



Legislation Details (With Text)

File #: RES PH 14- 212 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 8/6/2014

Title: Approving the application of Team Ortho Foundation, Women ROCK Event, for a sound level variance in order to present outdoor music and amplified announcements on Saturday, August 30, 2014 from 8:30 a.m. to 12:00 noon at Upper Landing Park, Old Chestnut Road & Shepard Road; and from 7:00 a.m. to 11:00 a.m. on Shepard Road at Washington Street.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to District Councils, 5. Notice to Property Owners, 6. Property Owner List, 7. Letter to Applicant

Date	Ver.	Action By	Action	Result
8/11/2014	1	Mayor's Office	Signed	
8/6/2014	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation, Women ROCK Event, for a sound level variance in order to present outdoor music and amplified announcements on Saturday, August 30, 2014 from 8:30 a.m. to 12:00 noon at Upper Landing Park, Old Chestnut Road & Shepard Road; and from 7:00 a.m. to 11:00 a.m. on Shepard Road at Washington Street.

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, Team Ortho Foundation, Women ROCK Event, represented by Dawn Roberts, Women ROCK Race Director, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music and microphone speaking at the following locations: 1) Upper Landing Park and Old Chestnut Road & Shepard Road, and 2) Shepard Road and Washington, during a Women ROCK Event; and

WHEREAS, applicant is seeking a variance for the following times: Location (1) Upper Landing Park and Old Chestnut Road & Shepard Road - 8:30 a.m. to 12:00 p.m.; Location 2) Shepard Road and Washington - 7:00 a.m. to 11:00 a.m. on Saturday, August 30, 2014, and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music and microphone speaking at the Upper Landing Park and Old Chestnut Road & Shepard Road and Shepard Road & Washington; 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 Dawn Roberts and Team Ortho Foundation, for the following race event locations and subject to the following conditions:

- 1) Upper Landing Park and Old Chestnut Road and Shepard Road
 - a. Sound levels shall be limited to 85 dBA as measured 50 feet from noise source.
 - b. Speakers and stage must be directed away from residential use properties. Speakers are to be placed at the Eastern most end of the park over 600 feet away from businesses/residential.
 - c. Variance will be for the hours of 8:30 a.m. to 12:00 p.m. on August 30, 2014.
 - d. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m.
- 2) Shepard Road and Washington Street
 - a. Sound level shall be limited to 75 dBA as measured 50 feet from the noise source, with speakers, during the announcements only and national anthem during the hours of 7:00 a.m. to 8:00 a.m. on August 30, 2014.
 - b. Speakers must be directed away from residential use properties. Sound level shall be limited to 85 dBA as measured 50 feet from noise source, between the hours of 8:00 a.m. to 11:00 a.m.
 - c. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 11:00 a.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 30, 2014 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Team Ortho Foundation, Women ROCK Event, represented by Dawn Roberts, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and microphone speaking, with limitations, at two locations: 1) Upper Landing Park and Old Chestnut Road and Shepard Road from 8:30 a.m. to 12:00 p.m. and 2) Shepard Road and Washington Street from 7:00 a.m. to 8:00 a.m. with speakers for announcements only, and to be used from 8:00 a.m. to 11:00 a.m. on Saturday, August 30, 2014, during a charitable Women ROCK Event. 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