Council File # 09-741
Green Sheet # 3072236

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

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Presented by

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

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

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

WHEREAS, licensee went door to door to obtain signatures and sent registered letters to 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 licensee has agreed to the following additional license conditions:

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

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

and

WHEREAS, the Council finds that with the additional license conditions, 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 Shannon Crossing, Inc. 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			✓
	6	0	1

Adopted by Council: Date 7/15/09

Adoption Certified by Council Secretary

By: Mary Erickson

Approved by Mayor: Date 7/22/09

By: [signature]

Requested by Department of:

DSI

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: [signature]