

To: Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
St Paul MN 55102

CC: Jeff Fischbach, Kristina Schweinler, Monica Haas, Ross Haddow, and Council Member
Rebecca Noecker

From: Matt and Julie Layman
1082 Summit Avenue
St. Paul MN 55105

RE: Application of Tom Forti for a Liquor-Outdoor Service Area License at 1085 Grand Ave

Dear Legislative Hearing Officer,

This letter of objection concerns the application of Iron Ranger, located at 1085 Grand Avenue, for a Liquor-Outdoor Service Area license. We are homeowners with children located within 300 feet of the proposed location. Indeed, our backyard is directly across the alley from the proposed patio area. Iron Ranger is located in the B2 community business district along Grand Avenue, but the northern border of the property touches a one-family zoning area where our home and other family residences are located. We are concerned an outdoor liquor service area may well have adverse effects upon our own and other neighboring properties due to noise, odor and light pollution, increased traffic and the possibility of disorderly and disrespectful patrons. Given recent shifts by the applicant in the course of the licensing process, our concerns have grown.

We did not initially oppose the subject Iron Ranger application, primarily based upon the applicant's representations vis-à-vis nature, scope and limitations of the intended outdoor liquor service. In fact, when the applicant approached us before filing his permit application, we voiced some immediate concerns similar to those expressed above, and the applicant was very conciliatory. He was open to the idea of an earlier patio closing time and to working with us to address our concerns. However, the applicant seems to have changed his stance since that initial discussion. At a recent meeting he stated that he intends for the patio to be open for the full time the license allows, up until to 12:00 AM, even on weekdays. At the June 13, 2019, meeting of the Summit Hill Association, the applicant stated that closing at 9 PM "would not be viable" and that he "couldn't unequivocally say" that he had not made representations of an earlier closing time when canvassing for signatures.

We are hopeful that a compromise can be reached, but we are prepared to encourage other neighborhood residents to object to the granting of the license as presently contemplated. City of St. Paul Legislative Code Sec. 409.06(2) states that if more than 10% of the property owners within 300 feet object to the granting of the license, the applicant is required to demonstrate in writing that a good faith effort was made to fulfill petition requirements. Based upon information supplied to us by the City, we understand that the applicant only has 18/57 signatures, totaling 31.6% of area support. Due to the changes in the patio plans we can no longer give our support and **ask that**

our signature be rescinded from this list. After rescinding our signature, there would only be 17/57 signatures (29.8%).

This does not demonstrate nearly the level of community support required by the Legislative Code. It is also likely that the other 17 signatures were acquired, as ours was, based on representations of the patio closing around 9:30 or 10:00 PM. Since an early closing time is no longer the plan, the initial survey should be invalidated, and another survey of property owners should be conducted using the updated plans. The lack of concrete details is concerning, as the business plan for the patio seems to be constantly evolving and it is hard to know what property owners would be asked to support.

We recognize local businesses have the potential to make our neighborhood thrive and can be a vital part of our urban community. That said, we would like to strike a reasonable balance between the commercial and residential interests in order to promote safety and harmony in our residential area. Our main concerns are as follows:

Noise. City of St. Paul Legislative Code Sec. 243.01 concerns a restaurant's service of food and alcohol, and provides the ability of establishments to serve until 1:00 AM. Of course, we are concerned that noisy and unruly patrons will disrupt our enjoyment of our own property and create potential safety concerns, but Mr. Forti also plans to have outdoor music. It is unclear whether that includes live musicians or is just a speaker system. Either way, we are concerned about the combined noise level and the hours at which such music will be played.

Odor. Smoking is not prohibited on outdoor patios (*see* Minn. Stat. 144.411). If allowed, cigarette and cigar odors from the patio could and likely would drift to the bordering properties, and likely cause litter in the alley, sidewalks and neighboring properties.

Increased traffic. Outdoor service areas are popular even in cooler months, as they can be made comfortable with heaters. An increased flow of customers will result in more cars being parked on nearby streets and alleys, and in front of residences. Even slightly inebriated customers driving, especially in the dark, pose a risk to neighborhood children, residences and pedestrians. Mr. Forti indicated at the Summit Hill Association meeting on June 13, 2019, that all patrons would enter through the front of the restaurant to reduce loitering and traffic in the alley. However, Mr. Forti also indicated that the patio would be dog friendly, and was unable to say for sure whether patrons with dogs would also enter through the front, rather than the back gate.

Light. The proposed outdoor service area must be lit in order to be useful. We are concerned that certain types of strong lighting, especially at night, will disrupt our use and enjoyment of our backyard. Mr. Forti indicated he was considering raising the fence surrounding that patio from 6 feet to 7 feet. We appreciate that Mr. Forti has given more thought to shielding the patio, but we have not received any conclusive statement that the height will actually be raised, only that it is under consideration.

Disorderly conduct. Alcohol service always risks disorderly conduct. Serving alcohol outside makes boisterous and reckless conduct harder to contain. Without walls to clearly

mark the bounds of the restaurant and muffle noise, disorderly conduct would undoubtedly spill over from the designated patio area.

By voicing these concerns at the outset, we hope later disputes can be avoided. If the patio license is eventually granted, it may still be revoked if there is a negative impact on adjoining property (*see* St. Paul Ordinance Sec. 409.06(6)). The factors considered when revoking a license match our current concerns. Further, noise complaints can cost up to \$1,000 per complaint if the noise is deemed a nuisance (*see* St. Paul Ordinance Sec. 293.02). It would benefit everyone to prevent such complaints from being made at all. Several compromises would go a long way towards mitigating our significant concerns:

- Requiring a sound and light reducing barrier, such as a fence and/or landscaping to enclose the patio area.
- Requiring agreement on the maximum allowable volume of any outdoor music and on what time it should stop.
- Requiring designation of the patio as a non-smoking area.
- Requiring reasonable limitations and regulations relating to increased parking pressures; parking clearly becomes a major concern, which must be addressed so as to avoid a great deal of negative impact throughout the neighborhood.
- Requiring a closing time of 9:30 PM or 10:00 PM for the patio area.

In closing, our goal is not to oppose the development of local business, but to foster a harmonious neighborhood that respectfully strikes a reasonable balance between a commercial district and a family residential neighborhood.

Respectfully,

Matt and Julie Layman