



## Legislation Details (With Text)

**File #:** RES PH 12- 61      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 3/7/2012

**Title:** Approving the application of The Original Gabes By The Park for a sound level variance in order to present amplified music from 4:00 p.m. until 1:00 a.m. on March 16 & 17, 2012 at 991 North Lexington Parkway.

**Sponsors:** Russ Stark

**Indexes:**

**Code sections:**

**Attachments:** 1. Gabes SLV Application.pdf, 2. Gabes ENS.pdf, 3. Gabes SLV Applicant Letter.pdf, 4. Gabes District Council 10 Letter.pdf, 5. Gabes Circle Map.pdf, 6. Gabes property owner list.pdf, 7. Gabes Property Owner Example.pdf

Date	Ver.	Action By	Action	Result
3/13/2012	1	Mayor's Office	Signed	
3/7/2012	1	City Council	Adopted As Amended	Pass

Approving the application of The Original Gabes By The Park for a sound level variance in order to present amplified music from 4:00 p.m. until 1:00 a.m. on March 16 & 17, 2012 at 991 North Lexington Parkway.

### Amended 3/7/2012

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, the Original Gabes By The Park, represented by Tim Weiss, who has been designated as the responsible person on the application, has applied for a variance to present amplified music at 991 North Lexington Parkway; and

WHEREAS, applicant has requested a variance for the hours of 4:00 p.m. to 1:00 a.m. on March 16 & 17, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 991 North Lexington Parkway; 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 The Original Gabes By The Park, subject to the following conditions:

- 1) The variance shall be for the hours of 4:00 p.m. to ~~1:00 a.m.~~ 12:00 midnight on March 16 & 17, 2012.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured inside the tent at the wall opposite of the sound source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:00 a.m. on the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 16 & 17, 2012 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Original Gabes By The Park, represented by Tim Weiss, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 4:00 p.m to 1:00 a.m. on March 16 & 17, 2012. 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