



Legislation Details (With Text)

File #: RES PH 24- 230 **Version:** 2

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In control: City Council

Final action: 9/11/2024

Title: Approving the application of Stone Saloon, dba Waldmann Brewery, for a sound level variance in order to present live amplified sound on September 20-22, and September 27-29, 2024 at 445 Smith Avenue North on south side of building in outdoor patio space.

Sponsors: Rebecca Noecker

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Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant, 7. Barb Thees public comment

Date	Ver.	Action By	Action	Result
9/12/2024	2	Mayor's Office	Signed	
9/11/2024	1	City Council	Adopted As Amended	Pass

Approving the application of Stone Saloon, dba Waldmann Brewery, for a sound level variance in order to present live amplified sound on September 20-22, and September 27-29, 2024 at 445 Smith Avenue North on south side of building in outdoor patio space.

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, Stone Saloon, SBC dba Waldmann, represented Tom Schroeder, President/CEO, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 85 dBA at no specified distance, to present amplified sound at 445 Smith Ave N.; and

WHEREAS, applicant has requested a variance for the hours from 12:00 pm to 10:00 pm. on September 20, 21, 27, and 28, 2024 and 12:00 pm to 7:00 pm on September 22, and 29, 2024 with an hour pre-event sound check from the start time for the Waldmann Oktoberfest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 445 Smith Ave N.; 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 Stone Saloon, SBC dba Waldmann, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 pm to 10:00 pm. on Fridays and Saturdays, September 20, 21,

27, and 28, 2023 and 12:00 pm to 7:00 pm on Sundays, September 22, and 29, 2024 with an hour pre-event sound check from the start time for the Waldmann Oktoberfest.

2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA at 50 feet from all sound sources on September 20-22, and September 27-29, 2024.

3) The applicant shall ~~continuously~~ monitor the decibel level from the variance approved distance of each noise source and create a report that records the general operating decibel levels within 15 minutes of the start of each performing act and at intervals no greater than 60 minutes apart thereafter. The report shall be made available for viewing by City staff, upon request during the variance or within 30 days thereafter. ~~Applicant shall also conduct a decibel reading during the variance upon request of City staff, throughout the duration of the variance and create a report that records the decibel levels at intervals no greater than 10 minutes apart. The report shall be available for viewing by city staff, upon request.~~

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 pm on September 20, 21, 27, and 28, 2024 and 7:00 pm on September 22, and 29, 2024, the event dates.

FURTHER RESOLVED, that if three or more verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Waldmann Oktoberfest Series on the Friday, Saturday and/or Sunday hours, the sound level variance may be amended or revoked by the council. Such reduction will not require a further hearing before council but shall be documented in a written communication to council from DSI; and be it

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 20-22, and September 27-29, 2024 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Stone Saloon, SBC dba Waldmann, represented by Tom Schroeder has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 pm to 10:00 pm. on September 20, 21, 27 and 28, 2024 and 12:00 pm to 7:00 pm on September 22, and 29, 2024 with an hour pre-event sound check from the start time. 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