



Legislation Details (With Text)

File #: RES PH 15- 58 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 3/4/2015

Title: Approving the application of Sandy Schwarz, manager of Wild Tymes, for a sound level variance in order to present live music on stage under a three-sided tent from 4:00 p.m. until 8:00 p.m. on March 14, 2015 and from 2:00 p.m. until 8:00 p.m. on March 17, 2015 on the patio at 33 Seventh Place West.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. Copy of ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 3/10/2015 | 1 | Mayor's Office | Signed | |
| 3/4/2015 | 1 | City Council | Adopted | Pass |

Approving the application of Sandy Schwarz, manager of Wild Tymes, for a sound level variance in order to present live music on stage under a three-sided tent from 4:00 p.m. until 8:00 p.m. on March 14, 2015 and from 2:00 p.m. until 8:00 p.m. on March 17, 2015 on the patio at 33 Seventh Place 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, Wild Tymes, represented by Sandy Schwarz, Manager, who has been designated as the responsible person on the application, has applied for a variance to present live music on stage under a three sided tent at 33 Seventh Place West; and

WHEREAS, applicant is seeking a variance for the hours of 4:00 p.m. until 8:00 p.m. on March 14, 2015 and from 2:00 p.m. until 8:00 p.m. on March 17, 2015; and

WHEREAS, if applicant is not granted a variance it will not be able to present live music on stage at 33 Seventh Place 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 Wild Tymes, subject to the following conditions:

- 1) The variance shall be for the hours of 4:00 p.m. until 8:00 p.m. on March 14, 2015 and from 2:00 p.m. until 8:00 p.m. on March 17, 2015 on their stage under a three-sided tent on the patio during the St Patrick's Day Weekend Event.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from sound source.
- 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 8:00 p.m. on March 14, 2015 and March 17, 2015.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 14, 2015 and March 17, 2015 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Wild Tymes, represented by Sandy Schwarz, Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live music, with limitations, outdoors on a stage under a three sided tent at 33 Seventh Place West, from 4:00 p.m. until 8:00 p.m. on March 14, 2015 and from 2:00 p.m. until 8:00 p.m. on March 17, 2015 during their St Patrick's Day Weekend 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