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Date: October 8, 2019

To: Mayor and Council

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Manager, Planning Services

RE: Noise Assessment for 281 Main St. E

Report No.: PS 2019-036

AIM

To provide the Mayor and Council with the results of the noise assessment on the carwash located at 281 Main St. E.

BACKGROUND

In February of 2019 a report was presented to Council outlining the compliance timelines related to ongoing noise complaints from the new carwash located 281 Main St. E. In a follow-up report in March Council was provided with a report, prepared by the applicants engineer outlining that sound levels from the carwash were in compliance with the requirements of the site plan agreement. Staff pointed out several flaws in the engineers report and recommended that a separate report from Dillon Consulting be prepared at the property owners' expense. Council did not support this recommendation and directed administration to under the report at the Town's expense.

DISCUSSION

Dillon Consulting was retained by the Town to complete a noise assessment of the carwash at 281 Main St. E. The purpose of the assessment was to determine if the carwash was in compliance with the 60 dBs sound level at the nearest residential property line required by the site plan agreement. The complete assessment is attached as Appendix A. The consultant will be in attendance to outline the details of the report and provide answers to any questions.

The overall conclusion of the assessment is the property is not in compliance meaning that corrective actions are required immediately.

For Council information the 60 dBs limit was based on:

- real time sound levels in the area prior to development;
- what other municipal standards exist for similar locations and circumstances not just in Canada but other countries;
- what the Provincial noise guidelines are for sensitive land uses, and
- what was a realistic expectation for the residential uses to the west of the subject property specific to this area.

The site plan agreement that was prepared and provided to the property owner is a legal document that binds both the Town and the property owner to implement and maintain the subject parcel as per the agreement and approved plan. Maintaining compliance with any given site plan agreement is essential as it provides both the Town and the residents assurance that a standard of development has been set. Failure to comply with the agreement or failure to enforce the agreement erodes that assurance and compromises the integrity of future approvals and agreements in the eyes of the rate payers affected by those developments. It further impacts the Town's ability to enforce terms of an agreement in the eyes of the development community as enforcement actions are then not taken seriously.

The development on the subject site was under construction for several months once site plan approval was granted. At no time during the construction process did the owners approach Planning staff with concerns or questions about the noise provision. It was also clear, once the carwash began operation, that no sound mitigation measures had been considered in the design or construction. Construction projects often face unforeseen circumstances that result in changes or adjustments. Planning staff have always maintained open communication during developments and have often accommodated adjustments that maintain the intent of the original approval.

Administration, in consultation with the consultant, continues to be of the opinion that compliance with the set limit is achievable with proper review and design within the existing structure. It is also acknowledged by the carwash industry itself in numerous publications on the importance of controlling noise generation.

LINK TO STRATEGIC PLAN

Support growth of the business community.

FINANCIAL CONSIDERATIONS

The cost estimate for the noise assessment was \$6,500. That did not include the consultant's presentation of their findings to Council. Given the perceived complexity of the issue at hand administration felt that it was important to have the consultant on hand to provide an outline their work and answer any questions that Council may have. Dillon has indicated an upset limit of \$2,500 to cover that additional presentation request from administration.

CONSULTATIONS

CAO

RECOMMENDATION

It is recommended that:

Council receive the report regarding the noise assessment update for 281 Main St. E for information purposes.

Robert Brown

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Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer