

**LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT
Extended Hours License
L317-50019**

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

Thursdays, Fridays and Saturdays, no earlier than 6:00 a.m. to operate until 3:00 a.m.

Applicant's Name (Legal Entity): Mesa Pizza Uptown, LLC

DBA/Trade Name: Mesa Pizza

Complete Address: 1440 West Lake Street, Minneapolis, MN 55408

Telephone Number: 608-469-5114

Current License: Restaurant

Zoning: C3A/PO Community Activity Center and Pedestrian Oriented Overlay Districts

Current Authorized Hours: Sunday - Thursday, from 6:00 a.m. to 1:00 a.m.
Friday - Saturday, from 6:00 a.m. to 2:00 a.m.

Neighborhood/Ward: East Isles / Ward 10

Date of Application: February 9, 2012

Inspector: Greg Buenning, 612-673-3851

Public Hearing Requirement: A public hearing is required for this license application. 30 notices were mailed to residents and property owners within 300 feet of the premises, and emailed to the East Isles Neighborhood Association, East Calhoun Community Organization, Calhoun Area Residents Action Group, Lowry Hill East Neighborhood Association and the Lyn-Lake Business Association on March 7, 2011. The public hearing will be held on April 2, 2012, 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 delivery service to 3:00 a.m. on Thursday, Friday and Saturday. The restaurant does not serve alcoholic beverages, nor does it provide entertainment (only background music). On November 5, 2011, Mesa Pizza was observed by Business License Inspectors Anderson and Selander from approximately 2:15 a.m. and 2:17 a.m. and observed that the business was open past their legal

operating hours. A citation was issued for that violation. The citation was appealed by Mesa Pizza ownership; however, the citation was upheld. Licensing performed a late night inspections of Mesa Pizza. On February 18, 2012, between 1:45 a.m. and 2:00 a.m. Inspectors Buening and Jacobs observed people exit Mesa Pizza. There were approximately 20-30 people seen leaving the business during those times. When people left they came out in groups of five ten. Many of the people who exited the business hailed taxi cabs to pick them up. Some of the people were in the street being very loud and yelling. On February 26, 2012, Inspectors Eliason and Olds observed people from 1:40 a.m. until 2:00 a.m. closing. They reported that at any given time there were at most eight people standing outside the business hailing taxi cabs. They reported that their behavior was not too loud. On both nights security staff was not seen outside the business.

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:

Mesa Pizza has had a previous security review with 5th Police Precinct Inspector Matt Clark. In their first review they indicated that they would have a dedicated security person monitor the queue line, have a noise and litter abatement plan, and monitor crowd control, and abide by the security checklist compiled by Inspector Clark. On February 8, 2012, a revised security plan was presented and it was essentially the same as their first plan, with the exception that they would implement the use of barriers to enhance crowd control efforts and to keep lines moving more efficiently. In their security plan they indicated that if they are not issued an extended hours license, they may, or may not adhere to the security checklist compiled by Inspector Clark. The 5th Police Precinct has discussed security issues with the applicant and noted there are concerns relating to the business's license violation.

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

Staff will remove litter twice daily, once at 5:00 p.m. and at closing time. They will pick up litter more than twice a day if it becomes necessary. They also indicate that staff will monitor noise and ask that loud and boisterous customers either keep quiet or leave.

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:

Mesa Pizza will make sure that dining-in customers know that they need to be out of the establishment at closing before they place their order if it's within 15 minutes of closing time.

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

Upon request, the licensee shall meet representatives of the City of Minneapolis to discuss any safety, security or operational concerns.

Proximity to permitted or conditional residential uses.

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

This restaurant is adjacent to residential uses.

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

The business is categorized as a food restaurant which is a permitted use in the C3A/PO district.

History of complaints related to the use.

There are no significant police calls for service at this location. There were several late night inspections done at Mesa Pizza by Business License Inspectors. On February 18, 2012, the business was observed from approximately 1:35 a.m. until 2:00 a.m. from the area of Holmes and Lake. As people would get their food and left the building many of them hailed taxi cabs. People would wait in the middle of the road for a taxi to come which posed a traffic hazard. The yelling from patrons was also extremely loud. On March 9, 2012, another late night inspection was conducted and video was done. The business was observed from Holmes and Lake. Some patrons were very loud and hailed taxis from the roadway causing a traffic hazard. No Mesa Pizza staff was seen attempting to maintain control outside.

Mesa Pizza operates a restaurant in Dinkytown with extended hours. That location had complaints about crowds in front late at night, but the complaints were addressed to Mesa Pizza by enhancing their security and crowd control at that location.

RECOMMENDATIONS (pending public hearing) from October 13, 2011:

Recommendation was to have been made after the closing of the public hearing on October 13, 2011. At the public hearing the applicant was advised that the recommendation for denial would move forward to a full City Council meeting, and that they should wait a few months before making application again.

Since such time the Regulatory, Energy, and Environment Committee made a recommendation to City Council to deny the applicant's request for an Extended Hours license. The minutes from the City Council meeting are as follows:

The Committee, having under consideration the application of Mesa Pizza LLC, dba Mesa Pizza, 1440 W Lake St, for an Extended Hours License (new business) to operate Thursday, Friday, and Saturday from 6:00 a.m. to 3:00 a.m. to expire May 1, 2012, and

having held a public hearing thereon, now recommends that said license be denied. Your Committee further recommends that the City Attorney's Office be directed to prepare Findings of Fact in support of the Committee's decision.
Adopted 10/21/2011.

RECOMMENDATION

Business Licenses staff recommends that the application for an Extended Hours license for Mesa Pizza be denied. The proposed hours do not support the city's efforts to remove patrons from the area and quiet the neighborhood. The majority of the businesses in this area close earlier in the night.