



## Legislation Details (With Text)

**File #:** RES 16-1711 **Version:** 1

**Type:** Resolution **Status:** Passed  
**In control:** City Council  
**Final action:** 10/5/2016

**Title:** Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 101-180 Seats, Liquor on Sale - Sunday, and Entertainment (B) licenses, for North Garden Theater (I.D. #20160001598), d/b/a North Garden Theater at 929 Seventh Street West.

**Sponsors:** Rebecca Noecker

**Indexes:** License, Ward - 2

**Code sections:**

**Attachments:** 1. Minutes, 2. Signed Conditions Affidavit, 3. Notification, 4. Application, 5. St. Francis de Sales Church & School Waiver, 6. Ryan North Hearing Statement 9-22-16, 7. Derby-Davidson Letter Concerns-Sent 9-16-16, 8. McAllister Email in Support 9-20-16, 9. Nance Derby-Davidson Hearing Statement 9-22-16, 10. Comments in Support of Theater, 11. Petition in Support of Theater, 12. Aerial Photo, 13. Street Photos, 14. Floor Plan, 15. STAMP Activity Report, 16. BZA Resolution 9-7-16, 17. BZA Minutes 8-23-2016, 18. BZA Photo -8-24-16

Date	Ver.	Action By	Action	Result
10/7/2016	1	Mayor's Office	Signed	
10/5/2016	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Liquor On Sale - 101-180 Seats, Liquor on Sale - Sunday, and Entertainment (B) licenses, for North Garden Theater (I.D. #20160001598), d/b/a North Garden Theater at 929 Seventh Street West.

WHEREAS, the North Garden Theater has applied for a Liquor On Sale - 101-180 Seats, Liquor on Sale - Sunday, and Entertainment (B) licenses, and

WHEREAS, § 409.06(n) of the Saint Paul Legislative Code prohibits issuance of a liquor license within 300 feet of a church or school; and

WHEREAS, North Garden Theater requests waiver of the provisions of § 409.06(n) prohibiting issuance of a liquor license within 300 feet of a church or school; and

WHEREAS, a church is located within 300 feet of 929 Seventh Street West and that church has signed a waiver of the 300 feet prohibition which is attached to this resolution; and

WHEREAS, the Deputy Legislative Hearing Officer recommends approval with the following conditions:

CONDITIONS #1-4 PER ZONING VARIANCE #16-013374:

1. No liquor, beer or wine is served after midnight. Last call will be given at 11:30 p.m.
2. The two window box signs combined do not exceed a total of 16 square feet.
3. An encroachment permit is obtained from the Department of Public Works for the marquee sign.

4. The window box signs are not illuminated.

CONDITION #5 PER CITY COUNCIL RESOLUTION 16-22:

5. Licensee acknowledges that liquor service shall be provided solely to attendees of ticketed, bona fide artistic performances, or invite-only private events not otherwise open to the general public, and appropriate actions shall be taken to ensure compliance with this condition.

6. There will be no deliveries in the alley between 10:00 p.m. and 8:00 a.m.

7. Deliveries in the alley can only be made by vehicles the size of Sprinter-type vans or smaller.

8. The back door to the alley may only be used by patrons for emergency exiting.

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 September 23, 2016.