

**LICENSES AND CONSUMER SERVICES  
LICENSE INSPECTOR'S REPORT  
Extended Hours License  
L317-50046**

**Purpose of Application:** The Nicollet Diner is requesting to extend their business hours of operation to the following:

24 hours, seven days a week

**Applicant's Name (Legal Entity):** Muffin Top Café, LLC

**DBA/Trade Name:** The Nicollet Diner

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

**Telephone Number:** 612-399-6258

**Requested License:** Restaurant with Extended Hours

**Zoning:** C1/DP/PO Neighborhood Commercial District, Downtown Parking Overlay, and Pedestrian Oriented Overlay Districts

**Current Authorized Hours:** Sunday – Thursday 6:00 a.m. – 10:00 p.m.  
Friday - Saturday, from 6:00 a.m. to 11:00 p.m.

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

**Date of Application:** May 5, 2014

**Inspector:** Phil Schliesman, 612-673-3907

**Public Hearing Requirement:** A public hearing is required for this license application. 74 notices were mailed to residents and property owners within 300 feet of the premises, and e-mailed to the Loring Park Neighborhood Association (CLPC) on August 29<sup>th</sup>, 2014. The multi-unit buildings located at 10 15<sup>th</sup> Street East; 1407, 1417, 1425, 1501 and 1517 LaSalle Avenue; 16 and 22 East 15<sup>th</sup> Street, had this notice posted in the main lobby and/or given to all residents by the building management. The public hearing will be held on September 23, 2014, at the Community Development and Regulatory Services Committee meeting.

**Background:** The applicant proposes to extend the hours of operation for their sit down Food Restaurant. The restaurant does not serve alcoholic beverages, nor does it provide entertainment (only background music). This location has been undergone significant renovation as it was formerly a coffee shop.

**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:**

The Nicollet Diner will utilize a security camera system, will discourage loitering in the area as company policy states there is a zero tolerance for loitering, will have a manager designated for security and five staff on site at all times to assist with customer issues, will request identification from anyone appearing under the age of 18 after curfew hours, and has signed operating conditions which will help prevent customer disturbances.

The 1<sup>st</sup> 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:**

Staff will remove litter on a regular basis throughout the day, at a minimum daily, from all sidewalks, ally and adjacent public spaces within 100 feet. Company policy states that the manager and/or employees will not allow patrons to loiter outside of the establishment.

**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 Nicollet Diner indicates that they will stop taking customer orders and politely ask all guests to exit the restaurant at least ten minutes before closing. Before the approval of the extended hours, the restaurant will close following the hours of operation allowed under the Zoning Code.

If such an emergency dictates, staff will be trained to calmly direct all customers to exit through the main front doors. Front of house staff will follow the customers out and the back of house staff will exit through the kitchen door. Emergency response will be requested following the company policy.

**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 being built to minimize noise leaving the confines of the establishment. Acoustic ceiling tiles, re-insulation of the roof, the installation of double pane thermal windows, and re-insulation of the walls are all part of the remodeling. Live entertainment will not be offered and only low volume background music will be played over the internal speaker system. Customers will not be served outside and the companies no loitering policy will be strictly enforced.

**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 C1/DP/PO district. C1 Zoning District hours will be observed until the Extended Hours license is approved.

**History of complaints related to the use.**

There have been no significant police calls for service at this location since the coffee shop closed over 2 years ago.

**RECOMMENDATIONS:**

**CLPC NEIGHBORHOOD ASSOCIATION:** In November 2013 the CLPC Neighborhood Association voted in favor of The Nicollet Diner extended hour's license.

**The Licenses and Consumer Services Division make the following recommendation:**

Business Licenses staff recommends the application for an Extended Hours license for The Nicollet Diner be approved with conditions. The applicant has reviewed and approved of the recommended conditions.



**City of Minneapolis**  
**Licenses and Consumer Services Division**  
350 South Fifth Street Room 1-C City Hall  
Minneapolis, Minnesota 55415  
[www.minneapolismn.gov](http://www.minneapolismn.gov)



**Spanish- Atención.** Si desea recibir asistencia gratuita para traducir esta información, llame 612-673-2700  
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TTY: 612-673-2626 or 612-673-2157

MUFFIN TOP CAFE LLC  
COKER DION L  
2313 MOUNTVIEW AVE  
MINNEAPOLIS, MN 55405

27-AUG-14

Request Number:14-1070530

**BUSINESS LICENSE OPERATING CONDITIONS**

Re: L317 50046 THE NICOLLET DINER  
for EXTENDED HOURS

1. The Nicollet Diner will be licensed as and will operate under the category of restaurant, as set forth in Minneapolis Ordinance Chapter 186, 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. The licensee is prohibited from allowing any consumption of alcoholic beverage within the establishment.
12. 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.
13. The licensee will not add any games of amusement without amending the business plan and prior approval from the City of Minneapolis.
14. 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.
15. The extended hours 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 extended hours 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.

I have read the conditions listed above. I agree with the conditions and understand that failure on our part or on the part of my company or employees to adhere to these conditions, may be cause for future adverse license action, including the suspension, revocation, or denial of the renewal of the L317 50046 THE NICOLLET DINER license. These conditions will be effective for the duration the license operates at these premises, unless otherwise amended by the City Council of Minneapolis.

Based upon the foregoing, this agreement is freely & voluntarily entered into in good faith:

Licensee   
Signature  
Sam H. Turner Owner  
Print Name Title

Date: 9-1-14

City of Minneapolis

By:   
GRANT Wilson  
Print Name

Dated: 9-4-14