

**RESOLUTION
CITY OF SAINT PAUL, MINNESOTA**

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Presented by *Russ*

1
2 WHEREAS, Shannon Crossing, Inc. d/b/a Turf Club, located at 1601 University Avenue in Saint
3 Paul, has requested a waiver of the 45-day notice requirement for issuance of a liquor outdoor service area
4 (sidewalk cafe) license; and

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6 WHEREAS, the Hamline Midway Coalition (District 11 Community Council), has agreed to the
7 waiver of the notice requirements; and

8
9 WHEREAS, seven (7) residential properties are within a 300 foot radius of licensee’s proposed
10 patio, and licensee has obtained consent from two (2) of those properties (29%); and

11
12 WHEREAS, licensee went door to door to obtain signatures and sent registered letters to the
13 remaining residences but was unable to contact them and received no negative responses to the request for
14 consent; and

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16 WHEREAS, the Council finds that these efforts constitute a good faith effort to fulfill all petition
17 requirements, and that the results of the attempts to obtain signatures showed a generally favorable
18 disposition from the surrounding community toward the proposed licensed activity; and

19
20 WHEREAS, the licensee has agreed to the following additional license conditions:

- 21
- 22 3. The sidewalk café is an extension of the restaurant operation onto a part of the public
- 23 sidewalk which immediately adjoins the licensed premises.
- 24 4. No sidewalk café shall be permitted in any portion of the public sidewalk where normal
- 25 pedestrian traffic flow is obstructed. A minimum clearance width of forty-eight (48) inches
- 26 must be maintained on the public sidewalk at all times.
- 27 5. No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used
- 28 for the sidewalk café during any period when the sidewalk café is not open and being
- 29 operated. While such café is in operation, all tables and chairs shall be kept in a clean,
- 30 sanitary condition.
- 31 6. The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use.
- 32 All public improvements, including but not limited to trees, light poles, traffic signals, pull
- 33 boxes or manholes, or any public-initiated maintenance procedures, shall take precedence
- 34 over said use of the public sidewalk at all times.
- 35 7. If plant tubs are included in a sidewalk café, it shall be the duty of the licensed food
- 36 establishment to maintain each plant tub at all times in a safe condition at its proper location
- 37 and to inspect each such tub periodically in order that it may be properly maintained. Trees
- 38 or plants and their tubs shall at all times be kept in a neat, clean and presentable condition.
- 39 No advertising matter or sign or writing of any kind shall be displayed upon any tree or
- 40 plant or its tub. (NOTE: Plant tubs left out over night require a Public Works Obstruction
- 41 Permit. Licensee agrees to obtain this permit if necessary (call 651-266-6151 to obtain this
- 42 permit)).

- 43 8. No outdoor food and/or beverage preparation is allowed on a public sidewalk without prior
 44 approval and additional licensing from DSI.
 45 9. The outdoor service area shall be cleaned of trash and debris each day after closing.
 46 and

47
 48 WHEREAS, the Council finds that with the additional license conditions, issuance of the license
 49 will not interfere with the reasonable use and enjoyment of neighboring property and residences and will
 50 not bear adversely on the health, safety, morals and general welfare of the community; and
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52 WHEREAS, the Council finds that the application is in order and there are no grounds for denial of
 53 the license and that the failure to grant the waiver and the consequent delay in approving the license would
 54 cause exceptional and unusual hardship to the license applicant; and
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56 WHEREAS, the licensee agrees that in the event a complaint is received prior to the expiration of
 57 the 45-day period and the complaint provides a basis for adverse action against the license, that the
 58 Department of Safety and Inspections may direct the licensee to immediately discontinue all operations
 59 until a public hearing is scheduled, and that the licensee shall comply with said directive; now, therefore,
 60 be it,
 61

62 RESOLVED, that the 45 day notice requirements of § 409.06 of the Saint Paul Legislative Code
 63 are hereby waived and a liquor outdoor service area (patio) license is issued to Shannon Crossing, Inc.
 64 d/b/a Turf Club, located at 1601 University Avenue in Saint Paul, subject to the agreement stated above.

	Yeas	Nays	Absent
Bostrom	✓		
Carter	✓		
Harris	✓		
Helgen	✓		
Lantry	✓		
Stark	✓		
Thune			✓
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Requested by Department of:

DSI

By: Christine A. Rozel

Approved by the Office of Financial Services

By: _____

Approved by City Attorney

By: Karl T. Terry

Approved by Mayor for Submission to Council

By: Steve Hering

Adopted by Council: Date 7/15/09

Adoption Certified by Council Secretary

By: Mary E. Erickson

Approved by Mayor: Date 7/22/09

By: A. Mueller