

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

License Number: L190-50225 **Police File Number:** F.13702

Date of Application: May 28, 2015

Inspector: Nicole Anderson

Applicant/Legal Entity: Lush Enterprises, LLC

DBA/Trade Name: Lush

Complete Address: 990 Central Avenue NE, Minneapolis, MN 55413

Licenses Requested: On-Sale Liquor with Sunday Sales, Class B

Purpose of Application: New Proprietor

Responsible person within 75 miles of Minneapolis City Hall: Brian Johnston

Public Hearing Requirement: Not required

Neighborhood/Ward: Marcy Holmes / 03

License Conditions: None

Zoning: I2/UA— This is a permitted use in the Medium Industrial / University Area Overlay District

7 acre requirement: Met

Off-Street Parking: The Office of the Zoning Administrator has determined that there is no change in business operations from the previous establishment so there will be no change in requirement. It was previously determined that 26 spaces are required. This parking requirement will be met by having off-street parking at 455 Harrison Street NE, Minneapolis, MN 55413

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

Seating: Inside: 82 Seats Outside: 54

Fire Occupancy: Inside: 294 Maximum Capacity Outside: 125

Food Service Requirement: This establishment will operate as a restaurant and have a full food menu up until one hour prior to closing.

Hours of operation proposed: Inside: 4:00pm to 2:00am Monday–Friday
10:00am to 2:00am Saturday–Sunday

Outside: 4:00pm to 2:00am Monday–Friday
10:00am to 2:00am Saturday–Sunday

Metropolitan Council Service Availability Charges: Not required.

HISTORY OF LOCATION

This location previously operated as Lush, under a different entity and owner, with an On-Sale Liquor with Sunday Sales, Class B license since 2009. Prior to that, this location was Healy Spring Company, a large truck repair shop.

APPLICANT

The applicant is Lush Enterprises, LLC, a Minnesota company formed on March 10, 2015, under Chapter 322B (File Number 816211100020), having the required restriction on the transfer of shares and having the following shareholders and officers:

<u>Name</u>	<u>Date of Birth</u>	<u>Title</u>	<u>Ownership</u>
Kenneth J. Darling	09/24/1964	President, CEO	100%

MANAGER

Lush will be managed by Brian Johnston. Mr. Johnston has nine years of experience in managing and operating alcohol establishments along with several years of marketing and managing several other types of business such as mortgage and bank companies.

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

PREMISES

The business will occupy the main street level building at 990 Central Ave NE. The premises occupy approximately 3,000 square feet for business use inside and 1,118 square feet total for the outdoor area. 2,548 square feet will be for customer use inside and 968 square feet for customer use on the patio. The occupancy load is 294 inside and 125 on the patio. The interior seating will consist of 82 seats, with 22 of those seats being at a bar where food and menus will also be available. The outdoor patio will consist of seating for 54 patrons and an area for smokers that will accommodate a maximum of 20 people on the side of the outdoor patio. The rest of the establishment

consists of a kitchen, coolers, storage areas and rest rooms. There is a second floor space in the establishment that will be used by the entertainers at the restaurant. The licensed premises space is compact and contiguous. There are no undefined spaces.

BUSINESS PLAN/OPERATIONS

Lush will be a richly decorated establishment. The restaurant will serve to a gay/mixed clientele and the menu will include American cuisine served during all hours of operation up until one hour prior to closing.

All employees will complete alcohol compliance training provided through the online ServSafe Alcohol Training and Certification program. This course will cover alcohol laws and responsibilities, recognizing and preventing intoxication, checking identification, and handling difficult situations. Lush will not utilize an electronic identification device at this time. Their policy is to ID every patron; after 9:00pm patrons will be carded at the entry by security personnel. They will have a cash reward program for I.D. stings and will set up an in-house program to check staff and promote a consistent uniform habit.

The hours of operation for Lush will be Monday through Friday 4:00pm to 2:00am and Saturday and Sunday 10:00am to 2:00am inside the establishment and for the outdoor patio.

Lush is applying for a Class "B" Liquor License which permits music and singing by any number of performers, dancing, customer singing, and a deejay. Lush will offer music videos during most hours of operation, music via a deejay Thursday to Saturday nights between 10:00pm to 2:00am; they will offer karaoke one night a week from 9:00pm until 12:00 midnight and have lounge or piano singers during happy hour times, which is 4:00pm to 7:00pm, on various nights. They may have special events that will include music by five or fewer musicians and singers in "drag" on the inside of the establishment along with some special events that will showcase visual performances by go-go dancers, acrobats or similar with proper City licensing.

Noise will be managed through speaker location and sound engineering, to minimize any sound transfer to the exterior. Music will be turned down at closing, 2:00am and completely turned off at 2:15am. Sound will be monitored by a decibel meter mounted on the deejay booth which is in the center of the establishment where sound will be loudest; management and security will also have decibel readers to monitor and assure it does not go over the allowed levels in all areas of the business. Outdoor speakers will be small and aimed in a manner that minimizes sound at the perimeters and will be low frequency. Outdoor music will be turned off at 10:00pm. Most outdoor seating is under canopies or behind canopy walls which will help absorb noise along with the landscaping that can do the same to reduce sound vibrations. Staff expectations of noise will be taught to respect all neighbors and all complaints will be handled seriously and immediately to rectify any issues.

Charitable gambling will consist of bingo type games on Saturdays from 2:00pm until 5:00pm and benefits the Aliveness Project. The gambling manager is Jenny Gunderson.

Lush will have two photo booths for amusement devices.

Lush will sponsor teams from the local softball league by hosting fundraiser events.

Lush has great pride in being a part of the community and work hard to maintain a safe place and partner with the neighborhood to make it a better place for all to enjoy.

PUBLIC HEARING

Not required.

RECOMMENDATION

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

LICENSE CONDITIONS

None

