



## Legislation Details (With Text)

**File #:** RES 11-2240 **Version:** 1

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 11/9/2011

**Title:** Approving the issuance of Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Patio) licenses for The Noodle Shop Company Colorado, Inc., d/b/a Noodles & Company, 470 Hamline Avenue.

**Sponsors:** Melvin Carter III

**Indexes:**

**Code sections:**

**Attachments:**

| Date       | Ver. | Action By      | Action  | Result |
|------------|------|----------------|---------|--------|
| 11/15/2011 | 1    | Mayor's Office | Signed  |        |
| 11/9/2011  | 1    | City Council   | Adopted | Pass   |

Approving the issuance of Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Patio) licenses for The Noodle Shop Company Colorado, Inc., d/b/a Noodles & Company, 470 Hamline Avenue.

WHEREAS, The Noodle Shop Company Colorado, Inc. d/b/a Noodles & Company, located at 470 Hamline Avenue in Saint Paul, has requested the issuance of Wine On Sale, Malt On Sale (Strong), and Liquor Outdoor Service Area (Patio) licenses; and

WHEREAS, in relation to the Liquor Outdoor Service Area (Patio) license, eight (8) residential properties are within a 300 foot radius of licensee's proposed patio, and licensee went door-to-door and obtained signatures of consent from seven (7) of those properties (88%); and

WHEREAS, licensee also obtained the signature of the resident of the eighth residential property, but subsequently discovered that resident was a renter and was then unable to obtain consent from the property's owner; 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 licenses with conditions 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 Council finds that the application is in order and there are no grounds for denial of the licenses and that the failure to the license would cause exceptional and unusual hardship to the license applicant; and

WHEREAS, the notice was provided to neighboring properties within 300 feet and the district council and no objections have been received in forty-five (45) days; now, therefore, be it,

RESOLVED, that Wine On Sale, Malt On Sale (Strong) and Liquor Outdoor Service Area (Patio) licenses are issued to The Noodle Shop Company Colorado, Inc. d/b/a Noodles & Company, located at 470 Hamline Avenue in Saint Paul, subject to the agreement stated above and the following license conditions:

1. 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.
2. 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.
3. 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.