



Legislation Text

File #: RES 11-752, **Version:** 1

Memorializing the City Council's denial of a Liquor Outdoor Service Area license for Grand American Restaurant Company, d/b/a The Wild Onion.

WHEREAS, Grand American Restaurant Company d/b/a The Wild Onion (License ID # 19990002357) (hereinafter "licensee") located at 788 Grand Avenue in Saint Paul submitted and application for a liquor outdoor service area license in February of 2010; and

WHEREAS, that application included a petition in support of the proposed licensed activity that was signed by 33% of the owners of private residences, dwellings or apartment houses within three-hundred (300) feet of the licensed premises; and

WHEREAS, the petition was signed by representatives of at least twenty (20) but not more than twenty-two (22) properties; and

WHEREAS, on February 3, 2010, the Department of Safety and Inspections sent a notice that they had received an application for a liquor outdoor service area license to all owners and occupants who own property or reside within three-hundred and fifty (350) feet of the licensed premises and the notice provided information on how to object to the issuance of the proposed license; and

WHEREAS, the Department of Safety and Inspections received objections to the issuance of the liquor outdoor service area license; and

WHEREAS, in response to the objections, a public hearing was held before the City's Legislative Hearing Officer at which two (2) neighbors testified in opposition to the license, and eight (8) individuals submitted letters or emails in opposition to the license; and

WHEREAS, at the Legislative Hearing, a petition in opposition to the proposed license was submitted that was signed by forty-one (41) nearby residents, of those twenty-two (22) were owners of private residences within three-hundred (300) feet of the licensed premises; and

WHEREAS, the petition in opposition has at least as many signatures of owners of private residences within three hundred (300) feet of the licensed premises as the petition in support of the license; and

WHEREAS, the Department of Safety and Inspections and Legislative Hearing Officer recommended approval of the proposed license subject to several additional license conditions which the licensee agreed to; and

WHEREAS, the Legislative Hearing Officer did not address whether the licensee had demonstrated a "generally favorable disposition toward the licensed activity: and

WHEREAS, on July 21, 2010, the City Council considered the application and referred the application to the City Attorney for denial based on the allegation that licensee had failed to demonstrate a generally favorable disposition toward the licensed activity; and

WEHREAS, on July 28, 2010, the City Council adopted a resolution memorializing its July 21, 2010

decision (CF # 10-780); and

WHEREAS, licensee received an Notice of Intent to Deny dated July 29, 2010; and

WHEREAS, the Notice alleged that licensee had failed to demonstrate a generally favorable disposition toward the proposed activity; and

WHEREAS, after several requests for a continuance by the licensee, the licensee did not contest the facts and requested a public hearing before the City Council; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on April 6, 2011 at which time licensee would have an opportunity to present argument to the Council; and

WHEREAS, at a public hearing on April 6, 2011, Council File PH #11-7, the Council of the City of Saint Paul considered all the documents submitted to the Council and to the Legislative Hearing Officer and the arguments of the Assistant City Attorney and the licensee's attorney at the public hearing; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul issues this decision based upon consideration of the record of the entire proceedings herein, all the documents submitted to the Council and to the Legislative Hearing Officer, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that the Council denies licensee's application for a liquor outdoor service area because licensee has failed to demonstrate a generally favorable disposition toward the licensed activity; and be it

FINALLY RESOLVED, that the above conclusion is based on the testimony of neighbors in opposition to the license at the legislative hearing and before the City Council, the letters and emails submitted to the legislative hearing officer in opposition to the license, and the petition in opposition to the license.

A copy of this resolution, as adopted, shall be sent by first class mail to the licensee.