Legislation Details (With Text)

File #:	RES PH 17-41 **Version:** 2		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	2/15/2017
Title:	Approving the application of Burger Moe's for a sound level variance to present amplified music in an enclosed tent on Friday, March 17, 2017 at 242 Seventh Street West.		
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
2/16/2017	2	Mayor's Office	Signed	
2/15/2017	1	City Council	Adopted	Pass

Approving the application of Burger Moe's for a sound level variance to present amplified music in an enclosed tent on Friday, March 17, 2017 at 242 Seventh Street West.

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, Burger Moe's, represented by Moe Sharif, who has been designated as the responsible person on the application, has applied for a variance to present amplified music in an enclosed tent at 242 7th Street West; and

WHEREAS, applicant has requested a variance , at a requested sound level limit of 100- 95 dBA at 50 feet from the source, for the hours from 12:00 p.m. on March 17, 2017 to 1:00 a.m. on March 18, 2017, with a pre-event sound check at noon on March 17, 2017; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 242 7th Street West; 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 Burger Moe's, subject to the following conditions:

1) The variance shall be for the hours from 12:00 p.m. until 11:59 p.m. on Friday, March 17, 2017, with a pre-event sound check at noon in a fully enclosed tent in Burger Moe's Parking lot, 242 7th Street West.

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2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet from all sound sources ~~outside~~ inside of the fully enclosed tent from 12:00 p.m. until 11:59 p.m.

3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 11:59 p.m. on March 17, 2017, the event date.

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

Burger Moe's, represented by Moe Sharif, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 p.m. on March 17, 2017 until1:00 a.m. on March 18, 2017 , with a pre-event sound check at noon on March 17, 2017. 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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