

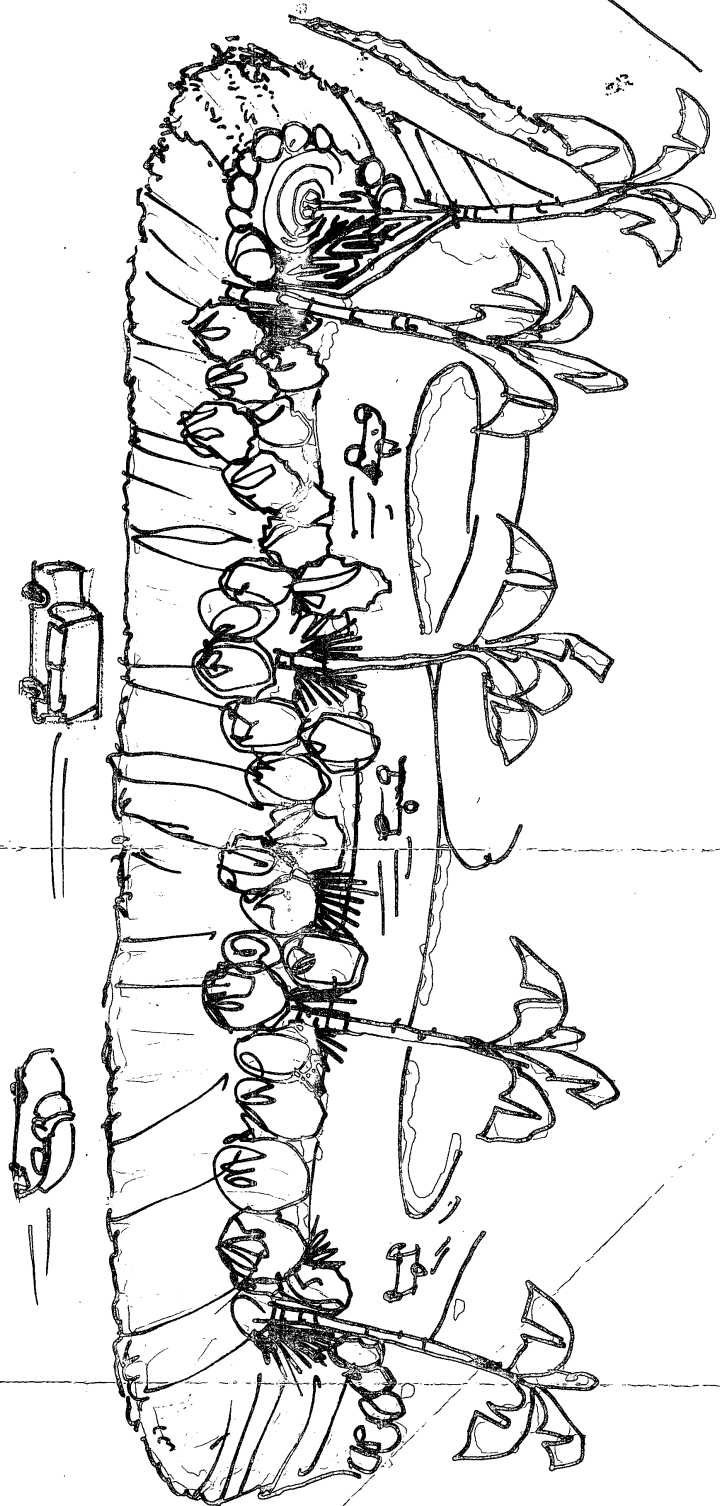
from HEX hearing

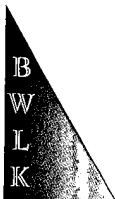
CASE NAME: Jenway Family Funcenter @ Lakes Park

ARE THERE ANY BOARD EXHIBITS? YES ✓ NO

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

[illegible]





Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

February 11, 2004

Ms. Diana M. Parker
Chief Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Fenway Family Fun Center @ Lakes Park
DCI2003-00062
Pre-Hearing Stipulations
BWLK Project Number 34186(03-14)

Dear Ms. Parker:

Based on our meeting on February 5, 2004, with Mr. Alvin "Chip" C. Block, and Mr. Michael Pavese, the following are alternative language to the conditions listed in the staff report:

A. **Conditions:**

Condition #3 – The buffer along Gladiolus Drive must include a 5' berm as part of the Go-Kart Track. **The berm will taper to $\pm$ 2 feet at the south property line.** A 15 foot buffer along the eastern property line will include a double staggered rows along the top of the berm, **in addition to (5 trees/100 L.F.), the trees required for a Type D buffer.** This will provide a partial sound and visual buffer toward the east (Gladiolus Drive).

Condition #5 – The operation may open daily at 10:00 A.M. This coincides with the 10:00 A.M. opening of Castle Golf and is one (1) hour later than the 9:00 A.M. opening of Lakes Regional Park.

Condition #8 – The developer must provide a minimum 15 foot wide buffer containing a double staggered rows (100% native species) along the top of the 5' berm created by the Go-Kart Track along the property line contiguous to the Lakes Regional Park entrance road. **The developer will provide trees. The 5' berm will end at the entrance to the Fenway Family Fun Center.**

Condition #9 – The developer must provide reasonable facilities to accommodate the safe access of pedestrians from Lakes Regional Park to the proposed amusement facility as determined by the Director of Division of Development Services and at the time of local development order application.

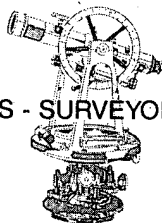
B. **Deviations for Amusement Devices Setbacks:**

A. 10 foot south property line – approved with testimony from Castle Golf property owner.

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM

APPLICANT'S EXHIBIT

#2
DCI 2003-00062

February 11, 2004
Ms. Diana M. Parker
Page two

- B. 25 foot Lakes Regional Park entrance road (north property line) – approved with visual rendering showing berm with double staggered rows hedge on top of berm.
- C. 25 foot Gladiolus Drive (east property line) – approved with applicant's agreement to provide berm and double staggered rows hedge and buffer vegetation as referred in Condition #3 above.
- D. 40 foot west property line – approved with limitation to batting cages area.

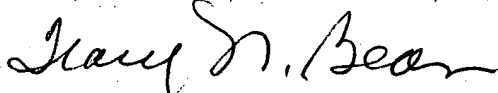
> It was also discussed with Lee County staff, that the applicant should not have to provide an enhanced buffer along the Lakes Regional Park entrance road, if the trees shown on the conceptual plan prepared by Wilson Miller, Inc. are going to be planted.

All other conditions of the staff report are acceptable as written. Thank you for your consideration of these changes.

In addition, enclosed herewith is the revised Deviation and Justification for Deviation. If you should have any questions regarding any of the above, please do not hesitate to call me.

Sincerely,

BEAN, WHITAKER, LUTZ & KAREH, INC.



Tracy N. Bean, AICP
Zoning & Land Use Coordinator

TNB/js

Enclosure

Copy to:

Mr. Alvin "Chip" C. Block, AICP, Principal Planner, Division of Zoning,
Lee County Department of Community Development w/enclosure
Ms. Donna Marie Collins, Assistant County Attorney, Lee County Attorney's Office w/enclosure
Mr. Michael Pavese, Principal Planner, Lee County Public Works w/o enclosure
Mr. Donald J. Thiele, Manager, Bushwood Entertainment, LLC w/o enclosure
Mr. Barry D. Fisher, Manager, Bushwood Entertainment, LLC w/o enclosure

Review of
Concession Go-Kart Noise
And General Noise Levels

For

The Proposed

FENWAY FAMILY FUN PARK

Fort Myers, Florida

Prepared for

Mr. Barry Fisher

January 30, 2004

By

Peter F. Olesen and Associates, Inc.
Consulting Engineers
500 West Central Road Suite 205
Mount Prospect IL 60056
847-253-1515 Fax 847-253-1532

**CONCESSION GO-KART NOISE GENERATION
AT PROPOSED FENWAY FAMILY FUN PARK
FORT MYERS, FLORIDA**

Our firm, and more specifically, this writer was requested to provide our professional opinion as to the noise that would be generated at the proposed Fenway Family Fun Park, to be located in Fort Myers, Florida by concession go-karts. This opinion will be expressed in as non-technical a manner as possible. Having presented noise and related family entertainment center testimony for more than twelve years, I am acutely aware of many misconceptions that exist in the general public with respect to the noise levels that will be generated.

Obviously a concession go-kart makes noise. The Honda engines that power all current concession go-karts manufactured in the United States are equipped with either stock or specialty mufflers. The noise level differences between stock and quiet mufflers are only several decibels. Decibels being a unit of measure to compare various sounds and sound levels.

Numerous noise level tests have been performed on various Honda go-kart engine equipped go-karts around the country during the past twenty years. For a variety of site-specific reasons, each study may differ by several decibels. This can be seen in the studies we've included in the appendix.

In reviewing the site plan of the proposed family fun center we see that the closest buildings to the go-kart track will be more than 200 feet across Gladiolus Drive on a site zoned CPD. Based on the noise data presented in this review, the noise levels will be lower than conversation level (60 decibels) at the east right of way line. In addition, the go-kart noise levels at that point will be well below the levels generated by street traffic. We would anticipate the street noise levels to be in the range of 70 to 75 decibels when traffic is present.

Noise Generation:

Whenever a project includes a concession go-kart track, there are concerns raised with respect to the noise that will be generated. This is understandable, when the people expressing their concerns may have never heard a concession go-kart, nor visited a facility where go-karts are operating; or their experience may have been thirty years ago, when go-karting was in its infancy. Hopefully this presentation will allay most if not all concerns.

As noise concerns have been with the industry for many years, the efforts to reduce noise levels have also been around for many years. The engine manufacturer and the individual concession go-kart manufacturers have worked long and hard to create a product that is safe, quiet and enjoyable.

We feel that most individuals would allay their concerns if they visited existing facilities. Our experience, however, has been that this is not practical for either the community staff reviewing the issue or the community members that are concerned. For this reason, we have been requested to provide this review.

Attached to this review of the noise question are five separate noise studies of concession go-karts, taken at different times and locations. A reputable noise consultant has performed each one. On the west coast three studies were performed on behalf of J. & J. Amusements, Inc. of Salem, Oregon. J & J is one of the premier concession go-kart manufacturers in the United States. Two separate studies were performed in the Midwest on behalf of Formula K Raceway, Inc. another of the premier concession go-kart manufacturers. It should be noted that both firms use the same Honda engines on their karts. These studies were performed in 1978, 1991, 1995, 1997 and 2000.

Each study evaluates the noise generation using slightly different approaches, but they all arrive at the same basic conclusion. The sound levels generated by concession go-karts are lower than those generated by lawn mowers, street traffic and other common noise sources. They also found that at each of the locations studied, that there was no negative noise impact.

While these studies considered noise level measurements at closer distances than would be the case at the proposed site, they all indicate that the levels that could be anticipated at the points of concern would be less than the noise level within the average home. Based on the proposed site location and surrounding properties indicated on drawings furnished to us, no go-kart generated noise will reach the current or proposed residential areas beyond the site's property lines. It is our understanding that no residential buildings would be located within 300 feet of the proposed tracks and that no commercial or other non-residential uses would be within 200 feet of the tracks. At those distances the noise levels would be less than the ambient noise levels of the highways (streets) separating the track from the commercial properties.

When reading the noise studies, it must be remembered that the decibel levels are projected on a level plain with no obstructions. *The path that sound generated by the proposed track must travel to be heard beyond the property line in the direction of the homes in question is a series of noise obstacles.*

We respect the concerns that have been expressed concerning the noise levels. People consider the go-karts to be at least as noisy as a lawn mower engine. Data included in the attached studies indicate that the noise generated by a typical lawn mower engine is higher than the combined noise level of ten go-karts. At another point in the subject studies it is indicated that noise levels at 150 feet rise approximately 0.8 decibels when 10 additional karts are operated on the track at the same time. As the karts are released from the pits in single file, at no time are they all in the same position on the track. With the karts dispersed around the track, there will be a slight reduction in the levels indicated.

Several items to consider with respect to the sound levels generated by concession go-kart engines include the fact that all concession go-karts manufactured in the United States are equipped with Honda engines, plus the fact that these engines are not operated at full throttle (most engines have a full throttle speed of approximately 5,150 rpm.). Most go-karts are set with rev-limiters to limit kart speeds to 18 to 22 miles per hour to meet insurance and manufacture maximum speed limitations. This results in the engines running at a maximum speed in the neighborhood of 3,000 to 3,200 rpm, far below full throttle, further reducing the overall noise levels generated.

Supplemental Noise Experience:

In addition to the information presented in the accompanying noise studies, this writer has taken into consideration experience in designing more than 100 concession go-kart tracks around the country; visiting many of these and several hundred tracks not designed by our firm. Due to the noise issue being raised in many of the communities in which we design tracks, we seek to maintain an awareness of the experience of others.

Consideration of Common Misconceptions:

Many people feel that the noise generated by concession go-karts will be similar to the noise generated by stock-car tracks. This is not the case. We are comparing 5 1/2 to 9 horsepower engines running at approximately 3000 rpms with mufflers, to 400 to 900 horsepower engines running at up to 9000 rpms with no muffler systems. Therefore, there is no similarity whatsoever.

As can be seen in several of the attached studies, ten concession go-karts running at full throttle generate lower total noise levels less than one lawnmower. This is indicated in several of the studies attached.

In our testimony at many hearings there have been concerns expressed by individuals stating that the data developed in the studies was incorrect, and that the noise generated by one go-kart must be added directly to the noise generated by a second kart. This is absolutely incorrect. As the studies indicate, the incremental increase in noise is minimal for each engine added to the total volume. The following comparison is presented in a format most people would be familiar with.

Assume that one person cheering at a ball game generates a noise level of 80 decibels. Using the concerned citizen's assumption, 1,000 people cheering would thus generate 8,000 decibels. Under such a volume (which could not be attained), all eardrums would be shattered as well as windows broken for miles and structures would collapse.

The engineers that performed the noise studies enclosed in the addendum were professionals trained in the measurement of generated sound. The equations they used in establishing realistic noise projections (based on the physical data they obtained) for the various distances in their studies; have been in use for many years and have been found to be correct and are in wide use in the development of all types of projects.

Conclusions:

Based on our extensive experience in visiting concession go-kart tracks around the country, as well as in reviewing the accompanying noise studies within the context of the proposed site, we are confident that no undesirable go-kart noise will be observed on adjacent sites. We anticipate that the perimeter noise levels will all fall well below the levels listed in the noise ordinance.

We project that the noise levels generated by guests (children and adults) laughing in and around the attractions planned for Fenway Fun Park will be similar to those of the go-karts. Over a distance of two hundred feet the sounds of laughing and happy conversation will blend into the ambient noise level of the surrounding area.

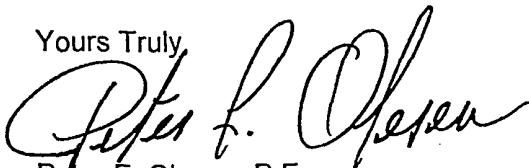
The attractions at Fenway Fun Park will not generate the loud cheering and shouting that typical park district sports events such as baseball, football, soccer or swimming pool crowds generate. We would anticipate no go-kart noise comments from the surrounding neighborhood once the facility is in operation.

General Comments:

As in any proposed site development, sound civil engineering practices must be followed or no approvals will be granted by the local agencies. Each element will meet the criteria established and covered either by ordinance, standard or similar regulation. The client has established a professional team that recognizes the importance of meeting these standards, and the community will benefit from the creation of another participatory entertainment attraction that will serve the needs and desires of a significant portion of its citizens.

Hopefully we have answered your concerns related to the above issues and that the information presented will result in the project being approved.

Yours Truly

A handwritten signature in dark ink, appearing to read "Peter F. Olesen", written in a cursive style.

Peter F. Olesen, P.E.
President.

About the Writer:

Peter F. Olesen, P.E. is president of Peter F. Olesen and Associates, Inc., located in Mount Prospect, Illinois and a licensed professional engineer in Florida, Illinois, Arizona Indiana, Iowa, Pennsylvania, Wisconsin and Wyoming. He is a charter member of the International Recreational Go-Kart Association, International Association for the Leisure Entertainment Industry, the International Recreational Go-Kart Association, and the International Association of Amusement Parks and Attractions and serves on the American Society for Testing Materials Subcommittee F-24 Concession Go-Karts.

He is also a life member of the American Society of Civil Engineers, the Institute of Transportation Engineers and the National Society of Professional Engineers; in addition he is a member of the American Public Works Association, the American Council of Engineering Companies and other technical and professional organizations. He has more than thirty years of experience in the field of family entertainment facility design. His firm, Peter F. Olesen and Associates Inc. was established in 1984. To date they have performed more than 250 projects for clients in 38 states and four other countries.

(800) 510-1500



Environtech Consultants

January 4, 2000

Mr. Scott Huish
H3 Entertainment
13635 Provincial Hill Way
Lake Oswego, OR 97035

Subject: Acoustical Study for the New Go-Kart Track at Paramount's Great America, Santa Clara

Dear Mr. Huish:

This report presents the results of an acoustical study that has been performed on the planned go-kart track at the Paramount's Great America in Santa Clara. The sound levels that will originate from the track were determined by reference to measurements that were taken of a go-kart operating at Great America. Also reference was made to sound level data and other information provided by you, by Mr. Shane Huish and by Mr. Steve Hinderberger (2000).

Based on the information provided and our previous experience, the track layout is approximately 900 feet from the nearest residential property line to the northeast and 400 feet to the nearest commercial property to the south. The track is to be generally flat but with banking several feet high at the turns. Noise sources include primarily the go-kart engines. There are to be up to 15 go-karts operating on the track at one time along with 15 other karts waiting "in the pits" under idle conditions. The planned track is to be located near the existing "Green Slime" ride. An eight-foot high fence above the local ground level is to be installed along the east and northeast side of the track perimeter.

It is anticipated that the full capacity of the track will be utilized on the weekend days. On other days it is expected that part of the time the usage would be less with typically 10 go-karts on the track and another 10 in the pits. Maximum speed of the vehicles is to be 19 mph. The operating times for the ride on the weekends are planned to be from 10:00 am to 11:00 pm. (Huish, 2000, Hinderberger, 2000).

This study as described below shows that the predicted Day and Night Average (Ldn) sound levels due to the new go-kart track will be lower than 55 dBA at residential

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H3 Entertainment, go-kart noise study, 1-2-00

receptor locations and lower than 70 dBA at commercial property outside the park and will be consistent with Noise Element goals.

NOISE STANDARDS

The City of Santa Clara Noise Element (1992) identifies an exterior sound level of up to 55 dBA Day and Night Average Sound Level (Ldn) as compatible for residential land use and of 70 Ldn as compatible for commercial land use. The Ldn is a 24-hour average sound level that includes a 10 dBA weighting penalty for sound levels in the nighttime period of 10:00 P.M. to 7:00 A.M.

SENSITIVE RECEPTORS

Sensitive receptors in the project area include residential buildings to the east of the park and commercial properties to the south of the park.

EXISTING SOUND LEVELS

To quantify the existing sound levels in the project area, noise measurements were conducted in the afternoon of December 29, 2000, in a residential area near the east perimeter of the park and a commercial area near the south perimeter of the park, and near the planned track. Measurement locations were the following: (1) on the sidewalk at the southeast corner of Regina Court and Lakeshore Drive and (2) at the commercial area west of the Great America employees' parking lot. Duration of the measurements was 20 minutes at the commercial property and 25 minutes at Regina Court. The employees' parking lot was largely empty at the time of the measurement although there was occasional traffic. The measurements were taken by Ballard W. George, INCE Board Cert., telephone 408/736-7182.

The measurements yielded an energy equivalent level (Leq) of approximately 67 dBA at Regina Court and 59 dBA at the commercial area. Note: the Leq is an average sound level defined as the level of a steady sound having the same sound energy as a given time varying sound. Sound sources contributing to the measurements at the commercial area included aircraft departures, traffic on local roadways, occasional car movements in the

H3 Entertainment, go-kart noise study, 1-2-00

parking lot and a fountain. Primary sound sources at Regina Court included aircraft departures and automobile traffic on Lakeshore Drive. The park was not operating at the time of the measurements. Measured sound level peaks from aircraft overflights were up to 81 dBA. Measurements were acquired using a Bruel & Kjaer Type 2230 Precision Integrating Sound Level Meter.

Sound level measurements were also obtained in the evening of December 31, 2000, in the residential neighborhood from 9:43 pm to 10:03 pm and in the evening of January 1, 2001, from 9:17 pm to 9:32 pm. The measurement location was on the sidewalk on the east side of Lakeshore Drive and 50 feet south of Rambo Court. These measurements yielded an Leq value of 62 dBA on December 31 and 63 dBA on January 1.

Measurements of ambient sound levels with the park operating were obtained in August, 2000, in the afternoon, and reported by Environmental Service (2000). These measurement samples yielded Leq values of 63 dBA at the commercial area and 66 dBA at Regina Court.

GO-KART NOISE MEASUREMENT AND EVALUATION.

To determine the sound levels which will be created by the planned track operations, reference has been made to measurements which were taken of a go-kart operating at the employee parking lot at Paramount's Great America on December 29, 2000. A series of measurements were made of peak sound levels while the go-kart made passbys at (1) maximum speed, (2) at a reduced speed, (3) while accelerating and (4) at starting. In addition, measurements were made of the sound levels for idle condition in back of the car and in front and to the side of it. The passby measurements were made primarily at a distance from the go-kart of 20 feet although some were made at 30 feet.

The measurements yielded a typical level, for passbys at maximum speed, of 79 dBA as measured at a 20 feet distance and a level of 75 dBA as measured at a 30 foot distance. Sound emission levels as measured for idle conditions were significantly lower than for the passbys.

Also reference was made to sound emission data for the go-karts under full-throttle

SENT BY: WILSONVILLE FAMILY FUN CENTER; 503-685-9894;

JAN-12-01 11:15AM;

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H3 Entertainment, go-kart noise study, 1-2-00

operation that was provided to Environtech Consultants by H3 entertainment. The sound measurement results obtained in the employees' parking lot indicated good agreement with these data.

In addition a listening and measurement survey was made at various locations in the park in the general northerly and easterly directions from the go-kart that was being operated at the planned location for the go-kart track. Included was a location adjacent to the service road and approximately 100 feet easterly of the railroad, in the direction toward the residences from the project site. At this location, estimated at 500 feet from the residential rear yards, the sound from the go-kart operation was not distinguishable from the background sounds. Sound levels measured here were typically 45 dBA. Some construction and maintenance activities contributed to the background sound level on the east side of the park.

Sound level generation of the planned go-kart track operation in terms of L_{eq} (energy average sound level) was evaluated by reference to the measurement data described above with adjustment for number of go-karts operating and idling in the pits. The resulting sound levels at the respective property lines were then calculated by consideration of the distances of the track to the property lines and the predicted noise shielding by the planned fencing and intervening buildings at the Paramount's Great America site. The fencing is to be eight feet high above the local ground level as it extends along the easterly side and the east half of the northerly side of the track. There are variations in the terrain elevation at the fence location as shown by elevation contours provided by H3 Entertainment. The L_{eq} sound level for peak activity days, that is on weekends, during track operating hours has thus been calculated at 50 dBA at the residential neighborhood and 61 at the commercial property. The fencing is assumed to be of solid wood or equivalent construction with no openings at the base or other locations.

By consideration of the planned 10:00 A.M. to 11:00 P.M. hours of operation, the 24-hour Day and Night Average Sound Level (L_{dn}) due to the track operations on weekend days has been calculated. The L_{dn} has been calculated in accordance with the following:

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H3 Entertainment, go-kart noise study, 1-2-00

$$\begin{aligned} \text{Ldn} &= [(L_d + 10 \log 15) \& (L_n + 10 + \log 9)] - 10 \log 24 \\ &= [(L_d + 12) \& (L_n + 10 + 9.5)] - 14 \end{aligned}$$

Where: L_d = daytime Leq (7:00 am to 10:00 pm, 15 hours)

L_n = nighttime Leq (10:00 pm to 7:00 am, 9 hours)

& - decibel addition

The calculation results yield an Ldn value of 50 dBA at the adjacent residential property to the northeast of the site and of 61 dBA at the nearby commercial property adjacent to the south boundary of the park. The predicted level is consistent with the 55 dBA and 70 dBA Ldn compatibility levels of the Noise Element for residential and commercial properties.

CONCLUSIONS

The predicted sound level due to go-kart operations at the planned track will be 50 Ldn at residential locations nearest to and northeast of the project site and 61 Ldn at commercial property nearest to and south of the project site. These levels apply with the use of a solid eight-foot fence generally along the east and northeast side of the track as shown by information provided to Environtech Consultants. These levels will be consistent with land use compatibility levels contained in the City of Santa Clara Noise Element.

If you have any questions regarding this analysis or require further information, please call me directly at 408/736-7182.

Sincerely,

Ballard W. George
Ballard W. George
INCE, Board Cert.

Bumper Boat and Go-Cart Assessment
Report No. 0195-P3
February 10, 1995

Prepared For:

J & J Amusements
2315 Pringle Road SE
Salem, OR 97302

Prepared By:

Acoustech Consultants
10731 Old Saybrook Drive
San Diego, CA 92129
(619) 672-2043

Note: No part of this publication may be reproduced, transmitted, transcribed, stored in a retrieval system or translated in any language without prior written consent of J&J Amusements, Inc.

1.0 Purpose

The purpose of this report is to present the results of sound level measurements for Honda GX-160 Go-Carts and Honda BF-2 Bumper Boats. Previous reports (791-A9, July 10, 1991 & 1091-A21, Nov. 1, 1991) by Acoustech provided measurement results for A-weighted sound levels and also provided estimates of operational track and pool noise for typical fun-center facilities. This report provides both A-weighted and octave band noise levels for stationary and moving carts and boats as measured at the Escondido Huish Family Fun Center on Sunday, February 2, 1995.

2.0 Test Procedures and Conditions

A-weighted and octave band sound levels of go-carts and bumper boats were measured under controlled test conditions at the Escondido Huish Family Fun Center, Escondido, California. All measurements were conducted using a Larson-Davis 800B precision integrating sound level meter at a height of 5 feet. The temperature was 44° and the relative humidity, 79%. Tests were conducted in the early morning.

Go-Carts

Stationary go-cart sound levels were measured at a distance of ten feet at cardinal headings (0°, 90°, 180°, 270°) with a single cart operating at full throttle. The rear wheels were lifter off the ground by 1/2" to allow normal operation.

Next, with two carts operating on the track, integrated noise levels during pass-by was measured at a distance of 10 feet from the track center line. The carts were on a slight uphill grade at the measurement location. Carts were selected at random.

Bumper Boats

Bumper boat sound levels were measured with the boat tied to the pier and the microphone located 10 feet away. Sound levels were measured at three headings (front, back, side) with the motor running at full throttle.

Next, two bumper boats operating normally in the pool were measured at an average distance of 10 feet. The boats were operated at full throttle undergoing rapid, tight-radius turns.

3.0 Results

Tables 1 and 2 provide the results of the sound level measurements. Note that A-weighted values are slightly higher than those measured previously. The comparison is summarized below.

A-Weighted Sound Level Comparison (all at 10ft.)

	25 Oct. 91	23 June 91	2 Feb. 95	Comments
G-Cart Honda GX-160		75-77 (1)	84.6 (2) 83.1 (3)	(1) 1 cart drive-by (2) 1 cart, stationary (3) 2 carts, drive-by
Bumper Boats Honda BF-2	72.3 (4)		75.6 (5) 79.3 (6)	(4) 1 boat*, moving (5) 1 boat, stationary (6) 2 boats, moving
Suzuki DT-2	77.3 (7)			(7) 1 boat**, moving * avg of 3 ** avg of 2

Note that the go-cart sound levels were slightly higher than those measured previously. The exact cause of this is unknown. Possible explanations include the following:

1. The previous measurements of carts on the track may not have always been at full throttle
2. age of carts produces worn mufflers and more mechanical noise
3. track grade slightly different
4. exact distance to carts slightly variable on moving carts as compared to stationary

The bumper boat noise levels were also slightly changed as compared to previous measurements. Possible explanations include:

1. The previous measurements of boats in the pond may not have been at full throttle
2. age of motors
3. slight variations in distance

Probably, the typical A-weighted sound levels which would be experienced at a fun center facility would tend toward the lower measured values.

Figure 1 provides a nomograph for estimating the worst-case A-weighted sound levels as a function of the number of carts and the distance to the center of the track to an external boundary. No excess attenuation due to terrain, buildings or perimeters has been considered. Calculation of expected distant noise levels due to vehicles must include the above site-specific effects and should be determined by a qualified acoustical engineer.

Figure 2 provides a similar graph for bumper boats.

A-Weighted Sound Level Comparison (all at 10ft.)

	25 Oct. 91	23 June 91	2 Feb. 95	Comments
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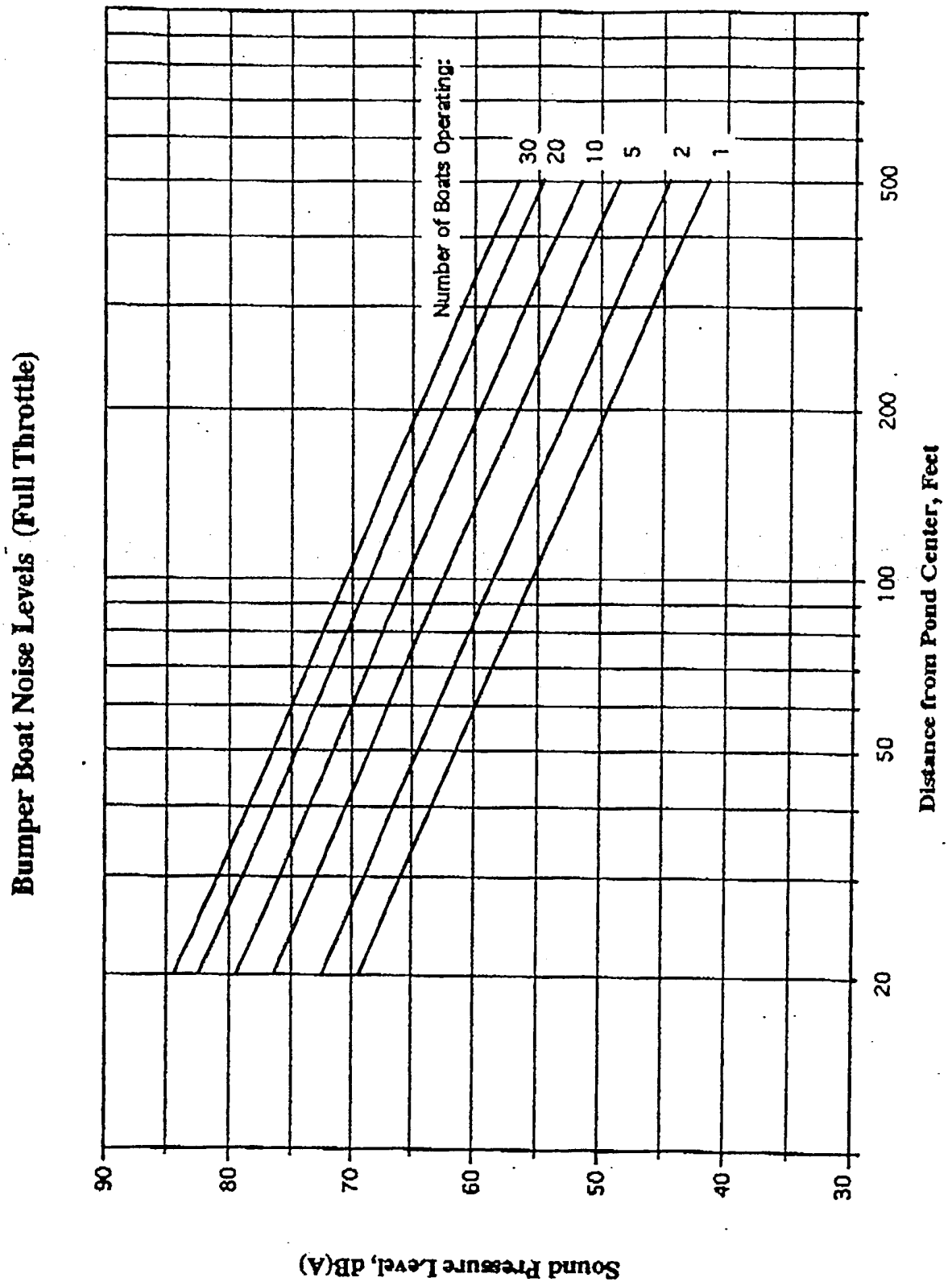


Figure 2

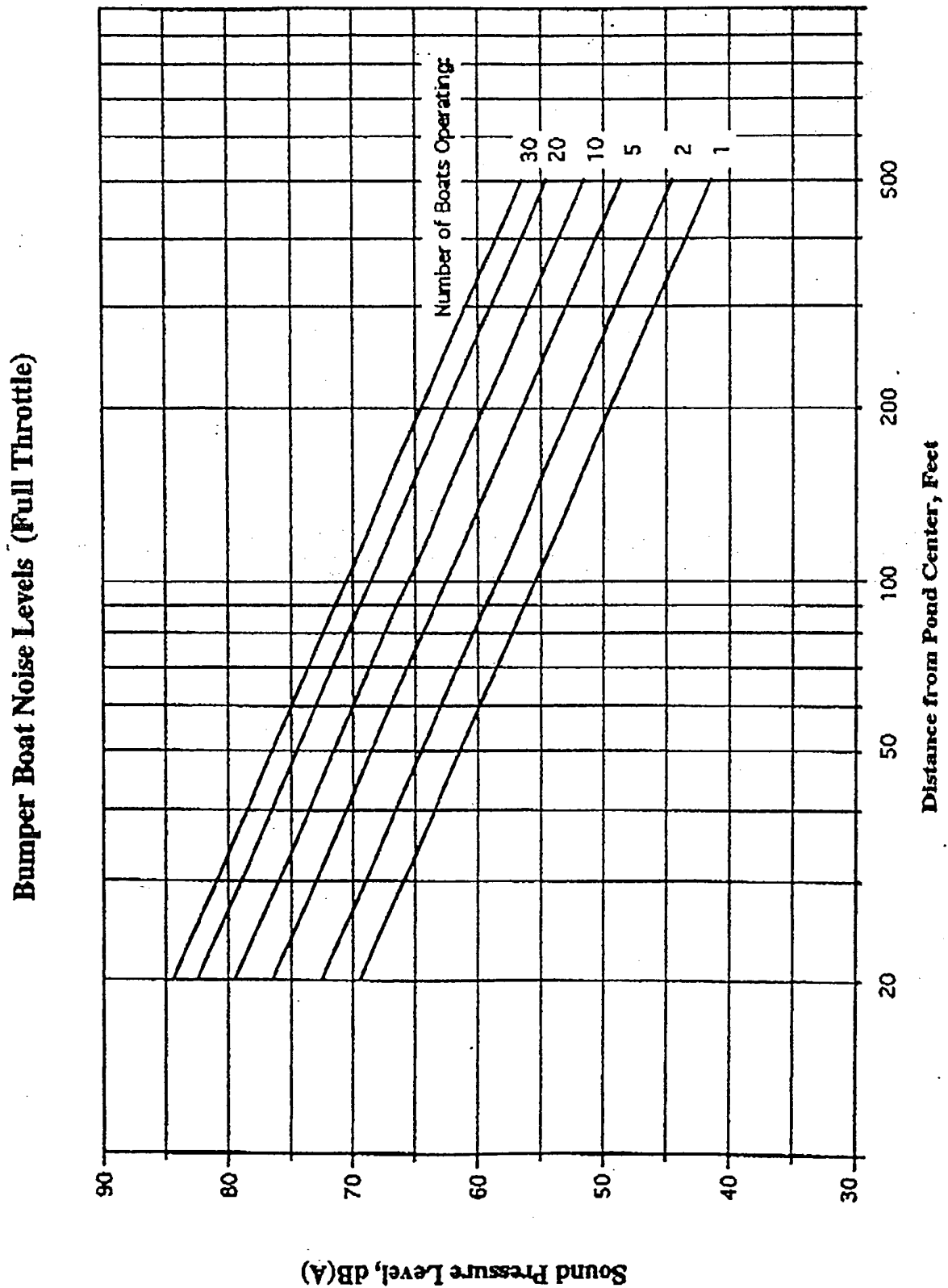


Figure 2

Figures 3 and 4 illustrate the octave band noise levels for the go-carts and bumper boats respectively. Both graphs exhibit broad band noise over a wide frequency band. Spectral characteristics are plotted for stationary carts and boats and represent a worst-case full-throttle scenario. Dashed and dotted lines represent the 10 foot data, range-corrected for inverse square law spreading. Noise levels for multiple carts or boats are estimated by adding 10 times the logarithm of the number of carts (n) to the sound level of one vehicle; that is,

$$SPL_{(n \text{ vehicles})} = SPL_{(1 \text{ vehicle})} + 10 (n \text{ vehicles})$$

This equation is based upon incoherent addition of sound levels from multiple vehicles.

As described previously, calculations of octave band sound levels at distant boundaries must take into account site-specific sound propagation effects such as terrain, buildings and barriers.

Octave band and A-weighted measurements were conducted at full throttle to ensure uniformity of measurements. Under actual operating conditions where carts and boats may have had various throttle settings, one could expect between a 3 dB and 8 dB reduction in sound levels. Thus, the octave band data provided may need to be reduced by this amount, plus any excess attenuation due to site-specific topography and walls in order to yield an accurate estimate of true far-field noise at a fun center.

Honda GX-160 Go-Cart Noise Levels (Full Throttle)

February 5, 1995

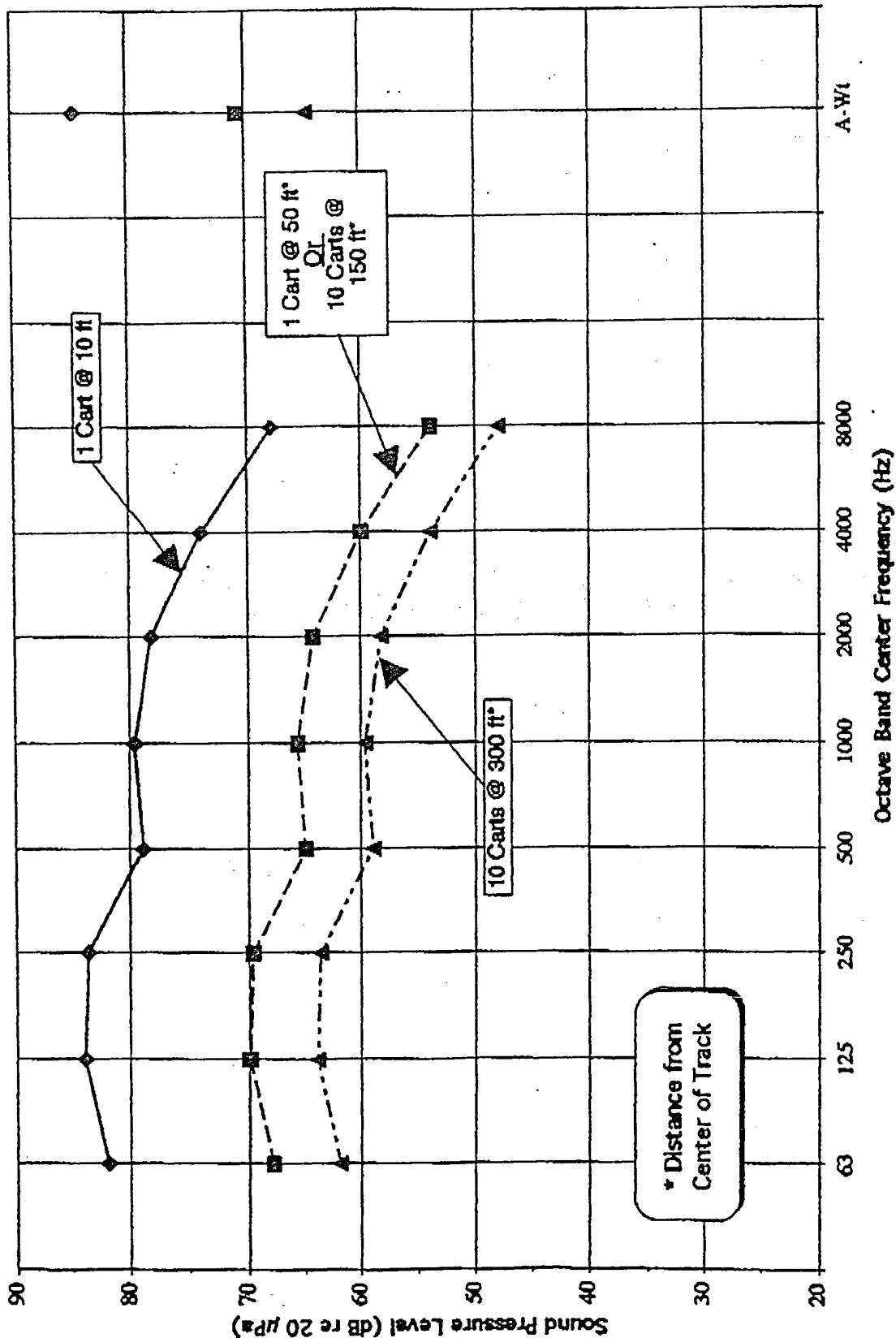


Figure 3

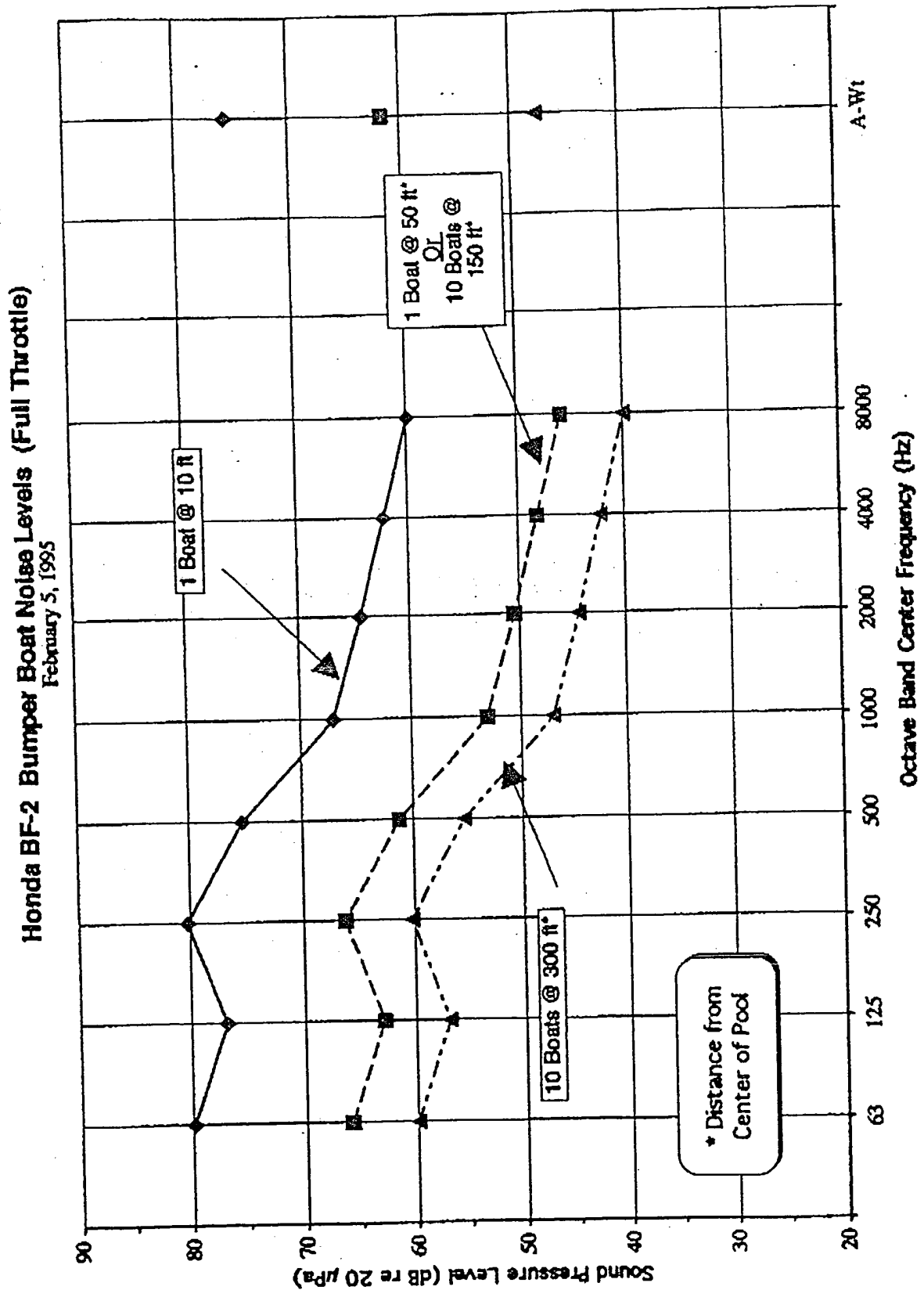


Figure 4

ACOUSTECH CONSULTANTS

Acoustical Analysis, Test and Design

Noise Assessment Study Go-Cart Activity at Proposed Recreation Centers

Report No. 791-A9

Prepared For:



2315 Pringle Road SE • Salem, Oregon 97302
(503) 363-7533 1-800-854-3140

Prepared By:

Acoustech Consultants
10731 Old Saybrook Drive
San Diego, CA 92129
619-672-2043

July 10, 1991

ACOUSTECH CONSULTANTS

Acoustical Analysis, Test and Design

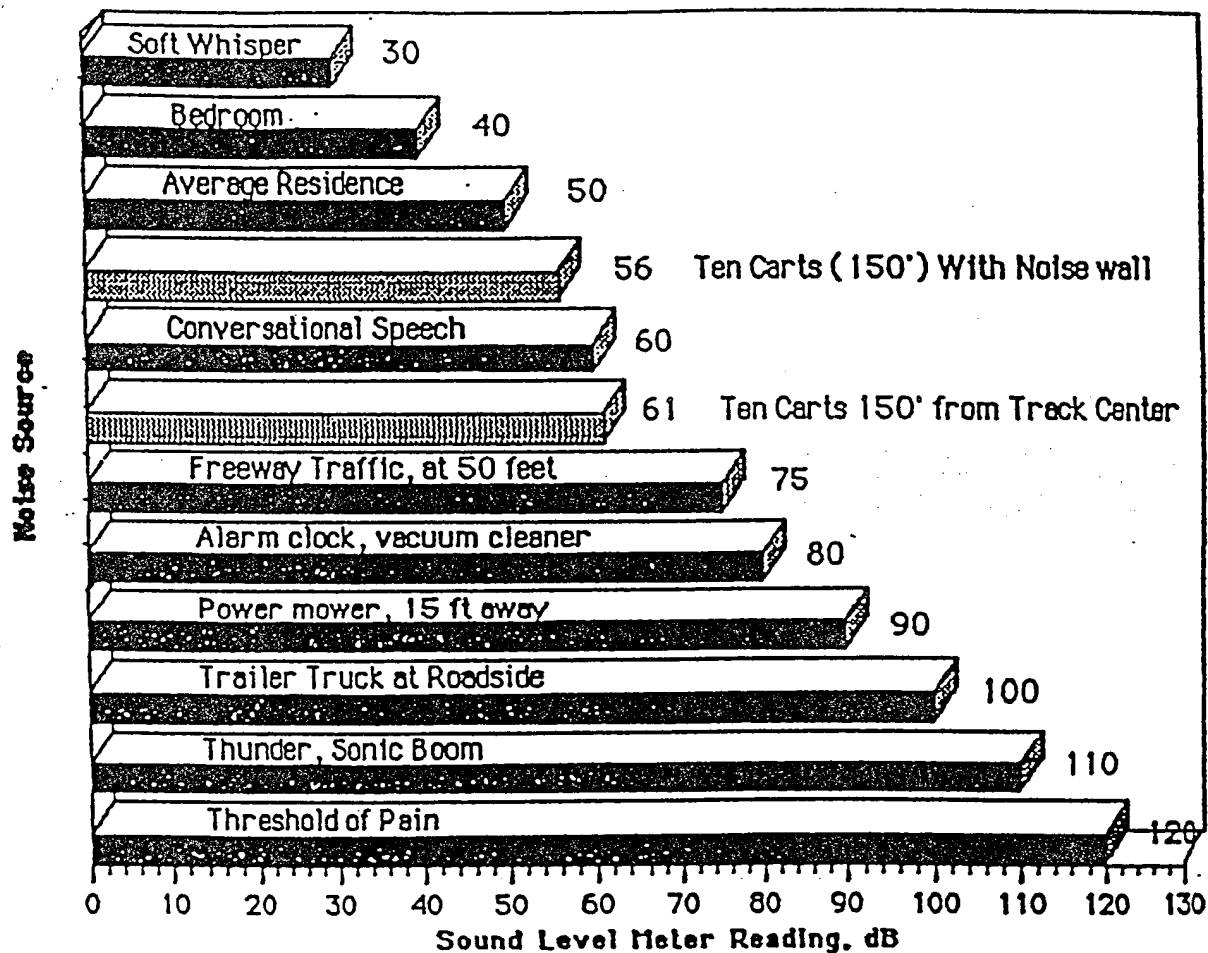
Highlights of Study

Noise measurements were made at the Huish Family Fun Center in San Diego to assess the typical noise levels associated with go kart activity. Carts tested were Can Am go karts (model no. AC0100) using GX160 (5.5 hp) engines at full throttle.

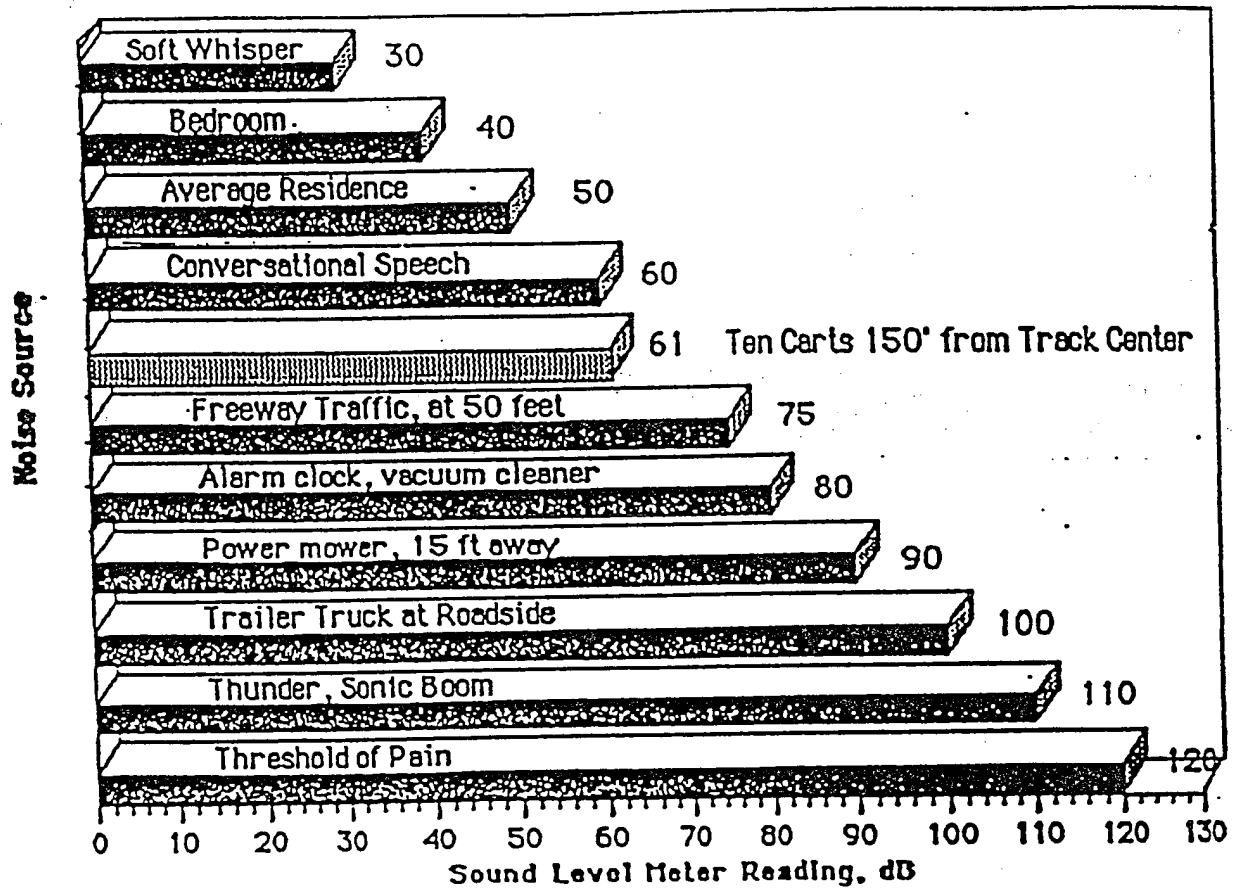
The results of the noise measurements indicate that modern go-karts are relatively quiet when compared to a wide variety of typical urban and suburban noise sources (see Chart 1.0 on page 2).

Noise levels are well below those found for most other vehicles and equipment.
(NOTE: This test showed that J&J go-cart emitted less noise at 50 feet than either a passenger car or a light truck -- see table on page 7).

COMMON NOISE SOURCES AND LEVELS



COMMON NOISE SOURCES AND LEVELS



1.0 Purpose

The purpose of this report is to describe the results of noise measurements on modern, muffled go-carts typical of those operated by recreation centers throughout the United States. The report is intended to provide noise impact information useful for city councils, urban planners and noise abatement officials.

2.0 Measurements

Sound level measurements were conducted at the Huish Family Fun Center on Clairemont Mesa Boulevard in San Diego on Sunday, June 23, 1991, a time when traffic noise from nearby Interstate 805 was low.

Peak and average A-weighted sound levels were measured at several distances from the track as illustrated in Figure 2-1. From one to four cars were operated to evaluate the effect of multiple cars on noise levels. Cart noise levels were measured with the carts at full throttle. The results can also be used to accurately predict the noise levels which would be received when more cars are operating.

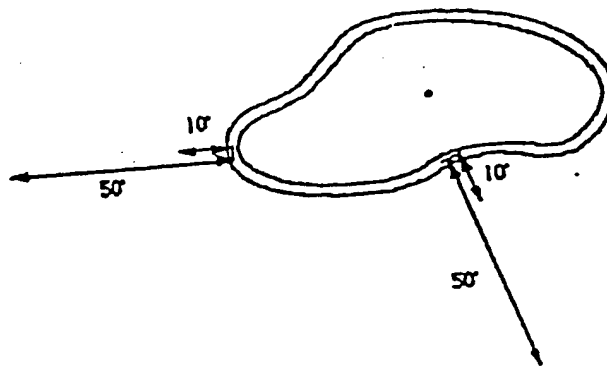


Figure 2-1

Two engine types, a 5 HP GX-140 and a 5-1/2 HP GX-160, were available for measurement. As the GX-160 is newer and is the engine which will be used in all subsequent production by J & J Amusements, the measured noise levels produced by carts utilizing this engine were used to predict noise that would be produced by a fully operational track with varying numbers of carts. Carts are assumed to be evenly distributed about the track.

Sound levels were measured using a B & K #804157, Type 2226 Sound Level Meter set on "fast" averaging.

Winds were negligible and temperatures were in the mid 60's. Measurement positions were selected such that there would be minimal impact from surrounding buildings and facilities.

3.0 Results

The results of the noise measurements indicate go-cart sound levels are relatively low compared to other typical noise sources in urban and suburban environments.

Table 3-1 presents the results of the measurements in terms of the maximum A-weighted sound pressure levels.

Table 3-1
Results of Cart Noise Measurements

Number of Carts	Type of Engine	Peak SPL @ 10 ft (1)		Peak SPL @ 50 ft (1)	
		Flat	Uphill	Flat	Uphill
1	GX-160	75	77	61	63
4	GX-160	81	82	67	68.5

(1) measurements at 10 ft and 50 ft from centerline of near track

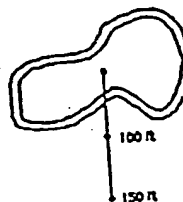
To obtain the average sound levels, the data from uphill and flat measurements were averaged. Then the total noise field due to a fully operating track was computed (carts evenly distributed about the track).

The results of the calculations are summarized below in Table 3-2 and presented graphically in Figure 3-1.

Table 3-2
Estimated Noise Due To Varying Numbers of Carts

Number of Cars	A-Weighted SPL @ 100 ft (1)	A-Weighted SPL @ 150 ft (2)
1	56.1	51.4
4	62.1	57.4
10	66.1	61.4
20	69.1	64.4
30	70.9	66.2

(1, 2) 100 ft and 150 ft from the approximate geometric center of a typical track as shown below with carts distributed evenly about the track.



Estimated A-Weighted Go-Cart Track Sound Level
For Continuous Cart Operation

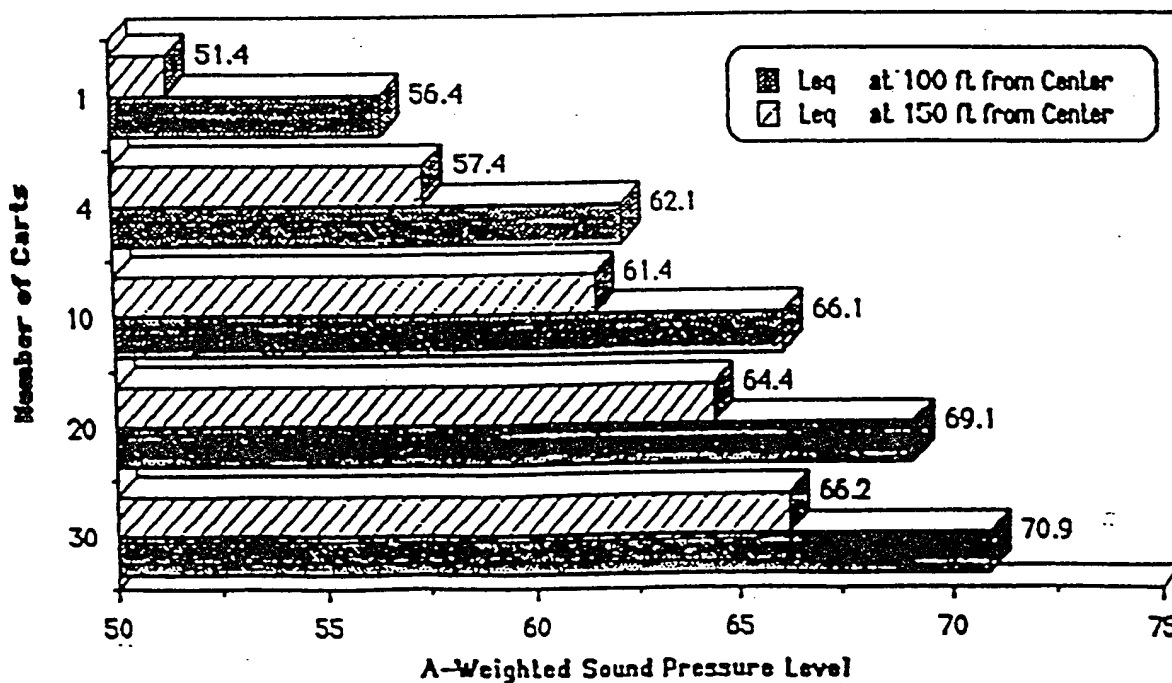


Figure 3-1

4.0 Impact

The noise levels resulting from go-cart operation are not excessive when compared to typical noise sources found in both urban and suburban environments. Table 4-1 provides a comparison of the typical A-weighted noise levels from a variety of motorized vehicles and equipment at a distance of 50 feet. As shown, the noise from a single go-cart is only 62 dBA while 10 go-carts would produce approximately 72 dBA. Noise levels are well below those found for most other vehicles and equipment.

Table 4-1
(Ref. Harris, Handbook of Noise Control)

Transportation Vehicles	Typical A-weighted sound level at 50 ft. dBA
Go-cart (one) full throttle	62
Automobiles (passenger - 35 mph)	69
Go-cart (ten) full throttle ⁽¹⁾	72
Trucks (light, pickup)	72
Buses (city & school)	73
Generator	76
Portable air compressor	81
Motorcycles (highway)	82
Trucks (medium & heavy)	84
Snowmobiles	85
Motorcycles (off-road)	85
Backhoe	85
Dozer	87
Dump truck	88

(1) Evenly distributed about the track

Acoustical Analysis, Test and Design

To assess the noise impact for a proposed go-cart recreation facility, the expected noise from an operating track must be compared to the local background noise environment and to the local noise ordinances. The most likely standard for comparison are property line noise limits. For example, the County of San Diego regulates property line noise levels as shown on the left side of the table below.

Table 4-2
Comparison of San Diego County Noise Ordinance
to Expected Go-Cart Noise

Zoning	1 Hour Sound Levels		Hourly Leq (dB)			
	Hourly Leq (dB)		Typical Track (10 carts)			
	Day	Night	unmitigated		5 foot wall ⁽²⁾	
			150'	300'	150'	300'
Residential	55	50	61	55	56	51
Commercial/Residential ⁽¹⁾	57.5	52.5	61	55	56	51
Commercial S-94	60	55	61	55	56	51
Commercial M-50	70	70	61	55	56	51
Industrial S-82	70	70	61	55	56	51

(1) Boundary line between residential and commercial zones

(2) Five foot noise wall at perimeter of property

Since the installation of a go-cart facility would likely be in a commercial zone, the property line noise limit is the average of that for the commercial zone and the adjacent zoning. Thus, if the facility were aligned next to a residential area, the lot line noise limit would be 57.5 dB and 52.5 dB for day and night respectively.

To reduce the impact in such a facility, the typical noise mitigation would involve incorporating a 5 foot solid wall along the recreation facility boundary. This would typically produce approximately a 5 dB noise reduction. This would result in facility noise levels of 56 dBA at 150 ft and 51 dBA at 300 ft which meet the San Diego County noise ordinance for property line noise levels as shown in the comparison above.

Another major consideration in assessing the noise impact of a go-cart facility is the local ambient (background) noise. In many locations the facilities are located along freeways or major arterials where traffic noise levels are relatively high. For example, the Hush facility located adjacent to I-805 can experience noise levels above 65 dBA during normal traffic periods. Local noise levels due to traffic are often as high or higher than that produced by the go-carts. It was this situation that required that noise measurements for this study be made during a very low traffic period early on Sunday morning.



**Industrial
Hygiene
Consultants, Inc.**

8105 VALLEYWOOD LANE / PORTAGE, MI 49024 / (616) 329-1237 / FAX (616) 329-7446

May 29, 1997

Mr. Dick Sexton
Owner
Formula K Raceway, Inc.
54358 N. Main Street
Mattawan, MI 49071

Dear Mr. Sexton,

BDN Industrial Hygiene Consultants Inc. was retained by Formula K. Raceway, Inc. to conduct an Environmental Noise Survey to determine noise levels during normal operations in the East Track Area of its facility located in Mattawan, Michigan.

Three area monitors were positioned at the far East end of the East Track Area. Monitors was set at ten (10), fifty (50), and one hundred (100) feet East of the East track fence. All monitors were approximately 4.5 to 5.0 feet above the ground and pointing in the direction of the Track. The following table indicates noise level ranges when operating vehicles around the East Track Area.

DISTANCE	NO VEHICLES ON TRACK	ONE VEHICLE ON TRACK	9 VEHICLES ON TRACK	ACTUAL TIME WEIGHTED AVERAGE (TWA)
10' from Track	60-62 dB	60-73 dB	72-76 dB	55.5 dB
50' from Track	55-57 dB	56-63 dB	62-64 dB	57.7 dB
100' from Track	57-59 dB	56-60 dB	62-64 dB	59.8 dB

SEE ENCLOSED DATA SHEET FOR RECORDED NOISE LEVELS

A background sample was taken five (5) feet from the North property line on the West end of the East Track facing the I-94 expressway. Noise levels ranged from 70 dB to 80 dB during the monitoring period of 1:00 pm to 2:00 pm with a wind speed of less than ten (10) miles per hour.

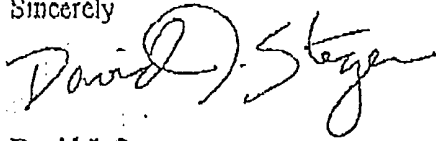
The noise monitoring was conducted using Quest brand Micro-15 noise dosimeters positioned as area samples. All sound equipment was calibrated before and after the noise monitoring with a Quest brand sound calibrator model No. CA-12, that has been calibrated to a National Institute of Standards of Technology (NIST) traceable standard.

Currently there are no standards for acceptable levels for this type of environment noise monitoring. Enclosed is a chart of typical sound levels for various types of activities.

Mr. Dick Sexton
Formula K Raceway, Inc.
Page 2

It has been a pleasure to be of assistance to you. If you have any questions concerning this document or any other environmental or occupational health matter please contact me at 1-800-968-0123.

Sincerely

A handwritten signature in cursive script, reading "David J. Steger". The signature is written in dark ink and is positioned below the word "Sincerely".

David J. Steger
Senior Industrial Hygienist
BDN Industrial Hygiene
Consultants, Inc.

mj:9460a

Emanuelle Garcia & Associates
1827 South Telegraph Road
Ferndale, Michigan 48015
(313) 371-8829

Emanuelle Garcia, P.E.
Consulting Engineer in Acoustics

August 14, 1978

Report #674-721

Formula 'K' Raceway, Inc.
54358 North Main Street
Mattawan, Michigan 49071

ATTN: John E. Stephani

SUBJECT: Noise Assessment Study Go-Kart Activity at proposed Recreation Centers.

Gentlemen,

Measurements have been obtained at the Formula 'K' Raceway to assess the level of noise produced by the Go-Kart and Grand Prix Car activity. In addition, analysis provides an assessment of the noise levels expected at various distances from the activity with various numbers of Karts in operation. These levels are compared to recognized standards in order to assess the potential impact of the noise on adjacent land uses.

NOISE MEASUREMENTS:

A-weighted and one-third octave band sound levels were measured for typical Go-Kart operation at the Formula 'K' Raceway. An explanation of the a-weighted measure of noise is provided in Appendix I. It is the nationally recognized measure of noise for land use planning and noise ordinance enforcement. A Sound Level Meter and Graphic Recorder was positioned at distances of 10, 20, and 50 feet from the edge of the track surface. The Karts and Grand Prix Cars were operated in a manner similar to that of the normal recreational activity. The noise level was measured using from 1 to 8 Karts in operation. The level obtained are summarized as follows:

NON 'GO-KART' NOISE

Paging system, at 100'	65 to 73 dB(A)
Bell Timer Unit, at 50'	74 to 75 dB(A)
Participant Yelling, at 50'	62 to 69 dB(A)

GO-KART NOISE LEVELS

<u>NUMBER OF GO-KARTS</u>	<u>Sound level measured at:</u>		
	<u>10 FEET</u>	<u>20 FEET</u>	<u>50 FEET</u>
1	62db(A)	57db(A)	54db(A)
2	64 "	58 "	55 "
4	66 "	62 "	58 "
10	72 "	65 "	59 "

<u>GRAND PRIX CARS</u>			
1	81db(A)	78db(A)	72db(A)
2	82 "	79 "	73 "
4	84 "	79 "	73 "
6	84 "	80 "	74 "

APPENDIX II

NOISE MEASUREMENT EQUIPMENT

The following items of equipment were used during the course of the noise measurement program:

1. A-weighted Noise Level-Analysis
Community noise level analyzer, B & K Type 4426
2. Precision Sound Level Measurement per ANSI S1.4-1971
Sound Level Meter, B & K Type 2203
3. Acoustic Calibration
Acoustic Calibrator, B & K Type 4230, (94db at 1000 hz.)
4. Graphic Level Recording
Graphic Level Recorder

NOISE SOURCES AND NOISE LEVELS

	130	Threshold of Pain
Small Aircraft Overhead	120	
	110	Riveting Machine at 40ft.
	100	
Train Passing at 50ft.	90	
	85	Automobile Horn at 59ft.
	80	
Noisy Stenographic Room	70	
	65	Normal Conversation at 3ft.
Noisy Office	60	
	55	Noisy Residence
	40	
Voice Soft Whisper at 3ft.	30	
	20	
	10	Outdoors in the Woods
Threshold of Audibility	0	

A-WEIGHTED SOUND LEVEL, db(A)

TABLE I
ACCEPTABLE NOISE LEVELS*

<u>ZONE</u>	<u>TIME</u>	<u>QUIET</u>	<u>SLIGHTLY NOISY</u>
Residential	10p.m. - 7a.m.	52 db(A)	56 db(A)
	7a.m. - 10p.m.	64 db(A)	68 db(A)
Commercial	10p.m. - 7a.m.	65 db(A)	68 db(A)
	7a.m. - 10p.m.	68 db(A)	75 db(A)
Industrial	Anytime	80 db(A)	84 db(A)

*The intrusive noise measured on the adjacent property shall not exceed the sound levels indicated above during the periods specified.

Source: League of Michigan Cities Quiet City Report #231

In addition to the above, the one-third octave band sound level was measured at a distance of 10 feet from a Kart operating at full power with the drive wheel off the ground. The data is provided in data sheet A. The ambient sound level was taken at a remote location equal distance from Interstate 94 as the location of the track. The background noise level, with out the Karts or Grand Prix cars in operation was found to have an average value of about 71.5db(A), for a two hour period from 2:15 to 4:14 A.M. on a weekday. The data is provided on data sheet B.

ANALYSIS OF DATA:

Analysis of the data obtained indicated the variation of the Kart noise levels with numbers of Karts and a distance from the track as is shown in figure 1. It is noted that for distances of at least 20 feet or more from the effective center of the track, the noise level is assumed to decrease with the inverse square of the distance."

ASSESSMENT OF IMPACT:

The Go-Kart noise levels when compared to those of generally recognized standards throughout the United States is not considered excessive. The Grand Prix Cars, if operated within a distance of 50 feet or less from an occupied dwelling, would be 2-3 db(A) above normally accepted limits. Most standards consider an intrusive noise level in the range of from 60 to 68 db(A) to be acceptable for daytime (7:00 A.M. to 10:00 P.M.) activity. A level at night (10:00 P.M. to 7:00 A.M.) of about 52 db(A) is normally the maximum permitted. Table I provides the standards set for steady noise by the League of Michigan Cities.

*Effective distance assumes the noise of the track operation is concentrated at a central point on the track. From data obtained this point is found to be seven feet from the center line of the paved portion of the track, assuming the Go-Kart activity of 10 Karts occurred during the hours from 7:00 A.M. to 10:00 P.M., the distance at which the Standards, Table I, would be exceeded is about 80 feet. For nighttime activity the distance is slightly greater than 200 feet.

When applying the standards and the information of Figure 1, it should be recognized that it is assumed that the background noise level is lower than that produced by traffic on the nearby arterials. Since this type of amusement center is normally to be constructed near a major arterial, the background noise level would be quite high. Hence, the background noise level at a particular distance from the track would be the determining factor and not the noise from the Karts when considering the acceptability of a given site configuration. Figure 2 provides a generalized estimate of the noise levels for various highways measured at a distance of 50 feet from the arterial. The level at distances greater than 50 feet may be found from figure 3. Corrections for elevation and depressed highways are also included in figure 3.

CONCLUSION AND ANALYSIS PROCEDURE:

In general, it will be found that most sites which are near a major arterial will comply with local and state noise standards. A Specific site may be considered by application of the following procedure:

1. Determine the local noise level standard for steady noise at the site nearest to the track. (i.e. Daytime, 64db(A); Nighttime, 52db(A))
2. Determine the distance to the location of concern from the track effective center (nearest the track location plus 7 feet).
3. Assuming the center is to have a maximum of 10 Karts at once, find the sound level of the Kart activity from figure I. (for example: if the distance to the nearest boundary is 400 feet, the noise from 10 Karts would be 48db(A)).
4. If the sound level from the Karts is less than the standard, then the site

configuration is considered acceptable. If it is greater than the standard, it may be acceptable, if the background noise level from traffic or other sources, is higher than that produced by the Karts at the location of concern.

5. Estimate the traffic noise level from figure 2 and 3 as follows:
 - A. Determine the Average Daily Traffic (ADT) for the arterial (near or adjacent to the track) and the distance from the near lane center of traffic to the location of concern.
 - B. Find the noise level at 50 feet from the near lane center of traffic from figure 2 for the ADT of concern.
 - C. Find the reduction in level for the near lane distance to the location of concern relative to 50 feet by use of figure 3. Subtract this value from the traffic noise level found from figure 2.
 - D. If the sound level value found in step 5c is greater than the Kart noise level found in step 3 the site, as configured, is considered acceptable, if not, the site should be reconfigured or a noise barrier (pine trees, fence, wall etc.) should be considered, between the track and the adjacent property of concern.

In general a six foot concrete block wall between the track and adjacent property will provide about 3 to 4 db(A) of noise reduction. A row of 12 foot tall by 3 foot diameter pine trees will provide a 2 to 3 db(A) noise reduction. If a greater reduction is needed noise barrier calculations are required and should be accomplished by a qualified acoustical engineer.

Very Truly Yours,

EMANUELLE GARCIA & ASSOCIATED



Emanuelle Garcia, P.E.
Consulting Engineer in Acoustics

EG:d1b

Enclosures

APPENDIX I

A-WEIGHTED SOUND LEVEL, A-LEVEL

The scale of measurement which is most useful in community noise measurement is the A-weighted sound pressure level, commonly called A-level or db(A). To establish the A-weighted level, the acoustic signal is detected by microphone and then filtered, heavily weighing those portions of the noise which are most annoying to individuals. The root-mean-square (RMS) value of this weighted signal is then read, utilizing a conventional sound level meter. It is interesting to note that the A-weighted filter characteristic actually amplifies the signal at frequencies between 1000 and 5000 hz. At frequencies substantially above and below this range, it severely rejects the acoustic signal. This weighting of sound energy corresponds approximately to the relative annoyance produced by noise at various frequencies. The A-weighted sound pressure levels of a few typical sources of noise are listed below and on the next page.

The A-weighted sound level of traffic and other long term noise producing activities within and around a community varies considerably with time. Measurement of this varying noise levels are accomplished by recording values of the A-weighted level during representative periods within a specified portion of the day. The values recorded are:

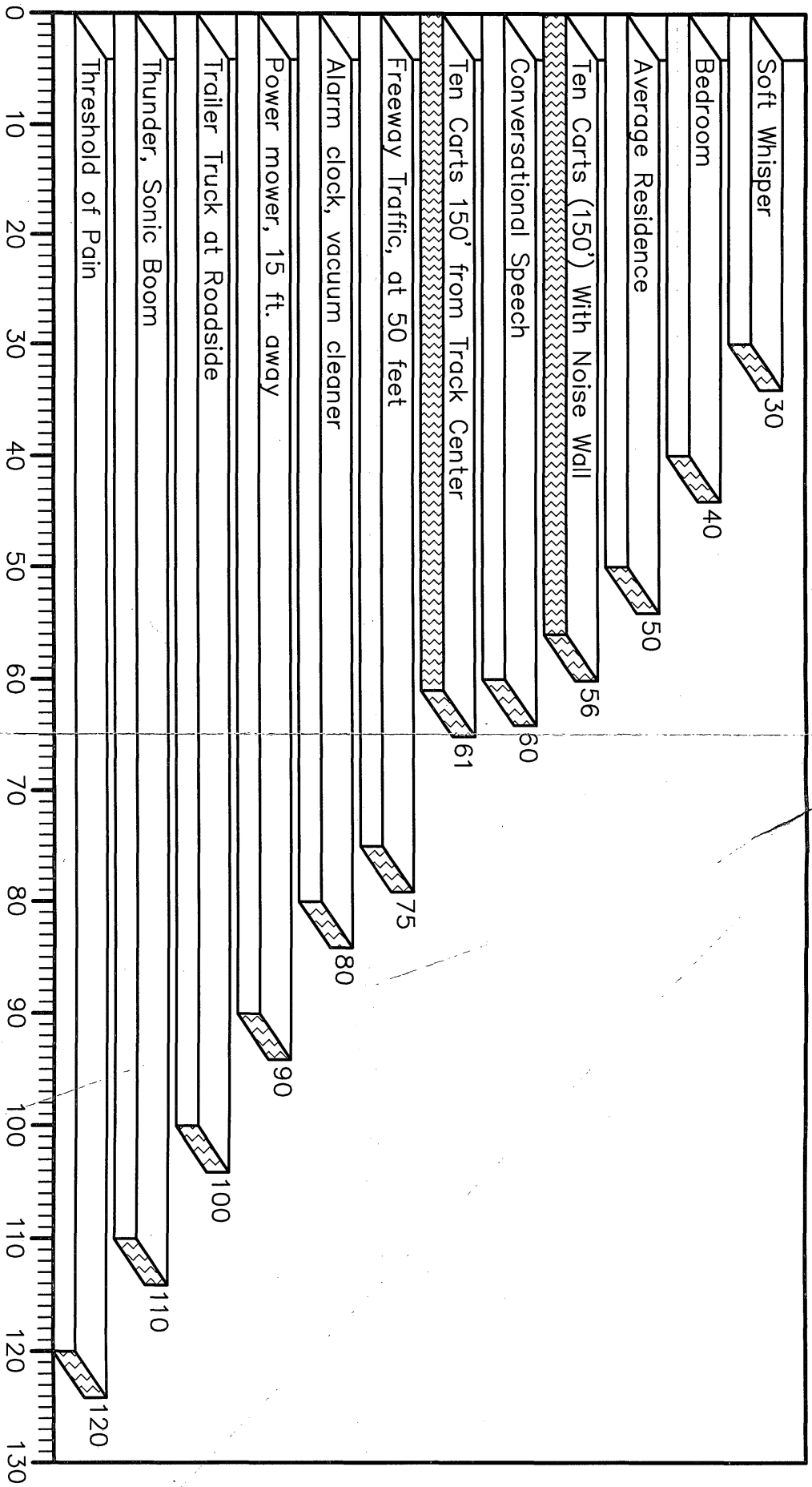
L 90 - The near minimum Sound Level, which occurs during the measurement period. 90% of the time the A-weighted sound level is greater than this value.

L 50 - The central tendency of sound level. This value is exceeded 50% of the time during the measurement interval.

L 10 - The near maximum A-weighted sound level. This value is exceeded 10% of the time during the measurement interval.

Depending on the degree of the noise variation, A-weighted sound level is recorded for periods of from 12 to 60 minutes to provide representative samples of the noise during the time period being examined (i.e. morning, afternoon and evening). The statistical values, if these samples (L90, L50, L10 and etc.), are then considered representative of the sound levels during the particular time period.

COMMON NOISE SOURCES AND LEVELS



Traffic Comparison

	Recreational Residential	Residential (210)	Medical Office (720)	Prev. Proposed Use
	-	39 units	34,000 s.f.	-
Average	354	436 123%	1,175	2,550 (720%)
A.M.	8	37 462%	83	206 (2575%)
P.M.	23	46 200%	113	248 (1078%)

February 10, 2004

Mr. D.J. Thiele
Fenway Family Fun Center

Dear D. J.:

This letter is in reference to your planned project adjacent to Lakes Park. As we have discussed, we look forward to working with you. Although I can't make a formal recommendation for your project, it does appear to be compatible use for the property. The Family Fun Center seems to support the same "family atmosphere" which we enjoy at Lakes Park.

Best of luck . . . and we look forward to working with you.

Sincerely,

John Yarbrough

APPLICANT'S EXHIBIT #5
DC12003-00162
Composite

Cape Cod Hurricanes
AAU Baseball
C/o Jack DeGroff
29 Surrey Lane
Harwich, Ma
CCHurricanes@comcast.net
(508)-432-8864



To Whom it May Concern,

I have been a patron of Grand Slam Entertainment in Harwichport for over 15 years and would like to voice my approval of the operation and the constructive attributes for the children and athletes in our area. As a long time coach of various youth sports here in Harwich and Cape Cod, I can solidly state that D.J. Thiele and the baseball facility at Grand Slam has not only helped individual players with hitting skills but whole teams and groups as well. We have been fortunate on many occasions to be able to utilize the facility for practices when the local fields were too wet, or to build a players confidence when they are having trouble relying on their own ability. The discounted programs for teams and individuals make for economical and effective training for the teams and players in the area.

What's more, we have raised thousands of dollars at Grand Slam with baseball hit-a-thons and car washes that were all provided to our groups for free from Grand Slam. The local community support from this facility has been overwhelming and they always donate their time and facility whenever we are in need.

If you are considering a facility like this, operated by the same manager, I highly recommend that you approve such a worthwhile and positive business that will surely be a wonderful addition to your community

Thank you,

A handwritten signature in black ink, appearing to read "Jack DeGroff".

Jack DeGroff
Cape Cod Hurricanes
General Manager

ROUGH RIDER BASEBALL

2004

HARWICH HIGH SCHOOL
OAK STREET, HARWICH, MA. 02645

Fred Thacher – Head Coach
Bob Warner – Assistant Coach

Peter Gonnella – Junior Varsity Coach

February 4, 2004

To whom it may concern,

D.J. Theile operated an entertainment business called "The Grand Slam" in Harwich, Ma. It quickly became a very popular place for our youth to go. First, D.J. operated a very clean, safe environment and parents felt very at ease with the set up. Secondly, D.J. Theile really cared about the children his business attracted. D.J. a former student from Harwich, never lost touch with the youth of the town. I believe it would be impossible to go to "The Grand Slam" and not find D.J. talking baseball, hitting or just listening to the young players talk about how their teams were doing. In appreciation, every team in the area sent team pictures for his wall and his wall was covered.

D.J. went out of his way to hire young people, baseball and softball players from the town to work for him, knowing it gave them an opportunity to sharpen their skills while at work. Everyone wanted a job at "The Grand Slam." He also offered his facility to little league teams, softball teams and high school teams at such a deal it had to be a financial loss for D.J. Theile. I know because I'm the high school coach and he offered hitting cages to our team to help us out on wet days.

D.J.'s business was something all people of all ages waited for to open in the spring. It was a class operation operated by a classy young man, D.J. Theile. "The Grand Slam" offered so much to the Harwich community and it's youth. A business like this will certainly be a highlight in any community.

Sincerely,

Fred Thacher
Fred Thacher, Coach



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

February 27, 2004

Ms. Diana M. Parker, Esquire
Chief Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

VIA FAX 479-8106 ONLY

RE: Fenway Family Fun Center @ Lakes Park
DCI2003-00062
Order for Continuance
BWLK Project Number 34186(03-14)

LEE COUNTY
HEARING EXAMINER
04 FEB 27 PM 1:25

Dear Ms. Parker:

By means of this letter we confirm that we are in agreement with Lee County staff memorandum dated February 26, 2004, and authored by Mr. Alvin "Chip" C. Block, AICP, regarding Condition 8 of the Staff Report for the above referenced project.

If you should have any questions regarding the above matter, please do not hesitate to call me.

Thank you for your consideration.

Very truly yours,

BEAN, WHITAKER, LUTZ & KAREH, INC.

Ahmad R. Kareh, P.E., M.S.C.E.
Vice-President

ARK/js

34186(03-14)CONFIRMATION OF CONDITION #8 02-27-04.doc

APPLICANT'S EXHIBIT # 6
DCI2003-00062

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: February 26, 2004

To: Ms. Diana M. Parker
Lee County Hearing Examiner

FROM: Alvin Block, AICP *Alvin Block*
Principal Planner

RE: DCI2003-00062, FENWAY FAMILY FUN CENTER AT LAKES PARK

At the completion of the public hearing, the Hearing Examiner left the case open to allow the submission of new language for Condition 8.

Staff and the applicant have reached an agreement on this language, which is as follows:

8. The developer must provide a minimum 20 foot wide buffer containing 5 trees (Florida #1 Standard) per 100 linear feet and a double staggered hedge row (100% native species) along the property line contiguous to the Lakes Park entrance road. The required trees must be a minimum of 14 feet tall from grade overall and have a 6 to 8 foot wide spread at the time of planting. The number of trees may be reduced at the time of local development order for this project, if Lee County Parks and Recreation determines that improvements planned along the entrance road negate the need for the trees to buffer the park from this development.

Staff has confirmed by phone with the applicant's agent, Mr Ahmad Kareh, that this language is acceptable. By copy of this correspondence to the applicant's agent, staff requests that they confirm (via a facsimile response) to the Hearing Examiner's offices (479-8106) that this wording is acceptable.

cc: Mr. Ahmad Kareh, applicant's agent
Donna Marie Collins, Assistant County Attorney

LEE COUNTY
HEARING EXAMINER
04 FEB 26 PM 4:03

February 11, 2004

**Comments from Parkside Condominium Association concerning the proposed
Fenway family Fun center near Lakes Park**

We are extremely concerned about the noise level from the various activities such as go carts racing around a track and other noise associated with the Fun Center.
We request that outside amplification be prohibited due to the close proximity of our condominiums. (presently we constantly hear the Lowes' public address system)

Will there be sufficient parking available and will there be a charge for parking? We are concerned about people parking on the grass on Old Gladiolus.
We request no parking signs on Old Gladiolus in front of our complex because during Lakes Park events (Medieval Fair etc.) people drive on our property and destroy our grass and break our landscaping lights. (\$48 each for a replacement) Lakes Park events only occur a few times per year but this could be an every day occurrence. (picture attached)

We request that the evening hours end by 9 P M

We are also concerned with the debris left on the streets and boulevards by the people attending the center. Who will collect that and how often?

If alcohol is to be served in the center we are concerned about intoxicated people coming into our complex. What kind of security will the owners provide? **We see a need for a police officer to be on site at all times to help with security and traffic.** This would be at the expense of the owners of the Fun Park.

We are concerned about the increased traffic and what plans are in place to address this. We are also concerned about crosswalk safety. You take your life in your hands when crossing Gladiolus at the present time because this section of Gladiolus seems to be a raceway.

Wayne Sether, Treasurer
15101 Parkside Drive #4
Fort Myers, FL
239 437 0880

Sether
EXHIBIT # 1
DC12003-00062

