

LICENSE HEARING MINUTES
Elite Wedding Event, 217 Mackubin Street
Monday, September 30, 2019, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:06 a.m.

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

Licensee: Mohammad Thabet (12425 53rd Street N.E., Stillwater), Applicant/Owner

License Application: Rental Hall

Other(s) Present: Alyeldin Elnagdy (4556 Winnetka Avenue, New Hope), architect; Ahmed Thabet (2245 Vining Drive, Woodbury)

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation 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.

Ms. Vang confirmed with the applicant that he had received copies of the correspondence of objection received.

Jeff Fischbach, Department of Safety and Inspections (DSI), read the proposed conditions:

CONDITION #1 PER HISTORIC USE VARIANCE #19-014075 FOR A RENTAL HALL:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of the Historic Use Variance application.

CONDITIONS #2 - 5 ADDITIONAL LICENSE CONDITIONS:

2. Licensee acknowledges this establishment is licensed as a Rental Hall use only as defined under Chapter 405 of the City of Saint Paul Legislative Code.
3. Any substantive changes to the operation of the business as described in the plan on file with the Department of Safety and Inspections (DSI) dated received 07/21/2019 requires prior written approval from DSI. This includes limiting rental hall activities to the area shown on the plans submitted with the license application, and the licensee taking appropriate actions to ensure that attendees of rental hall activities are restricted to this area.
4. Any activities related to the operation of the rental hall shall comply with applicable State and Local rules and regulations, including but not limited to Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code.
5. Licensee acknowledges having received a copy of Chapters 293 and 405 of the Saint Paul Legislative Code.

Mr. Fischbach said there was no neighborhood organization correspondence received. He said Building was in process, and they were working on getting a building permit issued; License was approved with conditions; and Zoning approved with conditions. A Historic Use Variance had been granted by the City Council. DSI recommended approval with conditions.

Ms. Vang asked whether these were standard conditions for a rental hall license. Mr. Fischbach said under the licensing code, Dance Hall/Rental Hall license was all under the same chapter as one license. When the establishment was restricted to acting only as a rental hall, those conditions were applied.

Ms. Vang asked for clarification of what would be permitted in a rental hall. Mr. Fischbach said there could be no public dances.

Ms. Vang asked if there were circumstances under which liquor could be served. Mr. Fischbach said business plan stated that the applicant (Mohammad Thabet) didn't plan to have any liquor, but there were no conditions on the license related to liquor. If Mr. Thabet decided to serve liquor he would have to comply with applicable rules.

Ms. Vang asked Mr. Thabet to describe his plan. Mr. Thabet said he planned to have private parties and weddings on the weekends only. Ms. Vang reviewed the hours on the business plan: Friday and Saturday, 6:00 p.m. – 11:00 p.m. and 3:00 p.m. - 8:00 p.m. on Friday (apparent typo on business plan). Mr. Thabet clarified that Sunday was 3:00 p.m. to 8:00 p.m. Ms. Vang confirmed with Mr. Thabet that a caterer would be providing food. Ms. Vang asked about security. Mr. Thabet said one staff person from a security company would be hired for every event. Ms. Vang asked whether the security person would be inside or outside. Mr. Thabet said they would be outside, and be available if needed inside.

Ms. Vang confirmed with Mr. Thabet that the activities would be restricted to the area noted on the site plan. She asked whether the area was the worship area of the former church. Mr. Elnagdy, architect, said it used to be the worship area. Ms. Vang asked whether a second level was being added. Mr. Elnagdy said it would remain open, as-is.

Ms. Vang asked how big the area was. Mr. Thabet said 5000 – 5500 square feet. Mr. Elnagdy referred to the site plan and said it was about 5000 square feet with a maximum occupancy of 338 or 358 (site plan states 336).

Ms. Vang asked how clients would reserve the space – whether they would contact Mr. Thabet directly, whether there was a website, etc. Mr. Thabet said he would advertise and have a website, and was talking to some wedding planners. He said it was too early because they had to finish the hall. Ms. Vang asked the status of the building process. Mr. Thabet said they were waiting for the permit. Mr. Elnagdy said the plan review was in process. Mr. Thabet estimated they would be open in three or four months, maybe January.

Ms. Vang said this was going to be a mixed-use building, including an apartment. Mr. Thabet said they had cancelled the apartment. Ms. Vang noted that 1½ parking spaces had been required for the apartment. Mr. Thabet said he was going to add a second floor but wasn't any more because the historical society said no. He said he would use that area as a daycare. Ms. Vang clarified that there would be no apartment living, but just adult and child daycare. Mr. Thabet said that was correct.

Ms. Vang said she understood there was a kitchen but it was not a commercial kitchen. She asked whether a caterer could use it. Mr. Thabet said yes, but there could be no cooking.

Ms. Vang said the uses were adult and child daycare and rental hall; without the apartment would there be a no need to add a kitchen or bathroom. Mr. Elnagdy said bathrooms were updated and added for the daycare.

Ms. Vang asked Mr. Thabet if he would be managing the daycare. Mr. Thabet said his son would manage the daycare and someone else was renting the adult daycare. He said he would manage the rental hall.

Ms. Vang asked how many children would use the daycare. Mr. Ahmed Thabet (son) said there would be about 60 adults and 100 children. Ms. Vang asked how they would be transported. Mr. A. Thabet said the adults would be bused in, and the children dropped off by their parents. He said there was a parking lot with a clear entrance and a clear exit.

Ms. Vang confirmed whether there were plans for parking enhancements or changes to the layout. Mr. A. Thabet said not at the time.

Ms. Vang asked about management and staffing for the rental hall. Mr. M. Thabet said he would manage and hire three to four people to help the caterer and clean. He said clients would be offered three or four options for catering companies.

Ms. Vang said the business plan stated liquor would not be served at all; she asked whether a caterer could. Mr. M. Thabet said the caterer would have to get the license and do everything. Mr. A. Thabet said they were Muslim and didn't drink alcohol and were forbidden from trading it. He said no alcohol would be on their premises. Mr. M. Thabet said if someone demanded it they could talk to the caterer, and he (Mr. Thabet) would have nothing to do with it. The catering

company would have to hire security and do everything. Ms. Vang said some catering companies had a liquor license, and it went to the behavior of the patrons. Mr. A. Thabet said they would not allow any drinking on the premises at all, 100%, no exceptions.

Ms. Vang read the correspondence of objection into the record. An email had been received from Barb and Chuck Gudknecht at 487 Marshall Avenue expressing concerns about on-street parking impacts, traffic, noise, and safety.

Mr. M. Thabet said Zoning approved the parking space, and he had control over the noise. He said there was a system there, and they would have a maximum level for the noise. He said those neighbors lived a block behind them and would never hear them.

Mr. Elnagdy said the building was designed as a church and was a historic building, and there was no potential for any noise transfer because of the type of construction. Ms. Vang noted there was no air conditioning; she asked whether doors or windows would be opened. Mr. Elnagdy said the windows could be opened. Mr. A. Thabet said air conditioning was being installed.

Ms. Vang asked whether they had any additional response to the noise and safety concerns. Mr. M. Thabet said they would have security. Ms. Vang said she assumed security would be there to help navigate traffic as people were leaving. Mr. M. Thabet said that was correct. Mr. Elnagdy said guests would likely know each other and would not get into fights. Mr. A. Thabet said the clientele would be mostly Muslim patrons, and there would not be any drinking by the patrons.

Ms. Vang read the emails from Michelle Hotzler, raising the issues of traffic, parking, and noise, and expressing opposition to the granting of a rental and dance hall license. Ms. Vang noted that Mr. Fischbach had stated earlier that this was a rental hall but not a dance hall; Mr. Fischbach confirmed that was correct. She said Ms. Hotzler's email was also signed by Greg and Susan Hotzler at 193 Mackubin, the owners at 481 Dayton and 483 Selby, and Genevieve Arias at 518 Dayton. Ms. Vang invited Mr. Thabet to respond.

Mr. M. Thabet said they had answered the questions about the noise and parking. Mr. Elnagdy said the building used to be a church, and the same traffic and parking conditions existed before because of Sunday worship. Mr. M. Thabet said they had weddings and daycare at the church. Mr. Elnagdy said they also had dance events. He said this was only going to happen at the building on weekends. He said the outside security would manage the parking. Ms. Vang asked whether the church had had security. Mr. M. Thabet and Mr. Elnagdy said they didn't know.

Ms. Vang said the use had already been deemed an appropriate use via the Zoning Committee and Planning Commission and approved by the City Council, and that was something she didn't have any control over considering the concerns raised by residents. She said, as Mr. Elnagdy had stated, the use had been deemed no different from how the church was used previously. She said she could only consider the behavior of the patrons; limiting alcohol and hiring security would go a long way towards helping alleviate the concerns. Mr. M. Thabet clarified that there would be no alcohol at all.

Ms. Vang said Zoning had approved the number of parking spaces, and that was not something within her purview. She said street parking was available to everyone and it was not a parking permitted area. She said eliminating the apartment unit freed up 1½ spaces in the parking lot.

Ms. Vang concluded by stating that she was satisfied with the testimonies and information provided and did not see any need to add conditions or deny the license application. She would recommend to the City Council that they approve the application with the recommended conditions.

The hearing adjourned at 10:36 a.m.

The Conditions Affidavit was signed and submitted on 8/12/19.