



Legislation Details (With Text)

File #: RES 23-1184 **Version:** 1
Type: Resolution **Status:** Passed
In control: City Council
Final action: 8/16/2023

Title: Approving the application for Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Sidewalk) licenses with conditions for The Herbivorous Dragon LLC, d/b/a J Selby's (License ID #20230000698]), for the premises located 169 Victoria Street North.

Sponsors: Russel Balenger

Indexes:

Code sections:

Attachments: 1. Signed Conditions Affidavit, 2. Minutes, 3. Class N Application, 4. Documentation of District Council Notification, 5. Floor Plan, 6. Street Photo, 7. STAMP Activity Report, 8. Incident Report, 9. Letter of Objection, 10. Aerial Photo, 11. Zoning Map, 12. Plat Map, 13. 100' Property Ownership, 14. AMANDA Print Screen, 15. Class N Notification, 16. Notice of License Hearing, 17. License Hearing Sign-In Sheet

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 8/17/2023 | 1 | Mayor's Office | Signed | |
| 8/16/2023 | 1 | City Council | Adopted | Pass |

Approving the application for Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Sidewalk) licenses with conditions for The Herbivorous Dragon LLC, d/b/a J Selby's (License ID #20230000698]), for the premises located 169 Victoria Street North.

WHEREAS, The Herbivorous Dragon LLC, d/b/a J Selby's (License ID #20230000698]), located at 169 Victoria Street North, has applied for Class N licenses for Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Sidewalk) licenses; and

WHEREAS, the applicant notified the Summit University Planning Council on April 7, 2023 prior to their application; and

WHEREAS, a notification regarding the license application was sent from the Department of Safety and Inspections to the affected neighborhood for the period of July 6, 2023 to July 21, 2023; and

WHEREAS, during the notification period, objections were received which triggered the hearing and a hearing was held on July 27, 2023; and

WHEREAS, the objections were related to delivery vehicles parking illegally in the alley; and

WHEREAS, in response to the concerns raised, the licensee has agreed to work with the city to comply with the necessary requirements to minimize nuisance activities that would disturb the surrounding residential neighborhood; and

WHEREAS, after conducting the hearing and considering the testimony and evidence, the Legislative Hearing Officer recommends that the application for Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Sidewalk) licenses submitted by The Herbivorous Dragon LLC, d/b/a J Selby's (License ID #20230000698]), for the premises located at 169 Victoria Street North, be approved with the following

conditions:

1. Per City of Saint Paul Legislative Code 409.15(a)(2), On-sale wine license shall mean a license authorizing the sale of wine not exceeding fourteen (14) percent alcohol by volume, for consumption on the licensed premises only in conjunction with the sale and service of food (menu item only). The sale of Malt (Strong) will also take place only in conjunction with the sale and service of food.
2. Per City of Saint Paul Legislative Code 409.15(e), licensee must be able to show that gross receipts are at least sixty (60) percent attributable to the sale of food.
3. Licensee will submit to the Department of Safety and Inspections (DSI) annual gross receipts for food and liquor for each year the license is renewed.
4. Licensee agrees to limit the placement of table(s)/chair(s) on the public sidewalk to the area and number of seats shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works.
5. Each year prior to the placement of table(s) and/or chair(s) in the public right-of-way (i.e., sidewalk), the licensee agrees to obtain a new Obstruction Permit from the Department of Public Works. Licensee agrees to maintain the sidewalk café in accordance with the conditions placed on an approved Obstruction Permit, acknowledges that an Obstruction Permit is effective on April 1 and expires on October 31 of each year, that table(s) and/or chair(s) may not be placed in the public right-of-way before or after the effective/expiration dates, and that a failure to comply with this condition will result in adverse action being taken against all of their licenses.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions and finds that the license conditions are reasonable, and the application is in order and there are no grounds to deny approval of the licenses.

The Conditions Affidavit was signed and submitted on July 27, 2023.