

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

**License Number:** L196-50290 and L020-50038

**Police File Number:** 13816

**Date of Application:** March 14, 2016

**Inspector:** Michele Harvet, 612-673-5484

**Applicant/Legal Entity:** Muffin Top Café LLC

**DBA/Trade Name:** The Nicollet Diner & Muffin Top Cafe

**Complete Address:** 1424/1428 Nicollet Avenue, Minneapolis, MN 55403

**Licenses Requested:** On-Sale Liquor with Sunday Sales, Class E and Special Late Night Food

**Current Licenses at Location:** Food Restaurant and Extended Hours

**License History of Location:** This location has held several food restaurants since 2000. The Extended Hours license has been in effect since June, 2014.

**Purpose of Application:** To obtain a new On-Sale Liquor license and Special Late Night Food license.

**Responsible person within 75 miles of Minneapolis City Hall:** Sam Turner

**Public Hearing Required:** Yes

**Neighborhood/Ward:** Loring Park / 7

**Zoning:** C1/DP/PO – This is a permitted use in the Neighborhood Commercial District / Downtown Parking Overlay / Pedestrian Oriented Overlay Districts.

**7 Acre Requirement:** Met

**Off-Street Parking:** The Office of the Zoning Administrator has determined that zero spaces are required to be provided on site.

**Seating:** Interior: 168                      Exterior: 0

**Fire Occupancy:** Interior: tbd                      Maximum Capacity of Exterior: N/A

**Hours of operation proposed:** 24 hours daily  
Alcohol service will not occur between 1:00am and 8:00am

**Food Service Requirement:** This establishment meets the minimum food service requirements set forth in MCO 360.65.

**Alcohol Server Training:** Training will be provided online at [Servingalcohol.com](http://Servingalcohol.com) and by the owner, Sam Turner.

**Metropolitan Council Service Availability Charges:** A SAC determination letter dated March 11, 2016, states that this location has zero units to be charged.

**Applicant**

The applicant is Muffin Top Café LLC, a Minnesota limited liability company, formed on December 10, 2012, under Chapter 322B (File Number 631738300029), having the required restriction on the transfer of shares and has the following members:

<b><u>Name</u></b>	<b><u>Title</u></b>	<b><u>Shares</u></b>
Sam Turner	Managing Partner	26%
Dion Coker	Partner	26%
Travis Carter	Partner	32%
Judy Pugh	Partner	16%

The applicants have experience in owning/operating restaurants and business in the food/alcohol service industry. They meet all minimum requirements including criminal and financial background checks.

**Manager**

The manager of The Nicollet Diner & Muffin Top Cafe is Sam Turner. Mr. Turner has been working and managing in the food and alcohol service industry for at least 11 years.

**Premises**

The Nicollet Diner & Muffin Top Cafe will be located at street level in the combined spaces of 1424 Nicollet Avenue and 1428 Nicollet Avenue. These spaces have been combined by creating a properly permitted door between the two café spaces. There is an approximate total of 4250 square feet of space that includes seating for approximately 168 patrons. The rest of the space is for the kitchen, coolers/freezer, an office, restrooms and storage. The space is compact and contiguous. There are no undefined areas. Liquor storage will be on the first floor in the Muffin Top Café side. Basement areas are only for storage of non-alcohol items.

There is no outdoor area planned.

## **Business Plan/Operations**

The Nicollet Diner & Muffin Top Café will have alcohol server training provided online at [Servingalcohol.com](http://Servingalcohol.com) and by the owner, Sam Turner. This is required for all management and any staff that sells, serves prepares or handles alcohol. Additionally, all new alcohol servers that are hired must complete this training within their three day orientation period, before they start working. Re-certification will be required annually.

Staff will be required to ask for identification for anyone, appearing under the age of 35, ordering an alcoholic beverage. Failure to follow alcohol service policies will follow a progressive discipline approach that can start with a verbal warning all the way up to termination. Self-audits will be periodically performed by Human Resources management to verify compliance.

The Nicollet Diner & Muffin Top Café will be monitored by 24 hours surveillance and will have an internal alarm system. There are three exterior and eight interior cameras. Surveillance data is stored for 30 days and will be made available to law enforcement when requested.

Any noise complaints will be addressed with the affected individual or individuals to rectify the situation.

The Nicollet Diner & Muffin Top Café will provide minimal background music for entertainment on the interior of the establishment. There will be no exterior speakers.

Litter and cigarette butts within 100 feet of the establishment will be cleaned as needed throughout the day.

The Nicollet Diner & Muffin Top Café generally provides contemporary American cuisine, for breakfast, lunch and dinner consisting of; steak and eggs, chicken fried chicken, hangover breakfast, all chicken and waffles, eggs benedict, breakfast skillet, pancakes, omelets, chicken wings, soup, salads, appetizers, burgers and sandwiches like French dip, club house chicken cordon bleu, hand spun malts and shakes, etc. ranging in price up to \$14.

They would like to operate 24 hours daily. They intend to stop alcohol service at 12:00am. But, they extend service to 1:00am for special events. Once alcohol service is stopped, the door between the two spaces will be locked by a security system and there will be no customer access to the Muffin Top Café side that has the alcohol stored.

The Nicollet Diner & Muffin Top Café will consider sponsoring a local softball or soccer team. They will not have charitable gambling.

## **License Conditions**

The following license conditions have been agreed to by the license applicant and the City. These same conditions have been previously approved with their current Extended Hours license.

1. The Nicollet Diner & Muffin Top Cafe will operate primarily as a restaurant that has alcohol service, and maintain seating at all times for all guests and serving food during all hours of operation.
2. The licensee shall take all necessary and prudent steps to avoid violent incidents from occurring at their establishment during all hours of operation by assessing the reasonably foreseeable risks associated with the nature and history of the location of the establishment.
3. The licensee will verify the age of all persons seeking to purchase food after curfew hours who appear to be under the age of 18. Any minor found to be in the restaurant in violation of curfew hours will be immediately removed from the establishment and the police called.

4. The licensee will not provide outdoor speakers.
5. To assist in the prevention of reoccurring disturbances by known persons, the licensee shall compile, maintain and share with the 1<sup>st</sup> Precinct a "Do Not Admit/86" list of persons who have been trespassed and/or refused service.
6. During all hours of operation, the establishment will have a dedicated staff person assigned with the duties to oversee the conduct of all customers to avoid any potential of patrons causing a disturbance. Any customer observed to be causing a disturbance will be immediately removed from the establishment, and police called as needed.
7. All staff will monitor the activity in the establishment and if any criminal activity is observed, staff must escort the customer from the premises and request Minneapolis Police assistance at the exit of the business.
8. Staff will monitor the area along the sidewalk and to the rear of the building to prevent noise, loitering, and to ask all patrons who smoke, to go the back parking area.
9. The licensee will not distribute hand-bills advertising promotions to anyone walking on city sidewalks, streets, or alleys; nor place any on parked motor vehicles.
10. The licensee will collect all litter within 100 feet of the exterior of the building housing the licensed premises on a daily basis.
11. During all hours of operation, The Nicollet Diner shall not let more customers into the establishment than is legally allowed, with the occupancy number posted in plain sight near the main entrance of the establishment.
12. The licensee will not add any games of amusement without amending the business plan and prior approval from the City of Minneapolis.
13. The City Council may review the operation of the extended hours in connection with the renewal of the restaurant license for the establishment or at any other time for good cause. Violation of the terms and conditions of these conditions or violation of any law shall be grounds for revocation, suspension, or refusal to renew the extended hour's license.
14. The Special Late Night Food license shall be reviewed by City staff 3 months after issuance, 6 months after issuance, and then yearly, or as deemed appropriate, to ensure compliance with these conditions and ensure the safety and livability of the surrounding area is not adversely affected by the establishments extended hours of operation. Considerations will include but will not be limited to: the number of police calls attributed to the behavior of the establishments customers, activities directly outside of the establishment, litter removal by the establishment, noise and other relevant complaints, neighborhood and customer input. Should the Special Late Night Food license be deemed to be detrimental to the safety and livability of the surrounding area, adverse license actions will take place including but not limited to, referral to the City Council for license revocation.

### **Public Hearing Summary**

A public hearing is required for these license applications. 582 notices were mailed to residents and property owners within 600 feet of the premises on April 7, 2016. A public hearing notice was emailed to Council Member Goodman, the Citizens for a Loring Park Community, the Downtown Minneapolis Neighborhood Association and the Loring Park Business Association on April 6, 2016. The public hearing will be held on April 19, 2016 at the Community Development & Regulatory Services Committee meeting.

### **Police Review**

Police Licensing and this Inspector have reviewed the expenses and source of funds reported in this application. The applicants have provided documentation showing adequate, legal and traceable funding for this venture and have passed the criminal background check. The First Precinct of the Minneapolis Police Department has discussed security issues with the applicant.

### **Recommendation**

The Licenses and Consumer Services Division recommends approving this application for an On-Sale Liquor with Sunday Sales, Class E license and a Special Late Night Food license for The Nicollet Diner & Muffin Top Café.