Suspension 4/22/09

Council File # 09-444
Green Sheet # 3069771

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

Presented by M.L.W. C.E

WHEREAS, Coaster Dreams LLC d/b/a Ngon Vietnamese Bistro, located at 799 W. University Avenue in Saint Paul, has requested a waiver of the 45-day notice requirement for issuance of a liquor outdoor service area (patio) license; and

WHEREAS, the District Seven Planning Council, has agreed to the waiver of the notice requirements; and

WHEREAS, 25 residential properties are within a 300 foot radius of licensee's proposed patio, and licensee has obtained consent from 12 of those properties (48%); and

WHEREAS, licensee visited all the addresses on several occasion and was unable to obtain signatures from bank-owned and registered vacant buildings to obtain signatures from the remaining residences but was unable to contact them and received no negative responses to the request for consent; and

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

WHEREAS, the Council finds that issuance of the license will not interfere with the reasonable use and enjoyment of neighboring property and residences and will not bear adversely on the health, safety, morals and general welfare of the community; and

WHEREAS, the Council finds that the application is in order and there are no grounds for denial of the license and that the failure to grant the waiver and the consequent delay in approving the license would cause exceptional and unusual hardship to the license applicant; and

WHEREAS, the licensee agrees that in the event a complaint is received prior to the expiration of the 45-day period and the complaint provides a basis for adverse action against the license, that the Department of Safety and Inspections may direct the licensee to immediately discontinue all operations until a public hearing is scheduled, and that the licensee shall comply with said directive; now, therefore, be it,

RESOLVED, that the 45 day notice requirements of § 409.06 of the Saint Paul Legislative Code are hereby waived and a liquor outdoor service area (patio) license is issued to Coaster Dreams LLC d/b/a Ngon Vietnamese Bistro, located at 799 W. University Avenue in Saint Paul, subject to the agreement stated above.

	Yeas	Nays	Absent
Bostrom			✓
Carter	✓		
Harris	✓		
Helgen	✓		
Lantry	✓		
Stark	✓		
Thune	✓		
	6	0	1

Adopted by Council: Date 4/22/09

Adoption Certified by Council Secretary

By: Mary Erickson

Approved by Mayor: Date 4/28/09

By: [signature]

Requested by Department of:

Safety and Inspections

By: Christine A Rozek

Approved by the Office of Financial Services

By: _____

Approved by City Attorney

By: Rachel Tierney

Approved by Mayor for Submission to Council

By: _____