

**LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT
Extended Hours License
L317-50016**

Purpose of Application: Taco Bell is requesting to extend their business's hours of operation to the following:

Sunday – Thursday, from 9:00am to 1:00am
Friday – Saturday, from 9:00am to 2:00am

Applicant's Name (Legal Entity): Border Foods, Inc.

DBA/Trade Name: Taco Bell

Complete Address: 425 West Broadway, Minneapolis, MN 55411

Telephone Number: 612-521-1895

Current License: The applicant has held a Food Restaurant License since 1997.

Zoning District: C3S/PO Community Shopping Center/Pedestrian Oriented Overlay

Hours Authorized by Deemed Conditional Use Permit:

Sunday - Thursday, from 6:00am to 11:00pm
Friday - Saturday, from 6:00am to 12:00am

Neighborhood/Ward: Near North / 5

Date of Application: August 18, 2011

Inspector: Michele Olds, 612-673-5484

Public Hearing Requirement: A public hearing is required for this license application. 44 notices were mailed to residents and property owners within 300 feet of the premises, and emailed to the Old Highland Neighborhood Association, the Northside Resident Redevelopment Council, the Northwest Minneapolis Business Association, the East Gateway Partnership, and West Broadway Business and Area Coalition on September 22, 2011. One multi-residential building was posted. The public hearing will be held on October 13, 2011 at the Regulatory, Energy and Environment Committee meeting.

Background: The applicant proposes to extend the hours of operation for their Food Restaurant for dining room and drive-through service. The dining room will close at 11:00pm on a daily basis. The drive-through will operate until 1:00am on Sunday through Thursday, and until 2:00am on Friday and Saturday. The restaurant does not serve alcoholic beverages, nor does it provide entertainment. Licensing performed a late night inspection there recently and observed no violations.

Findings as Required by the Minneapolis Licensing Code:

The Licenses and Consumer Services Division has analyzed the application and concludes that the application has answered the following:

A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized:

Taco Bell designates the store manager on duty as the employee responsible for dealing with safety and security issues. The store manager has been trained accordingly and all employees are instructed to refer issues to the manager. Store managers perform a “manager’s walk” every half hour. Taco Bell participates in the “No Trespass” initiative in conjunction with the East Gateway partnership. Disorderly patrons are asked to leave the premises and any illegal activity or conduct is reported to the police via a 911 call and the beat officer’s cell. Additionally, they participate in the “No Trespass” program and share any information regarding any chronic offenders with their East Gateway Partnership contact. They have security cameras on the premises both inside and out. The parking lot, drive through and grounds are well lighted per code requirement. The premises are fenced along the rear to prohibit cut through to the neighboring properties.

The 4th Police Precinct has discussed security issues with the applicant.

Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise:

Regular sweeps of the parking lot and surrounding properties are performed on a daily basis to remove trash and litter.

The restaurant currently operates with a policy that does not tolerate excessive noise on the premises. Patrons are asked to turn car radios down and are denied service if they do not comply. Any complaints are promptly handled by employees and followed up on by management personnel. If further assistance is needed, they call 911 and the beat officer.

Description of how the business will have people exit the establishment at closing time and during an emergency that requires all people to exit the establishment quickly:

The dining room closes at 11:00pm on a daily basis. There is a written closing/departure policy for closing employees to ensure their safety and security. Anybody loitering on the premises at closing is considered to be trespassing and dealt with according to the policy.

Such other reasonable and pertinent information as the city council may require:

Taco Bell advised that they have a good relationship with the Minneapolis Police Department’s 4th Precinct, the beat officers and the Community Crime Prevention staff.

Their store managers regularly attend the 4th Precinct security meetings and the West Broadway Area Coalition. In addition, Taco Bell actively participates with the West Broadway area by attending meetings, supporting initiatives and utilizing the available WBC and East Gateway partnership resources.

Proximity to permitted or conditional residential uses.

Nature of the business and its impacts of noise, light and traffic.

There is a residential use directly behind the restaurant.

Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The existing business is categorized as a food restaurant which is a permitted use in the C3S/PO district.

History of complaints related to the use.

There are a fair number of police calls for service associated with this location. After reviewing related reports and call descriptions, it would appear that they are calls for service that came from the business to help prevent those issues from continuing to occur on or near their premises. The applicant has been operating with a Food Restaurant License without complaints registered to Licenses and Consumer Services since 1997. There are no other significant complaints.

RECOMMENDATIONS (pending public hearing):

The Licenses and Consumer Services Division make the following recommendation regarding this application to extend hours:

Grant the license applicant the following Extended Hours:

Sunday - Thursday, no earlier than 6:00 a.m. to operate until 1:00 a.m.

Friday and Saturday, no earlier than 6:00 a.m. to operate until 2:00 a.m.

This establishment located within a commercial district with similar uses and hours of operation nearby (Wendy's is open until 1:00am and 2:00am).

This is an annually reviewed license. These hours will be reviewed at the next license renewal period.