Legislation Text

File #: RES 20-969, **Version:** 1

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Agra Culture Highland Park LLC (License # 20170002222), d/b/a Agra Culture, to upgrade to Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Sidewalk) licenses from the existing Wine On Sale and Malt On Sale (Strong) licenses at 721 Cleveland Avenue South.

WHEREAS, Agra Culture Highland Park LLC (License # 20170002222), d/b/a Agra Culture, located at 721 Cleveland Avenue South, has applied to upgrade its existing Wine On Sale and Malt On Sale (Strong) licenses to Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Sidewalk) licenses; and

WHEREAS, twenty-nine (29) residential properties are within a 300-foot radius of licensee's proposed Liquor - Outdoor Service Area (Sidewalk) 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 ninety percent (90%) consent or, in the lesser case, sixty percent (60%) or more; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from fifty percent (50%) 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, per RES 20-819, adopted June 3, 2020, the City Council voted to waive the 45-day notification period and approve Agra Culture's Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Sidewalk) licenses with the following conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. 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.
3. Licensee agrees to limit the placement of table(s)/chair(s) on the public sidewalk to the area and number of seats shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works.

4. Licensee agrees to take appropriate action(s) to ensure that the sale, display, and/or consumption of alcoholic beverages is contained within the defined area as per the approved sidewalk seating plan on file with DSI.
5. 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.

WHEREAS, objections to the Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Sidewalk) licenses were received within the notification period, and a hearing was held on July 6, 2020; and

WHEREAS, after conducting the hearing and considering the testimony and evidence, the Deputy Legislative Hearing Officer recommends that the application for Liquor On Sale - 100 Seats or Less, Liquor On Sale - Sunday, and Liquor - Outdoor Service Area (Sidewalk) licenses for Agra Culture Highland Park LLC (License # 20170002222), d/b/a Agra Culture, at 721 Cleveland Avenue South, be approved with the following conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. 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.
3. Licensee agrees to limit the placement of table(s)/chair(s) on the public sidewalk to the area and number of seats shown on the approved sidewalk seating plan on file with the Department of Safety and Inspections (DSI) and Public Works.
4. Licensee agrees to take appropriate action(s) to ensure that the sale, display, and/or consumption of alcoholic beverages is contained within the defined area as per the approved sidewalk seating plan on file with DSI.
5. 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.

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 May 15, 2020.

powered by Legistar™