

Summit Hill Association

June 18, 2013

Ms Nhia Vang - Legislative Hearing Officer
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
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RE: Wild Onion - 788 Grand Avenue - Application License # 19990002357

Dear Ms Vang:

On behalf of the Summit Hill Association (SHA)/District 16 Planning Council, I am writing to let you know that the SHA Zoning & Land Use Committee met on Thursday, June 6, 2013 to review and make recommendations regarding the application submitted to the City of St. Paul requesting SHA support for adding two licenses that would expand the area for service of alcoholic beverages: *Liquor – Outdoor Service Area (Patio)*, and *Liquor – Outdoor Service Area (Sidewalk)* be added to the current licenses.

Existing licenses are as follows: *Liquor On Sale – 181-290 Seats*, *Liquor On Sale – Sunday, Entertainment (A)*, *Restaurant (5) – 151 and Over*, *Restaurant (D) – Add-on (Bar Only)*, and *Sidewalk Café*.

SHA solicited input from the surrounding property owners within 350 feet for this hearing. There were 9 property owners attending, of which 8 residents were strongly concerned about the addition of the two new licenses - in light of the past history of issues between the business and the surrounding community. One resident spoke in support of the license application. Several letters in opposition were sent to SHA previous to the hearing.

The Wild Onion was represented by Mr. Jay Salmen, Wild Onion co-owner and Robert Long, a hired consultant representing the business in this petitioning effort. The ZLU Committee understood from City DSI staff, that the applicant's petitioning efforts had secured at least 60% of the surrounding property owners within 300 feet of the restaurant as per city code; thus not necessitating support from the local district council.

Following this disclosure, there was a frank discussion between the ZLU Committee members, the applicant and concerned residents about the licenses and the issues. Both the Wild Onion owners and the nearby residents were given a total of 15 minutes each to convey their position on the application to the ZLU Committee. Architectural graphics were displayed and explained regarding such proposed changes to the outside patio as a new 16-foot sound wall on the south end of patio intended to dramatically reduce outside patio noise being heard along Lincoln Ave.

It was apparent from the testimony given by Wild Onion representatives, that much additional effort had been applied to this year's petitioning effort in contrast to the effort in 2010. On the suggestion of SHA staff, Wild Onion held several meetings with residents along Lincoln Avenue behind the business, and with condo owners living at 745 Grand Place across the street from the Wild Onion in order to develop solutions and possible license conditions that might ameliorate historical business/resident conflicts. The Committee understood that through those efforts, many more property owners signed the petition this year in contrast to only 33% of property owners in 2010. A set of nine (9) new conditions were crafted and agreed to by both the Lincoln property owners and the owners of the Wild Onion. They are included in the final license application notice from the City's DSI staff and are as follows:

1. Licensee agrees to build a rear patio wall of at least 16 feet in height along the rear south side of the Outdoor Patio contiguous with the building as allowed by City Code.
2. Licensee agrees to build the rear patio wall of concrete and brick materials, including a gas fireplace, with no open areas in the wall.
3. Licensee agrees to build the rear patio wall with a minimum of a 4-foot return wall from the rear wall on the east side. The remainder of the east patio wall will be the current wood fence with planters extending to the front sidewalk.
4. Licensee agrees that there shall be no more than 44 seats on the Outdoor Patio as allowed by City Code and that there shall be no more than 24 seats on the Sidewalk Café as allowed by City Code.
5. Licensee agrees that alcoholic beverages will only be served on the Outdoor Patio and Sidewalk Café to patrons ordering food.
6. Licensee agrees that all food and beverage service, including alcohol service, on its Outdoor Patio will stop at 9:30 pm, and that the Outdoor Patio will close and all patrons will vacate the patio area by 10:00 pm.
7. Licensee agrees that all food and beverage service, including alcohol service, on its Sidewalk Café will stop at 10:00 pm, and that the Sidewalk Café will close and all patrons will vacate the Sidewalk Café by 10:30 pm.
8. Licensee agrees to maintain its current designated smoking area outside for patrons and will add sound proofing materials and improvements to the existing outdoor smoking area as allowed by City Code to help reduce noise and smoke effects.
9. Licensee agrees to provide at least one security guard outside for Licensee's parking lot area on Tuesday, Friday, and Saturday nights, and other nights when the Wild Onion management determines there will be a larger than usual crowd, from at least 9:00 pm until closing time and until all cars have vacated the parking area.

After a full discussion, a motion was made, seconded and approved on a vote of 5 in favor and 1 abstention to recommend approval of both licenses with the 9 conditions. A second motion was made, seconded and approved unanimously to recommend waiving the 45-day waiting period. These recommendations were forwarded to the full SHA Board of Directors to be considered on June 13, 2013.

The Summit Hill Association Board of Directors reviewed these recommendations at its June 13th public hearing. Again, SHA solicited input from the surrounding neighbors within 350 feet for this hearing. Once again, several residents testified in opposition to the license application. Unfortunately, there were not enough SHA Board members to form a quorum to do business. Therefore, according to SHA policy, the recommendations of the June 6, 2013 Zoning and Land Use Committee hearing are the final recommendations of the Summit Hill Association.

If you have any questions about this recommendation to deny the variances, you may contact me at 651-222-1222.

Sincerely,

Jeff Roy, Executive Director
Summit Hill Association/District 16 Planning Council

cc: Christine Rozek, DSI Deputy Director
Councilmember Dave Thune
Jay Salmen, Wild Onion Co-Owner
Joseph Shaefer, Wild Onion Co-Owner