



Legislation Details (With Text)

File #: RES PH 15- 313 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 10/21/2015

Title: Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music and announcements on Saturday, October 31, 2015 by Summit Avenue near Nina to Selby as well as Summit Avenue by the Cathedral Hill Park.

Sponsors: Dai Thao

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Code sections:

Attachments: 1. Application, 2. Map, 3. ENS, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Schubert - Opposition ltr, 9. Schubert Email

Date	Ver.	Action By	Action	Result
10/22/2015	1	Mayor's Office	Signed	
10/21/2015	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music and announcements on Saturday, October 31, 2015 by Summit Avenue near Nina to Selby as well as Summit Avenue by the Cathedral Hill Park.

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, Monster Dash Event, represented by John W. Larson, Executive and Race Event Director, who has been designated as the responsible person on the application, has applied for a variance, with a requested sound level of 85 dBA at 50 feet, to present outdoor music and announcements by Summit Avenue near Nina to Selby as well as Summit Avenue by the Cathedral Hill Park for the Pre-Race Costume Contest and Race Announcements; and

WHEREAS, applicant is seeking a variance for Saturday, October 31, 2015 from 8:00 a.m. until 9:00 a.m., on Summit by Nina to Selby with a pre-event sound check at 7:45 a.m., and at Summit by Selby and Kellogg at Cathedral Hill Park, from 7:30 a.m. until 8:30 a.m., and pre-event sound check at 7:15 a.m. and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor music and announcements at the Summit near Nina to Selby Area and by Summit at the Cathedral Hill Park; 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 John W. Larson and Team

Ortho Foundation, for Summit near Nina to Selby as well as Summit by the Cathedral Hill Park subject to the following conditions:

- 1) The variance will be for the Team Ortho Foundation Monster Dash Pre-Race Costume Contest and Race Announcements, with speaker and a mobile stage DJ on October 31, 2015 from 8:00 a.m. until 9:00 a.m. by Summit Avenue near Nina to Selby, with a pre-event sound check at 7:45 a.m. and from 7:30 a.m. until 8:30 a.m. by Cathedral Hill Park, with a pre-event sound check at 7:15 a.m.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed 85 dBA as measured 50 feet from any stage or sound source used for music and/or announcements between the hours of 8:00 a.m. until 9:00 a.m., with a pre-event sound check at 7:45 a.m. by Summit and Nina to Selby and from 7:30 a.m. until 8:30 a.m. , with a pre-event sound check at 7:15 a.m. by Cathedral Hill Park.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers and stage must be directed away from residential use properties, and are daisy chained towards the road for the Summit and Nina to Selby Area and towards St Paul College for the Cathedral Hill Park Area.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 a.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 31, 2015 event 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 Event, represented by John W. Larson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, at Summit near Nina to Selby, and by Cathedral Hill Park from 8:00 a.m. to 9:00 a.m., with a pre-event sound check at 7:45 a.m. by Summit near Nina to Selby and from 7:30 a.m. until 8:30 a.m., with a pre-event sound check at 7:15 a.m. by Cathedral Hill Park on Saturday, October 31, 2015, during a Monster Dash Pre- Race Costume Contest and Announcements. 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