

LS Memorandum

City of Lee's Summit

To: [Mayor & City Council]

From: [Development Services Department]

C: [File]

Date: [August 1, 2022]

[**Public Hearing: Appl. #PL2022-178 - PRELIMINARY DEVELOPMENT PLAN - McBee's Coffee N Carwash, 1295 SW Arborwalk Blvd; McBee Construction Company, applicant.**]

Following public testimony at the Planning Commission on July 14, 2022, A motion was made by Commissioner Trafton, seconded Commissioner Touzinsky, recommending the subject application for approval with the following conditions.

- 1) The applicant submits a sound study of the equipment.
- 2) The City to review and provide any noise complaints of any other car wash's in the area.

The motion carried unanimously.

To address condition #1, the applicant has submitted a memo and supporting documentation regarding the noise levels at the proposed project location. A copy of the additional information has been attached to the packet for review.

Responding to condition #2, Development Services Staff, with the assistance of the Lee's Summit Police Department, conducted a record search to identify if the City has received any noise complaints located at existing carwash facilities within the City. As of July 20, 2022, the City has no records of a noise complaint at a carwash for the previous two years.

Noise Ordinance

During the public hearing there was testimony by a nearby resident that the City's noise ordinance required a limit of 65 decibels for the proposed carwash. The actual limit is 55 decibels. The issue for the public hearing is the appropriateness of the land use. The relevant section of the noise ordinance is provided on the next page.

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Sec. 17-256. Sound levels by receiving land use.

- A. No person shall operate or cause to be operated on private property any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use category, as follows, when measured at or within the property boundary of the receiving land use:

Sound Levels by Receiving Land Use

| Receiving land use category | Time | Sound level limit, dba |
|--|----------------------|------------------------|
| Residential uses, as defined by the UDO | 7:00 a.m.—10:00 p.m. | 55 |
| (Residential, public space, open space or agricultural or institutional) | 10:00 p.m.—7:00 a.m. | 50 |
| Commercial uses, as defined by the UDO | At all times | 65 |
| Industrial uses, as defined by the UDO | At all times | 70 |

- B. For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in Subsection A. preceding shall be reduced by five (5) dba.
- C. The provisions of this section shall not apply to the unamplified human voice, interstate railway locomotives and railway cars, and any agricultural activity.