Legislation Details (With Text)

File #:	RES PH 16-271 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	9/7/2016
Title:	Approving the application of Brian Horst, Music in Mears LLC, for a sound level variance in order to present amplified music on September 16, 23 and 30, 2016, during the Kellogg Craft Beer Overlook Event at Kellogg Park.		
Sponsors:	Rebecca Noecker		
Indexes:	Ward - 2		
Code sections:			
Attachments:	1. Application, 2. ENS, 3. Map, 4. Notice to Property Owners, 5. List of Property Owners, 6. Letter to Applicant		

Date	Ver.	Action By	Action	Result
9/9/2016	1	Mayor's Office	Signed	
9/7/2016	1	City Council	Adopted	Pass

Approving the application of Brian Horst, Music in Mears LLC, for a sound level variance in order to present amplified music on September 16, 23 and 30, 2016, during the Kellogg Craft Beer Overlook Event at Kellogg 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, Brian Horst/Music in Mears, LLC, represented by Brian Horst, President and Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music, at a requested sound level limit of 80 dBA at no specified distance, with a pre-event sound check from 2:30 p.m. until 3:00 p.m. at Kellogg Park, between Wabasha and Robert at the intersection of Cedar and Kellogg Boulevard for the Kellogg Craft Beer Overlook Event; and

WHEREAS, applicant is seeking a variance for the hours of 3:00 p.m. to 7:00 p.m. on September 16, 23 and 30, 2016 during the Kellogg Craft Beer Overlook Event at Kellogg Park; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present amplified music at the Kellogg Park 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 variance to Brian Horst, Music in Mears LLC, subject to the following conditions:

powered by Legistar™

1) The variance shall be for the hours of 3:00 p.m. to 7:00 p.m., with a pre-event sound check from 2:30 p.m. until 3:00 p.m. on September 16, 23 and 30, 2016.

2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from the sound source, from 3:00 p.m. until 7:00 p.m. on September 16, 23 and 30, 2016.

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

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 7:00 p.m. on the dates of the event.

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

Brian Horst and Music In Mears, represented by Brian Horst, President and Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 3:00 p.m. to 7:00 p.m. on September 16, 23 and 30, 2016 during the Kellogg Craft Beer Overlook Event at Kellogg Park. 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

powered by Legistar™