



Legislation Details (With Text)

File #: RES PH 15- 166 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 6/17/2015

Title: Approving the application of American Royalty Group for a sound level variance in order to present outdoor music performance and play by play announcements on Saturday, July 11, 2015 and Sunday, July 12, 2015 from 9:00 a.m. to 6:00 p.m. during the American Royalty Group Saint Paul Gus Macker 3 On 3 Basketball Event 2015, at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of State Capitol Complex.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

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

Date	Ver.	Action By	Action	Result
6/24/2015	1	Mayor's Office	Signed	
6/17/2015	1	City Council	Adopted	Pass

Approving the application of American Royalty Group for a sound level variance in order to present outdoor music performance and play by play announcements on Saturday, July 11, 2015 and Sunday, July 12, 2015 from 9:00 a.m. to 6:00 p.m. during the American Royalty Group Saint Paul Gus Macker 3 On 3 Basketball Event 2015, at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of State Capitol Complex.

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, American Royalty Group, represented by Orlando Walker, Owner, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music and play by play announcements at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of State Capitol Complex; and

WHEREAS, applicant is seeking a variance for the hours of 9:00 a.m. to 6:00 p.m. for outdoor music and play by play announcements for a performance and announcements at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of State Capitol Complex on Saturday, July 11, 2015 and Sunday, July 12, 2015 during the St Paul Gus Macker 3 On 3 Basketball Event 2015; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music and announcements at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of State Capitol Complex; 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 American Royalty Group, subject to the following conditions:

- 1) The variance will be for the American Royalty Group St Paul Gus Macker 3 On 3 Basketball Event 2015 at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of the State Capitol Complex for the hours of 9:00 a.m. to 6:00 p.m. for music performance and play by play announcements on Saturday, July 11, 2015 and Sunday, July 12, 2015.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 6:00 p.m. on the dates of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

American Royalty Group, represented by Orlando Walker, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 9:00 a.m. to 6:00 p.m. on Saturday, July 11, 2015 and Sunday, July 12, 2015 during the St Paul Gus Macker 3 On 3 Basketball Event 2015 at 75 Reverend Doctor Martin Luther King Boulevard, Upper and Lower Mall Area of State Capitol Complex. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments