

1. Agenda

Documents:

[LIQUOR CONTROL COMMITTEE MEETING AGENDA JULY 10, 2013.PDF](#)

1.I. Memorandum 1

Documents:

[PUBLIC HEARING RIDIN THE RAILS, LLC.PDF](#)

1.II. Memorandum 2

Documents:

[CHANGE IN THE PLAN OF OPERATION FOR CANTINA DIABLOS.PDF](#)

1.III. Memorandum 3

Documents:

[LILYS REQUEST TO CHANGE PLAN OF OPERATION.PDF](#)

1.IV. Memorandum 4

Documents:

[CAFE MUSE REQUEST TO CHANGE PLAN OF OPERATION.PDF](#)

1.V. Memorandum 5

Documents:

[JUNE 2013 TRANSACTIONS AND SUMMARY REPORT.PDF](#)

LIQUOR CONTROL COMMITTEE
July 10, 2013
4:00PM
Commission Chambers
Royal Oak City Hall, Room 315
211 Williams Street, Royal Oak, MI 48067

1. Call to Order
2. Public Comment
3. Approval of Minutes – April 17, 2013 Meeting
4. Public Hearings
 - A. Ridin' the Rails, L.L.C. (Iron Horse Royal Oak) requests a new Redevelopment District Class C License to be issued under MCL 436.1521a with Sunday Sales Permit (A.M./P.M.); Specific Purpose Permit (food); Catering Permit and SMD liquor license, to be located at 316 West Fourth Street, Royal Oak, Michigan 48067, Oakland County
5. Cantina Diablo (100 South Main Street): Request to Change Plan of Operation (Dancing and sound on the second floor)
6. Lily's Restaurant (410 South Washington): Request to Change Plan of Operation (Outdoor patio and hours of operation)
7. Café Muse (416-418 South Washington): Request to Change Plan of Operation (Outdoor patio)
8. Police Update – June 2013 Transactions and Summary Report
9. Adjournment

**Royal Oak Police
Deputy Chief**

MEMORANDUM

To: Mr. Don Johnson, City Manager

From: Gordon Young, Deputy Chief of Police

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

Date: May 23, 2013

Re: RIDIN' THE RAILS, LLC REQUEST FOR "BISTRO" REDEVELOPMENT QUOTA CLASS C AND SDM LIQUOR LICENSES WITH SUNDAY SALES PERMIT AND CATERING PERMIT TO BE LOCATED AT 316 W. FOURTH ST., ROYAL OAK, OAKLAND COUNTY, MICHIGAN, ISSUED PURSUANT TO MCL 436.1521a (1)(b)

The Royal Oak Police Department has received a request from Ridin' the Rails, LLC. (d/b/a Iron Horse Royal Oak) for a new Redevelopment District Class C License to be located at 316 W. Fourth St., Royal Oak, MI 48067, Oakland County. This license will be in compliance with the bistro concept as outlined in the City's Liquor Control Ordinance. It is the applicant's intention to apply for Class C and SDM liquor licenses with Sunday Sales Permit and Catering Permit.

Ridin' the Rails, LLC is owned by JWH Capital IV, LLC, 98%, and Yvonne Peltier, 2%. JWH Capital IV, LLC is owned by Jonathan Hanna ("John"), 51% and Jack Hanna, 49%.

John Hanna is currently involved in two other MLCC licensed businesses. He is the sole owner of The General Store (Royal Oak) since August 2010 and a partner in Ronin Sushi (Royal Oak) since June 2007. MLCC records show there have been no violations issued to these businesses during his ownership.

Jack Hanna is a current partner in Ronin Sushi since June 2007 and previously owned D'Amato's (Royal Oak) from May 1996 through October 1998. MLCC records show there have been no violations issued to these businesses during his ownership. Yvonne Peltier has never owned a MLCC licensed business.

Finger prints were not required for any of the applicants. All necessary documentation and background checks have been performed.

The Iron Horse will be moving into the building vacated by Ernie's Pizza Café. The property will be rented from Washington Square Plaza for \$3,000 a month. Iron Horse will be a full service pizzeria restaurant with food service being the primary service. This restaurant will serve pizza, wings, pasta, salads and breadsticks.

The proposed seating capacity will be 31 seats on the main floor, which includes 6 seats at the bar, and 22 seats on the mezzanine. The total seating will be for 53 patrons.

Iron Horse will also provide catering services. The ratio of food sales to alcohol sales is anticipated to be 70% food and 30% alcohol. The square footage of this establishment is 1,600 square feet. There will be no sidewalk café.

The hours of operation will be Sunday through Saturday from 11:30 A.M. to midnight. Last call will be 30 minutes before closing and last service 20 minutes before closing. Iron Horse may open earlier for special occasions, such as but not limited to St. Patrick's Day, Dream Cruise week and Arts, Beats and Eats with the prior approval of the Chief of Police.

There shall be no gaming devices on the premises or direct connections to any other facility. Iron Horse will only serve alcohol beverages to seated patrons.

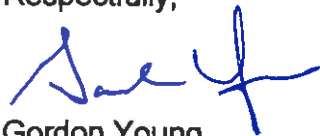
Final capacity shall be set by the police department and the applicants understand they shall be required to comply with all the requirements of City Codes. The applicants have committed to expend not less than \$75,000 in rehabilitation or restoration of the building.

In summary, the applicants meet the State's and City's requirements for new Redevelopment District Class C and SDM Licenses. Additionally, John and Jack Hanna have a long history in Royal Oak for operating successful businesses. If approved, the Police Department does not expect this establishment to cause any significant strain to police resources; and, as such, the Police Department does not object to this new license request.

All necessary forms will be completed, including the Business Responsibility Agreement and Royal Oak Police Business Information Card.

The application is subject to the approval or denial of the Royal Oak City Commission.

Respectfully,



Gordon Young
Deputy Chief of Police
Royal Oak Police Department

This detailed floor plan illustrates the layout of a restaurant, including the following areas and dimensions:

- Entrance and Vestibule:** Located on the left, featuring a vestibule and a set of stairs.
- Dining Area 'A':** A large rectangular area with a grid of tables, labeled "15 SEATS".
- Bar:** A U-shaped bar labeled "BAR" with "6 BAR SEATS" and a "DRINK STATION".
- Dining Area 'B':** A smaller area with tables and chairs, labeled "4 SEATS".
- Kitchen:** A large area on the right containing a "COOLER", "RAMP DOWN", and various kitchen equipment.
- Stairs:** Multiple sets of stairs are shown, including a "DN" (down) staircase.
- Dimensions:** Various measurements are provided throughout the plan, such as "16'-11 1/2\"", "17'-10 1/4\"", "26'-8 3/4\"", and "22'-4\"".

**CITY OF ROYAL OAK
CLASS C LIQUOR LICENSE OR TAVERN LICENSED BUSINESS
PLAN OF OPERATION**

Ridin' the Rails, LLC
Business Name

Iron Horse Royal Oak
Doing Business As

316 W. Fourth St., Royal Oak, MI
Street Address

Preamble: I/we have received copies of Royal Oak City Ordinances 90-3 2001-6, an Ordinance to Establish a General Policy for Liquor Licenses and Permits, understand its provisions, and will be governed by them. The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance. Ridin' the Rails, LLC is applying for a "**Bistro**" Redevelopment Quota Class C and SDM Liquor Licenses with Sunday Sales Permit and Catering Permit located at 316 W Fourth St, Royal Oak, Michigan, Oakland County, Michigan to be Issued Pursuant to MCL 436.1521a(1)(b). Ridin' the Rails, LLC will do business as Iron Horse Royal Oak ("Iron Horse Royal Oak").

- I. HOURS OF OPERATION:** The hours of operation will be Sunday through Saturday from 11:30 A.M. – Midnight. Last call will be 30 minutes before closing and last service 20 minutes before closing. Iron Horse Royal Oak may open earlier for special occasions, such as but not limited to St Patrick's Day, Dream Cruise week and Arts, Beats and Eats with the prior approval of the Chief of Police.
- II. FORMAT:** Iron Horse Royal Oak will be primarily operated as a full service pizzeria restaurant serving pizza, salads, breadsticks, pasta, chicken wings, with a full-service bar for clientele serving beer, wine and liquor; full-service kitchen facility. The establishment will be one story with a mezzanine dining area. The first floor will provide dining for 31 seated patrons, which includes 6 bar seats. The mezzanine floor will provide dining for 22 patrons. The total capacity for Iron Horse Royal Oak will be for 53 patrons. There will be a full basement which will be used for storage and coolers. There will be no entertainment. The Iron Horse Royal Oak will also provide catering services. The square footage of this establishment is approx. 2,000.

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, etc. The ratio of food sales to alcohol sales is anticipated to be 70% food; 30% alcohol.

The proposed floor plan is attached hereto as Exhibit A.

The final occupancy will be approved by the Royal Oak Police Department.

- III. CODE COMPLIANCE:** The premises, when remodeled/completed, will fully comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes, as well as zoning requirements.

IV. **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.

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

VI. **PARKING:** Parking shall be provided as follows:

_____ spaces on site
 X public parking spaces
_____ spaces from the following businesses:

_____ valet parking (if applicable)

Employees will park at areas designated by management, such as the Sherman surface lot, or Lafayette parking structure.

VII. **ALCOHOL MANAGEMENT:** The establishment will strictly obey all rules and regulations promulgated 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 alcohol will be sold, or permitted to be sold, on a commission basis by any person.

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. 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.
3. All staff will be alert to potential problems at their respective areas at the facility.
4. 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.
5. 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.
 - 5.1 All patrons under 21 years of age, service will be refused.
 - 5.2 Check "State Seal" and other markings. Check for damage or alterations to identification card.

- 5.3 Do not return falsified identification cards. Call management immediately.
6. 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.
 7. If a patron is purchasing on behalf of someone else who appears **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.
 8. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons.
 - No sales without proper identification.
 - Limited alcoholic choices, if necessary.
 - When in doubt, do not serve. Call supervisor.
 9. Observe all patrons leaving the property. No open alcoholic beverages are allowed to leave the facility or property.
 10. 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.
 11. Supervisory and management personnel will complete documentation of any alcohol-related incidents at end of event. Information will be disseminated accordingly.
 12. We shall provide non-alcoholic beverages to all designated drivers either free or reduced prices.
 13. 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 cards for all employees shall be available for inspection by the Police Department 35 days after the date of hire.
- VIII. REFUSE DISPOSAL:** The establishment will dispose of refuse in enclosed dumpster(s), with lids. Pickup will be a minimum of four (4) times per week. A water line with spigot will be provided to clean dumpster enclosure as necessary.
- IX. GENERAL:** Every effort will be made to maintain positive relationships with adjacent and nearby businesses, as well as cooperation with all City departments. Every effort will be made to solve any problems which may arise.
- X. EMERGENCY CONTACTS:** Anthony Prainito (586) 306-6708; Jonathon Hanna (248) 250-4900; Yvonne Peltier (248) 506-1902; pager (248) 367-8211.
- XI. REFERENCE TO VALET SERVICE:** N/A

Date: _____

Ridin' the Rails, LLC d/b/a Iron Horse Royal Oak
Corporate Name/Doing Business As

By: _____
Jonathon W. Hanna, Manager

IRON HORSE

A pizzeria serving New York style pizza with fresh toppings, salads, breadsticks and wings served with beer and wine.

Menu:

| | | | |
|--------------|------------|------------|-----------------------------------|
| Pizza | <u>12"</u> | <u>16"</u> | <u>Pizza By the Slice:</u> \$2.50 |
| Cheese | \$7 | \$10 | |
| Toppings | \$1 | \$2 | |

Toppings

Meats: Pepperoni, Italian Sausage, Ham, Bacon and Chicken.

Veggies: Mushroom, Onions, Green Peppers, Black Olives, Banana Peppers, Hot Peppers and Tomato.

Chesses: Double Cheese and Feta

| | | |
|---------------|--------------------|--------------------|
| | <u>Small (1-2)</u> | <u>Large (3-4)</u> |
| Salads | \$6 | \$9 |

Antipasti: Lettuce, Tomato, Ham, Salami, Black Olives, House Mozzarella Blend served with Italian Dressing.

Greek: Lettuce, Tomato, Beets, Banana Peppers, Black Olives and Feta served with Greek Dressing.

Chicken Cobb: Lettuce, Tomato, Bacon, Chicken and House Mozzarella Blend served Ranch Dressing.

| | | |
|--------------|-----------|------------|
| | <u>5x</u> | <u>10x</u> |
| Wings | \$7 | \$13 |

Styles: Original, Hot, BBQ or Sweet and Tangy served with Ranch or Blue Cheese Dressing.

Breadsticks

\$6 Classic breadsticks: House dough topped with butter, house season blend and parmesan cheese served with ranch and pizza sauce.

\$9 Classic breadsticks but served with a Chicken Salsa

\$9 Desert Sticks: House dough topped with butter, cinnamon and sugar topped with Rays Vanilla Ice Cream.

Pop \$2

Flavors: Pepsi, Diet Pepsi, Mountain Dew, Sierra Mist, Orange Crush, Mug Root Beer.

| | | | |
|-------------|--------------|---------------|-----------------|
| Beer | <u>Local</u> | <u>Import</u> | <u>Seasonal</u> |
| 20oz Pint | \$5 | \$6 | \$6 |

| | | |
|-------------|------------|--------------|
| Wine | <u>Red</u> | <u>White</u> |
| Glass | \$6 | \$6 |

MEMORANDUM

To: Mr. Don Johnson, City Manager

From: Gordon Young, Deputy Chief of Police

Cc: Corrigan O'Donohue, Chief of Police

Date: 6/19/2013

Re: CHANGE IN THE PLAN OF OPERATION FOR CANTINA DIOBLO'S

I received a request to amend the Plan of Operation for Cantina Diablo's. Cantina Diablo's is owned by Royal Oak Good Times Food and Drink, Inc. and is located at 100 S. Main St. The owners, Kevin Downey and Brian Kramer are requesting the following changes:

- Permanently include sound (canned or piped-in) as well as add Disc Jockey (DJ) and live music in the enclosed portion of the Second Floor.
 - All windows and doors from the enclosed area of the Second Floor to the outdoor service area will be closed when there is live music or DJ music being played.
 - Cantina Diablo's will strictly comply with the provisions of the City's Sound Ordinance. The sound will be restricted to a level which will not adversely impact neighboring property owners. They pledge its full cooperation with the Police Department and/or adjacent property owners in this regard.
- Add dancing to the Second Floor
 - Presently, Cantina Diablo's offers bands, DJ's and dancing only on the 1st Floor.
 - Diablo's will continue to operate both dance floors under their signed dance agreement
 - The dance floor on the first floor and the dance floor on the second floor will not be used simultaneously.
- Remove two (2) booths and install a 4' x 10' stage on the Second Floor
 - This will reduce Second Floor interior seating 98 to 90.

Cantina Diablo's/City Commission History

- **July 19, 2010**-Royal Oak Good Times Food & Drink, Inc. (d/b/a Cantina Diablo's) received City Commission approval to transfer Memphis

Smoke's Class C license, with Entertainment Permit and Expanded Outdoor Service.

- At this time the City Commission passed the proposed Plan of Operation that did not contain dancing, live music and canned music on the rooftop outdoor service area (Second Floor). Even though the applicant had intended to play recorded music.
 - Cantina Diablo's received permission to have dancing, live music and DJ's on the First Floor only.
 - Cantina Diablo's agreed to build sound proof walls/ceiling on the Second Floor.
- **October 18, 2010**-Cantina Diablo's requested to amend their Plan of Operation and the City Commission approved the following:
 - The rooftop seating was modified to move the rooftop bar from the outdoor portion of the Second Floor to the enclosed portion of the Second Floor. Seating increased on the rooftop from 182 to 196.
- **March 19, 2012**-Cantina Diablo's requested to Add Space (permanently enclose second floor) and amend their Plan of Operation. The City Commission approved the Add Space and the following Plan of Operations changes:
 - Permission to use on a six month trial basis canned/piped music in the enclosed area of the Second Floor dining area. This music was to stop no later than midnight, Sunday through Thursday.
 - Cantina Diablo's will not have music on the Second Floor Seasonal Outdoor seating area. Cantina Diablo's will restrict the volume of the music as to not adversely impact adjacent properties when the doors and windows on the second floor are open.
 - Amend 1st floor seating.
 - The approved Plan of Operation provides for 213 patrons, including 21 bar seats; the proposed and approved Plan provides for 217 patrons, including 17 bar seats.
 - Amend the hours of operation.
 - The approved Plan of Operation provides for the business to be open from 11:00 a.m. to 2:00 a.m. on Monday through Friday, and from 10:00 a.m. to 2:00 a.m. on Saturday and Sunday. The proposed and approved Plan provides the business to be open from 10:00 a.m. to 2:00 a.m. on Monday through Friday, and from 7:00 a.m. to 2:00 a.m. on Saturday and Sunday. In addition, Cantina Diablo's was given permission to open earlier for special events with the prior approval of the Chief of Police.
 - Proposed and approved to designate the second floor as the "Red Fox."

Since the City Commission approved a trial basis, on March 19, 2012, for canned/piped music on the Second Floor. The Police Department has had eight (8) calls-for-service at this establishment. None of these involved sound complaints. Additionally, three of the calls-for-service were initiated by officers conducting business checks; no issues were observed.

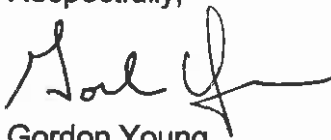
Cantina Diablo's is a well run establishment that has a successful 3 year history. They have complied with the requested trial period for music in the enclosed portion of the Second Floor and there have been no observed or reported problems.

The Police Department believes that Mr. Downey and Mr. Kramer will continue to properly control and operate their business with the additional dance floor and Second Floor music. Furthermore, both dance floors will be operated under the existing dance agreement.

The Police Department does not object to the proposed changes to their Plan of Operation.

This application is subject to the approval or denial of the Royal Oak City Commission.

Respectfully,

A handwritten signature in black ink, appearing to read "Gordon Young", with a stylized flourish at the end.

Gordon Young
Deputy Chief of Police
Royal Oak Police Department

**PROPOSED
CANTINA DIABLO'S
PLAN OF OPERATION**

As of ~~March 13, 2012~~ February 28, 2013 April 4, 2013

Business Name: Royal Oak Good Times Food & Drink, Inc
Doing Business as: Cantina Diablo's
Address: 100 South Main
ROYAL OAK, MI 48067
Phone (248) 543-4300
Fax (248) 291-6429

PREAMBLE: We have received a copy of 2001-06, the City of Royal Oak ordinance regulating liquor licenses. Royal Oak Good Times Food & Drink, Inc is requesting to transfer ownership of the existing Class C liquor license from 100 South Main, Inc. The following Plan of Operation is developed in keeping with the spirit and intent of the City's Ordinance. Royal Oak Good Times Food & Drink, Inc. will do business as Cantina Diablo's ("Diablo's").

HOURS OF OPERATION: Hours of operation for the business will be Monday-Friday 10:00 a.m. – 2:00 a.m.; Saturday 7:00 a.m. to 2:00 a.m. and Sunday 7:00 a.m. to 2:00 a.m. Diablo's may open earlier than 10:00 am for special occasions, such as St Patrick's Day, Cinco Di Mayo, Dream Cruise week and Arts, Eats and Beats with the prior approval of the Chief of Police. Last call will be 30 minutes before closing and last service 20 minutes before closing.

The full kitchen will be open until 11:00 pm. A late night menu will be available until 2:00 a.m. Diablo's may be open for breakfast.

FORMAT: Diablo's is owned and operated by Royal Oak Good Times Food & Drink, Inc. Diablo's will operate primarily as a Tex-Mexican restaurant. Diablo's menu will offer a variety of appetizers and salads and focus on popular Mexican favorites such as Sizzling Fajitas, Enchiladas, Tacos, Quesadillas, Margaritas and vast selection of Mexican beer. Diablo's will feature a "theater" kitchen in which fresh tortillas, guacamole and chips are made fresh hourly, for customers to observe. The 2nd floor's room will be called the Red Fox. In addition to the Cantina Diablos menu, the Red Fox menu will offer a variety of English favorites such as: Fish 'N Chips, Tikka Masala, Steamed Cockles, Shepherd's Pie, Salmon in Potato, Roast Beef & Yorkshire Pudding and daily specials centered around "Roasting of Various Meats."

The seating capacity for Diablo's on the first floor will be 217 patrons, which includes 17 bar seats and 200 dining seats. The seating capacity for the 2nd floor will be 484 176 patrons, which will include 20 bar seats, 98 90 dining seats indoors, and 66 seats located in the outdoor service area. The final occupancy will be approved by the Royal Oak Police Department.

We anticipate the food sales/alcohol sales ratio will be approximately 65% food and 35% alcoholic beverages.

CODE COMPLIANCE: The premises will comply and will continue to comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes as well as zoning requirements.

OUTDOOR SERVICE AREA: There will be a seasonal Outdoor Service area located on the 2nd story of the establishment. This area measures 22' x 60'. The Outdoor Service Area will operate in accordance with and consistent with all City policies, practices, and procedures regulating outdoor service, including, but not limited to:

- a. Permanently Enclosed. The Outdoor Service Area exterior is permanently enclosed;
- b. Barriers. The barrier of the Outdoor Service Area are the two walls of the building and two glass walls. All walls are in accordance with the Uniform Engineering Anchoring System as promulgated by the Engineering Department of the City of Royal Oak;
- c. Enclosure Subject to Approval. The manner in which the Outdoor Service Area is enclosed shall be subject to prior approval and inspection by the Police and Engineering Department;
- d. Alcohol / MLCC. The service of alcohol in the Outdoor Service Area will be allowed in accordance with the rules of the Michigan Liquor Control Commission ("MLCC") and the City's Ordinances;
- e. Free of Debris. The Outdoor Service Area will be clean and free of debris of trash. The Area shall be cleaned at the close of each business day.
- f. Live Entertainment/Dance/Piped Music Prohibited. There will be no live entertainment, dancing or "piped" or "canned" music allowed in the outdoor service area.
- g. Fire Pits. There are four (4) fire pits in the Outdoor Service Area. The fire pits use natural gas and are enclosed by 36 inch NSF approved cinderblock.
- h. Seasonal Use. Seasonal use means that the Outdoor Service Area, since it is private property, is not restricted by any dates for opening or closing.

SOUND: ~~When the door and/or windows are open on the Second Floor, the sound will be restricted to a level which will not adversely impact adjacent properties. Diablos pledges its full cooperation with the Police Department and/or adjacent property owners in this regard. Piped or canned music and DJ/live music ("Sound") will be used on the Second Floor.~~

All of the windows and doors from the enclosed area of the Second Floor to the Outdoor Service Area will be closed when there is live music or DJ music being played.

Diablos will strictly comply with the provisions of the City's Sound Ordinance.

The Sound will be restricted to a level which will not adversely impact neighboring property owners. Diablos pledges its full cooperation with the Police Department and/or adjacent property owners in this regard.

PLAN OF OPERATION: It is acknowledged that under Section 430-4(A) of the City Code, the business shall be operated in accordance with this 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.

DANCE PERMIT: Diablo's will have a 13' x 25' dance floor on the 1st floor. Diablo's will have a 13' x 25' dance floor on the 2nd floor. Diablo's will only operate one dance floor at a time. The dance permit will be used in conjunction with a "Dance Permit Agreement" executed between Diablo's and the City.

ENTERTAINMENT: Diablo's may offer bands, DJs and dancing on the 1st floor and the Second Floor in accordance with the Sound Provision, only. Diablo's may have Entertainment with

promotions and contests. The Entertainment Permit will be used in conjunction with an "Entertainment Permit Agreement" executed between Diablo's and the City.

SECURITY: Security for the customer, building, and community are the first priorities for the corporation. Diablo's will undertake whatever measures are necessary to maintain, secure, and supervise our customers and premises.

PARKING: Parking will be on the public streets and the various public parking garages. There is a large parking lot to the West of the establishment and also there is a parking garage located on S. Center Street between Second and Fourth Streets.

ALCOHOL MANAGEMENT: Diablo's will strictly obey all rules, regulations, and ordinances 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 to minors at any time. The establishment fully participates in the TIPS/TAM training program and will continue such participation in that program or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification cards for all employees shall be available for inspection by the Police Department thirty-five (35) days after the date of hire.

In addition, the following policies shall be enforced at Diablo's:

- No alcoholic beverages are allowed on the premises other than what is dispensed by the establishment.
- All staff will pay attention and stay alert to observable clues displayed by an intoxicated individual such as: (a) impaired reflexes, (b) impaired coordination, (c) reduced judgment and inhibitions, (d) impaired vision, or physical behavior.
- All staff will be alert to potential problems at their respective areas at the facility.
- Be polite and courteous to the intoxicated individual (s). Be knowledgeable as to when to request assistance from additional facility staff.
- Patrons who appear to be under thirty-five years of age or younger will be asked to show proper valid identification. Signs will be posted at serving locations. Patrons must produce proper identification.
- All patrons under 21 years of age - service will be refused.
- Check 'State Seal' and other markings. Check for damage or alterations to identification card.
- Do not return falsified identification cards. Call management immediately.
- If a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcoholic purchase, and call for management immediately.
- Remind customers of Diablo's of the free cab ride policy. This policy states: if any customer, for any reason feels they have had too much to drink, then Diablo's will pay to provide the customer with a free ride home--no questions asked.
- If a patron is purchasing on behalf of someone else who appears less than 30 years old, then request to see identification of recipient or contact supervisory personnel who will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection from premises, and notification to police department of illegal activity.
- Alcohol dispensing may be restricted to one of the following practices, or any combination thereof:
 - No sales to intoxicated persons
 - No sales without proper identification
 - Limited alcoholic choices if necessary
 - When in doubt, do not serve - call supervisor
- Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.

- Approach any patron appearing to be impaired and leaving the property. Determine if they are driving, and if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, offer a FREE cab ride directly home.
- Supervisory and management personnel will complete documentation of any alcoholic related incidents at end of event. Information will be disseminated accordingly, and forwarded to the Royal Oak Police Department.
- We shall provide free and/or at reduced prices non-alcoholic beverages to all designated drivers.
- All employees are provided with a Diablo's Handbook which states the MLCC rules, and employees are required to sign an "Employee Acknowledgment of Policy Pertaining to Sale of Alcoholic Beverages."

REFUSE: Diablo's will provide a trash receptacle, which will be picked up no less than twice a week. Diablo's staff will maintain the surrounding premises on a daily basis, taking care to pick up our debris as well as that of our neighbors and guests.

GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses and residences, and cooperate with all City departments. Every effort will be made to address and resolve any problems that may arise.

EMERGENCY: In case of emergency, contact the following individual:

**BRIAN KRAMER
(248) 496-4144**

CANTINA DIABLO'S

BY: _____

DATE: _____

[m:\kramer, brian\royal oak sound request\docs\plan of operation - redlined 4-4-13.docx](#)

[m:\kramer, brian\royal oak sound request\docs\plan of operation - redlined 2-28-13.docx](#) [m:\kramer, brian\royal oak sound request\docs\plan of operation - approved 3-19-12.docx](#)

Approved
3-19-12

PROPOSED
CANTINA DIABLO'S
PLAN OF OPERATION
As of March 13, 2012

Business Name: Royal Oak Good Times Food & Drink, Inc
Doing Business as: Cantina Diablo's
Address: 100 South Main
ROYAL OAK, MI 48067
Phone (248) 543-4300
Fax (248) 291-6429

PREAMBLE: We have received a copy of 2001-06, the City of Royal Oak ordinance regulating liquor licenses. Royal Oak Good Times Food & Drink, Inc is requesting to transfer ownership of the existing Class C liquor license from 100 South Main, Inc. The following Plan of Operation is developed in keeping with the spirit and intent of the City's Ordinance. Royal Oak Good Times Food & Drink, Inc. will do business as Cantina Diablo's ("Diablo's").

HOURS OF OPERATION: Hours of operation for the business will be Monday-Friday 10:00 a.m. – 2:00 a.m.; Saturday 7:00 a.m. to 2:00 a.m. and Sunday 7:00 a.m. to 2:00 a.m. Diablo's may open earlier than 10:00 am for special occasions, such as St Patrick's Day, Cinco Di Mayo, Dream Cruise week and Arts, Eats and Beats with the prior approval of the Chief of Police. Last call will be 30 minutes before closing and last service 20 minutes before closing.

The full kitchen will be open until 11:00 pm. A late night menu will be available until 2:00 a.m. Diablo's may be open for breakfast.

FORMAT: Diablo's is owned and operated by Royal Oak Good Times Food & Drink, Inc. Diablo's will operate primarily as a Tex-Mexican restaurant. Diablo's menu will offer a variety of appetizers and salads and focus on popular Mexican favorites such as Sizzling Fajitas, Enchiladas, Tacos, Quesadillas, Margaritas and vast selection of Mexican beer. Diablo's will feature a "theater" kitchen in which fresh tortillas, guacamole and chips are made fresh hourly, for customers to observe. The 2nd floor's room will be called the Red Fox. In addition to the Cantina Diablos menu, the Red Fox menu will offer a variety of English favorites such as: Fish 'N Chips, Tikka Masala, Steamed Cockles, Shepherd's Pie, Salmon in Potato, Roast Beef & Yorkshire Pudding and daily specials centered around "Roasting of Various Meats."

The seating capacity for Diablo's on the first floor will be 217 patrons, which includes 17 bar seats and 200 dining seats. The seating capacity for the 2nd floor will be 184 patrons, which will include 20 bar seats, 98 dining seats indoors, and 66 seats located in the outdoor service area. The final occupancy will be approved by the Royal Oak Police Department.

We anticipate the food sales/alcohol sales ratio will be approximately 65% food and 35% alcoholic beverages.

CODE COMPLIANCE: The premises will comply and will continue to comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes as well as zoning requirements.

OUTDOOR SERVICE AREA: There will be a seasonal Outdoor Service area located on the 2nd story of the establishment. This area measures 22' x 60'. The Outdoor Service Area will operate in accordance with and consistent with all City policies, practices, and procedures regulating outdoor service, including, but not limited to:

- a. Permanently Enclosed. The Outdoor Service Area exterior is permanently enclosed;
- b. Barriers. The barrier of the Outdoor Service Area are the two walls of the building and two glass walls. All walls are in accordance with the Uniform Engineering Anchoring System as promulgated by the Engineering Department of the City of Royal Oak;
- c. Enclosure Subject to Approval. The manner in which the Outdoor Service Area is enclosed shall be subject to prior approval and inspection by the Police and Engineering Department;
- d. Alcohol / MLCC. The service of alcohol in the Outdoor Service Area will be allowed in accordance with the rules of the Michigan Liquor Control Commission ("MLCC") and the City's Ordinances;
- e. Free of Debris. The Outdoor Service Area will be clean and free of debris or trash. The Area shall be cleaned at the close of each business day.
- f. Live Entertainment/Dance/Piped Music Prohibited. There will be no live entertainment, dancing or "piped" or "canned" music allowed in the outdoor service area.
- g. Fire Pits. There are four (4) fire pits in the Outdoor Service Area. The fire pits use natural gas and are enclosed by 36 inch NSF approved cinderblock.
- h. Seasonal Use. Seasonal use means that the Outdoor Service, since it is private property, is not restricted by any dates for opening or closing.

SOUND: When the door and/or windows are open on the Second Floor, the sound will be restricted to a level which will not adversely impact adjacent properties. Diablos pledges its full cooperation with the Police Department and/or adjacent property owners in this regard.

PLAN OF OPERATION: It is acknowledged that under Section 430-4(A) of the City Code, the business shall be operated in accordance with this 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.

DANCE PERMIT: Diablo's will have a 13' x 25' dance floor on the 1st floor. The dance permit will be used in conjunction with a "Dance Permit Agreement" executed between Diablo's and the City.

ENTERTAINMENT: Diablo's may offer bands, DJs and dancing on the 1st floor, only. Diablo's may have Entertainment with promotions and contests. The Entertainment Permit will be used in conjunction with an "Entertainment Permit Agreement" executed between Diablo's and the City.

SECURITY: Security for the customer, building, and community are the first priorities for the corporation. Diablo's will undertake whatever measures are necessary to maintain, secure, and supervise our customers and premises.

PARKING: Parking will be on the public streets and the various public parking garages. There is a large parking lot to the West of the establishment and also there is a parking garage located on S. Center Street between Second and Fourth Streets.

ALCOHOL MANAGEMENT: Diablo's will strictly obey all rules, regulations, and ordinances 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 to minors at any time.

The establishment fully participates in the TIPS/TAM training program and will continue such participation in that program or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification cards for all employees shall be available for inspection by the Police Department thirty-five (35) days after the date of hire.

In addition, the following policies shall be enforced at Diablo's:

- No alcoholic beverages are allowed on the premises other than what is dispensed by the establishment.
- All staff will pay attention and stay alert to observable clues displayed by an intoxicated individual such as: (a) impaired reflexes, (b) impaired coordination, (c) reduced judgment and inhibitions, (d) impaired vision, or physical behavior.
- All staff will be alert to potential problems at their respective areas at the facility.
- Be polite and courteous to the intoxicated individual (s). Be knowledgeable as to when to request assistance from additional facility staff.
- Patrons who appear to be under thirty-five years of age or younger will be asked to show proper valid identification. Signs will be posted at serving locations. Patrons must produce proper identification.
- All patrons under 21 years of age - service will be refused.
- Check 'State Seal' and other markings. Check for damage or alterations to identification card.
- Do not return falsified identification cards. Call management immediately.
- If a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcoholic purchase, and call for management immediately.
- Remind customers of Diablo's of the free cab ride policy. This policy states: if any customer, for any reason feels they have had too much to drink, then Diablo's will pay to provide the customer with a free ride home--no questions asked.
- If a patron is purchasing on behalf of someone else who appears less than 30 years old, then request to see identification of recipient or contact supervisory personnel who will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection from premises, and notification to police department of illegal activity.
- Alcohol dispensing may be restricted to one of the following practices, or any combination thereof:
 - No sales to intoxicated persons
 - No sales without proper identification
 - Limited alcoholic choices if necessary
 - When in doubt, do not serve - call supervisor
- Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
- Approach any patron appearing to be impaired and leaving the property. Determine if they are driving, and if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, offer a FREE cab ride directly home.
- Supervisory and management personnel will complete documentation of any alcoholic related incidents at end of event. Information will be disseminated accordingly, and forwarded to the Royal Oak Police Department.
- We shall provide free and/or at reduced prices non-alcoholic beverages to all designated drivers.
- All employees are provided with a Diablo's Handbook which states the MLCC rules, and employees are required to sign an "Employee Acknowledgment of Policy Pertaining to Sale of Alcoholic Beverages."

REFUSE: Diablo's will provide a trash receptacle, which will be picked up no less than twice a week. Diablo's staff will maintain the surrounding premises on a daily basis, taking care to pick up our debris as well as that of our neighbors and guests.

GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses and residences, and cooperate with all City departments. Every effort will be made to address and resolve any problems that may arise.

EMERGENCY: In case of emergency, contact the following individual:

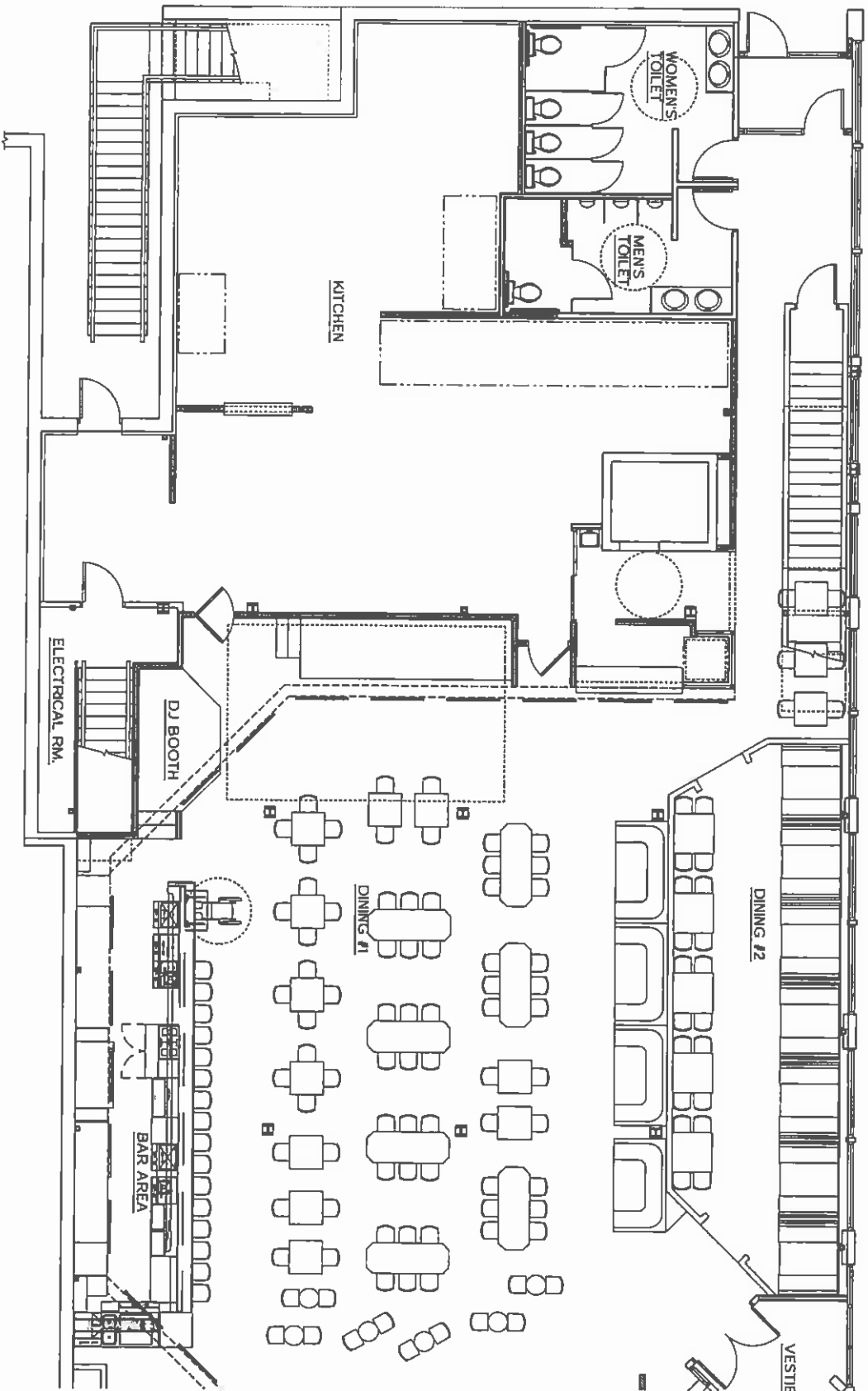
BRIAN KRAMER
(248) 496-4144

CANTINA DIABLO'S

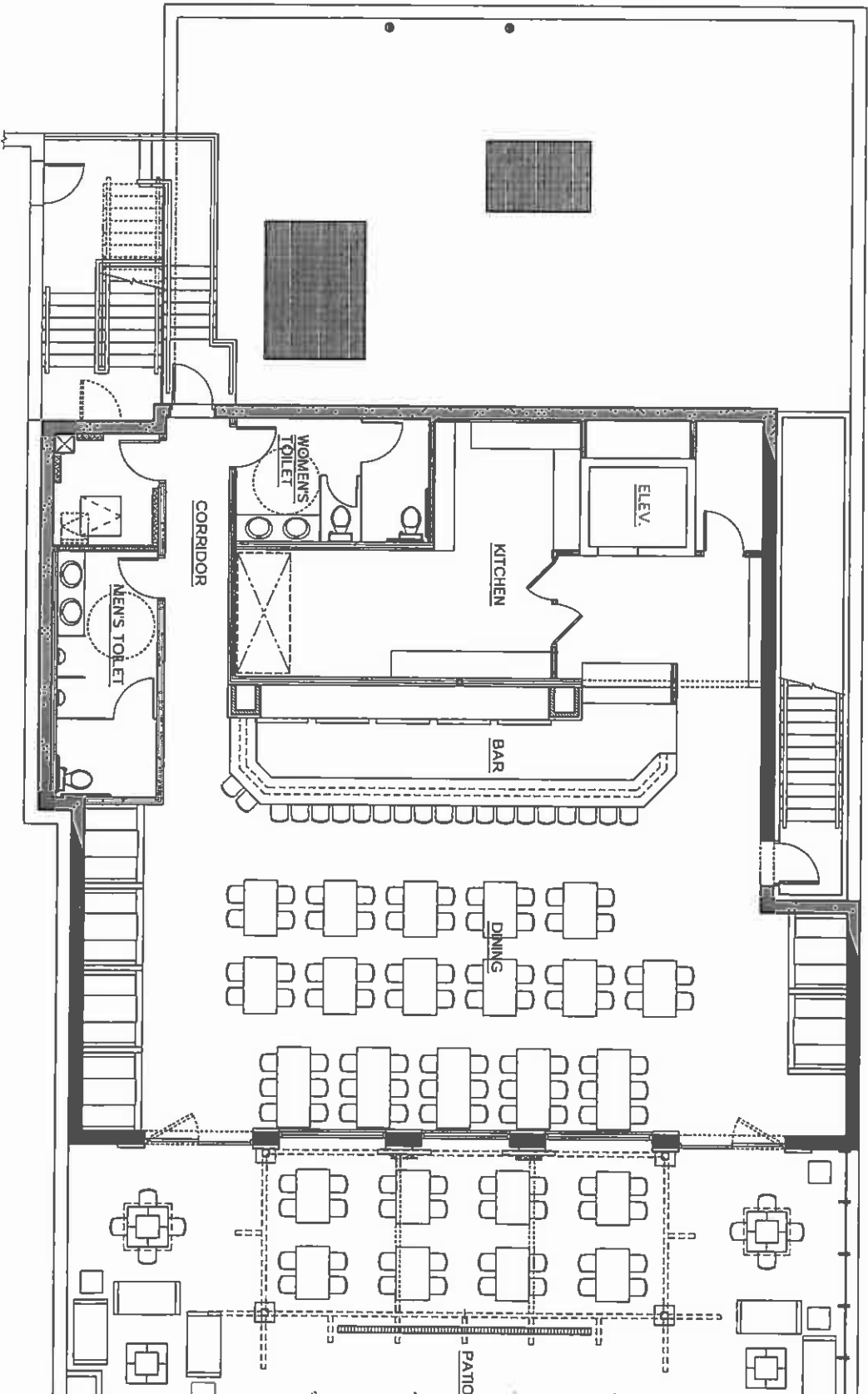
BY: _____

DATE: _____

| OCCUPANCY CALC. | | | |
|-----------------|-----|------|--|
| BAR | 13 | SEAT | |
| DINING | 200 | SEAT | |
| TOILET | 37 | SEAT | |
| | | | |



| OCCUPANCY CALC. | |
|-----------------|----------|
| BAR | 20 PPL. |
| INDOOR DINING | 45 PPL. |
| OUTDOOR DINING | 65 PPL. |
| TOTAL | 130 PPL. |



AGREEMENT REGARDING DANCE PERMIT

THIS AGREEMENT REGARDING DANCE PERMIT ("Agreement") is made and entered into this 3rd day of July, 2010, by and between the City of Royal Oak, a Michigan Municipal Corporation, 211 Williams Street, Royal Oak, Michigan 48068 (the "City") and Royal Oak Good Times Food & Drink, Inc, a Michigan Corporation, doing business as Cantina Diablo's, whose address is 100 S Main, Royal Oak, Michigan 48067 ("Diablos").

RECITALS

WHEREAS, Diablos has requested that the City recommend to the Michigan Liquor Control Commission ("MLCC") approval for a Dance Permit ("Dance Permit") to be used in conjunction with its Class C Liquor License at 100 S Main, Royal Oak, Michigan 48067; and

WHEREAS, the MLCC requires the City's approval for Diablos to obtain the Dance Permit; and

WHEREAS, the City, through its Police Department, has expressed its reluctance to grant approval of the issuance of the Dance Permit; and

WHEREAS, the MLCC has advised the City and Diablos that it will not issue the Dance Permit to Diablos without the approval of the City; and

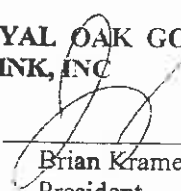
WHEREAS, in consideration for the approval of the issuance of the Dance Permit by the City, Diablos has expressed its desire to enter into this Agreement with the City, which would provide the Police Department with discretion to require Diablos to cease using or cancel the Dance Permit;


NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The City shall, through its City Commission, when requested by either Diablos or the Michigan Liquor Control Commission, approve the granting of a Dance Permit to Diablos, for use on the first floor, only.
2. In consideration for the approval of the Dance Permit by the City, Diablos agrees to cease using the Dance Permit until the matter can be placed before the City Commission for hearing, if the Police Department, in its sole discretion, finds cause to require Diablos to discontinue the use of, or cancel, the Dance Permit. The determination of the City Commission shall be binding upon Diablos, and Diablos hereby waives its right to appeal such decision to any court.
3. In the use of the Dance Permit, Diablos shall comply with all of the rules and regulations of the Michigan Liquor Control Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**ROYAL OAK GOOD TIMES FOOD &
DRINK, INC**

By: 
Brian Kramer
Its: President

By:  4/24/11
Kevin Downey
Its: Vice President

CITY OF ROYAL OAK

By: _____
James B. Ellison, Mayor

By: _____
Melanie Halas, City Clerk

A G R E E M E N T

THIS AGREEMENT, made this 7th day of July, 2010, by and between Royal Oak Good Times Food & Drink, Inc, a Michigan Corporation, doing business as Diablos, whose address is 100 S Main, Royal Oak, Michigan 48067 (hereinafter referred to as "Diablos") and the City of Royal Oak with offices at 211 Williams Street, Royal Oak, Michigan 48068 (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, Diablos is presently conducting a business as a Resort Class C at 100 S Main, Royal Oak, Michigan; and

WHEREAS, Diablos has been granted a Resort Class C Liquor License with an Entertainment Permit from the Michigan Liquor Control Commission, which license and permits are presently in good standing; and

WHEREAS, Diablos desires to obtain an Entertainment Permit from the Michigan Liquor Control Commission in order to permit it to have Entertainment at its premises, and further desires to obtain the consent of the City to the granting of such Permit; and

WHEREAS, the City, through its Commission, has expressed its reluctance to grant approval to the issuance of Entertainment permit which would permit Diablos or any future owner of the premises located at 100 S Main, Royal Oak, Michigan, to have topless entertainment, lingerie fashion shows, and/or other similar type entertainment on the premises.

WHEREAS, the Michigan Liquor Control Commission has advised the parties hereto that it will not issue an Entertainment permit to Diablos without the approval of the City; and

WHEREAS, Diablos has expressed its desire to enter into an Agreement with the City which would restrict the use and duration of an Entertainment Permit in order to obtain the approval by the City to the granting of such Permit; and

WHEREAS, the parties hereto have discussed entering into an Agreement limiting the use and duration of an Entertainment Permit that may be granted to Diablos and desire to reduce to writing a memorandum of their agreements.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties hereto agree as follows:

1. Upon the execution of this Agreement, Diablos shall make application to the Michigan Liquor Control Commission requesting the granting to it of Entertainment Permit. The City shall, through its Commission, when requested by either Diablos or the Michigan Liquor Control Commission, approve the granting of said Entertainment Permit to Diablos.

2. That in consideration of the approval of the granting of such a Permit by the City, Diablos shall restrict its entertainment to contests, monologs, dialogs, singers, musicians, DJ's and shall not permit any topless entertainment, lingerie fashion shows and/or other similar type entertainment to be performed at its premises in Royal Oak, Michigan.

3. That upon either a foreclosure, lease, or sale of

the premises commonly known as 100 S Main, Royal Oak, Michigan, Diablos shall request the Michigan Liquor Control Commission to revoke its Entertainment Permit without cause.

4. That the Entertainment Permit and this Agreement shall be reviewed by the City Commission with the Class C Liquor License on or before **April 30, 2011**, and yearly thereafter; and Diablos shall, if so requested by the City Commission, request the Michigan Liquor Control Commission to revoke its Entertainment Permit without cause.


5. That Diablos shall comply with all of the rules and regulations of the Michigan Liquor Control Commission.

6. That this Agreement shall be contingent upon the City ratifying and approving the execution hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Royal Oak Good Times Food & Drink, Inc
A Michigan Corporation

By: 
Brian Kramer

By: 
Kevin Downey

CITY OF ROYAL OAK

By: _____

By: _____

CID/5/28/91
CID/5/19/05



MEMORANDUM
Planning Department

211 Williams St.
P.O. Box 64
Royal Oak, MI 48068
Phone: (248) 246-3280
Fax: (248) 246-3005
www.ci.royal-oak.mi.us

DATE: June 11, 2009

TO: FILE / PETITIONER(S)

FROM: Planning Department

SUBJECT: **SPECIAL LAND USE & SP-09-06-07 - SITE PLAN TO PERMIT 1,150 SQ. FT. EXPANSION OF ROOF-TOP DECK FOR RESTAURANT WITH LIQUOR LICENSE at 100 S. Main St. (Memphis Smoke) (parcel no. 25-21-231-012)**
John McFarlen, Memphis Smoke, Petitioner
Ralph Gustafson, One Hundred South Main, LLC, Owner
Jim Schneider, Schneider & Smith, Architect

The Plan Commission, at its meeting on June 9, 2009, **APPROVED** a **special land use** request and **SP-09-06-07**, a site plan to permit a 1,150-square foot expansion of a roof-top deck for a restaurant with a liquor license (Memphis Smoke) at **100 South Main St.**, with the following contingencies:

Plans cannot be submitted for building permits until all of the contingencies have been addressed and included as part of the plan(s).

1. Compliance with all contingencies of previous site plan approval (SP-94-12-48).
2. All food preparation shall take place inside the establishment.
3. No music, intercom or other noise shall be permitted that impacts adjacent properties. The petitioner shall install a new awning with baffles to dampen ambient noise and sound from the deck.
4. All Liquor Control Commission rules and regulations shall apply.
5. The petitioner shall submit a master signage plan for review and approval by the Building Department for all new signage, which shall comply with the Sign Ordinance (Chapter 607 Signs, Article II Sign Regulations), or receive the necessary variance(s) from the Plan Commission.
6. All exterior refuse and recycling containers shall be enclosed in accordance with § 770-90 (I) of the Zoning Ordinance.
7. A performance bond shall be posted in an amount to be determined by the Building Official.

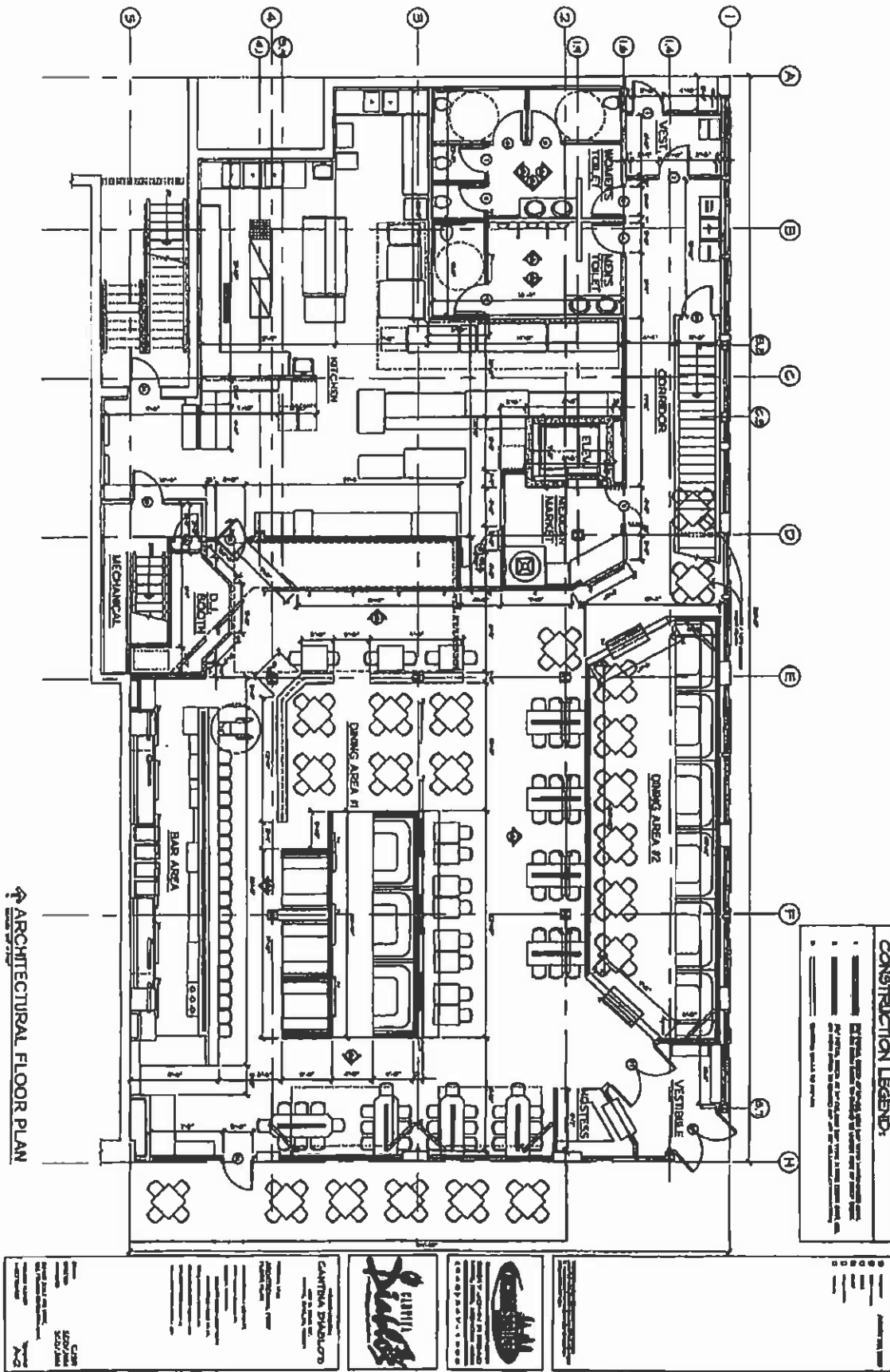
8. The site plan shall meet all other code and ordinance requirements, as determined by the Building Official and City Engineer, prior to issuance of any building permit.

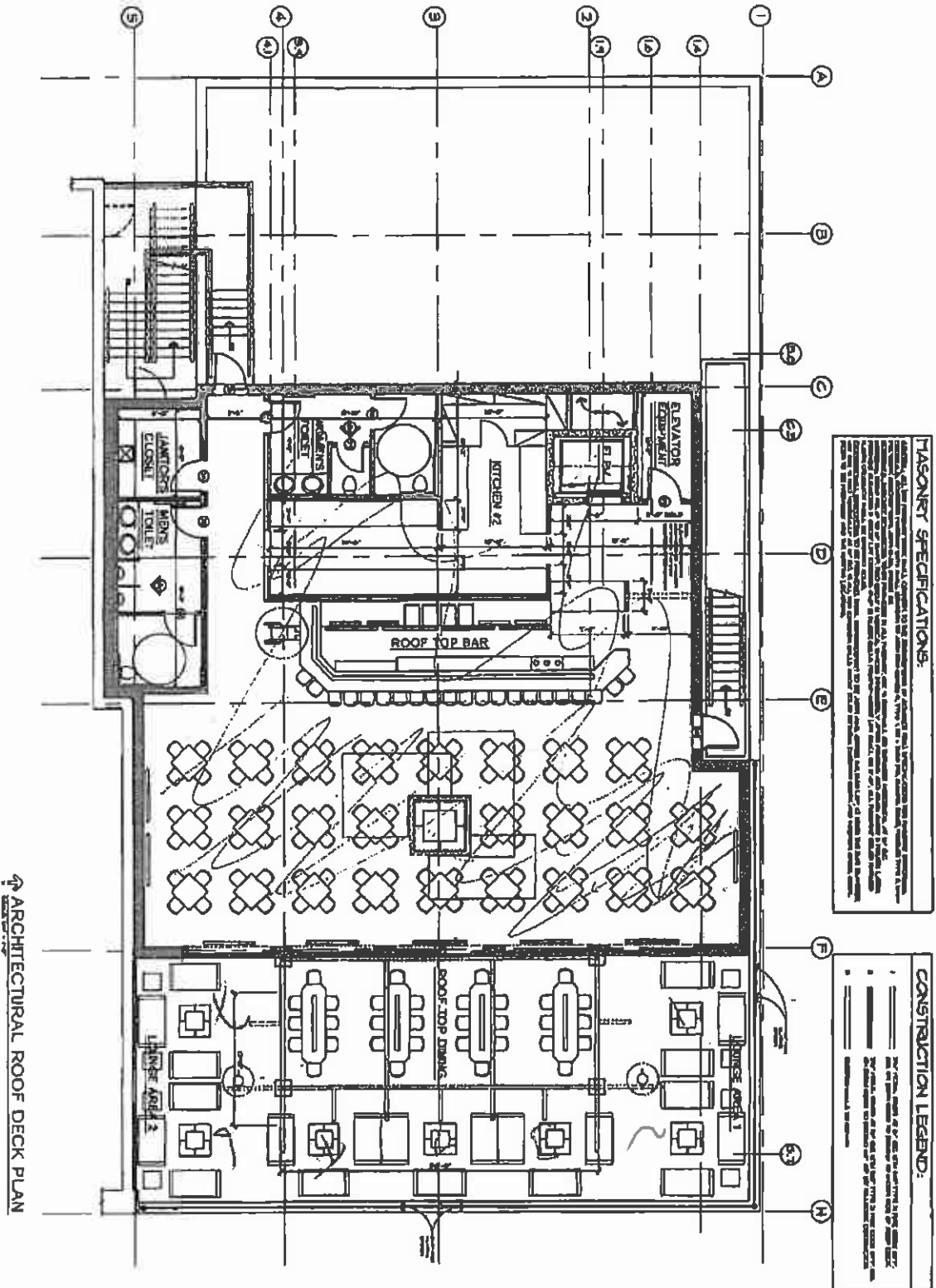


Timothy E. Thwing, Director
Planning Department

cc: John McFarlen, Memphis Smoke
Ralph Gustafson, One Hundred South Main, LLC
Jim Schnelder, Schnelder & Smith Architects

F:\Planning\Plan Commission\Transmittal of Motions\2009\SP-09-06-07- 100 S Main.doc





MASONRY SPECIFICATIONS:

1. ALL MASONRY SHALL BE CONSTRUCTED TO THE REQUIREMENTS OF THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND THE 2012 INTERNATIONAL MASONRY CODE (IMC).
 2. ALL MASONRY SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% COMPRESSIVE STRENGTH.
 3. ALL MASONRY SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% COMPRESSIVE STRENGTH.
 4. ALL MASONRY SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% COMPRESSIVE STRENGTH.

CONSTRUCTION LEGEND:

- 1. ALL MASONRY SHALL BE CONSTRUCTED TO THE REQUIREMENTS OF THE 2012 INTERNATIONAL BUILDING CODE (IBC) AND THE 2012 INTERNATIONAL MASONRY CODE (IMC).
- 2. ALL MASONRY SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% COMPRESSIVE STRENGTH.
- 3. ALL MASONRY SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% COMPRESSIVE STRENGTH.
- 4. ALL MASONRY SHALL BE CONSTRUCTED WITH A MINIMUM OF 10% COMPRESSIVE STRENGTH.

ARCHITECT
R.W. ARCHITECT
 1000 PINEHURST AVE.
 SUITE 100
 DALLAS, TEXAS 75243
 (214) 547-3400
 FAX (214) 547-3401
 WWW.RWARCHITECT.COM

ENGINEER
CHARTER ENGINEERS
 1000 PINEHURST AVE.
 SUITE 100
 DALLAS, TEXAS 75243
 (214) 547-3400
 FAX (214) 547-3401
 WWW.CHARTERENGINEERS.COM

CONTRACTOR
CHARTER CONSTRUCTION
 1000 PINEHURST AVE.
 SUITE 100
 DALLAS, TEXAS 75243
 (214) 547-3400
 FAX (214) 547-3401
 WWW.CHARTERCONSTRUCTION.COM

GENERAL CONTRACTOR
CHARTER GENERAL CONTRACTING
 1000 PINEHURST AVE.
 SUITE 100
 DALLAS, TEXAS 75243
 (214) 547-3400
 FAX (214) 547-3401
 WWW.CHARTERGENERALCONTRACTING.COM

THE CAPACITY OF THIS ROOM IS LIMITED TO 230 PERSONS

Royal Oak Police Department

Address 100 S. Main


Location/Room Cantina Diablo—1st Level

Date Issued June 7, 2011

Issued By _____

Lt. T. Goad, Liquor License Coordinator




Corrigan P. O'Donohue, Interim Chief of Police

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

THE CAPACITY OF THIS ROOM IS LIMITED TO 194 PERSONS

Royal Oak Police Department

Address 100 S. Main

Date Issued

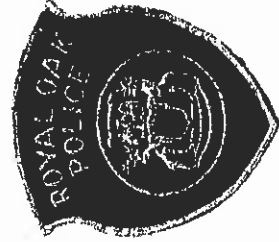
March 9, 2012

Location/Room Cantina Diablo-2nd Floor

Issued By



Lt. T. Goad, Liquor License Coordinator



C. P. O'D

Corrigan P. O'Donohue, Interim Chief of Police



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

**CANTINA DIABLO'S
100 S. MAIN**

TOTAL CALLS FOR SERVICE – 3/19/2012 – 5/1/2013 = 8

| <u>DATE</u> | <u>REPORT/D-CARD</u> | <u>COMPLAINT</u> | <u>SYNOPSIS</u> |
|-------------|----------------------|--------------------------|---|
| 4/27/2012 | 12-10463D | Robbery Alarm | Hold up alarm. Checks o.k. |
| 5/4/2012 | 12-11225D | Extra Check | Looking for a suspect that is at a bar with a birthday party. Unable to locate. No report. |
| 8/24/2012 | 12-23327D | Business Walk | Checked ok. No report. |
| 11/30/2012 | 12-33159D | Business Walk | Checked ok. No report. |
| 2/2/2013 | 13-3204D | Disorderly Person | Bar removed customers that were involved in a fight. They are still a problem outside. Gone on arrival. No report. |
| 3/14/2013 | 13-7031D | Suspicious Circumstances | A table of 4 male subjects that management feels might bolt on the tab. Officers stood by while subjects paid the tab and left the restaurant. No report. |
| 3/18/2013 | 13-7434D | Business Walk | Checks ok. No report. |
| 4/23/2013 | 13-11198D | Customer Trouble | 4 males ran out on their bill. Unable to locate suspects after checking the area. No report desired. No report. |

MEMORANDUM

To: Mr. Don Johnson, City Manager

From: Gordon Young, Deputy Chief of Police

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

Date: 6/28/2013

**Re: REQUEST TO CHANGE PLAN OF OPERATION AND EXPAND
OUTDOOR PATIO**

Lily's, located at 410 S. Washington St., has requested to expand their outdoor patio from 12 seats to 30 seats. This request is being made in conjunction with the Café Muse's patio expansion request because the public walkway route in front of their business will change (see attached drawing).

Their outdoor patio is currently located adjacent to their building facade. The proposed patio will be wider than their building façade on both sides and located five feet from the building.

The business located to the south of Lily's is "Blu Jeans Bar." I spoke with the business owner, Monica Wilson, and she approves of the proposed patio layout. I also contacted the business north of Lily's. The business is called JW Design Architectural Studio's. I spoke with Dan DeRemer, Architect, and he approves of the proposed patio layout. JW Design is the architectural company that designed the patio layout for Lily's and Café Muse.

Lily's is also requesting to open their business earlier on Saturday and Sunday. Currently, they open at 10:00 a.m. They are requesting to open at 9:00 a.m.

The format of the business will not change and the interior patron seating will not change (148 interior).

Lily's is a well run establishment with no significant calls for police service. Over the past year, this department responded to five (5) calls-for-service. The Royal Oak Police Department does not object to the requested changes.

However, the Planning Department (see attachment) and Engineering Department are opposed to this proposal. The Engineering Department recommends that the

purpose and intent of the City's public sidewalks is to favor pedestrians and pedestrian safety over the desires to block areas for use by private businesses. The proposed "Cross Access" inhibits optimal pedestrian use and safety, especially with parking access. Should this current concept be considered, Engineering recommends a minimum of 7'-8' of clearance between building and patio/ seating area fencing.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Gordon Young", with a stylized flourish extending to the right.

Gordon Young
Deputy Chief of Police
Royal Oak Police Department

COMMENTS
SIDEWALK CAFES PROPOSED @
CAFÉ MUSE & LILY'S SEAFOOD
MAY 2013

Standard policy has been to require sidewalk cafes to be located adjacent (next) to the building façade of the petitioner (eligible business) and not in front of other building/business facades. Based upon this well established policy both of the sidewalk café designs being proposed by Café Muse and Lily's Seafood would be rejected by the Planning Department as part of any sidewalk café application.

The policy referenced above along with all other minimum criteria starts with the recognition that the primary purpose of any public sidewalk is for safe pedestrian traffic not to accommodate the biggest possible sidewalk cafe for an adjacent private business.

While the Planning Department supports the concept of sidewalk cafes in the downtown and the very positive added impacts/benefits they provided to both the businesses and the downtown in general we do not support the designs purposed by Café Muse or Lily's Seafood. These configurations add unnecessary conflicts, issues and safety concerns to users of the public sidewalk.

Yes, Ann Arbor and other communities may allow sidewalk cafés to be placed away from the building façade. That does not mean Royal Oak should or needs to allow such configurations. A visit to any of those communities will provide clear evidence that such arrangements create unnecessary additional points of conflict between users of the public sidewalk and servers/wait staff/busboys moving between the building and the sidewalk café to deliver/remove food and/or drink to customers as well as customers exiting the café and/or moving back and forth to use restrooms as well for other reasons. The required five (5) clear path is not truly clear of the business activity.

In addition, to the conflicts one issue with current sidewalk cafes is cleanliness and this proposed configuration will expose even larger areas of the sidewalk to spills and other debris.

The proposed configuration also impacts the ability of people to have direct access to the public sidewalk from a parking space forcing them to walk around the sidewalk café and possibly having to use the traffic travel lane to do so creating additional unnecessary safety concerns.

Allowing eligible businesses to extend sidewalk cafes in front of other businesses also creates it own set of unnecessary issues, including confirmation that the adjacent business or businesses do not object now or in the future, are there different financial and/or insurance issues/requirements, access, maintenance and services issues. How far should an eligible business be allowed to purpose extending a sidewalk café?

The current set of well established policies gives potential sidewalk café applicants clear directions and keeps city staff reviews to a minimum.

The Planning Department can not identify any reason or justification to revise the long standing policies and/or further inconvenience users of the public sidewalk.

Keep in mind that the public sidewalk also includes a variety of other elements; decorative lights, trees/tree grates, flower barrels and boxes, bicycle racks, trash receptacles, directional and traffic control signs/equipment, sandwich board signs, and parking meters.

The Engineering Department also recommends that the “cross access” not be permitted however if the City Commission were to grant the purposed configuration has provided the following design recommendations;

- 1) A minimum of three (3) feet between back of curb and café railing
- 2) The minimum five (5) foot clear pedestrian path should be increased to seven (7) or eight (8) feet when located adjacent to building façade (between building & café railing). If the City Commission were to approve less signage prohibiting loitering should be required.
- 3) All cafés on the same block shall follow a single or same configuration; either adjacent to building façade or away from building façade, so clear pedestrian path is consistent.
- 4) There shall be a minimum clear path of six (6) feet from the street to the building between each sidewalk café.
- 5) The proposals from Lily’s Seafood and Café Muse will need to incorporate additional dimensions and depicted the right-of-way lines. Further, the “rope” railing purposed by Lily’s Seafood should not be allowed, standard railing only.

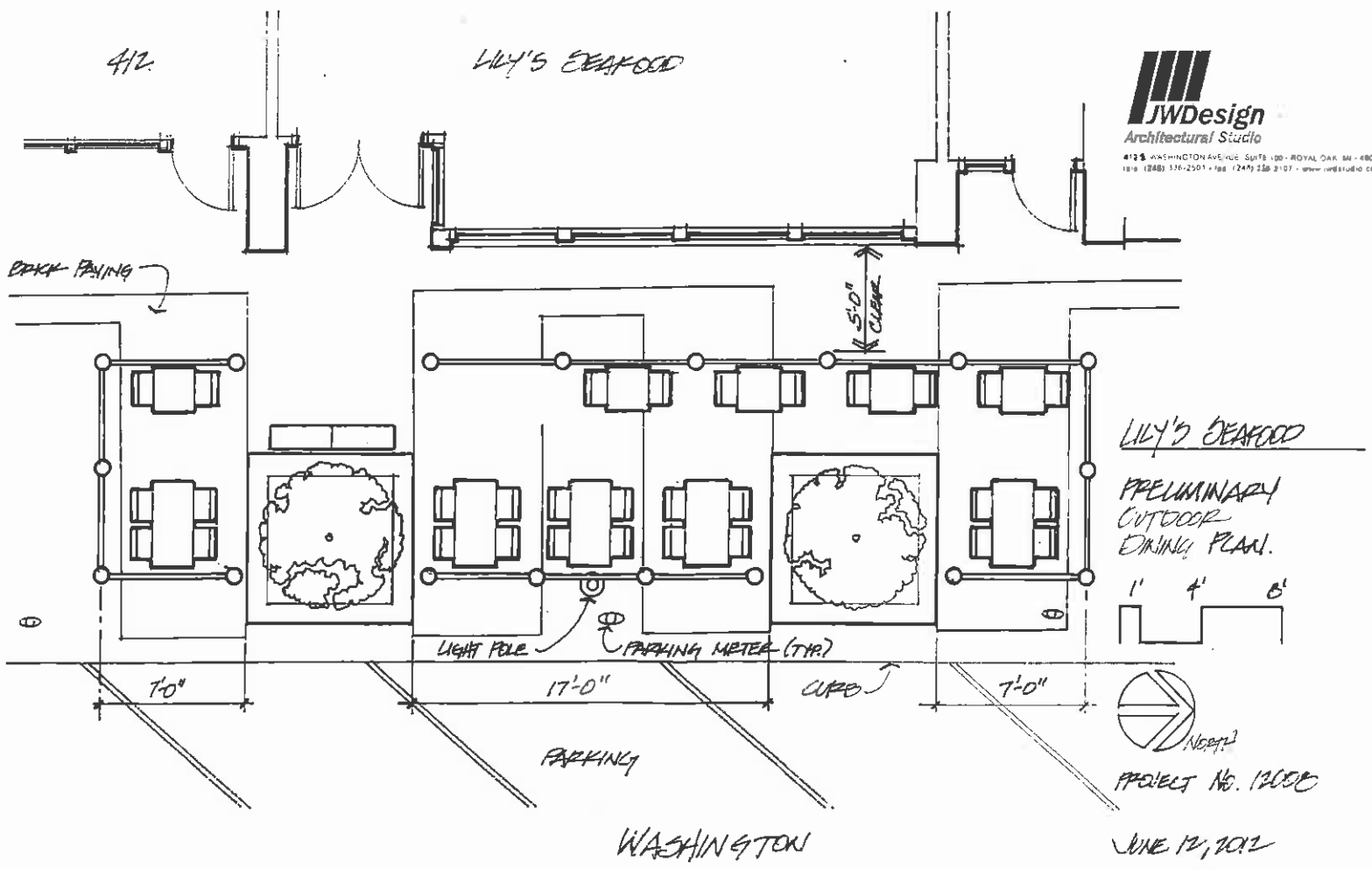
*The City Commission may also wish to establish a maximum length (travel distance) between these clear paths.

412

LILY'S SEAFOOD

JWDesign
Architectural Studio

4125 WASHINGTON AVENUE SUITE 100 • ROYAL OAK, MI • 48060
TEL: (248) 336-2501 • FAX: (248) 336-2107 • WWW.JWDESIGNSTUDIO.COM







PLAN OF OPERATION
LILY'S SEAFOOD GRILL & BREWERY
410 S. WASHINGTON
ROYAL OAK, MI. 48067
MAY 1, 2013

We have received a copy of Royal Oak City Ordinance #90-3 Liquor Control Ordinance for issuance/transfer for Class C Liquor license, understand it's provisions and will be governed by it. The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

- I. HOURS OF OPERATION: At present our planned hours of operation will be:
- | | |
|-----------------------|----------------------------|
| Saturday and Sunday | 9:00 a.m. until 2:00 a.m. |
| Monday through Friday | 11:00 a.m. until 2:00 a.m. |

Last call will be 30 minutes prior to closing and last service will be 20 minutes before closing.

II. FORMAT: The premises will be primarily operated as a full service restaurant and brewery, offering a full service bar for clientele: a full service kitchen facility for 148 seated patrons which includes 9 bar seats. The premises will include seasonal outside patio seating for up to 30 guests operating under an annual permit from the City of Royal Oak. The business will pay all required fees and comply with all provisions required to obtain and operate under the permit.

We will occasionally offer small acoustical combos and jazz performers on Saturdays and Sundays from 11:00 a.m. until 4 p.m. and Thursday, Friday and Saturday evenings from 7 p.m. until Midnight.

The gross square footage of this establishment is calculated as approx. 6,689 square feet and consists of approx. 4,778 square feet on the 1st floor and approx. 1,911 square feet on the lower level. The gross square footage encompasses all leased areas including mechanical, food preparation, storage, and employee areas as well as entrance, egress, walkways and dining areas.

We agree to adhere to the provisions of the Entertainment Agreement, which has been signed. 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, etc. The ratio of food sales to alcohol sales is anticipated to be 65 / 35.

III. CODE COMPLIANCE: Architectural plans have been submitted and approved by the Building Inspection Department. The Planning Department has approved the sight plan. The premises fully comply with all applicable health, building, zoning and fire codes. Concerns regarding barrier free accessibility have been addressed in the plans and have been implemented.

The Outdoor service Area will operate in accordance with and consistent with all city policies, practices and procedures regulating outdoor service, including, but not limited to:

- a) The Outdoor service Area will not be permanently enclosed;

- b) The fence and or barricades or rail surrounding the Outdoor Service Area should be anchored in accordance with the Uniform Engineering Anchoring System, as promulgated by the Engineering Department of the City of Royal Oak;
- c) The manner in which the Outdoor Service Area is enclosed shall be subject to inspection by the Police and Engineering Departments;
- d) The use of alcohol will be allowed in accordance with the rules of the Michigan Liquor Control Commission from April 15 to October 31st;
- e) Wait staff shall transport all alcoholic beverages to/from the Outdoor Service Area.
- f) The Outdoor Service Area will be clean, free of debris and trash, and shall be cleaned at the close of each business day; and
- g) Morton Brothers Inc. d.b.a. Lily's Seafood Grill & Brewery will pay fees in accordance with the City's Sidewalk Cafe License Agreement

IV. **PLAN OF OPERATION:** It is acknowledged that under Ordinance 90, Section 3, 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.

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

VI. **PARKING:** Parking shall be provided as follows:
Monthly parking passes will be purchased.
Employees will be instructed to park in the 6th & Lafayette Structure.
Employees may not park at metered street spaces.
Employees who do not adhere to this policy will face disciplinary actions.

VII. **ALCOHOL MANAGEMENT:** The establishment will strictly obey all rules and regulations promulgated 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 alcohol will be sold, or permitted to be sold, on a commission basis by any person.

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premise, other than what is dispensed by the establishment.

2. 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, slurred speech, aggressive behavior, etc.
3. All staff will be alert to potential problems at their respective areas of the facility.
4. Be polite and courteous to the intoxicated individual. Be knowledgeable as to when to request assistance from additional facility staff.
5. Patrons who appear to be 30 years of age or younger will be asked to show proper State of Michigan Identification. Signage will be posted at service locations. Patrons must produce proper identification to obtain service. The following procedures will be followed:
 - 5.1 All patrons under 21 years of age will be refused alcohol service.
 - 5.2 Check State Seal and other markings. Check I.D. for damage or alterations.
 - 5.3 Do not return falsified I.D. cards. Notify management immediately.
6. If a patron shows signs of intoxication, service will be refused, policy will be politely explained. Non alcoholic alternatives will be offered. Management will be contacted as necessary.
7. A patron may not purchase alcoholic beverages on behalf of another patron unless staff has already verified that both patrons are of legal age. Refuse service to minors. Inform all parties involved that policy allows for ejection off of premise if illegal activity has occurred.
8. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons.
 - No sales without proper identification.
 - Limited alcoholic choices, if necessary
 - When in doubt, do not serve, consult with management.
9. Observed all patrons leaving property. No open alcoholic beverages are allowed to leave the facility or property.
10. Approach any patron appearing to be impaired and leaving premises. Determine if they are driving, if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, refer patron to bus or taxi service.
11. Supervisory and management personnel will complete documentation of any alcohol related incidents at the end of the event. Information will be disseminated accordingly.
12. Lily's will provide non alcoholic beverages at reduced prices to patrons identifying themselves as designated drivers.
13. The establishment fully participates and will continue to participate in the T.I.P.S. program. T.I.P.S. (or a similarly recognized program approved by the Royal Oak Chief of Police) certification for all service staff must be completed within 30

days from date of hire. A record of each front of the house employee's T.I.P.S. certification card will be kept on file and available for inspection by the Royal Oak Police Department within 35 days after the date of hire

- VIII. REFUSE DISPOSAL: The establishment will dispose of refuse in an enclosed dumpster with lid. Pick up will be a minimum of 3 times per week. A water line and spigot will be provided to clean the dumpster area as necessary.
- IX. GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses, neighbors as well as cooperation with the City. Every reasonable effort will be made to solve problems that may arise.
- X. EMERGENCY CONTACTS:
Robert Morton @ (H) 248.398.2964 (C) 248.797.8156
Scott Morton @ 248.336.2063

Date 5.01.2013
Morton Brothers Inc.
D.B.A. Lily's Seafood Grill & Brewery

By: _____
Robert K. Morton
President / Morton Brothers Inc.

PLAN OF OPERATION
LILY'S SEAFOOD GRILL & BREWERY
410 S. WASHINGTON
ROYAL OAK, MI. 48067
March 8, 2011

We have received a copy of Royal Oak City Ordinance #90-3 Liquor Control Ordinance for issuance/transfer for Class C Liquor license, understand it's provisions and will be governed by it. The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

- I. HOURS OF OPERATION: At present our planned hours of operation will be:
- | | |
|-----------------------|----------------------------|
| Saturday and Sunday | 10:00 a.m. until 2:00 a.m. |
| Monday through Friday | 11:00 a.m. until 2:00 a.m. |

Last call will be 30 minutes prior to closing and last service will be 20 minutes before closing.

- II. FORMAT: The premises will be primarily operated as a full service restaurant and brewery, offering a full service bar for clientele: a full service kitchen facility for 148 seated patrons *which includes 9 bar seats. The premises will include seasonal outside patio seating for 12 patrons operating under an annual permit from the City of Royal Oak. The business will pay all required fees and comply with all provisions required to obtain and operate under the permit.*

We will occasionally offer small acoustical combos and jazz performers on Saturdays and Sundays from 11:00 a.m. until 4 p.m. and Thursday, Friday and Saturday evenings from 7 p.m. until Midnight.

The gross square footage of this establishment is calculated as approx. 6,689 square feet and consists of approx. 4,778 square feet on the 1st floor and approx. 1,911 square feet on the lower level. The gross square footage encompasses all leased areas including mechanical, food preparation, storage, and employee areas as well as entrance, egress, walkways and dining areas.

We agree to adhere to the provisions of the Entertainment Agreement, which has been signed. 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, etc. The ratio of food sales to alcohol sales is anticipated to be 65 / 35.

- III. CODE COMPLIANCE: Architectural plans have been submitted and approved by the Building Inspection Department. The Planning Department has approved the sight plan. The premises fully comply with all applicable health, building, zoning and fire codes. Concerns regarding barrier free accessibility have been addressed in the plans and have been implemented.

- IV. **PLAN OF OPERATION:** *It is acknowledged that under Ordinance 90, Section 3, 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.*
- V. **SECURITY:** Security for the guest, building and community is the first priority for the corporation, and as such, we will undertake whatever measures are necessary to maintain and supervise the expected level.
- VI. **PARKING:** Parking shall be provided as follows:
Monthly parking passes will be purchased.
Employees will be instructed to park in the 6th & Lafayette Structure.
Employees may not park at metered street spaces.
Employees who do not adhere to this policy will face disciplinary actions.
- VII. **ALCOHOL MANAGEMENT:** The establishment will strictly obey all rules and regulations promulgated 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 alcohol will be sold, or permitted to be sold, on a commission basis by any person.*

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premise, other than what is dispensed by the establishment.
2. 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, slurred speech, aggressive behavior, etc.
3. All staff will be alert to potential problems at their respective areas of the facility.
4. Be polite and courteous to the intoxicated individual. Be knowledgeable as to when to request assistance from additional facility staff.

5. Patrons who appear to be 30 years of age or younger will be asked to show proper State of Michigan Identification. Signage will be posted at service locations. Patrons must produce proper identification to obtain service. The following procedures will be followed:
 - 5.1 All patrons under 21 years of age will be refused alcohol service.
 - 5.2 Check State Seal and other markings. Check I.D. for damage or alterations.
 - 5.3 Do not return falsified I.D. cards. Notify management immediately.
6. If a patron shows signs of intoxication, service will be refused, policy will be politely explained. Non alcoholic alternatives will be offered. Management will be contacted as necessary.
7. A patron may not purchase alcoholic beverages on behalf of another patron unless staff has already verified that both patrons are of legal age. Refuse service to minors. Inform all parties involved that policy allows for ejection off of premise if illegal activity has occurred.
8. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons.
 - No sales without proper identification.
 - Limited alcoholic choices, if necessary**
 - When in doubt, do not serve, consult with management.
9. Observed all patrons leaving property. No open alcoholic beverages are allowed to leave the facility or property.
10. Approach any patron appearing to be impaired and leaving premises. Determine if they are driving, if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, refer patron to bus or taxi service.
11. Supervisory and management personnel will complete documentation of any alcohol related incidents at the end of the event. Information will be disseminated accordingly.
12. Lily's will provide non alcoholic beverages at reduced prices to patrons identifying themselves as designated drivers.
13. The establishment fully participates and will continue to participate in the T.I.P.S. program. T.I.P.S. (*or a similarly recognized program approved by the Royal Oak Chief of Police*) certification for all service staff must be completed within 30 days from date of hire. A record of each front of the house employee's T.I.P.S. certification card will be kept on file *and available for inspection by the Royal Oak Police Department 35 days after the date of hire*

- VIII. REFUSE DISPOSAL: The establishment will dispose of refuse in an enclosed dumpster with lid. Pick up will be a minimum of 3 times per week. A water line and spigot will be provided to clean the dumpster area as necessary.
- IX. GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses, neighbors as well as cooperation with the City. Every reasonable effort will be made to solve problems that may arise.
- X. EMERGENCY CONTACTS:
Robert Morton @ (H) 248.398.2964 (C) 248.797.8156
Scott Morton @ 248.336.2063

Date 3.08.2011

Morton Brothers Inc.

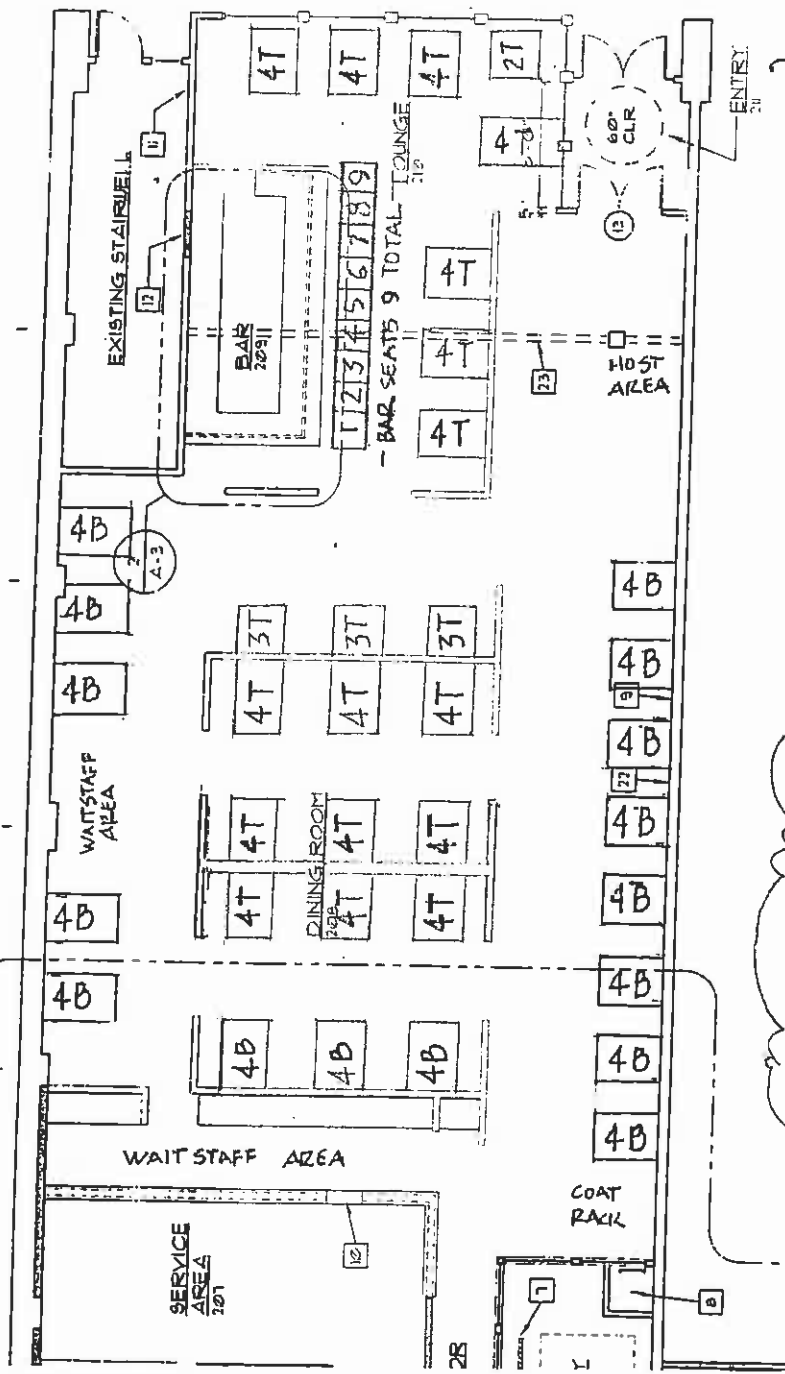
D.B.A. Lily's Seafood Grill & Brewery

By:



Robert K. Morton

President / Morton Brothers Inc.



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0" NOT TO SCALE

1 2 3 4 5 7 BAR STOOLS (9 TOTAL) = 9

4T 4 PATRON TABLE SEATING 16 @ 4 = 64

4B 4 PATRON BOOTH SEATING 16 @ 4 = 64

3T 3 PATRON TABLE SEATING 3 @ 3 = 9

2T 2 PATRON TABLE SEATING 1 @ 2 = 2

TOTAL SEAT 140

LILY'S SEAFOOD GRILL
SEATING PLAN
- 3.07.11 -

+

3

SEE

THE CAPACITY OF THIS ROOM IS LIMITED TO 148 PERSONS

Royal Oak Police Department

Address 410 S. Washington

Date Issued 2/9/05

Location/Room Lily's Seafood

Issued By H. D. Welch

Lt. D. Welch, Liquor License Coordinator



Theodore H. Quisenberry

Theodore H. Quisenberry, Chief of Police



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

LILY'S SEAFOOD
410 S. WASHINGTON

TOTAL CALLS FOR SERVICE – 05/01/2012 – 05/01/2013 = 5

| <u>DATE</u> | <u>REPORT/D-CARD</u> | <u>COMPLAINT</u> | <u>SYNOPSIS</u> |
|-------------|----------------------|--------------------|---|
| 9/1/2012 | 12-24329D | Welfare Check | Male subject is passed on in a men's bathroom stall. Bar called back to say that he left. No report. |
| 11/22/2012 | 12-32355D | Disorderly Person | Manager requested officers. Sent on way. No report. |
| 3/19/2013 | 13-7547D | Open Alarm | Right rear entry doors. Cancel per alarm company. No report. |
| 5/6/2013 | 13-12658D | Suspicious Persons | Female subject was taking food off of customer's plates. When asked to leave threatened to get a gun. Gone on arrival. Checked area. No report. |
| 5/18/2013 | 13-13874D | Open Alarm | Male subject on scene unable to get name or password. Cancel per alarm company. No report. |

MEMORANDUM

To: Mr. Don Johnson, City Manager

From: Gordon Young, Deputy Chief of Police

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

Date: 6/28/2013

**Re: REQUEST TO CHANGE PLAN OF OPERATION AND EXPAND
OUTDOOR PATIO**

Café Muse, located at 416-418 S. Washington St., has requested to expand their outdoor patio from 14 seats to 24 seats. This request is being made in conjunction with Lily's Restaurant patio expansion request because the public walkway route in front of their businesses will change (see attached drawing).

Their outdoor patio is currently located adjacent to their building facade. The proposed patio will be located five feet away from their building facade and extend wider than their building facade on the south side.

The business located to the south of Café Muse is "ETS Engineering, Inc." I spoke with the business owner, Scott Leo, and he approves of the proposed patio layout.

The format of the business will not change and the interior patron seating will not change (75 interior).

Café Muse is a well run establishment with no significant calls for police service. Over the past year, this department responded to one (1) call-for-service for a noise complaint that was unfounded. The Royal Oak Police Department does not object to the requested changes.

However, the Planning Department (see attachment) and Engineering Department are opposed to this proposal. The Engineering Department recommends that the purpose and intent of the City's public sidewalks is to favor pedestrians and pedestrian safety over the desires to block areas for use by private businesses. The proposed "Cross Access" inhibits optimal pedestrian use and safety, especially with parking access. Should this current concept be considered, Engineering recommends a minimum of 7'-8' of clearance between building and patio/ seating area fencing.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Gordon Young', with a stylized flourish extending to the right.

Gordon Young
Deputy Chief of Police
Royal Oak Police Department

COMMENTS
SIDEWALK CAFES PROPOSED @
CAFÉ MUSE & LILY'S SEAFOOD
MAY 2013

Standard policy has been to require sidewalk cafes to be located adjacent (next) to the building façade of the petitioner (eligible business) and not in front of other building/business facades. Based upon this well established policy both of the sidewalk café designs being proposed by Café Muse and Lily's Seafood would be rejected by the Planning Department as part of any sidewalk café application.

The policy referenced above along with all other minimum criteria starts with the recognition that the primary purpose of any public sidewalk is for safe pedestrian traffic not to accommodate the biggest possible sidewalk cafe for an adjacent private business.

While the Planning Department supports the concept of sidewalk cafes in the downtown and the very positive added impacts/benefits they provided to both the businesses and the downtown in general we do not support the designs purposed by Café Muse or Lily's Seafood. These configurations add unnecessary conflicts, issues and safety concerns to users of the public sidewalk.

Yes, Ann Arbor and other communities may allow sidewalk cafés to be placed away from the building façade. That does not mean Royal Oak should or needs to allow such configurations. A visit to any of those communities will provide clear evidence that such arrangements create unnecessary additional points of conflict between users of the public sidewalk and servers/wait staff/busboys moving between the building and the sidewalk café to deliver/remove food and/or drink to customers as well as customers exiting the café and/or moving back and forth to use restrooms as well for other reasons. The required five (5) clear path is not truly clear of the business activity.

In addition, to the conflicts one issue with current sidewalk cafes is cleanliness and this proposed configuration will expose even larger areas of the sidewalk to spills and other debris.

The proposed configuration also impacts the ability of people to have direct access to the public sidewalk from a parking space forcing them to walk around the sidewalk café and possibly having to use the traffic travel lane to do so creating additional unnecessary safety concerns.

Allowing eligible businesses to extend sidewalk cafes in front of other businesses also creates it own set of unnecessary issues, including confirmation that the adjacent business or businesses do not object now or in the future, are there different financial and/or insurance issues/requirements, access, maintenance and services issues. How far should an eligible business be allowed to purpose extending a sidewalk café?

The current set of well established policies gives potential sidewalk café applicants clear directions and keeps city staff reviews to a minimum.

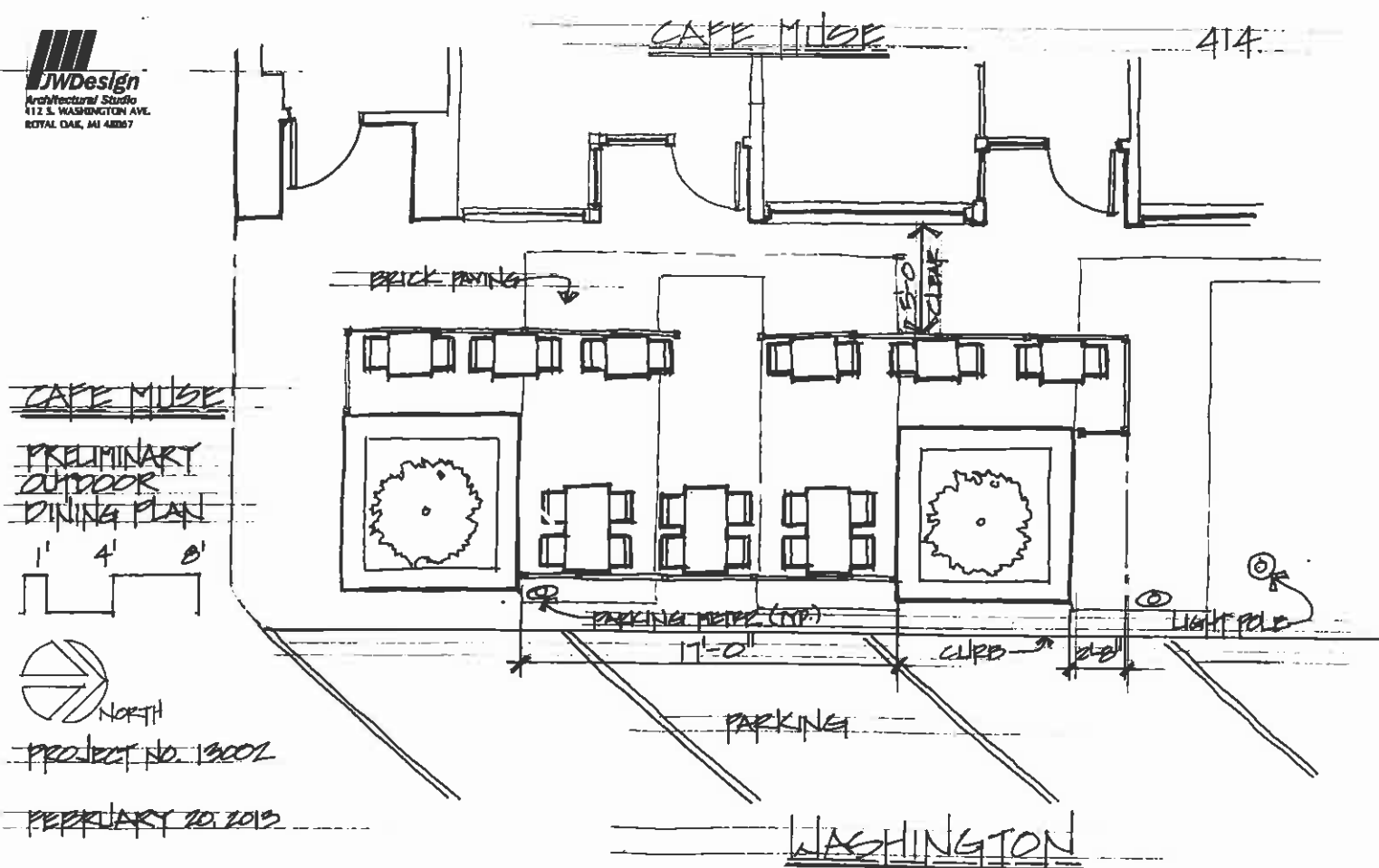
The Planning Department can not identify any reason or justification to revise the long standing policies and/or further inconvenience users of the public sidewalk.

Keep in mind that the public sidewalk also includes a variety of other elements; decorative lights, trees/tree grates, flower barrels and boxes, bicycle racks, trash receptacles, directional and traffic control signs/equipment, sandwich board signs, and parking meters.

The Engineering Department also recommends that the “cross access” not be permitted however if the City Commission were to grant the purposed configuration has provided the following design recommendations;

- 1) A minimum of three (3) feet between back of curb and café railing
- 2) The minimum five (5) foot clear pedestrian path should be increased to seven (7) or eight (8) feet when located adjacent to building façade (between building & café railing). If the City Commission were to approve less signage prohibiting loitering should be required.
- 3) All cafés on the same block shall follow a single or same configuration; either adjacent to building façade or away from building façade, so clear pedestrian path is consistent.
- 4) There shall be a minimum clear path of six (6) feet from the street to the building between each sidewalk café.
- 5) The proposals from Lily’s Seafood and Café Muse will need to incorporate additional dimensions and depicted the right-of-way lines. Further, the “rope” railing purposed by Lily’s Seafood should not be allowed, standard railing only.

*The City Commission may also wish to establish a maximum length (travel distance) between these clear paths.







Get Google Maps on your phone
Text the word "GMAPS" to 466453





**CITY OF ROYAL OAK
BISTRO LICENSED BUSINESS
PLAN OF OPERATION**

Café Muse LCC
Business Name

Café Muse
Doing Business As

416-418 S. Washington Ave, Royal Oak
Street Address

Preamble: We have received copies of Royal Oak City Ordinances **430-1 through 430-12**, Ordinances Established as a General Policy for Liquor Licenses and Permits, understand its provisions, and will be governed by them.

The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

- I. **HOURS OF OPERATION:** At present, our planned hours of operation will be Sunday 7:30am-10pm, Monday-Saturday 7:30am-midnight. Last call will be 30 minutes before closing and last service 20 minutes before closing.
- II. **FORMAT:** The premises will be primarily operated as a full-service restaurant, offering beer, wine and cocktails for clientele; full-service kitchen facility; providing for 75 seated interior patrons, which includes 7 bar seats, and 24 exterior seated patrons. We plan on using our facility for occasional private parties, which may or may not have live entertainment provided. We may, from time to time, offer live entertainment during our regular business operations.

There shall be no gaming devices on the premises, or direct connections to an additional bar. Patrons will only be served alcohol while being seated.

We agree to adhere to the provisions of the **Entertainment Agreement**, which has been signed. It is agreed that we will not change the format of 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, etc. The ratio of food sales to alcohol sales is anticipated to be 70% food sales to 30% alcohol sales.

- III. **CODE COMPLIANCE:** The premises fully comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes, as well as zoning requirements.

The Outdoor Service Area will operate in accordance with and consistent with all City policies, practices, and procedures regulating outdoor service, 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 should be anchored in accordance with the Uniform Engineering Anchoring System, as promulgated by the Engineering Department of the City of Royal Oak;

- c. The manner in which the Outdoor Service Area is enclosed shall be subject to inspection by the Police and Engineering Departments;
- d. The use of alcohol will be allowed in accordance with the rules of the Michigan Liquor Control Commission from April 15th to October 31st;
- e. Wait staff shall transport all alcoholic beverages to/from the Outdoor Service Area.
- f. The Outdoor Service Area will be clean, free of debris and trash, and shall be cleaned at the close of each business day; and
- g. Café Muse will pay fees in accordance with the City's Sidewalk Café License Agreement application.

IV. PLAN OF OPERATION: It is acknowledged that under Ordinance 430-4, Section A, 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.

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

VI. PARKING: Parking shall be provided as follows:
Lafayette Street Parking Structure

Employees will park at: Lafayette Street Parking Structure or Center Street Parking Structure

VII. ALCOHOL MANAGEMENT: The establishment will strictly obey all rules and regulations promulgated 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 alcohol will be sold, or permitted to be sold, on a commission basis by any person.

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. 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.

3. All staff will be alert to potential problems at their respective areas at the facility.
4. 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.
5. 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.
 - 5.1 All patrons under 21 years of age, service will be refused.
 - 5.2 Check "State Seal" and other markings. Check for damage or alterations to identification card.
 - 5.3 Do not return falsified identification cards. Call management immediately.
6. 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.
7. If a patron is purchasing on behalf of someone else who appears 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.
8. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons.
 - No sales without proper identification.
 - Limited alcoholic choices, if necessary.
 - When in doubt, do not serve. Call supervisor.
9. Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
10. 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.
11. We shall provide non-alcoholic beverages to all designated drivers either free or reduced prices.
12. 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. ServSafe Alcohol certification, provided through the Michigan Restaurant Association, for all employees shall be provided to the Chief of Police within 35 days of date of hire.

VIII. REFUSE DISPOSAL: The establishment will dispose of refuse in enclosed dumpster(s), with lids. Pickup will be a minimum of three times per week. A water line with spigot will be provided to clean dumpster enclosure as necessary.

IX. GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses, as well as cooperation with all City departments. Every effort will be made to solve any problems which may arise.

X. EMERGENCY CONTACTS:

Greg Reyner 248-390-5433
David Smith 248-872-9555

XI. Valet service will not be offered at this time.

Date: May 7, 2013

Café Muse LLC / Café Muse
Corporate Name / Doing Business As



By: David S. Smith / Owner
Name / Title

~~PROPOSED~~

**CITY OF ROYAL OAK
BISTRO LICENSED BUSINESS
PLAN OF OPERATION**

Café Muse LCC
Business Name

Café Muse
Doing Business As

416-418 S. Washington Ave, Royal Oak
Street Address

Preamble: We have received copies of Royal Oak City Ordinances 430-1 through 430-12, Ordinances Established as a General Policy for Liquor Licenses and Permits, understand its provisions, and will be governed by them.

The following Plan of Operation is developed in keeping with the spirit and intent of this Ordinance.

- I. **HOURS OF OPERATION:** At present, our planned hours of operation will be Sunday 7:30am-10pm, Monday-Saturday 7:30am-midnight. Last call will be 30 minutes before closing and last service 20 minutes before closing.
- II. **FORMAT:** The premises will be primarily operated as a full-service restaurant, offering beer, wine and cocktails for clientele; full-service kitchen facility; providing for 75 patrons. We plan on having 68 regular seats as well as a bar area for 7 patrons. We plan on using our facility for occasional private parties, which may or may not have live entertainment provided. We may, from time to time, offer live entertainment during our regular business operations.

There shall be no gaming devices on the premises, or direct connections to an additional bar. Patrons will only be served alcohol while being seated.

We agree to adhere to the provisions of the Entertainment Agreement, which has been signed. It is agreed that we will not change the format of 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, etc. The ratio of food sales to alcohol sales is anticipated to be 70% food sales to 30% alcohol sales.

- III. **CODE COMPLIANCE:** The premises fully comply with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes, as well as zoning requirements.
- IV. **PLAN OF OPERATION:** It is acknowledged that under Ordinance 430-4, Section A, 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.
- V. **SECURITY:** Security for the customers, building, and community is the first priority for the corporation, and as such, we will undertake whatever measures are necessary to maintain and supervise the expected level.

VI. PARKING: Parking shall be provided as follows:

Lafayette Street Parking Structure

Employees will park at: Lafayette Street Parking Structure or Center Street Parking Structure

VII. ALCOHOL MANAGEMENT: The establishment will strictly obey all rules and regulations promulgated 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 alcohol will be sold, or permitted to be sold, on a commission basis by any person.

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. 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.
3. All staff will be alert to potential problems at their respective areas at the facility.
4. 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.
5. 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.
 - 5.1 All patrons under 21 years of age, service will be refused.
 - 5.2 Check "State Seal" and other markings. Check for damage or alterations to identification card.
 - 5.3 Do not return falsified identification cards. Call management immediately.
6. 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.
7. If a patron is purchasing on behalf of someone else who appears 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.

8. Alcohol dispensing may be restricted to one of the following practices or any combination thereof:

- No sales to intoxicated persons.
- No sales without proper identification.
- Limited alcoholic choices, if necessary.
- When in doubt, do not serve. Call supervisor.

9. Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.

10. 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.

11. We shall provide non-alcoholic beverages to all designated drivers either free or reduced prices.

12. 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. ServSafe Alcohol certification, provided through the Michigan Restaurant Association, for all employees shall be provided to the Chief of Police within 35 days of date of hire.

VIII. REFUSE DISPOSAL: The establishment will dispose of refuse in enclosed dumpster(s), with lids. Pickup will be a minimum of three times per week. A water line with spigot will be provided to clean dumpster enclosure as necessary.

IX. GENERAL: Every effort will be made to maintain positive relationships with adjacent and nearby businesses, as well as cooperation with all City departments. Every effort will be made to solve any problems which may arise.

X. EMERGENCY CONTACTS:

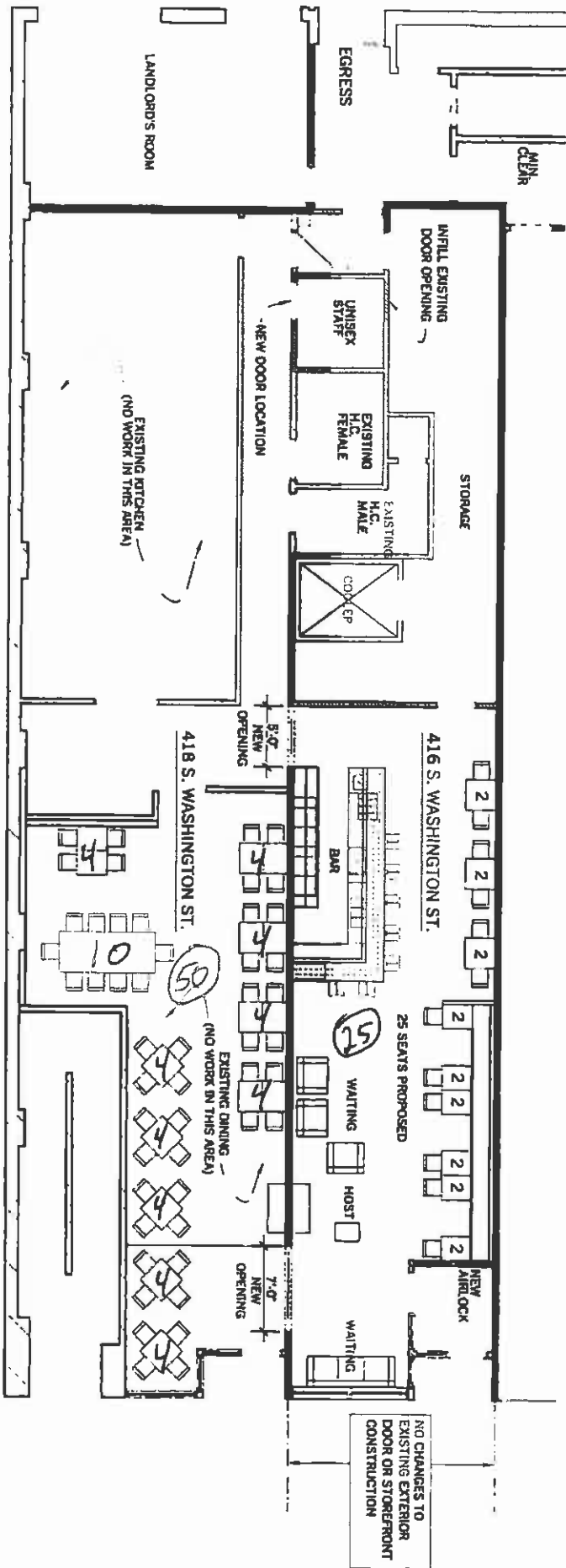
Greg Reyner 248-390-5433
David Smith 248-872-9555

XI. Valet service will not be offered at this time.

Date: May 25th, 2012

Café Muse LLC / Café Muse
Corporate Name / Doing Business As


By: David S. Smith / Owner
Name / Title



PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"



LICENSE AGREEMENT

THIS LICENSE is effective the fifteenth (15th) day of April, 2011 and expires on October 31, 2011.

WITNESSETH:

That the CITY OF ROYAL OAK, a Michigan Municipal Corporation, 211 Williams Street, Royal Oak, Michigan, hereinafter called the "Licensor", licenses and permits CAFÉ MUSE, hereinafter called the "Licensee", to make an encroachment into the public sidewalk abutting 416 & 418 S Washington, Royal Oak, Michigan more particularly described as:

Lots 2 & 3, Block 20, Assessor's Plat No. 20

Said encroachment shall consist of a serving area for food and drink with a fence and/or other barricades surrounding said sidewalk (see Exhibit A). It is hereby understood and agreed that any construction on the public sidewalk shall be of a temporary nature only, and easily removable as hereinafter may be required. No structure of a permanent nature shall be erected on the sidewalk.

This License is granted upon the following conditions, assent to which is signified by the signature/s of the Licensee/s:

1. This License shall be seasonal, from April 15 to October 31. The fence and/or other barricades surrounding the sidewalk serving area shall be removed at the end of each season.

2. A minimum clearance of five (5) feet for pedestrian traffic shall be maintained between the fence and/or other barricades or rail surrounding the sidewalk serving area and all obstructions, including but not limited to, curbs, parking meters, fire hydrants, street lamps, benches, planters, waste receptacles, trees, sign posts, traffic control devices, and any other streetscape elements. The fence and/or other barricades or rail shall align with and extend no further from the building wall than those of other sidewalk serving areas on the same block.

The fence and/or other barricades or rail surrounding the sidewalk serving area should be anchored in accordance with the uniform engineering anchoring system as promulgated by the Engineering Department of the City of Royal Oak and attached hereto as Exhibit B.

A minimum clearance of seven (7) feet shall be maintained between the sidewalk and the bottom edge of table umbrellas or awnings. The outer edge of table umbrellas or awnings must remain inside the

fence and/or other barricades or rail. No objects shall project beyond the fence and/or other barricades or rail.

Signage or any other form of advertising is prohibited on any fence and/or other barricades or rail surrounding the sidewalk serving area.

Establishments that allow smoking within a sidewalk serving area shall provide fireproof containers to collect, extinguish and dispose of discarded cigarettes and cigars, in addition to providing ashtrays. Such containers and ashtrays shall be emptied on a regular basis.

3. The Licensee agrees to repair and/or replace any damage to any portion of the sidewalk or streetscape as a result of the installation, maintenance and/or removal of the café railing system. All costs for such repair or replacement, and all work performed, shall be the responsibility of the Licensee. The City Engineer shall have the sole discretion to determine when a sidewalk/ streetscape is in need of repair or replacement. All required repairs must be complete before the beginning of the next season.

4. The manner in which the serving area on the sidewalk is encompassed shall be subject to prior approval and inspection by the Police and Engineering Departments.

5. The Licensor shall permit and agree to the use of alcohol only as permitted and/or licensed by the Michigan Liquor Control Commission in the area of and during the term of this License.

6. The Licensee shall furnish and do at the Licensee's own cost and expense any and all things herein permitted or that the Licensee is herein bound to do, including but not limited to any upkeep and maintenance of said sidewalk.

The Licensee shall clean the entire area of encroachment and all other adjacent sidewalk areas by removing debris, trash, sweeping and washing down the area each day. The cleaning shall be conducted as frequently each day and as necessary to prevent debris or trash from being blown or scattered onto other properties. A thorough sweeping and cleaning shall be conducted at the close of business each day. The cleaning shall not be postponed until the beginning of the next business day.

Steam cleaning and/or degreasing agents shall be used to thoroughly clean the area of encroachment and all other affected adjacent sidewalk areas as needed. At a minimum, steam cleaning

and/or degreasing agents shall be used within the first five (5) days of each month and upon the expiration of the seasonal license agreement.

Failure to comply with any provision of this Agreement shall result in a fine of two hundred dollars (\$200), payable to the City of Royal Oak within five (5) days of Notice of Non-compliance. Failure to pay the two hundred dollars (\$200) fine shall result in immediate termination of this Agreement. A second act of non-compliance within the license period shall result in immediate termination of the License Agreement upon Notice of the Second Act of Non-compliance. The Licensee may petition the City Commission for reinstatement of the License Agreement.

7. The Licensee agrees and undertakes to indemnify and save the Licensor harmless from any and all claims, demands and rights of action of every name, nature and description, whether arising under state or Federal statutes, or at common law, for injury or alleged injury to persons whether employees of the Licensor, or agents or employees of the Licensee or to third parties, and for damage or alleged damage to property regardless of to whom it may belong or in whose custody it may be, arising through, on account of, or out of the License herein granted, no matter how caused, whether by the negligence of the Licensor, its agents, employees or otherwise. The Licensee agrees that in case claim is made or suit instituted against the Licensor for such loss, injury or damage, including liability under a Dramshop claim, the Licensee will, upon notice from the Licensor, settle, adjust or defend the same at its sole cost and expense, without expense to the Licensor, and will pay any judgment rendered therein together with Court costs.

8. The City of Royal Oak shall be added as a named insured to Licensee's general liability insurance policy and shall provide the City with a copy of the Certificate of Insurance therefore prior to the April 15th opening each year. The additional insured on the certificate of insurance must read as follows:

"City of Royal Oak, and including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers."

The cancellation notice on the certificate of insurance must read as follows:

"Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail thirty (30) days written notice to the Certificate Holder."

The general liability insurance policy and the Certificate of Insurance must be effective for the duration of the seasonal license from April 15 through October 31 each year. It is the responsibility of the Licensee to provide a Certificate of Insurance for the license period of April 15 through October 31, to the Royal Oak City Treasurer as a condition precedent to the issuance of a License. The Licensee shall carry insurance coverage in the amount of three hundred thousand dollars (\$300,000.00) for liquor, one million dollars (\$1,000,000.00) for general and products liability. Umbrella coverage in the amount of one million dollars (\$1,000,000.00) may also be used if the general liability coverage is less than one million dollars (\$1,000,000.00). Furthermore, the Licensee agrees to reimburse the Licensors for any deductible costs or claims expenses arising from any claims or suits filed against the City.

9. The Licensee shall immediately cease operation or any use of the encroachment upon receipt of a Notice of Cancellation of insurance. Licensee shall not resume any use of the encroachment until presentation of a valid Certificate of Insurance and approval by the City Manager to resume use of the encroachment.

10. The Licensee agrees that the Licensors has the right to revoke and terminate this Agreement without just cause or other explanation of any sort being required. The Licensee shall immediately cease operation or any use of the encroachment upon written or oral notice by Licensors. Upon termination, Licensee shall restore the sidewalk to its original condition.

11. The Licensee understands and acknowledges that there are or may be utility easements in this public right-of-way. Licensee agrees that should any additions, repairs or corrections be required to be made to any utility located within said right-of-way, all costs or expenses concomitant with the removal and replacements associated with the encroachment shall be borne by the Licensee. It is further agreed and understood that the Licensors or its agents shall be allowed to make any and all emergency repairs to the utilities located upon or within such easement without being required to give notice to Licensee.

12. That in the event the Licensee sells, leases or relinquishes control of the business and/or property or any portion thereof, Licensee shall immediately notify the office of the City Manager and this License Agreement shall immediately terminate.

13. That the last call for service of food and drink shall be no later than 1:00 a.m. All patrons must vacate the sidewalk area no later than 1:30 a.m.

14. For any Licensee who serves beer, wine, mixed drinks, or any type of alcoholic beverage, security personnel, staff supervision, or host shall be provided at the sidewalk area during peak operating hours. For any Licensee who serves beer, wine, mixed drinks, or any type of alcoholic beverage, security personnel, staff supervision, or host shall be on duty no later than 6:00 p.m. and shall continue as long as food and drink are being served, or until all patrons have vacated the sidewalk area. Security personnel, staff supervision or host shall be provided for, and conduct themselves consistent with all current Liquor Control Commission Rules and Regulations.

15. By executing/signing this Agreement the Licensee certifies that he/she is in full compliance with license requirements of the State of Michigan for outside sales of alcohol. (R436.1419).

16. There shall not be any live music on any sidewalk area without prior approval of the City Commission.

17. That during the term of this License, the Licensee shall post a two hundred dollar (\$200.00) cash performance bond or such other amount as may be required by the City Engineer to assure full compliance with the term hereof. The bond may be applied to any outstanding fines or charges. The cash performance bond may be refunded thirty (30) days after the expiration of the license period, at the request of the Licensee, unless there is any pending action against the cash performance bond.

18. For any Licensee who serves beer, wine, mixed drinks, or any type of alcoholic beverage, the basic license fee each year for an area of one hundred eighty (180) square feet or less shall be seven hundred fifty dollars (\$750) for a first time applicant, and six hundred dollars (\$600) for the renewal of a previously approved Licensee. For all other types of businesses that do not serve beer, wine, mixed drinks or any other alcoholic beverage, the basic license fee each year for an area of one hundred eighty (180) square feet or less shall be three hundred seventy five dollars (\$375) for a first time applicant, and three hundred dollars (\$300) for the renewal of a previously approved license. Any encroachment of greater than one hundred eighty (180) square feet shall require payment of an additional thirty dollars (\$30) each

year. The license fee shall be payable at the time of application for the License Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

WITNESSES:

Gretchen E. Osim
Gretchen E. Osim

Janet Hillis
JANET HILLIS

CITY OF ROYAL OAK

James B. Ellison
James B. Ellison, Mayor

Melanie Halas
Melanie Halas, City Clerk

CAFÉ MUSE

David S. Smith
(Name)

DAVID S. Smith
(Name Printed)

OWNER
(Title)

Approved as to form:

David Gillam
David Gillam
City Attorney

**CAFÉ MUSE
418 S. WASHINGTON**

TOTAL CALLS FOR SERVICE – 05/01/2012 – 05/01/2013 = 1

| <u>DATE</u> | <u>REPORT/D-CARD</u> | <u>COMPLAINT</u> | <u>SYNOPSIS</u> |
|-------------|----------------------|------------------|--|
| 8/26/2012 | 12-23632D | Noise Complaint | Not excessive or out of the ordinary. No report. |

MEMORANDUM

To: Mr. Don Johnson, City Manager
From: Gordon Young, Deputy Chief of Police
CC: Corrigan O'Donohue, Chief of Police *ew*
Date: 6/27/2013
Re: Royal Oak Class C License Review-June 2013

ESCROWED LICENSES

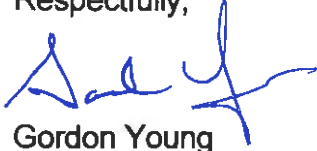
- **Fiddleheads**, 4313 W. Thirteen Mile Rd.- No pending transfer on record.
- **Leo's Bar & Grill #2**, 112 S. Main – No pending transfer on record. This license will need City Commission approval to reactivate.
- **Four Green Fields**, 30919 Woodward Avenue – MLCC transfer on record. This department had not received any request to transfer.

PENDING LICENSE APPLICATIONS

- **Northern United Brewing Company, L.L.C. (d/b/a Jolly Pumpkin)**, 218 S. Main St. This is a small wine maker, micro brewer, and small distiller licensed business. This license was approved by the City Commission on January 23, 2012. At this time there is no timetable for completion of construction.
- **Dexter Hospitality Holdings, L.L.C. (d/b/a Sangria and Sky Bar)**, 401 S. Lafayette Ave. This is a license transfer of ownership of Class C and SDM liquor licenses from Royal Oak Dining, L.L.C. (Sangria's). The City Commission approved this license transfer on December 17, 2012. The new business will be d/b/a Up/Down. At this time there is no timetable for completion of construction.
- **3 SONS, LLC. (d/b/a Trattoria Pizzeria Luigi)**, 415 S. Washington Ave. This is a new "bistro" redevelopment Class C and SDM license with Sunday Sales (A.M./P.M.) and Specific Purpose Permit (Food). This request was approved by the City Commission on May 6, 2013. At this time there is no timetable for completion of construction.

- **Ridin' the Rails, L.L.C. (d/b/a Iron Horse Royal Oak)**, 316 W. Fourth St. This request is for a new "bistro" redevelopment Class C and SDM license with Sunday Sales Permit (A.M./P.M.), Specific Purpose Permit (food) and Catering Permit. This application will be on the July 10, 2013 LCC Meeting Agenda.

Respectfully,



Gordon Young
Deputy Chief of Police
Royal Oak Police Department