

LICENSE HEARING MINUTES
Obb's Sports Bar & Grill, 1347 Burns Avenue
Thursday, August 2, 2012, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:10 p.m.

Staff Present: Larry Zangs, Department of Safety and Inspections (DSI)

Applicant: Jim Johnsen, owner/applicant

Obb's Sports Bar & Grill: Expand the liquor outdoor service area patio seating to the west of the building (approximately 25' x 25' in size), and build an addition onto the north side of the building approximately 2,000 square feet in size (where the current outdoor patio seating area is located) to expand the indoor liquor service area for an establishment with the following existing licenses: Liquor On Sale – 181-290 Seats, Liquor On Sale – Sunday, Liquor-Outdoor Service Area (Patio), Restaurant (5) – 151 and Over, Restaurant (D) – Add-on (Bar Only), Entertainment (B), Gambling Location, and Cigarette/Tobacco licenses

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received one (1) letter of concern which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Zangs stated that the application request is to expand the liquor service area to a patio on the west side of the building. The application also included a request to expand the north side of the building by approximately 2,000 to 2,800 square feet. The request to expand the patio and the addition of the parking lot has gone through site plan review and has been approved. The addition to the building will require site plan review once those plans are finally in place. Staff recommended approval of the expansion of the liquor service area of the patio without any conditions. In reviewing the parking requirements, it was determined that 36 spaces were required which also included the number of spaces which would be required for any future expansion of the building. The approved plan was to provide 46 parking spaces in the new parking lot which was currently under construction; this also included handicapped parking and a bike rack for parking bicycles. Concerning the future expansion of the building, since Mr. Johnsen did not have any formal plans to date, any renderings would be subject to site plan review and approval by staff before he could proceed. As such, he would not be required to go through any further neighborhood notification process.

Mr. Johnsen explained the site plan to Ms. Vang. At this point, he did not have specific plans on when he intended to build the addition to the building. It was his understanding that he had up to three years to complete the addition in order to meet the legal non-conforming parking requirements.

Ms. Vang asked Mr. Johnsen to explain the parking lot design. Mr. Johnson explained his plans to curb the lot to include a fence around the perimeter, add pillar lighting, and to landscape the area. Ms. Vang asked about the patio and whether he intended to continue utilizing the current patio area as a patio. Mr. Johnsen responded that he intended to use both spaces as patios. Currently, he had nine tables with the addition of possibly three more tables and would possibly use one patio area for smoking and the other area for non-smoking. The plans to expand the building were to accommodate handicapped patrons as the current layout made it difficult, at best, for anyone with a disability to maneuver the restaurant and restroom areas.

Ms. Vang reviewed the photographs submitted for the record. Mr. Johnsen explained the photos and which residential properties he owned, four homes, and where Ms. Larson's residence was in relation to the restaurant. It was his opinion that Ms. Larson may be impacted somewhat by noise from patrons utilizing the parking lot; however, he believed her residence was far enough removed from the patio and restaurant to be affected by any significant noise. He explained that the restaurant closed at 10 p.m. with most patrons leaving shortly thereafter.

Ms. Vang asked Mr. Johnsen about his hours of operation. Mr. Johnsen responded that during the week, they opened at 11 a.m. for lunch and closed at midnight. On Friday and Saturday nights, they were opened until 1 a.m. and opened for breakfast at 8 a.m. on Saturday and Sunday. He said that during the work week, they generally did not have many patrons past 11 p.m.

Ms. Vang read the email of concern received from Nancy Larson, 271 Clarence Street. A copy of said email is made a part of this record. Ms. Vang stated that according to Ms. Larson, her main concerns were with traffic and noise; people will tailgate in the parking lot. She did not support the expansion of the business.

Mr. Johnsen stated that he had reviewed the concerns expressed by Ms. Larson and responded that Obb's was not an establishment that attracted a motorcycle crowd and he did not believe tailgating in the new parking lot would be an issue. Patrons came to eat, drink and then went home. He acknowledged that people did carry on conversations when they dispersed from his establishment but generally people did not linger for very long. The patio area had gates so that after a certain time, people could not enter the restaurant/bar through the patio. He also planned to have gates at the parking lot that once all vehicles were gone for the evening, the gates could be closed and locked to deter anyone who may want to gather in the lot after hours. He did have video cameras placed inside and outside the establishment and he intended to expand the use of video cameras to the parking lot to monitor activity. Regarding the assertion that parking was difficult on 'sports nights,' he did not sponsor any sports nights but rather offered fish fries on Friday nights during the Lenten season which tended to attract a larger crowd. He believed that with the addition of the new parking lot, parking on neighboring streets would be significantly reduced.

Ms. Vang suggested that Mr. Johnsen consider putting up signs on the interior and exterior of his building reminding patrons to be respectful of noise when leaving the establishment given they were in a residential neighborhood.

Ms. Vang also read into the record letters of support submitted by Jason Depaul, 247 Point Douglas Road; Terry Golden, 1365 Burns Avenue; Tom Mikesh, 279 Clarence Street; and Lori Trosdahl, 260 Clarence Street. There was also one letter from Joanie Manke-Senne. Copies of said letters are made a part of this record. Mr. Johnsen responded that Ms. Manke-Senne was a tenant at 1325 Burns Avenue and it was his information that she was moving out.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license without any conditions.

The hearing adjourned at 3:00 p.m.

Submitted by: Vicki Sheffer