



CITY of NOVI CITY COUNCIL

Agenda Item 4
November 26, 2012

SUBJECT: Consideration of request from El Mariachi Mexican Restaurant for a new Class C quota license to be located at 31150 Novi Road, Novi, Michigan 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

SUBMITTING DEPARTMENT: City Clerk *OT*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The City currently has one new Class C quota liquor license available. Roberto Ortega has applied for a new Class C quota liquor license for El Mariachi Mexican Restaurant to be located at 31150 Novi Road.

Chapter 3 of the City Code contains the review criteria for considering a new license. Section 3-13 establishes the City's **general licensing policy**, which considers whether the facility:

- (a) Will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city;
- (b) Is of a character that will foster or generate economic development or growth within the city, or an identifiable area of the city, in a manner consistent with the city's policies; or,
- (c) Represents an added financial investment on the part of a long-term business or resident with recognized ties to the city and the local community.

In addition, Section 3-15 (g) establishes **specific criteria**, evaluating the application with regard to:

The applicant (subsection [g][1]), such as:

- the applicant's management experience in the alcohol/liquor business

The facility (subsection [g][2]), such as:

- compliance with building, zoning, and other code requirements
- effects on traffic
- effects on surrounding businesses and neighborhood

- proximity of the proposed business facility to other similarly situated licensed liquor facilities

Benefits to the community (subsection [g][3])

- effects upon the economic development of the city
- effects on the health, welfare and safety of the general public
- whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business facility at the location proposed, taking into consideration, among other things:
 1. total number of licenses for similar establishments and/or operations in the city; and
 2. proximity of the establishment to other licensed liquor establishments
- The uniqueness of the facility contrasted with other existing or proposed facilities
- The permanence of the proposed facility in the community.

Section 3-17 of the City Code allows for an agreement on the prohibition on profiteering by Class C liquor license holders. Under the terms of the agreement, the City Council shall not approve the transfer of a Class C liquor license within three (3) years of the date of the original issuance of the license. A draft agreement is included in this packet.

Roberto Ortega is the sole owner of El Mariachi Mexican Restaurant. He has gained knowledge and experience of restaurant operations through working as Red Robin and the Ansara Corporation. The location of El Mariachi is the former Ram's Horn at the corner of Fourteen Mile Road and Novi Road. He anticipates food sales to be approximately 60% and alcohol sales to be around 40%.

The Police Department has no objection to the request. The Fire Department has no objection to the request, pending compliance with City regulations. The Building Division has no objection to the request contingent upon final inspections. Per the Planning Division, the use is permitted, subject to site plan review.

RECOMMENDED ACTION: Consideration of request from El Mariachi Mexican Restaurant for a new Class C quota license to be located at 31150 Novi Road, Novi, Michigan 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				