

RESPONSES TO 2/18/19 PUBLIC HEARING COMMENTS TRIANGLE CRICKET LEAGUE (KV GROUNDS)

MEMBERS OF THE PLANNING BOARD, WE SUBMIT THE FOLLOWING IN DIRECT RESPONSE TO COMMENTS MADE AT THE JOINT PUBLIC HEARING. WE FEEL IT IS IMPORTANT FOR MEMBERS TO UNDERSTAND THE POSITIONS AND HISTORY OF THIS PROPOSAL. WE LOOK FORWARD TO ANSWERING ANY CONCERNS OR QUESTIONS YOU MAY HAVE AT YOUR NEXT MEETING. IF YOU HAVE ANY QUESTIONS BEFORE THE MEETING, PLEASE DO NOT HESITATE TO CONTACT CHARLES WALKER AT 919-625-9760 OR CWALKER@EPGROUPOONLINE.COM

LINDA HARRIS:

"PARKING LOT IN MY FRONT YARD"

THE PROPOSED PARKING AREA IS IN A WIDE SPACE ADJACENT TO THE ACCESS EASEMENT RUNNING PARALLEL TO THE COMMON PROPERTY LINE. THE PLAN SHOWS A MINIMUM 20 FT WIDE SETBACK. MEMBERS OF THE APPEARANCE COMMISSION ASKED FOR US TO ALLOW THE SETBACKS TO GROW BACK NATURALLY ALONG THE PERIMETER TO NATURALIZE THE AREA. WE AGREED.

"KRIS DOESN'T LIVE IN THIS COUNTY; THEREFORE, HAS NOT VESTED INTEREST"

WHILE IT IS TRUE KRIS DOES NOT LIVE IN CHATHAM COUNTY, BUT HE OBVIOUSLY IS NOW A TAX-PAYING LANDOWNER. THE LOCATION OF HIS HOME IS NOT RELEVANT TO THIS PROPOSAL.

"MS. SPIVEY'S LAND IS UP FOR SALE, NOT SURE WHAT SHE IS GOING TO DO AND DON'T KNOW WHAT THAT WILL DO TO PROPERTY VALUES"

THE STATUS OF MS. SPIVEY'S LAND IS ALSO NOT RELEVANT TO THIS PROPOSAL. IF AND WHEN SHE SELLS, THE NEW OWNER WILL HAVE ALL THE RIGHTS AND PRIVILEGES GRANTED BY THE COUNTY.

"WE HAVE WATER AND MUD MOVING TO OUR HOUSE NOW AND IT WASHES INTO OUR DRIVEWAY"

THE GARAGE AND DRIVEWAY HAVE SELF-INFLICTED DRAINAGE PROBLEMS. WHEN THEY WERE CONSTRUCTED, POSITIVE DRAINAGE WAS NOT SUFFICIENTLY ESTABLISHED ONSITE. THE SOLUTION TO THE PROBLEM WAS AN APPROXIMATELY 24-INCH DEEP DRAINAGE DITCH INSTALLED PARALLEL TO THE COMMON BOUNDARY. THAT DITCH WAS DUG ON KRIS' PROPERTY WITHOUT HIS KNOWLEDGE OR PERMISSION. THE DITCH ITSELF WAS DUG INCORRECTLY AND DOES NOT COMPLETELY DRAIN STORMWATER AWAY FROM THAT AREA. WE HAD INITIAL DISCUSSIONS TO TRY AND REPAIR THIS AREA, BUT THOSE DISCUSSIONS STOPPED WHEN MR. RAYNOR WENT ON THE PROPERTY AGAIN WITHOUT PERMISSION, INSTALLED A DRAINAGE PIPE IN ANOTHER DITCH TO CREATE A DRIVE WAY ON TO KRIS' PROPERTY TO ALLOW A CONCRETE DELIVERY TO THE BACK OF MARTY'S HOUSE OVER 1200 FT AWAY. WE NOTIFIED THE COUNTY THE DAY IT HAPPENED AND TOOK PICTURES OF THE LAND DISTURBANCE TO MAKE SURE ANY REMEDIAL WORK OR FINES WOULD BE CHARGED TO MR. RAYNOR.

"WHY IS THERE NO 5' WIDE BARRIER FROM THE PARKING AS PER SECTION 14.2 OF THE CODE"

THERE IS NO BARRIER SHOWN AS SPECIFIED BY THE CODE SINCE OUR 20 FT WIDE NATURALIZING SETBACK EXCEEDS THE CODE. HOWEVER, THE WIDTH OF THE NATURALIZATION WILL BE DIMINISHED WITH ANY FUTURE POSSIBLE CORRECT DITCH CONSTRUCTION.

"EASEMENT CONNECTION TO 64 ALREADY A HAZARD"

THIS EASEMENT HAS BEEN IN PLACE FOR 37 YEARS. IF THERE WAS AN ON-GOING ISSUE OR IT DID NOT MEET DOT STANDARDS IT WOULD HAVE BEEN CLOSED OR MODIFIED DECADES AGO.

"FEDEX TRUCK HAS ALREADY BEEN HIT"

UNDERSTAND THAT HAS BEEN MENTIONED; HOWEVER, NO ONE KNOWS THE EXACT DETAILS OF THAT ACCIDENT. A SINGLE OCCURRENCE SHOULD NOT ELIMINATE ITS FURTHER USE.

"WE KNOW GRASS PARKING WILL TURN INTO MUD"

THERE ARE SUCCESSFUL GRASS PARKING FIELDS ALL OVER THE AREA. TWO NOTED ONES ARE MOST AREAS AROUND CASL FIELDS AND CARTER FINLEY STADIUM PARKING LOTS.

"WHERE ARE THE LATRINES? HOW WILL THEY BE SERVICED?"

LATRINES WILL BE PLACED NORTH OF THE SILO. THAT MEANS THEY WILL BE APPROXIMATELY 400 FT AWAY. SERVICE SCHEDULES ARE BASED ON USE. AT MINIMUM THEY WILL BE SERVICED ON A TWICE A MONTH BASIS TO START. THAT WILL BE MODIFIED AS NEEDED.

"2 TEAMS, 10 PER TEAM MEANS 50 OR 60 PEOPLE WILL BE USING THE GRAVEL DRIVE"

THAT COULD BE TRUE BUT THAT DOES NOT TRANSLATE TO 50 OR 60 CARS. TEAM MEMBERS AND FAMILY WOULD TRAVEL TOGETHER. REGARDLESS THERE IS NO RESTRICTION ON THE USE.

"9" BALL WEIGHTS ABOUT 2.5 TO 3 POUNDS, HIT WITH A STICK, WHAT HAPPENS OF SOMEONE HITS IT INTO MY YARD OR CAUSES DAMAGE"

THE 501(C)3 LLC WILL CARRY INSURANCE ON THE PROPERTY. THE EDGE OF THE CLOSEST FIELD WILL BE OVER 300 FT FROM MS. HARRIS' HOUSE. CRICKET BALLS TO NOT TRAVEL 500 FT UNDER ANY CIRCUMSTANCE.

"AFTER THEY GET THIS ZONING, WHAT DOES IT OPEN IT UP FOR THE FUTURE"

NOTHING, THIS IS A CONDITIONAL USE ZONING CASE. THE CONDITION BEING IT WILL BE USED AS CRICKET FIELDS. ANY CHANGES WOULD HAVE TO GO THROUGH THIS PROCESS AGAIN AND BE JUDGED ON THE CONDITIONS OF THAT FUTURE USE.

"EASEMENT IS FOR RESIDENTIAL AND AGRICULTURAL USES"

THERE IS NOT DOCUMENTATION TO THAT CLAIM. IT IS CURRENTLY USED FOR RESIDENTIAL AND COMMERCIAL PURPOSES. THE FARM IS ZONED AGRICULTURAL, BUT IT IS A COMMERCIAL USE INCLUDING TOURS AND A STORE. THE CURRENT RESIDENTIAL USE HAS TWO DRIVEWAYS (HARRIS AND SPIVEY) OFF THE EASEMENT AND THE COMMERCIAL FARM HAS THREE.

"KRIS DOESN'T HAVE A VESTED INTEREST, DOESN'T LIVE THERE."

WE SUBMIT HIS LAND OWNERSHIP DOES GIVE HIM INTERESTS.

"THIS IS BACK DOOR TO SOMETHING ELSE, LOOK AT THE FACTS"

NOT SURE WHAT "FACTS" MS. HARRIS ARE REFERENCING. AS STATED PREVIOUSLY, THIS CONDITIONAL ZONING ONLY ALLOWS THE CRICKET FIELDS. AS IT WAS EXPLAINED AT THE PUBLIC HEARING, COUNTY CODE IS REQUIRING OPEN PLAY SPONSORED BY ANYTHING OTHER THAN THE COUNTY REQUIRES THE REGIONAL BUSINESS DESIGNATION.

"PEOPLE GOING TO RELIEVE THEMSELVES IN THE WOODS"

THAT'S WHY WE ARE SUPPLYING LATRINES.

MARK WEITZEL:

"NO POSITIVE IMPACT"

CREATING OPEN SPACE/ OPEN PLAY/GATHERING PLACES FOR PEOPLE TO EXERCISE IS A GOOD THING AND A GOAL OF THE COMPREHENSIVE PLAN. VISITORS TO THE SITE WOULD GET TO ENJOY AN AREA THEY MIGHT NOT OTHERWISE HAVE THE OPPORTUNITY TO EXPERIENCE. WATCH AND PARTICIPATE IN A GROWING LOW-IMPACT SPORT.

"50-60-70 COME TO THE SITE, USE IT THEN GO BACK TO WAKE COUNTY, LOWERING PROPERTY VALUES"

WE DON'T UNDERSTAND THE ASSUMPTION THAT THESE PEOPLE WOULD BE FROM WAKE COUNTY. WAKE COUNTY IS IN THE PROCESS OF CREATING ITS OWN CRICKET FIELD NETWORK. WE WOULD EXPECT PEOPLE FROM THIS AREA, CURIOUS ABOUT CRICKET WOULD BE INTERESTED IN COMING TO LEARN. IT IS A LONG-HELD PLANNING DOCTRINE THAT AREAS NEAR COMMUNITY PLAY AREAS EXPERIENCE NO NEGATIVE IMPACTS.

"DUST CREATED BY USING THE EASEMENT"

YES, UNLESS THE GRAVEL IS TREATED. THAT IS A POSSIBILITY.

"WE ARE USED TO THE TRAFFIC (ASSUMING HE MEANS 64)"

OVER TIME SO WILL REGULAR VISITORS. THERE ARE NO SIGHT DISTANCE ISSUES AT THIS CONNECTION.

"SMELL OF THE LATRINES"

AS STATED, BEFORE THEY WILL BE PLACED OVER 400 FT FROM THE HARRIS HOME AND 300 FT FROM THE SPIVEY HOME.

"SEASONAL ACTIVITY"

WE WILL ESTABLISH THE SEASON SCHEDULE. CURRENTLY SPECIFYING A SEASON FROM MARCH 1ST TO OCTOBER 31ST.

"PEOPLE COMING ON TO OUR PROPERTY"

WE DO NOT ANTICIPATE ANY REASON FOR VISITORS TO TRESPASS ON PROPERTY THAT IS NOT PART OF THIS PROPOSAL.

"HOURS OF OPERATION?"

WE WILL ESTABLISH HOURS OF OPERATION. CURRENTLY WE ARE CONSIDERING MATCH PLAY BE LIMITED TO 8AM TO 6PM.

"DISTURB THE WILDLIFE, MAKE THEM MIGRATE TO ANOTHER AREA"

WILDLIFE WILL BE DISTURBED DURING CONSTRUCTION AND DURING ACTUAL PLAY. ALL OTHER TIMES NOTHING IS BEING CONSTRUCTED THAT WILL FORCE TOTAL MIGRATION OF THE SITE. THE PROPOSAL USES ONLY ABOUT 40% OF THE TOTAL SITE.

"WORRIED ABOUT SAFETY, NO ECONOMIC IMPACT, DEVALUE IMPACT"

WE HAVE PREVIOUSLY ADDRESSED THESE CONCERNS IN OTHER ANSWERS.

Ms. SPIVEY

"I HAVE NO PROBLEM WITH WHAT IS BEING PROPOSED"

WE APPRECIATE HER SUPPORT.

MARTY RAYNOR

"ITS REALLY A 40' EASEMENT"

WE BELIEVE HE MAY BE INCLUDING A WIDER GRAVEL PATH ON HIS PROPERTY. THE RECORDED MAP AND DEED SHOW 30 FT.

"OPENING OFF 64 DOESN'T DOT STANDARDS. DOT STANDARDS ARE 2.5 TO 3 TIMES MORE FOR COMMERCIAL"

BY HIS OWN ADMISSION NCDOT MADE MR. RAYNOR EXPAND HIS ACCESS FOR HIS COMMERCIAL USE. THIS PROPOSAL IS NOT A COMMERCIAL USE. IT IS RECREATIONAL.

"WE HAVE WEEKEND TOURS OF THE FARM"

ANOTHER COMMERCIAL USE.

"WAS NOT THE INTENTION OF THE EASEMENT"

THERE IS NO DOCUMENTATION OF ANY LIMITATION TO THE USES OF THE EASEMENT. WE HAVE CONFIRMED THAT READING FROM KRIS' ATTORNEY, KATHIE RUSSELL. HER RESPONSE IS AS FOLLOWS:

"The easement that serves the subject parcel was granted in 1982 in deed recorded at book 455, page 58 and plat recorded at plat book 31, page 25. The perpetual easement states that it is a right of way from the southwest corner of the tract to US Highway 64. There is no limitation on the easement, it is not stated that it is merely for ingress and egress, it is not limited to residential use or for any particular purpose. Indeed, at the time the easement was granted there was no residential structure on the subject parcel, so there is not even any indication of intent to limit the use to residential purposes.

The language of the easement grant is clear that it provides right of way to the subject tract without restriction of any kind.

Therefore, it is my opinion that the easement is not limited to residential use or to ingress and egress and could be used for any purpose including future development. "

"AMOUNT OF TRAFFIC, NOT COMMERCIAL"

THE PROPOSAL IS A RECREATIONAL USE, OWNED BY A NON-PROFIT IN A REQUIRED BUSINESS ZONING.

"MY EASEMENT"

THE ACCESS TO THE EASEMENT IS EQUALLY SHARED.

"AREA THEY SHOW ON THE PLAN FOR PARKING IS ONLY 40' WIDE OPENING"

THAT IS NOT TRUE. SCALING THE PLAN SHOWS THAT OUTSIDE OF THE 20 FT SETBACK, THE AREA AVAILABLE FOR PARKING RANGES FROM 75 TO 150 FT.

"WHAT IS THE ENVIRONMENTAL IMPACT ON MY PROPERTY"

NONE. WE DO NOT SHOW OR PLAN TO DISTURB THE AREA NEAR THE EXISTING PUMP. SINCE THERE WILL BE NO NEW CLEARING AND GRADING WITH THE EXCEPTION OF THE EASTERN SIDE OF THE FIELDS, EROSION WILL NOT MAKE IT TO THE ADJOINING PROPERTIES.

"WHAT CONTAMINATION WILL HAPPEN?"

NONE.

"LAND FLOODS FROM THIS PROPERTY ALL THE WAY TO 64"

THAT IS NOT POSSIBLE SINCE MR. RAYNOR ILLEGALLY DUG THE DRAINAGE DITCH TO TRY AND DIVERT THE WATER TOWARD THE EXISTING CREEK. SINCE WE ARE NOT PROPOSING ANY NEW STRUCTURES OR PAVING, THE IMPERVIOUS COVER ON THE TRACT WILL NOT INCREASE. THE EXISTING CREEK DOES AND WILL CONTINUE TO DRAIN TOWARDS 64.

"HOW WILL EPA REACT TO THE WORK WHEN THEY DISTURB THE AREA?"

WE ARE NOT PROPOSING TO DISTURB THE AREA NEAR THE PUMP.

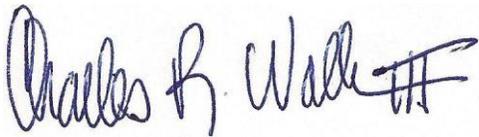
"OK WITH THE FIELDS JUST DON'T USE THE EASEMENT"

KRIS AS A LANDOWNER, HAS A LEGAL RIGHT TO THE EASEMENT AND THERE IS NO DOCUMENTATION THAT LIMITS THE ACCESS TO THE EASEMENT. OUR PROPOSED LAYOUT HAS THE LEAST ENVIRONMENTAL IMPACT.

"ATTORNEY NOT HERE BUT SAYS IT IS NOT ALLOWED TO USE THE EASEMENT"

WE HAVE COMMUNICATED WITH MR. RAYNOR'S ATTORNEY, MR. BEN ATWATER. TO DATE, HE HAS NOT ONCE CLAIMED THE PROPOSED USE IS NOT ALLOWED TO USE THIS EASEMENT. WE WILL CONTINUE COMMUNICATION.

SINCERELY,

A handwritten signature in blue ink that reads "Charles R. Walker III". The signature is written in a cursive, flowing style with a double horizontal line at the end.

CHARLES R. WALKER III
PRINCIPAL
EPG