

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

License Number: L247-50399 **Police File Number:** 13415

Date of Application: June 28, 2013

Inspector: Nicole Anderson, 612-673-2627

Applicant/Legal Entity: My Burger Operations, LLC

DBA/Trade Name: My Burger

Complete Address: 213 Oak Street SE, Minneapolis, MN 55414

Licenses Requested: On-Sale Wine with Strong Beer, Class E, and 2 AM

Current License: None

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

Public Hearing Requirement: Required

Neighborhood/Ward: Prospect Park-East River Road/02

License Conditions: None

Zoning: C1/PO/UA – This is a permitted use in the Neighborhood Commercial District/Pedestrian Oriented Overlay District/University Area Overlay District.

7 acre requirement: Met

Off-Street Parking: The Office of the Zoning Administrator has determined that zero spaces are required to be provided on site.

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

Seating: Inside: 64 Seats Outside: N/A

Fire Occupancy: Inside: 99 Maximum Capacity Outside: N/A

Food Service Requirement: The applicant is within 500 feet of a residentially zoned district and is required to operate as a restaurant subject to the 60/40 ratio of food to alcohol sales. No more than 40% of gross annual sales may be from alcohol.

Hours of operation proposed: Inside: 10:00 AM to 2:00 AM daily
Outside: N/A

Metropolitan Council Service Availability Charges: Seven SAC charges. The SAC charges were paid on March 29, 2013.

HISTORY OF LOCATION

This building is being renovated for restaurant use. This space was previously held Oak Street Textbooks from 2005 until about 2012. From 2001 until 2005 this space housed Campus Bikes, a bike rental shop.

APPLICANT

The applicant is My Burger Operations, LLC, DBA, My Burger. It was incorporated under Charter Number 4171228-2 under Chapter 322B on February 7, 2011. The applicant has provided documentation showing adequate, legal, and traceable funding for this venture. They have the required restriction on the transfer of shares and have the following shareholders and officers:

<u>Name</u>	<u>Date of Birth</u>	<u>Title</u>	<u>Ownership</u>
My Burger USA, Inc.	N/A	Sole Member	100%
Lawrence W. Abdo	11/13/1946	Governor, Chairman	0%
John L. Abdo	07/23/1983	President, Treasurer	0%
Paul M. Abdo	10/04/1978	Governor, Vice President	0%

MANAGER

My Burger will be managed by John Abdo. Mr. Abdo is currently the Manager/Partner of the family owned business, My Burger at 3100 Excelsior Boulevard and 601 Marquette Avenue. He also has retail marketing experience and management experience with other area businesses.

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

My Burger will be a full service, sit-down restaurant. The business will occupy the main street level building at 213 Oak Street Southeast. The entire premises occupy approximately 2,242 square feet. The fire code occupancy is 99. The interior seating will consist of 64 seats, with 11 of those seats being table and counter seating. The rest

of the establishment consists of a kitchen, coolers, storage areas and rest rooms. The licensed premises space is compact and contiguous. There are no undefined spaces. There is no outdoor area planned at this time.

BUSINESS PLAN/OPERATIONS

My Burger is a family owned and operated business. My Burger currently operates at 601 Marquette Avenue and 3100 Excelsior Blvd, this location currently holds an on-Sale Wine, Class E license in good standing. The restaurant will feature fresh, quality food and will have a homemade appeal. Their goal is to be a neighborhood burger place for all who work, live, and enjoy recreation near the business. The menu will feature 100% Angus beef hamburgers and a variety of other items. My burger will offer wine and beer as a compliment to the dining experience. Proposed business hours will be 10:00 AM to 2:00 AM daily.

They are required to have a 60/40 food to alcohol ratio. All employees will complete alcohol compliance training provided by Enhanced Alcohol Risk Management (e ARM) on an annual basis. A card reader will be used to check identification and will be available at each point of sale unit. My Burger's policy is to card everyone. They will have a discipline policy for alcohol servers which will include retraining for first time violations, and termination for subsequent violations, and willful violations. Self-audits will be conducted at random. My Burger anticipates their security needs to be nominal but will consider hiring security if line management or criminal activity become an issue. Management and staff are trained in the basic principles of establishment security and have expected protocols for handling security related issues. All staff has been trained not to admit or serve intoxicated persons. Staff is responsible for ensuring guests and other people do not loiter on the public sidewalk outside the premises. The exterior premise is well lit and security cameras have been installed to cover all entrances, exits, and full coverage of the customer area inside. Surveillance will be provided upon request to local agencies. The Class "E" Liquor License does not permit live entertainment and they will not have speakers outside. They will not offer charitable gambling, mechanical amusement devices, and they will not host any sporting events or teams as part of their business plan.

PUBLIC HEARING SUMMARY

A public hearing is required for this license application. 25 notices were mailed to residents and property owners, mostly commercial space, within 600 feet of the premises on July 5, 2013. An electronic notice was emailed to Council Member Cam Gordon, the Prospect Park-East River Road Association, and the Stadium Village Commercial Association July 5, 2013. Four multi-residential buildings were posted, as well. The public hearing will be held on July 16, 2013 at 6:30 PM at the Luxton Park Recreation Center.

RECOMMENDATION

The Licenses and Consumer Services Division recommends approving this application for an On-Sale Wine with Strong Beer, Class E license, and 2 AM.

LICENSE CONDITIONS

None.