



## Legislation Details (With Text)

**File #:** RES 16-1336 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**In control:** City Council  
**Final action:** 8/10/2016

**Title:** Waiving the 45-day notice requirement and three-hundred (300) foot separation distance requirement in order to add Liquor On Sale - 100 seats or less and Liquor On Sale-Sunday licenses with conditions, to the existing Liquor-Outdoor Service Area (Sidewalk) license, held by Clam Lake Partners LLC, d/b/a The 128 Café (License ID #20130003605) at 128 Cleveland Avenue North.

**Sponsors:** Russ Stark

**Indexes:**

**Code sections:**

**Attachments:** 1. Union Park District Council letter dated July 22nd 2016, 2. University of St Thomas Consent Petition received May 26th 2016, 3. Signed license condition affidavit dated July 25th 2016

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---------|--------|
| 8/11/2016 | 1    | Mayor's Office | Signed  |        |
| 8/10/2016 | 1    | City Council   | Adopted | Pass   |

Waiving the 45-day notice requirement and three-hundred (300) foot separation distance requirement in order to add Liquor On Sale - 100 seats or less and Liquor On Sale-Sunday licenses with conditions, to the existing Liquor-Outdoor Service Area (Sidewalk) license, held by Clam Lake Partners LLC, d/b/a The 128 Café (License ID #20130003605) at 128 Cleveland Avenue North.

WHEREAS, Clam Lake Partners LLC d/b/a The 128 Café (License ID #20130003605) located at 128 Cleveland Avenue North requested a waiver of the 45-day notice requirement and three-hundred (300) foot separation distance requirement outlined in Saint Paul Legislative Code § 409.06 (n), in order to add a Liquor On Sale 100 seats or less and a Liquor On Sale-Sunday license to the existing Liquor-Outdoor Service Area (Sidewalk) license; and

WHEREAS, Union Park District Council submitted a letter expressing no objection to the addition of a Liquor On Sale 100 seats or less and a Liquor On Sale-Sunday license; and

WHEREAS, a notice was sent to all property owners within three hundred fifty (350) feet of the licensed premises and no objection was received; and

WHEREAS, the Church of the University of St. Thomas, located within three-hundred (300) feet of the licensed premises, submitted a signed a petition consenting to the addition of a Liquor On Sale 100 seats or less and a Liquor On Sale-Sunday license; and

WHEREAS, the Council finds that the application is in order and there are no grounds to deny the licenses; now therefore be it

RESOLVED, the 45-day notice requirement and three-hundred (300) foot separation distance requirement outlined in § 409.06 (n) of the Saint Paul Legislative Code are hereby waived and a Liquor On Sale - 100 seats or less and a Liquor On Sale-Sunday license are hereby granted to Clam Lake Partners LLC d/b/a The 128 Café (License ID #20130003605) for the premises located at 128 Cleveland Avenue North in Saint Paul

with the following conditions:

**CONDITIONS #1-3 PER NON-CONFORMING USE PERMIT (NCUP) #16-045577:**

1. Intoxicating liquor, beer and wine shall be served as menu items only.
2. The commercial use is limited to that portion of the southwest corner of the lower level of the building (24' x 60') formerly known as Stewarts Restaurant.
3. The business hours of the premises are restricted to 7:00 a.m. to 10:00 p.m.

**CONDITIONS #4-7 ADDITIONAL LICENSE CONDITIONS:**

4. 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 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.
5. Sidewalk seating limited to a maximum of eight (8) seats.
6. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant" and NCUP #16-045577, and abide by whichever has the more restrictive requirement.
7. A minimum of four (4) off-street parking spaces located on the property shall be designated with signage stating "The 128 Café Customer Parking Only".