

RESOLUTION NO. 2 -2024

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
INDIANA, AMENDING RESOLUTION 13-2023 AND RECOMMENDING ISSUANCE
OF A DOWNTOWN ALCOHOLIC BEVERAGE PERMIT
PURSUANT TO I.C. 7.1-3-20-16(g)

Whereas, IND. CODE § 7.1-3-20-16(g) allows the Indiana Alcohol and Tobacco Commission ("IATC") to issue fifteen (15) on-premises alcoholic beverage permits, without regard to the quota provisions of IND. CODE § 7.1-3-22, within the historic district (as defined within the Enabling Statute) of the City of Valparaiso; and

WHEREAS, on December 14, 2015, the Common Council of the City of Valparaiso adopted Ordinance 29-2015, which approved the *Amended Criteria for License Allocation and Applicant Compliance Requirements* that was initially approved by Resolution 15-2005; and

WHEREAS, on August 28, 2023, the Common Council passed Ordinance 11-2023 which adopted the *Second Amended Criteria for License Allocation and Applicant Compliance*; and

WHEREAS, on November 27, 2023, the City Council held public presentations by applicants for an on-premises alcoholic beverage permit.

WHEREAS, on December 11, 2023, the City Council adopted Resolution 13-2023. Such resolution inaccurately identified the applicant.

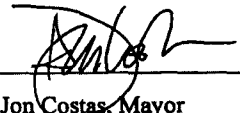
NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Valparaiso, Indiana, that:

1. Valpo Soup Company, LLC d/b/a Figs and Fables at 57 Franklin Street #105 and #107, should be, and is, hereby recommended for a 3-Way on-premises alcoholic beverage permit. Such recommendation being conditioned upon full compliance with the objectives and criteria contained in the *Second Amended Criteria for License Allocation and Applicant Compliance* and pursuant to Indiana Code §§ 7.1-3-19-17 and 7.1-3-20-16(g).

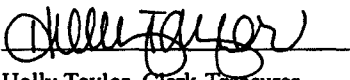
2. That upon written request by the City Council, representatives from Valpo Soup Company, LLC d/b/a Figs and Fables, shall appear and provide a report as to its activities and answer questions relating to any complaints/problems.

3. At all times Valpo Soup Company, LLC d/b/a Figs and Fables shall comply with the executed Written Commitment.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a 7-0 vote of all members present and voting, this 22nd day of January, 2024.


Jon Costas, Mayor

ATTEST:


Holly Taylor, Clerk-Treasurer

Formal Written Commitment

This *Formal Written Commitment and Use Agreement* ("Commitment") is entered into this 2nd day of January, 2024, by and between the **Common Council of the City of Valparaiso** ("City") and **Valpo Soup Company, LLC d/b/a Figs and Fables** ("Holder").

Whereas, IND. CODE § 7.1-3-20-16(g) ("Enabling Statute") allows the Indiana Alcohol and Tobacco Commission ("IATC") to issue **fifteen (15)** additional on-premises alcoholic beverage permits, without regard to the quota provisions of IND. CODE § 7.1-3-22, within the downtown historic district (as defined within the Enabling Statute) of the City of Valparaiso, ("District Permits");

Whereas, pursuant to IND. CODE § 7.1-3-19-17(a) ("Local Approval Statute"), the Common Council of the City of Valparaiso adopted **Ordinance 29-2015**, as amended by **Ordinance 11-2023** (collectively "Ordinance") requiring a formal written commitment as a condition of eligibility for all Holders of a District Permit;

Whereas, subject to the Enabling Statute, the Local Approval Statute, *Second Amended Criteria for License Allocation and Applicant Compliance Requirements* and the Ordinance, Holder is required to enter into this Commitment regarding the character and type of business that will be conducted on the Permit Premises (as defined below);

Whereas, Holder acknowledges that the cost of the District Permit is substantially below the cost of a 3-Way Liquor License and that the reduction in cost is meant, in part, to allow the Holder to expend greater resources on food offerings; and

Whereas, the intent of this Commitment is to: i) ensure that the Holder operates a restaurant within the downtown historic district that provides a food oriented dining experience and is consistent with the Holder's representations to the City; ii) prevent Holder from operating a bar or similar establishment; and iii) ensure that Holder honors the representations and commitments made to the City.

Now, therefore, in consideration of receiving favorable continued support from the City for its District Permit, Holder agrees to the following requirements, covenants, and restrictions:

Section 1. Recitals. The Recitals set forth above are fully incorporated in and made a part of this Commitment by reference.

Section 2. Location. The location where alcoholic beverages will be dispensed is **57 Franklin Street #105 and #107, Valparaiso, Indiana** ("Permit Premises"). A District Permit may not be transferred to a new location without the written consent of the City. Any attempt to transfer the District Permit to a new location, without written consent, shall be void and shall constitute a violation of this Commitment, which could cause the District Permit to be revoked by the IATC. Any change in location renders this Commitment voidable at the sole discretion of

the City. The City may publicly advise against the renewal of the District Permit in lieu of formally voiding this Commitment.

Section 3. Ownership and Management. A District Permit may not be transferred to a new owner without the written consent of the City. Any attempt to transfer a District Permit, without written consent, shall be void and shall constitute a violation of this Commitment, which could cause the District Permit to be revoked by the IATC. As provided in the *Second Amended Criteria for License Allocation and Applicant Compliance Requirements*, any Holder that is a business entity is required to disclose a list of all owners. **To the extent that any change in ownership occurs, Holder must provide written notice to the City within thirty (30) days of the effective date.** Any material change in the equity ownership or management of the Holder renders this Commitment voidable at the sole discretion of the City. The City may publicly advise against the renewal of the District Permit in lieu of formally voiding this Commitment. For purposes of this Commitment, “material change” shall include, but not be limited to, any change that alters the ownership structure as represented in **Appendix C.**

Section 4. Permit Application and Renewals. Holder will provide the City with its IATC Application for Permit. All additional renewals, forms, applications, questionnaires, and disclosures that Holder submits to the IATC, at any time, must be submitted to the City of Valparaiso Mayor’s Office with a copy to the City Attorney within **ten (10) days** following submission to the IATC.

Section 5. Character and Uses. Holder shall use the Permit Premises for the operation of a full service **Michelin Star inspired modern fine dining restaurant and lounge with a décor that offers elegance and a whimsical flair;** meaning, a restaurant where food and drink orders are primarily taken from, and served to, seated customers at tables, by wait staff that are not bartenders. The menu and offerings of the Permit Premises shall be primarily designed to provide a food-oriented dining experience to the public. The Holder shall, at all times of operation, provide to the public its full menu from its kitchen facility. The Holder shall operate (at a minimum) **Wednesday & Thursday from 4:00 pm – 10:00 pm and Friday & Saturday from 4:00 pm - midnight.** It is understood that **Holder may rent out the Permit Premises on closed days for private gatherings and other events.** The City may void this Commitment or publicly advise against the renewal of Holder’s District Permit if the use of the Permit Premises is merely designed to provide customers with an alcohol consumption experience (e.g., a majority of sales or transactions occur at the bar counter). If the Holder desires to change or amend its use of the Permit Premises, Holder must first receive City’s written consent, which shall become a part of this Commitment. Any unauthorized change in use renders this Commitment voidable at the sole discretion of the City. The City may publicly advise against the renewal of the permit in lieu of formally voiding this Commitment.

Section 6. Additional Obligations. Holder covenants the following:

- (a) All representations and commitments written in **Appendix B** of this Commitment, as amended or supplemented over time, are full and binding obligations of Holder.
- (b) Permit Premises shall be fully non-smoking and Holder must operate the Permit Premises in strict compliance with the City's Smoking Ordinance.
- (c) Holder must be a full and current dues paying contributor to the Downtown Dining Marketing Fund at all times it possesses a District Permit.
- (d) Both Holder and the Permit Premises must remain in compliance with all State and City laws and ordinances, including, but not limited to, all building, health, and zoning laws, as well as all architectural standards established by the City of Valparaiso. The burden of evidencing compliance is on the Holder.
- (e) Holder agrees to comply with the Enabling Statute, the Local Approval Statute, and the Ordinance, as amended, regardless of whether such provisions are specifically expressed in this Commitment.
- (f) Holder has received a copy of the *Second Amended Criteria for License Allocation and Applicant Compliance Requirements*. Such is incorporated by reference into this Commitment. Holder accepts the terms and agrees to be bound by its provisions.
- (g) Holder acknowledges that the City has adopted rules for outdoor dining on public walkways/easements/property. The rules, in large part, balance the desire to provide outdoor dining options with the need to assure that all pedestrians have sufficient space to safely move in the downtown area. Holder agrees to abide by all such rules relating to outdoor dining.
- (h) Holder acknowledges the benefit of collaboration with other restaurants in the Valparaiso downtown. Holder shall be an active member of the Valpo Downtown Dining group (if such exists) and shall make reasonable best efforts to attend group meetings and participate in group promotional activities.
- (i) Any breach of the foregoing covenants renders this Commitment voidable at the sole discretion of the City. The City may publicly advise against the renewal of the District Permit in lieu of formally voiding this Commitment.

Section 7. General Provisions. The Parties agree as follows:

- (a) This Commitment shall extend to and be binding upon the heirs, personal representatives, and successors of the Holder.
- (b) This Commitment may not be modified or amended unless agreed upon in writing and signed by the Parties.
- (c) This Commitment may be executed in counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.
- (d) This Commitment and its Appendices constitute the entire agreement of the Parties with respect to this matter, and it supersedes all prior negotiations, representations, or agreements, either written or oral, between the Parties.
- (e) The Commitment shall be governed by and interpreted in accordance with the laws of the State of Indiana. Any proceeding seeking to enforce any provision of this Commitment may only be brought in a court sitting in Porter County, Indiana.
- (f) The IATC and its associated Local Board have independent regulatory authority over these matters and the City of Valparaiso cannot be held liable or responsible for any act of the IATC. Furthermore, the City of Valparaiso has no duty or responsibility to advocate or intervene in any proceeding before the IATC or its associated Local Board.

Section 8. **Notice.** Whenever any notice, statement or other communication is required under this Commitment, it shall be sent by first class mail or via an established courier or delivery service to the following addresses, unless otherwise specifically advised.

Notices to the City shall be sent to:

City of Valparaiso
166 W. Lincolnway
Valparaiso, IN 46383
Attn: City Attorney

Notices to the Holder shall be sent to:

Valpo Soup Company, LLC d/b/a Figs and Fables
c/o Adam Brenner
57 Franklin Street #105 and #107
Valparaiso, Indiana 46383

- Section 9.** **Term.** The Commitment shall become effective upon approval by the City and shall remain effective so long as the Holder continues to hold an active unexpired District Permit with the IATC.
- Section 10.** **Breach and Remedies.** Notwithstanding anything to the contrary, the City shall have the right to seek legal, injunctive, or other equitable relief from a court of competent jurisdiction in the event of a breach. All rights and remedies provided in this Commitment are cumulative and not exclusive of any other rights or remedies that may be available herein. The City is not required to exhaust remedies with the IATC before proceeding against Holder in event of breach.
- Section 11.** **Authorized Party.** Each individual executing this Commitment represents that he/she has the requisite authority to sign this Commitment.
- Section 12.** **Additional Commitments.** See Attached Appendix B. Any violation of the Additional Commitments shall constitute a violation of this Commitment, which could cause the District Permit to be revoked by the IATC. The City may publicly advise against the renewal of the District Permit in lieu of formally voiding this Commitment.

All of this having been agreed to by the Parties on the date first indicated above and memorialized by the signatures contained herein.

Holder: Valpo Soup Company, LLC d/b/a Figs and Fables

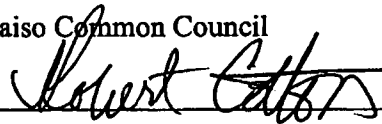
By: 

Printed Name: ADAM BRENNER

Title: OWNER

Date: JANUARY 22, 2024

Valparaiso Common Council

By: 

Printed Name: ROBERT COTTON

Title: President

Date: JANUARY 22, 2024

Appendix A

Application for District Permit

[To be added once Filed]



APPLICATION FOR NEW OR TRANSFER PERMIT – RETAILER OR DEALER

State Form 51189 (R7 / 5-22)

INSTRUCTIONS:

1. Type or print legibly.
2. Include payment.
3. Do not complete shaded areas.
4. If there is no opening for this applied permit or there is an omission, this application will be returned.
5. Please attach a completed Property Tax Clearance – Form 1 (State Form 1462), if applicable.
6. Please attach a completed County Verification of Business Location form (State Form 44184), if applicable.
7. Please attach a Certificate of Existence from the Indiana Secretary of State. (Not applicable for sole proprietorships and simple partnerships.)

FOR OFFICE USE ONLY	
Date received (mm/dd/yy)	
Permit number	
Permit type	
Base fee receipt number	
Catering receipt number	
Processor	
Jurisdiction	

* This agency is requesting your Social Security Number in accordance with IC 4-1-8-1; disclosure is mandatory, and this record cannot be processed without it.

SECTION 1: GENERAL INFORMATION

1.1 Permit type for which you are applying: (See Section 11 for list of permit types.)

Beer Wine & Liquor - Historic District

1.2. Please briefly describe your business that qualifies you for this permit type. (Do not just state the permit type.)

Fine Dining restaurant specializing in gourmet food.

1.3. Permit number (Required for transfers.)

1.4. This ownership entity is: (Check one)

- ☐ Sole Owner ☐ Limited Partnership ☐ Municipality ☐ Simple Partnership ☐ Limited Liability Partnership
☐ Club Association ☐ Corporation ☒ Limited Liability Company ☐ Club Corporation

1.5. Application type

- ☒ New (fee schedule in Section 11) ☐ Transfer of location (\$250 transfer fee IC 7.1-4-4.1-6)
☐ Transfer of ownership (\$250 transfer fee IC 7.1-4-4.1-6) ☐ Transfer of ownership and location (\$500 transfer fee IC 7.1-4-4.1-6)

1.6. Business entity making this application

Valpo Soup Company LLC

1.7. Telephone number of applicant

(219) 241-7053

1.8. Doing business as (DBA)

Figs and Fables

1.9. Premises address – Location where alcoholic beverages will be dispensed

Street name and number

57 Franklin Street Ste. 105 and 107

City / Town

Valparaiso

State

IN

ZIP code

46383

1.10. E-mail address

adam@figsandfables.com

1.11. Telephone number of premises

(219) 241-7053

1.12. Mailing address ☒ Same as above

NOTE: Notices from the ATC will be sent to the mailing address provided on this form. It is the permittee's responsibility to notify the ATC of any changes to the mailing address.

Name

Address (number and street, city, state, and ZIP code)

1.13. What county is the proposed permit premises located in?

Porter

1.14. Is the proposed permit premises located inside the corporate limits of a city / town?

☒ Yes ☐ No

1.15. If yes, please name the incorporated city / town.

Valparaiso

1.16. Is there at least 200 feet between this premises and any church or school?

☒ Yes ☐ No

If no, please check the exception that applies:

- ☐ Church or school provided a written statement pursuant to IC 7.1-3-21-11 (Applies only to grocery store, drug store, restaurant, hotel, or catering hall.) (Copy of written statement must be attached to application.)
- ☐ Wall of the premises and wall of the church or school are separated by at least eighty-five (85) feet, including a two-lane road of at least thirty (30) feet in width
- ☐ The application is for a retail restaurant permit located in a facility on the National Register of Historic Places

(Include documentation of the historic designation.)

- ☐ The application is for a retail restaurant permit located within the bounds of an historic district established by ordinance pursuant to IC 36-7-11-7 (Include documentation of the historic designation and a district map indicating the location of the premises within the historic district.)
- ☐ The application is for one of the following permit types:
- a) Mall under IC 7.1-3-20-24.4;
 - b) City market under IC 7.1-3-20-25;
 - c) Historic railway station under IC 7.1-3-20-16(e)(1);
 - d) Renovation under IC 7.1-3-20-16(e)(2); or
 - e) Food hall master under IC 7.1-3-20-29 or food hall vendor under IC 7.1-3-20-30.

☐ An alcoholic beverage permit premises has continuously operated at the location since prior to the opening of the church or school.

1.17. Do any individuals, corporations, limited liability companies, limited liability partnerships, or stock owners, members, or partners of any such entities have any interest, either directly or indirectly, in any distiller, vintner, farm winery, rectifier, brewer, primary source of supply, or wholesaler permit? ☐ Yes ☒ No

1.18. As owner, do you manage the premises?
If no, please complete Section 7, Manager's Questionnaire. ☒ Yes ☐ No

1.19. Do you sell tobacco products?
If yes, please provide the Tobacco Sales Certificate number. ☐ Yes ☒ No

1.20. Do you consent for the duration of the permit to inspection and search by an enforcement officer, without a warrant or other process, of your licensed premises and vehicles to determine compliance with the provisions of Indiana Code 7.1? ☒ Yes ☐ No

1.21. Do you have the right to possess (rent, lease, mortgage, or own) the permit premises for the term of the permit? ☒ Yes ☐ No

SECTION 2: QUALIFICATIONS

THE FOLLOWING QUESTIONS PERTAIN TO ALL INDIVIDUALS HAVING AN INTEREST IN THIS APPLICATION.

NOTE: "Individuals" referred to in all questions in the below section include limited liability companies (LLCs), limited liability partnerships (LLPs), corporations, partnerships, and all other business entities recognized under Indiana law, as well as a natural person where applicable.

2.1. Are all individuals with an interest in this application citizens of the United States? ☒ Yes ☐ No

2.2. Are all individuals with an interest in this application of sound mind and good repute in the community in which they reside? ☒ Yes ☐ No

2.3. Have any individuals with an interest in this permit been convicted of a felony or a misdemeanor?
(If yes, please attach a letter detailing with conviction, court, date, and sentence information.) ☐ Yes ☒ No

2.4. Have any individuals with an interest in this application ever been convicted of and/or found to have committed a violation of the Indiana Alcoholic Beverage laws, rules, regulations, or orders of the ATC?
(If yes, please attach a letter detailing the conviction and/or violation, including permit number(s).) ☐ Yes ☒ No

2.5. Are any individuals with an interest in this application a law enforcement officer, a non-elected officer of a municipal corporation or government subdivision, or an officer of the state of Indiana, charged with any duty or function in the enforcement of Title 7.1 of the Indiana Code? ☐ Yes ☒ No

2.6. Have any individuals with an interest in this application held a permit under Title 7.1 of the Indiana Code and had the permit revoked within one (1) year prior to the date of this application?
(If yes, please provide the permit number(s) and an explanation.) ☐ Yes ☒ No

2.7. Have any individuals with an interest in this application made an application for an alcoholic beverage permit of any type which was denied less than one (1) year prior to this application for a permit (unless the application was denied by reason of a procedural or technical defect)? ☐ Yes ☒ No

2.8. Do any individuals, corporations, limited liability companies, limited liability partnerships, partnerships, or stock owners, members, or partners of such entities have any interest, either directly or indirectly, in any other permits or registrations of any kind issued under Title 7.1 of the Indiana Code connected with, but not limited to, the production, distribution, transportation, or sale of alcoholic beverages?
If yes, list permits below. (Attach additional sheet if necessary.) ☐ Yes ☒ No

Permit number(s)

2.9. Are you indebted to a person or an officer or agent of that person, who holds a brewer's permit or wholesale permit, for a debt, secured by a lien, mortgage, or otherwise upon the premises for which the beer retailers permit is to be applicable or upon any of the property or fixtures in the premises, or used, or to be used in connection with the premises? ☐ Yes ☒ No

SECTION 3: AFFIDAVIT OF OWNERSHIP

(NOTE: IC 7-1-520 requires the disclosure of each person who is, or will be, financially or beneficially interested in the permit and the business conducted, or to be conducted, under it. Changes to this list must be filed by the applicant or permittee within ten (10) days of the date when the change became effective.)

3.1 Complete name Adam James Brenner		Social Security number * 572-79-5494	Date of birth (month, day, year) 04/29/1983	Citizen of United States ☒ Yes ☐ No
Address (number and street, city, state, and ZIP code) 1453 Sherwood Drive, Valparaiso, IN 46385				
Nature of interest ☒ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership 100%
3.2 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.3 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.4 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.5 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.6 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.7 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.8 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership
3.9 Complete name		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)				
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer ☐ Member				Percent of ownership

If you need more space, please attach additional sheets.

SECTION 4 ESCROW REQUEST

The permit application process may take up to ninety (90) days, including application review, newspaper public notice, orange sign posting, local alcoholic beverage hearing in the county, commission meeting approval, and final floor plan approval by the Indiana State Excise Police. If your application is approved and you will not be immediately ready to open to the public upon approval by the commission, the permit will need to be placed in escrow, a non-operational status pursuant to IC 7.1-3-1.1. All applicants must answer the following questions:

4.1.1 When will the permit premises for which you are applying be ready to open for business?

02/01/24
(mm/dd/yy)

4.1.2 If you will not be ready to open to the public within ninety (90) days, please explain the steps you are taking to make the proposed permit operational, and provide an estimated timeframe for when the permit will be operational. (Please attach additional sheets as needed).

SECTION 5 RETAIL PERMIT QUESTIONS

(Skip to next section if you are not applying for a retail permit.)

You must be a resident of Indiana to be eligible for a permit. Please indicate if you are a resident of Indiana by checking the appropriate box.

5.1 MINORS (To be completed by ALL retail permit applicants.)

5.1.1. Will minors be present in the permit premises? (If no, move to next applicable section.)

☒ Yes ☐ No

5.1.2. Check the exception to IC 7.1-5-7-10 that allows minors in your permit premises. (See IC 7.1-5-7-11 for additional information.)

- | | |
|--|---|
| ☐ Civic center | ☐ Convention center |
| ☐ Sports arena | ☐ Bowling center |
| ☐ Bona fide club | ☐ Boat |
| ☐ Dining car | ☐ Pullman car |
| ☐ Club car | ☐ Passenger airplane |
| ☐ Automobile racetrack | ☐ Satellite facility (as defined in IC 4-31-2-20.5) |
| ☐ Catering hall under IC 7.1-3-20-24 that is not open to the public | ☐ Entertainment complex |
| ☐ Indoor golf facility | ☐ Indoor theater under IC 7.1-3-20-26 |
| ☐ Licensed premises owned or operated by a postsecondary educational institution as described in IC 21-17-6-1. | ☐ Horse racetrack facility holding a recognized meeting permit under IC 4-31-5 |
| ☐ Recreational facility (such as a golf course, bowling center, or similar facility) whose principal purpose or function of the business is recreational activity and not the sale of food and beverages | ☐ Senior residence facility campus (as defined in IC 7.1-3-1-29(c)) at which alcoholic beverages are given or furnished as provide under IC 7.1-3-1-29 |
| ☐ Restaurant has full** separation between bar room and family room | ☐ No alcoholic beverages are served across a bar and service is accomplished by an employee |
| ☐ A restaurant, the proprietor of which is the permit holder of a brewery permit issued under IC 7.1-3-2-2(b), that has limited separation***, but is not subject to the minimum gross food sales set forth in 905 IAC 1-41-2 | ☐ A restaurant, the proprietor of which is the permit holder of a farm winery permit, that has limited separation***, but is not subject to the minimum gross food sales set forth in 905 IAC 1-41-2. |
| ☐ A restaurant, the proprietor of which is the permit holder of an artisan distiller permit, that has limited separation***, but is not subject to the minimum gross food sales set forth in 905 IAC 1-41-2 | ☐ The licensed premises of a food hall master permit under IC 7.1-3-20-29 or a food hall vendor permit under IC 7.1-3-20-30 that qualifies under IC 7.1-5-7-11(a)(30). |
| ☐ A hotel other than a part of a hotel that is a room in a restaurant in which a bar is located over which alcoholic beverages are sold or dispensed by the drink* | ☒ Restaurant that has limited*** separation between bar room and family room and has minimum gross food sales of \$200,000 per year or 60% percent of the gross food and alcoholic beverage sales |

* Please note that you will be required to have full** or limited*** separation at any bar that is located in a room in a restaurant if minors may be present in the restaurant and no other exception applies.

** Full separation is a nontransparent wall at least seventy-two (72) inches high with a doorway or an open archway of no more than five (5) feet in width separating the barroom and the family dining room.

*** Limited separation is a structure or barrier that reasonably deters free access and egress without requirement for doors or gates separating the barroom and the family dining room.

5.3 BEER, WINE, AND LIQUOR RETAILER/RESTAURANT (209) IN UNINCORPORATED AREA (Excluding recreational facilities such as golf courses and bowling centers)	
5.3.1. For a beer, wine, and liquor retailer in an unincorporated area (also known as a type 209 permit) is your projection that annual gross food sales at the location will exceed not less than \$200,000 by the end of the first two (2) years of operations and annual gross food sales will be at least \$100,000 each year thereafter?	☐ Yes ☐ No
5.4 LIQUOR RETAILER IN INCORPORATED AREA (Does not include beer only, wine only, or beer and wine retailers.)	
5.4.1. Is the proposed permit premises located in an incorporated city having a population of less than 5,000?	☐ Yes ☒ No
5.4.2. If the answer is yes, have you attached to the application the enabling ordinance from the city consenting to the issuance of liquor retailer's permits?	☐ Yes ☐ No
5.5 RETAIL CARRYOUT OF ALCOHOLIC BEVERAGES (Please review State Form 56312 to determine if the applied for permit type qualifies for carryout.)	
5.5.1. Do you wish to sell alcoholic beverages for carryout? (If yes, please attach State Form 56312, Carry-out Supplement.)	☐ Yes ☒ No
5.6 CATERING HALL	
5.6.1. Are you applying for a special three-way catering hall permit that will allow you to sell alcoholic beverages for on-premises consumption on a premises that is used only for private catered events and has accommodations for at least 250 individuals?	☐ Yes ☐ No
5.7 CLUBS	
5.7.1. If you are applying for a club permit, please check the appropriate box: ☐ Social Club ☐ Fraternal Club	
5.7.2. If a social club, does your association or organization meet the general requirements of IC 7.1-3-20-1?	☐ Yes ☐ No
5.7.3. If a fraternal club, does your association or corporation meet the general requirements of IC 7.1-3-20-1 and the specific requirements of IC 7.1-3-20-7?	☐ Yes ☐ No
5.7.4. If your club premises is outside the corporate limits, do you meet the requirements of IC 7.1-3-20-3?	☐ Yes ☐ No
5.8 HOTEL/RESORT HOTEL	
5.8.1. If you are applying as a hotel, do you meet the general requirements of IC 7.1-3-20-18?	☐ Yes ☐ No
5.8.2. If you are applying as a resort hotel, do you meet the requirements of 7.1-3-20-21?	☐ Yes ☐ No
5.9 HISTORIC DISTRICT	
5.9.1. If you are applying for an historic district permit, is the restaurant located in a district that is on the National Register of Historic Places pursuant to IC 7.1-3-20-16(g) (includes a county courthouse, historic opera house, historic jail and sheriff's house)? <i>If yes, you must submit the appropriate verification, including a district map identifying the location of your restaurant, an approval letter from a city or town representative that indicates whether the city or town adopted an ordinance that requires a written commitment pursuant to IC 7.1-3-19-17, and a copy of the ordinance creating the district. If the city or town ordinance requires a written commitment, you must also submit a copy of the written commitment.</i>	☒ Yes ☐ No
5.10 AIRPORT, ECONOMIC REDEVELOPMENT, RIVERFRONT, RAILWAY STATION, MOTOR SPORTS DISTRICT, LAKE FRONT, DEVELOPMENT DISTRICT, RENOVATION PROJECT	
5.10.1. If you are applying for a permit authorized by IC 7.1-3-20-16 or IC 7.1-3-20-16.8, do you meet the requirements for the designated permit? 5.10.2. Please specify the type of permit for which you are applying: _____ (Please see Section 11 for a full list of permit types) NOTE: If you are applying for a municipal riverfront/lakefront development permit (IC 7.1-3-20-16(d) and IC 7.1-3-20-16.1) or a lakefront development permit, motorsports development permit IC 7.1-3-20-16(k) or (l), redevelopment permit (IC 7.1-3-20-16.8), or renovation project (IC 7.1-3-20-16(e)(2)), you must also submit a letter indicating that the statutory requirements have been met and the mayor's approval of the permit, a map of the district identifying the premises location, and a copy of the ordinance creating the district. <i>If you are applying for a permit in a publicly owned airport (IC 7.1-3-20-16(b)), union railway station (IC 7.1-3-20-16(c)), railway station (IC 7.1-3-20-16(e)), cultural center (IC 7.1-3-20-16(f)), or redevelopment district (IC 7.1-3-20-16(h) and (i)), please submit supporting documentation showing that your premises is located in a district that meets the qualification of the section authorizing the permit.</i> <i>If you are applying for a lakefront district permit pursuant to IC 7.1-3-20-16(j) and IC 7.1-3-20-16.2, please submit a map of the district identifying the location of your restaurant, detailed information concerning the expenditures of the state, local, and federal funds on the municipal lakefront development project, and a copy of the local ordinance or resolution authorizing the municipal lakefront development project.</i>	☐ Yes ☐ No

5.11 EXCURSION BOAT

5.11.1. If you are applying for a boat permit, do you engage in regular passenger service which makes regular runs in seasonal weather between established locations?

☐ Yes ☐ No

5.11.2. Are you requesting designation as a jumbo boat?
(If yes, please attach a copy of the United States Coast Guard certification)

☐ Yes ☐ No

5.11.3. For jumbo boat designation, is the boat at least 135 feet long and 35 feet wide?

☐ Yes ☐ No

5.11.4. For jumbo boat designation, will the boat dock in more than one county?

☐ Yes ☐ No

If yes, please list each county: _____

5.12 HORSE TRACK/SATELLITE

5.12.1. If you are applying for a horse track permit, do you currently hold a valid recognized meeting permit issued by the Indiana Gaming Commission?

☐ Yes ☐ No

Permit number of recognized meeting

Date of issuance (month, day, year)

Date of expiration (month, day, year)

5.12.2. Are you applying for a satellite permit?

☐ Yes ☐ No

License number of satellite facility

Date of issuance (month, day, year)

Date of expiration (month, day, year)

5.13 CIVIC CENTER, MALL, MARKET

5.13.1. Please check the permit type for which you are applying:

- ☐ Public facility of a stadium, exhibition hall, auditorium, theater, convention center, or civic center that qualifies for a permit under IC 7.1-3-1-25.
- ☐ An entertainment complex that qualifies for a permit under IC 7.1-3-1-25(e).
- ☐ Retail space in a mall pursuant to IC 7.1-3-20-24.4.
- ☐ Retail space in a city market pursuant to IC 7.1-3-20-25.

5.14 FOOD HALL MASTER

5.14.1 Do you meet the requirements set forth in IC 7.1-3-20-29?

☐ Yes ☐ No

5.15 FOOD HALL VENDOR

5.15.1. Are you applying for a one-way, two-way, or three-way permit?

☐ One-way

☐ Two-way

☐ Three-way

5.15.2. List the permit number for the master food hall permit in which your premises is located. _____

5.15.3. What is the size of your vending space?

☐ Less than 1,000 square feet

☐ At least 1,000 square feet

5.16 GAMING SITE

5.16.1. If you are applying for a gaming site permit, do you hold a valid riverboat license under IC 4-33-6, an operating agent contract under IC 4-33-6.5, or a gambling game license under IC 7.1-25?

☐ Yes ☐ No

License number of gaming site

Date of issuance (month, day, year)

Date of expiration (month, day, year)

5.17 DINING CAR

5.17.1. Do you own:

- a) a railroad as a public carrier; or
- b) cars which are operated as part of railroad train?

☐ Yes ☐ No

5.18 RACE TRACK

5.18.1. Do you operate an outdoor facility with the main purpose and function being organized sporting competition that does not include a facility to which IC 7.1-3-1-25(a) applies or a tract located in a county containing a consolidated city that contains a premises used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing?

☐ Yes ☐ No

SECTION 6: DEALER PERMIT QUESTIONS

(Skip to next section if you are not applying for a dealer permit.)

6.1 GROCERY STORE

6.1.1. If you are applying for a beer only or beer and wine dealer grocery permit, please select the category of grocery store that qualifies you to hold this permit (See refer to IC 7.1-1-3-18.5 for additional information.)

- ☐ A supermarket, grocery store, or delicatessen and is primarily engaged in the retail sale of a general food line, which may include:
- a) Canned and frozen foods;

- b) Fresh fruits and vegetables; and
- c) Fresh and prepared meats, fish, and poultry.

☐ A convenience store or food mart primarily engaged in:

- a) the retail sale of a line of good that may include milk, bread, soda, and snacks; or
- b) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks.
- c) The sale of alcoholic beverages will represent a percentage of annual gross sales of 25% or less, excluding gasoline and automotive oil products.

☐ A warehouse club, superstore, supercenter, or general merchandise store and is primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances

☐ A specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, not including:

- a) meat, fish, and seafood;
- b) fruits and vegetables;
- c) confections, nuts, and popcorn; and
- d) baked goods.

6.2. PACKAGE LIQUOR STORE

6.2.1. Does your business meet the definition of a package liquor store under IC 7.1-1-3-28?

☐ Yes ☐ No

6.3. BEER, WINE, AND LIQUOR DRUG STORE PERMITS

6.3.1. If you are applying for a beer, wine, and liquor drug store permit, do you hold a valid permit issued by the State Board of Pharmacy?

☐ Yes ☐ No

Permit number of pharmacy

Date of issuance (month, day, year)

Date of expiration (month, day, year)

SECTION 7. MANAGER'S QUESTIONNAIRE

6.1. Name of manager (last, first, middle initial)

6.2. Social Security number *

6.3. Date of birth (month, day, year)

6.4. Employee permit number of manager

6.5. Date of expiration (month, day, year)

6.6. Home address (number and street, city, state, and ZIP code)

6.7. Are you a citizen of the United States?

☐ Yes ☐ No

6.8. Are you at least twenty-one (21) years old?

☐ Yes ☐ No

6.9. Are you an officer or employee of a non-resident of the state of Indiana that is engaged in the alcoholic beverage traffic or engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under Title 7.1 of the Indiana Code?

☐ Yes ☐ No

6.10. Are you a law enforcement officer, a non-elected officer of a municipal corporation or governmental subdivision, or an officer of the state of Indiana charged with any duty or function in the enforcement of Title 7.1 of the Indiana Code?

☐ Yes ☐ No

6.11. Have you ever been convicted of a felony or misdemeanor?

If yes, please attach a letter detailing with conviction, court, date, and sentence information.

☐ Yes ☐ No

6.12. Have you ever been found to have committed a violation of the Indiana alcoholic beverage laws, rules, regulations, or orders of the Commission? *If yes, please attach a letter detailing the conviction(s) and/or violation(s), including any permit number(s).*

☐ Yes ☐ No

6.13. Have you held an alcoholic beverage permit under Title 7.1 of the Indiana Code and had the permit revoked within one (1) year prior to the date of this application? *If yes, please provide the permit number(s) and an explanation.*

☐ Yes ☐ No

6.14. Have you made an application for an alcoholic beverage permit of any type which was denied less than one (1) year to the date of this application (unless the application was denied by reason of a procedural or technical defect)? *If yes, please attach an explanation.*

6.13. Have you made an application for an alcoholic beverage permit of any type which was denied less than one (1) year to the date of this application (unless the application was denied by reason of a procedural or technical defect)? *If yes, please attach an explanation.*

☐ Yes ☐ No

6.14. Do you have an interest, either directly or indirectly, in any other permits or registrations of any kind issued under Title 7.1 of the Indiana Code connected with, but not limited to, the production, distribution, transportation, or sale of alcoholic beverages? *If yes, please list the permit number(s) below.*

☐ Yes ☐ No

Permit number(s)	
Signature of manager	Date (mm/dd/yy)

SECTION 8. FLOOR PLAN

INSTRUCTIONS: All applicants must submit a floor plan drawing on letter size (8½" x 11") paper attached to this application. The drawing must show dimensions and identifications of any existing family room(s), seating arrangement(s), ballroom(s), bar(s), dance floor area(s), kitchen area(s), restrooms, storage and office areas, entrances/exits, patios, beer gardens, service windows, and alcoholic beverage display areas for all types of permits. Please sign and date the drawing.

NOTE: All drawings must be approved by the Commission before the permit is issued. If you wish to receive preliminary approval before construction begins, contact your local excise district office. Contact information for local excise district offices can be found at <http://in.gov/atc/iseep/2379.htm>.

SECTION 9. AFFIRMATION OF APPLICANT

I certify that this application was completed by myself or by the preparer identified herein. I certify that I have read this completed document and that all information provided herein and on any attachments is true and correct. **I UNDERSTAND THAT IT IS A FELONY UNDER LAW TO MISREPRESENT OR FALSIFY ANY PORTION OF THIS APPLICATION OR ATTACHED DOCUMENTS.**

I hereby consent for the duration of the permit term to inspection and search by an enforcement officer, without a warrant or other process, of my licensed premises, any approved satellite facility, approved storage facility, and vehicles to determine compliance with the provision of Indiana Code 7.1.

Note: The applicant MUST sign this application unless the proper Power of Attorney forms are attached to this application.

Signature of applicant 	Date signed (month, day, year) 12/21/23
Printed name of applicant Adam J Brenner	Title of applicant Owner

SECTION 10. AFFIRMATION OF PREPARER (if applicable)

I certify that I have examined this application and the accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete. I certify that the applicant reviewed the completed form prior to signing.

Signature of preparer	Date signed (month, day, year)
Printed name of preparer	Telephone number ()

SECTION 11. PAYMENT AND CONTACT INFORMATION

Please remit business check, certified check, or money order. Applications will not be processed without payment. (See attached fee schedule.)

Checks should be made payable to the Indiana Alcohol and Tobacco Commission.

MAIL TO:

Indiana Alcohol and Tobacco Commission
302 West Washington Street, Room E114
Indianapolis, IN 46204
For additional information: www.IN.gov/atc or (317) 232-2430



PROPERTY TAX CLEARANCE SCHEDULE - FORM NO. 1
(For a ☐ Person ☒ Business ☐ Corporation)
State Form 1462 (R6 / 7-10)
Approved by State Board of Accounts, 2011
INDIANA ALCOHOL AND TOBACCO COMMISSION

ATC permit number
Expiration date (month, day, year)

Name of individual or company <u>Valer Super Company</u>		
If transfer, give former name of business		
Mailing Address (street and number of rural route) <u>57 Franklin St #105 and #107</u>		
City <u>Valparaiso</u>	State <u>Indiana</u>	ZIP Code <u>46383</u>
Doing business as (DBA) <u>Figs and Fables</u>		
Permit location (street address) <u>57 Franklin St #105 and #107</u>		
City <u>Valparaiso</u>	State <u>Indiana</u>	ZIP Code <u>46383</u>
I, Treasurer of <u>Porter</u> County, hereby certify that the person or company named above has paid all property taxes in 20 <u>23</u> (for 20 <u>22</u> assessment) and property taxes for all prior years, or is exempt from property tax by reason of _____		
Signature of County Treasurer <u>W. J. McCarney</u>		Date (month, day, year) <u>12/27/23</u>

TYPE (Check all that apply)	
☒ New	
☐ Renewal	
☐ Transfer (Check all that apply)	
☐ Ownership	
☐ Location	
☐ Stock	
STATUS	
☐ Permit escrow	
☐ DBA change	



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Permit location (street address) <u>57 Franklin St #105 and #107</u>		
City <u>Valparaiso</u>	State <u>Indiana</u>	ZIP Code <u>46383</u>
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Signature of County Treasurer <u>W. J. McCarney</u>		Date (month, day, year) <u>12/27/23</u>

TYPE (Check all that apply)	
☒ New	
☐ Renewal	
☐ Transfer (Check all that apply)	
☐ Ownership	
☐ Location	
☐ Stock	
STATUS	
☐ Permit escrow	
☐ DBA change	

**COUNTY VERIFICATION OF BUSINESS LOCATION**

State Form 44184 (R5/12-11)

ALCOHOL & TOBACCO COMMISSION

302 W. Washington Street, Room E114

Indianapolis, IN 46204

<http://www.IN.gov/atc>

TO THE INDIANA ALCOHOL AND TOBACCO COMMISSION:

I verify that 57 Franklin St.-Suite #105 & #107, Valparaiso, IN 46383

(Address)

ALL COUNTIES EXCEPT MARION COUNTY

- ☒ is within the corporate limits of city ~~or town~~ of Valparaiso.
- ☐ is outside the corporate limits of city or town of _____.
- ☐ the premises is located outside the corporate limits of an incorporated city or town and the premises are within, or in immediate proximity to an unincorporated town, which unincorporated town meets these qualifications:
- (1) which has been a settlement or a group of residences for more than ten (10) years;
 - (2) to which the inhabitants of the surrounding countryside resort for purchases or public
 - (3) which has borne a name and has been known by that name for more than ten (10) years.

The county surveyor of the county in which the premises is located shall certify the information set forth below:

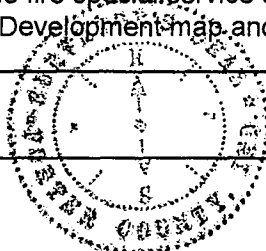
_____ are within or are in immediate
(Address)
proximity to the unincorporated town known as _____

_____, which has borne this name and has been known by this name for more than ten (10) years and has been a settlement or a group of residences for more than ten (10) years to which the inhabitants of the surrounding countryside resort for purchases, public meetings, or as a community or neighborhood center.

MARION COUNTY ONLY

- ☐ Is within the corporate limits of a consolidated city and
- ☐ is within the corporate limits of the excluded city or town of _____.
- ☐ is within the fire special service district as determined on the December, 1992, Department of Metropolitan Development map (no "unincorporated" permits may locate here).
- ☐ is outside the boundary of the fire special service district as determined on the December, 1992, Department of Metropolitan Development map and all excluded cities or towns.

Signature of County Surveyor

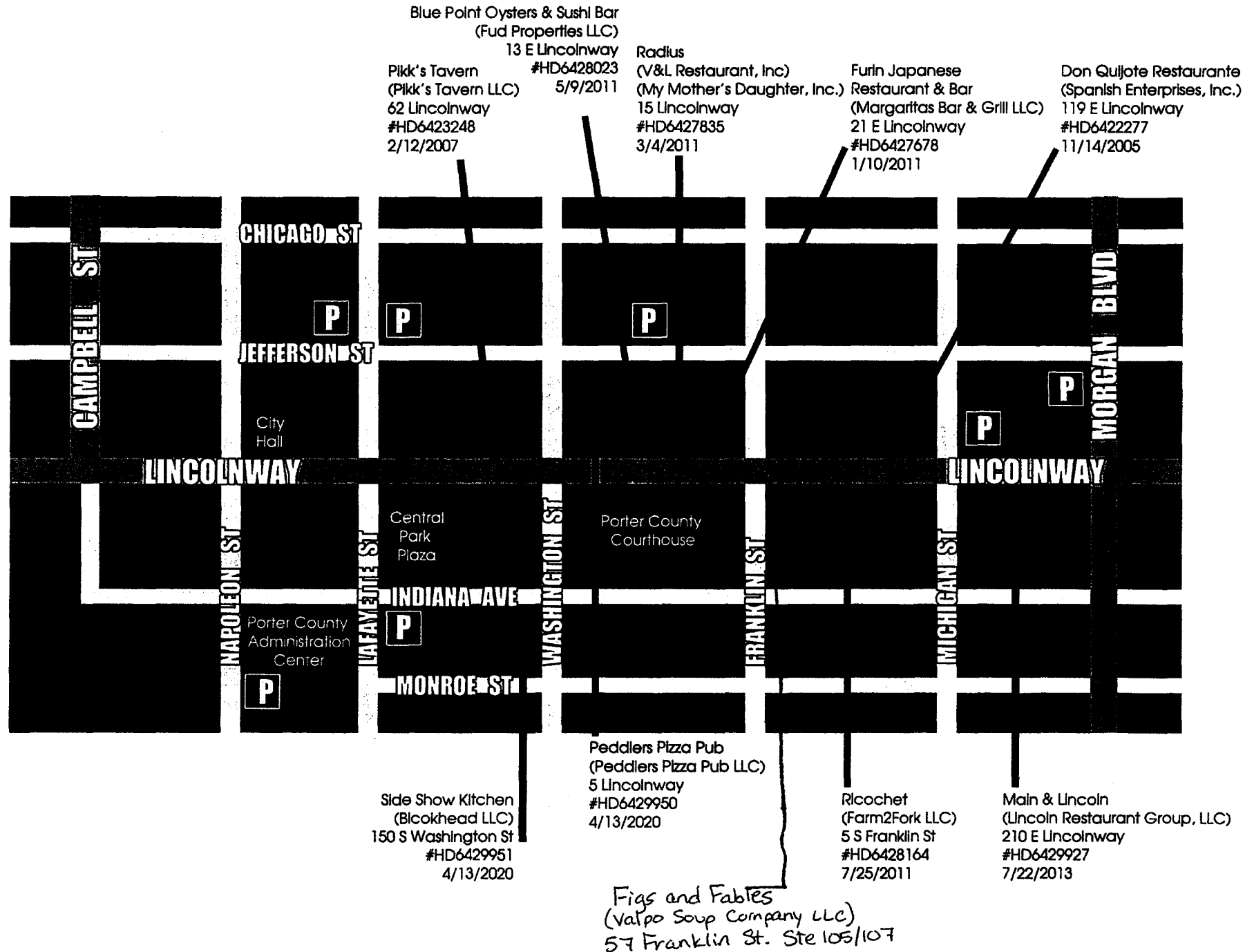


Date (month, date, year)

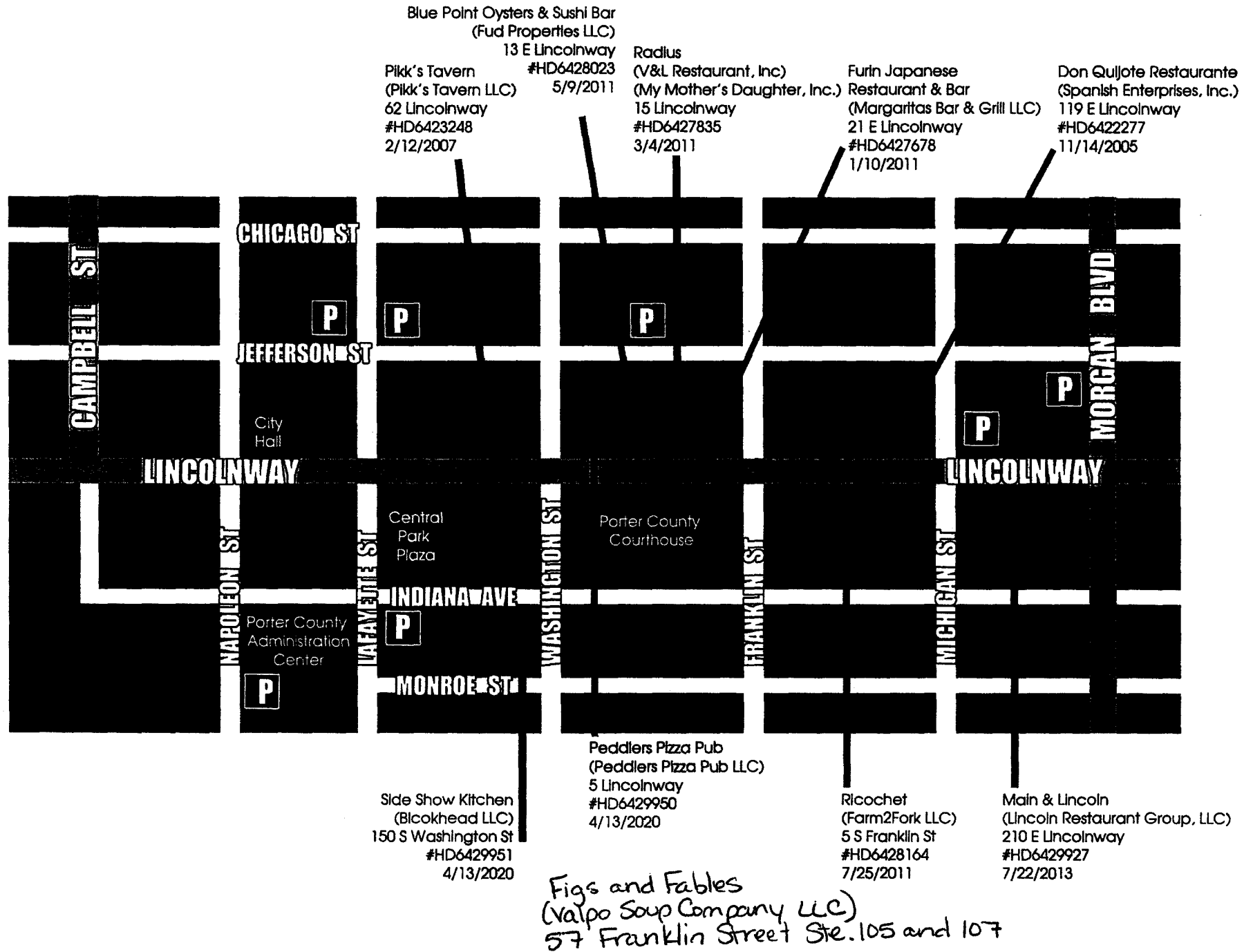
12-27-2023

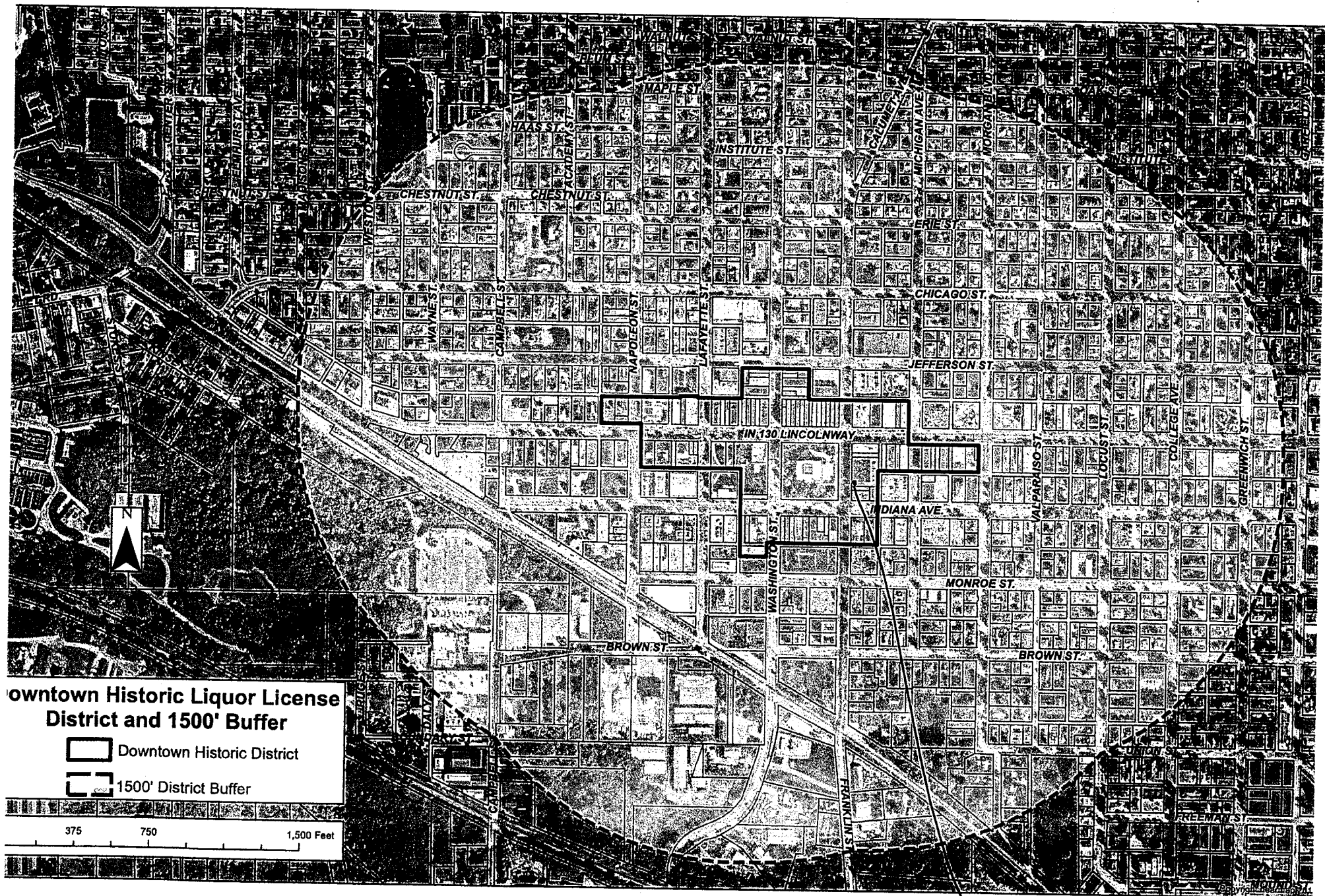
RE: Figs and Fables

Valparaiso Downtown Historic Liquor License Map



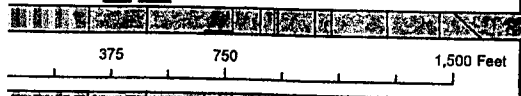
Valparaiso Downtown Historic Liquor License Map





**Downtown Historic Liquor License
District and 1500' Buffer**

-  Downtown Historic District
-  1500' District Buffer



Figs and Fables
(Valpo Soup Company LLC)
57 Franklin Street Ste. 105 and 107

Appendix B
Additional Commitments

Holder appeared before the City Council on **November 27, 2023** and made a presentation as to the proposed restaurant and its request for a District Permit. During Holder's presentation, certain representations and commitments were offered. These representations and commitments distinguished Holder's application and presentation. As a material condition to this Agreement, Holder commits to the following:

1. Holder will close the current restaurant "Valpo Soup Company" within 60 days of executing this Written Commitment.
2. Complete interior renovations by **May 31, 2024**. Renovations will be made consistent with the example provided in Holder's Application and presentation.
3. Secure all necessary licenses and permits and be open as a full-service restaurant by **June 30, 2024**.
4. The permit Premises will meet all Unified Development Ordinance requirements.
5. Offer a full-service menu for dinner a minimum of four (4) days per week. Notwithstanding the preceding, it is acknowledged that Holder's restaurant may be closed to the public for holidays and occasional private events. Should Holder intend to reduce scheduled operations to less than four (4) days per week (as outlined in Section 5), Holder must contact the City. Depending on the specifics of the revised schedule, the City may require Holder to seek an amendment to this Agreement.
6. Holder shall employ a minimum of 7 FTE and 11 PTE that work at Holder's restaurant. It is understood that all 18 Employees will not be working simultaneously. Upon request of the City, Holder shall provide documentation that it employs a minimum of 18 Employees at its restaurant. Holder shall pay all Employees a minimum of \$20 per hour excluding tips.
7. Holder's Application is attached as Appendix C. Except as otherwise provided in this Commitment, the statements and representations contained in the Application are included in this Commitment.

Appendix C

Holder's Application & Ownership Information

FILED

CITY OF VALPARAISO

SEP 18 2023

HISTORIC DOWNTOWN LIQUOR LICENSE

APPLICATION

[Signature]
Clerk-Treasurer

Name of Applicant: Adam Brenner

Name of Restaurant: Figs + Fables

Address where alcoholic beverages will be dispensed: 57 Franklin St. Ste #105/107
Valparaiso, IN 46383

Applicant's Telephone No.: 219-241-7053

Applicant's Email Address: valposoupcompany@gmail.com

Name of Primary Contact & Telephone No. (if different from above): _____

Name of Primary Manager(s) that will operate the restaurant:

1. Adam Brenner
2. _____
3. _____
4. _____

Hours of Operation: 4:00pm - 12:00am Wednesday - Saturday

Seating Capacity: 52

Type of Cuisine: Modern American

Yearly Estimated Average Number of Sales of Alcohol to Food: (65 % Food),
(35 % Alcohol) and (0 % Other)

Characteristics that define your restaurant as a "destination dining" establishment:

Figs and Fables will have a decor that offers elegance with a whimsical flair. We will offer a fine dining menu designed to stimulate all of the senses.

Average Number of Employees: FTE 7 PTE 11

Will Outdoor Dining be Made Available: Y ☒ N

Please attach to the Application the name(s) and mailing address of all individuals and/or entities that hold an ownership interest (legal/equitable or otherwise) in the Applicant. If an entity is listed as an owner, the names of all individuals that hold an ownership interest in that entity must also be provided. **To the extent allowed by law, this information shall be kept confidential by the City.**

Section V of the *Second Amended Criteria for License Allocation and Applicant Compliance* provides Guiding Factors in recommending a Downtown Liquor License. Please attach information and documentation that addresses all applicable items.

I am aware that, as a Holder of a Historic Downtown Liquor License, I am obligated to pay a \$200/month fee (billed quarterly) to be a part of the Downtown Marketing Organization. This organization provides marketing of the restaurants and opportunities to participate in group events.

I have received and reviewed the Criteria for License Allocation and Application Compliance Requirements.

Adam Brenner
Name of Applicant


By:

Owner
Its:

9/18/23
Date