



Legislation Details (With Text)

File #: RES 11-2607 **Version:** 1
Type: Resolution **Status:** Passed
In control: City Council
Final action: 1/4/2012

Title: Approving the application with conditions, per the Deputy Legislative Hearing Officer, to upgrade the restaurant license from a Restaurant (3) - 13-50 Seats license to a Restaurant (4) - 51-150 Seats license and to add a Wine On Sale, Malt On Sale (Strong), and Liquor-Outdoor Service Area (Patio) licenses, for Lily Pad Design LLC (ID #20050002044), doing business as Java Train at 1341 Pascal Street North.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments: 1. Minutes, 2. Conditions Affidavit, 3. Letter of Objection, 4. District Council Letter, 5. Application, 6. Floor Plan, 7. Aerial Photo, 8. Photos, 9. STAMP Activity Report, 10. Police Incident Report, 11. Letter and Pictures - Bill Sylvester (10-17-2011)

Date	Ver.	Action By	Action	Result
1/12/2012	1	Mayor's Office	Signed	
1/4/2012	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, to upgrade the restaurant license from a Restaurant (3) - 13-50 Seats license to a Restaurant (4) - 51-150 Seats license and to add a Wine On Sale, Malt On Sale (Strong), and Liquor-Outdoor Service Area (Patio) licenses, for Lily Pad Design LLC (ID #20050002044), doing business as Java Train at 1341 Pascal Street North.

WHEREAS, Lily Pad Design LLC (ID #20050002044), doing business as Java Train at 1341 Pascal Street North in Saint Paul, has applied for an upgrade in the restaurant license from a Restaurant (3) - 13-50 Seats license to a Restaurant (4) - 51-150 Seats license and a class N license to add a Wine On Sale, Malt On Sale (Strong), and Liquor-Outdoor Service Area (Patio) licenses; and

WHEREAS, twenty-seven (27) residential properties are within a 300 foot radius of licensee's proposed license to add a Wine On Sale, Malt On Sale (Strong), and Liquor-Outdoor Service Area (Patio) licenses and upgrade in the restaurant license from a Restaurant (3) - 13-50 Seats license to a Restaurant (4) - 51-150 Seats license and licensee must seek consent of neighboring residential properties and demonstrate that s/he were able to obtain 90% approval or, in the lesser case, 60% or more approval; and

WHEREAS, licensee sought support from a list of private residences provided by the Department of Safety and Inspection by signatures of approval on petitions; and

WHEREAS, licensee was unable to obtain the 90 percent (90%) consent but did obtain sixty-three percent (63%) per City of Saint Paul Legislative Code 409.06(g) (2) (b); and

WHEREAS, licensee was able to receive positive consent from seventeen (17) of the possible twenty-seven (27) residential properties, including support with conditions from District 10 Como Community Council; 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 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 Deputy Legislative Hearing Officer recommends that the application for an upgrade in the restaurant license from a Restaurant (3) - 13-50 Seats license to a Restaurant (4) - 51-150 Seats license and a class N license to add a Wine On Sale, Malt On Sale (Strong), and Liquor-Outdoor Service Area (Patio) licenses, be approved with the following conditions:

1. Five (5) off-street parking spaces shall be maintained in, accordance with the site plan on file with this office, for the restaurant.
2. The floor layout for the restaurant, per the floor plans on file with the Department of Safety and Inspections (DSI), shall not be changed, expanded or altered in anyway without the prior approvals of the City's Zoning Administrator and the Building Official.
3. Hours of operation are limited from 5:00 a.m. until 10:00 p.m. No Wine and/or Malt (i.e., beer) service will be available before 8:00 a.m. each day of the week.
4. 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.
5. Per City of Saint Paul Legislative Code 409.15(d), licensee must be able to show that gross receipts are at least sixty (60) percent attributable to the sale of food.
6. 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.

WHEREAS, the upgrade in the restaurant license from a Restaurant (3) - 13-50 Seats license to a Restaurant (4) - 51-150 Seats license and a class N license to add a Wine On Sale, Malt On Sale (Strong), and Liquor-Outdoor Service Area (Patio) licenses have not been issued pending DSI's review; and

THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions.

The Conditions Affidavit was submitted on December 5, 2011.