



## Legislation Details (With Text)

**File #:** RES PH 11- 966 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 7/6/2011

**Title:** Approving the application of the Cherry Pit Bar & Grill for a sound level variance in order to present amplified live music from 7:30 p.m. until 10:00 p.m. on July 16, 2011 at 735 White Bear Avenue North.

**Sponsors:** Kathy Lantry

**Indexes:**

**Code sections:**

**Attachments:** 1. SLV Cherry Pit Application Form.pdf, 2. SLV Cherry Pit District Councils 1 & 2 Recommendations.pdf, 3. SLV Cherry Pit ENS Notification.pdf, 4. Applicant Cherry Pit SLV Notification Letter.pdf, 5. District Councils 1 & 2 Cherry Pit Notification Letter.pdf, 6. Property Notification Cherry Pit SLV Map.pdf, 7. Property Owners Cherry Pit Notification List.pdf, 8. Property Owners Cherry Pit Notification Letter Example.pdf

Date	Ver.	Action By	Action	Result
7/12/2011	1	Mayor's Office	Signed	
7/6/2011	1	City Council	Adopted As Amended	Pass

Approving the application of the Cherry Pit Bar & Grill for a sound level variance in order to present amplified live music from 7:30 p.m. until 10:00 p.m. on July 16, 2011 at 735 White Bear Avenue North.

### Amended 7/6/11

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, the Cherry Pit Bar & Grill, represented by Nicole Cherry, President, who has been designated as the responsible person on the application, has applied for a variance to present amplified live music at 735 White Bear Avenue N; and

WHEREAS, applicant has requested a variance for the hours of 7:30 p.m. to 12:00 Midnight on July 16, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified live music at 735 White Bear Avenue 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 the Cherry Pit Bar & Grill, subject to the following conditions:

- 1) The variance shall be for the hours of ~~7:30~~ 6:00 p.m. to 10:00 p.m. on July 16, 2011.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 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 10:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the July 16, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Cherry Pit Bar & Grill, represented by Nicole Cherry, President, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified live music, with limitations, from 7:30 p.m. until 12:00 Midnight on July 16, 2011. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07. DSI has recommended the variance be granted with conditions that include limiting the hours of the variance to 7:30 p.m. until 10:00 p.m.

Was proper notice given? YES - See Attachments