



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
BOARD OF ADJUSTMENT MEETING**

**June 15, 2021
6:00 PM**

AGENDA

1. THIS WILL BE A TELECONFERENCED MEETING VIA THE ZOOM PLATFORM.

- A. Please click this URL to
join: <https://us02web.zoom.us/j/87691372776?pwd=QytQUkdXYnBieXUycEgxOUlxBkQT09>
Passcode: 300963

Or join by phone:
Dial: 312 626 6799
929 205 6099

Webinar ID: 876 9137 2776

2. CALL TO ORDER

- A. AGENDA ADOPTION

3. CONSENT AGENDA

- A. Consider the meeting minutes of May 18, 2021 Board of Adjustment meeting.

4. PUBLIC HEARINGS

5. ADJOURNMENT

Town of Harrisburg's Vision Statement

Harrisburg will be the best small town in North Carolina based on low density housing, excellent economic opportunities, a safe living environment, and efficient and effective municipal services. Amenities such as excellent recreational programs, adequate open space, attractive shopping opportunities, a diversity of restaurants, and a connected system of roadways, sidewalks, greenways, and bicycle lanes will continue to enhance the quality of life of the Town. These services and amenities will be provided while retaining reasonable tax rates and debt levels.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the meeting minutes of May 18, 2021 Board of Adjustment meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the meeting minutes of May 18, 2021 Board of Adjustment meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. BOA MAY 18 2021

**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
BOARD OF ADJUSTMENT MEETING
TUESDAY, MAY 18, 2021
6:00 PM**

MINUTES

1.

CALL TO ORDER

Lloyd Quay called the meeting to order.

PRESENT: Lloyd Quay, Thelma Thorne-Chapman, John Overcash, Andy Rathke, Rodney Garner, Jacob Carpenter, Kevin Schaffner

A.

AGENDA ADOPTION

John Overcash made a motion to adopt the agenda as presented. Second was made by Kevin Schaffner. **The motion passed 5-0.**

2.

CONSENT AGENDA

3.

PUBLIC HEARINGS

A.

H2021-01-(CUP) – Conditional Use Permit request for Off-road adventure course (dirt path).

Parker Poe Adams & Bernstein LLP, on behalf of Charlotte Motor Speedway LLC has submitted an application for a Conditional Use Permit (CUP) for a off-road adventure course (dirt path) on property located at southern corner of Morehead Road and Hudspeth Road (PIN# 4598-92-7531, 4598-91-5925, 4598-81-9888, 4598-82-3118, 4598,81-5034, 4598-71-6435). The property is currently zoned I-1, Light Industrial. Table 4.6-1 of the Unified Development Ordinance (UDO) lists racetracks as an allowed use for I-1, subject to conditional use review criteria in Article 3 and supplement use regulations in Article 5 of the Unified Development Ordinance (UDO). Attached you will find a staff report that includes the responses from the applicant, the Conditional Use Permit application including a site plan for your review and consideration. **All those speaking concerning this case were sworn in. Sushil Nepal, Planning Director, presented the background information.**

Sushil Nepal

The request of the conditional use permit is to construct a racetrack in I-1, the property is located at the corner of Morehead and Hudspeth Rd. The total acreage is 131.44 acres. The racetrack is not a permitted use but it is allowed subjected to the approval of the Board of Adjustment. Going back to the UDO, this is the permitted use table where you can see it would need a Conditional Use permit. Here is the site located for your reference, it will show you where the property is located. What you see on the left is the 6 parcels that are being presented and where they are asking for the conditional use permit. Here is the site plan that was issued for your review. The total length of the track is 2.38 miles, and the width of dirt track is 25ft. There is a huge, wooded area that is in the tree save area which will not be touched. We have talked about a perimeter fence; this has not been finalized yet, but we will talk more during the site review process. The main access is off Morehead Road, you can see on the top right corner. The applicant did submit the application which includes their response to

approval criteria per UDO and had paid their fees. The next several slides are the different criteria that is needed per the project, I am not going to read through each response, but I will read the statements. The first one is the proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on site. You can see their response below. The second is there will be adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads. The third is the proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. Criteria four is the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. Five, the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare. And number six, the last criteria, compliance with any other applicable Sections of this Ordinance. Planning and Zoning department staff recommends that the Board of Adjustment hold a Public Hearing on this matter and consider the request for a Conditional Use permit.

Lloyd Quay

Thank you, Sushil, we would now like to hear from the applicants, if you could please give your full name and address and be sworn in.

Jamie Schwedler

We are here on behalf of the Charlotte Motor speedway. We did have a presentation then I will go ahead and introduce the witnesses. Sushil explained this is to construct a off-road adventure course on about 130 acres located on Morehead road. The request is to accommodate UTV's and other recreational vehicles. The majority of the natural settings preserved as much as possible, this gray line shown on the site plan shows the approximate location of the course. This use qualifies as a rack track under Harrisburg's definitions, and requires a conditional use permit, I will briefly show them on this screen into 5 topics. This slide shows 4 general requirements, and the next slide will show the 6 special use criteria's and then the next slide will show the supplemental design standards of chapter 11. Because there is a huge overlap of these factors, we organized the evidence by topics into multiple factors, you will hear from 3 witnesses testifying. First you will hear from Mr. Greg Walter, the general manger of the Charlotte Motor speed way about the vision for the track and how it will fit into the character of the neighborhood. His testimony will relate to General factor 3 and conditional use factor 1. Second you will hear from Chase Pratt, the landscape architect with Land Design, his testimony will relate to General factors 2-4 and CUP factors 1, 2, 4, and 6 and Supplemental factors 1-3. Finally, you'll hear from Steven Swift, the Vice President of Operations with the Speedway, his testimony will relate to General factors 1, CUP factors 3 and 5 and Supplemental factor 2. At this time, I would like to call our first Witness, Mr. Greg Walter.

Greg Walter

My name is Greg Walter, office address 5555 Concord Parkway, Concord, NC.

Jamie Schwedler

Could you please describe your background and experience to the board?

Greg Walter

I have a Bachelor Arts degree in Journalism from the University of North Carolina Chapel Hill. I have 30 years of experience in sports and entertainment industry. I am the executive Vice President General Manager of the Charlotte Motor speed way.

Jamie Schwedler

Are you prepared to testify as to certain factors related to the permit?

Greg Walter

Yes, I am, I will share our vision for the proposed use. Speedway's vision for the Paved Road Course is to offer an amenity that compliments the existing, large motorsports complex in Concord. The Paved Road Course will enable visitors from other areas to come to Harrisburg and drive selected cars on a closed course at scheduled times throughout the week. No lights are proposed, and all course use is anticipated to be during daylight hours. The proposed use will not violate neighborhood character nor adversely affect surrounding land uses, particularly considering the fact that the Paved Road Course will sit adjacent to one of the busiest motorsports complexes in the world. The Property is surrounded by vacant property to the west, motorsports, and industrial uses. The character is largely rural and industrial, with very few residential uses to the west and south. The majority of the Paved Road Course will be to the east of the Property and in land within the planning jurisdiction of Concord. Most of the uses in the area have been adjacent to the Charlotte Motor Speedway ("CMS") since the 1960s, and the character of the area is already largely influenced by motorsports and related uses. The Paved Road Course is complimentary of the larger CMS Complex, but will have a much smaller scale and intensity of use and will serve as an appropriate transition to uses to the west and south. The Paved Road Course conforms to the character of the neighborhood considering the location, type and height of building or structures, as well as the type and extent of landscaping and screening to the Property. The Property is surrounded by vacant property to the west, motorsports and industrial uses to the north, and motorsports uses to the east. A limited number of parcels to the west are used for residential purposes. The majority of the adjacent property to the south is vacant, but limited portions are used for motorsports and/or related accessory uses and storage. The character is largely rural and industrial, with 1-2 story buildings on large lots or surrounded by large open areas. The Paved Road Course will not have structures within the Harrisburg jurisdiction portion except for the actual course itself; all buildings and structures will be within Concord's jurisdiction. Those buildings, in turn, will be of a smaller scale and height than of the main track located at the CMS Complex. Existing vegetation will be selected to remain where possible and can act as a natural screen and landscaping between the property boundaries and the proposed use. As a result, the use will blend well with the character of the neighborhood.

Jamie Schwedler

Thank you, Mr. Walter, at this time I would like the affidavit from Mr. Walter to be entered in as evidence and are there any question for this witness.

John Overcash

Could you give us the definition of UTV?

Greg Walter

It is a terrain vehicle, a off road vehicle like a four-wheeler or you see them made by Polaris.

John Overcash

Are these big vehicles or small?

Greg Walter

They are small, most of them are not designed for road use.

John Overcash

Have you ever heard of the term CAN on a UTV? CAN is the best way I understand it. The reason I am asking a neighbor here in our neighborhood had one of their UTV and it was incredibly loud, you could hear it miles away. Do you have any stipulations about noises?

Jamie Schwedler

We have another witness that will be testifying about noises shortly, he will be able to answer that for you.

Lloyd Quay

Will these vehicles be racing, or will it be one of a time uses?

Greg Walter

It is to be one of a time, we do not anticipate any side-by-side racing.

Lloyd Quay

Will it be a contest or are they just going this for their own enjoyment?

Greg Walter

If someone would like to be timed, I guess that could happen, but it will be used more for someone to just enjoy being out there one at a time.

Jacob Carpenter

Has the current property been used in this manor or is there a use of the property currently?

Greg Walter

If there is use out there now, I am not aware of that. We have done some clearly but that is all that I am aware of.

John Overcash

It seems that it is mostly used for parking for the speedway.

Lloyd Quay

Mr. Walter, have you concluded your testimony at this time?

Greg Walter

Yes, I have.

Lloyd Quay

Ok thank you, we are ready for your next witness at this time.

Jamie Schwedler

We will excuse Mr. Walter for now and call Mr. Chase Pratt. Mr. Pratt if you could please state your name and your address for the board.

Chase Pratt

Yes, my name is Chase Pratt, and the address is 223 N Graham Street, Charlotte, NC.

Jamie Schwedler

Can you please describe your background and degree to the board?

Chase Pratt

I am a Senior Designer at Land Design Inc. I received my degree in Landscape Architecture from the University of Kentucky and am a licensed Landscape Architect in the State of North Carolina. I have 11 years of experience in urban design and landscape architecture.

Jamie Schwedler

Mr. Pratt would you please explain your role in this project.

Chase Pratt

I have reviewed the regulations regarding development in the Town of Harrisburg's Zoning Ordinance, including requirements for layout, safety, and other impacts. I drafted a site plan illustrating the Off-Road Course (the "Concept Plan") and its compliance with those regulations. The Concept Plan is attached as Exhibit A.

Jamie Schwedler

And are you prepared to testify as certain factors related to the project tonight?

Chase Pratt

Yes, I will testify with the conformance of the UDO, other Town plans, traffic and infrastructure, utilities, factor 4 of the general requirements, factors 4 and 6 of UDO 3.5.3 and factors 1 and 3 of UDO 11.7.2.

Jamie Schwedler

Could you explain the compliance with Town plans with respect to our concept?

Chase Pratt

This request is consistent with the SAP subarea A designation, best suited for additional entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex to the northeast. The SAP notes this area is "part of a regional destination area created by the Charlotte Motor Speedway and Concord Mills" and that suitable uses include private recreation. Recognizing the importance of the CMS as a regional economic engine, the Plan also encourages the accommodation of motorsports-related activities and private recreation in Subarea A that will expand the range of activities and entertainment for residents and visitors. The proposed use is compatible with uses of the CMS complex and diversifies the available motorsports activities in the area by adding a low intensity experience. The use is also consistent with the Harrisburg Area Land Use Plan ("LUP"), which recognizes the importance of sustainability and keeping natural areas closer to Mallard Creek. The majority of site's southern border is Mallard Creek, and the proposed course is designed to be separated from this area. The Off-Road Course will be placed along existing cleared routes, taking advantage of the natural landscape and preserving the majority of the existing vegetation. No buildings or paved improvements are proposed, which allows the site to remain largely pervious. The course is expected to be 25 feet wide and to meander through the existing terrain and landscape. The proposal does not involve buildings, so no setbacks or additional off- street parking are required. No new parking landscaping is required under the zoning ordinance. Many of the site plan requirements are not triggered due to the low intensity of the use and the minimal site disturbance anticipated. Although the track does not require setbacks, the Off-Road Course will be set back at least 20 feet from the property line. The proposed use complies with other applicable portions of the UDO. The requested use is considered a "Racetrack" under the definition in the UDO, which is allowed as a conditional use in the Industrial-1 ("I-1") district, subject to additional standards in Articles 5 and 11. In this case, Article 5 does not apply, but the use must comply with applicable Supplemental Design Standards in UDO§ 11.7.2. UDO § 11.7.2 states "Loading and unloading

areas shall not be visible from any public street. Screening of such areas shall be required in accordance with Article 7. If such areas face a parcel which is zoned or developed residentially, the rear setback shall be increased by fifty percent." Because the proposed use is not proposed to have buildings, garages, or structures, loading areas are not anticipated. To the extent UTVs are transported to the site, they would be unloaded at the edge of the parking lot closest to the course, and approximately 1,325 feet from Morehead Road. They may also be unloaded in the gravel staging area, which is an additional 860 feet away from the street, and through an existing vegetated canopy. No areas possibly used for such loading face residential areas. Thus, no screening or increased setbacks are required here.

Jamie Schwedler

Mr. Pratt could you explain how the concept plan relates to utilities, traffic and infrastructure?

Chase Pratt

Of course, the use provides adequate measures for ingress and egress to minimize traffic hazards and congestion. Access to the site will be via an existing driveway and access gate on Morehead Road, which connects to an existing dirt path. The path will be widened to 25 feet to provide greater access to the course but will otherwise remain in a natural or gravel condition. Ample parking is available within the existing lots adjacent to Morehead Road. The traffic generated is not expected to be significant, and the site plan anticipates sufficient access to minimize any traffic hazards. Thus, adequate measures are provided. 19. The course will not generate traffic volumes that will significantly impact the capacity or safety of the transportation system. Due to its width and design, the course can only accommodate a few vehicles at a time, thus the use will be spread out throughout the hours of operation. The anticipated average daily trips is expected to be well under 1,000, so a Traffic Impact Analysis is not required by the UDO. 20. The proposed use is located along Morehead Road, a maintained road with existing access to the site. It also has adequate access to water, fire, police and other Town utilities and services, which already serve the nearby Charlotte Motor Speedway Complex. 21. The widened access path will provide ample fire and emergency access to the off- road course. Charlotte Motor Speedway has response plans in place for fire and police protection within the Concord planning jurisdiction and will work with Harrisburg to coordinate service and response protocols. UDO § 11.7.2 provides that "[i]f an industrial development occurs along a corridor that has been identified by the adopted Bicycle, Pedestrian, and Greenway Plan as having a future greenway, the developer shall be responsible for developing the greenway as part of the development process." The proposed use is a Race Track as defined under the UDO, not an industrial use, and therefore this standard does not apply.

Jamie Schwedler

Thank you, Mr. Pratt, I'd like to ask just a few questions about the traffic, you noted that the traffic is supposed to be well under 1,000 trips per day, correct?

Chase Pratt

Correct, we anticipated that the use be much less than that on a daily basis.

Jamie Schwedler

And is that because the use of the track will be on a scheduled basis as Mr. Walter said earlier?

Chase Pratt

Yes, usage will be limited and throughout the day and by appointments only.

Jamie Schwedler

And the physical layout of this site can accommodate anything close to the traffic that is experienced today for the main track?

Chase Pratt

I do not anticipate it generating any traffic near to that level of traffic.

Jamie Schwedler

Thank you, I have no more questions for this witness. Are there any questions from the board for this witness?

Rodney Garner

You mentioned it would be a low number of UTV's that will be on the track at one time, correct?

Chase Pratt

Correct.

Rodney Garner

Do you have an exact number that is allowed on the track at one time?

Chase Pratt

We do not have an exact number.

Rodney Garner

Thank you.

Kevin Schaffner

Will they have events held here where a larger number of people will gather, weekend events?

Greg Walter

No, if we were to do a large-scale spectator event the scope of the work back there would be much broader, this is designed to be an amenity and a very selected use. Giving the course of safety, I don't want a lot of vehicles on it. Maybe one and another waiting to go, this is not designed to be a huge spectator event. One would start the course then when it got halfway the other could start. You would never have two close together.

Sushil Nepal

So, are you saying there is only one UTV entering at one time?

Greg Walter

There could be two, but they would never be racing. I do not want a lot of people on at once, we still need to work through that. I do not see this having an impact at all on our community.

Sushil Nepal

Is it a fair statement this is more of a one-on-one individual driven race and experience for who is interested?

Greg Walter

That is correct.

John Overcash

What are your days of operation and hours, have you decided that yet?

Greg Walter

No sir, thinking of the business model we could run Monday-Sunday, but it would be during daylight hours, we are not putting up any lights we would like to keep this as natural as possible.

Jamie Schwedler

Are there any other questions for Mr. Walter or Mr. Pratt?

Sushil Nepal

Andy are you able to speak now, I know you had some questions?

Jamie Schwedler

Would you like to call our next witness?

Lloyd Quay

Yes, I think that would be a good idea.

Jamie Schwedler

We would like to call Mr. Steven Swift. Please state your name and address to the board.

Steven Swift

My name is Steven Swift at 5555 Concord Parkway, Concord, NC. I received my degree in construction engineering technology from East Tennessee State University. I have 20 years of experience in designing and operating various motorsports racetracks and related recreational tracks. During my tenure with Speedway, I have supervised and/or worked closely on over 100 motorsports related construction projects. I am the Senior Vice President of Operations and Development of Speedway Motorsports, LLC ("Speedway") and of Charlotte Motor Speedway, LLC, ("CMS"). Speedway is a leading marketer, promoter, and sponsor of motorsports entertainment in the United States.

Jamie Schwedler

And do you have experience in evaluating noise and other impacts of these motorsports uses?

Steven Swift

Yes Mam, during the course of operating racetracks, I have experienced and evaluated noise, dust and others.

Jamie Schwedler

At this time, I would like to tent to Mr. Swift as an expert in Motorsport's facility design, operation, and impacts. Mr. Swift could you please describe to the board your role in this project.

Steven Swift

I am the Development Supervisor for this project and was responsible for hiring certain consultants to help plan and design this project.

Jamie Schwedler

Are you prepared to testify as to certain factors related to the permit tonight?

Steven Swift

Yes, I will be testifying with safety, noise, dust and other impacts. These are factors 1 of general requirements, 3 and 5 of the UDO 3.5.3 and factor 2 of the UDO 11.7.2. With the respect of the public safety and welfare, the proposed use is similar and, in the location, as nearby uses, it is right next to the main venue of Charlotte Motor speedway. Dust, noise, and vibration will be controlled by placement of the course, maintenance of existing vegetation, and dust-controlling measures. Traffic will not be significant and adequate access and circulation will be maintained to avoid congestion. Thus, the proposed will not be detrimental to or endanger the public health, safety, or welfare.

Jamie Schwedler

Is that statement based on your experience on over 100 motorsports related uses?

Steven Swift

Yes mam.

Jamie Schwedler

Could you explain what this slide shows?

Steven Swift

What you are looking at is a test that we put in place to check what we are getting ready to speak on. You see a UTV and a sound device. What you are also seeing on this site is a slide that shows the location of the closest residential home. To determine anticipated noise levels, I engaged Gabriel Weger of Burns & McDonnell, Acoustic Consultant, to establish a protocol for a noise study of the proposed use. The protocols for the study are attached as Exhibit A. My team conducted the study on May 6, 2021, at approximately 1 p.m., under clear weather conditions. The test was conducted using a level 2 sound level meter which is recognized as accurate within 2 A-weighted decibels (dBA). Several factors of the study were much more conservative than the actual, anticipated use of the Off-Road Course. For example, the vehicles used during the test were revved to their maximum engine RPM to generate the loudest possible noise. Normal use of the Off-Road Course will not generate the same level of noise. A summary of the study and its findings is attached as Exhibit B. Based on the study, it was determined that the proposed performance cars would generate approximately 77-80 dBA at a distance of 50 feet. This level of noise is about the same level as a diesel truck going 40 mph at 50 feet. The residential uses to the south will be separated from noise and vibration by about 975 feet at its closest point, and much further in most cases. At that distance, the sound would be closer to 50-54 dBA, which is lower than the level of noise of an air-conditioner condenser at 15 feet. Thus, the proposed use will not be noxious or offensive by reason of noise. Further, the course will utilize the natural vegetation on the site, which will act as a natural barrier and muffler to reduce the impact of noise, vibration, odor, dust, smoke and/or gas on surrounding properties. While the course is anticipated to consist primarily of dirt, dust controlling spray and moisture monitoring will be in place to ensure levels of dust are kept at a minimum. This will be necessary for the function of the track and safety of customers, as it becomes difficult to see while on the track if the course becomes too dusty. Maintaining levels of dust on the track will also naturally reduce dust, smoke, and/or gas impact on surrounding properties, as the existing vegetation will screen these elements, and the surrounding properties are either vacant or the uses thereon set a significant distance back from the proposed use. We confirmed with the staff that there are no industrial performance standards in the Harrisburg Ordinance, so this is based on my experience with racetrack uses.

Jamie Schwedler

Thank you, Mr. Swift, I would like to go back on the point you made with the respect of noise, your team conducted the sound study based on the sound consultant who designed the study for the speedway?

Steven Swift

That is correct.

Jamie Schwedler

And I think you testified that when you look at the closet point the track could be to the nearest residence, that distance is 975 feet?

Steven Swift

That is also correct.

Jamie Schwedler

And all that data was based on information during your consulting with the sound engineer?

Steven Swift

Correct.

Jamie Schwedler

I would like to open questions up to the board if there are any for us.

Andy Rathke

The hours of operation during daytime are concerning because of the summertime change and how do you control the modifications that can be done to the UTV's for noise. This makes the assumption that you rent the units to the user, or do they bring their own UTV's?

Greg Walter

The first thing on the hours, the safety is our main concern for the drivers. We can adjust things once we see what works better and makes a little more sense. We can control what type of noise amplifiers that can either be used or not be used. In this model we are thinking that individuals can bring their own UTV.

Lloyd Quay

Jamie, are we finished with your presentations?

Jamie Schwedler

We are, we do have a summary, but we can leave that until the question are done being asked.

Sushil Nepal

The next person would be Janeen Blythe.

Janeen Blythe- Speaking Against

5875 Leatherwood Ln, Harrisburg, NC

My husband and I are concerned of our property value and the noise that will be created daily. We have lived by the speed way for many years now however the speed way consists of two major races. Traffic during these events is horrible, what will this do to do the traffic on Morehead, we have a hard time already getting out of our neighborhood. Can they address all of that? The fact that the course is separated at only 975 feet, I know that the noise was addressed, and they did that study, it was said in the applicant memo that the noise would be far less than the speed way, but the speedway is a lot further away. With the track being this close it seems like it would impact our ability to be able to enjoy our outdoor time. We anticipated that the noise from the speedway would only be 2 times a year, not every day. It sounds like this will a consistent thing where we

will hear this all the time. There is a plan for the Mallard Creek greenway, it seems like this would be affected by this project.

Jamie Schwedler

Thank you, Mrs. Blythe, I think Steve will be able to answer a lot of your questions for you. Mr. Swift at 975 feet, how many football fields are we talking that would be?

Steven Swift

Roughly 2 1/2, 3 football fields

Jamie Schwedler

And that is at the closest point it would be to the track, correct?

Steven Swift

Correct.

Jamie Schwedler

You also testified that the cars would not be revving at full rpms, looking at this course can you explain how that might work with a course like this?

Steven Swift

You are never pushing 100% of rpms in any type of car, the car wants to blow up if you were to hold it there. That is how these were tested. The UTV would be breaking if it were to get into that zone. This would not be a place that rpms would be running at full as we tested.

Jamie Schwedler

And based on your experience with motorsport uses, would the presents of a evergreen tree on the edge of a track and a distance of 2-3 football fields in between make a material difference in how much a person might hear?

Steven Swift

You still have a lot of underbrush, falling trees, wooden areas and physical material that take place in woods, all of those helps with sound so it does not get through 100%.

Jamie Schwedler

If we could go to the last slide, please, we heard a question comparing the decimal levels to the main track to the decimal levels that we have here, can you explain how the calculated sound was made from this measurement?

Steven Swift

When you talk about decimal levels there is a huge difference between 54 decimals and 60 decimals, that is a large difference. This reading is super low compared to what the Nascar track is providing.

Sushil Nepal

Next will be Beverly Henley.

Beverly Henley- Speaking Against

5600 Morehead Rd, Harrisburg, NC

I do not have a formal thing written down, just so you guys are aware our property is next to the red line on Morehead rd. Are you planning an entrance to this off of Morehead Road? I would like

to know if this is for public use or more for race teams/race drivers more than it is for public use? And I would also like to say I am concerned about the noise because we live a lot closer, we do not have a problem with the speedway since it is only 2 times a year, along with the longer hours that is concerning. We have lived here for over 20 years, sound travels very far. It looks like this is for more than one person, correct me if I am wrong.

Steven Swift

That is correct, it is a UTV which is normally for 2 people.

Beverly Henley

Morehead road is already a very busy road, it gets a lot of traffic especially during the rush hour going in and out. If you are planning a entrance on Morehead rd., we have tons of speed issues on this road. It no longer gets addressed.

Steven Swift

We are planning on using the existing entrance that is already in place currently. There will not a new one placed. Traffic has picked up a lot on that road over the years, but we will not be making a new entrance.

Jamie Schwedler

Do you agree the traffic generated by this use will be rather infrequent with respect of what is today?

Steven Swift

Absolutely, it will be a private course so we will be able to control the hours, and usage and the amount of usage which will help control the crowds. As far as the people who are using the track, we are going to have safety perimeters.

Jordan Sorrells- Speaking Against

5963 Tall Tree Lane, Harrisburg, NC

I am the one who is the closest to your course, my first question to that distance of 975, that appears to be to the dwelling of my home not the property line. How many UTV's were used in the studies that you guys did, I only see one in the picture that you provided. I would also like to know you said this is private use, how would you notify the individuals that get to use it and verify what UTV's are being used. Does this mean it is not open to the public at all? You are able to hear through things currently, just curious on how that might change.

Chase Pratt

The measurement that was done was taken to the actual structure that is on the property.

Jamie Schwedler

Mr. Walter could you address how you plan to regulate the users of this use and the types of vehicles that are used.

Greg Walter

Anytime we have an event or will have access to that use, there will always be a event manger or someone who overseas this. It will not be like you just give over the keys to someone and they have at it, someone will always be there to monitor this use.

Jamie Schwedler

Do you envision this where just anyone can drive up on the property and use this at any given time?

Greg Walter

No, this would be part of a limited group. Still trying to figure out what that might look like but this being a motorsports complex it fits into what we already do now.

Steven Swift

Knowing what this track design is, we wanted to pick a vehicle that will be utilized on this track. This UTV is a very high-performance vehicle and when we took the sound readings, we wanted it to be as real and actual that were picked up from a certified machine that gave us this information. Multiple units were not used, only the one that you see.

Jamie Schwedler

Based on your experience and how the test was conducted would you expect the sound to be at worst the air condition unit example that was provided perhaps less than that?

Steven Swift

Correct.

Marc Brun

8237 Anderson Place, Harrisburg, NC

I just have a general question with the course layout, it looks like the south side of the course gets into the flood plain, will there be erosion control, or will that be needed? The area frequently floods.

Steven Swift

We have gone outside of what the requirements are, we made sure we were out of that setback and we will follow any guide lines once this goes through site review. The course is not designed to be in Mallard Creek, we do not want to put the track near that to make sure it can be used at all times.

Chase Pratt

It wouldn't be considered an encroachment just because of the nature of the development so it would not need grading or anything. Going forward we will submit a plan for prereview then we would go into the site plan review through Harrisburg where all of this would be looked at.

Nicole Stanisic

Tall Tree, Harrisburg, NC

I had a question as to rather it has been considered or planned to host a test week or weekend throughout different times of the year to address the reality of the noise. I think the numbers give a lot of information but has there been discussing of a event that would simulate the real experience the track operating? This simulation that you have on the screen, one of the questions was this is a test for one vehicle at one time, the proposal has clearly explained there will probably be two at a time but it does not show the vehicles that are waiting to run.

Jamie Schwedler

Thank you, Nicole, a simulation is exactly what we have done like Mr. Swift has stated, Mr. Walter could address this maybe a little more. We had to present all the evidence tonight which is why we did the testing in advance.

Greg Walter

We want to make sure we didn't choose a quiet UTV, everything was done so it would be a stress test to prove to the board we have tried it, and this was the results.

Lloyd Quay

Does the board have any addition questions?

Andy Rathke

I am a little confused by the business model that has been presented.

Lloyd Quay

Mr. Walters is there anything you can add to that?

Greg Walter

If we get this approved, we are looking at a private club and one of the things you could do is use the off-road course. The hours of operation once we built this out more will be addressed then. This will only be for members who are centered around this sport.

John Overcash

Andy, I agree with that I think a lot of information has been left out of this presentation. I am going to ask Rich is this the time we can say we do not have enough information to make our decision. I am at a loss on this one.

Rich Koch

I think the way you look at it, they have certain standards that they have to go by and that is what they did. If you think it is not enough evidence, then that is something you have to decide but I think they have given more information than what is needed. You cannot really consider a generalized statement of what might happen that is why they have presented extra in all of these areas that are listed. If you think it is enough evidence or not that is for you all to decide. The main thing to remember you decide on evidence and if they have put on enough evidence for this use to satisfy the standards.

Sushil Nepal

Does the board have to make a decision one way or another or can they extend this to the next meeting?

Rich Koch

I think they need to make a decision if they plan to keep the public hearing open or not, if they do not want to make a decision tonight that can be continued to the next meeting.

Jamie Schwedler

If I may, I have a closing of evidence statement that I would like to provide. We have showed all the substantial evidence satisfying all the standards. You have heard from Mr. Walter, Mr. Pratt, and Mr. Swift they are all experts in their own right and they have hired experts to perform these studies ahead of time. What the board is called to do is to look at the testimony and if it finds that it is confident material then it shifts to those who persons oppose the permit and the law says those persons who oppose the permit have to put on information and evidence of the same kind. We certainly understand the neighbors concerns about noise, traffic which is fine for their own perceptions, but they are not allowed to offer opinion testimony based on specialized knowledge. The way this is coming before the board because the way the Harrisburg UDO requires a conditional use permit, the law says as long as these factors are provided by confident evidence

that the conflicting testify has to rise to that same level where it certainly hasn't here. The law does not support denial based on generalized concerns. If there are conditions that would make you feel more comfortable, please let us know and we can consider that.

John Overcash

Thank you for that, we have not had a Board of Adjustment board in a long time, and you certainly satisfied my mind on that.

Sushil Nepal

Rich, at this time is it time for the board to close the public hearing?

Rich Koch

As long as everyone who has wanted to speak has got a chance to speak then you can close the public hearing.

Sushil Nepal

We can go ahead and ask if anyone would like to speak, they can type in the chat box, please let us know. We will give this a few minutes.

Beverly Henley

5600 Morehead Rd- Speaking against

You may have already answered this but who exactly is all of this for? Who are the people it is planned for since it is not for public use?

Greg Walter

The idea is to develop a private club for someone who would like to participate in something off road, it would be like a membership where they could join. We give everyone in this presentation what would be the worst case. Think of it like a county club, if you are using golf clubs or their amenities, if you are a member or this club this would be a amenity that could be used. It would not be used all the time only when it is scheduled.

Beverly Henley

Is this something they would call in advance to do this or would they be out there standing in line waiting to sign up to use this?

Greg Walter

Those are kind of the business models that we are looking on, there is going to be some type of reservation that will need to be used so we have a safety person that is there on site at all times when this is being used. We will always have it monitored when it is in use. I think we will have a reservation program in place.

Beverly Henley

I am familiar with the slide shown, the entrance from Morehead there is a bunch of trucks there now, is it going to be back where the gates are already?

Steven Swift

Yes, that is correct.

Janeen Blythe

I just had a follow up question, earlier it said the track could be open Monday-Sunday and now it sounds like it has to be by appointment only. Will this be used much more than the speedway?

Greg Walter

When we said Monday-Sunday, a reservation could be made on those days, but it is just a full scope of what we are looking at when it could be used. I do not believe it will be used every day it will just depend on the reservations; they will pay to use this course and they will have to register in advance. It is very limited and will most likely never be used nonstop.

Sushil Nepal

Lloyd, those are all the public comments.

Lloyd Quay

Ok I would like to close the public session, if the board has any other questions please go ahead and ask if not we will be looking for a motion. Do we have a motion to either approve or deny the use?

MOTION:

John Overcash made a motion to approve H2021-01-(CUP) Conditional Use Permit request with a second from Jacob Carpenter.

VOTE:

Passed 5-0.

Rich Koch

Lloyd you might want to call on each member since we are doing this virtual.

Lloyd Quay

Andy, I. Rodney, I. Thelma, I. John, I. Lloyd, I.

Findings of Facts as prepared by Attorney Rich Koch are as follows:

FINDINGS OF FACT

1. The use as proposed is not detrimental to the public health, safety or general welfare.
 - a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.
 - b) The proposed use as a dirt path off road adventure course will not adversely affect the public health, safety and general welfare in that it is being located in a part of Town where such a use is similar to the surrounding motorsports uses.
2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.
 - a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.
 - b) All such facilities, which are specifically required for this additional use, are located nearby.

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.

b) The proposed use as a dirt path off road adventure course involves very little change to the existing topography.

4. The use as proposed will comply with the general plans for the physical development of the Town as embodied in the Ordinance or in the area development plans that have been adopted.

a) See Applicant's response to this requirement which is incorporated by reference as a Finding of Fact.

b) The proposed use complies with the general plans for the physical development of the Town and is in the place where the Town wants these types of use to be located.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW

1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit labeled Findings of Fact and finds and concludes that each element was supported by competent, material, and substantial evidence.

2. It is the Board's CONCLUSION that the proposed use does satisfy the first Approval Criteria standard listed in Section 3.5.3 of the Town of Harrisburg Unified Development Ordinance ("Ordinance"); namely, that the use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

3. It is the Board's CONCLUSION that the proposed use does satisfy the second Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely, that adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

4. It is the Board's CONCLUSION that the proposed use does satisfy the third Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

5. It is the Board's CONCLUSION that the proposed use does satisfy the fourth Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the establishment of the use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

6. It is the Board's CONCLUSION that the proposed use does satisfy the fifth Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

7. It is the Board's CONCLUSION that the proposed use does satisfy the sixth Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the use complies with other applicable Sections of the Ordinance, including but not limited to the Supplemental Design Standards in Section 11.7.2 of the Ordinance and the General Requirements.

B.

H2021-02-(CUP) – Conditional Use Permit request for paved road adventure course. Parker Poe Adams & Bernstein LLP, on behalf of Charlotte Motor Speedway LLC has submitted an application for a Conditional Use Permit (CUP) for a paved road adventure course on property located off of Hudspeth Road (PIN#4598-74- 1264 and 4598-64-6678). The property is currently zoned I-1, Light Industrial. Table 4.6-1 of the Unified Development Ordinance (UDO) lists racetracks as an allowed use for I-1, subject to conditional use review criteria in Article 3 and supplement use regulations in Article 5 of the Unified Development Ordinance (UDO). Attached you will find a staff report that includes the responses from the applicant, the Conditional Use Permit application including a site plan for your review and consideration. **All those speaking concerning this case were sworn in. Sushil Nepal, Planning Director, presented the background information.**

Sushil Nepal

The next public hearing tonight is to consider the permit for a paved road adventure course. This property is also in I-1 located in the corner of Hudspeth. It only includes two parcels. Total acres is 18.36. Conditional Use review criteria in Article 3 of the UDO and Article 5 and 11 supplemental use regulations, where applicable. The permit use table is a conditional use permit that must be approved by the board. Here is the location map that will show where this is located. The majority of the project is in Concord then the rest is in Harrisburg. You can see on the screen the total land in each Concord and Harrisburg. There is tree save area and EMS access only is Hudspeth. Main access is off of Morehead Rd. We do have a fence that will be installed on the Harrisburg side to provide some privacy. The applicant has submitted a complete application which includes their response to approval criteria per UDO Section 3.5.3 and has paid the application fees. Preliminary site plan is attached for the Boards review. If the board approved, the application will have 12 months to submit a final site plan for review and approval. If the applicant fails to submit the final site plan within the allotted time, the conditional use permit will be null and void. If the project requires the installment of a new driveway, the applicant will be required to secure the driveway permit from the Harrisburg Public Works Department in conjunction with NCDOT. A Traffic Impact Assessment (TIA) will need to be completed, if required based on traffic generation. Here are some of the 6 criteria's, 1. The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on site. 2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads. 3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. 4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. 5. Missed on slide. 6. Compliance with any other applicable Sections of this Ordinance at this point. Planning and Zoning Department staff recommends that the Board of Adjustment hold a Public Hearing on this matter and consider the request for a Conditional Use permit. I will hand it back to the chair.

Lloyd Quay

Thank you, Sushil, I am opening the public hearing at this time. We have an applicant.

Jamie Schwedler

Yes, we will handle this the same as we did the last one.

Lloyd Quay

All those speaking will need to be sworn in by the clerk.

Jamie Schwedler

This case is concerning another rack track use but to the north of the one you just did see. The majority of the course will be in the Concord area as you can see on the map. Must like Mr. Walter described this will be for the private club that we spoke about earlier, you will hear from the same witnesses as before. This slide will show the same factors that we will discuss. Although you will hear the same type of evidence, they were conducted in two different studies. Id like to call our first witness Mr. Greg. Walter. Mr. Walter can you please state your name and address for the board.

Greg Walter

My name is Greg Walter, my office is located at 5555 Concord Pkwy S, Concord, NC. 2. I received my degree in journalism from the University of North Carolina at Chapel Hill, North Carolina and have over 30 years of experience in the sports and entertainment industry. Currently my role is the Executive Vice President and the General Manager of Charlotte Motor speedway.

Jamie Schwedler

Mr. Walter could you explain the character of this area and the speedways vision for this type of racetrack.

Greg Walter

Speedway's vision for the proposed course is to use the natural topography and existing cleared trails to create a new type of recreational use in Harrisburg. The off-road course can serve as an attraction for people coming to the area and looking for a more rugged, natural setting for driving vehicles and a different experience from observing a high-speed NASCAR race. No lights are proposed, and the course will be used during daylight hours. The proposed use will not violate neighborhood character nor adversely affect surrounding land uses. The Property is surrounded by vacant property to the west, motorsports and industrial uses to the north, and motorsports uses to the east. Most of the uses in the area have been adjacent to the Charlotte Motor Speedway since the 1960s, and the character of the area is already largely influenced by motorsports and related uses. The Off-Road Course is complimentary of the larger CMS Complex, but will have a much smaller scale and intensity of use and will serve as an appropriate transition to uses to the west and south. The off-road course conforms to the character of the neighborhood considering the location, type and height of buildings or structures, as well as the type and extent of landscaping and screening to the Property. The majority of the adjacent property to the south is vacant, but limited portions are used for motorsports and further south, the Timber Forest residential subdivision. The majority of the site's southern border is Mallard Creek. The course is designed to be away from property boundaries to the west and south, and towards the center of the site and the shared jurisdictional line with the City of Concord. The character of the neighborhood is largely rural and industrial, with 1-2 story buildings on large lots or surrounded by large open areas. The proposed use does not propose new buildings or structures in Harrisburg, so the height and location of structures is not an issue. The existing tree canopy will be largely preserved and will serve to screen the use from the south. Existing vegetation will be selected to remain where possible, and can act as a natural screen and landscaping between

the property boundaries and the proposed use. As a result, the use will blend well with the character of the neighborhood.

Jamie Schwedler

Thank you Mr. Walter, this also is meant to be private amenity, correct?

Greg Walter

That is correct.

Jamie Schwedler

So, would people be entering the course on a schedule manor?

Greg Walter

They would because we would need to make sure we have the safety people available at those times.

Jamie Schwedler

Would it be open to the public?

Greg Walter

No, it would not.

Jamie Schwedler

And how would people enter and exit the course?

Greg Walter

There is access from our property and all of that would be gated and marked.

Jamie Schwedler

And would that be through the Concord side?

Greg Walter

That is correct.

Jamie Schwedler

There were some questions about the regulatory of the use and operation, would those be consistent with the ones you testified for the off-road course?

Greg Walter

That is correct, this would be scheduled, or you would make a reservation to ride.

Jamie Schwedler

And what about driving at night?

Greg Walter

No. No lights even though the cars do have lights.

Jamie Schwedler

That is all the questions I have for Mr. Walter, are there any questions for this witness for the board?

Lloyd Quay

From just judging what I can see, is 25% or maybe less of the course located in Harrisburg? The overwhelming majority is in Concord, correct?

Greg Walter

That is correct.

Andy Rathke

Will a road course have multiple cars at once racing each other?

Greg Walter

No, they will not be racing each other, the course is not designed for that. It is also not designed for spectator events. Any of the road courses that are in the county are designed for large crowds, this is not. Reservation basis only.

Jamie Schwedler

Any other questions from the board?

Rodney Garner

Mr. Walter, are you looking at one car at a time on the racetrack?

Greg Walter

That would be my preference with a course this short, I would have a concern for safety if not. It will be anticipated for one car at a time. At the most, 2 at one time but I do not anticipate that.

Thelma Thorne-Chapman

Is the goal of this course high speed?

Greg Walter

Mrs. Chapman, it would have speed to it but define what you mean by high?

Thelma Thorne-Chapman

In my mind I am thinking almost like a racetrack.

Greg Walter

If it is ok, let me let Steven give his testimony and it should answer your question.

Jamie Schwedler

Any other questions from the board? If none, we will excuse this witness and call Mr. Chase Pratt. Mr. Pratt can you state your name and address to the board.

Chase Pratt

My name is Chase Pratt 223 N Graham St. Charlotte, NC and I am a Senior Designer at Land Design Inc. I received my degree in Landscape Architecture from the University of Kentucky and am a licensed Landscape Architect in the State of North Carolina. I have 11 years of experience in urban design and landscape architecture.

Jamie Schwedler

Please explain your role in this project.

Chase Pratt

Land Design was engaged by the applicant to create the layout and design for the Paved Road Course. In this capacity, I have reviewed the regulations regarding development in the Town of Harrisburg's Zoning Ordinance, including requirements for layout, safety, and other impacts. I drafted a site plan illustrating the Paved Road Course (the "Concept Plan") and its compliance with those regulations. The Concept Plan is attached as Exhibit A.

Jamie Schwedler

Are you prepared to testify to utilities, traffic, infrastructure tonight?

Chase Pratt

Yes, I will testify with conformance of the UDO. The proposed use will comply with the Town's plans for the area. The Property has a future land use designation of Industrial- I, while the remaining land fronting Morehead Road is zoned PID. The Property is within the Morehead West Small Area Plan ("SAP"), best suited for nonresidential uses, especially additional entertainment and recreation uses that will complement the existing Charlotte Motor Speedway complex. The proposed use is consistent with the planned uses on the site and will comply with the envisioned development of the Property and the surrounding property. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. The Property has a future land use designation of Light Industrial and is within subarea A of the SAP. There are no applicable overlay zones for the property, and the majority of the property is zoned 1-1, while the remaining land fronting Morehead Road is zoned PID. The SAP encourages a range of uses in the Morehead West Area compatible with existing development and consistent with the Future Land Use Map. No new parking, landscaping, nor many of the site plan requirements, are required due to the low intensity of the use and the minimal site disturbance anticipated. No structures or parking areas are planned for the portion of the course in Harrisburg. All parking and access to the Property will be provided from the Concord jurisdiction area. The Paved Course will be set back a minimum of 15 feet from the exterior property lines. Because the track will traverse the property line shared with the jurisdiction of the City of Concord, the setback would not apply along this line. As demonstrated in Exhibit A, the proposed use complies with other applicable portions of the UDO. The proposed use is also constant with article 11 of the UDO, article 5 does not apply and also 11.7.2 do not apply. The use provides adequate measures for ingress and egress to minimize traffic hazards and congestion. With the exception of emergency and fire access, no access points are planned to Hudspeth Road or by individual vehicles; instead, participants will access the course from Morehead Road in Concord and will drive on the closed course through Harrisburg back into Concord's jurisdiction before exiting the course. This will provide ample room for access for customers and emergency vehicles, maintaining acceptable flow. Ample parking is available within the existing lots adjacent to Morehead Road. Because the traffic generated is not expected to be significant, and the Concept Plan (Exhibit A) anticipates sufficient access and minimizes traffic hazards, adequate measures are provided. The course will not generate traffic volumes that will significantly impact the capacity or safety of the transportation system. Due to its width and design, the course can only accommodate a few vehicles at a time, thus the use will be spread out throughout the hours of operation. The anticipated average daily trips is expected to be well under 1,000, so a Traffic Impact Analysis is not required by the UDO. The proposed use is located along Morehead Road, a maintained road with existing access to the site. It also has adequate access to water, fire, police and other Town utilities and services, which already serve the nearby Charlotte Motor Speedway Complex. Access from Morehead Road will provide ample fire and emergency access to the Paved Road Course. Charlotte Motor Speedway has response plans in place for fire and police protection within the Concord planning jurisdiction and will work with Harrisburg to coordinate service and response protocols.

Jamie Schwedler

If the permit is issued tonight does this plan need to go through more approval processes?

Chase Pratt

That is correct, there would be a site plan created and also a site development permit.

Jamie Schwedler

Would these approval processes go meet Harrisburg's UDO?

Chase Pratt

That is correct.

Jamie Schwedler

I do not have any other questions for this witness, does anyone from the board have any questions?

John Overcash

One question, will the company police of speedway have jurisdiction to respond to this location and also the dirt track location?

Steven Swift

You said company police, do you mean onsite security? Yes they would have that jurisdiction.

Jamie Schwedler

Are there any further questions for this witness? If not, I would like to call Mr. Steven Swift. Mr. Swift if you could state your name and address to the board.

Steven Swift

My name is Steven Swift, office address is 5555 Concord Pkwy, Concord, NC.

Jamie Schwedler

And please briefly describe your background.

Steven Swift

My name is Steven Swift, I am the Senior Vice President of Operations and Development of Speedway Motorsports and of Charlotte Motor speedway. I received my degree in construction engineering technology from East Tennessee State University. I have 20 years of experience in designing and operating various motorsports racetracks and related recreational tracks. During my tenure with Speedway, I have supervised and/or worked closely on over 100 motorsports related construction projects.

Jamie Schwedler

And you have experience in evaluating noise and other impacts of Motorsports uses?

Steven Swift

Yes, that is correct. I have experienced evaluating things like noise and dust.

Jamie Schwedler

Mr. Swift could you please explain your roll in this project.

Steven Swift

I am the development supervisor for the Paved Road Course and am responsible for hiring various consultants to help plan and design the course. Neither the establishment, maintenance, or operation of the proposed paved road course will be detrimental to or endanger the public health, safety, or general welfare because the use is very similar in location, intensity, pervious area, vegetation, open space, and access to the nearby uses. Dust, noise, and vibration will be controlled by placement of the course and dust- controlling measures. A fence will surround the paved course, separating adjacent uses. Traffic will not be significant and adequate access and circulation will be maintained to avoid congestion and provide ample fire and emergency access to the paved course. Thus, the proposed will not be detrimental to or endanger the public health, safety, or welfare.

Jamie Schwedler

Based on the frequency of this use, do you except the traffic to be the same as the off-road course?

Steven Swift

I believe this would be less or equal to the off-road course.

Jamie Schwedler

Mr. Swift if you could continue with your testimony.

Steven Swift

As you see the same as we discussed on the other course, the graph on the right-hand site will be what we are going over. The Paved Road Course will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas as the paved road course will be compatible with the existing characteristics of the area. The noise generated from this use will be far less than that from events at the existing motorsports complex in Concord, located across Morehead Road from the site. This is due to the number and nature of the vehicles, which is anticipated to include scheduled time on the course with high-performance sports cars. These types of vehicles do not put out the same level or type of noise or smoke as stock cars. To determine anticipated noise levels, I engaged Gabriel Weger of Burns & McDonnell, Acoustic Consultant, to establish a protocol for a noise study of the proposed use. The protocols for the study are attached as Exhibit A. My team conducted the study on May 6, 2021 at approximately 1 p.m., under clear weather conditions. The test was conducted using a level 2 sound level meter which is recognized as accurate within 2 A-weighted decibels (dBA). Several factors of the study were much more conservative than the actual, anticipated use of the Paved Road Course. For example, the cars used were the loudest possible cars that will be used on the Paved Road Course, at their highest RPM. A summary of the study and its findings is attached as Exhibit B. Based on the study, it was determined that the proposed performance cars would generate approximately 90-95 dBA at a distance of 50 feet. This level of noise is about the same level as a small prop plane flying at 1000 feet overhead. The residential uses to the west will be separated from noise and vibration by about 85 feet at its closest point, and much further in most cases. At that distance, the sound would be closer to 85-90 dBA for the short duration of the vehicle passing by the nearest point, which is about the same level of noise as a diesel truck at 50 feet or a noisy urban street. Thus, the proposed use will not be noxious or offensive by reason of noise. For these reasons, vibration, noise, odor, dust, smoke, and gas are similarly expected to be far less than that of the Charlotte Motor Speedway Complex. Thus, the use will not be noxious or offensive.

Jamie Schwedler

You mentioned the noise study done with the max rpms, at which points of the track would that be?

Steven Swift

Where we would have tested that is the closest point to the closest residence.

Jamie Schwedler

So, the test was done at the 85 foot distance correct?

Steven Swift

Correct.

Jamie Schwedler

The point the measurement was taken, the rmp's were at their max, correct?

Steven Swift

Yes, correct.

Jamie Schwedler

So, what would the cars tend to do once reaching the curve that is in the track?

Steven Swift

They would be breaking and the rmps would go to their lowest speed.

Jamie Schwedler

Giving the curves that are designed on the track, the max rmps would be very limited, correct?

Steven Swift

Yes, the high rmps would not be used at a long period of time.

Jamie Schwedler

Thank you, I do not have any further questions. Are there any questions from the board? If there is none, we do have a summary for the end.

Sushil Nepal

Lloyd, I do not see any questions from the public at this time.

Lloyd Quay

Ok does the Board have any other questions at this time?

Jamie Schwedler

I believe we have offered substantial evidence that is required under the North Carolina law for each of the factors that were discussed. You heard from Mr. Walter, Mr. Pratt and Mr. Swift all testifying on their knowledge for this certain use. Giving that testimony we have met all the requirements that are needed for the permit to be issued. I am willing to answer any questions that you feel we have not answered for the board.

Lloyd Quay

Thank you, at this time I would like to close the public comment at this time. Would the board have a motion?

MOTION:

Thelma-Thorne Chapman made a motion to approve H2021-02-(CUP) Conditional Use Permit request with a second from John Overcash.

VOTE:

Passed 5-0.

Lloyd Quay

Is there any other business for the Board of Adjustment? No.

4.

ADJOURNMENT

There being no further business, Lloyd Quay made a motion to adjourn with a second from Thelma Thorne-Chapman. **The motion passed 5-0.**

Findings of Facts as prepared by Attorney Rich Koch are as follows:

FINDINGS OF FACT

1. The use as proposed is not detrimental to the public health, safety or general welfare.
 - a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.
 - b) The proposed use as a paved road adventure course will not adversely affect the public health, safety and general welfare in that it is being located in a part of Town where such a use is similar to the surrounding motorsports uses.
2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.
 - a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.
 - b) All such facilities, which are specifically required for this additional use, are located nearby.
3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.
 - a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.
 - b) The proposed use as a paved road adventure course, at that location, is very close to the main track which is part of the larger Charlotte Motor Speedway complex.
4. The use as proposed will comply with the general plans for the physical development of the Town as embodied in the Ordinance or in the area development

plans that have been adopted.

a) See Applicant's response to this requirement, which is incorporated by reference as a Finding of Fact.

b) The proposed use complies with the general plans for the physical development of the Town and is in the place where the Town wants these types of use to be located.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW

1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit 1 labeled Findings of Fact, and finds and concludes that each element was supported by competent, material, and substantial evidence.

2. It is the Board's CONCLUSION that the proposed use does satisfy the first Approval Criteria standard listed in Section 3.5.3 of the Town of Harrisburg Unified Development Ordinance ("Ordinance"); namely, that the use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

3. It is the Board's CONCLUSION that the proposed use does satisfy the second Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely, that adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

4. It is the Board's CONCLUSION that the proposed use does satisfy the third Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

5. It is the Board's CONCLUSION that the proposed use does satisfy the fourth Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the establishment of the use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

6. It is the Board's CONCLUSION that the proposed use does satisfy the fifth Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

7. It is the Board's CONCLUSION that the proposed use does satisfy the sixth Approval Criteria standard listed in Section 3.5.3 of the Ordinance; namely that the use complies with other applicable Sections of the Ordinance, including but not limited to the Supplemental Design Standards in Section 11.7.2 of the Ordinance and the General Requirements.

Lloyd Quay, Chairman

Carly Bedgood, Secretary

