



## Legislation Details (With Text)

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|-----------------------|--|----------------------|--------------|
| <b>File #:</b>        | RES PH 17- 297   | <b>Version:</b>      | 1            |
| <b>Type:</b>          | Resolution-Public Hearing  | <b>Status:</b>       | Passed       |
|                       |  | <b>In control:</b>   | City Council |
|                       |  | <b>Final action:</b> | 10/18/2017   |
| <b>Title:</b>         | Approving the application of Team Ortho Foundation - Monster Dash for eleven sound level variances in order to present amplified sound for announcements, speakers, and music on Saturday, October 28, 2017 at the following locations: CHS Field; Lower Landing Park; Mississippi River Boulevard and Old Ford Plant; Shepard Road and Gannon Road; Shepard Road and Ontario; Shepard Road and Randolph; Shepard Road and Homer-Elway; Shepard Road and Washington-Eagle; Shepard Road and Sibley; Summit Avenue and Nina-Selby and Upper Landing Park.   |                      |              |
| <b>Sponsors:</b>      | Rebecca Noecker, Dai Thao, Chris Tolbert   |                      |              |
| <b>Indexes:</b>       | Ward - 1, Ward - 2, Ward - 3   |                      |              |
| <b>Code sections:</b> |  |                      |              |
| <b>Attachments:</b>   | 1. Applications, 2. ENS DC 8, 3. ENS DC 9, 4. ENS DC 15, 5. ENS DC 17, 6. CHS Stadium.Map, 7. CHS Stadium.Notice to Owners, 8. CHS Stadium.List of Owners, 9. Lower Landing.Map, 10. Lower Landing.Notice to Owners, 11. Lower Landing.List of Owners, 12. MRB & Ford Plant.Map, 13. MRB & Ford Plant.Notice to Owners, 14. MRB & Ford Plant.List of Owners, 15. Shepard & Gannon Rd.Map, 16. Shepard & Gannon Rd.Notice to Owners, 17. Shepard & Gannon Rd.List of Owners, 18. Shepard & Ontario.Map, 19. Shepard & Ontario.Notice to Owners, 20. Shepard & Ontario.List of Owners, 21. Shepard & Randolph.Map, 22. Shepard & Randolph.Notice to Owners, 23. Shepard & Randolph.List of Owners, 24. Homer & Elway.Map, 25. Homer & Elway.Notice to Owners, 26. Homer & Elway.List of Owners, 27. Washington & Eagle.Map, 28. Washington & Eagle.Notice to Owners, 29. Washington & Eagle.List of Owners, 30. Sibley & Shepard.Map, 31. Sibley & Shepard.Notice to Owners, 32. Sibley & Shepard.List of Owners, 33. Selby & Nina.Map, 34. Selby & Nina.Notice to Owners, 35. Selby & Nina.List of Owners, 36. Upper Landing.Map, 37. Upper Landing.Notice to Owners, 38. Upper Landing.List of Owners, 39. Letter to Applicant, 40. L Anderson email, 41. R Anderson email |                      |              |

| Date       | Ver. | Action By      | Action  | Result |
|------------|------|----------------|---------|--------|
| 10/20/2017 | 1    | Mayor's Office | Signed  |        |
| 10/18/2017 | 1    | City Council   | Adopted | Pass   |

Approving the application of Team Ortho Foundation - Monster Dash for eleven sound level variances in order to present amplified sound for announcements, speakers, and music on Saturday, October 28, 2017 at the following locations: CHS Field; Lower Landing Park; Mississippi River Boulevard and Old Ford Plant; Shepard Road and Gannon Road; Shepard Road and Ontario; Shepard Road and Randolph; Shepard Road and Homer-Elway; Shepard Road and Washington-Eagle; Shepard Road and Sibley; Summit Avenue and Nina-Selby and Upper Landing 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 Larson, Executive Director, who has been designated as the responsible person on the application, has applied for eleven (11) variances,

with no specified sound level limit, to present outdoor amplified music and announcements at multiple locations: CHS Field; Lower Landing Park; Mississippi River Boulevard and Old Ford Plant; Shepard Road and Gannon Road; Shepard Road and Ontario; Shepard Road and Randolph; Shepard Road and Homer-Elway; Shepard Road and Washington-Eagle; Shepard Road and Sibley; Cathedral Hill Park, Summit near Nina to Selby; and Upper Landing Park during a Monster Dash Event; and

WHEREAS, applicant is seeking eleven (11) variances for Saturday, October 28, 2017 for various times between the hours of 8:00 a.m. until 1:30 p.m., with pre-event sound checks occurring between 7:45 a.m. and 8:45 a.m. at the specified locations, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor amplified music and announcements at the eleven (11) specified locations; 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 Larson and Team Ortho Foundation, subject to the following conditions:

1) The variances will be for the Team Ortho Foundation Monster Dash Event in order to present outdoor amplified music and announcements on October 28, 2017 for various times between the hours of 8:00 a.m. until 1:30 p.m., with pre-event sound checks occurring between 7:45 a.m. and 8:45 a.m.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed the sound level limit specified below, as measured 50 feet from any stage or sound source used for music and/or announcements and for the event times and pre-event sound check times as noted for the locations below:

**-CHS Field:** Times of Operation 8:00 a.m. to 1:00 p.m., Pre-Event Sound Check at 7:45 a.m., Sound Level Limit: 90 dBA at 50 feet.

**-Lower Landing Park:** Times of Operation 9:00 a.m. to 12:00 p.m., Pre-Event Sound Check at 8:45 a.m., Sound Level Limit: 85 dBA at 50 feet.

**-Mississippi River Boulevard and Old Ford Plant:** Times of Operation 9:00 a.m. to 10:45 a.m., Pre-Event Sound Check at 8:45 a.m., Sound Level Limit: 85 dBA at 50 feet.

**-Shepard Road and Gannon Road:** Times of Operation 8:45 a.m. to 11:00 a.m., Pre-Event Sound Check at 8:30 a.m., Sound Level Limit: 80 dBA at 50 feet.

**-Shepard Road and Ontario:** Times of Operation 8:15 a.m. to 11:00 a.m., Pre-Event Sound Check at 8:00 a.m., Sound Level Limit: 80 dBA at 50 feet.

**-Shepard Road and Randolph:** Times of Operation 9:00 a.m. to 12:30 p.m., Pre-Event Sound Check at 8:45 a.m., Sound Level Limit: 80 dBA at 50 feet.

**-Shepard Road between Homer-Elway:** Times of Operation 9:00 a.m. to 12:30 p.m., Pre-Event Sound Check at 8:45 a.m., Sound Level Limit: 80 dBA at 50 feet.

**-Shepard Road and Washington-Eagle:** Times of Operation 9:00 to 12:30 p.m., Pre-Event Sound Check at 8:45 a.m., Sound Level Limit: 80 dBA at 50 feet.

**-Shepard Road and Sibley:** Times of Operation 9:00 to 12:30 p.m., Pre-Event Sound Check at 8:45 a.m.,

Sound Level Limit: 80 dBA at 50 feet.

**-Cathedral Hill Park, Summit near Nina to Selby:** Times of Operation 8:00 a.m. to 9:00 a.m., Pre-Event Sound Check at 7:45 a.m., Sound Level Limit: 80 dBA at 50 feet.

**-Upper Landing Park:** Times of Operation 9:00 a.m. to 1:30 p.m., Pre-Event Sound Check at 8:45 a.m., Sound level Limit: 90 dBA at 50 feet.

- 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. Speakers are to be angled towards the river, where applicable.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than the above listed times at the specified locations.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 28, 2017 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 Larson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor amplified music and announcements, at eleven (11) locations: CHS Field; Lower Landing Park; Mississippi River Boulevard and Old Ford Plant; Shepard Road and Gannon Road; Shepard Road and Ontario; Shepard Road and Randolph; Shepard Road and Homer-Elway; Shepard Road and Washington-Eagle; Shepard Road and Sibley; Summit Avenue and Nina-Selby and Upper Landing Park, for various times between the hours of 8:00 a.m. until 1:30 p.m., with pre-event sound checks occurring between 7:45 a.m. and 8:45 a.m. on Saturday, October 28, 2017, during a Monster Dash Race Event. 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