



## Legislation Details (With Text)

**File #:** RES PH 17- 139 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 6/7/2017

**Title:** Approving the application of Brian Horst, B Horst Productions, for a sound level variance in order to present amplified music every Tuesday through Friday from Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4 through Friday, July 7, 2017, during the Kellogg Craft Beer Overlook Event at Kellogg Mall Park.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
6/13/2017	1	Mayor's Office	Signed	
6/7/2017	1	City Council	Adopted	Pass

Approving the application of Brian Horst, B Horst Productions, for a sound level variance in order to present amplified music every Tuesday through Friday from Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4 through Friday, July 7, 2017, during the Kellogg Craft Beer Overlook Event at Kellogg Mall 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, B Horst Productions, represented by Brian Horst, 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 Mall 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 6:00 p.m., every Tuesday through Friday, beginning Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4, 2017 through Friday, July 7, 2017 during the Kellogg Craft Beer Overlook Event at Kellogg Mall Park; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present amplified music at the Kellogg Mall 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 B Horst Productions, Brian Horst, Event Director, subject to the following conditions:

- 1) The variance shall be for the hours of 3:00 p.m. to 6:00 p.m., with a pre-event sound check from 2:30 p.m. until 3:00 p.m., every Tuesday through Friday, beginning Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4, 2017 through Friday, July 7, 2017.
- 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 6:00 p.m., every Tuesday through Friday, beginning Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4, 2017 through Friday, July 7, 2017.
- 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 6:00 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.

B Horst Productions, Brian Horst, Event 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 6:00 p.m., every Tuesday through Friday, beginning Tuesday, June 13 through Tuesday, October 31, 2017, except Tuesday, July 4, 2017 through Friday, July 7, 2017 during the Kellogg Craft Beer Overlook Event at Kellogg Mall 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