

13. What protections does the text amendment provide to prevent the athletic facility from being operated with unlimited year round use by third parties and functioning basically as a commercial fund raising enterprise? The once a week restriction is only for outdoor amplified sound and light. Adjoining homes could still be subject to nuisance noise depending on the activity and the numbers of people in attendance.

A: The current draft places restrictions on third party usage on light and sound and the number of potential hours of use dealing with light and sound have been greatly reduced. It does not place restriction on 3rd party use if the lights and amplified sound system are not being used. Light and amplified sound were the primary causes of nuisance and so they are the issues being directly addressed.

14. The restrictions in the SUP were unanimously approved by the BOA to protect the value and use of the properties in the general neighborhood and the health and safety of the residents.

Furthermore, based upon the totality of the evidence before the Board, and in accordance with Greenville City Code Title 9, Chapter 4, Article E (City Code § 9-4-81 to § 9-4-86), particularly City Code § 9-4-82 (Additional Restrictions), the Board, by unanimous vote, determines and concludes additional conditions, restrictions, and standards should be imposed and required upon the Property as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.

A: This appears to be a statement related to question #15. See below.

15. How does the text amendment protect the value and use of properties in the general neighborhood when it eliminates the third-party rental restriction and deprives the neighboring community of the ability to regulate the intensity of use of the athletic facility?

(F) Injury to Properties or Improvements. The proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

(G) Nuisance or Hazard. The proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

- The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
- The intensity of the proposed use in relation to the intensity of adjoining and area uses.
- The visual impact of the proposed use.
- The method of operation or other physical activities of the proposed use.

A: The Board of Adjustment has exercised its ability to protect value and use of the property via the restrictions included in the SUP. However, it places no restrictions of the use of the lights and sound system when used by JPII. This text amendment *does* mitigate the intensity of the use by placing restrictions on when light and sound can be used as well as by regulating their intensity for both JPII as well as much more of a limited use by 3rd parties. And even though it allows 3rd

party use, the overall use for both JP2 and 3rd parties combined has been reduced when compared to the SUP conditions.

20. Why does the Greenville City Planning Department consider it proper to allow the school to build the sports complex with one set of rules to protect the homeowners against potential abuses, and then remove those same rules or modify those rules after the school is built? (Please do not answer that it is because the owner has a right to request a rule change, I already know that. I want to know why the Planning department THINKS IT IS PROPER to recommend such a requested change?). What does the Planning Department think entitles this owner to ask for changes this drastic in nature and have them granted?

A: The Planning Department's job is to serve as an arbiter between the community and the property owner who is requesting a change to their land use rights. Staff does not think an owner is entitled to be granted any request that a person may make. That is a decision for the City Council. Under North Carolina regulations, a property owner has a right to request a change in land use regulations for their property. Remember that initially, the owner was asking for a zone change which he very well may have received, and staff recommended denial on that request. This text amendment is a middle ground between the SUP and the originally proposed rezoning request.

23. How did Horizons 2026 clause 5.2.3 become the clause the Planning Division used to recommend the text amendment? That clause is not applicable to the neighborhoods that are beside the complex. Our neighborhoods don't use the athletic fields or the gym, and the property is fenced off. Even if we did have access the only thing we could do is walk there, and we can do that in our own neighborhood. We would have to drive there to use their facilities, and if we are going to do that there are already plenty of more "family friendly" parks with things for kids to do in easy driving distance. Justifying the text amendment for the neighborhoods to have access to JP2 doesn't make sense if the neighborhoods don't have access to it or even need access to it. We don't need to lose our SUP protections just so "our HOA can use the JP2 building for a meeting" once a year. (Which is the rhetoric we keep hearing from Rich Balot as supposedly why we need this so called "access"). So please explain the use of this clause to recommend it to the P&Z and to City Council.

A: This text amendment would allow small private schools city-wide. As such, having schools located near neighborhoods increases access to civic sites such as schools.

25. What provisions are being made to prevent Quail Ridge, Tuckahoe, and Tucker East neighborhoods from becoming the "short cuts" for impatient drivers caught up in the increased traffic from the increased usage of the sports facilities with 3rd party use, especially in consideration that the widening of 14th street is now being delayed indefinitely? What happens at "Rush Hour" on 14th Street Extension when all the 3rd party practices hit at the same times as work and schools are letting out?

A: City streets are public streets and are available for anybody to use. It is not possible to restrict access to them. It is always a possibility that there will be increased traffic at certain points in the future, but the proximity of the complex's entrance to 14th street means it will see the majority of increases in traffic and the likely impact to the internal residential streets will be minimal.