

Commission Letter # 66-10  
Commission Meeting: 3/1/2010

RE: The Rock on 3<sup>rd</sup> – 112-114 E. Third Street

February 25, 2010

The Honorable Mayor  
and  
Members of City Commission

Two C's Inc., the owner and operator of The Rock on 3<sup>rd</sup>, has submitted a request to the Michigan Liquor Control Commission (MLCC) for a new outdoor service area in conjunction with its Class C License at 112-114 E. Third Street.

The applicant originally requested approval to construct an elevated patio on the north side of the building that would have covered a portion of the sidewalk and two public parking spaces within the Third Street right-of-way. The City's Liquor Control Committee (LCC) reviewed this request at its January 13, 2010 regular meeting. At that time, the LCC voted unanimously to refer the request to the City Commission without recommendation, based upon questions about objections that had been expressed by the Engineering and Planning Departments during the Staff Traffic Committee meeting on January 12, 2010.

The applicant has since revised the proposal, which now consists of a single row of seating on the sidewalk and a raised dining platform covering three spaces in the public parking lot on the east side of the building. If the Commission chooses to approve the revised proposal, we would recommend approval of the following resolution:

BE IT RESOLVED, that Two C's, Inc.'s request for a New Outdoor Service (1 Area), in conjunction with 2009 Class C/SDM Licensed Business, with Sunday Sales, Official Permit (Food), Ent-WO, located at 112-114 E. Third, Royal Oak, Michigan, 48067, Oakland County, be considered for approval.

BE IT FURTHER RESOLVED, that the amended Plan of Operation dated February 25, 2010 be approved.

If the Commission chooses not to approve the request for new outdoor service, we would recommend approval of the following resolution:

BE IT RESOLVED, that Two C's, Inc.'s request for a New Outdoor Service (1 Area), in conjunction with 2009 Class C/SDM Licensed Business, with Sunday Sales, Official Permit (Food), Ent-WO, located at 112-114 E. Third, Royal Oak, Michigan, 48067, Oakland County, be considered for disapproval.

BE IT FURTHER RESOLVED, that the request to approve the amended  
Plan of Operation dated February 25, 2010 be denied.

Respectfully submitted

A handwritten signature in black ink, appearing to read "David W. Gillam", with a long horizontal flourish extending to the right.

David W. Gillam  
City Attorney

cc: Donald E. Johnson, City Manager  
Melanie Halas, City Clerk  
Christopher A. Jahnke, Chief of Police  
Lt. Gordon Young, Criminal Investigations

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**Royal Oak Police  
Criminal Investigation  
Division**

## MEMORANDUM

**To:** Mr. Don Johnson, City Manager

**From:** Gordon Young, Lieutenant

**Cc:** Christopher M. Jahnke, Chief of Police *cfw*

**Date:** 2/25/2010

**Re:** TWO C's, INC. REQUESTING A NEW OUTDOOR SERVICE (1 AREA), IN CONJUNCTION WITH 2009 CLASS C/SDM LICENSED BUSINESS, WITH SUNDAY SALES, OFFICIAL PERMIT (FOOD), ENT-WO, LOCATED AT 112-114 E. THIRD, ROYAL OAK, MICHIGAN, 48067, OAKLAND COUNTY


On February 24, 2010 I received an amended plan of operation from The Rock on 3rd. The only change to the originally submitted plan of operation is:

- The outdoor service area has been amended from "There will be Outdoor Service on 3<sup>rd</sup> street only" to "There will be Outdoor Service in front of The Rock on 3<sup>rd</sup> as well as the East Parking Lot."

The police department continues to recommend this approval for MLCC licensing purposes only. The applicant must meet all safety regulations, City code and ordinance requirements dictated by the Building, Planning, Zoning, Engineering and Fire Department.

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

Respectfully,



Gordon Young, Lieutenant  
Criminal Investigation Division  
Royal Oak Police Department

**cc:** City Clerk  
City Attorney  
Building Department  
Fire Marshal  
Michigan Liquor Control Commission  
File

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

TWO C'S INC., A Michigan Corporation, doing business as The Rock on 3rd. 112 E. Third.

Preamble: I/we have received a copy of the City of Royal Oak revised General Policy for issuance/transfer for Class C liquor/tavern licenses effective 4/19/94, understand its provisions and will be governed by it. The following plan of operation is developed in keeping with the spirit and intent of this policy.

I. INVESTMENT: The Corporation will commit \$250,000.00 to acquire, establish and open the business. Initial investment shall be provided through personal savings of both officers of the corporation, no major structural changes have been scheduled at this time. Minor cosmetic enhancements shall be made to both the interior and exterior. As indicated by our lease Agreement many extensions have been included in the agreement to allow The Rock on 3rd to be a committed long-term local establishment.

II. HOURS OF OPERATION: At present, our planned hours of operation will be daily 11:00 a.m. to 2:00a.m. Last call shall be at 1:30 a.m. with last service at 1:40 a.m.

III. FORMAT: The premises will be primarily operated as a full service short order restaurant and full service bar. Also, on occasion live entertainment shall be offered (Blues, Jazz, Etc). The general format of The Rock shall be of the Sports/Entertainment type atmosphere featuring many rare photographs and memorabilia of Legends from both the Sports Arena and the Entertainment field alike. The atmosphere of The Rock shall be of casual tone, a place to meet for great food, good friends and plenty of televisions to watch your favorite sport!

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.

IV. CODE COMPLIANCE: No structural or major renovation has been planned at this time; we agree to fully comply with any and all applicable codes. In the event any remodeling is planned in the future all local codes and requirements shall be met prior to construction.

V. SECURITY: Security for the clients, premises, and community shall be of top priority for the Corporation. We shall take all necessary precautions and measures to maintain and supervise the ongoing management of this establishment.

Facade renovation amendments - All patrons will be required to enter through existing door only, there will be no entrance or exit directly from patio. Depending on the hour of operation, patrons will either be checked by door person or wait staff. Our staff is diligently trained to check everyone's I.D. Staff will monitor all patrons seated on patio and be trained and aware of the responsibility of drinks not being passed over railing. The staff will also be conscious of people gathering outside of the railing so as not to create a blockage of the public walkway.

Outdoor Dining Amendment:

There will be Outdoor Service in front of The Rock as well as the East Parking Lot. 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:

1. The Outdoor Service Area will not be permanently enclosed;
2. 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;
3. The manner in which the Outdoor Service Area is enclosed shall be subject to prior approval and inspection by the Police and Engineering Department.
4. The use of alcohol will be allowed in accordance with the rules of the Michigan Liquor Control Commission and the City's Ordinances from April 15th to October 15th;
5. The Outdoor Service Area will be clean free of debris of trash. The Area shall be cleaned at the close of each business day; and;
6. Rock on 3rd will pay fees in accordance with the City's Sidewalk Café License Agreement application.
7. All Patrons will continue to enter and exit through existing door only.
8. The Rock will provide extra staff during our busiest times.
9. The Rock will obtain all additional insurance required by the City of Royal Oak.

Music levels - Our level of volume will not increase so as to attract people from outside our establishment. We will agree to turn music down or close the doors at the request of the Royal Oak Police Department.

VI. **PARKING:** This establishment shall utilize public parking available. Employees shall use the parking available at Farmers Market.

VII. **GENERAL:** This establishment shall be operated in a proper business-like manner and every attempt shall be made to solve any problems that may arise in a professional and expedient manner. Every effort shall be made by this establishment by both its proprietors and its staff to maintain positive relationships with its clientele, neighbors, and all city Departments. In addition the trash receptacle shall be emptied on an if needed basis and at no time shall it be left over- full.

VIII. **ALCOHOL MANAGEMENT:** The establishment will strictly obey all rules and regulations promulgated by 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 Techniques In Alcohol Management Program and will continue such participation in the program or of similarly recognized program approved by the Royal Oak Police Chief.

In addition, 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: (a) impaired reflexes, (b) impaired coordination, (c) reduced judgment and inhibitions, (d) impaired vision, etc.

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3. All staff will be alert to potential problems at their respective areas at the facility.
4. Be polite and courteous to the intoxicated individual(s). Be knowledgeable as to when to request assistance from additional facility staff.
5. Patrons who appear to be under 35 years of age or younger will be asked to show proper Michigan identification. Signs 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 of alteration to identification.
  - 5.3 Do not return falsified identification cards, call management immediately.
6. If a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcohol purchase and/or call management if necessary.
7. If a patron is purchasing on behalf of someone else who appears less than 35 years old, then request to see identification of recipient or contact supervisory personnel whom will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection off of the 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. Approach any patron appearing to be impaired and leaving the event. 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(s) to a bus or taxi service.

11. Supervisory and management personnel will complete documentation of any related incidents at end of event. Information will be disseminated accordingly.

12. We shall provide free and/or at reduced prices on non-alcoholic beverages to all designated drivers.

IX. Emergency Numbers: Emergency contact names and telephone numbers.

1. John Corradi 248-524-2229 (home) 248-730-0350 (cell)

2. Carrie O'Neill 248-524-2229 (home) 248-730-0348 (cell)

3. Kathleen Hulderman 248-524-2377 (home) 248-730-0524 (cell)

Date: February 25, 2010

TWO C'S INC. / The Rock on 3rd

\_\_\_\_\_  
Corporate Name/Doing Business As

By: \_\_\_\_\_

John Corradi, President



**Krieger Associates**  
1412 East 11 Mile Rd.  
Royal Oak MI 48067  
248.414.9270  
Fax 248.414.9275  
[www.kriegerarchdesign.com](http://www.kriegerarchdesign.com)

February 23, 2010

City Commission Member  
City of Royal Oak MI  
211 Williams St.  
Royal Oak MI 48067

**Proposal for Outdoor Raised Dining Platform  
The Rock on 3<sup>rd</sup>.  
112 East 3<sup>rd</sup>. St.  
Royal Oak MI 48067**

Dear Commissioner,

John Corradi, has owned and operated the Rock on 3<sup>rd</sup> for the past 15 years. He has been able to create a very popular establishment and a staple for the down town. Over the past few years, however, he has found it very hard to compete with other businesses that have outdoor dining. Because of the current size of the sidewalk along his building, the locations of the existing light poles, and a parking meter, he can not add sufficient out door dining in front of his business. Our proposal is to construct a raised dining platform on the east side of the building, within three parking spaces. Please note that two of the parking spaces are regular, while the third is a motorcycle space. We are also proposing to add a single row of two top seating on the sidewalk on the north side of the building. Mr. Corradi is proposing to rent the parking spaces for the duration of the outdoor dining season. We feel that this would be a great solution to Mr. Corradi's problem as well as become an asset to the down town. The addition of an outdoor dining on East Third Street will enliven the street, and create a more pedestrian friendly experience. We feel that this is the right application for this because it will mimic other establishments in the area who have similar designs.

**Parking spaces:**

As stated above, Mr. Corradi is proposing to rent the three parking spaces. The proposal is to pay \$7.25 per day for each regular space and \$100.00 a month for the motorcycle space. The total revenue to the city would be \$535.00 a month. He would rent the spaces for the duration of the outdoor café season. This would be a benefit to the city because Mr. Corradi is willing to pay for a full 30 days in the month. Normally the city does not make revenue on sundays or holidays.

**Service of the raised platform:**

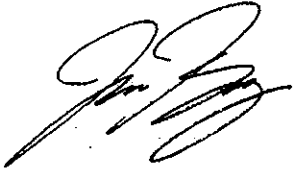
Both the raised dining platform and the sidewalk café will be directly attached to Mr. Corradi's restaurant and will be very easy to service. All outdoor dining areas will be enclosed with a 42" high guard rail.

**Construction and Design:**

The raised dining platform will be constructed from high quality synthetic wood material. Azek is the manufacturer of this product. It is durable and will be easy to maintain. The platform will have a 42" high powder coated aluminum guard rail. We will surround the platform with hanging planters in order to buffer any interaction with the parking lot. Finally we will construct a durable wooden trellis to enclose the space for the pleasure of the diners.

Please see the attached drawings for further information and concept renderings pertaining to this proposal.

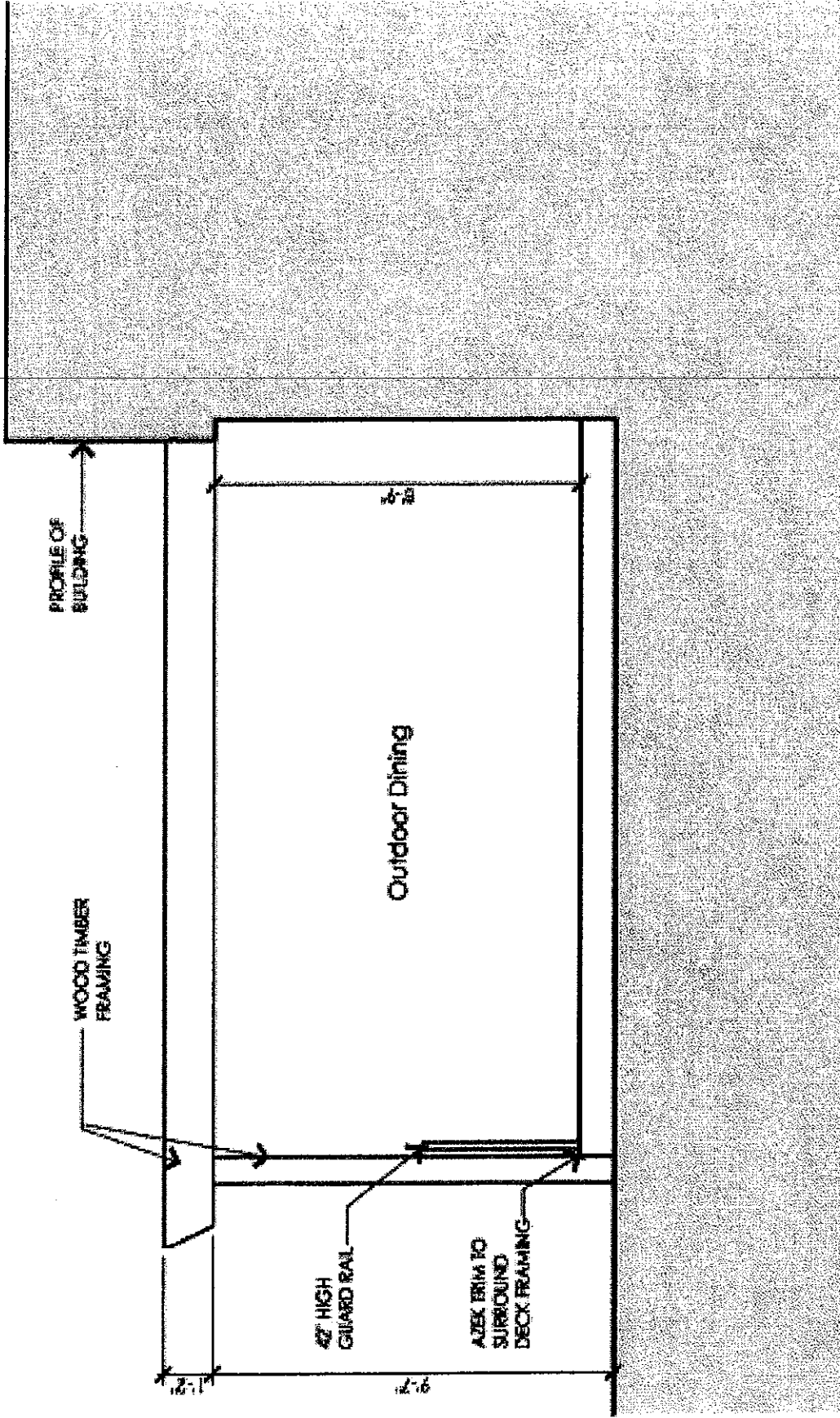
Thank you

A handwritten signature in black ink, appearing to read 'JK', with a stylized, cursive flourish extending from the bottom right.

Jason Krieger RA

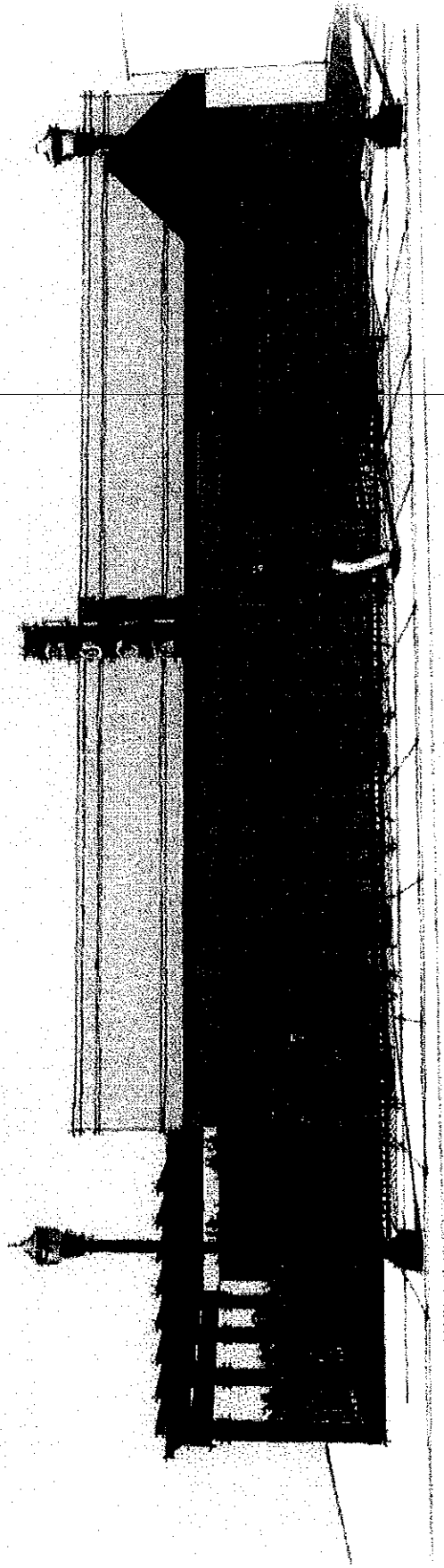
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**Krieger Associates**  
 1412 E. 11 Mile Rd.  
 Royal Oak MI 48067  
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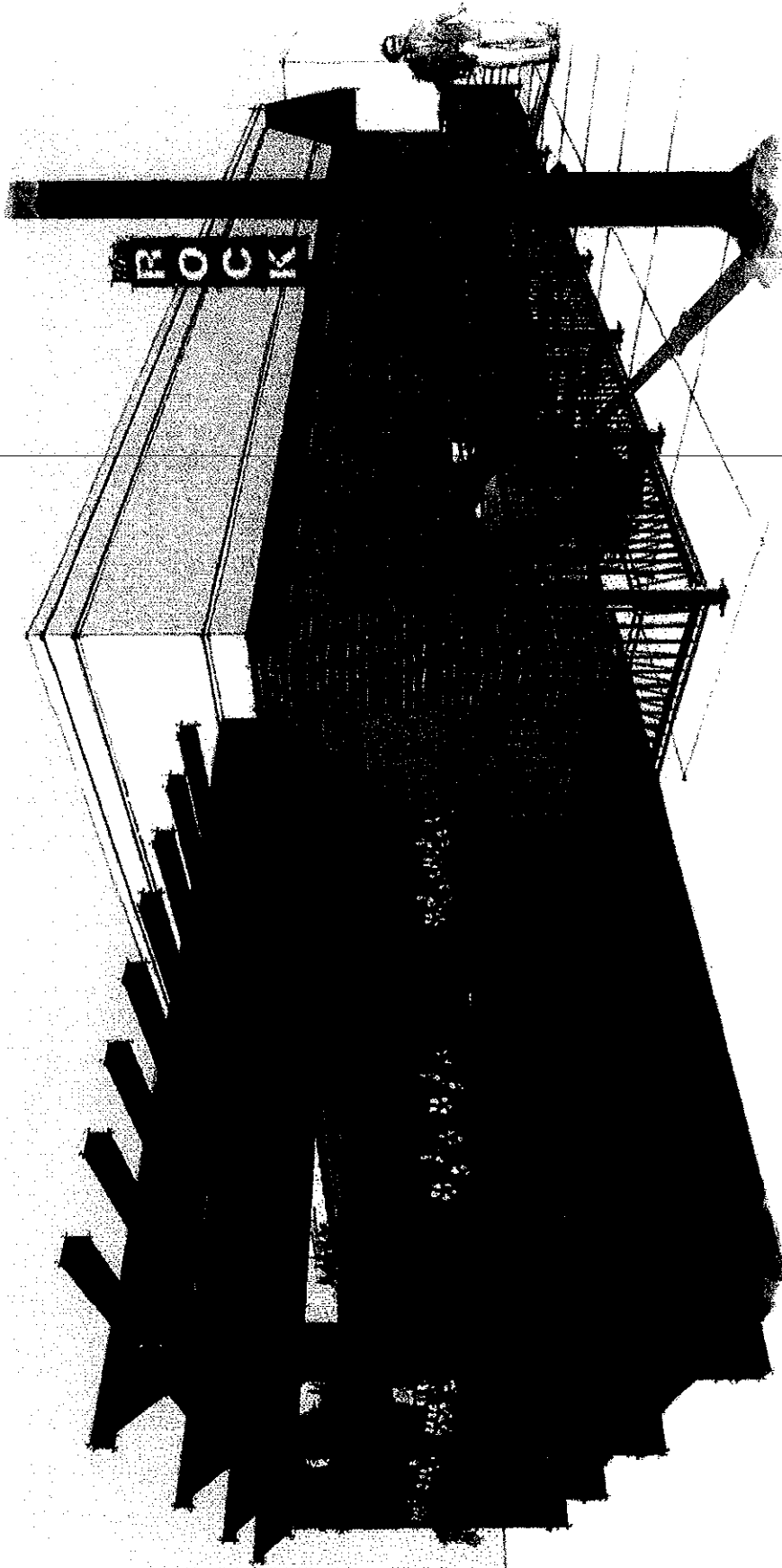
Side Elevation / Section  
**The Rock on 3rd**



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concept rendering

# The Rock on 3rd

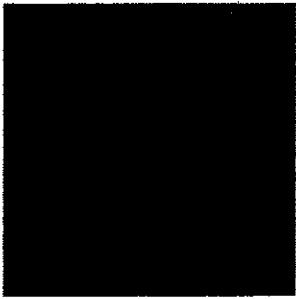


concept rendering

# The Rock on 3rd

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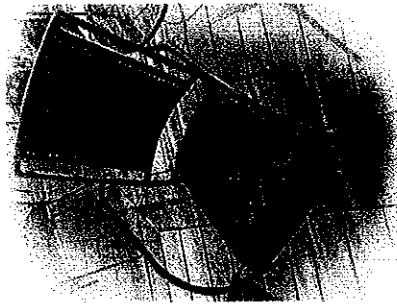




Proposed Decking Material

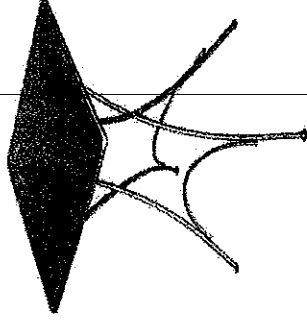
Make: Azek

Color: Kona



Proposed Seating

Metal frame with wicker



Proposed Tables

Metal frame 24" wide and 48" wide



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Proposed materials and furniture

**The Rock on 3rd**

**Royal Oak Police  
Criminal Investigation  
Division**

## **MEMORANDUM**

**To:** Mr. Don Johnson, City Manager

**From:** Gordon Young, Lieutenant

**Cc:** Christopher M. Jahnke, Chief of Police *clens*

**Date:** 1/11/2010

**Re:** TWO C's, INC. REQUESTING A NEW OUTDOOR SERVICE (1 AREA), IN CONJUNCTION WITH 2009 CLASS C/SDM LICENSED BUSINESS, WITH SUNDAY SALES, OFFICIAL PERMIT (FOOD), ENT-WO, LOCATED AT 112-114 E. THIRD, ROYAL OAK, MICHIGAN, 48067, OAKLAND COUNTY

Per your request, our department added this review to Liquor Control Commission agenda. The applicant, Mr. John Corradi, mailed the formal request to add a new Outdoor Service Permit to MLCC on January 5, 2010. As of today's date, MLCC has not processed his application.

This request requires a change in the current plan of operation. The applicant has submitted a revised plan of operation to include outdoor service. Seating is limited to 48 people.

The applicant is proposing to construct a raised dining platform that rests both on the sidewalk and partially in two parking spaces on Third St. The platform will extend 5' 8" onto Third St. There will be an anchored concrete barrier on each side of platform with decorative planter. The applicant will also install appropriate traffic signage indicating platform area.

The applicant is proposing to pay \$7.25 per day for each space. The applicant will operate the outdoor service area in accordance with all City of Royal Oak policies regarding outdoor service.

The City of Birmingham has similar platform outdoor service areas that extend onto the roadway. I spoke to Commander Mark Clemence of the Birmingham Police Department concerning their experience. Commander Clemence stated there are currently have five (5) businesses with this type of operation and there have been no reported problems. Birmingham has had this type of outdoor service for two full years.

Rock on 3<sup>rd</sup> is a well run establishment, and the police department has not had any significant problems associated with the business. Generally, outdoor service areas

do not add additional strain on police department resources. Also, the applicant would agree to have this permit reevaluated on an annual basis. If we experience problems associated with the location of the outdoor service area, the outdoor service permit will not be renewed during the reevaluation process.

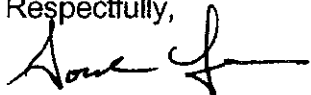
For the above mentioned reason, I recommend that this request be approved.

This approval is for MLCC licensing purposes only. The applicant must meet all safety regulations, City code and ordinance requirements dictated by the Building, Planning, Zoning, Engineering and Fire Departments.

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

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Respectfully,



Gordon Young, Lieutenant  
Criminal Investigation Division  
Royal Oak Police Department

cc:    **City Clerk**  
      **City Attorney**  
      **Building Department**  
      **Fire Marshal**  
      **Michigan Liquor Control Commission**  
      **File**