



Legislation Text

File #: RES PH 23-204, **Version:** 1

Approving the application of ELS Construction, Inc. for a sound level variance in order to complete construction debris removal on August 11-12, 2023 at 2277 Ford Parkway - Petco.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Aubree Livingston, ELS Construction Inc, Project Assistant, who has been designated as the responsible person on the application, has applied for a variance, at no requested sound level limit or specified distance from the sound source at 2277 Ford Pkwy - Petco, to complete construction debris removal by hand and

WHEREAS, applicant has requested a variance for the hours of 10:00 p.m. to 6:00 a.m., August 11-12, 2023 for the Petco Animals & Supply Store; and

WHEREAS, if applicant is not granted a variance applicant will not be able to complete construction debris removal by hand, conducted indoors at 2277 Ford Pkwy - Petco; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance. Now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Aubree Livingston for the Petco Animals & Supply Store event, conducted indoors at 2277 Ford Pkwy - Petco, subject to the following conditions:

- 1) The Variance shall be for the hours of 10:00 p.m. to 6:00 a.m., Friday, August 11 - Saturday, August 12, 2023.
- 2) All construction equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring of the construction debris removal sound during the hours of the variance.
- 4) All construction equipment and by hand debris removal, conducted indoors, shall be completed no later than 6:00 a.m. August 12, 2023, the event completion date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 11-12, 2023 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Aubree Livingston, Project Assistant, has requested an exemption from the sound level limitations in Chapter 293.07 in order to complete construction debris removal by hand sound, with limitations, from 10:00 p.m. to 6:00 a.m. on August 11-12, 2023 at 2277 Ford Pkwy - Petco. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments