Legislation Details (With Text)

File #:	RES 21-859 **Version:** 1		
Type:	Resolution	**Status:**	Passed
		In control:	City Council
		Final action:	6/9/2021

Title: Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Mucci's Italian LLC (License ID # 20150003362), d/b/a same, to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On sale - 100 seats or less, and Liquor On Sale - Sunday licenses, located at 786 Randolph Avenue.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. Conditions Affidavit, 2. Minutes, 3. Class N Application, 4. Floor Plan, 5. Site Plan Drawing (Patio) Draft, 6. Good Faith Effort Letter, 7. Petition Results Email, 8. RES 21-665 (45-day Waiver), 9. STAMP Activity Report, 10. Incident Report, 11. Street Photos, 12. Objection #1, 13. Objection #2, 14. District Council Correspondence, 15. Aerial Photo, 16. Zoning Map, 17. Plat Map, 18. 100' Property Ownership, 19. AMANDA Print Screen, 20. Class N Notification, 21. Notification of License Hearing

Date	Ver.	Action By	Action	Result
6/14/2021	1	Mayor's Office	Signed	
6/9/2021	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Mucci's Italian LLC (License ID # 20150003362), d/b/a same, to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On sale - 100 seats or less, and Liquor On Sale - Sunday licenses, located at 786 Randolph Avenue.

WHEREAS, Mucci's Italian LLC (License ID # 20150003362), d/b/a same, located at 786 Randolph Avenue, has applied for Class N license to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On sale - 100 seats or less, and Liquor On Sale - Sunday licenses; and

WHEREAS, licensee must seek consent of neighboring residential properties within a 350 foot radius of licensee's proposed license add a Liquor-Outdoor Service Area (Patio) license to the existing licenses and must demonstrate that s/he were able to obtain ninety percent (90%) approval or, in the lesser case, sixty percent (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 ninety percent (90%) consent but did obtain sixty-nine percent (69%) positive consent of residential owners approval, including support from the West 7th/Fort Road Federation, to satisfy the requirement of Saint Paul Legislative Code 411.04 (b) (2); 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, per RES 21-665, adopted on April 28, 2021, the City Council voted to waive the 45-day notification period and approve the application from Mucci's Italian LLC (License ID # 20150003362), d/b/a same, to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On sale - 100 seats or less, and Liquor On Sale - Sunday licenses with no conditions; and

WHEREAS, also in response to notification regarding the license application that was sent from the Department of Safety and Inspections for the period of March 29, 2021 to May 14, 2021, the City received two letter of objections, which triggered the hearing and the hearing was held on May 24, 2021; and

WHEREAS, the objections were related to noise, parking, trash, odor from food and garbage, etc.; and

WHEREAS, one of the individuals who submitted the opposition also testified in opposition to the license at hearing; and

WHEREAS, in response to the concerns raised, the licensee has agreed to work with the City to comply with the necessary requirements to minimize nuisance activities that would disturb the surrounding residential neighborhood; and

WHEREAS, after conducting the hearing and considering the testimonies and evidence, the Deputy Legislative Hearing Officer recommends that the application to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On sale - 100 seats or less, and Liquor On Sale - Sunday licenses, for Mucci's Italian LLC (License ID # 20150003362), d/b/a same, located at 786 Randolph Avenue, be approved with no new conditions added or modifications to the existing conditions:

1. PER NONCONFORMING USE PERMIT #15-145496 FOR RE-ESTABLISHEMENT OF A RESTAURANT USE: The shared parking agreement with 801 Randolph Avenue must remain in effect at all times the establishment is in operations. The Licensee shall inform the Department of Safety and Inspection (DSI), at least 60 days in advance, of any cancellation of this agreement. Licensee shall provide proof of a valid agreement each year at the time of renewal of the license.
2. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
3. Licensee agrees to close the establishment at 12:00 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.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with no new conditions added or modifications to the existing conditions.

The Conditions Affidavit was signed on April 1, 2021 and submitted on May 24, 2021.