



## Legislation Details (With Text)

**File #:** RES PH 18- 184      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 7/11/2018

**Title:** Approving the application of Hardrives Inc. for a sound level variance for the Ramsey County Mill and Overlay Construction Project on Lexington Parkway between St. Anthony Avenue and Marshall Avenue, during the overnight hours from Sunday, July 15 through Sunday, August 5, 2018.

**Sponsors:** Dai Thao

**Indexes:** Ward - 1

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
7/19/2018	1	Mayor's Office	Signed	
7/11/2018	1	City Council	Adopted	Pass

Approving the application of Hardrives Inc. for a sound level variance for the Ramsey County Mill and Overlay Construction Project on Lexington Parkway between St. Anthony Avenue and Marshall Avenue, during the overnight hours from Sunday, July 15 through Sunday, August 5, 2018.

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, Hardrives Inc., represented by Dan Hall, Project Manager, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of less than 70 dBA, at no specified distance, for construction work related to the overnight mill and overlay construction work on Lexington Parkway, between St. Anthony Avenue and Marshall Avenue, and to allow elevated sound levels from 7:00 p.m. until 7:00 a.m. for activities such as asphalt removal, milling and asphalt rollers and paving, bobcat use, back up equipment with beepers, dump trucks, and street sweepers, and hand power tools, without conducting jackhammering at night; and

WHEREAS, in order to meet required Ramsey County project completion and to minimize disruption to traffic on the described project areas, area businesses, the public, adjoining residents and property owners, the applicant is seeking a 7:00 p.m. until 7:00 a.m. one time overnight variance, at a less than 70 dBA sound level limit, and weather dependent, Sunday, July 15, 2018 until Sunday, August 5, 2018; and

WHEREAS, if applicant is not granted a variance, Hardrives Inc. will not be able to operate general construction/demolition equipment and other repair and installation equipment and power tools needed to complete the required overnight mill and overlay construction work on Lexington Parkway, between St. Anthony Avenue and Marshall Avenue; 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 Hardrives Inc., subject to the following conditions:

1. The variance will be for asphalt activities such as asphalt removal, milling and asphalt rollers and paving, bobcat use, back up equipment beeper use, dump trucks, street sweepers, and hand power tools, without conducting jackhammering at night, and construction replacement on Lexington Parkway, between St. Anthony Avenue and Marshall Avenue, on one overnight, Sunday, July 15, 2018, through Sunday, August 5, 2018.
2. The Variance will include one project overnight work period, with sound levels from 7:00 p.m. until 7:00 a.m. on July 15, 2018 through August 5, 2018 to be at 70 dBA at 50 feet from the sound source.
3. If the sound level variance is approved, Hardrives Inc. will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.
4. If there is an emergency, where immediate work is necessary to restore property to a safe condition or to protect persons or property from an imminent exposure to danger, Hardrives Inc. or its designee shall notify DSI and make a good faith effort to inform property owners/residents within 400 feet of the work location. Notification to DSI and property owners may be done after the work has begun or, if possible, before the work has started.
5. The contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the late night and early morning hours. Jackhammers, pavement breakers, pile drivers and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers. Vehicles operating between 10:00 p.m. and 7:00 a.m. should be equipped with ambient sensitive back-up warning devices or similar devices. Back-up observers, in lieu of back-up warning devices, should be considered if allowed by Federal or State regulations. When practical, loud activities will be performed during the day.

FURTHER RESOLVED, that any violations of the conditions set above may result in the cancellation of the variance for any remaining dates and in the denial of future requests for the granting of a sound level variance, in addition to any criminal citation which may be issued.

Hardrives Inc., represented by Dan Hall, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for an Overnight Ramsey County Mill and Overlay Project, with asphalt removal, milling and asphalt rolling and paving, bobcat use, back up equipment with beeping devices, dump trucks, street sweepers and hand power tools, without conducting jackhammering at night on Lexington Parkway between St. Anthony Avenue and Marshall Avenue, weather dependent, for one overnight period beginning Sunday, July 15, 2018, through Sunday, August 5, 2018.

Was proper notice given? YES - See Attachments