



Legislation Details (With Text)

File #: RES PH 14- 260 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 9/17/2014

Title: Approving the application of Mississippi Market for a sound level variance in order to excavate and construct a Mississippi Market Natural Foods Co-op Grocery Store at 740 Seventh Street East from September 30, 2014 to August 1, 2015, with a noise source of operation from 7:00 a.m. to 6:00 p.m. Monday through Friday.

Sponsors: Kathy Lantry

Indexes: Ward - 7

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, 8. Stutzman Group support of Miss Mkt noise variance

Date	Ver.	Action By	Action	Result
9/22/2014	1	Mayor's Office	Signed	
9/17/2014	1	City Council	Adopted	Pass

Approving the application of Mississippi Market for a sound level variance in order to excavate and construct a Mississippi Market Natural Foods Co-op Grocery Store at 740 Seventh Street East from September 30, 2014 to August 1, 2015, with a noise source of operation from 7:00 a.m. to 6:00 p.m. Monday through Friday.

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, Mississippi Market, represented by Christine Nicholson, Operations Manager, who has been designated as the responsible person on the application, has applied for a variance in order to excavate and construct a Mississippi Market Natural Foods Co-op Grocery Store at 740 7th Street East from September 30, 2014 to August 1, 2015 with a noise source of operation from 7:00 a.m. to 6:00 p.m., Monday through Friday.; and

WHEREAS, if applicant is not granted a variance it will not be able to excavate and construct a Mississippi Market Natural Foods Co-op Grocery Store at the 740 7th Street East site; 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 sound level variance to the Mississippi Market, subject to the following conditions:

1. The variance will be for the Mississippi Market Natural Foods Co-op Grocery Store Excavation

and Construction Project at 740 7th Street East, from September 30, 2014 to August 1, 2015 with a noise source of operation from 7:00 a.m. to 6:00 p.m., Monday through Friday.

2. The Contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the late night and early morning hours. Jackhammers, pavement breakers, pile drivers and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers.

3. The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.

4. A copy of this sound level variance must be maintained at the event location and be available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Mississippi Market, represented by Christina Nicholson, Operations Manager, has requested an exemption from the sound level limitations in Chapter 293.07 with a sound level variance application in order to excavate and construct a Mississippi Market Natural Foods Co-op Grocery Store at 740 7th Street East. 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