

Johnson, Thad A

From: gary.reimer <gary.reimer@protonmail.com>
Sent: Friday, January 5, 2024 10:04 AM
To: DS, Subdivision and Zoning; Ward3
Subject: Protest to PUD-1983 Sunset Theater at Mustang Creek

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Good morning,

I am writing to express my strong opposition to PUD-1983, the proposed rezoning of 810 South John Kilpatrick Turnpike and subsequent proposed construction and operation of a commercial outdoor amphitheater concert venue. Notwithstanding the general information provided in the Environmental Noise Assessment (ENA), an outdoor amphitheater of this scale cannot reasonably be operated in the proposed location without producing noise which will cause "discomfort or annoyance, or which endangers the comfort, repose, health or peace of residents in the area," and I believe will be a public nuisance as per the City's noise ordinance § 34-11. In addition, this noise / public nuisance will potentially lower the property values of the nearby community.

This amphitheater would force nearby residence to endure annoying and inescapable low-frequency impulsive noise inside our homes. I understand the desire for economic development, but this would result in a gross and unfair tax on the nearby community; we'll be paying with our peace, our health, our ability to carry out our daily lives day after day, year after year, not to mention negatively impacting our property values and limiting the market of potential buyers.

I am urging all OKC Planning Commission Commissioners help protect existing individual property owners and disapprove any zoning changes for PUD-1985.

Further Discussion:

The Planning Commission Staff Report for PUD-1983 is noted, however, I do not believe the Technical Evaluation noise requirements can be satisfied:

"10. The Specific Plan for an outdoor/open air amphitheater or concert venue shall, in addition to Code requirements, also include a) physical sound attenuation measures along with a revised noise study showing compliance with the City's noise ordinance, including L90, L10, and L1 requirements" (PUD-1983 STAFF REPORT)

Low-frequency noise is a specific problem not clearly addressed by this recommendation. Assessment using solely L90, L10, and L1 compliance is flawed since it uses the decibel scale with A-weighting applied dB(A). This scale is not sensitive to low frequencies and is not appropriate for high sound level measurements, such as from live music production (C-weighting would be more appropriate). Low-frequency noise is most offending because it is impulsive (think bass guitar, bass drum...) and penetrates residential housing structures very well. The ENA even states "**Low frequency sounds are the hardest to reduce at a distance,**" but offers little assured mitigation other than the previously mentioned flawed measurement to be made at the FOH, not even even at the property boundaries.

Judging from the values presented in the ENA Aggregate Effect table for distant boundaries (such as "Across S Sara Rd ~2,300 NE"), the nearby residents will indeed be forced to endure annoying low-frequency impulsive noise, yet a decibel measurement using A-weighting would otherwise indicate compliance with the ordinance.

Noting § 34-6.(a)(3), regardless of PUD-1983 zoning, the Table § 34-1. noise limits for R-1 should apply for the Westbury Addition boundary. Also, since low frequency noise is percussive for the types of expected events/sounds produced, § 34-6.(a)(4) should apply, thus reducing the Table I limits by five. These modified values are reflected in the table below:

percentile sound level limits, dBA

Zoning	time	L90	L10	L1
R-1	7:00 a.m. - 10:00 p.m.	50	60	70
	10:00p.m. - 7:00 a.m.	45	55	65

These values will not even fully mitigate the low-frequency noise risk to residents due to the application of A-weighting to the decibel measurement.

Ultimately, I believe § 34-4. - Specific prohibitions.(6) simply cannot be met, even beyond a distance of 2,500 feet: “Radios, television equipment, electronic audio equipment, musical instruments and similar devices. Operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction, including but not limited to any radio, musical instrument, phonograph, television set, tape recorder, loud speaker, or other similar device:

a. if plainly audible within any dwelling unit which is not the source of the sound;”

For reference, Plainly audible means where the listener clearly can hear the content of the sound produced by the noise source. Sounds which may be clearly audible include, but are not limited to, **musical rhythms**, spoken words, vocal sounds, and engine noises.

Again, I urge you all OKC Planning Commission Commissioners to protect existing property owners and disapprove the proposed rezoning.

Thank you for your continued service and support of our communities.

Respectfully,
Gary Reimer
Westbury Addition

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