



## Legislation Text

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**File #:** RES 12-755, **Version:** 1

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Approving the issuance of a Liquor Outdoor Service Area (Patio) license and waiving the 45-day notice requirement for Los Ocampo Mexican Restaurant Inc. d/b/a Los Ocampo Mexican Restaurant located at 1751 Suburban Avenue.

WHEREAS, Los Ocampo Mexican Restaurant Inc. d/b/a Los Ocampo Mexican Restaurant located at 1751 Suburban 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 1 Community Council passed a resolution in support of licensee's application; and

WHEREAS, in relation to the Liquor Outdoor Service Area (Patio) license, six (6) residential properties are within a 300 foot radius of licensee's proposed patio, and licensee went door-to-door and obtained signatures of consent from four (4) of those properties (66%); and

WHEREAS, licensee was unable to obtain the remaining signatures despite multiple personal visits to those addresses from whom he did not obtain consent, but subsequently discovered that those homes were either abandoned or vacant; 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 licenses with conditions 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 licenses and that the failure to issue 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 complainant provides a basis for adverse action against the license, 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 requirement of § 409.06 of the Saint Paul Legislative Code is hereby waived and the Liquor Outdoor Service Area (Patio) license is issued to Los Ocampo Mexican Restaurant Inc. d/b/a Los Ocampo Mexican Restaurant located at 1751 Suburban Avenue in Saint Paul, subject to the agreement stated above and the following preexisting license condition:

1. Per Section 409.03 of the City of Saint Paul Legislative Code, a new liquor on-sale license shall only be issued to a restaurant as defined under Chapter 409 of the City Code. Licensee agrees to operate the establishment in compliance with the definition of a restaurant as defined under the code.