

LICENSE HEARING MINUTES
Aly's Market, 1530 Sherwood Avenue
Thursday, January 19, 2012, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: Shamim and Ahmed Sundrani, owners

Aly's Market: Gas Station, Malt Off Sale, Retail Food (C) - Grocery 1001-3000 sq. ft., and Cigarette/Tobacco, and Laundry/Dry-cleaning Pick Up Station licenses (ID #20110004476) at 1530 Sherwood Avenue. *(NOTE: The Retail Food (C), Cigarette/Tobacco, and Laundry/Dry-cleaning Pick Up Station licenses have already been issued)*

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received two (2) letters of concern from residents with one raising opposition, which triggered the hearing, and one from the district council showing support. There were three possible results from this hearing: 1) she may recommend that the City Council issue this license without any conditions; 2) she may recommend that the City Council issue this license with agreed upon conditions; or 3) she may recommend that the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Fischbach stated that the existing license conditions as of November 18, 2011 (the Retail Food (C), Cigarette/Tobacco, and Laundry/Dry-cleaning Pick Up Station licenses have already been issued) were as follows:

1. Licensee agrees not to offer for sale and/or allow the pumping of automotive fuel (e.g., gasoline, diesel, etc.) into vehicles without first having obtained written authorization from the Department of Safety and Inspections (DSI), and any required additional license(s).
2. Licensee agrees not to offer for sale and/or have on the premises any malt beverages (i.e., beer) without first having obtained written authorization from DSI, and all required additional license(s).

The recommended additional/modifications to license conditions if the gas station and malt off sale licenses would be replacement of license conditions 1 & 2 with the following conditions:

1. 3.2 Beer and beer products cannot be sold by the individual bottle or can.
2. The sale of 40 ounce bottles and/or cans of beer is not permitted. The sale of beer in containers of this or similar sizes is considered to be the sale of beer by the individual bottle or can.
3. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.

The District 2 Community Council submitted a letter of support including the addition of the Malt Off Sale license.

Ms. Vang reviewed the site map and asked how many pumping stations they had, the number of parking places and to explain their overall business plan.

Mr. Sundrani stated that there were two islands with four pumps for gas and at the present time, they were not selling gas because they were waiting for the license to be issued. They also reserved five parking spots for customers. They owned a similar business/store located in the skyway in downtown St. Paul; however, this was the first time they would be selling gas. They also sold malt off sale at their store in the skyway and understood the requirements for selling beer. It was their intent with this new business to offer a variety of services to the neighborhood including dry cleaning services which would merely be a drop-off site, where clothing would be sent out for cleaning, and then returned for customers to pick up. The beer was located in a walk-in cooler which was located behind the counter and they also had open coolers selling other cold food items. They had nine security cameras, with one located outside facing the pumps. The cameras were previously installed by the former owner. The cameras were digital which provided continuous recording and stored the recordings for 30 days. They also had mirrors placed around the store to be able to view their customers.

Ms. Vang asked whether they had training and understood the age requirements for selling beer and cigarettes. Mr. Sundrani responded that they did have training and were aware of the age requirements for selling their products, both beer and cigarettes.

Ms. Vang asked how many employees they had and what their hours of operation would be. Mr. Sundrani responded that the current plan was to have one employee working the hours of 7 a.m. to 7 p.m. Monday through Saturday and 7 a.m. to 6 p.m. on Sunday. They were still unsure as to their hours of operation and would possibly modify the hours, if necessary, once they were totally operational. Ms. Vang expressed concern about the lighting. Mr. Sundrani responded that all lights would be turned off, with the exception of the main light for illumination, when the store was not open.

Ms. Vang asked about trash pick up. Mr. Sundrani responded that they did not currently have any problems with illegal dumping on the property. They had a dumpster which was screened and locked at the rear of the building. They also had trash containers located by the pumps and one inside the store.

Ms. Vang read into the record a letter received from Theresa and Roger Goerke, 1556 Arlington Avenue, indicating their opposition to the sale of beer at the store. Said letter is made a part of this record.

Mr. Sundrani responded that he understood the concerns of this neighbor; however, their business was not in as close a proximity to the liquor store as stated by this neighbor. He said that they were unsure whether the sale of beer would be profitable for them and if they found it was not, they would discontinue selling beer.

Ms. Vang asked about the hours of deliveries. Mr. Sundrani responded that most deliveries were made after 8 a.m. and before 2 p.m. He did not believe deliveries to the store would cause a noise problem or be an issue for the neighborhood.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with conditions. The proposed conditions were agreed to by Mr. and Mrs. Sundrani and are as follows:

1. 3.2 Beer and beer products cannot be sold by the individual bottle or can.
2. The sale of 40 ounce bottles and/or cans of beer is not permitted. The sale of beer in containers of this or similar sizes is considered to be the sale of beer by the individual bottle or can.
3. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.

The hearing adjourned at 2:25 p.m.

The Conditions Affidavit was signed and submitted on November 17, 2011

Submitted by:
Vicki Sheffer