



## Legislation Text

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**File #:** RES 11-1822, **Version:** 1

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Waiving the 45 day notice requirement for issuance of a Wine On Sale, Malt On Sale (Strong) and Liquor Outdoor Service Area (Patio) license for Lily Pad Design, LLC, d/b/a Java Train at 1341 Pascal Street.

WHEREAS, Lily Pad Design LLC d/b/a Java Train, located at 1341 Pascal in Saint Paul, has requested a waiver of the 45-day notice requirement for issuance of Wine On Sale, Malt On Sale (strong) and Liquor Outdoor Service Area (Patio) licenses; and

WHEREAS, the District 10 Community Council has agreed to the waiver of the notice requirements; and

WHEREAS, 27 residential properties are within a 300 foot radius of licensee's proposed patio, and licensee has obtained consent from 20 of those properties (74%); and

WHEREAS, of the remaining seven properties, licensee received no response from four of them despite sending a mailing and going door to door, one responded negatively to the request for consent, and two were not contacted because licensee had encountered them before and believed she already knew they would respond negatively;

WHEREAS, the Council finds that licensee's 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, the Council finds that the application is in order and there are no grounds for denial of the license and that the failure to grant the waiver and the consequent delay in approving the license would cause exceptional and unusual hardship to the license applicant; and

WHEREAS, the licensee agrees that in the event a complaint is received prior to the expiration of the 45-day period and the complaint provides a basis for adverse action against the license, that the Department of Safety and Inspections may direct the licensee to immediately discontinue all operations until a public hearing is scheduled, and that the licensee shall comply with said directive; now, therefore, be it,

RESOLVED, that the 45 day notice requirements of § 409.06 of the Saint Paul Legislative Code are hereby waived and Wine On Sale, Malt On Sale (strong) and Liquor Outdoor Service Area (Patio) licenses are issued to Lily Pad Design LLC d/b/a Java Train, located at 1341 Pascal in Saint Paul, subject to the agreement stated above.