

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

**License Number:** L206-50216                      **Police File Number:** 13416

**Date of Application:** June 28, 2013

**Inspector:** Nicole Anderson, 612-673-2627

**Applicant/Legal Entity:** Dinkytown Baldy's, Inc.

**DBA/Trade Name:** Baldy's BBQ

**Complete Address:** 1501 University Avenue SE, Minneapolis, MN 55414

**Licenses Requested:** On-Sale Liquor, Class E, with Sunday Sales and 2 AM

**Current License:** None

**Previous License:** On-Sale Wine with Strong Beer, Class E

**Responsible person within 75 miles of Minneapolis City Hall:** Brian Wheeler

**Public Hearing Requirement:** Not Required

**License Conditions:** None

**Neighborhood/Ward:** University / 2

**Zoning:** C3A/PO/UA – This is a permitted use in the Community Activity Center District/Pedestrian Oriented Overlay District/University Area Overlay District.

**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.

**Churches or schools within 300 feet of the proposed premises:** No

**Seating:** Inside: 50 Seats                      Outside: 4

**Fire Occupancy:** Inside: 54      Maximum Capacity Outside: N/A

**Food Service Requirement:** The applicant is within 500 feet of a residentially zoned district and is required to operate as a restaurant subject to the 60/40 ratio of food to alcohol sales. No more than 40% of gross annual sales may be from alcohol.

**Hours of operation proposed:** *Inside:* 10:00am to 12:00am, Sunday through Wednesday and 10:00am to 2:00am Thursday through Saturday.

*Outside:* 10:00am to 10:00pm daily

**Metropolitan Council Service Availability Charges:** A new SAC determination is under review.

### **HISTORY OF LOCATION**

In 2002, Downtime (formerly known as Mangia) obtained an On-Sale Wine and Strong Beer, Class E license. In 2005, they upgraded to an On-Sale Liquor with Sunday Sales, Class E license. In 2008, they upgraded to an On-Sale Liquor with Sunday Sales, Class C-1 license. They closed their business in June, 2011. In April, 2012 Uncle Moe's obtained an On-Sale Wine and Strong Beer, Class E license. This business closed in June, 2012. The location is currently empty.

### **APPLICANT**

The applicant is Dinkytown Baldy's, Inc., a Minnesota company formed on June 26, 2013, under Chapter 322B (File Number 679099200028), having the required restriction on the transfer of shares and has the following owners:

<b><u>Name</u></b>	<b><u>DOB</u></b>	<b><u>Title</u></b>	<b><u>Shares</u></b>
Brian Patrick Wheeler	3/8/79	President	100%

The applicant has experience in owning and operating restaurants with wine and strong beer. He meets all minimum requirements including criminal background check.

### **MANAGER**

The manager at Baldy's BBQ will be Brian Wheeler. Mr. Wheeler has worked in the food and alcohol service industry since 2009. He has owned and operated Baldy's BBQ in Lakeville since 2008 and in April, 2013 opened a location in Farmington.

### **POLICE REVIEW**

The applicant's request to sell wine and 3.2 at their Lakeville location was initially denied by the Lakeville City Council in October of 2009 for failure to make complete disclosure regarding his criminal history. Since that time, Lakeville has granted him a 3.2 malt liquor license. Per Lakeville's City Clerk and police, they have had no compliance check failures and his establishment has had no criminal issues. The applicant provided full disclosure regarding his criminal history on the Minneapolis application for on-sale liquor. Over five years has elapsed since the date of the applicant's criminal convictions, therefore, he is not disqualified from obtaining a liquor license due to criminal past.

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 and has passed the criminal background check. The Second Precinct of the Minneapolis Police Department has discussed security issues with the applicant.

### **PREMISES**

The licensed premises are located at a corner base of Dinkydome Retail Building, a residential and retail development. The licensed premises are on the main floor of the building. The entire premises occupy approximately 3149 square feet. Approximately 1000 square feet is for the seating and bar area. There will be table and counter seating for fifty

persons. There is a small bar that has four seats for counter food service. The rest of the establishment consists of a kitchen, coolers, storage areas and rest rooms. The licensed premises space is compact and contiguous. There are no undefined spaces. There is outdoor seating for two tables and four chairs on private property.

### **BUSINESS PLAN/OPERATIONS**

Baldy's BBQ will provide sit-down, take out, delivery, and catering. The applicant's business plan reflects that they will function as a full service restaurant serving Southern Style BBQ with liquor to compliment the dining experience.

All alcohol servers must, or must have in the past year, attend complete alcohol awareness training. This will be provided by the owners and management whom have attended alcohol awareness training. Their policy is to card everyone regardless of age for alcoholic beverages. They reward staff members that pass a youth alcohol compliance check with a Gift Card; the gift card values will increase upon multiple successions. Staff who mistakenly checks an ID and fail will be warned while staff who do not card at all will immediately be terminated for failing a youth alcohol compliance check. Staff will be trained to recognize the signs of obvious intoxication and make sure patrons do not get to that point. Also, they will not allow obviously intoxicated people into the establishment.

The role of security will be performed by staff and the business will also participate in the Dinkytown Business Association Security Program. They will have a dedicated staff person to serve as door on security on busy evening after 10:00pm that will check ID's and watch for loitering activity. Staff teams of two will be responsible for handling disorderly patrons or any other unwanted behavior. Staff will monitor their premises both inside and outside in a perimeter of 100 feet from their business. These rounds will be done multiple times in an hour inside and two to four times a day outside. During these rounds, staff will look for debris, outside loitering and any behavior contrary to their company policy. There are some security cameras around the retail space of the Dinkydome Retail Building.

Entertainment will be provided in the form of background music and television, no live entertainment is allowed.

The menu offers a variety of sides, bar-b-que, sandwiches, and salads ranging in price from \$5 to \$18. The business will also offer catering services.

The hours of operation for the establishment will be 10:00 AM to 12:00 AM Sunday through Wednesday and 10:00 AM to 2:00 AM Thursday through Saturday. Per the business' lease alcohol service will cease at 12:00 AM Sunday through Wednesday and by 1:00 AM Thursday through Saturday. The outdoor area, on private property, will have two tables and four chairs in front of the establishment. The hours of operation for the outdoor area will be from 10:00 AM until 10:00 PM daily. Outdoor speakers and smoking in the outdoor seating area are prohibited per lease agreement.

All litter and trash will be removed from a 100 feet radius of the premises on a daily basis.

Noise is not anticipated to be a problem since they have Class E entertainment and the outdoor area is very small. If there are noise complaints, they will address the complaint in a respectful manner.

There are no mechanical amusement devices. No charitable gambling or sports team sponsorships are anticipated at this time.

**PUBLIC HEARING SUMMARY**

A public hearing is not required for this license application.

**RECOMMENDATION**

The Licenses and Consumer Services Division recommends approving this application for an On-Sale Liquor with Sunday Sales, Class E license.

**LICENSE CONDITIONS**

None.