



MORGANTOWN BOARD OF ZONING APPEALS

July 25, 2012
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: CU12-11 / Tron Enterprise, LLC / 250 High Street

REQUEST and LOCATION:

Request by Nabarun Kayal, on behalf of Tron Enterprise, LLC, for conditional use approval of a "Restaurant, Private Club" at 250 High Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 133; B-4, General Business District

SURROUNDING ZONING:

B-4, General Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to establish a "Restaurant, Private Club" use that will include a license with the West Virginia Alcohol Beverage Control Administration to sell beer, wine, and liquor. Table 1331.05.01 "Permitted Land Uses" provides that the development of "Restaurant, Private Club" uses in the B-4 District requires conditional use approval by the Board of Zoning Appeals. Addendum A of this report illustrates the location of the subject site.

According to the petitioner's application and exhibits, the restaurant will be called "The Fondue Factory" serving Swiss and French cuisine revolving around cheeses and broths. Patrons will cook their meals in a fondue pot at their dining table on custom built-in electric burners. The petitioner notes an existing restaurant chain called "The Melting Pot" [www.meltingpot.com] as the inspiration of his proposed business plan and dining experience. The closest "The Melting Pot" franchise to Morgantown appears to be located in Station Square, Pittsburgh, Pennsylvania.

The petitioner notes that there will be approximately 142 seats at booths and tables and approximately 13 seats at the bar. The proposed hours of operation will be Tuesday through Sunday from 11:30 AM to 11:30 PM.

The petitioner has submitted a business description, resume, proposed floor plan, proposed sample menu, and photographic illustrations of the dining table setup.

Addendum B of this report contains related excerpts from the Planning and Zoning Code [Article 1331.06(27)].

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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STAFF RECOMMENDATION:

The Board of Zoning Appeals must first determine whether or not it will waive the one-year “bona fide restaurant” requirement [Article 1331.06(27)(c)] prior to the petitioner obtaining a liquor license from the West Virginia Alcohol Beverage Control Administration.

Should the Board decide to waive said one-year “bona fide restaurant” requirement, it must determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for each of the “Findings of Fact” submitted by the petitioner.

It is the opinion of the Planning Division that the Findings of Fact submitted by the petitioner appear to be consistent with previously approved conditional “Restaurant Private Club” uses within the B-4 District.

Should the Board waive the one-year “bona fide restaurant” requirement and grant approval of the subject conditional use petition to Tron Enterprise, LLC (DBA) “The Fondue Factor”, Staff recommends that the following conditions be included:

1. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) of the Planning and Zoning Code.
2. That the “Restaurant, Private Club” use shall be limited to the interior design and identified areas of the subject building as illustrated on the drawings submitted with the application and reviewed and approved by the Board of Zoning Appeals. Any expansion of the conditional use or significant deviation from said interior layout design or fondue dining experience must first be approved by the Board of Zoning Appeals.
3. To ensure that the petitioner’s business description and plans are executed as described and considered in granting the one-year “bona fide restaurant” waiver, the subject “Restaurant, Private Club” use must:
 - a. Be open no later than 11:30 AM on days of operation for the purpose of serving lunch as described in the menu submitted with the petitioner’s conditional use application.
 - b. That the petitioner shall 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” use 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.
4. 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.
5. That the conditional use approval granted herein may not be transferred.

Enclosures: Application and accompanying exhibits

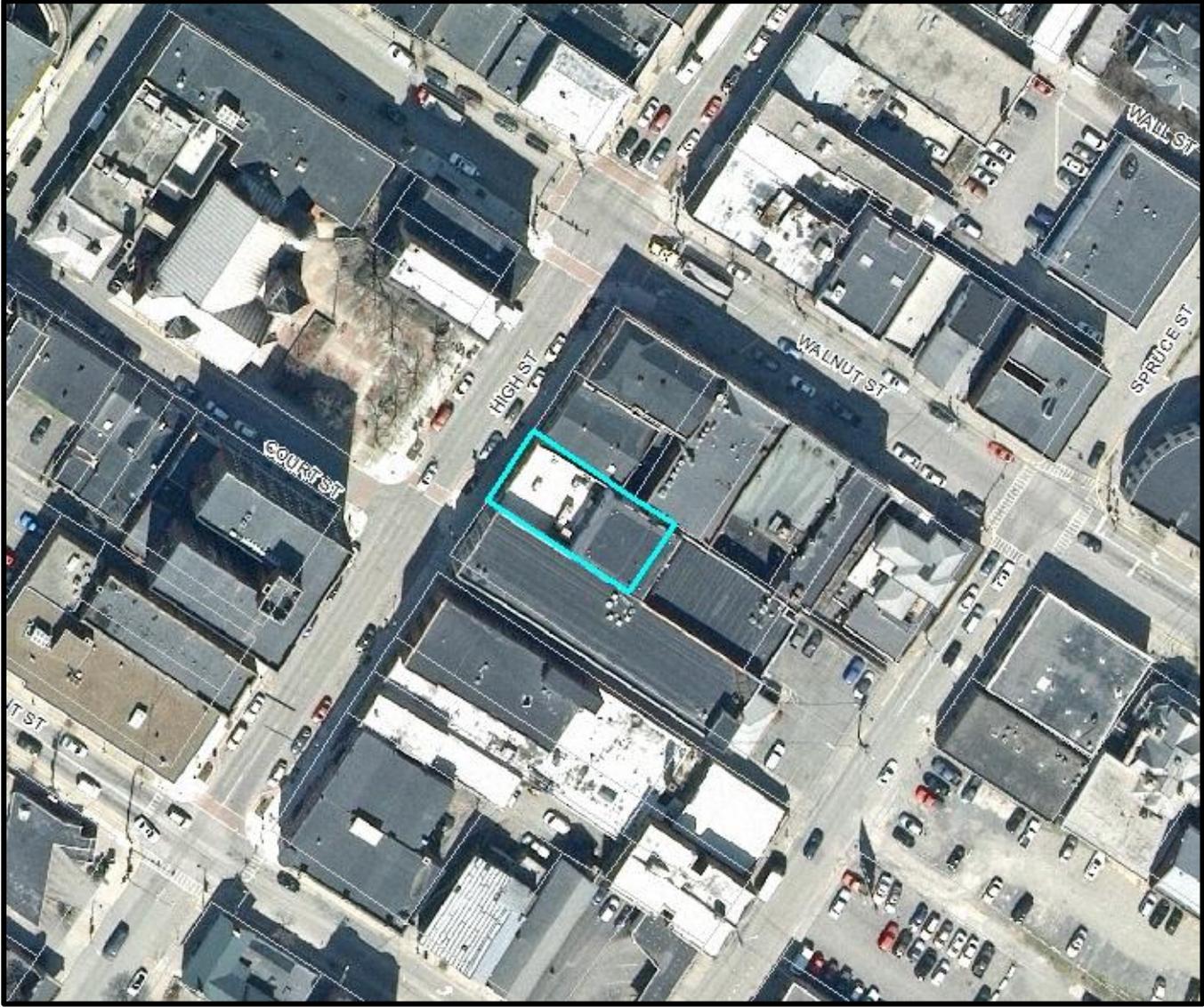
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
CU12-11 / Tron Enterprise, LLC / 250 High Street



STAFF REPORT ADDENDUM B
CU12-11 / Tron Enterprise, LLC / 250 High Street

Article 1331.06 (27) of the Planning and Zoning Code, Supplemental Regulation Pertaining to Permitted Land Use Table provides the following applicable performance standards:

- (a) Such private club shall have as its principal purpose the business of serving meals on its premises to its patrons and to members of such club and their quests. For the purposes of this section, the term “meal” shall be consistent with that of the State of West Virginia as defined in its Legislative Rules and Regulations pertaining to Private Club License and shall not include packaged potato chips and similar products; packaged crackers; packaged nuts; packages desserts (fruit pies, cakes, cookies, etc.); and bar sausages and similar products.
- (b) Such private club with a bar shall post a sign not smaller than three (3) square feet in a prominent location near the bar that states the following: “It is a violation of City Ordinance to serve wine or liquor beverages after 1:00 a.m.” (Amended by Ord. 06-14, Passed 06-06-2006.)
- (c) No such applicant may be licensed as a private club under this conditional use that has not been in operation for at least one year as a bona fide restaurant before making application for a license under this conditional use. However when an applicant owns another bona fide restaurant the same as the one being proposed, the Board of Zoning Appeals may consider the proposed restaurant application on the basis of the existing restaurant which has been in operation for at least one year. In the B-4 district the Board of Zoning Appeals may waive the requirement, to be in business for one year as a bona fide restaurant, when the applicant’s written description of the business operations, plus floor plans, demonstrate clearly that the establishment will meet the criteria in this subsection of the ordinance.
- (d) NOT APPLICABLE
- (e) Food and non-alcoholic beverages shall comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month.
- (f) Such private club shall provide a seating capacity for at least fifty (50) persons, at a table or counter maintained for the principal purpose of serving meals. Seats at a bar, which is primarily for the serving of alcoholic beverages, shall not be counted as meeting the minimum seating capacity of the establishment. Liquor or wine may be served either at seats intended primarily for dining, or at any bar area within the restaurant, with or without an accompanying meal.
- (g) Liquor or wine shall not be served later than 1:00 a.m., except on New Year’s Eve.
- (h) The private club shall, at the time of each sale or at the time of payment, record the amount of revenue derived from the sale of liquor and wine beverages separately from the amount of revenue derived from the sale of food and non alcoholic beverages.
- (i) During each calendar month, the private club shall maintain and preserve accurate and adequate records including those required by paragraphs (e) and (h) above, to prove compliance to the City’s Finance Director, and shall make all such records available for review and audit promptly upon request by the Finance Director. The records for each month shall be preserved for not less than twenty-four (24) months next following.
- (j) Quarterly, the private club shall send to the City Finance Director summaries showing the amount of revenue derived from liquor and wine beverages versus the amount derived from the sale of food and non-alcoholic beverages.
- (k) NOT APPLICABLE



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CUIA-11
RECEIVED:	6/9/12
COMPLETE:	_____

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT						
Name:	Trox Enterprise LLC, dba The Fondue Factory	Phone:	304-685-1884			
Mailing Address:	250 High Street	Mobile:	304-685-1884			
	Street					
	Morgantown WV 26505	City	State	Zip	Email:	kayaln1@gmail.com
II. AGENT / CONTACT INFORMATION						
Name:	Nabarun Kayal "Bron"	Phone:	304-685-1884			
Mailing Address:	250 High Street	Mobile:	304-685-1884			
	Street					
	Morgantown WV 26505	City	State	Zip	Email:	
Mailings –	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact					
III. PROPERTY						
Owner:	Inner City Professional Realty, Phil Chumau	Phone:	304-296-5931			
Mailing Address:	235 High Street	Mobile:				
	Street					
	Morgantown WV 26505	City	State	Zip	Email:	
IV. SITE						
Street Address (if assigned):	250 HIGH ST.	Tax Map #:	26A	Parcel #:	133	
Zoning:	3rd Ward, Monongalia County					
Lot Dimensions:	Width:	Ft.	Depth:	Ft.	Square Footage:	ft. ²
Shape of Lot:	<input type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Through <input type="checkbox"/> Flag <input type="checkbox"/> Irregular <input type="checkbox"/> Non-conforming					
Existing Use of Structure or Land:	VACANT, FORMERLY "RAIN"					
Proposed Use of Structure of Land:	RESTAURANT, PRIVATE CLUB					

26A01330000 0000

75.00

Finance Office
Morgantown, WV 26505
(304) 284-7498



City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE

CASE NO. CU12-11
RECEIVED: 6/9/12
COMPLETE: _____

V. STRUCTURE

Proposed Setbacks: Front: _____ ft. Rear: _____ ft. Side A: _____ ft. Side B: _____ ft.

Proposed Height of Structure: _____ No. of Proposed Off-Street Parking Spaces: _____

No. of Dwelling Units (if applicable): _____ No. of Bedrooms: _____ No. of Employees: 8

Square Footage of all Proposed Structures (please explain):

Structure exists. Proposed Floor Plan attached.

VI. SITE PLAN

A Site Plan (8 copies), drawn to scale, that includes the following elements must accompany the application if not provided above in Sections IV and V:

- (a) The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a registered design professional licensed by the State of West Virginia.
- (b) The exact sizes and locations on the lot of existing structures, if any;
- (c) The location, square footage, and dimensions of the proposed structure or alteration;
- (d) The location of the lot with respect to adjacent rights-of-way;
- (e) The existing and proposed uses of the structure and land;
- (f) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;
- (g) The location and dimensions of off-street parking and means of ingress and egress for such space;
- (h) Height of structure;
- (i) Setbacks;
- (j) Buffer yard and screening, if applicable;
- (k) Location of garbage collection area and screening;
- (l) Location of existing and/or proposed signs, if applicable;
- (m) Roadway typical detail for internal roadways, if applicable;
- (n) Location and size of stormwater management facilities; and,
- (o) Utility lines and easements, if applicable.



City of Morgantown, West Virginia

APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE

CASE NO. CW12-11

RECEIVED: 6/9/12

COMPLETE: _____

VII. SUPPLEMENTAL PLANS AND EXHIBITS

Applicants **MUST** also submit the following plans and exhibits, unless waived by the Planning Director:

- (a) Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer licensed by the State of West Virginia, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets.
- (b) If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered professional engineer licensed by the State of West Virginia that meet the requirements of the City Zoning Ordinance, the City Stormwater Management Ordinance, and all other applicable local, state and federal regulations.
- (c) Parking and Landscaping Plan
- (d) Sign Plan
- (e) Approved WV Division of Highways Access Permit, if applicable
- (f) Sediment and erosion control plan as approved by the West Virginia Department of Environment Protection and the City of Morgantown
- (g) Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable
- (h) A traffic impact study, if required by the City Engineer
- (i) The Planning Director may require the applicant to submit additional information concerning the lot or neighboring lots to determine conformance with, and provide for the enforcement of, the City Zoning Ordinance.
- (j) The Planning Director may require the applicant to submit, in the case of accessory structures or minor additions, dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey prepared a registered design professional licensed by the State of West Virginia.

Applicants submitting a conditional use application in accordance with Article 313.05 "Building Height and Use" within the B-4 General Business District **MUST** also submit the following analyses:

- (a) An air flow analysis conducted by a licensed architect or profession engineer, describing the estimated impact of the proposed building on existing patterns of air flow in the general vicinity; and how those impacts may affect existing properties with a 300 foot radius of the site.
- (b) An analysis of the impacts of the proposed building on sunlight distribution in the general vicinity, with special emphasis on predicting light blockage and shadow casting onto all properties with a 300 foot radius of the site. Such analysis shall be conducted by a licensed architect or professional engineer.
- (c) An analysis of the potential of "stepping back" upper floors as a technique to avoid negative impacts with respect to light and airflow, and to minimize the canyon effect of non-recess tall buildings. Such analysis shall be conducted by a licensed architect or professional engineer.
- (d) An infrastructure and traffic analysis predicting the impacts of the building on water, sewer, drainage, electrical and gas infrastructure, on transportation levels of service (including transit) for impacted streets, and on fire suppression capabilities of the city. Such analysis shall be conducted by a licensed architect or professional engineer.



APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

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VIII. FINDINGS OF FACT

The Board of Zoning Appeals may grant the request only if each of the Conditional Use Findings of Fact Criteria is determined to be in the positive. Applicants must give their own responses to the criteria statements provided below.

This Conditional Use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, because,

1. Congestion in the streets is not increased, in that:

Parking lots are available within walking distance and metered parking operated by Morgantown parking authority

2. Safety from fire, panic, and other danger is not jeopardized, in that:

The establishment will conform with applicable fire and building regulations.

3. Provision of adequate light and air is not disturbed, in that:

No structural modifications are being done to the property that may block existing light and air flow to surrounding and adjacent properties.

4. Overcrowding of land does not result, in that:

The proposed restaurant will conform to the occupancy level established by the fire Marshall.

5. Undue congestion of population is not created, in that:

The use of proposed restaurant will be set in the current footprint of the existing building and will be used for commercial use only

CMF



APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	CW12-11
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COMPLETE:	_____

VIII. FINDINGS OF FACT (cont.)

6. Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The conditional use request does not appear to increase nor decrease demand for said public infrastructure already needed to serve the existing building and non-residential occupancies

7. Value of buildings will be conserved, in that:

It should be increased due to renovations being done for the restaurant.

8. The most appropriate use of land is encouraged, in that:

The proposed restaurant will serve the public as a unique fine dining experience.

IX. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

NABARUN KAYAL

Nabarun Kayal

6/7/12

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

- Conditional Use Petition Fee of \$75 must accompany application

June 7, 2012

C112-11

To,
Development Services Dept. Planning Division
389 Spruce Street, Morgantown WV 26505

To whom it may concern:

Dear Sir/madam:

We are seeking a conditional use approval for a new restaurant at 250 High Street to operate as a Restaurant, Private Club. Our purpose is to open a fondue restaurant to serve Swiss and French cuisine. The restaurant will operate under Tron Enterprise LLC dba. The Fondue Factory. The company has been registered with the Secretary of the State of West Virginia.

Fondue basically revolves around cheese and broth. The customer cooks their meals themselves in the fondue pot right on the dinner table on the custom inbuilt electric burners. You will find pictures of such process attached with this application along with a sample menu. We intend to renovate the location as an upscale restaurant and provide the public with a unique dining experience. This restaurant will be similar to an established fondue chain in the country called "The Melting Pot". However our idea is unique in the process we will serve food/drinks, menu items and atmosphere.

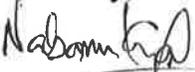
Seats at booths and tables: 142 Approximately, Seats at the Bar: 13 Approximately.
Our Hours of operation will be Tuesday through Sunday, 11:30AM to 11:30PM.

Due to the nature of the business it is essential that we serve high end cocktails and alcoholic beverages to our clientele and keep the business profitable. Alcoholic beverages to be served will be signature martinis and cocktails that accompany such a dining experience.

We have read the city ordinance regarding zoning to operate such a restaurant. We promise to abide by all laws. We want to provide the public an experience that is unique to this city. We are very excited and we thank you for all your support and assistance.

I currently own and operate a sports bar and grille in Morgantown and I have sufficient management, restaurant and hospitality experience. I have attached my resume with this application. Please contact me anytime if you require any additional information or documents. You can reach me at the contact information listed below.

Sincerely,



Nabarun 'Bron' Kayal, Owner

Enclosure:

Application for Type IV Site Plan – Conditional Use, Resume, Proposed Floor Plan, Sample Pictures of Fondue Dining, Sample Menu

Tron Enterprise LLC
250 High Street, Morgantown WV 26505
Phone: 304-685-1884

Nabarun "Bron" Kayal

kayaln1@gmail.com

6 Marcus Dr.

Morgantown, WV 26501

(304) 685-1884

Education:**West Virginia University, Morgantown, WV**

May 2008

Bachelor of Science in Business Administration, Major in Accounting

Minor in Communication Studies

Professional Affiliations:

National Restaurant Association, Restaurant.com, Central Chapter of the West Virginia Society of CPA's

Professional Experience:**Co-owner**

May 2012 - Current

Tron Enterprise LLC, dba The Fondue factory (Coming soon)

250 High Street, Morgantown WV 26505

- Currently renovating the location to open a Fondue Restaurant.
- Provide a unique fine dining experience to the public.

Owner

August 2011 - Current

Kayal inc. dba Coach's Bar & Grill

220 Rystan Place, Morgantown WV 26505

- Own and operate Coach's Bar & Grill as a premium sports bar and grille in Morgantown.
- Perform all aspects of management such as hiring, scheduling, inventory management, accounting, training, quality control, internal control, payroll entertainment, sporting event and related tasks.
- Experience, knowledge and conformity with codes, laws, rules and regulations for Monongalia County Health Dept., WV ABC Administration, State Laws, WV Lottery Commission and other government agencies.

Senior Accountant

January 2010 – July 2011

Associate Accountant

August 2008 - December 2009

Tetrick and Bartlett, PLLC

122 North Oak St., Clarksburg, WV 26302.

- Worked on large audits including single audits, compilations, and accounting engagements.
- Prepared financial statements and management letters. Prepare tax returns: Individual, C Corp, S Corp, Limited Liability Company and Not-For-Profit 990's.
- Supervised the assignment of duties to, and the training of, all associates assigned to an engagement.
- Prepared audit programs and time budgets. Review and analyze internal controls.
- Maintained direct contact with clients and with lawyers, bankers and other professionals associated with the engagement or the firm. Explored opportunities for prospective clients and additional services to existing clients.

President, Board of Directors

September 2007-Present

Amhurst Homeowners Association
Morgantown, WV 26501.

- Advice, govern and oversee policy formulation for the HOA.
- Manage accounts payable, accounts receivable, bookkeeping and account processing.
- Identify and implement strategies for the improvement of the town home community.

Building Supervisor

May 2006-August 2007

Mountainlair Student Union

West Virginia University Morgantown, WV 26506.

- Represented the Mountainlair Student Union as a public relations liaison for West Virginia University.
- Coordinated the responsibilities of shift changeovers, operations closeouts, account reconciliations, money deposits, recruiting, new employee orientation and training programs, development of and changes to operational policies and procedures and other complex administrative tasks.
- Identified and found solutions for problems relating to building security, physical plant, maintenance and patron behavior.
- Delegated duties to and supervise approximately 100 student employees.

Computer Software Experience:

Micros e7, ProSystem Engagement, ProSystem Tax, ProSystem Fixed Assets, TValue 5, MS Office, QuickBooks.

SAMPLE MENU ONLY**APPETIZER**

Spinach and Artichoke Swiss: Chopped Steamed Spinach, Chopped Artichoke Hearts, a blend of Aged Emmenthaler and Gruyere Cheeses with a touch of Parmesan and Tabasco®

Cheddar Cheese Fondue: Aged, medium-sharp Cheddar and Emmenthaler Swiss cheese, lager beer, garlic, and seasonings.

Traditional Swiss Cheese Fondue: Grùyere and Emmenthaler Swiss cheeses, white wine, a touch of garlic, nutmeg, fresh lemon, and Kirschwasser.

Wisconsin Trio Cheese Fondue: Creamy Fontina and Butterkäse, as well as Buttermilk Bleu Cheese with white wine, fresh scallions, and a hint of sherry.

Fiesta Cheese Fondue: Cheddar cheese with the flavor of Mexican herbs, spices, jalapeño peppers, and salsa. Served with crisp tortilla chips... and we'll make it as spicy as you like.

SALADS

Mushroom Salad: Fresh sliced mushrooms and crisp greens topped with freshly prepared Parmesan Italian Dressing.

Chef's Salad: Crisp greens with Roma tomatoes, cucumbers, sliced eggs, smoked ham and Emmenthaler Swiss cheese, topped with our sweet and tangy House Dressing.

California Salad: Mixed baby salad greens, Roma tomatoes, walnuts, and Gorgonzola Cheese, topped with Raspberry Black Walnut Vinaigrette Dressing.
cheese fondue

Cooking style selections

Your entrée can be cooked in any of our flavorful fondue cooking styles.

Coq au Vin Fondue : It combines the flavors of fresh herbs, mushrooms, garlic, imported spices, and a hearty Burgundy Wine.

Fondue Court Bouillon

A seasoned vegetable broth that is full of flavor while low in sodium, and cholesterol-free.

Mojo Fondue: This Caribbean seasoned bouillon has distinctive flavors of fresh garlic with a citrus flair!

Fondue Bourguignonne: The European-style of cooking in cholesterol-free canola oil served with our signature sesame and tempura fondue batters.

ENTRÉE COURSE

Signature Selection : Choice tenderloin, shrimp, teriyaki marinated choice sirloin, boneless breast of chicken and fresh fish fillet.

Pacific Rim: Teriyaki-marinated choice sirloin, shrimp, peppered pork tenderloin, marinated breast of duck, boneless breast of chicken, and potstickers.

The French Quarter: Andouille sausage along with shrimp, choice tenderloin, and boneless breast of chicken, rolled in a Cajun spice blend.

Teriyaki Sirloin: Teriyaki-marinated choice sirloin.

Tender medallions of filet mignon served with Portobello mushrooms.

Breast of Chicken: Boneless breast of chicken.

Shrimp & Sirloin: Shrimp paired with teriyaki-marinated choice sirloin. Twin Lobster Tails. Two succulent lobster tails served with Garlic Dijon Butter.

The Vegetarian: An array of fresh seasonal vegetables, tofu, artichoke hearts, Portobello mushrooms, and our own Spinach and Gorgonzola Ravioli.

All entrées include your choice of one of our signature salads. Entrées are accompanied by fresh broccoli, mushrooms, yellow squash, red bliss potatoes, and a variety of featured sauces. Each entrée is paired with a variety of freshly prepared dipping sauces: Gorgonzola Port, Louisiana Hot Sauce, Barbeque Sauce, Teriyaki Glaze, Spicy Cocktail, Mild Curry, Garlic Dijon Butter, and Green Goddess

DESSERT: Chocolate Fondues

The Original: This original recipe features our signature milk chocolate complimented with a swirl of crunchy peanut butter

Amaretto Meltdown: Silky white chocolate swirled with Amaretto and flambéed tableside.

Cookies 'n Cream: Marshmallow Dream Dark chocolate topped with marshmallow cream, flambéed to toast the marshmallow, swirled together and garnished with crushed

Oreo cookies. : Flaming Turtle Milk chocolate, caramel and chopped pecans, flambéed tableside.

Bailey's® Irish Cream Dream: Our milk chocolate swirled with Bailey's Irish Cream.

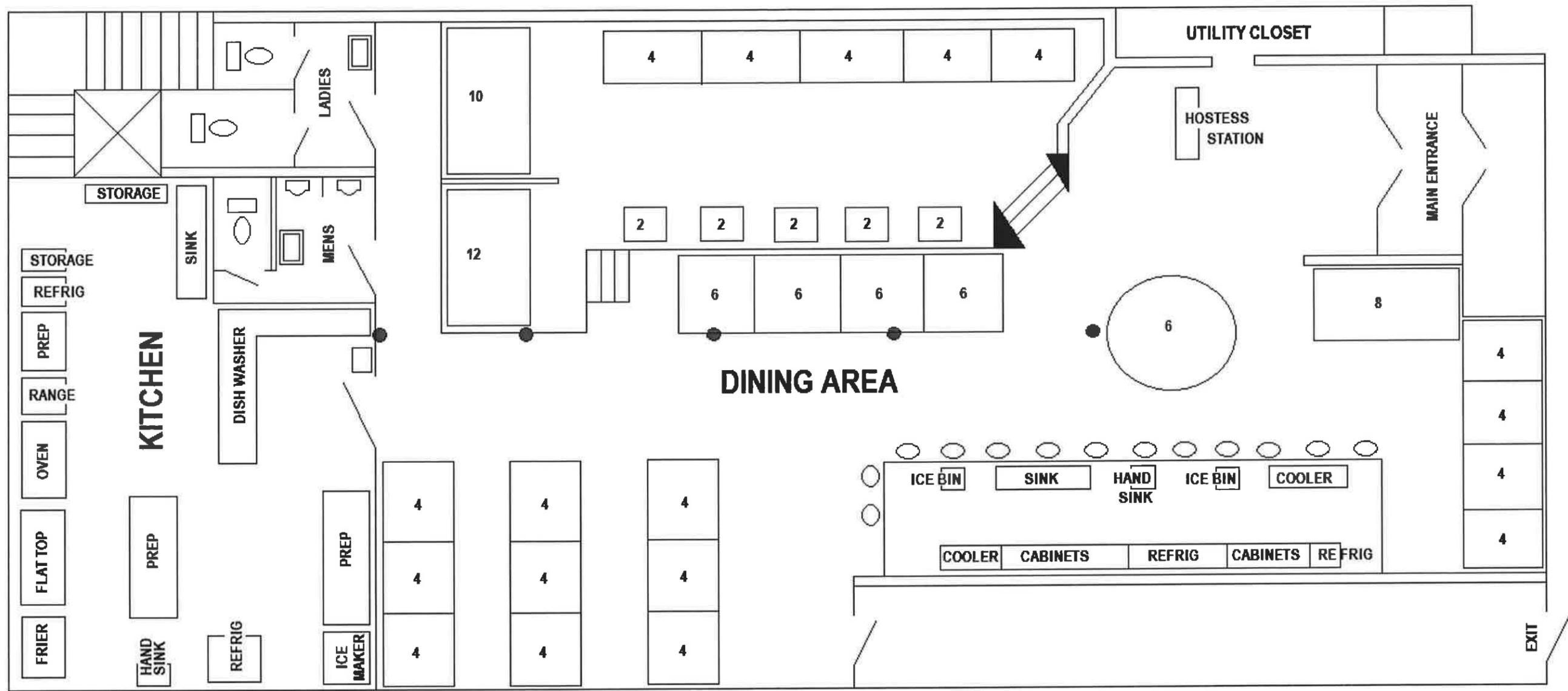
Yin & Yang: Half dark chocolate and half white chocolate, artfully swirled in the same pot for that special mix of flavors.

Chocolate S'mores: Milk chocolate fondue topped with marshmallow cream, flambéed to toast the marshmallow and then garnished with crushed Graham crackers. Also includes Graham crackers for dipping.

Pure Chocolate Milk chocolate, dark chocolate, or white chocolate, melted for the most pure of all chocolate fondues.

CUI2-11

MAIN RESTAURANT AREA: PROPOSED FLOOR PLAN



THE FONDUE FACTORY

Booths and Tables: 142 people
Bar Area: 13 people



Child-11



Cuia-11

State of West Virginia



Certificate

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

Tron Enterprise 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
May 04, 2012*



A rectangular box containing a handwritten signature in cursive script that reads "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	Tron Enterprise LLC
Trade Name	The Fondue Factory
Submitted Date	05/02/2012
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	05/04/2012
Business Legal Purpose	This company is formed to serve the public as a fine dining establishment in Morgantown, WV. The company will abide by all laws that govern companies doing business in the county, city and state
Member/Manager Managed	Member
At Will/Term	At-Will
Members Liable?	No
Primary Business Location	220 Rystan Pl Morgantown , WV 26505 Phone #: (304)685-1884 County: Monongalia
Tax Return Mailing Address	220 Rystan Pl Morgantown , WV 26505
Principal Office	220 Rystan Pl Morgantown , WV 26505
Organizer Information	William Tracy 127 Stonegate Circle Morgantown , WV 26505
Organizer Information	Nabarun Kayal 220 Rystan Pl Morgantown , WV 26505
Signature Authority Member Information	William Tracy 127 Stonegate Circle Morgantown , WV 26505
Signature Authority Member Information	Nabarun Kayal 220 Rystan Pl Morgantown , WV 26505
Source of Business	ALL NEW
Primary Business Class	7221 Full-Service Restaurant 722110 - Full-Service Restaurants
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.

Nabarun Kayal
Authorized By

MEMBER
Capacity