



CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK

Wednesday, December 21, 2022

COMMITTEE MEETING NOTICE

AD 05


CARABALLO, Robert, Agent
Sundance, Inc.
7915 Kensington Ct
Brighton, MI 48116

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall or you may attend virtually using the link below.

Wednesday, January 04, 2023 at 11:10 AM

The access code is <https://meet.goto.com/294807589>. If you wish to call in: [+1 \(224\) 501-3412](tel:+12245013412) and use Access Code: 294-807-589.

Please see the enclosed best practices document for further instructions.

Regarding: Your Extended Hours Establishments and Food Dealer License Renewal Applications with Change of Agent and Change of Hours From Opening at 7AM to Open at 8AM Sun - Sat  From Closing at 3AM Sun - Thu; at 5AM Sat & Sun To Close at 2AM Sun - Wed; at 2:30 AM on Thu; and at 3AM Fri & Sat as agent for "Sundance, Inc." for "Taco Bell #23265" at 5441 N Lovers Lane Rd.

There is a possibility that your application may be denied for one or more of the following reasons: The recommendation of the committee regarding the application shall be based on evidence presented at the hearing. Per MCO 85-4-4, unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of the following: failure of the applicant to meet municipal qualifications, pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employee or other agent of the applicant. If the activities of the applicant involve a licensed premises, whether the premises tends to facilitate a public or private nuisance or has been the source of congregations of persons which have resulted in any of the following: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passers-by; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; battery; acts of vandalism including graffiti, excessive littering, loitering, illegal parking, loud noise at times when the licensed premise is open for business; traffic violations; curfew violations; lewd conduct; display of materials harmful to minors, pursuant to s. 106-9.6; or any other factor which reasonably relates to the public health, safety and welfare, or failure to comply with the approved plan of operation. See attached police report or correspondence.

Notice for applicants with warrants or unpaid fines:

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to appear at this meeting may result in the denial of your license. Individual applicants must appear only in person or by an attorney. Corporate or Limited Liability applicants must appear only by the agent designated on the application or by an attorney. Partnership applicants must appear by a partner listed on the application or by an attorney. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition are present at the committee hearing and willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should bring an interpreter with you, at your expense, so that you can answer questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in the first floor information booth in City Hall.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

JIM OWCZARSKI, CITY CLERK

BY: _____

Jim Cooney
License Division Manager

If you have questions regarding this notice, please contact the License Division at (414) 286-2238.

200 E. Wells Street, Room 105, City Hall, Milwaukee, WI 53202. www.milwaukee.gov/license
Phone: (414) 286-2238 Fax: (414) 286-3057 Email Address: License@milwaukee.gov

MILWAUKEE POLICE DEPARTMENT LICENSING

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS SYNOPSIS

DATE: 10/27/2022

LICENSE TYPE: Extended Hour Establishment

NEW:

RENEWAL:

No. 344296

Application Date: 10/27/2022

License Location: 5441 N Lovers Lane Rd

Business Name: Taco Bell

Licensee/Applicant: Moreno, Rosario V.
(Last Name, First Name, MI)

Date of Birth: 05/09/81

Home Address: 2155 S. 76th St.

City: West Allis

State: WI **Zip Code:** 53219

Home Phone:

This report is written by Police Officer David NOVAK, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. On 11/30/20, Milwaukee Police were dispatched to a fight at Taco Bell, located at 5441 N. Lovers Lane Rd. Investigation revealed there was an altercation between employees that was resolved upon police arrival. Management was cooperative and all licenses were valid.

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2. On 03/25/2022 at 10:39pm officers were dispatched to Shots Fired at Taco Bell, 5441 N. Lovers Lane Rd. The caller stated they thought the business was being robbed and the employees were shooting at the suspect. The officers were able to view video of the incident and determined the employees were involved in the incident. The officers determined the employees were not being truthful with the officers and arrested one of the employees for Obstructing officers.

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220840189

OtherEvent #: 22-LP-0297

Incident

5441 N LOVERS LANE RD Milwaukee, WISCONSIN 53225

Incident Date/Time:: 03/25/2022 22:34:00
CAD Number:: 220841911
District:: 4
Beat:: 430
Reporting Area:: 869

Business Agent (1)

MORENO, ROSARIO VICTOR LUIS

Person Involvement: (Must choose Agent
AGENT from drop down): Agent
DOB:: 05/09/1981
Sex:: MALE
Race:: WHITE
Phone 1 Number:: (000)-000-0000
Phone 1 Type:: Phone
Address:: 2155 S 76TH ST
City:: WEST ALLIS
State:: WISCONSIN
Zip Code:: 53219

Licensed Persons Involved (1)

EICHELBERGER, YOLANDA S

Person Involvement:: Manager
DOB:: 11/14/1980
Sex:: FEMALE
Race:: NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER
Phone 1 Number:: 4149828872
Phone 1 Type:: PHONE
Address:: 3726 N 41ST ST
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53216

Licensed Premise Data (1)

TACO BELL

Phone 1 Number:: (414)-461-7500
Phone 1 Type:: Work
Address:: 5441 N LOVERS LANE RD
City:: MILWAUKEE
State:: WISCONSIN
Zip Code:: 53225
License Type:: Food Dealer
Licensee Notification Was Made:: No
Business Was Cited For Violation:: No

Milwaukee Police Department

749 W. State Street Milwaukee, WI 53233

414-933-4444

Case #:220840189

OtherEvent #: 22-LP-0297

Licensee was cooperative: (If not explain in narrative): No

Licensee or Manager was on premises at time of violation/incident:: No

Narrative (1)

LICENSE PREMISE REPORT

Fuerte, Andrew T 019766

03/26/2022

On 03/25/2022 at approximately 10:39 PM, Squad 4283 (PO STEGERWALD, PO KLAHORST) along with Squad 4233 (PO LYONS, myself) was dispatched to a Shots Fired complaint at the Taco Bell located at 5441 N Lovers Lane Rd.

The call stated that subjects (employees included) were observed shooting at a subject and the unknown subject was observed shooting back. Callers stated they thought the business was getting robbed.

CIB responded to the location as well.

While investigating the incident and being able to review video surveillance it was brought to detectives' attention that employees were not being truthful with the investigation.

An employee was subsequently arrested for Obstructing, and for Felon in Possession of a Firearm.

Report filed.

Officer (2)

| | | |
|---------------------------|-------------------------------|---------------------|
| Reporting Officer: | Fuerte, Andrew T (019766) | 03/26/2022 03:09:00 |
| Section: (Work Location): | 42 | |
| Approving Officer: | Velasquez, Guadalupe (018673) | 03/28/2022 09:35:36 |
| Section: (Work Location): | 04 | |



Wednesday, December 21, 2022



Notice of Public Hearing

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CARABALLO, Robert, Agent

Taco Bell #23265 at 5441 N Lovers Lane Rd

Extended Hours Establishments and Food Dealer License Renewal Applications with Change of Agent and Change of Hours From Opening at 7AM to Open at 8AM Sun - Sat and From Closing at 3AM Sun - Thu; at 5AM Sat & Sun To Close at 2AM Sun - Wed; at 2:30 AM on Thu; and at 3AM Fri & Sat

Wednesday, January 04, 2022 at 11:10 AM

To whom it may concern:

The above application has been made by the above named applicant(s). This requires approval from the Licenses Committee and the Common Council of the City of Milwaukee. The hearing before the Licenses Committee will take place on 1/04/2023 at 11:10 AM in Room 301-B, Third Floor, City Hall. This is a public hearing. Those wishing to view the proceeding are able to do so via the City Channel – Channel 25 on Spectrum Cable – or on the Internet at <http://city.milwaukee.gov/citychannel>. Those wishing to provide oral testimony via phone or internet are asked to contact the staff assistant, Yadira Melendez at (414) 286-2775 or stasst5@milwaukee.gov for necessary information. Please make such requests no later than one business day prior to the start of the meeting. You are not required to attend the hearing, but please see the information below if you would like to provide testimony. Once the Licenses Committee makes its recommendation, this recommendation is forwarded to the full Common Council for approval at its next regularly scheduled hearing.

Important details for those wishing to provide information for the Licenses Committee to consider when making its recommendation:

1. The license application is scheduled to be heard at the above time. Due to other hearings running longer than scheduled, you may have to wait some time to provide your testimony.
2. You must appear in person and testify as to matters that you have personally experienced or seen. (You cannot provide testimony for your neighbor, parent or anyone else; this is considered hearsay and cannot be considered by the committee.)
3. No letters or petitions can be accepted by the committee (unless the person who wrote the letter or the persons who signed the petition are present at the committee hearing and willing to testify).
4. Persons opposed to the license application are given the opportunity to testify first; supporters may testify after the opponents have finished.
5. When you are called to testify, you will be sworn in and asked to give your name, and address. (If your first and/or last names are uncommon please spell them.)
6. You may then provide testimony.
 - a. Include only information relating to the above license application.
 - b. Include only information you have personally witnessed or seen.
 - c. Provide concise and relevant information detailing how this business has affected or may affect the peaceful enjoyment of your neighborhood.
 - d. If by the time you have the opportunity to testify, the information you wish to share has already been provided to the committee, you may state that you agree with the previous testimony. Redundant or repetitive testimony will not assist the committee in making its recommendation.
7. After giving your testimony, the members of the Licenses Committee and the licensee may ask questions regarding the testimony you have given or other factors relating to the license application.
8. Business Competition is not a valid basis for denial or non-renewal of a license.

Please Note: If you have submitted an objection to the above application your objection cannot be considered by the committee unless you personally testify at the hearing.

| | | |
|------------------|-----------------------------|--------------------------|
| CURRENT OCCUPANT | 5366B N LOVERS LANE RD# 246 | MILWAUKEE, WI 53225-5324 |
| CURRENT OCCUPANT | 5366B N LOVERS LANE RD# 247 | MILWAUKEE, WI 53225-5324 |
| CURRENT OCCUPANT | 5366B N LOVERS LANE RD# 248 | MILWAUKEE, WI 53225-5324 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 149 | MILWAUKEE, WI 53225-5325 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 150 | MILWAUKEE, WI 53225-5325 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 151 | MILWAUKEE, WI 53225-5325 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 152 | MILWAUKEE, WI 53225-5325 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 249 | MILWAUKEE, WI 53225-5326 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 250 | MILWAUKEE, WI 53225-5326 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 251 | MILWAUKEE, WI 53225-5326 |
| CURRENT OCCUPANT | 5368A N LOVERS LANE RD# 252 | MILWAUKEE, WI 53225-5326 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 153 | MILWAUKEE, WI 53225-5327 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 154 | MILWAUKEE, WI 53225-5327 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 155 | MILWAUKEE, WI 53225-5327 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 156 | MILWAUKEE, WI 53225-5327 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 253 | MILWAUKEE, WI 53225-5328 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 254 | MILWAUKEE, WI 53225-5328 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 255 | MILWAUKEE, WI 53225-5328 |
| CURRENT OCCUPANT | 5368B N LOVERS LANE RD# 256 | MILWAUKEE, WI 53225-5328 |

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Total Records: 112

Radius 250.0 feet and Center of Circle: 5441 N Lovers Lane Rd



BUSINESS LICENSE RENEWAL PLAN OF OPERATION

Office of the City Clerk License Division
200 E. Wells St. Room 105, Milwaukee, WI 53202

| Licenses to be Renewed | Renewal Fee(s) | |
|-------------------------------|----------------|--|
| Food Dealer - FREST 16770 | \$1,250.00 | Expiration Date: 1/22/2023 File By Date: 10/13/2022 Date Late Fee Begins: 10/14/2022 Late Fee Amount: \$75.00 |
| Extended Hours - 24HRS 199735 | \$225.00 | |
| Filling Station - | | |
| Cigarette & Tobacco - | | |
| Weights & Measures - | | |
| Sidewalk Dining - | | |
| TOTAL DUE | \$1475 | |

Legal Entity Name: **Sundance, Inc.**

Premises Address: **5441 N LOVERS LANE RD**

Changes Since Last Application?

Are there any changes in your plans to address litter, noise, and/or security? No Yes If yes, describe: _____

Are there any changes to the hours of operation (as listed on your current license)? No Yes If yes, describe: _____
Sign in: 10AM-8PM MON-SUN Drive thru: 8AM-2AM MON, TUES, WED, SUN 8AM-2:30AM THUR 8AM-3AM SAT

Are there any changes to your current plan of operation or floor plan*? No Yes If yes, describe: _____

*If there are changes to the floor plan, a new floor plan must be submitted with this renewal application. A sample plan can be found online at www.milwaukee.gov/licenses under License Forms and Related Information.

| Weights & Measures Licensees Only | Sidewalk Dining |
|---|---|
| Number/Type of Devices: <i>N/A</i> Are there any changes to the number or types of devices? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, contact our office for further instructions. | Are there any changes to the sidewalk dining site plan? <i>N/A</i> <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, submit an updated site plan with this application. |

Food Dealer Licensees Only

Your current food license includes the following business operations: **DHS - MODERATE, Restaurant, Sales \$200,001 - \$2,000,000**
 Are there any changes to your plan of operation (for example, adding processing, changing sales amount or complexity, etc.)? No Yes
 If yes, you must complete a "Request to Modify Food Establishment/Food Operation Plan" which can be obtained at www.milwaukee.gov/licenses under "Forms and Related Information" or by contacting our office.

All Applicants: Signature

Peter Lydes - Petersen
 Signature of Sole Proprietor; a Partner; or If a Corporation or LLC, the Agent must sign