

MEMORANDUM

To: Mr. Don Johnson, City Manager

From: Gordon Young, Deputy Chief of Police

Cc: Corrigan O'Donohue, Chief of Police *CPD*

Date: 2/13/2013

Re: CHANGE IN THE PLAN OF OPERATION FOR BURGRZ

Burgrz, located at 410 S. Main St., has requested to change their plan of operation.

Changes:

- May remain open for business until 3:00 a.m.
- Alcohol will not be consumed after midnight.
- All alcoholic containers (i.e. bottles/cans) will be removed from patron tables at midnight.

The format will not change and the patron seating will not change (61 interior and 12 exterior). Burgrz is a well run establishment with no significant calls for police service. Over the past thirteen months, this department responded to six (6) calls-for-service. None were related to the service of alcohol. The Royal Oak Police Department does not object to any of the requested changes in the Plan of Operation for Burgrz.

Approval for this change in the Plan of Operation is subject to the approval or denial of the Royal Oak City Commission.

Respectfully,



Gordon Young
Deputy Chief of Staff Services
Royal Oak Police Department

BURGRZ RESTAURANT
PLAN OF OPERATION

Second Amendment on February 4th, 2013

Business Name: Burgrz Royal Oak, Inc.
Doing Business as: Burgrz Restaurant
Address: 410 S. Main St.
Royal Oak, MI 48067
Phone 248-543-4900

PREAMBLE: We have received a copy of Royal Oak City Ordinance 90-3 regulating liquor licenses. Burgrz Royal Oak, Inc. currently holds a "Bistro" Redevelopment Quota Class C Liquor License, which was downgraded to a Tavern license to sell beer and wine only, an Official Food Permit, and an Outdoor Service Permit for the approved outdoor service area. Burgrz has been doing business as Burgrz Restaurant at this location since May of 2011. The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

HOURS OF OPERATION: Our hours of operation will be 11:00 A.M. to 03:00 A.M. Last call will be at 11:30 P.M., with last service at 11:40 P.M. Alcohol will not be consumed on premises after midnight. Also, at midnight, all alcoholic containers (i.e. bottles and cans) will be removed from indoor/outdoor patron tables.

FORMAT: Burgrz is a full service restaurant owned and operated by four brothers: Michael A. Ansara, Anthony R. Ansara, Victor L. Ansara, Jr. and Nicolas L.E. Ansara. Burgrz is a casual restaurant specializing in burgers, fries, salads and other offerings. The premises is operated as a full-service restaurant, with a full-service kitchen facility providing for 61 patrons, with an additional 12 seats in the outdoor service area. There will be no bar. Beer and wine will be served in bottles, cans, and glasses. The restaurant will not serve draft beer. There is no entertainment or dancing at this restaurant. Burgrz has been in operation as a full-service restaurant since May of 2011 in Royal Oak and since July of 2010 in Rochester Hills at 3204 Walton Blvd. We have invested \$395,400 in this new restaurant.

It is agreed that we will not change the format or type of business without written approval of the City Commission. This includes changing from a full-service restaurant to a bar where food service is reduced. The ratio of food sales to alcohol sales is approximately 80% food 20% beer and wine. The interior seating area is 1,000 – 1,200 square feet.

CODE COMPLIANCE: The premises comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes as well as zoning requirements. There is an approved outdoor service area for 12 patrons. This area will operate in accordance with and consistent with all city policies, practices and procedures regulating outdoor service, including, but not limited to:

including, but not limited to:

- a. The Outdoor Service Area will not be permanently enclosed
- b. The fence and/or other barricades or rail surrounding the Outdoor Service Area is anchored in accordance with the Uniform Engineering Anchoring System as promulgated by the Engineering Department of the City of Royal Oak.
- c. The use of alcohol will be allowed in accordance with the rules of the Michigan Liquor control commission and the City's Ordinances from April 15th to October 15th.
- d. The outdoor Service Area will be maintained throughout the service each day and cleaned at the close of each business day.
- e. Burgrz will pay fees as it has in the past in accordance with the City's Sidewalk Café License Agreement.

PLAN OF OPERATION: It is acknowledged that under Ordinance 2001-06 section 4A, the business shall be operated in accordance with an approved plan of operation. Changing the operation of the business in any manner inconsistent with the approved plan of operation is a violation of the ordinance and the rules of the Liquor Control Commission. Any change to the plan of operation must be approved by the City Commission prior to it being placed into effect on the business premises.

SECURITY: Security for the customers, building and community is the first priority for the corporation, and as such, we will continue to undertake whatever measures are necessary to maintain and supervise the expected level.

PARKING: Parking is provided by public parking spaces and public parking lots and structures. Employees will be instructed to park in parking structures.

ALCOHOL MANAGEMENT: Burgrz Restaurant will strictly obey all the rules and regulations established by the City of Royal Oak and the State of Michigan Liquor Control commission. There will be neither service to nor consumption of alcoholic beverages by minors at any time. No alcoholic beverages will be sold, or permitted to be sold, on a commission basis by any person. Burgrz Restaurant will participate in ServSafe, TIPS, or TAM training programs and will continue such participation in the program or a similarly recognized program approved by the Royal Oak Police Chief. ServSafe, TIPS, or TAM certification shall be provided to the Chief of Police within 35 days of date of hire.

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premises, other than what is dispensed by the establishment.
2. Alcoholic beverages will only be served to seated patrons.
3. All staff will pay attention and be alert to observable clues displayed by an intoxicated individual, such as: impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, etc.

4. All staff will be alert to potential problems at their respective areas at the facility.
5. All staff will be polite and courteous to the intoxicated individual(s) and will be knowledgeable as to when to request assistance from additional facility staff.
6. Patrons who appear to be 30 years of age or younger will be asked to show proper identification. Signage will be posted at serving locations. Patrons must produce proper identification.
 - a. All patrons under 21 years of age, alcohol beverage service will be refused.
 - b. Check "State Seal" and other markings. Check for damage or alterations to identification card.
 - c. Do not return falsified identification cards. Call management immediately.
7. If a patron shows signs of intoxication, staff is to refuse service, politely explain policy, suggest non-alcohol purchase, and/or call for management, if necessary.
8. If a patron is purchasing on behalf of someone else who appears to be **less than 30 years old**, staff is to request to see identification of recipient or contact supervisory personnel who will seek patron(s) out. Staff will refuse service to minors and will inform all parties involved that policy allows for ejection from premises if illegal activity has occurred.
9. Alcoholic beverage dispensing may be restricted to one of the following practices or any combination thereof:
 - a. No sales to intoxicated persons.
 - b. No sales without proper identification.
 - c. Limited alcoholic beverage choices, if necessary.
 - d. When in doubt, do not serve. Call supervisor.
10. Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
11. Staff is to approach any person appearing to be impaired and leaving the event to determine if they are driving. If so, staff is to attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, staff will refer patron(s) to bus or taxi service.
12. Supervisory and management personnel will complete documentation of any alcohol-related incidents at end of event. Information will be disseminated accordingly.
13. We shall provide non-alcoholic beverages to all designated drivers either free or reduced prices.

14. The establishment fully participates in the Techniques in Alcohol Management Program and will continue such participation in that program or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification for all employees shall be provided to the Royal Oak Chief of Police within 35 days of the date of hire.

REFUSE DISPOSAL: Burgrz Restaurant shares a dumpster/compactor with other tenants of the building. This disposal system is located in a locked area of the building and is controlled by the Landlord for which Burgrz Restaurant pays a fee to the Landlord.

GENERAL: Burgrz Restaurant has established positive relationships with adjacent businesses, as well as cooperation with all City departments. Every effort will be made to solve any problems which may arise.

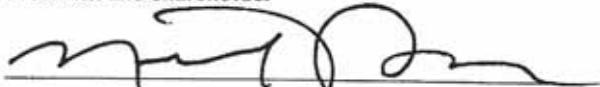
EMERGENCY CONTACTS: Michael A. Ansara (c) 248-941-3755
Anthony R. Ansara (c) 248-941-3651

RESTAURANT HISTORY: The owners/shareholders of the Applicant have been raised in the restaurant business and have worked in restaurants since they were children. Their grandfather and his brother created the Ansara Restaurant Group in 1951. Based in Farmington Hills, the Applicant's shareholder's father, Victor Ansara, Sr. is currently the President and Chief Operating Officer of the Ansara Restaurant Group. The company now owns and operates 5 Big Boy Restaurants in Michigan and at one time owned and operated 18 Big Boy restaurants. They also now own and operate 22 Red Robin Restaurants with 20 in Michigan and 2 in Ohio. They also own and operate several other restaurants in Metropolitan Detroit. They have an excellent record with the Michigan Liquor Control Commission and are well respected in the Michigan restaurant community. They are fully committed to the restaurant industry with Victor Ansara, Sr. a board member of the Michigan Restaurant Association and a member of many other industry groups.

Date: February 7th, 2013

Burgrz Royal Oak, Inc. / Burgrz Restaurant
Corporate Name/Doing Business As

By: Michael A. Ansara
President and shareholder



BURGRZ RESTAURANT
PLAN OF OPERATION
December 13, 2011
Amended on May 8, 2012

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HOURS OF OPERATION: Our planned hours of operation will be 11:00 A.M. to 10:00 P.M. weekly; and 11:00 A.M. to 12:00 Midnight. Friday and Saturday. Last call will be 30 minutes before closing. Last service will be 20 minutes before closing.

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Date: May ____, 2012

Burgrz Royal Oak, Inc. / Burgrz Restaurant
Corporate Name/Doing Business As

By: Michael A. Ansara
President and shareholder



THE CAPACITY OF THIS
ROOM IS LIMITED TO
65 PERSONS

Royal Oak Police Department

Address 410 S. Main

Date Issued 5/18/11

Location/Room Burgrz - Dining Room

Issued By Lt. T. Goad

Lt. T. Goad, Liquor License Coordinator



Corrigan P. O'Donohue

Corrigan P. O'Donohue, Interim Chief of Police

This occupant capacity placard is to be posted in a conspicuous location.



**BURGRZ
410 S. MAIN**

TOTAL CALLS FOR SERVICE – 1/1/2012 –12/31/2012 = 5

<u>DATE</u>	<u>REPORT/D-CARD</u>	<u>COMPLAINT</u>	<u>SYNOPSIS</u>
1/14/2012	12-933R	Larceny	Complainant states that his jacket was stolen from the back room while he was at the restaurant. A large amount of cash was in the jacket and his ID and credit cards.
5/19/2012	12-12590D	Open Alarm	Front door. Resecured the door, no damage inside. No report.
7/28/2012	12-20317D	Unwanted Person	Homeless man with a crutch on patio, refuses to leave. Gone on arrival. No report.
8/17/2012	12-22558D	Open Alarm	Front door. Exterminator on site, no pass code. Cancel per caller.
9/18/2012	12-18/2012	Prisoner Pick Up	Attempted warrant pick up. Subject is no longer employed there. No report.

**BURGRZ
410 S. MAIN**

TOTAL CALLS FOR SERVICE – 1/1/2013 – 1/31/2013 = 1

<u>DATE</u>	<u>REPORT/D-CARD</u>	<u>COMPLAINT</u>	<u>SYNOPSIS</u>
1/22/2013	13-2182D	Open Alarm	Front door, front motion and rear motion. Cancel per alarm company. Employee on site with valid pass code. No report.