

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

Purpose of Application: Five Guys Burgers and Fries is requesting to extend their business's hours of operation to the following:

Sunday - Wednesday, to operate until 11:00 p.m.

Thursday - Saturday, to operate until 3:00 a.m.

Applicant's Name (Legal Entity): B & B of Dinkytown, LLC

DBA/Trade Name: Five Guys Burgers and Fries

Complete Address: 1413 4th Street Southeast, Minneapolis, MN 55414

Telephone Number: 612-355-5500

Current License: The applicant has held a Food Restaurant license at this location since October, 2010.

Zoning: C1 Neighborhood Commercial District

Current Authorized Hours: Sunday - Thursday, from 6:00 a.m. to 10:00 p.m.

Friday - Saturday, from 6:00 a.m. to 11:00 p.m.

Neighborhood/Ward: Marcy-Holmes/3

Date of Application: April 13, 2011

Inspector: Michele Olds, 612-673-5484

Public Hearing Requirement: A public hearing is required for this license application. Approximately 50 notices were mailed to residents and property owners within 300 feet of the premises, and emailed to the Marcy-Holmes Neighborhood Association and Southeast Business Association on April 25, 2011. The public hearing will be held on May 16, 2011 at the Regulatory, Energy and Environment Committee meeting.

Background: The applicant proposes to extend the hours of operation for their sit-down restaurant and for carry-out service. The restaurant does not serve alcoholic beverages. The applicant has been operating with a Food Restaurant License without complaints.

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:

They currently have a multi camera security system that records the activity in many locations throughout the establishment. They intend to hire a uniformed off-duty police officer or a uniformed third party security guard visible in the store from 11:00 p.m. to 3:00 a.m. during the periods of time in which we will be maintaining extended hours.

Second Precinct Police Department added requirements for the licensee as follows: The licensee shall provide sufficient staff devoted exclusively to security-related duties to protect the well-being and safety of patrons, employees and the general public. The security staff shall be distinctly clothed to make their appearance and function easily recognizable. The licensee shall designate an employee as head of the security staff. The designated employee may be the on-site manager. The licensee shall provide a plan that discusses how they will prevent over occupancy of their establishment. The licensee shall provide a mobile phone number to the appropriate Police Precinct for prompt communication in the event of a disturbance. Security staff shall be utilized to ensure that patrons who have exited the premises and others do not loiter on the public sidewalk or the licensee's parking areas. The licensee shall compile, maintain and enforce a "do not admit" list to prevent reoccurrence of disturbances by known persons. This list shall be shared with Minneapolis Regulatory Services and the Minneapolis Police Department upon request. Upon request, the licensee shall meet representatives of the City of Minneapolis to discuss any safety, security or operational concerns. The lines outside the establishment must be monitored and kept orderly and controlled. Drunk or unruly patrons in line must be ejected.

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

Staff performs hourly surveys and inspections of the exterior perimeter of the property and adjacent properties to identify and pick up waste improperly discarded by their customers and others. There has not been a history of noise issues at this establishment. If there are, management will make sure that the noise level is kept to a minimum.

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:

There is a front door and a back door in the establishment in case of emergency. Staff will let customers know that they are closing and need to leave soon at least ten minutes in advance of closing.

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

Staff meetings will be held to update staff on changes in policies, procedures and incident updates.

**Proximity to permitted or conditional residential uses.
Nature of the business and its impacts of noise, light and traffic.**

There is residentially zoned district approximately 300 feet behind this establishment.

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

The existing business is categorized as a sit-down restaurant which is a permitted use in the C1 district.

History of complaints related to the use.

There are no significant police calls for service at this location. Licenses and Consumer Services records show that there have been no violations at this establishment.

RECOMMENDATIONS (pending public hearing):

The Licenses and Consumer Services Division make the following recommendation regarding this application to extend hours:

Grant the license applicant the following Extended Hours:

Sunday - Wednesday, no earlier than 6:00 a.m. to operate until 11:00 p.m.

Thursday - Saturday, no earlier than 6:00 a.m. to operate until 3:00 a.m.

This establishment located within a commercial district with similar uses and hours of operation nearby.

This is an annually reviewed license. These hours will be reviewed at the next license renewal period.