

**LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT**

License Number: L180-50185
Police File Number: 13489

Date of Application: February 2, 2014

Inspector: Phil Schliesman, 612-673-3907

Applicant/Legal Entity: Bright Red Group, LLC

DBA/Trade Name: Smack Shack

Complete Address: 603 Washington Avenue North, Minneapolis, MN 55401

License Requested: On-Sale Liquor with Sunday Sales, Class B

Current License: On-Sale Liquor with Sunday Sales, Class E

Purpose of Application: Upgrade Entertainment from Class E to Class B

Responsible person within 75 miles of Minneapolis City Hall: Josh Thoma

Public Hearing Required: Yes

License Conditions: Not at this time

Neighborhood/Ward: North Loop / 3

Zoning: B4N/DP – This is a permitted use in the Downtown Neighborhood District/Downtown Parking Overlay District

7 acre requirement: Met

Off-Street Parking: The office of the Zoning Administrator has determined that no parking spaces are required to be provided on site.

Seating: Outside: **72** Maximum Capacity: **104**

Hours of operation proposed: Sunday through Thursday: 11:00 A.M. to 1:00 A.M.
Friday and Saturday: 11:00 A.M. to 2:00 A.M.

Metropolitan Council Service Availability Charges: There is no change in the SAC requirements.

HISTORY OF LOCATION

Smack Shack has operated with an On-Sale Liquor License with Sunday Sales, Class E, at this location since January, 2013.

POLICE REVIEW

Police Licensing and this Inspector have reviewed the expenses and source of funds reported in this application. The applicant has provided documentation showing adequate legal and traceable funding for this venture.

The Police Security Review was completed on February 17th, 2014 and signed off by Lt. Don Harris. In addition to the applicant's current security plans, the following two items have been recommended by the Minneapolis Police Department:

The licensee shall designate an employee as head of the security staff. The designated employee may be the on-site manager.

The licensee shall provide a mobile phone number to the appropriate Police Precinct for prompt communication in the event of a disturbance.

The applicant has stated they will add the two above items to their security plan.

BUSINESS PLAN/OPERATIONS

The business plan submitted with this application is for an upgrade from a Class E to a Class B Liquor License, to allow DJ's and live entertainment starting at 7:00 pm in the interior of the premises. The applicant plans to continue to operate the establishment as a full service, sit down restaurant. A small area consisting of roughly 100 square feet will be created to enable patrons to dance.

The offering of live amplified bands and DJs is being requested for purposes of retaining their dining guests at the restaurant after they finished their meals. Live music offerings will consist of musical ensembles featuring small to mid-size bands playing reggae, jazz, and funk with New Orleans/East Coast style genre. DJ offerings will offer similar type music, current, and house music. The applicant intends to draw local DJs to give them a venue to showcase their talent.

Neither the DJ offerings nor the ensembles are intended to "rev up" the customers and will provide a mid-range level of entertainment, with music at a level allowing for conversation. Hours that live entertainment will be offered will begin after 7:00 p.m. or in the case of a special event/occasion, sooner. No formalized dance floor will be provided for patrons; however, there is a small area directly in front of the area where bands/DJ will situate which, if patrons start dancing, we will allow for such. Smack Shack may offer other similar forms of live entertainment allowed under a class B license not specifically mentioned herein. All live entertainment will cease no later than 2:00a.m., although they anticipate that on some evenings, entertainment will cease before this time.

Entertainment offered at Smack Shack is directed at a wide demographic, typically the 30- 65 years of age range. The applicant markets their restaurant to private parties, meetings and corporate events as well.

Noise Management/Noise Abatement Plan

Based upon the establishment will operate as a full service restaurant, their location along a major roadway, the placement of the building abutting another larger building, and the typical and expected clientele, the applicant anticipates noise concerns will be minimal. As part of their operational duties, staff will regularly monitor noise emanating beyond the interior premises and from the licensed outdoor area.

Management personnel and employees will ask and remind patrons to reduce the volume of conversation when leaving the premises. When needed, management will reduce the volume of any music offered upon any type of complaint.

Noise mitigation measures to be employed include: training employees to address loud or unruly behavior from any patron; removal procedures for unruly or disruptive patrons; and emphasize the importance of minimizing unwanted noise as patrons leave the premises, especially at closing time, as well as continual monitoring of the outdoor area during the warm months.

The applicant commits to responding promptly to any concerns regarding improper or unacceptable noise levels. All noise-related complaints and concerns will be handled by the general manager or assistant manager or in his/her absence, to the shift manager/supervisor on duty. It is the intent of the applicant to comply with all noise-related ordinances and to be a good neighbor to the surrounding community.

PUBLIC HEARING SUMMARY

The public hearing notice was mailed to 24 residents and property owners within 300 feet of the premises on March 4th, 2014. The notice was posted and electronically sent to residents and building management at 618 & 700 Washington Avenue North, and at 625 2nd Street North. An electronic notice was emailed to the North Loop Neighborhood Association, the Downtown West Neighborhood Association and the Warehouse District Business Association on March 4th, 2014. The public hearing will be held on March 18, 2014 at the Community Development & Regulatory Services Committee meeting.

RECOMMENDATION

The Licenses and Consumer Services Division recommends approving this application for an upgrade in entertainment for Smack Shack.

LICENSE CONDITIONS

None at this time.