

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

November 18, 2010

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
Saint Paul, MN 55102

Re: License for Liquor On Sale – 11-180 Seats, Liquor On Sale – Sunday, Liquor On Sale – 2 AM Closing, Entertainment (B), and Restaurant (L) Limited Licenses

Dear Legislative Hearing Officer:

The Payne Phalen District Five Planning Council Board of Directors and its Community Planning and Economic Development (CPED) Committee have approved the following positions regarding License applications pertaining to 991 Arcade Street, Checker Bar. They approved the license but only with additional conditions.

The CPED Committee heard from Ms. Mai Her, Owner at their October 5, 2010 monthly meeting at 722 Payne Avenue, 6:30 PM. Ms. Her presented her business plan and answered questioned from the Committee. Several neighbors testified to their concerns about having an active bar on this corner in close proximity to the residential neighborhood. The minutes are attached to be included in the record of this testimony. The Board of Directors approved this position on their Consent Agenda at their October 26, 2010 meeting.

For 992 Arcade, CPED passed a motion to support the license application only with the following conditions.

All of the City recommendations would stand with the exception that the 2nd and 3rd sentences of Recommendation #4 be removed.

The following are added recommendations.

Sundays, and Mondays through Thursdays

1. No live or amplified or DJ music after 10:00 PM
2. The rental hall area is not to be used past 10:00 PM

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554

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3. The patio should not be used past 10:00 PM

Fridays and Saturdays

1. No live or amplified or DJ music after 12 midnight.

2. The rental hall area is not to be used past midnight.

3. The patio should not be used past 10:00 PM

For the business operation

1. Receipts for the business should show 51% of food sales and no more than 49% of alcohol sales.

2. The business should close at 1:00 AM - 7 days a week.

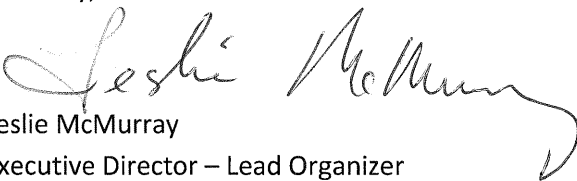
The owner stressed that they have no intention of using the patio for any business related use. The owner stated that smokers would be directed to the Arcade side of the business.

Questions about adequate parking were raised and remained unanswered. The parking slots to the south of the building were stated to be owned by the City of Saint Paul as public spaces and were not the property of 992 Arcade.

Finally, a question was raised as to Rental Hall incensing for this property. It appeared that a rental hall was being proposed but no license for a rental hall was provided. Some neighbors registered concerns about appropriate staffing, security and how the rental portion of the operation would be managed and supervised in accord with the license conditions.

Thank you for your consideration of these positions.

Sincerely,



Leslie McMurray

Executive Director – Lead Organizer



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Community Planning and Economic Development Committee (CPED)

DRAFT AGENDA

Tuesday, October 5, 2010

6:30 p.m.

722 Payne Avenue, Saint Paul

CHAIR: David Syers Cped@paynephalen.org

1. Welcome and Introductions: Chair David Syers
2. Agenda Review and Approval of the September CPED Minutes.
3. License Applications for Delicious Taste LLC, DBA Delicious Taste
1377 Arcade St, St. Paul. License application for: Retail Food (D) - Grocery 3001-6000 sq. ft.
Restaurant (2) - 1-12 Seats Food Processing/Packaging/Distributing
Food Vehicle Malt Off Sale
4. Checker Bar Inc., DBA Checker Bar, 992 Arcade St
License application for: Liquor On Sale - 101-180 Seats
Liquor On Sale – Sunday Liquor On Sale - 2 AM Closing
Entertainment (B) Restaurant (L) – Limited
5. Staff will provide brief information on a Ramsey Regional Rail commissioned study on rail capacity study and its implications for District five areas. Action to support letter requested.

INFORMATIONAL ITEMS

6. Beacon Bluff - 3M Historical Review event – in cooperation with the Saint Paul Port Authority.
7. Notice to repair or remove 1173 Bradley. CPED and community members may wish to give input on this property which will be repaired or removed per City orders. Opportunity for CPED input – if any.
8. (CPED FYI) 334 University Avenue - An appeal to the decision of the Zoning Administrator requiring the removal of abandoned business signs. Tentative Hearing date of October 18, 2010. This is an Administrative Review application and the information is provided for your information. (Suggestion: Arguments for or against the position of the Zoning Administrator must be based on interpretation of Zoning Code and sign ordinance).
9. Several updates that were made at the September D5 Board meeting are offered in writing for your information. No further discussion or action is required unless selected by CPED members for further discussion or clarification.
 - JAZB hearing on Holman Field zoning study – notes from Al Oertwig
 - Beacon Bluff meeting notes
 - Great River Park – process is underway

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Community Planning and Economic Development Committee (CPED)

DRAFT MINUTES

Tuesday, October 5, 2010

6:30 p.m.

722 Payne Avenue, Saint Paul

CHAIR: David Syers Cped@paynephalen.org

CPED MEMBERS PRESENT:

Syers, Chair		Kapaun		Venem	E
Oertwig		Rybin		Rippel	
Davis		Wilson		Noble	E
Peterson		Evans		Hecht	

Staff: Leslie McMurray, Executive Director

Community members: Mai Her, Jimmy Gerding, Kim Mathes, Susan Steinberg, Don LaBarre, Marge Labarre, Mark Voerding (Ramsey County Commissioner J. Rettman’s Office), Roger Leher

The meeting was convened, guests were welcomed, and a round of introductions was initiated by David Syers, Chair of the Payne Phalen District 5 CPED Committee.

The Agenda was reviewed and approved with some action item re-ordering. The Minutes from September’s CPED meeting were approved by vote (Motion: Oertwig, 2nd Peterson).

1. Ms. Mai Her presented as the applicant (**Checker Bar Inc., DBA Checker Bar**). **She is submitting a license application for a bar at 992 Arcade St. The License application is for: Liquor On Sale - 101-180 Seats Liquor On Sale – Sunday Liquor On Sale - 2 AM Closing, Entertainment (B) Restaurant (L) – Limited**

Ms. Her has been the owner of Checkerboard Pizza which is adjacent to the proposed bar site and building. She clarified her understanding of the parking spaces available. She said that the parking spaces were owned and residents said that the spaces were public spaces. Some spaces are leased.

Ms. Her acknowledged that her experience included Club Metro and that a bar she opened was shut down by the City on the first night of operation due to fights and disturbances. She attributed the problems to lack of experience operating a bar. This was at 733 Pierce Butler. She feels she has gained experience in the past five years. She said that Mr. Tou Cha was not an interested party in the bar or the license. She does not agree with the City condition to have a metal detector or wandering of bar patrons. She agrees to all other license conditions that are recommended by the City.

The food to be served will include chicken wings, pizza, subs etc. Several CPED members said they wanted the business to be a restaurant that serves beer and alcohol and not a bar. They asked if an expanded menu might be considered. The Committee was reminded that the license in front of them is for a bar.

A concern was raised about the accountability of patrons who rent the hall in terms of adhering to security, noise and behavior norms. The question was raised why the City has not required a rental hall license. That question needs to be explored further.

Ms. Her proposed that music would typically start at 9:00 pm and go to 1:30 am
Past concerns of neighbors have revolved around noise. The concerns include noise from the inside of the bar but more directly – noise from people departing the bar and moving to their vehicles. There is typically shouting down the street and so forth.

The building will be leased. She will not own the building.

Some confusion existed about how food sales would be tracked in the bar operation.
The food will be prepared at the Checkerboard Pizza location.

A comment was offered by a resident that food sales to midnight would not likely be necessary for a family sit down restaurant. Food will be served to midnight and alcohol served to 2:00 AM

A question was raised regarding staffing plans. Ms. Her responded that the initial staff will include Ms. Her, a waitress and a security staff.

Resident response “As a community member, I’m not at all comfortable with that. It does not seem that this is adequate staffing to manage a site with potentially over 100 people. It would be difficult to break up a fight for example. This bar will operate in the middle of a residential area. The late night stuff... when word is out that there is no wandering or metal detectors, I fear that a bad element will flock to this bar.”

Another resident asked about use of the patio. Ms. Her responded that the patio would not be used by the business.

A resident who lives close to the building spoke of his concerns with past ownership of the bar and noise and disturbances. He said that Ms. Her’s partner had talked with him and assured him that this would be a “mellow operation” and “it is no nightclub and will not be a nightclub”. He was assured that “the patio will not be used by the business”.

Ms. Her said that smokers would be directed to the Arcade side of the building.

Ryan Kapaun moved to support the license application with the following conditions. Seconded by Ed Davis.
All of the City recommendations would stand with the exception that the 2nd and 3rd sentences of Recommendation #4 be removed.

The following are added recommendations.

Sundays, and Mondays through Thursdays

1. No live or amplified or DJ music after 10:00 PM
2. The rental hall area is not to be used past 10:00 PM
3. The patio should not be used past 10:00 PM

Fridays and Saturdays

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For the business operation

1. Receipts for the business should show 51% of food sales and no more than 49% of alcohol sales.
2. The business should close at 1:00 AM - 7 days a week.

Discussion:

David Syers noted that the applicant has agreed to not use the patio.

Cheryl Peterson noted that the Rental Hall portion of the business should be subject to City regulations or conditions related to Rental Hall use.