

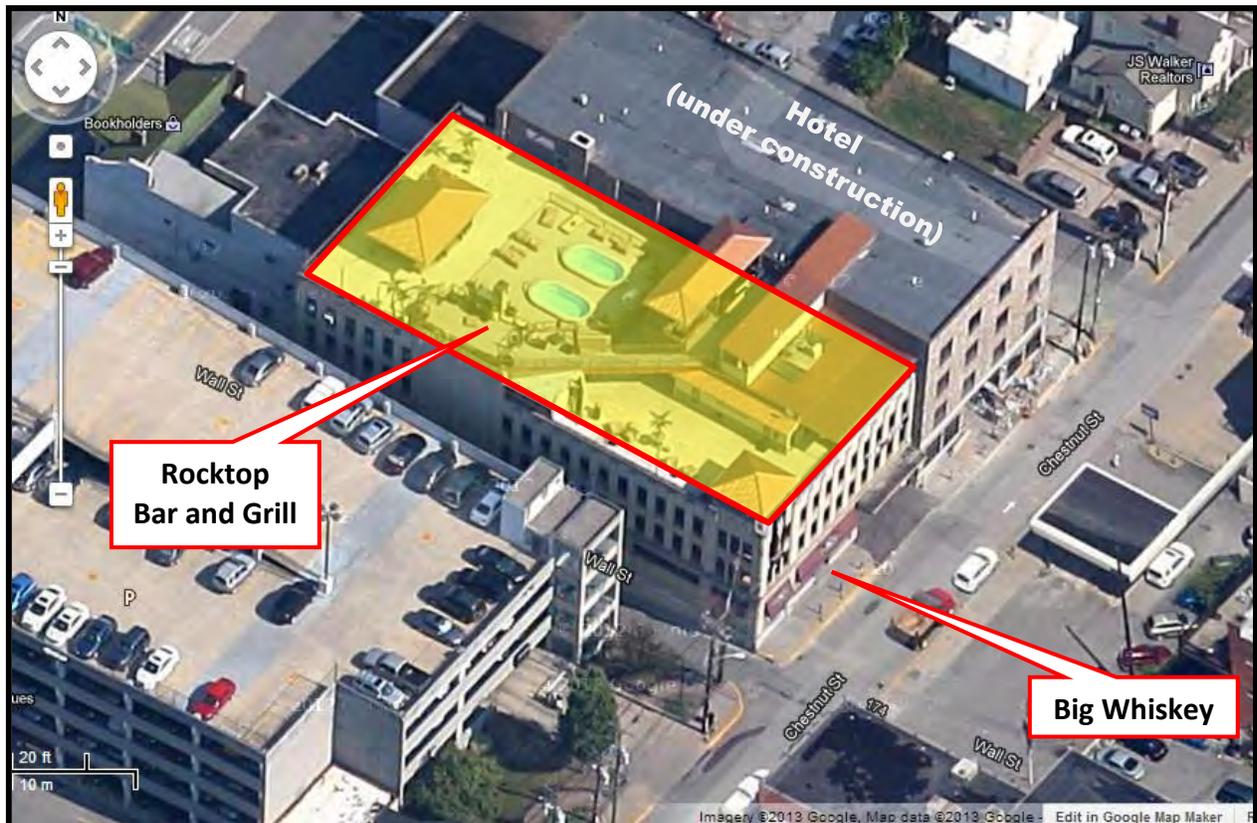


MEMORANDUM

Date: April 17, 2013
To: Board of Zoning Appeals
RE: CU09-10 / Rocktop, LLC / 341 Chestnut Street
Conditional Use Approval – Amendment 1
Expansion of “Restaurant, Private Club”

Joe Panico, on behalf of Rocktop, LLC, seeks the Board of Zoning Appeals’ approval to expand the “Restaurant, Private Club” conditional use granted on December 16, 2009 under Case No. CU09-10 into another portion of the building at 341 Chestnut Street.

The space originally approved by the Board under Case No. CU09-10 encompassed the rooftop area. The first story or street level portion of the subject building for which the petitioner seeks to expand the rooftop “Restaurant, Private Club” into was previously occupied by the “Dragonfly Restaurant.” The “Dragonfly” was approved by the Board as a “Restaurant, Private Club” conditional use on June 18, 2008 under Case No. CU08-10.





Development Services

389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

The following exhibits are attached hereto for review and consideration by the Board:

- Exhibit A – West Virginia Secretary of the State (WVSOS) Certificate of a Limited Liability Company for Manhattan Place, LLC documenting that Joe Panico, Anthony Colasante, and Thomas Rice were members of the subject limited liability company AND an application to appoint/change officers removing Antonio Colasante as a member/manager of the subject limited liability company (obtained from the WVSOS website).
- Exhibit B – WVSOS Certificate of a Limited Liability Company for Rocktop, LLC documenting that Manhattan Place, LLC is the organizer and that Thomas Rice is a member of the subject limited liability company (obtained from the WVSOS website)
- Exhibit C – WVSOS Certificate of Registration of Trade Name authorizing Rocktop, LLC to transact business in West Virginia under the assumed name of “Big Whiskey” (obtained from the WVSOS website).
- Exhibit D – The Board’s approval letter dated December 18, 2009 concerning its December 16, 2009 approval of CU09-10 including conditions.
- Exhibit E – A letter dated March 4, 2013 from Joe Panico requesting an amendment to CU09-10 to expand into space previously occupied by Dragonfly Grill.
- Exhibit F – A description of the proposed “Big Whiskey Saloon & Dancehall” submitted by Mr. Panico.
- Exhibit G – A proposed menu for “Big Whiskey Saloon” submitted by Mr. Panico.
- Floor plans for “Big Whiskey” submitted by Mr. Panico.

Staff recommends the following conditions be included in the Board’s approval of the petitioner’s request to amend CU09-10:

1. That both the “Rocktop” and “Big Whiskey” establishments, for the purposes of serving lunch, shall be open by at least 11:00 AM Monday through Friday.
2. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) of the Planning and Zoning Code.
3. That the establishment shall not serve liquor, including wine, later than 1:00 a.m., except on New Year’s Eve.



Development Services

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Morgantown, WV 26505
304.284.7431

MEMORANDUM

4. That the petitioner must obtain permitting as a “restaurant” from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*.
5. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Division prior to building permit issuance for same.
6. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Division prior to building permit issuance for same.
7. That the petitioner voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a “Restaurant, Private Club” to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month.
8. That the conditional use approved on December 16, 2009 under Case No. CU09-10 and the amendment granted herein are and shall remain specific to Rocktop, LLC as the beneficiary of same and may not be transferred without first obtaining approval by the Board of Zoning Appeals.

State of West Virginia



Certificate

*I, Betty Ireland, Secretary of State of the
State of West Virginia, hereby certify that*

MANHATTAN PLACE, LLC

Control Number: 83772

has filed its "Articles of Organization" in my office according to the provisions of West Virginia Code §§31B-2-203 and 206. I hereby declare the organization to be registered as a limited liability company from its effective date of March 20, 2006 until the expiration of the term or termination of the company.

Therefore, I hereby issue this

CERTIFICATE OF A LIMITED LIABILITY COMPANY



*Given under my hand and the
Great Seal of the State of
West Virginia on this day of
March 20, 2006*

Betty Ireland

Secretary of State

ARTICLES OF ORGANIZATION
OF
MANHATTAN PLACE, LLC

83772

FILED

MAR 20 2006

IN THE OFFICE OF
SECRETARY OF STATE

I. The name of the limited liability company shall be:

Manhattan Place, LLC

II. The address of the initial designated office of the limited liability company is:

**230 Beechurst Avenue
Morgantown, West Virginia 26505**

III. The name and address of the initial agent of the limited liability company for service of process is:

**Joseph Panico
230 Beechurst Avenue
Morgantown, West Virginia 26505**

IV. The name and address of the organizer of the limited liability company is:

**Carl H. Cather, III
P.O. Box 4474
Morgantown, West Virginia 26504-4474**

V. The name and address of the members hav

**Joe Panico
230 Beechurst Avenue
Morgantown, West Virginia 26504**

**Anthony Colasante
428 Fairmont Raod
Westover, West Virginia 26505**

**Thomas Rice
113 Grove Avenue
Westover, West Virginia 26505**

VI. This limited liability company shall be on at-will company, for an indefinite period. The limited liability company shall begin on the date on which the West Virginia Secretary of State issues the certificate of organization for the limited liability company.

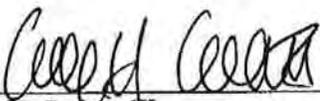
VII. The limited liability company is to be **manager-managed**, and the name and addresses of member are the initial manager is:

Joe Panico
230 Beechurst Avenue
Morgantown, West Virginia 26505

VIII. The members of this limited liability company are not to be liable for the debts and liabilities of the limited liability company under West Virginia Code § 31B-3-303(c). The debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise are solely the debts, obligations and liabilities of the Company. A member or manager is not personally liable for a debt, obligation or liability of the Company solely by reason of being or acting as a member or manager. The failure of the Company to observe the usual company formalities or requirements relating to the exercise of its company powers or management of its business is not and shall not be a ground for imposing personal liability and the members or managers for liability of the Company.

IX. The purpose of the limited liability company shall be to carry on and engage in any and engage in any and all business for which a limited liability company may be lawfully organized, and the limited liability company shall have all the authority and power to do all things necessary or convenient to carry on its business or affairs, including, without limitation, all those powers set forth and contained in W.Va. Code § 31B-1-112(b), as amended from time to time, which powers are incorporated herein by this reference.

IN WITNESS WHEREOF, intending to organize a limited liability company under the West Virginia Code of 1931, as amended, Chapter 31B, Article 2, Section 203, the undersigned has executed these Articles of Organization this 1st day of **March, 2006**.

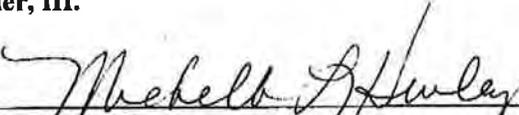


Carl H. Cather, III

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, to wit:

The foregoing Articles of Organization of **Manhattan Place, LLC**, were acknowledged before me this 1st day of **March, 2006**, by **Carl H. Cather, III**.





Notary Public
My commission expires: Dec 29 2013

The foregoing Articles of Organization were prepared by:

Carl H. Cather, III, Esq.
SPILMAN THOMAS & BATTLE, PLLC
990 Elmer Prince Drive, Suite 205
Post Office Box 4474
Morgantown, West Virginia 26504-4474
#403217v1



SPILMAN THOMAS & BATTLE, PLLC
ATTORNEYS AT LAW

March 14, 2006

Carl H. Cather, III, Esq.
304.286.1145
ccather@spilmanlaw.com

Secretary of State
Building 1
Suite 157K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

Re: Manhattan Place, LLC

Dear Sir or Madam:

Enclosed please find two (2) original Articles of Organization of Manhattan Place, LLC for filing in your office. Also enclosed is my Firm's check in the amount of One Hundred Twenty-five Dollars (\$125.00) representing the filing fee for the aforesaid Articles.

If you have any questions or require additional information in regard to this matter, please do not hesitate to contact me.

Very truly yours,

Carl H. Cather, III

CHCIII/mlh
Enclosures

RECEIVED

MAR 16 2006

WV SECRETARY OF STATE

990 Elmer Prince Drive Suite 205 Post Office Box 4474 Morgantown, West Virginia 26504-4474
www.spilmanlaw.com 304.599.8175 : 304.599.8229 fax

Charleston

Morgantown

Pittsburgh

Weirton

Removal/Addition of Member only

Natalie E. Tennant
Secretary of State
1900 Kanawha Blvd E.
Bldg 1, Suite 157-K
Charleston, WV 25305



FILED

MAR 25 2010

IN THE OFFICE OF
SECRETARY OF STATE

Penney Barker, Manager
Corporations Division
Tel: (304)558-8000
Fax: (304)558-8381
www.wvsos.com

FILE ONE ORIGINAL

(Two if you want a filed stamped copy returned to you)
FEE: \$15.00

APPLICATION TO APPOINT OR CHANGE PROCESS, OFFICERS, AND/OR ADDRESSES

Hrs: 8:30 a.m. – 5:00 p.m. ET

1. The company filing this change is registered as a:

- | | | | |
|-------------------------------------|-------------------------------|--------------------------|-----------------------|
| <input type="checkbox"/> | Corporation | <input type="checkbox"/> | Limited Partnership |
| <input checked="" type="checkbox"/> | Limited Liability Company | <input type="checkbox"/> | Voluntary Association |
| <input type="checkbox"/> | Limited Liability Partnership | <input type="checkbox"/> | Business Trust |
| <input type="checkbox"/> | Insurance Company/Agency | | |

2. The change is filed for:
(Note: Enter information as previously filed. No change can be accepted without this information.)

Company name MANHATTAN PLACE, LLC

Principal Office Address as Listed: 507 BEECHURST AVENUE
MORGANTOWN, WV 26505

Home State: WV WV Form. Date: 03-20-08

3. Change of Address (use appropriate lines for the type of address to be changed):

<u>Address Type</u>	<u>New Address</u>
a. Principal Office	_____

b. Principal Mailing	_____

c. Designated Office	_____

4. Change of Agent for Service of Process:

New Agent Name and Address

The agent named here has given consent to appointment as agent to accept service of process on behalf of this company.

New Agent Signature: _____

5. Complete the Change of Officers of Other Persons in Authority:

Officer Type (check one for each new officer)	New Officer Name	New Officer Address
a. <input type="checkbox"/> President (Corp. VA) <input checked="" type="checkbox"/> Member/Manager (LLC) <input type="checkbox"/> General Partner (LP, LLP) <input type="checkbox"/> Trustee (Bus. Trust) <input type="checkbox"/> Other _____	THOMAS W RICE _____ ANTONIO COLASANTE Remove (previous officer name, if any)	115 GROVE STREET _____ WESTOVER, WV 26501 _____
b. <input type="checkbox"/> Vice President (Corp. VA) <input type="checkbox"/> Member/Manager (LLC) <input type="checkbox"/> General Partners (LP, LLP) <input type="checkbox"/> Trustee (Bus. Trust) <input type="checkbox"/> Other _____	_____ _____ Remove (previous officer name, if any)	_____ _____
c. <input type="checkbox"/> Secretary (Corp. VA) <input type="checkbox"/> Member/Manager (LLC) <input type="checkbox"/> Limited Partner (LP) <input type="checkbox"/> General Partner (LLP) <input type="checkbox"/> Trustee (Bus. Trust) <input type="checkbox"/> Other _____	_____ _____ Remove (previous officer name, if any)	_____ _____
d. <input type="checkbox"/> Treasurer (Corp. VA) <input type="checkbox"/> Member/Manager (LLC) <input type="checkbox"/> Limited Partner (LP) <input type="checkbox"/> General Partner (LLP) <input type="checkbox"/> Trustee (Bus. Trust) <input type="checkbox"/> Other _____	_____ _____ Remove (previous officer name, if any)	_____ _____
e. <input type="checkbox"/> Director (Corp. VA) <input type="checkbox"/> Member/Manager (LLC) <input type="checkbox"/> Limited Partner (LP) <input type="checkbox"/> General Partner <input type="checkbox"/> Trustee (Bus. Trust) <input type="checkbox"/> Other _____	_____ _____ Remove (previous officer name, if any)	_____ _____

✓ JOE PANICO
Name (please print)

✓ member ✓
Title


Signature

NOTE: JOE PANICO REMAINS A MEMBER

State of West Virginia



Certificate

*I, Natalie E. Tennant, Secretary of State,
of the State of West Virginia, hereby certify that*

Rocktop, LLC

has filed the appropriate registration documents in my office according to the provisions of the West Virginia Code and hereby declare the organization listed above as duly registered with the Secretary of State's Office.

*Given under my hand and
the Great Seal of West Virginia
on this day of
March 08, 2011*



A handwritten signature in cursive script, reading "Natalie E. Tennant".

Secretary of State



Articles of Organization of Limited Liability Company

For filing with the West Virginia Secretary of State
 a Business for West Virginia Partner
 tel: (304) 558-8000

Business Legal Name	→ Rocktop, LLC
Submitted Date	03/07/2011
Registration Type	New Business 2
Registrant Type	A business formed in West Virginia.
Charter Type	Domestic
Class	For Profit
Organization Type	Limited Liability Company
County	Monongalia
WV Effective Date	03/07/2011
Business Legal Purpose	Private Club
Member/Manager Managed	Member
At Will/Term	At-Will
Members Liable?	No
Primary Business Location	341 Chestnut Street Morgantown , WV 26505 Phone #: (304)685-2914 County: Monongalia
Tax Return Mailing Address	507 Beechurst Ave Morgantown , WV 26505
Agent of Process	Manhattan Place LLC 507 Beechurst Ave Morgantown , WV 26505 507 Beechurst Ave Morgantown , WV 26505
Principal Office	
Organizer Information	→ Manhattan Place LLC 507 Beechurst Ave Morgantown , WV 26505
Signature Authority Member Information	→ Thomas Rice 507 Beechurst Avenue Morgantown , WV 26505
Source of Business	ALL NEW
Primary Business Class	7224 Drinking Places (Alcoholic Beverages) 722410 - Drinking Places (Alcoholic Beverages)
Business Activity Public?	Yes
Offer credit services?	No
Purchase future payments?	No





Articles of Organization of Limited Liability Company

For filing with the West Virginia Secretary of State
a Business for West Virginia Partner
tel: (304) 558-8000

I certify the information provided is true. I further certify that I am duly authorized to file this document on behalf of this organization as required by West Virginia Code. I agree that the electronic entry of my name below represents my signature and authorization for this filing.

Jon Robinson

Authorized By

MANAGER

Capacity

State of West Virginia



Certificate

*I, Natalie E. Tennant, Secretary of State of the
State of West Virginia, hereby certify that*

ROCKTOP, LLC

has filed a "Certificate of Registration of Trade Name" in my office according to the provisions of Chapter 47 of the West Virginia Code and was found to conform to law.

Therefore, I hereby issue this

CERTIFICATE OF REGISTRATION OF TRADE NAME

authorizing it to transact business in West Virginia under the assumed name of

BIG WHISKEY



*Given under my hand and the
Great Seal of the State of
West Virginia on this day of
January 22, 2013*

Natalie E. Tennant

Secretary of State

FILED

JAN 22 2013



IN THE OFFICE OF
SECRETARY OF STATE

Natalie E. Tennant
Secretary of State
1900 Kanawha Blvd E.
Bldg 1, Suite 157-K
Charleston, WV 25305

Penny Barker, Manager
Corporations Division
Tel: (304)558-8000
Fax: (304)558-8381
www.wvsos.com

FILE ONE ORIGINAL
(Two if you want a filed
stamped copy returned to you)
FEE: \$25.00

APPLICATION FOR TRADE NAME

Hrs: 8:30 a.m. - 5:00 p.m. ET

- The name of the company applying to register a trade name is: Rocktop, LLC
- The above company is applying to do business within West Virginia under the following trade name: Big Whiskey
- The address of the principal office: 507 Beechurst Ave
Morgantown, WV 26505
- The name, title, address and signature of the person having authority to make application:

Name:	<u>Thomas Rice</u>
Street:	<u>507 Beechurst Ave</u>
City/State/Zip:	<u></u>
- Signature:  Title: MEMBER MANAGER

BEFORE you fill out the application: The name you select will be approved only if it is available— that is, if the name is not the same as and is distinguishable from any other name which has been reserved or filed. Before you prepare this application, call the Corporations Division at (304)558-8000 to find out if the name you have chosen is available. A telephone check on availability of a name is not a guarantee, but it will help find a name you can use.

As required by §47-8-4 of the West Virginia Code, corporations, associations, limited partnerships, limited liability partnerships, business trusts, and limited liability companies may not conduct business under a trade name or assumed name without first filing an application for registration of trade name with the Secretary of State.

FILE THE APPLICATION AT THE ADDRESS ON THE TOP OF THE APPLICATION
FEE -- \$25 Make checks payable to the WV Secretary of State.

RECEIVED

JAN 18 2013



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantown.com

December 18, 2009

Rocksuon, LLC
c/o Joe Panico
507 Beechurst Avenue
Morgantown, WV 26505

**RE: CU09-10 / RockSuon, LLC / 341 Chestnut Street
Tax Map #26A Parcel #29**

Dear Mr. Panico:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning your Conditional Use request for a "Restaurant, Private Club" use in the B-4 District. The decision is as follows:

Board of Zoning Appeals, December 16, 2009:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved your conditional use petition as requested with the following conditions:
 - a. The petitioner agreed with the condition that the establishment will be open at 11:00 AM for the purposes of serving lunch;
 - b. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) (Attached here to) of the Planning and Zoning Code. That the establishment shall not serve liquor, including wine, later than 1:00 a.m., except on New Year's Eve;
 - c. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*;
 - d. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
 - e. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
 - f. That the petitioner voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a "Restaurant, private club" to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month;
 - g. That seating counted toward meeting the minimum capacity and related standards required by Article 1331.06 (27) (f) of the Planning and Zoning Code shall be indoor year-round; and,

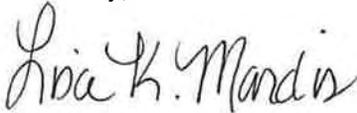
- h. That the conditional use approval granted herein is specific to the petitioners and may not be transferred without first obtaining approval by the Board of Zoning Appeals.
3. That the conditional use approval granted herein may not be transferred.
4. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
5. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same; and

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Should you have any questions or require further clarification, please contact the undersigned.

Sincerely,



Lisa K. Mardis
Deputy Planning Director
lmardis@cityofmorgantown.org

**ADDENDUM A – Approved Findings of Fact
CU09-10 / RockSuon, LLC / 341 Chestnut Street**

Finding of Fact #1- The proposed “Restaurant, private club” conditional use is within an existing building that includes approximately 60 parking spaces and is located next to a City parking garage.

Finding of Fact #2 –The subject structure will conform to all State fire and building codes.

Finding of Fact #3 - The proposed “Restaurant, private club” conditional use will be located on the rooftop area of an existing building.

Finding of Fact #4 – The proposed “Restaurant, private club” conditional use will be located on the rooftop area of an existing commercial building.

Finding of Fact #5 –The proposed “Restaurant, private club” conditional use will be located on the rooftop area of an existing commercial building and does not include residential dwelling units.

Finding of Fact #6 - The subject structure already has all utilities, the proposed “Restaurant, private club” conditional use should not create any other demands.

Finding of Fact #7 – The proposed “Restaurant, private club” conditional use will include renovations to an old existing building in downtown.

Finding of Fact #8 –The subject building is a large structure within which the proposed “Restaurant, private club” conditional use should add more options for downtown patrons and stimulate more business.

EXHIBIT E
1051

Chris Fletcher
Director of Planning
Morgantown WV

3/4/13

Dear Chris

I am formally requesting for an amendment for CU09-10, conditional use granted 12/16/09 for Rocktop Bar and Grill to expand into space previously occupied by Dragonfly Grill. Dragonfly was also a Bar/restaurant approved under a conditional use.

Thank You

Joe Panico

EXHIBIT F

10F1

About Us Text for BW Website

Part Country, Part Rock & Roll, Pure Americana

The new Big Whiskey Saloon & Dancehall offers something for everyone and will quickly establish itself as downtown Morgantown's newest destination for tourists and locals alike.

Enjoy great food, watch your favorite sporting events, listen to live music from today's top up and coming artists, drink, dance and party all night to an eclectic mix of country and rock-and-roll music.

Once the dancing has slowed you down, spend a few minutes sipping the coldest beer in Morgantown while watching people ride the soon-to-be-famous mechanical bull.

As the newest venue to be opened in the 341 Live Entertainment District, The Big Whiskey Saloon & Dancehall looks to capture the incredible energy of America's top party-town while offering a fun, upbeat, energized atmosphere for patrons of all kinds, not just country music fans.

The 341 Live Entertainment District

A vision unlike any before in Morgantown, the 341 Live Entertainment District will offer a one-stop destination for those seeking to maximize their dining and nightlife experience in Morgantown.

Covering more than 50,000 square feet of space, the 341 Live District currently houses Morgantown's hottest new venues including the Rocktop Bar & Grill and newly opened Big Whiskey Saloon & Dancehall.

A unique combination of dining, nightlife, live entertainment fused with downtown Morgantown's only valet parking and the soon to be opened Chestnut Hotel which will offer 41 uniquely designed rooms and a unique new martini and wine bar concept called "Twist".

The final phase expected for 2014 will include "Revolver Nightclub" which will bring the energy and charisma of New York's hottest nightclubs to downtown Morgantown.

Stay Informed

Be sure you join our Facebook page and stay up to date on all the latest events and promotions taking place at 341 Live. You can find us on the web at www.341Live.com.

EXHIBIT G

10F&

Big Whiskey Saloon

Snacks

Ham Biscuits	5
Homemade biscuits with Virginia ham and tomato bacon jam	
Sweet & Spicy Popcorn	4
Popcorn tossed in brown sugar and habanero seasoning	
Smoked Peanuts	5
Smoky peanuts tossed with Thai chile oil and hardwood smoked bacon	
Jalapeno Bacon Hushpuppies	4.5.
Served with a whipped maple butter	

Starters

Dorito Nachos	9
Doritos smother in seasoned ground beef, shredded pepperjack, jalapenos, lettuce, black bean & corn salsa, cilantro sour cream	
Pulled Pork Sliders	7.5
Marinated pulled pork served with homemade apple butter and House Slaw	
Fajita Quesadilla	
Marinated chicken, sautéed onions & peppers, shredded cheese, jalapeno sour cream	
Chili Cheese Fondue	
Homemade chili, queso cheese, tortilla chips	
Chicken Wings	8
12 baked or fried wings served with your choice of sauce. American Honey BBQ, Memphis Dry Rub, Southern Comfort bbq, Mild, Medium, Hot, Chuck Norris Hot	
Southwestern Tacos	7.5
Seasoned Ground Beef, Shredded Pepperjack Cheese, Homemade Black Bean & Corn Salsa, Houses Slaw	

Sandwiches

Pulled Pork	
Marinated pork, house slaw, homemade apple butter	
Grilled Yard Bird	
Sweet tea brined chicken, house pickles, lettuce, tomato, chipotle mayo	
Chicken Caesar	
Grilled marinated chicken, blue kale, romaine, parmesan, lemon, homemade Caesar dressing	
Cowboy Burger	
10oz burger, cheddar cheese, hardwood smoked bacon, southern comfort bbq, lettuce, tomato, red onion	
Piggy Back Burger	
10oz burger, pulled pork, bacon, cheddar cheese, house slaw, spicy bbq sauce	

Salads

Grilled Shrimp Caesar

Grilled shrimp, blue kale, romaine, parmesan, lemon, homemade Caesar dressing

Cheap House Salad

Buttermilk ranch

Whiskey Cobb Salad

Candied bacon, gorgonzola cheese, iceberg lettuce, cherry tomatoes, black pepper honey vinaigrette

Steak Salad

Marinated flank steak, chopped lettuce, cherry tomatoes, bleu cheese, tequila lime vinaigrette

Entrees

Bone-In Ribeye

Baby Back Ribs

Roasted Chicken

Vegetarian option

Chili Cheese Fondue

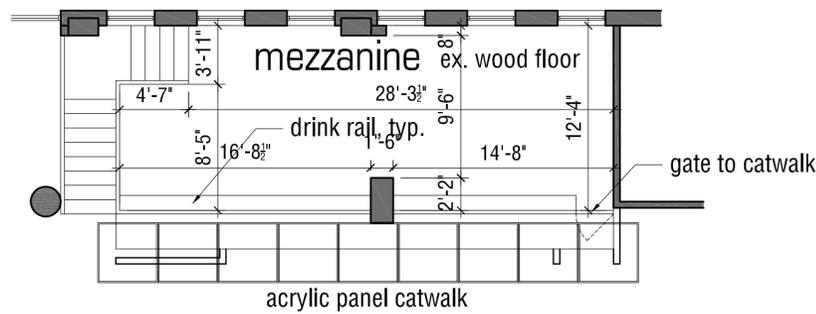
Curly sweet potato fries

Sweet potato waffle fries

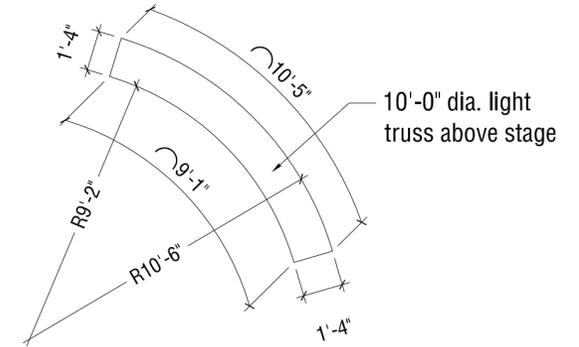
Fried Oreos

Dorito crusted mac n cheese

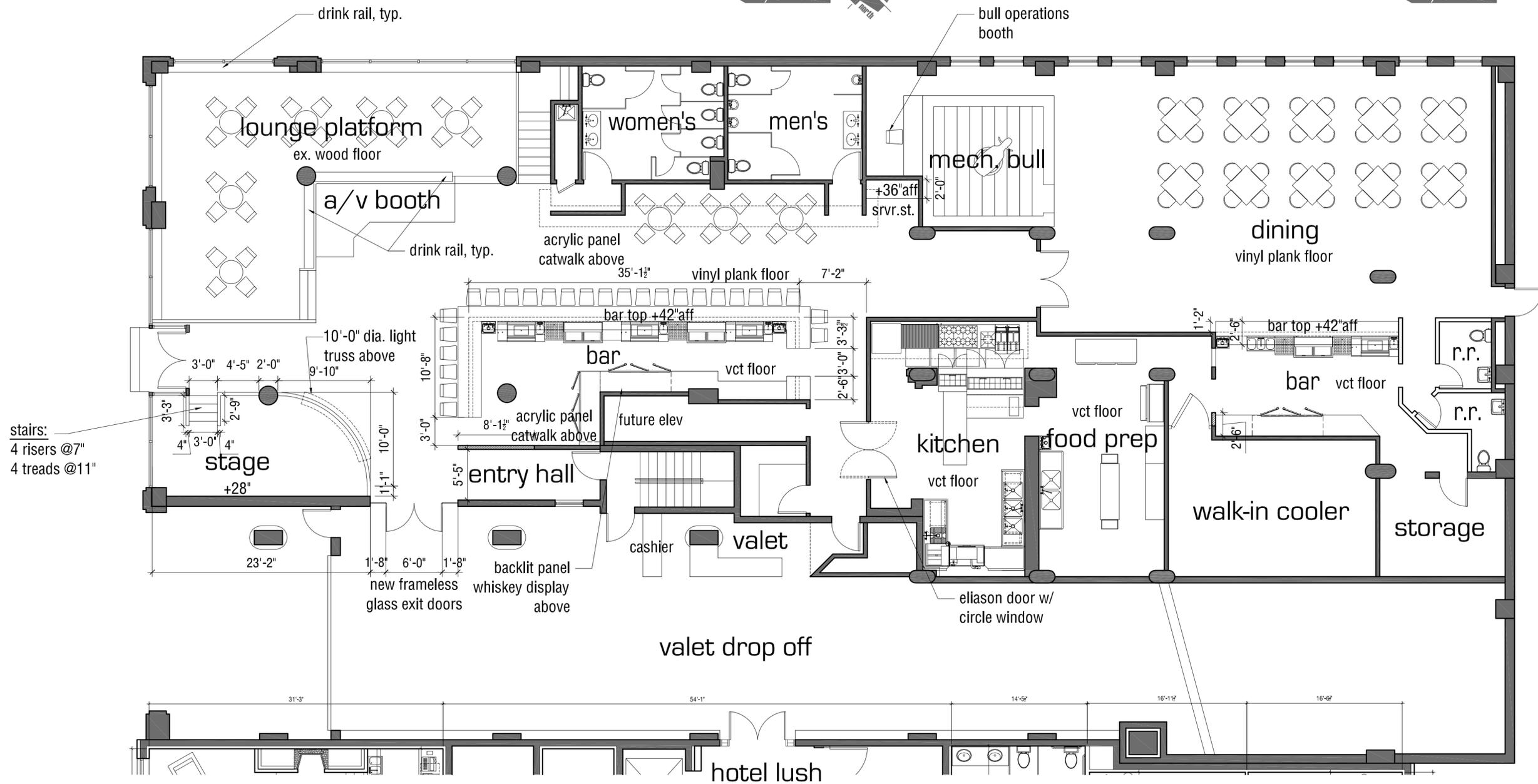
Urban Cowboy



02 . upper floor plan
1/8"=1'-0"



03 . light truss
1/4"=1'-0"

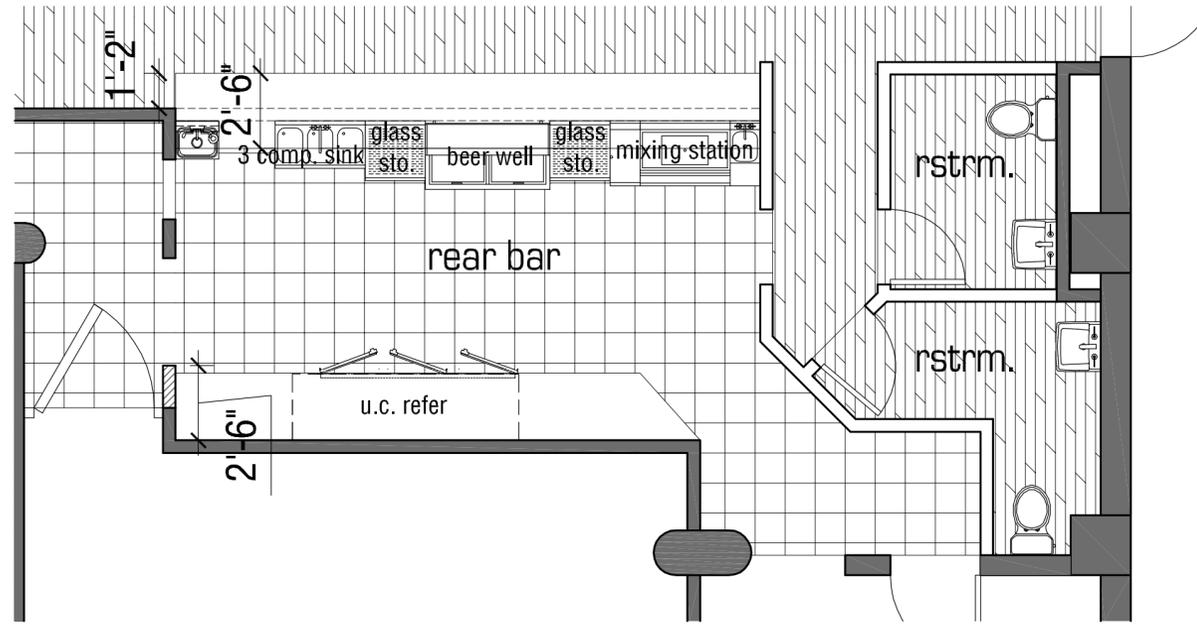


01 . main floor plan
1/8"=1'-0"



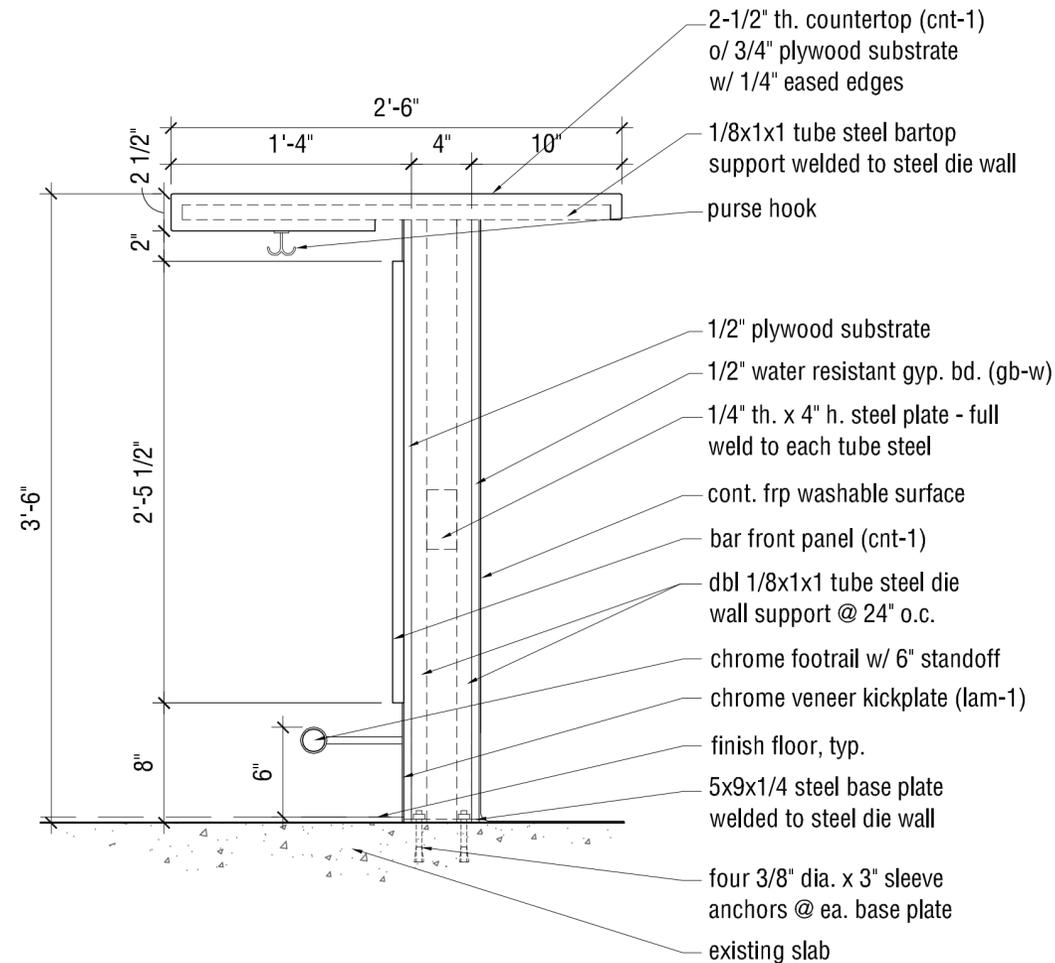
big whiskey
 341 chestnut st., morgantown, wv 26505
 date: november 8, 2012
 scale: 1/8" = 1'-0"
 sheet reference: n/a

6519 east oak street
 scottsdale, az 85257
 t: 480.225.7359
 www.alinedesignstudio.com
 architecture . concepts
aline



05 . rear bar & restrooms plan

1/4" = 1'-0"



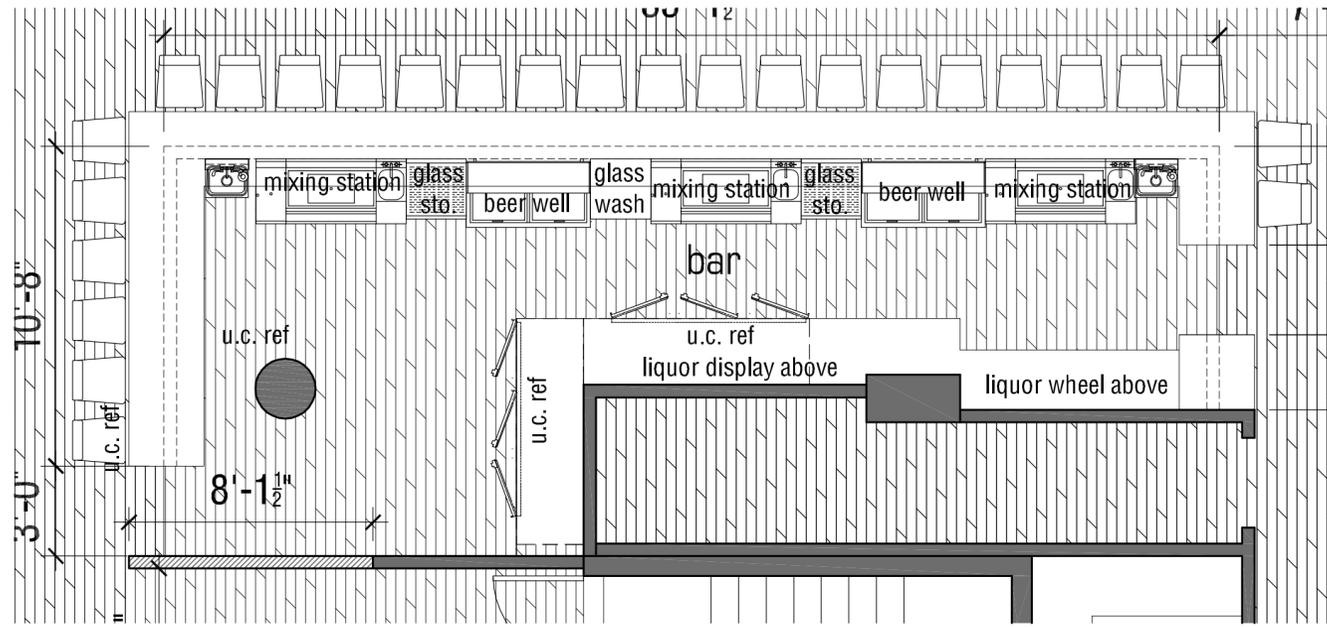
06 . rear bar die wall

1-1/2" = 1'-0"

big whiskey
 341 chestnut st., morgantown, wv 26505
 date: january 11, 2013
 scale: 1/4" = 1'-0"
 sheet reference: n/a

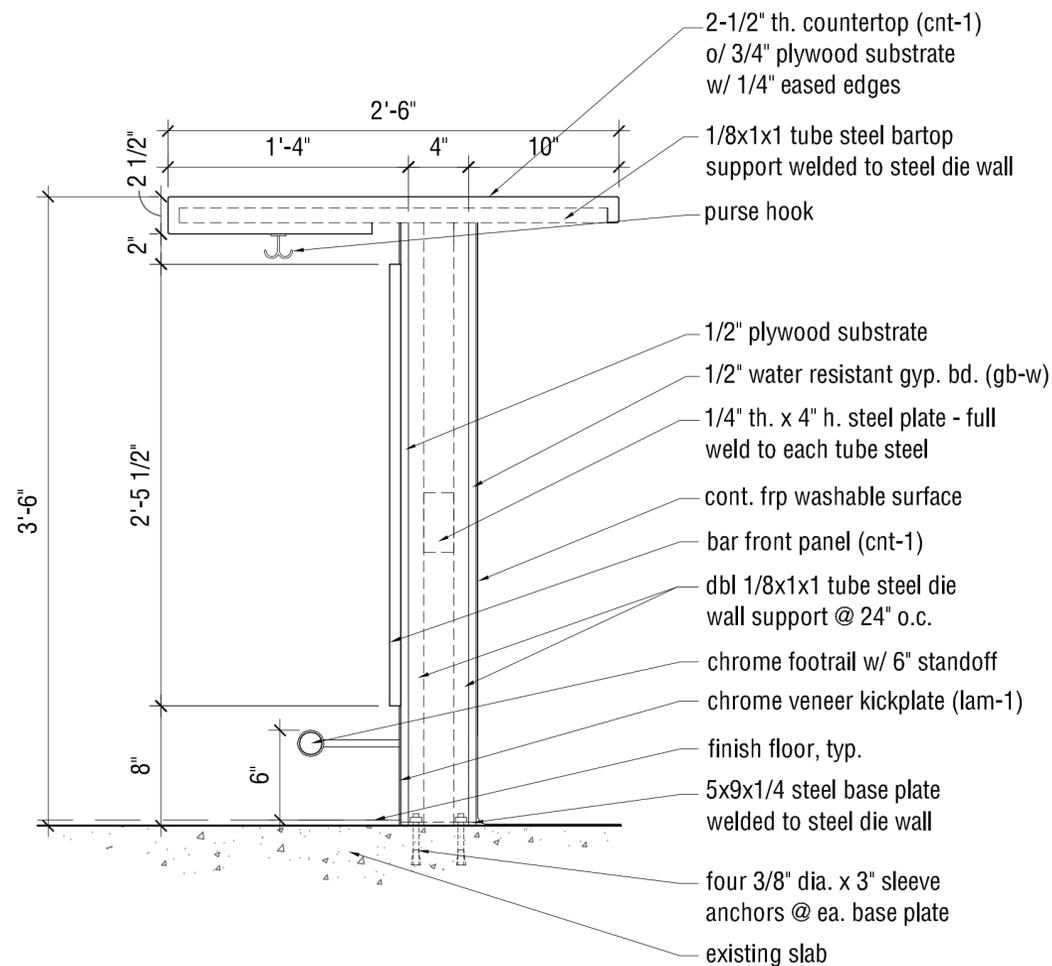
6519 east oak street
 scottsdale, az 85257
 t 480.225.7359
 www.alinedesignstudio.com

architecture . concepts
aline



03 . bar plan

1/4" = 1'-0"

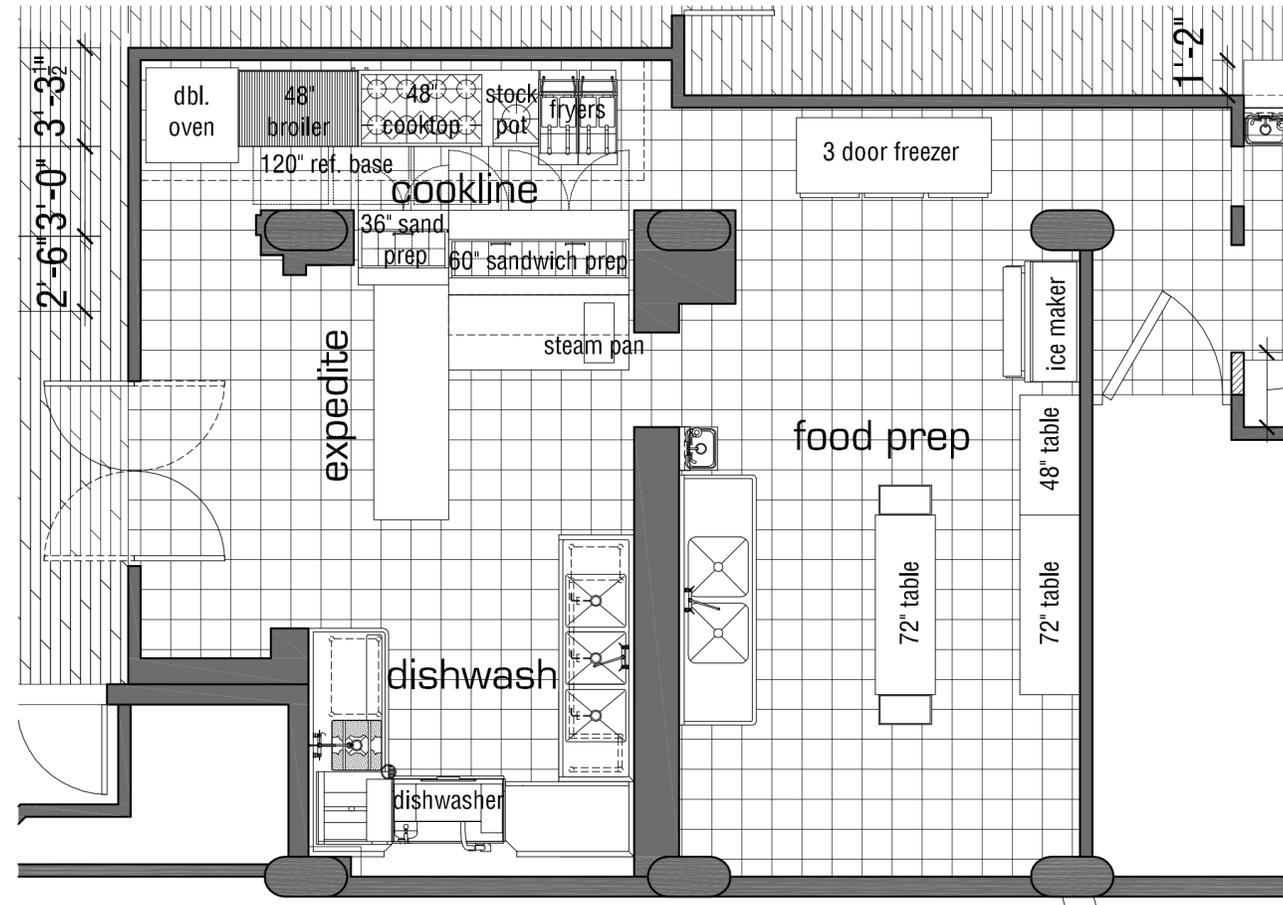


04 . bar die wall

1-1/2" = 1'-0"

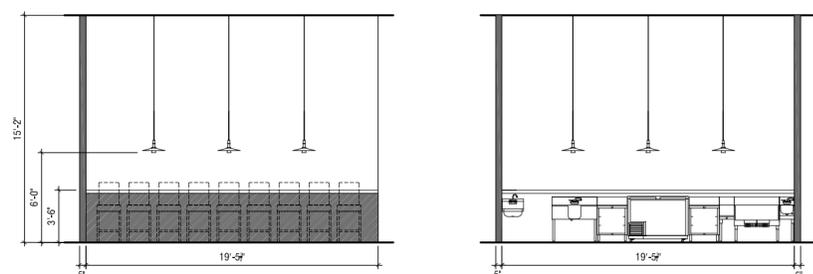
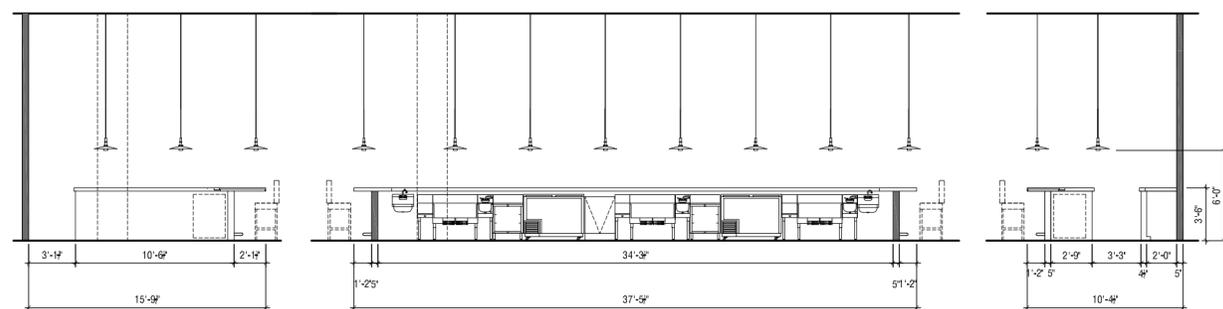
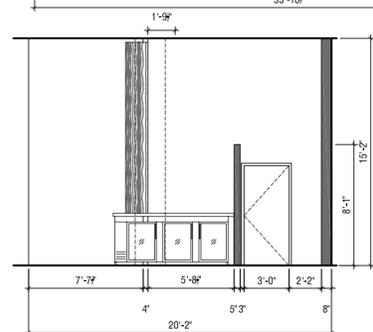
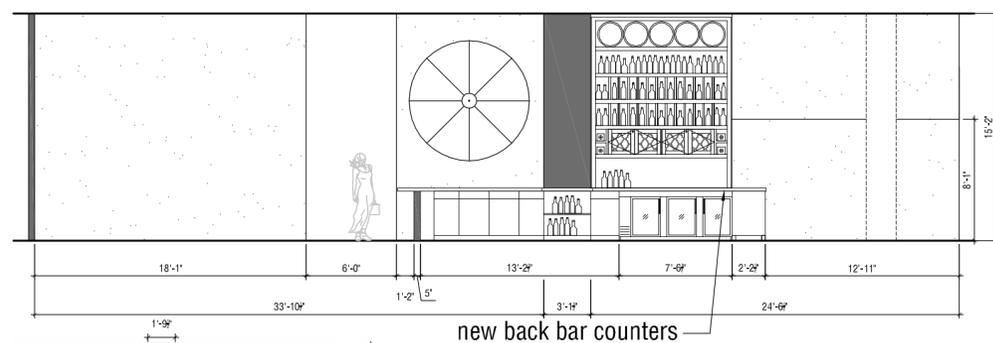
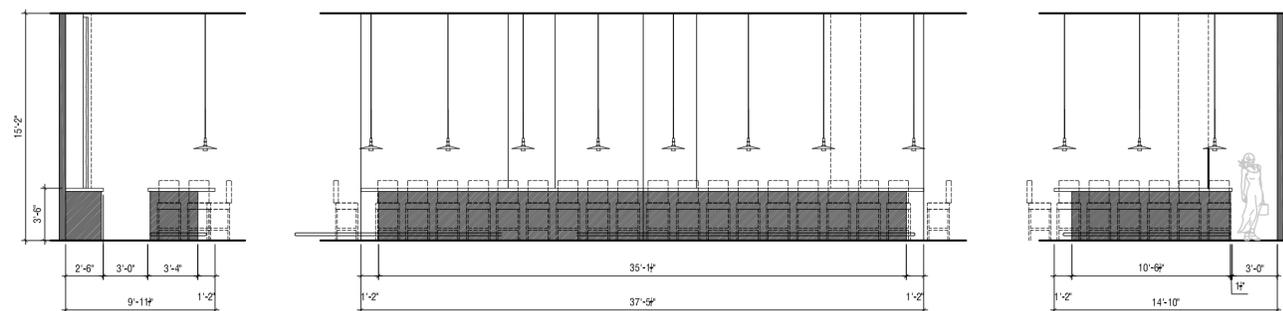
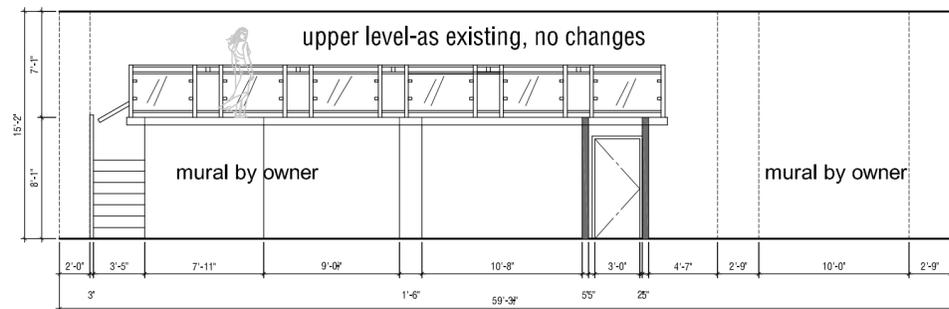
big whiskey
341 chestnut st., morgantown, wv 26505
date: january 11, 2013
scale: 1/4" = 1'-0"
sheet reference: n/a





02 . kitchen plan
 1/4" = 1'-0"

**existing equipment including hood to be utilized. no construction repairs needed in kitchen, some equipment to be replaced.



interior elevations

1/8" = 1'-0"



big whiskey
 341 chestnut st., morgantown, wv 26505
 date: january 11, 2013
 scale: 1/8" = 1'-0"
 sheet reference: n/a

6519 east oak street
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**THE FOLLOWING PAGES ARE IN ADDITION TO THE
INFORMATION THAT WAS PRESENTED TO THE BOARD OF
ZONING APPEALS BOARD MEMBERS ON MAY 2, 2013.**



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

May 3, 2013

Rocktop, LLC
c/o Joe Panico
507 Beechurst Avenue
Morgantown, WV 26505

RE: CU09-10 / Rocktop, LLC / 341 Chestnut Street
Conditional Use Approval – Amendment 1
Request to Expand Conditional “Restaurant, Private Club” Use

Mr. Panico:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced request to amend the Board’s December 16, 2009 of same thereby expanding the subject conditional use to another portion of the building located at 341 Chestnut Street.

The Board voted unanimously during its hearing on May 2, 2013 to table the subject request to its May 15, 2013 hearing so that:

1. A site visit can be scheduled by the Board with you to view the Rocktop establishment, the proposed Big Whiskey establishment, and the adjoining hotel construction.
Stacy Hollar, Executive Secretary will be coordinating a date and time with you and Board members for a site visit in advance of the Board’s May 15, 2013 hearing.
2. You are afforded sufficient time to demonstrate in writing to the Board that the conditions enumerated in the attached approval letter dated December 18, 2009 for Case No. CU09-10 have been satisfied.

Please see that a written response as described above is delivered to this Office no later than the end of business on Thursday, May 9, 2013 so that it can be included in the Board’s meeting packet and reviewed in advance of the subject May 15, 2013 hearing.

Please feel free to contact the undersigned should you have any questions or require further clarification.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services
cfletcher@cityofmorgantown.org

cc: Joe Panico via email to joepanico5@gmail.com



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantown.com

December 18, 2009

Rocksuon, LLC
c/o Joe Panico
507 Beechurst Avenue
Morgantown, WV 26505

**RE: CU09-10 / RockSuon, LLC / 341 Chestnut Street
Tax Map #26A Parcel #29**

Dear Mr. Panico:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning your Conditional Use request for a "Restaurant, Private Club" use in the B-4 District. The decision is as follows:

Board of Zoning Appeals, December 16, 2009:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved your conditional use petition as requested with the following conditions:
 - a. The petitioner agreed with the condition that the establishment will be open at 11:00 AM for the purposes of serving lunch;
 - b. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) (Attached here to) of the Planning and Zoning Code. That the establishment shall not serve liquor, including wine, later than 1:00 a.m., except on New Year's Eve;
 - c. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*;
 - d. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
 - e. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
 - f. That the petitioner voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a "Restaurant, private club" to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month;
 - g. That seating counted toward meeting the minimum capacity and related standards required by Article 1331.06 (27) (f) of the Planning and Zoning Code shall be indoor year-round; and,

**ADDENDUM A – Approved Findings of Fact
CU09-10 / RockSuon, LLC / 341 Chestnut Street**

Finding of Fact #1- The proposed “Restaurant, private club” conditional use is within an existing building that includes approximately 60 parking spaces and is located next to a City parking garage.

Finding of Fact #2 –The subject structure will conform to all State fire and building codes.

Finding of Fact #3 - The proposed “Restaurant, private club” conditional use will be located on the rooftop area of an existing building.

Finding of Fact #4 – The proposed “Restaurant, private club” conditional use will be located on the rooftop area of an existing commercial building.

Finding of Fact #5 –The proposed “Restaurant, private club” conditional use will be located on the rooftop area of an existing commercial building and does not include residential dwelling units.

Finding of Fact #6 - The subject structure already has all utilities, the proposed “Restaurant, private club” conditional use should not create any other demands.

Finding of Fact #7 – The proposed “Restaurant, private club” conditional use will include renovations to an old existing building in downtown.

Finding of Fact #8 –The subject building is a large structure within which the proposed “Restaurant, private club” conditional use should add more options for downtown patrons and stimulate more business.

Meeting Notes

Purpose: BZA Site Visit – CU09-10 Amendment / Rocktop, LLC / 341 Chestnut Street

Date: Wed 08-May-2013 Time: 5:00 PM Place: 341 Chestnut Street

Meeting Called By: BZA Attendees: Joe Panico, Mike Noble, Bernie Bossio, Leanne Cardoso, George Papandreas, Tom Shamberger, and Chris Fletcher

Items Discussed:

The BZA tabled Case No. CU09-10 – Amendment 1 during its 02-May-2013 hearing for the purpose of scheduling a site visit to further study the proposed amendment and allowing the petitioner to address compliance status with conditions placed on its 16-Dec-2009 approval of CU09-10.

- Mr. Panico noted that Rocktop will be open a year in June 2013.
- Mr. Panico noted that the hotel should be opening in June or July 2013.
- Mr. Panico guided the attending BZA members through the proposed Big Whiskey area, the Rocktop area, and the fourth floor of the hotel.

Action Items:

- No action or follow up items were noted.

Zimbra

cfletcher@cityofmorgantown.org

Rock top web page 5-3-13

From : George Papandreas <gpapandreas@gmail.com>

Fri, May 03, 2013 08:34 AM

Subject : Rock top web page 5-3-13 1 attachment**To** : Chris Fletcher <cfletcher@cityofmorgantown.org>**Cc** : Bernie Bossio <bernie@bossioent.com>, Tom Shamberger <TomShamberger@gmail.com>, Jim Shaffer <jshaffer@westliberty.edu>, Leanne Cardoso <lcardosowvc@gmail.com>, George Papandreas <gpapandreas@gmail.com>

Chris,
Please add this image to our information packet regarding Rocktop hours.
Summer hours are noted at the very bottom. You may wish to confirm.
Thank you,
George

Sent from my iPad



photo.PNG
1,022 KB

Events

- MAY 03** TGIS party!! (Than...
Summer is here and it's about time we celebrated!! FRIDAY i...
- MAY 31** 1 YEAR ANNIVERSARY...
HAPPY BIRTHDAY TO US!! We're inviting you to our birthday p...



WELCOME TO ROCKTOP!

A stylish rooftop retreat by day transforming into a vibrant nightspot after-dark, it's pure Las Vegas-style with none of the attitude. Created by a seasoned team of nightclub professionals, the Rocktop Bar & Grill fuses casual home-style cooking with a passion for customer service and a rock-and-roll party atmosphere that is purely American. The new standard for dining and nightlife in Morgantown has arrived.

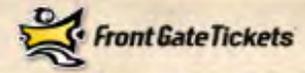
The party is just getting started. Stop by and join the show.

News

- May 2, 2013 11:37 AM
These guys have the right idea!

- May 2, 2013 8:31 AM
Who wants a \$100 bar tab??!
Well, Friday is your chance to win it!! We're kicking off a TGIS (THANK GOD IT'S SUMMER) deck party Friday that's gonna last all night long with a bikini contest!! Show up and strut your stuff for a chance at some amazing prizes!! Prizes run as follows: 1st - \$100 BAR TAB! 2nd - \$100 Nico Spalon package! 3rd - \$25 Altered Ego gift

Connect  



Zimbra

cfletcher@cityofmorgantown.org

Re: Request to Amend Conditional Use Petition CU09-10 - TABLED

From : joe panico <joepanico5@gmail.com>

Fri, May 10, 2013 09:53 AM

Subject : Re: Request to Amend Conditional Use Petition CU09-10 - TABLED 1 attachment**To** : Christopher Fletcher <cfletcher@cityofmorgantown.org>

Chris see attached

On Sat, May 4, 2013 at 2:07 PM, Joe panico <joepanico5@gmail.com> wrote:

Joe Panico

Begin forwarded message:

From: Christopher Fletcher <cfletcher@cityofmorgantown.org>
Date: May 3, 2013 12:22:48 PM EDT
To: Joseph Panico <joepanico5@gmail.com>
Cc: Stacy Hollar <shollar@cityofmorgantown.org>
Subject: Request to Amend Conditional Use Petition CU09-10 - TABLED

Mr. Panico:

I have attached a letter that will be placed in today's mail concerning the BZA's decision last evening to table your request to amend conditional use approval CU09-10. As the letter notes, Stacy Hollar will be contacting you to coordinate a date and time for a site visit by the BZA with you prior to the BZA's May 15, 2013 hearing.

Please feel free to contact me with any questions or further clarification. Additionally, should you want to meet to discuss the BZA's decision, please contact Stacy Hollar at [304-284-7431](tel:304-284-7431) to schedule a meeting.

Respectfully,

Christopher M. Fletcher, AICP
Director of Development Services
City of Morgantown
389 Spruce Street
Morgantown, WV 26505
(o) [304-284-7431](tel:304-284-7431)
(c) [304-906-7843](tel:304-906-7843)
cfletcher@cityofmorgantown.org

--

Thanks

Joseph Panico
304-685-3015



Christopher M Fletcher letter.doc
19 KB

Christopher M. Fletcher, AICP
Director of Development Services

As per your request answers for meeting conditions of CU09-10 / RockSuon, LLC / 341
Chestnut Street.

- A. We have been and will continue to be open at 11 am each Saturday.
- B. Done as agreed
- C. Done as agreed
- D. Done as agreed
- E. Done as agreed
- F. Done as agreed
- G. Done as agreed
- H. Done as agreed.

Thank you
Joe Panico