

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

License Number: L216-50130 **Police File Number:** 13147
Date of Application: June 17, 2011
Inspector: Michele Olds
Applicant/Legal Entity: WIM LLC
DBA/Trade Name: Eli's East Food and Cocktails
Complete Address: 815 Hennepin Avenue East, Minneapolis, MN 55414

Responsible person within 75 miles of Minneapolis City Hall: John McKenney

Public Hearing Requirement: Required. 167 notices were mailed to residents/property owners within 600 feet of the premises on August 1, 2011. The public hearing was held on August 11, 2011 at the University Lutheran Church of Hope at 601 13th Avenue Southeast.

License Conditions: None

License Requested: On-Sale Liquor with Sunday Sales, Class E

Current License Type: None

Neighborhood/Ward: Marcy-Holmes / 3

Zoning: I1/I2/UA – This is a permitted use in the Light Industrial/Medium Industrial/University Area Overlay District.

7 acre requirement: Met

Off- Street Parking: Net parking requirement is six parking spaces minimum with 28 spaces being provided on-site.

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

Seating: Inside: 70 Seats plus 10 Bar Seats Outside: 54 Seats
Maximum Capacity: Inside: 108 Outside: 76

Food Service Requirement: This establishment is within 500 feet from residentially zoned area. If a liquor license is granted to this establishment, ordinance requires that it operate as a restaurant subject to the 60/40 ratio of food to alcohol sales. No more than 40% of gross sales may be from alcohol.

Hours of Operation: Inside: 11:00am to 2:00am on Monday through Sunday
Outside: 11:00am to 2:00am on Monday through Sunday

Metropolitan Council Service Availability Charges: There is a charge of one SAC unit. This will be paid by the applicant prior to certification of license to AGED.

HISTORY OF LOCATION

Rudolph's Bar-B-Que held an On-Sale Wine License there from 1979 to 1985 and upgraded to On-Sale Liquor in 1985. Rudolph's Tavern held an On-Sale Liquor License with Sunday Sales, Class E, until 2004. O'Brien's Decoy Pub & Smokehouse operated an On-Sale Liquor License with Sunday Sales, Class E, from 2004 to 2006. Alley Kats operated an On-Sale Liquor License with Sunday Sales, Class E, in 2006. The location has not held a license since 2006.

APPLICANT

The applicant is WIM LLC, a Minnesota company formed on January 14, 2011 under Chapter 322B (Charter Number 4140461-2), having the required restriction on the transfer of shares and has the following shareholders:

<u>Name</u>	<u>DOB</u>	<u>Title</u>	<u>Shares</u>
John J. McKenney	09/09/66	Chief Manager, Pres., Treas.	50%
Ndetaiyu M. Ipsen	02/27/68	Vice President, Secretary	50%

The shareholders have extensive experience in the food and alcohol service industry. The applicants meet all minimum requirements including criminal background check.

MANAGER

The manager of Eli's East Food and Cocktails will be John McKenney, who has a wealth of experience in the restaurant industry. He has worked and managed in the food and alcohol service industry for about 25 years. His experience comes from working at T.G.I. Friday, Rock Bottom Brewery, Cuzzy's Bar & Grill, and Hennepin Theatre Trust. He has also owned and operated Down Under Liquor Store in Circle Pines. He has been operating Eli's Food & Cocktails in downtown Minneapolis since 2005. Eli's Food & Cocktails does not have a violation history with Licenses and Consumer Services.

POLICE LICENSING REVIEW

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.

PREMISES

The premises will be on two levels. The main level is approximately 2900 square feet. This area consists of a dining room that has seating for approximately 70 people at tables and booths. There is also a bar area that seats ten people. The rest of the space consists of a kitchen, cooler, and restrooms. The lower level is approximately 1458 square feet. This area consists of coolers, storage, office, locker room, and preparation area. The licensed premises are compact and contiguous.

An outdoor patio is proposed for this establishment. There will be seating for 46 people at tables and chairs with a small lounge area that seats eight people in front of a fire pit.

The establishment will go through a full renovation before opening. Minneapolis Development Review will have appropriate staff perform inspections of the buildouts/remodel to assure public health and safety.

BUSINESS PLAN/OPERATIONS

Staff at Eli's East Food and Cocktails will contract with Alcohol Compliance Services (ACS) to conduct the initial alcohol compliance training for staff. This training will be provided annually either on-site or at a qualified off-site training facility. New employees shall be trained by management staff using materials obtained during these training sessions. All employees will card those patrons who look under the age of 35.

Staff will be vigilant with carding and monitoring liquor consumption. Management and staff will be trained in the basic principles of establishment security and our expected protocols for handling security-related issues. Their security plan will remain fluid to reflect the needs of the establishment.

Entertainment will be background music. There exists the potential for live entertainment at special occasions, at which time they will apply for a temporary expansion of liquor license.

The menu offers a large variety of appetizers, sandwiches, salads, and main courses like; chicken wings of varying flavors, brie and roasted piquillo pepper burger, Cuban sandwiches, seafood lasagnette pasta, steaks, tater tot hot dish, and pan seared yellow fin tuna ranging in price from \$4 to \$35.

Litter removal will be performed by staff members to keep property clean and free of litter three times a day.

All noise-related complaints and concerns will be handled by the general manager or supervisory-level staff on duty at the time of the complaint. It is the intent of the applicant to comply with all noise-related ordinances and to be a good neighbor to the surrounding community. The following paragraph's are quoted directly from Eli's East's business plan regarding noise abatement: "One of our primary goals at Eli's East is to be a good neighbor and contributor to our community. Our history with our downtown restaurant is a strong testament to that and speaks for itself. We are responsible operators and commit to continue to be responsible wherever we choose to operate.

All of our staff is and will be continually trained to maintain and monitor behavior and sound levels, both indoors and outdoors, for a comfortable atmosphere for the neighborhood as well as fellow patrons. This training will be included in new hire procedures as well as, but not limited to, pre - shift meetings. Employees are trained to report any noise or behavior issues to management as soon as possible.

Prerecorded music (or radio) will be maintained at a conversational/ambient level in the outdoor area; our goal is to maintain the music level reaching neighboring residential properties at or below 50dB at all times. Patron level of noise will be monitored as well. Any unruly or excessively loud patron will be asked to quiet down and/ or to leave if they choose not to comply. On-duty management will also personally monitor these levels at a minimum of every half hour during dinner and evening hours of outdoor area operation and as needed.

Eli's East will post signs in the outdoor area reminding patrons to be courteous and respectful to the neighborhood and leave peacefully.

All outdoor speakers will be oriented away from residential properties. We intend to consult with our sound engineers and employ measures to maximize sound absorption in the outdoor area of our premises and minimize noise refraction. We will constantly monitor and adjust as

necessary to maintain harmony in the community. We will also look into the viability of having a self regulating sound monitors to account for the differences in recording levels to maintain a consistent volume of 50db or less. Built-in features in our outdoor area, such as the 3 ½ foot wooden fence and attached planter box system will lend to the absorption of sound. Plantings in the planter box system, such as native prairie grasses will serve to further absorb noise from our patio as well as protect our customers from unwanted exterior noise.

Eli's East agrees not to knowingly accept patrons from party buses (defined as vehicles holding 20 or more persons where alcohol consumption is promoted and encouraged within the vehicle) and from pedal pubs. We will, however, encourage safe transportation of larger groups via limos, buses, taxis and various designated driver programs. This will reduce the number of patrons in individual cars and thus reduce vehicular and associated noise and traffic.

Any complaints of noise levels from the community will be taken very seriously. We are committed to working very hard to accommodate and resolve any issues.”

There will be no charitable gambling, or team sponsorships.

PUBLIC HEARING SUMMARY

Four written responses were received about this application prior to the public hearing. Four people from the immediate neighborhood attended the public hearing on August 11, 2011. Three of the written responses fully support the application. The fourth written response supports the establishment, but not the outdoor patio. All of the four people that attended the public hearing were in support of the application, but voiced concerns about patron noise on the patio. Council Member Hofstede attended the public hearing as well and had concerns about party buses and pedal pubs in the area.

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 needed. All concerns have been addressed by the business plan.