

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

**License Number:** L190-50225

**Police File Number:** F.13702

**Date of Application:** October 16, 2015

**Inspector:** Beth Roberts

**Applicant/Legal Entity:** LUSH Enterprises, LLC

**DBA/Trade Name:** LUSH

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

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

**License(s) Requested:** On- Sale Liquor with Sunday Sales, Class A

**Current License at Location:** On-Sale Liquor with Sunday Sale, Class B

**License History of Location:** LUSH has held an On-Sale Liquor with Sunday Sales, Class B license at this location since 2009.

**Purpose of Application:** To Upgrade to an On-Sale Liquor with Sunday Sales, Class A and to permanently expand the premises with a stage for live entertainment.

**Public Hearing Required:** Yes

**License Conditions:** None

**Neighborhood/Ward:** Marcy Holmes/3

**Zoning:** I-2/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 there will be no change to the 26 required spaces. This parking requirement has been met by having off-street parking at 455 Harrison Street NE and 1026 Central Avenue NE, Minneapolis, MN 55413.

**Seating:** Interior: 100 Exterior: 54

Total Square feet: 4,000  
Bar area (stage, dance floor, entertainment area): 1,000

**Fire Occupancy:** Interior: 315  
Maximum Capacity of Exterior: 125

**Food Service Requirement:** This establishment will operate as a restaurant and have a full food menu up until one hour prior to closing.  
Health Risk: 1/Low

**Alcohol Server Training:**

Alcohol Service Training will be provided online by ServSafe Alcohol Training and Certification. All existing employees have been required to take the course and pass the related test in 7 days. New employees will be required to do the same. Each employee will be required to recertify annually.

**Hours of Operation Proposed:** Interior: 4:00pm to 2:00am Monday-Friday  
10:00am to 2:00am Saturday - Sunday  
Exterior: 4:00pm to 2:00am Monday-Friday  
10:00am to 2:00am Saturday-Sunday  
Hours of Food Service: All hours of operation

Reduced Menu Hours: One hour prior to closing

**Metropolitan Council Service Availability Charges:** None.

**History of the 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. In May 2015 a transfer of ownership was made to Kenneth J. Darling who is currently the President, CEO. 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:

<b>Name</b>	<b>Title</b>	<b>Shares</b>
Kenneth J. Darling	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 checks. 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 4,000 square feet for business use inside and 1,118 square feet total for the outdoor area. 3,548 square feet will be for customer use inside and 968 square feet for customer use on the patio. The occupancy load is 315 inside and 125 on the patio. The interior seating will consist of 100 seats, with 22 seats 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 restaurant 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 desires to be known as an upscale bar, restaurant and event space. The goal is to create a welcoming and fun atmosphere that will serve to a gay/mixed clientele. 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.

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

LUSH is applying for a Class A Liquor License which permits music and singing by any number of performers, dancing, customer singing, and a disc jockey (DJ). LUSH will offer music videos during most hours of operation, music via a DJ Thursday to Saturday nights between 10:00pm to 2:00am. Karaoke will be offered 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. Entertainment in the newly expanded stage area will host musicians, female impersonators and burlesque shows. There will be no nudity, as is defined in Chapter 549.340 of the MCO, at any time during any of the entertainment. Operating as an adult entertainment center is not permitted in this zoning district.

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. 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 helps to reduce sound vibrations. Staff will be taught to handle all noise complaints seriously and to immediately rectify any issues.

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

LUSH will have two photo booths for amusement devices.

LUSH will sponsor teams from the local softball league by hosting fundraisers.

LUSH has great pride in being a part of the community and will work to maintain a safe establishment. LUSH wants to be an asset to the neighborhood providing enjoyment to all.

**Public Hearing Summary:**

120 Public Hearing Notices were mailed to property owners and residents within 600 feet of the main door of the establishment on October 29, 2015 and emailed to Council Member Jacob Frey and the Marcy Holmes Neighborhood Association on October 28, 2015. The Public Hearing will be held on November 10, 2015 at the Community Development and Regulatory Services Committee meeting.

**RECOMMENDATION:**

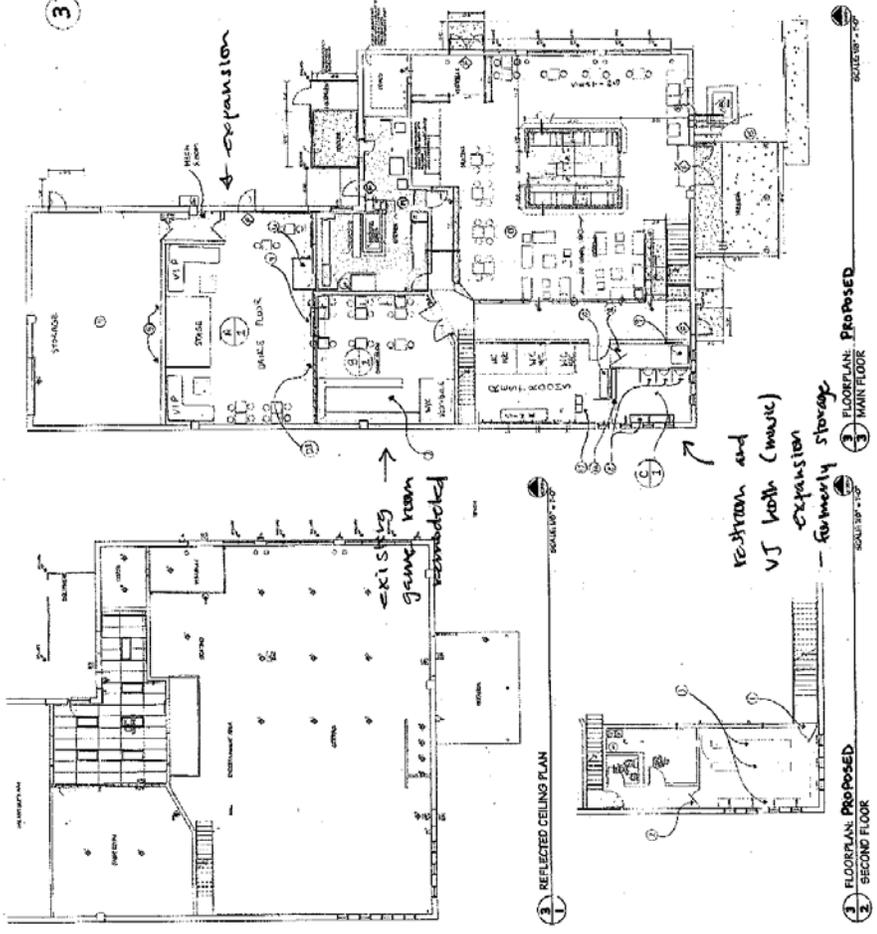
The Licenses and Consumer Services Division recommends approving this application for On-Sale Liquor with Sunday Sales, Class A license.

**License Conditions:**

None.

**See Diagram on the next page:**

3 PROPOSED ADDITIONS



- 1 DEMONSTRATING WALL / REMOVE TO 12" BELOW BAR TRUSS AND CAP
- 2 REMOVE AND REBUILD / RECONSTRUCT FOR STAGE AND LIT. & SOUN.
- 3 DEMONSTRATE CONCRETE DIRT FOR STAGE
- 4 RECONSTRUCT FOR STAGE
- 5 REMOVE CONCRETE TO BE REPAIRED
- 6 REMOVE WALL TO ROOM
- 7 NEW 2" BATH AREA
- 8 NEW RESTROOM
- 9 NEW RESTROOM
- 10 NEW RESTROOM
- 11 NEW RESTROOM
- 12 NEW RESTROOM
- 13 NEW RESTROOM
- 14 NEW RESTROOM
- 15 NEW RESTROOM
- 16 NEW RESTROOM
- 17 NEW RESTROOM
- 18 NEW RESTROOM
- 19 NEW RESTROOM
- 20 NEW RESTROOM
- 21 NEW RESTROOM
- 22 NEW RESTROOM
- 23 NEW RESTROOM
- 24 NEW RESTROOM
- 25 NEW RESTROOM
- 26 NEW RESTROOM
- 27 NEW RESTROOM
- 28 NEW RESTROOM
- 29 NEW RESTROOM
- 30 NEW RESTROOM
- 31 NEW RESTROOM
- 32 NEW RESTROOM
- 33 NEW RESTROOM
- 34 NEW RESTROOM
- 35 NEW RESTROOM
- 36 NEW RESTROOM
- 37 NEW RESTROOM
- 38 NEW RESTROOM
- 39 NEW RESTROOM
- 40 NEW RESTROOM
- 41 NEW RESTROOM
- 42 NEW RESTROOM
- 43 NEW RESTROOM
- 44 NEW RESTROOM
- 45 NEW RESTROOM
- 46 NEW RESTROOM
- 47 NEW RESTROOM
- 48 NEW RESTROOM
- 49 NEW RESTROOM
- 50 NEW RESTROOM
- 51 NEW RESTROOM
- 52 NEW RESTROOM
- 53 NEW RESTROOM
- 54 NEW RESTROOM
- 55 NEW RESTROOM
- 56 NEW RESTROOM
- 57 NEW RESTROOM
- 58 NEW RESTROOM
- 59 NEW RESTROOM
- 60 NEW RESTROOM
- 61 NEW RESTROOM
- 62 NEW RESTROOM
- 63 NEW RESTROOM
- 64 NEW RESTROOM
- 65 NEW RESTROOM
- 66 NEW RESTROOM
- 67 NEW RESTROOM
- 68 NEW RESTROOM
- 69 NEW RESTROOM
- 70 NEW RESTROOM
- 71 NEW RESTROOM
- 72 NEW RESTROOM
- 73 NEW RESTROOM
- 74 NEW RESTROOM
- 75 NEW RESTROOM
- 76 NEW RESTROOM
- 77 NEW RESTROOM
- 78 NEW RESTROOM
- 79 NEW RESTROOM
- 80 NEW RESTROOM
- 81 NEW RESTROOM
- 82 NEW RESTROOM
- 83 NEW RESTROOM
- 84 NEW RESTROOM
- 85 NEW RESTROOM
- 86 NEW RESTROOM
- 87 NEW RESTROOM
- 88 NEW RESTROOM
- 89 NEW RESTROOM
- 90 NEW RESTROOM
- 91 NEW RESTROOM
- 92 NEW RESTROOM
- 93 NEW RESTROOM
- 94 NEW RESTROOM
- 95 NEW RESTROOM
- 96 NEW RESTROOM
- 97 NEW RESTROOM
- 98 NEW RESTROOM
- 99 NEW RESTROOM
- 100 NEW RESTROOM

1 FLOOR PLAN PROPOSED SECOND FLOOR  
 2 FLOOR PLAN PROPOSED MAIN FLOOR  
 3 FLOOR PLAN PROPOSED