



June 9, 2015

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, Michigan 48226

RE: Petition No. 705 – Central Kitchen and Bar for Outdoor Café Permit at 660 Woodward

Honorable City Council:

The above named petitioner has requested permission for Outdoor Café Service. This service will convene every April 1st through November 30th, for a period of three (3) years, from the date of your Honorable Body's approval.

The Department of Public Works/City Engineering Division (DPW/CED) who has jurisdiction over temporary encroachment on City right-of-ways has approved this request contingent upon the petitioners compliance with applicable City ordinance related to outdoor café activities and the remittance of the annual use-permit fee to the Permit Section of the DPW/CED.

The Institute for Population Health (IPH) has approved this petition, subject to petitioner's strict adherence to the 1999 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from The Institute of Population Health Food Safety Division.

This petition is subject to the approval of The Institute for Population Health (IPH) and is also subject to the petitioner's strict adherence to the 1999 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from The Institute of Population Health Food Safety Division.

The Historic District Commission has issued the Certificate of Appropriateness for this location as of February 11, 2015.

The Planning and Development Department (P&DD) is not aware of any objections from any other City Agencies involved. It is the recommendation of the P&DD that the petitioner's request be granted subject to the terms and conditions provided in the attached Resolution and that this service will convene every April 1st through November 30th for a period of three years (3) from the date of your Honorable Body's approval.

Respectfully submitted,

John Saad, P.E.
Engineering Services Coordinator
Planning & Development Department

JS:PA:cdc

cc: Aliyah Sabree, Mayor's Office
A. Jemison, HRD
M. Cox, PDD
R. Brundidge, DPW
R. Doherty, DPW/CED
P. Aleobua, P&DD



By Council Member: _____

RESOLVED, That the Department of Public Works – City Engineering Division (DPW/CED) is hereby authorized and directed to issue a Use-permit to **Central Kitchen and Bar**, Detroit “permittee”, whose address is at **660 Woodward, Detroit, Michigan 48226**, to install and maintain an outdoor café, which will convene every April 1st through November 30th, for a period of three (3) years from the date of your Honorable Body’s approval, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use permit; and

PROVIDED, That the café meets the regulations set by the “Outdoor Café Guidelines” as adapted by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code; and

PROVIDED, That the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over Outdoor Café process; and

PROVIDED, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Police Department; and

PROVIDED, That the sale of food and soft drinks is held under the direction and inspection of the Institute of Population Health; and

PROVIDED, That the “permittee” remit the required annual fee(s) to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

PROVIDED, That the “permittee”, prior to obtaining said permit, file an indemnity agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the “permittee” of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

PROVIDED, That the filing of said indemnity agreement for this current year shall be construed as acceptance of this Resolution by the “permittee”; and

PROVIDED, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that “permittee” acquires no implied or other privileges hereunder not expressly stated herein; and



PROVIDED, That no other rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "permittee" at its expense; and

PROVIDED, That the permit shall not be assigned or transferred without a written approval of the City Council; and

PROVIDED, That the designated outdoor seating area shall be properly identified through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

PROVIDED, That the outline and location of the outdoor café is not to be different from the site plan approved by the Planning and Development Department and the Department of Public Works; and

PROVIDED, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building and Safety Engineering Department and the Department of Public Works/City Engineering Division; and

PROVIDED, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

PROVIDED, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense;

Adopted as follows:

Yeas-

Nays-