Legislation Details (With Text)

File #:	RES PH 12-238 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	8/15/2012

Title: Approving the application of the Public Works Department for a sound level variance in order to operate general construction/demolition equipment and domestic power tools at the Lexington Avenue overpass between Burgess Street and Pierce Butler Route on August 30 & 31 and September 3, 4 & 5, 2012.

Sponsors: Melvin Carter III

Indexes:

Code sections:

Attachments: 1. Lex Bridge Construct SLV Application.pdf, 2. Lex Bridge Construct ENS.pdf, 3. Lex Bridge Construct Applicant Notification.pdf, 4. Lex Bridge Construct District Council 6 Notification Letter.pdf, 5. Lex Bridge Construct Map.pdf, 6. Lex Bridge Construct Property Owner List.pdf, 7. Lex Bridge Construct Property Owner Example.pdf

Date	Ver.	Action By	Action	Result
8/15/2012	1	Mayor's Office	Signed	
8/15/2012	1	City Council	Adopted	Pass

Approving the application of the Public Works Department for a sound level variance in order to operate general construction/demolition equipment and domestic power tools at the Lexington Avenue overpass between Burgess Street and Pierce Butler Route on August 30 & 31 and September 3, 4 & 5, 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, City of Saint Paul, Public Works, represented by Glenn Pagel, Project Manager, who has been designated as the responsible person on the application, has applied for a variance to operate general construction/demolition equipment and domestic power tools at the Lexington Avenue overpass between Burgess Street and Pierce Butler Route on August 30 & 31 and September 3, 4 & 5, 2012; and

WHEREAS, in order to meet required completion dates and to minimize disruption to businesses, the public and adjoining property owners, the applicant is seeking a variance from August 30 & 31 and September 3, 4 & 5, 2012 at the Lexington Avenue overpass between Burgess Street and Pierce Butler Route; and

WHEREAS, if applicant is not granted a variance, it will not be able to operate general construction/demolition equipment and domestic power tools to do the needed repair work on the Lexington Avenue overpass; 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 the City of Saint Paul, Public Works, subject to the following conditions:

1) The variance shall be for the period August 30 & 31 and September 3, 4 & 5, 2012.

2) Saint Paul Public Works shall take all practical steps available to minimize the noise levels during this period which do not otherwise unduly hinder the project or unreasonably increase the costs of the project.

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 grant of a sound level variance, in addition to any criminal citation which might issue.

Saint Paul Public Works, represented by Glenn Pagel, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to to operate general construction/demolition equipment and domestic power tools at the Lexington Avenue overpass between Burgess Street and Pierce Butler Route on August 30 & 31 and September 3, 4 & 5, 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

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