



## Legislation Details (With Text)

**File #:** RES PH 16- 259      **Version:** 1  
**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 8/17/2016

**Title:** Approving the application of Flannery Construction, represented by John Noble, Project Manager, for a sound level variance in order to conduct I-Beam Drilling and other Utility Construction work for supporting adjacent structures and building at 72 Cesar Chavez Street, scheduled for September 1 through September 15, 2016.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

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

Date	Ver.	Action By	Action	Result
8/19/2016	1	Mayor's Office	Signed	
8/17/2016	1	City Council	Adopted	Pass

Approving the application of Flannery Construction, represented by John Noble, Project Manager, for a sound level variance in order to conduct I-Beam Drilling and other Utility Construction work for supporting adjacent structures and building at 72 Cesar Chavez Street, scheduled for September 1 through September 15, 2016.

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, Flannery Construction, represented by John Noble, Project Manager, who has been designated as the responsible person on the application, has applied for a variance, for construction work related to use of various pieces of equipment, including I-Beam Directional Drilling and other utility construction work for supporting adjacent structures and sidewalk; and

WHEREAS, to reduce the time required and to minimize disruption to the neighborhood, area businesses, the public, adjoining residents, and property owners, the applicant is seeking a variance from September 1, 2016 through September 15, 2016 from 7 a.m. to 4:30 p.m.; and

WHEREAS, if applicant is not granted a variance, Flannery Construction will not be able to operate various pieces of equipment, including H-pile lagging equipment, excavator, bulldozer, trucks, etc. to be used as part of the construction site for supporting adjacent structures and sidewalk; and

WHEREAS, the Department of Safety and Inspections (DSI) 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 Flannery Construction, subject to the following conditions:

- 1) The variance will be for I-Beam Drilling and other Utility construction and work using various pieces of equipment, including directional drilling, excavator, bulldozer, trucks, etc. at 72 Cesar Chavez Street, beginning Thursday, September 1, 2016, through Thursday, September 15, 2016.
- 2) Work periods are Monday through Friday, beginning at 7:00 a.m. and ending at 4:30 p.m.
- 3) The contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, H Pile with lagging area, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the early morning hours. Equipment should be fitted with manufacturer's approved exhaust mufflers.

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.

Flannery Construction, represented by John Noble, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for use of various pieces of equipment, including directional drilling equipment, excavator, bulldozer, trucks, etc. to be used as part of the Utility construction site for supporting adjacent structures and sidewalk at 72 Cesar Chavez Street. Project dates are September 1, 2016 through September 15, 2016 from 7:00 a.m. to 4:30 p.m. 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