



MORGANTOWN BOARD OF ZONING APPEALS

April 30, 2014
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
Bill Burton
George Papandreas
Jim Shaffer

STAFF REPORT

CASE NO: CU14-03 / Maxwell's Place, LLC / 1 Wall Street

REQUEST and LOCATION:

Request by Mark Bowers, on behalf of Maxwell's Place, LLC, for conditional use approval of a "Restaurant, Private Club" use located at 1 Wall Street.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 26A, Parcel 106; B-4, Service Business District

SURROUNDING ZONING:

B-4, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to establish a restaurant at the former *Maxwell's Restaurant* location at 1 Wall Street. The petitioner also seeks to obtain a license from the West Virginia Alcohol Beverage Control Administration to sell beer, wine, and liquor. Because the sale of liquor is proposed, the land use classification is a "Restaurant, Private Club." Addendum A of this report illustrates the location of the subject site.

Table 1331.05.01 "Permitted Land Uses" of the Planning and Zoning Code provides that the development of "Restaurant, Private Club" uses in the B-4 District requires conditional use approval by the Board of Zoning Appeals.

According to the petitioner's application and exhibits, the proposed restaurant will be called *Maxwell's Place*. The petitioner's exhibits include a preliminary menu with management and the petitioner's related experience.

The proposed hours of operation for the establishment are Monday through Friday from 11:00 AM to 6:00 PM and Thursday through Sunday from 10:00 PM to 2:00 AM. It does not appear that the establishment will be open on Sunday during day or evening hours.

Addendum B of this report contains excerpts from Article 1331.06(27) of the Planning and Zoning Code pertaining to "Restaurant, Private Club" uses in the B-4 District.

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

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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conditional use by reaching a positive determination for each of the "Findings of Fact" submitted by the petitioner.

Addendum C of this report restates the petitioner's Findings of Fact.

Should the Board waive the one-year "bona fide restaurant" requirement and grant approval of the subject conditional use petition to Maxwell's Place, LLC, 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 petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*.
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 11:00 AM Monday through Friday 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 beneficiary of this conditional use approval is Maxwell's Place, LLC, which may not be transferred without prior approval of the Board of Zoning Appeals.

Attachments: Application and exhibits

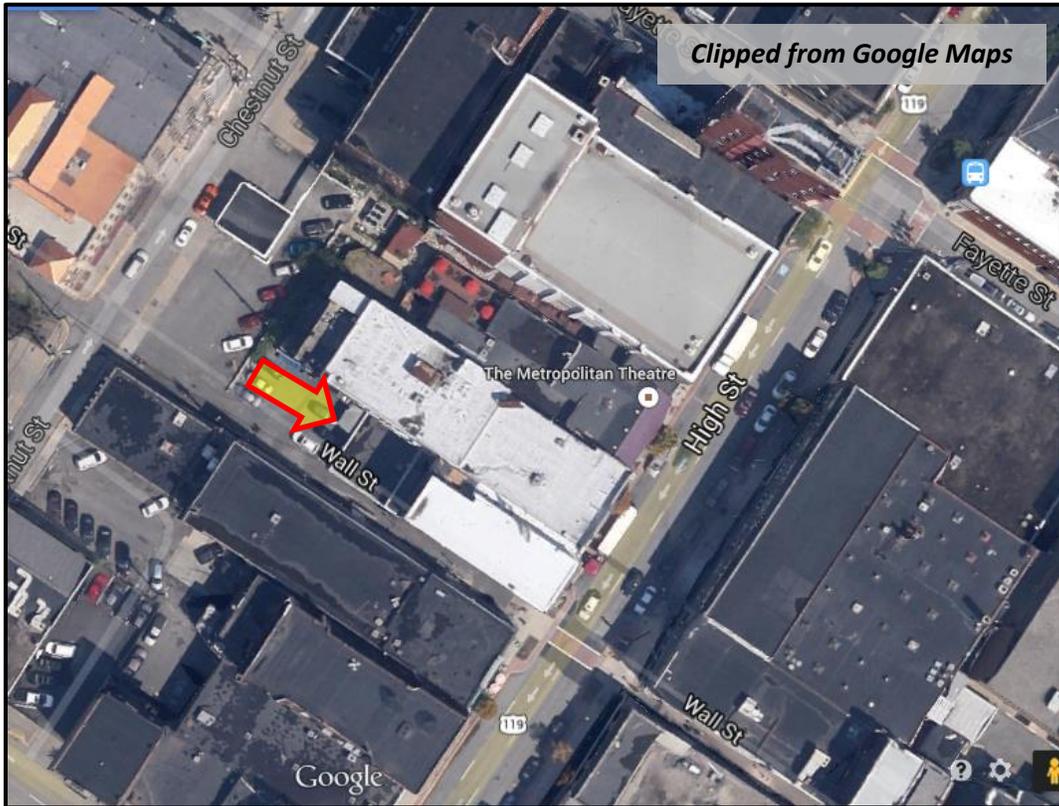
Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
CU14-03 / Maxwell's Place, LLC / 1 Wall Street



STAFF REPORT ADDENDUM B
CU14-03 / Maxwell's Place, LLC / 1 Wall 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

STAFF REPORT ADDENDUM C
CU14-03 / Maxwell's Place, LLC / 1 Wall Street

Petitioner's Findings of Fact

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

The space/property has been used as a restaurant for more than 30 years and will be used for the same purpose.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

The property is up to code in all aspects, and will continue to operate with in all the proper guidelines.

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

Nothing about the business is going to change other than a few changes to make the restaurant more current to todays codes.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

It is going to be used in the same general aspect as it has been used for decades.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

It is a small out of the way business that has had the same basic traffic over the years w/o causing any problems for the community.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The business has operated at this location for many years without infringing on any aspects of the community. And will hopefully continue its journey thru the years ahead.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

There are going to be no real changes to anything that wasn't/hasn't already been approved by the previous tenants of #1 Wall Street.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

This space is a Morgantown Landmark that is full of tradition and needs to continue its Journey.



City of Morgantown, West Virginia

APPLICATION FOR TYPE IV SITE PLAN - CONDITIONAL USE

OFFICE USE	
CASE NO.	CU14-03
RECEIVED:	
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT						
Name:	MAXWELL'S PLACE LLC			Phone:		
Mailing Address:	Street	#1 WALL ST		Mobile:	304 282 7856	
	City	Morgantown WV	26505	Email:	MARCO9BOWERS@GMAIL.COM	
	State		Zip			
II. AGENT / CONTACT INFORMATION						
Name:	MARC BOWERS			Phone:	304 594 1651	
Mailing Address:	Street	47 PINE TREE LANE		Mobile:	304 282 7856	
	City	Morgantown WV	26508	Email:	MARCO9BOWERS@GMAIL.COM	
	State		Zip			
Mailings -	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact					
III. PROPERTY						
Owner:	BMP PROPERTIES			Phone:		
Mailing Address:	Street			Mobile:	304 282 3200	
	City			Email:		
	State		Zip			
IV. SITE						
Street Address (if assigned):	#1 WALL STREET	Tax Map #:		Parcel #:		
Zoning:						
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:						
Proposed Use of Structure or Land:						

RSP
3/07/2014
201407013

KRISTEN
15:00:55
SITE PLAN

P A I D
75.00

Finance Office
Morgantown, WV 26505
(304) 284-7408



APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
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: _____
 Square Footage of all Proposed Structures (please explain): _____

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.



**APPLICATION FOR
TYPE IV SITE PLAN – CONDITIONAL USE**

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
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

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

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: THE SPACE/PROPERTY HAS BEEN USED AS A RESTAURANT FOR MORE THAN 30 yrs AND WILL BE USED FOR THE SAME PURPOSE,

2. Safety from fire, panic, and other danger is not jeopardized, in that: THE PROPERTY IS UP TO CODE IN ALL ASPECTS, AND WILL CONTINUE TO OPERATE WITHIN ALL THE PROPER GUIDELINES.

3. Provision of adequate light and air is not disturbed, in that: NOTHING ABOUT THE BUSINESS IS GOING TO CHANGE OTHER THAN A FEW CHANGES TO MAKE THE RESTAURANT MORE CURRENT TO TODAY'S CODES.

4. Overcrowding of land does not result, in that: IT IS GOING TO BE USED IN THE SAME GENERAL ASPECT AS IT HAS BEEN USED FOR DECADES.

5. Undue congestion of population is not created, in that: IT IS A SMALL OUT OF THE WAY BUSINESS THAT HAS HAD THE SAME BASIC TRAFFIC OVER THE YEARS W/O CAUSING ANY PROBLEMS FOR THE COMMUNITY



OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

APPLICATION FOR TYPE IV SITE PLAN – CONDITIONAL USE

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:

At this location for many years without interfering on any aspects of the community and will hopefully continue its journey thru the years ahead. *THIS Business has OPERATED*

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

There are going to be no REAL changes to anything that wasn't/ wasn't already BEEN approved by the previous tenants of #1 WALLSTREET.

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

This space is a Morgantown landmark that is full of tradition and needs to continue its journey

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.

Mare Bowers

Mare S Bowers

Type/Print Name of Applicant/Agent

Signature of Applicant/Agent

Date

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



EGG N CHEESE SANDWICH \$ 3
sausage or bacon add \$1

PHILLY CHEESE STEAK \$ 6

PULLED PORK BBQ \$ 5

HOT DOGS 2 for \$ 3
chili or slaw add 50 cents

HAMBURGERS \$ 5

HAM N CHEESE \$ 5

CHICKEN WINGS 10 for \$ 5

CHICKEN TENDERS \$ 5

HOURS

Mon – Fri

11a – 6p

Thur – Sat

10p – 2a

HAND CUT FRENCH FRIES \$ 3

COLE SLAW or POTATO SALAD \$ 2

ALL PEPSI PRODUCTS \$ 2
fountain or bottle

ICED TEA OR COFFEE \$ 2
free refills

Choice of white, wheat, or Texas toast
Some items served on Keiser Rolls.
Chips included w most sandwich orders.

Marc Bowers
47 Pine Tree Lane
Morgantown, WV 26508
304 282 7856
marc69bowers@gmail.com

1988 – 90 bar back and cook @ the Dungeon

1990 – 91 server and food prep @ the Peking Garden

1991 – 95 asst manager / front of house @ Brass Alley Pub

1996 – 99 asst manager @ Havana's, JD Riprock's, and Bent Willey's

1999 – 00 manager @ Hummers

also a waiter for 2 yrs @ Perking House

a bus boy, dish washer, and food prep at Stone Crab and Back Bay
(for a yr or two each)

And food prep and cook @ the Beaten Egg and Indian Well GC of Myrtle Beach
(2000-06) as needed.

West Virginia Secretary of State — Online Data Services

Business and Licensing

Online Data Services Help

Business Organization Detail

NOTICE: The West Virginia Secretary of State's Office makes every reasonable effort to ensure the accuracy of information. However, we make no representation or warranty as to the correctness or completeness of the information. If information is missing from this page, it is not in the The West Virginia Secretary of State's database.

MAXWELL'S PLACE, LLC

Organization Information							
Org Type	Effective Date	Filing Date	Charter	Class	Sec Type	Termination Date	Termination Reason
LLC Limited Liability Company	2/26/2014	2/26/2014	Domestic	Profit			

Organization Information			
Business Purpose		Capital Stock	
Charter County	Monongalia	Control Number	9A4FE
Charter State	WV	Excess Acres	
At Will Term	A	Member Managed	MBR
At Will Term Years		Par Value	
Authorized Shares			

Addresses	
Type	Address
Designated Office Address	# 1 WALL STREET MORGANTOWN, WV, 26505 USA
Mailing Address	# 1 WALL STREET MORGANTOWN, WV, 26505 USA
Notice of Process Address	MARC S BOWERS 47 PINE TREE LANE MORGANTOWN, WV, 26508 USA
Principal Office Address	# 1 WALL STREET MORGANTOWN, WV, 26505 USA
Type	Address

Officers	
Type	Name/Address
Member	MARC BOWERS 47 PINE TREE LANE MORGANTOWN, WV, 26508 USA
Organizer	MARC BOWERS 47 PINE TREE LANE MORGANTOWN, WV, 26508 USA
Type	Name/Address

Images				
View	Name	Date Added	Date Effective	Type
View	MAXWELL'S PLACE, LLC	3/14/2014	2/26/2014	S - Company Formation
View	Name	Date Added	Date Effective	Type

Wednesday, April 23, 2014 — 12:41 PM

© 2014 State of West Virginia

State of West Virginia



Certificate

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

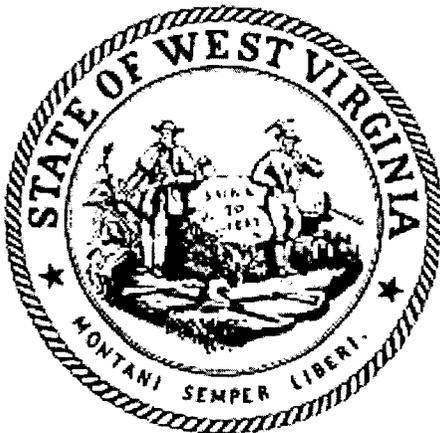
MAXWELL'S PLACE, LLC

Control Number: 9A4FE

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 February 26, 2014 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
February 26, 2014*

Natalie E. Tennant

Secretary of State

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



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

FEB 26 2014

Office Hours: Monday – Friday
8:30 a.m. – 5:00 p.m. ET

FILE ONE ORIGINAL
(Two if you want a filed
stamped copy returned to you)
FEE: \$100.00 (see chart for
additional fees)

WEST VIRGINIA ARTICLES OF ORGANIZATION OF LIMITED LIABILITY COMPANY

Control #

9A4FE

**** We, acting as organizers according to WV Code §31B-2-202, adopt the following ****
Articles of Organization for a West Virginia Limited Liability Company.

1. The name of the West Virginia limited liability company shall be: [The name must contain one of the required terms such as "limited liability company" or abbreviations such as "LLC" "PLLC" – see instructions for a list of acceptable terms.]

Maxwell's Place LLC

2. The company will be a: LLC

Professional LLC* for the profession of: _____

(*See Section 2. of the attached instructions for list of professions)

3. The address of the principal office of the company will be:

Street:

#1 Wall St

City/State/Zip:

Morgantown WV 26505

County:

Monongalia

located in the county of:

The mailing address of the above location, if different, will be:

Street/Box:

City/State/Zip:

Invoice Ticket



206149

4. The address of the initial designated (physical) office of the company in WV, if any, will be:

Street:

#1 Wall St

City/State/Zip:

MORGANTOWN WV 26505

County:

located in the county of:

MARC BOWERS
\$115.00
2/26/2014 9:20 AM

5. The name and address of the person (agent) to whom notice of process may be sent, if any, will be:

Name:

MARC S BOWERS

Street:

47 Pine Tree Lane

City/State/Zip:

Morgantown WV 26508

6. E-mail address where business correspondence may be received:

MARC69BOWERS@GMAIL.COM

7. Website Address of the business, if any:

8. The name(s) and address(es) of each organizer(s):

Name

No. & Street Address

City, State, Zip

MARC BOWERS

47 Pine Tree Lane

Morgantown, WV 26508

RECEIVED

9. The company will be: an at-will company, for an indefinite period
 a term company, for the term of _____ years

10. The company will be: member-managed [List the names and addresses of all members.]
 manager-managed [List the names and addresses of all managers.]

List the Name(s) and Address(es) of the Member(s)/Manager(s) of the company (attach additional pages if necessary)

Name Street Address City, State, Zip
MARC BOWERS 47 Pine Tree Lane MORGANTOWN WV 26508

11. All or specified members of a limited liability company are liable in their capacity as members for all or specified debts, obligations or liabilities of the company. No--All debts, obligations and liabilities are those of the company
 Yes--Those persons who are liable in their capacity as members for all debts, obligations or liability of the company have consented in writing to the adoption of the provision or to be bound by the provision.

12. The purpose for which this limited liability company is formed are as follows:
(Describe the type(s) of business activity which will be conducted, for example, "real estate," "construction of residential and commercial buildings," "commercial printing," "professional practice of architecture.")

RESTAURANT/BAR

13. Is the business a Scrap Metal Dealer?

Yes [If "Yes," you must complete the Scrap Metal Dealer Registration Form (Form SMD-1). Proceed to question 14.]

No [Proceed to question 14.]

14. Other provisions which may be set forth in the operating agreement or matters not inconsistent with law:
[See instructions for further information; use extra pages if necessary.]

N/A

15. The number of pages attached and included in these Articles is: _____

16. The requested effective date is: the date & time of filing in the Secretary of State's Office
 the following date _____ and time _____
[Requested date may not be earlier than filing nor later than 90 days after filing in our office.]

17. **Contact and Signature Information*** (See below Important Legal Notice Regarding Signature):

- a. Contact person to reach in case there is a problem with filing: MARC BOWERS phone # 304 282 7856
- b. Print name of person who is signing articles of organization: MARC S BOWERS
- c. Signature: Marc S Bowers Date: FEB 26th, 2014

***Important Legal Notice Regarding Signature:** Per West Virginia Code §31B-2-209. **Liability for false statement in filed record.** If a record authorized or required to be filed under this chapter contains a false statement, one who suffers loss by reliance on the statement may recover damages for the loss from a person who signed the record or caused another to sign it on the person's behalf and knew the statement to be false at the time the record was signed.