



Legislation Details (With Text)

File #: RES 19-765 **Version:** 1

Type: Resolution **Status:** Passed
In control: City Council
Final action: 7/10/2019

Title: Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Dué Foccaceria (License # 20190000396), d/b/a Dué, for Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses at 475 Fairview Avenue South.

Sponsors: Chris Tolbert

Indexes: License, Liquor, Ward - 3

Code sections:

Attachments: 1. Minutes, 2. Conditions Affidavit, 3. Class N Application, 4. Floor Plan, 5. STAMP Activity Report, 6. Email with Petition Results - 02-22-2019, 7. Dué's Good Faith Letter 02-25-2019, 8. Google Street Photos, 9. Aerial Photo, 10. Zoning Map, 11. Plat Map, 12. AMANDA Print Screen, 13. 100' Property Ownership, 14. Macalester-Groveland Community Council 45-Day Waiver Letter of Support, 15. Highland District Council Resolution of Support, 16. Email of Support 1, 17. Email of Support 2, 18. Email of Objection 1, 19. Email of Objection 2, 20. Class N Notification, 21. Notification of License Hearing, 22. Notification to Non-City Parties, 23. Hearing Sign-in Sheet

Date	Ver.	Action By	Action	Result
7/16/2019	1	Mayor's Office	Signed	
7/10/2019	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Dué Foccaceria (License # 20190000396), d/b/a Dué, for Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses at 475 Fairview Avenue South.

WHEREAS, Dué Foccaceria (License # 20190000396), d/b/a Dué, located at 475 Fairview Avenue South, has applied for class N licenses for Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio); and

WHEREAS, thirty-seven (37) residential properties are within a 300-foot radius of licensee's proposed Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses; 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 with district council support; and

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

WHEREAS, licensee was unable to obtain the ninety percent (90%) consent but did obtain more than sixty percent (60%) or more consent with district council support; and

WHEREAS, per City of Saint Paul Legislative Code 409.06(g) (2) (c), licensee was able to receive positive consent from seventy-three percent (73%) of residential owners, including support from the Macalester Groveland Community Council; and

WHEREAS, RES 19-417 was adopted on March 13, 2019 where the City Council voted to waive the 45-day notification period and approve Dué's Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses with the following conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.
3. Licensee agrees to maintain the site in accordance with the approved site plan on file with DSI. Site improvements shall be completed by 07/01/2019.

WHEREAS, objections to the Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses were received within the notification period, and a hearing was held on April 22, 2019; and

WHEREAS, after conducting the hearing and considering the testimonies and evidence, the Deputy Legislative Hearing Officer recommends that the application for Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses for Dué Foccaceria (License # 20190000396), d/b/a Dué, located at 475 Fairview Avenue South, be approved with the following conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.
3. Licensee agrees to maintain the site in accordance with the approved site plan on file with DSI. Site improvements shall be completed by 07/01/2019.

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 signed and submitted on February 25, 2019.