

Members of the Planning & Zoning Board:

Thank you for your support of the Private School Text Amendment. While I covered most of my points last night....I'd like to comment on a few additional items for the sake of clarity.

1. Sound

As Brad from staff corrected at the end, currently we can use the sound system AS LOUD as we'd like during sporting events. (Not Just ECU). We did a sound test with the neighbors and the results were outstanding. We removed half of the sound system and put a limiter in place to prevent the system from ever being turned to loud again. Once the test started we had our liaison the HOA president from Planters Walk contact her neighbors in Planters Walk/Trail and the HOA president in Quayle Ridge contact her neighbors in QR. All of the responses received that night AFTER the sound test started were all positive and several even asked if we were playing any music at all. We had an engineer on site and other technicians taking measurements on our property line that maxed out at 73 dB. The reason for the 75 limit is because if we set it at 73, we would be in violation often. A small buffer seemed reasonable. Here is an excerpt of an email Patricia Anderson, the HOA President of Planters Walk sent to city staff and me. **"In my summation, there were no significant concerns about the level of sound, the music, or anything related to sound. In fact, when I personally called a few of the Planters Walk residents and asked if the sound was disruptive, they replied, "What Sound?" By 8:30 that evening the sound issues had been resolved, and the light tests began."** (Patricia Anderson, HOA President Planters Walk, email 8/12/2020)

2. Lights

- a. They say a picture is worth a 1,000 words. Here is an actual picture to demonstrate that the lights are not directly shining on anyone's yard. (SEE PICTURE)

3. Hours of Usage

- a. Currently there is no restriction on hours of usage. The proposed Text Amendment restricts usage 7 days a week at night, and limits sound use until after 930am. This applies to the school as well as 3rd parties.
 - i. The late night Friday/Saturday time is to support Friday Night Lights (Football) and usually will be over by 10pm, however overtime does exist rarely hence the 11pm cutoff. In addition, if Friday Night is a rainout, the game would be moved to Saturday Night.
- b. 3rd Parties would be able to use the lights & sound one day per week per the text amendment.
- c. We currently restrict our usage of the sound systems drastically to be good neighbors. When school was open (pre-covid) the prior 12 months had less than 24 hours of total sound system usage although we could have used it much more.
- d. The school does not allow 3rd party usage of our sports complex while school is in session for obvious safety reasons.
- e. Since 3rd parties can't use the lights but one night per week and the school day ends around 330pm....assuming a roughly average sundown of 630pm that allows approximately 15 hrs of usage during the week, Although extremely unlikely we would ever let anyone use the lights on Saturday, let's assume we do for the sake of the neighbors argument since it has the latest limit, say 8am to 11pm on Saturday is another 15 hours (Again, EXTREME and unlikely example), and Sunday 8a to 5p (We won't use the complex on Sundays other than an occasional religious or charity event) that adds on another 9 hrs. So in reality, the worst case usage per week for 3rd parties is 39

hours. This completely ignores the fact that we have a high school and middle school already using the fields after school during the week and assumes MAXIMUM usage on the weekend. **All extreme examples that will NEVER happen.**

- f. Enforcement is always a concern for any city code. Some of the neighbors suggestions would be extremely difficult for the city staff to keep track of and enforce.

4. SUP vs Text Amendment

- a. I took the SUP off the table for several reasons
 - i. The board of adjustments is quasi-judicial for SUP and it is a tedious process for a growing school.
 - ii. We are currently allowed to use light and sound. I am not willing to risk this usage with the BOA process everytime we need a change for anything on the site. (For sake of example: expand the cafeteria...fight with neighbors about light usage, etc on sports fields)
 - iii. The neighbors have MOSTLY been unwilling to discuss anything other than the SUP which I told them was off the table from day 1 due to the risk for the school. Even though the neighbors claim they would support a modified SUP, they can't control everyone and quite frankly I don't trust some neighbors to not attempt to restrict the school to an unreasonable level. The risk to the school of a modified SUP is too great compared to the potential benefit for the 3rd parties.

In closing, I'd be remiss if I didn't mention the city staff has been great to work with and has tried to broker a fair text amendment that does the best for the most people and still protects the neighbors. Several of the neighbors simply want their farm field back that they had for over 20 years and that's just not going to happen. My involvement with the neighbors has literally involved nearly a hundred hours and there only mission has been to delay, deny, and expand their requests. Please be reasonable and see that the school has given the neighbors protection they don't currently have in an attempt to protect them while allowing for minimal 3rd party usage. It's time for a vote and I appreciate your support.

Sincerely-

Rich Balot
JP2 Property Owner

