



Legislation Text

File #: RES 19-1162, **Version:** 1

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Sunrise Market LLC (License # 20160000616), d/b/a Iron Ranger, to add a Liquor-Outdoor Service Area (Patio) license to the existing Wine On Sale, Malt On Sale (Strong), and Sidewalk Café licenses at 1085 Grand Avenue.

WHEREAS, Sunrise Market LLC (License # 20160000616), d/b/a Iron Ranger, located at 1085 Grand Avenue, has applied for a Class N license to add a Liquor-Outdoor Service Area (Patio) license to the existing Wine On Sale, Malt On Sale (Strong), and Sidewalk Café licenses; and

WHEREAS, fifty-seven (57) residential properties are within a 300-foot radius of licensee's proposed Liquor-Outdoor Service Area (Patio) license, and licensee must seek consent of neighboring residential properties and 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 90 percent (90%) consent but did obtain sixty-five percent (65%) per City of Saint Paul Legislative Code 409.06(g) (2) (b); and

WHEREAS, licensee was able to receive positive consent from thirty-seven (37) of the possible fifty-seven (57) residential properties, including support with notes the from District 16 Summit Hill Association; 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, the Deputy Legislative Hearing Officer recommends that the application for Sunrise Market LLC (License # 20160000616), d/b/a Iron Ranger, to add a Liquor-Outdoor Service Area (Patio) license to the existing Wine On Sale, Malt On Sale (Strong), and Sidewalk Café licenses 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(e), 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. Licensee agrees to close the establishment at 12:00 a.m. midnight each day of the week. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning

Code (parking requirement).

5. No alcohol sales and/or service (e.g., wine/beer) is allowed outdoors on either public or private property without prior written approval and additional licensing from DSI.
6. Licensee agrees to limit the placement of table(s)/chair(s) on the public sidewalk to the area and number shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works. Licensee shall take appropriate action to ensure table(s)/chair(s) are contained to this approved area.
7. Each year prior to the placement of table(s) and/or chair(s) in the public right-of-way (i.e., sidewalk), the licensee agrees to obtain a new Obstruction Permit from the Department of Public Works. Licensee agrees to maintain the sidewalk café in accordance with the conditions placed on an approved Obstruction Permit, acknowledges that an Obstruction Permit is effective on April 1 and expires on October 31 of each year, that table(s) and/or chair(s) may not be placed in the public right-of-way before or after the effective/expiration dates, and that a failure to comply with this condition will result in adverse action being taken against all of their licenses.
8. Any outdoor activities related to the outdoor seating areas on either public or private property shall comply with applicable State and Local rules and regulations, including but not limited to Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code.
9. Outdoor liquor service area (patio) will close at 10:00 P.M. on Sunday thru Thursday and 12:00 midnight on Friday and Saturday.

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 July 11, 2019.