

LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT

FILE: 13192

WARD: 10

NEIGHBORHOOD: Lowry Hills East

APPLICANT: 1328 Uptown, Inc.
DBA: Bar Louie
ADDRESS OF ESTABLISHMENT: 1348 Lagoon Avenue
LICENSE APPLICATION REQUESTED: Class "D" On-Sale Liquor With Sunday Sales
DATE OF APPLICATION: December 5, 2011
INSPECTOR: Greg Buenning

BASIC LICENSE INFORMATION

7 acre requirement: Met
Zoning District: C3A/PO
Off- Street Parking: Zoning requires 28 off-street spaces. Applicant has met this requirement and has 28 spaces
Residential district: Under 500 feet Church or School distance requirement: Over 300 feet
Hours of operation proposed: Inside: 11:00 a.m. to 2:00 a.m. daily. Outside: 11:00 a.m. to 2:00 a.m. daily.
Lease shows exclusive use of premises by applicant: Yes
Responsible person within 75 miles of MPLS City Hall: Yes
Fire occupancy: 392 Number of seats inside: 247 Number of seats outside: 149 Maximum Seating Capacity: 172 Per SAC determination Service
Availability Charge(SAC): Not paid to date
Public Hearing requirement: A public hearing is required

HISTORY OF LOCATION

This building is a new construction as part of the Mosaic Project. No tenant history

APPLICANT

The applicant is 1328 Uptown, Inc., DBA, Bar Louie. It was incorporated under Chapter 302A on September 7, 2011. The applicant has provided documentation showing adequate, legal, and traceable funding for this venture. They have the required restriction on the transfer of shares and have the following shareholders and officers:

Shareholder	Date of Birth	Title	Shares
Fortney Hospitality Group, Inc.			100%
Eric M. Fortney	05/24/1967	Director/Secretary	0%
Marc R Fortney	06/13/1964	Director/President	0%

PREMISES

Bar Louie will be a full service, sit-down restaurant. They will operate their business on two levels of the newly constructed Mosaic Building. The interior of the business will be 8,902 square feet, which includes the main level and the mezzanine level. There will be 247 seats available for patrons on the main and mezzanine levels, including two bars for patrons to sit. The bar on the main level will have 20 seats. The bar on the mezzanine level will have seven seats. The maximum fire code occupancy is 314 seats. The business will also have a private outdoor patio on the first level which will be 2,983 square feet. The outdoor patio will have 149 seats with a maximum seating capacity of 172 seats based upon a SAC determination. The outdoor patio will have a water feature similar to a shallow reflecting pool. There will also be two gas operated fire pits within the area.

BUSINESS PLAN/OPERATIONS

The applicant's vision for Bar Louie is that of a "food first" concept with a heavy focus on lunch and evening dinner. They will employ a staff of approximately 100-125. The menu will feature appetizers, salads, burgers, sandwiches, entrees, deserts and beverages. The price points will be similar to 20 other Bar Louie locations in ten states. They are required to have a 60/40 food to alcohol ratio. All employees will complete alcohol compliance training provided by Alcohol Compliance Services. They will then have annual compliance training as part of their normal process. They will have a discipline policy for alcohol servers. Proposed business hours will be 11:00 a.m. to 2:30 a.m. daily with alcohol service ceasing no later than 2:00 a.m. The requested outdoor patio hours are 11:00 a.m. to 2:00 a.m. daily. Bar Louie will be seeking approval of a Class "D" Liquor License which permits them to have live, non-amplified entertainment by no more than one musician. Their intention is to offer regular entertainment with a non-amplified guitar player or similar instrumental and pre-recorded music designed for their dinner guests and to provide light after dinner entertainment. They will offer TV for their guests as well. Their outdoor patio area will have electronically reproduced music of a similar to the inside at a low background level not to disrupt other businesses and neighbors. The owners indicate that they will regularly monitor the noise levels to mitigate any issues regarding noise. The restaurant manager will be Kelly L. Stein, who has been in the hospitality business since 2003. They will not offer charitable gambling, mechanical amusement devices, and they will not host any sporting events or teams as part of their business plan. The applicant has indicated that they will **ensure that the outside area will be monitored for litter abatement on a regular basis.**

POLICE REVIEW

Sgt. Markstrom completed background and financial reviews on December 19, 2011, and has recommended approval of the application.

5th PRECINCT SECURITY PLAN REVIEW

On October 14, 2011, 5th Precinct Police Inspector Matt Clark met with Bar Louie management. In his review there were no issues of concern for the business from his perspective. A checklist was completed indicating what items were addressed and suggested by his office. Each item that pertained to the business's license was initialed by a Bar Louie representative.

CONDITIONS ON LICENSE

Staff is recommending conditions to be placed on this license.

PUBLIC HEARING SUMMARY

Public hearing notices were sent out to 90 residents within a 600 foot radius. A public hearing was held on February 6, 2012, at Grace Trinity Church, 1430 28th Street West. A total of nine people were in attendance. Two of the attendees were area residents. One attendee received a public hearing notice. Although most in attendance felt the addition of a new restaurant in the area would be a good thing, concerns were raised over the hours of operation for the outdoor private patio. The applicants had requested a 2:00a.m. closing time for the area. A concern was raised about how loud it would be in the outdoor patio if they had speakers and that the patrons would have to talk over the speakers which would create noise concerns for adjacent residents. Another issue was raised about the windows which face toward the east of Bar Louie which lead directly to the outdoor patio. They are garage type windows that roll up and down. One person in attendance felt the outdoor area should be closed at 10:00 p.m. Another suggestion was made that the business scale back the outdoor patio hours Sunday through Wednesday to help mitigate the noise issue concern. Another concern was parking and with the amount of people that could potentially come in to Bar Louie it raised concerns of where all of those people would park and when they left at closing time the noise impact it would have in the residential area surrounding the business. The applicants, who were there, said that the parking garage for the Mosaic project will have 438 parking stalls and felt it could accommodate the patron's vehicles. They said to the best of their knowledge parking spaces have not yet been leased out.

Business Licensing received two written responses commenting on the possibility of the business going in to the Mosaic building. One was in favor of the business being granted a license and one was opposed to the business being granted a license. The response that was not in favor of the license being approved indicated the large size of the outdoor patio area would increase noise and would have a negative impact on the neighborhood and a better time to close the outdoor patio would be 1:00 a.m. and not the 2:00 a.m. that was requested.

RECOMMENDATION

Business Licenses staff recommends approval of Bar Louie for a Class "D" On-Sale Liquor with Sunday Sales license, subject to conditions.