



Legislation Text

File #: RES PH 16-247, **Version:** 1

Approving the application of Target Corporation, represented by Stacey Hartung, Construction Project Manager, for a sound level variance in order to demolish existing pavement surfaces and remove trees in preparation for a new playground installation project at the American Indian Magnet School at 1075 Third Street East, from August 4, to August 12, 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, Target Corporation, represented by Stacey Hartung, Construction Project Manager, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level of 85 decibels (dBA) at no specified distance, for construction work related to demolition of existing pavement and tree removal with use of various pieces of equipment, including excavator, front end loader, grader, chain saw, dump trucks etc.as part of the site preparation for a new playground installation project; 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 August 4, 2016 through August 12, 2016 from 7 a.m. to 5 p.m.; and

WHEREAS, if applicant is not granted a variance, Target Corporation will not be able to operate various pieces of equipment, including an excavator, front end loader, grader, dump trucks, etc. to be used as part of the existing pavement demolition and tree removal at the 1075 Third Street East construction site; 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 Target Corporation, subject to the following conditions:

- 1) The variance will be for construction and work using various pieces of equipment, including excavator, front end loader, grader, chain saw, etc. at 1075 Third Street East, beginning Thursday, August 4, 2016, through Friday, August 12, 2016.
- 2) Work periods are Monday through Friday, beginning at 7:00 a.m. and ending at 5:00 p.m.
- 3) The contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, limiting usage of loud equipment to minimal time, lower noise emitting techniques, and use of noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the evening and 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.

Target Corporation, represented by Stacey Hartung, Construction Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for use of various pieces of equipment, including, excavator, front end loader, chain saw, dump trucks, etc. to be used as part of the existing pavement demolition and tree removal in preparation for a new playground installation project at 1075 Third Street East. Sound Variance Project dates are August 4, 2016 through August 12, 2016 from 7:00 a.m. to 5:00 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