



## Legislation Text

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### Agenda Information Sheet

**DEPARTMENT:** Development Services/Economic Development Division

**CM/ ACM:** Jon Fortune

**Date:** August 16, 2016

#### **SUBJECT**

Consider a request for an exception to the Noise Ordinance for the purpose of the Oaktopia Music Festival. Live music will be played at LSA Burger's Open-Air Patio at 113 E. Hickory; the Denton County Historic Courthouse Lawn at 110 W. Hickory St.; Travelstead at 209-211 E. Hickory St.; and the parking lot (Second Stage) at 126 E. Oak St. Performances will begin on Thursday, September 22, 2016, from 5:00 p.m. to midnight at LSA Burger's Open-Air Patio and Travelstead Stage. They will continue on Friday, September 23, 2016, 5:00 p.m. to midnight at Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage locations. The last day of events is Saturday, September 24, 2016, from 5:00 p.m. to midnight at Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage locations. An exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension of hours from 5 p.m. to midnight.

#### **BACKGROUND**

The Oaktopia Festival will feature live music by more than 20 national and approximately 80 local bands. This is an outdoor live music, art, and entertainment event that will be held on City property in the 100-200 block of E. Oak St., the Denton County Historic Courthouse Lawn, the private property known as Travelstead located at 209-211 E. Hickory, and a parking lot at 126 E. Oak referred to as the Second Stage. Additionally, the festival has leased the E. Oak/E. McKinney Streets parking lot to use as staging, special reserved parking, and event attendee overflow parking. Matt Battaglia, Co-Founder of the festival, submitted a request (Exhibit 1) for an exception to the Noise Ordinance for the purpose of the Oaktopia Music Festival.

The Oaktopia Festival creates Hotel Occupancy Tax by bringing more than 20 nationally recognized musical artists along with their bands and technical crews to Denton to stay in our hotels. For the 2015 festival, Oaktopia paid for 100 room nights. For the 2016 festival, that number will double for 200 room nights at a calculated rate of \$140 per person. The event attracts more than 7,000 people to Downtown, which increases alcohol and food sales at existing businesses; and generates further interest in Denton as a live music festival venue and destination.

Now in their fourth year, event organizers have some creative solutions for previous challenges. On Thursday, September 22, the North Texas Day of Giving (NTDG) will also be hosting their event on the Historic County Courthouse on the Square. Oaktopia and NTDG have joined forces to cross promote each other's events and encourage event attendees to explore both events as if it were a single event. Additionally, Oaktopia will

provide the PA system for announcement and background music for NTDG from the second story open-air patio of LSA Burger. Oaktopia, which has a food truck event planned, has now pledged to donate all proceeds from Thursday night's event to the Greater Denton Arts Council and the Texas Music Project. Both groups are very pleased with this arrangement and are looking forward to their joint food truck-Day of Giving event. It is estimated that last year approximately 500 people attended the NTDG and about 6,000 people attended the Pre-Topia food truck event, which were held on different days.

Oaktopia is committed to reducing Downtown parking congestion and improving overall flow for their event. Having less traffic Downtown and organizing the flow of pedestrian traffic means a smoother-running event and increased safety for all participants. Incentivizing their attendees for riding bikes through giveaways, discounted rides with Uber, and utilizing the Lucky Lou's Bus to shuttle attendees from UNT to Downtown for free are just a few of the ways the event is working to reduce event related parking in Downtown. Event organizers expect a total attendance of approximately 5,000 paid attendees during the three days of the Oaktopia Festival.

Oaktopia organizers and City staff held several strategy meetings to discuss logistics (Police and Fire were included) to achieve the desired event footprint and to meet fire and safety standards. Melrose Apartments will be within the street closure boundaries. Event organizers met with tenants at the complex and were able to offer a compensation package for their inconvenience due to the event. The package includes but is not limited to; reserved parking, a dedicated shuttle from the complex to the parking lot, and weekend passes to the event for tenants.

Festival organizers have made application to the City Council for an exception to the provision of Section 17-20 of the Code restricting the operation of amplified loudspeakers in connection with the Oaktopia annual event held at LSA Burger's Open-Air Patio at 113 E. Hickory, the Denton County Historic Courthouse Lawn at 110 W. Hickory St., Travelstead at 209-211 E. Hickory St., and parking lot (Second Stage) at 126 E. Oak St., and in connection with said request, has requested the exception to be granted as follows:

- Thursday, September 22, 2016, 5:00 p.m. to midnight, LSA Burger's Open-Air Patio and Travelstead Stage,
- Friday, September 23, 2016, 5:00 p.m. to midnight, Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage location,
- Saturday, September 24, 2016, 5:00 p.m. to midnight, Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage location,

This request is consistent with other outdoor festivals held in the Downtown.

During the 2015 Oaktopia music festival, Denton Police received a single complaint about the noise level during one band in particular, however by the time the Police Department was notified, that musician had finished their performance.

The Aide to the Commissioners Court has approved the request to use the Denton County Historic Courthouse Lawn by the Oaktopia Festival during the days and times noted above.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

City Council approved the request for an exception to the noise ordinance and to increase the decibels from 70 to 75 for the 2013, 2014, and 2015 Oaktopia Festivals.

## **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:**    **Economic Development**  
**Related Goal:**                **3.2 Make Denton a destination for visitors**

## **EXHIBITS**

Exhibit 1 - Oaktopia Noise Exception Request

Respectfully submitted:  
Aimee Bissett  
Director Development Services

Prepared by:  
Christina Davis  
Economic Development Specialist