-sponsored appeal to the Board of Adjustment on a non-specific promise to do "something" about their building. Otherwise, they are scuttling their plans to come down at the end February to give us an update on the results of their corporate talks following their meeting with members of the Asheville community. Staples said they can't do anything until the city decides what's next, as they do not want to put money into fixing the building at this time in case the city decides to make them do something different.

This conversation took place through conference call with Mylissa Tsai, program manager at Staples, and Kathi Petersen, local Staples rep, on Monday. Mylissa said that Staples has only a limited amount of resources to deal with this problem and that if an appeal drags out over several months, that those resources could find their way to another store or to Staples's legal department. Here's my response.

Cheers, Heather

February 6, 2006

Mylissa Tsai  
 Staples Program Manager, Public Relations  
 500 Staples Dr. Framingham, Mass. 01702

Dear Mylissa and Kathi,

I have consulted with Chris Pelly (president) and Joe Minicozzi (board member) of the Coalition of Asheville Neighborhoods (CAN) about the appeal to Asheville's Board of Adjustment (BOA) concerning the interpretation of the Unified Development Ordinance (UDO) in the Staples case, since CAN is sponsoring the appeal. Here's what came out of our discussions:

We all empathize with Staples's position, and it's important for me to say that this is not an attack on Staples. Rather, this is the procedural way for us as citizens to address a very serious beef that we have with Asheville's city planning department over things they approved of or failed to enforce during Staples's construction. (This has been a serious problem in Asheville for some time, but the high-profile Staples building became the straw that broke the camel's back.) (I have to say that was an extra kick in the pants when we saw those plans for the first time and realized that Staples was supposed to keep the Merrimon-side antique wall in place!) I don't know if Staples is even officially involved in the appeal process, but that's something you could find out from Asheville's legal department.

We're not trying to capsize the good work that has taken place between Staples and our community. However, according to local laws, we only have a 30-day window to appeal the staff's interpretation of the UDO. If we would have had eight months, then of course, we could and would have waited longer to see the tangible results of our January meeting before filing the appeal. Our timeline to file has been dictated by our local 30-day legal deadline, which started on Jan. 11 (when Kim Hodges and I met with Scott Shuford, city planning director, and found out that planning's interpretation is based on "tradition" rather than what we could read in black and white in the UDO) and on Jan. 20 (when we got a copy of the actual Staples file and plan from the planning department). In Asheville, if a person believes the way planning approves a building does not match the laws of the UDO, then this is the process to address that. It's nothing personal, not even against the planning department personnel. It's just part of the public process to clear up the disputed interpretations.

Staples has said from the beginning of this controversy that no ordinances were broken and that the company built according to the book. In that case, Staples has nothing to worry about from our appeal. I totally understand that the appeal may put off for a few months any movement on fixing the building. As long as Asheville knows that Staples is true to its word that the company will make this right, I don't think anyone minds waiting out the appeal process before actual work is done to soften the building. Of course, our goal is to shed some light on a broken planning system and to have the muscle of a BOA ruling behind us to ensure that the Staples building will definitely get a face-lift. Even if the BOA tosses out the appeal or issues an after-the-fact variance, Staples still has a serious image problem and would benefit from continuing the collaborative process we've started.

When Joe and I discussed this situation today, we came to the consensus that we'd be willing to throw out the appeal out if Staples would present tangible plans and a definite timeline for fixing the building and put it in writing. We can't throw the appeal out, though, without seeing actual plans and knowing that there will be a beautiful greenscreen, trees on the sidewalk, and respectful signage in character with Asheville. Our trust level with Staples is really low for a myriad of reasons.

I look forward to your feedback.

Sincerely,

Heather Rayburn

P.S. I am confused by the statement that Staples just sells "pens and paper," low-margin products and that the funding to fix the building could find its way to another store if citizens decided to follow-through and exercise their right to a BOA appeal. I looked Staples up on the Yahoo's finance page to see if the company's going broke and discovered that for the last four reported quarters, gross profit amounted to \$4.1 billion and operating cash flow amounted to \$1.10 billion. I don't think anyone will buy that Staples is too strapped to fix the building in a meaningful way, no matter what happens.