



Legislation Text

File #: RES 12-1187, **Version:** 1

Approving the application with conditions, per the Deputy Legislative Hearing Officer, to Add a Liquor-Outdoor Service Area (Patio) license to the existing Restaurant (3) - 13-50, Wine On Sale, and Malt On Sale (Strong) licenses, for Joan's In The Park (I.D. 20110002330), 651 Snelling Avenue South.

WHEREAS, Joan's In The Park, located at 651 Snelling Avenue South in Saint Paul, has applied for a class N license for to Add a Liquor-Outdoor Service Area (Patio) license to the existing Restaurant (3) - 13-50, Wine On Sale, and Malt On Sale (Strong) licenses; and

WHEREAS, Joan's In the Park residential properties are within a 300 foot radius of licensee's proposed license to add a Liquor-Outdoor Service Area (Patio) license to the existing Restaurant (3) - 13-50, Wine On Sale, and Malt On Sale (Strong); and licensee must seek consent of neighboring residential properties and demonstrate that they were able to obtain 90% approval or, in the lesser case, 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 90 percent (90%) consent but did obtain fifty-one percent (51%) or more consent; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from fifty-one percent (51%) of residential owners, including support from the Highland District Council; 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, in response to notification from the Department of Safety and Inspections regarding the license application, the City received three emails in opposition to the license application; and

WHEREAS, the objections were related to noise, time restriction of the patio's hours of operation, traffic, parking and future transfer of ownership; and

WHEREAS, the Deputy Legislative Hearing Officer recommends that the application for Joan's In The Park to Add a Liquor-Outdoor Service Area (Patio) license to the existing Restaurant (3) - 13-50, Wine On Sale, and Malt On Sale (Strong) license, be approved with the following 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.
4. Patio will close and all patrons will be off the patio by 10:00 P.M.
5. Fence will be constructed under permit and review by DSI. The area adjacent to the fence will be landscaped to minimize noise. All landscaping must be maintained as needed.

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 June 5, 2012.