



Legislation Details (With Text)

File #: RES PH 14- 293 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 10/15/2014

Title: Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of speakers from 9:00 a.m. to 12:30 p.m. on Shepard Road from Washington to Eagle, and from 8:00 a.m. to 12:30 p.m. on Eagle Parkway from Shepard to Chestnut; and for the use of a mobile stage, band, and speakers from 8:00 a.m. to 2:30 p.m. at Upper Landing Park, Shepard and Eagle, for the Monster Dash 2014 Finish Area on October 25, 2014.

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
10/20/2014	1	Mayor's Office	Signed	
10/15/2014	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of speakers from 9:00 a.m. to 12:30 p.m. on Shepard Road from Washington to Eagle, and from 8:00 a.m. to 12:30 p.m. on Eagle Parkway from Shepard to Chestnut; and for the use of a mobile stage, band, and speakers from 8:00 a.m. to 2:30 p.m. at Upper Landing Park, Shepard and Eagle, for the Monster Dash 2014 Finish Area on October 25, 2014.

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, Team Ortho Foundation, represented by Jackie Johnson, Race Director, who has been designated as the responsible person on the application, has applied for a variance to allow the use of Speakers for Shepard Road, Washington to Eagle from 9:00 a.m. to 12:30 p.m., Eagle Pkwy, Shepard to Chestnut, also for use of Speakers, from 8:00 a.m. to 12:30 p.m.; and for use of a Mobile Stage, Band and Speakers at Upper Landing Park, Shepard and Eagle, from 8:00 a.m. to 2:30 p.m. for the Monster Dash 2014 Finish Area on October 25, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to use a Mobile Stage, Band and use of Speakers for the Monster Dash 2014 Finish Area 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 the Team Ortho Foundation,

subject to the following conditions:

- 1) The variance shall be for the hours of 9:00 a.m. until 12:30 p.m. at Shepard Road, Washington to Eagle; from 8:00 a.m. to 12:30 p.m. at Eagle Pkwy, Shepard to Chestnut, and from 8:00 a.m. to 2:30 p.m. at Upper Landing Park, Shepard and Eagle on October 25, 2014.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured 50 feet from the sound source from 9:00 a.m. to 12:30 p.m. for Shepard Road, Washington to Eagle, from 8:00 a.m. to 12:30 p.m. at Eagle Pkwy, Shepard to Chestnut, and from 8:00 a.m. to 2:30 p.m. at Upper Landing Park, Shepard and Eagle.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring during the event.
- 4) All PA systems, loudspeakers or similar devices shall be turned off no later than 12:30 p.m. at Shepard Road, Washington to Eagle and at Eagle Pkwy, Shepard to Chestnut, and no later than 2:30 p.m. at Upper Landing Park on October 25, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 25, 2014 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Team Ortho Foundation, Monster Dash, represented by Jackie Johnson, Race Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of Speakers for Shepard Road, Washington to Eagle, from 9:00 a.m. to 12:30 p.m.; for Speakers at Eagle Pkwy, Shepard to Chestnut, from 8:00 a.m. to 12:30 p.m.; and for use of a Mobile Stage, Band and use of Speakers from 8:00 a.m. to 2:30 p.m. at Upper Landing Park, Shepard and Eagle on October 25, 2014. 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