



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
December 7, 2015

SUBJECT: Consideration of requests from Edward Rose Entertainment Michigan, LLC:

- A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B) Consideration of request to transfer ownership of escrowed 2015 Class C & SDM License with Sunday Sales Permit (PM), Dance-Entertainment Permit and Specific Purpose Permit (Food), from Battaglia's LL, LLC in Auburn Hills to Providence Park Senior Living, 47666 Grand River Avenue, Novi, MI, 48374.

SUBMITTING DEPARTMENT: City Clerk

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Edward Rose Entertainment Michigan, LLC has purchased a Class C (on premises) and SDM Liquor License for Rose Senior Living Providence Park. The Class C license has already been approved by the Michigan Liquor Control Commission (MLCC). The Rose Senior Living Center will be located on land owned by Providence Hospital, on the south side of the hospital extending to 11 Mile Road. The applicant, Warren Rose, is the sole owner of Edward Rose Entertainment, through a trust known as the Warren Rose Irrevocable Trust. A second senior center was recently opened in Clinton Township and a liquor license was issued to that facility by the MLCC. These are the first liquor licenses to be held by Warren Rose and Edward Rose Entertainment. Warren Rose is also the CEO of Edward Rose and Sons, a large, multi-state management development company. Warren Rose has over 30 years of experience in managing housing developments. Edward Rose Entertainment will contract with Sodexo Inc. as their food and alcohol manager.

The on premises license is not a club license, nor a "nonpublic continuing care retirement center" license of the type that Fox Run recently received. As a result, the retail sales of liquor at the Rose facility for consumption by the public will be open to the general public.

The City made on premises liquor licenses subject to both a special land use approval under the zoning ordinance and approval of a license under the City Code. ***Under both ordinance provisions, the Council is required to make findings to support the grant or denial of the request.***

Special Land Use Approval for Class C License

The approval of a Special Land Use by the City Council requires findings in support of the City Council's decision. The standards for review under the zoning ordinance for special land use are:

- (1) The proposed establishment will promote the city's economic development goals and objectives, and will be consistent with the city's master plan and zoning ordinance;

- (2) Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use 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 and that the addition of the use or proposed change in use will be an asset to the area.
- (3) The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
 - (a) Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
 - (b) Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
 - (c) Excessive numbers of persons gathering outside the establishment.
 - (d) Peak hours of use that add to congestion or other negative effects in the neighborhood.
 - (e) Fighting, brawling, outside urination, or other behavior that can accompany intoxication.

A public hearing was held on October 19, 2015 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at the proposed Rose Senior Living facility in accordance with Ordinance No. 18-266 which added Section 2525 to the Novi Zoning Ordinance. The Planning staff had previously reviewed the required application and Site Plan and found the documents to be complete. Glenn Lemmon, City Assessor, Charles Boulard, Community Development Director, and Matt Wiktorowski, Field Operations Senior Manager, considered the request in accordance with the standards for review specified in Section 2525.d of the Zoning Ordinance and determined to forward a **recommendation to City Council for approval of the Special Land Use.**

City Code License Approval for Class C license

The approval of a liquor license by the City Council requires findings in support of the City Council's decision. The general licensing policy as stated in Chapter 3 of the City Code states, at Section 3-13, that an applicant must demonstrate in particular that the proposed 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.
- (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.

More specific review criteria are set forth at subsection 3-15(g), and in addition to the general information regarding the applicant and the facility or building at issue, they require a review of the benefits to the community of the proposed use:

- (3) **Benefits to community:**
 - a. The effects that the issuance of a license would have upon the economic development of the city or the surrounding area.
 - b. The effects that the issuance of a license would have on the health, welfare, and safety of the general public.

- c. 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 the following, together with other factors deemed relevant by the council:
1. The total number of licenses for similar establishments and/or operations in the city, considered both in terms of whether such number of similar establishments is needed and whether there may be a need for other types of establishments that could go unmet if the requested license were granted.
 2. The proximity of the establishment to other licensed liquor establishments, the type of such establishments, whether such other establishments are similar to that proposed, and the anticipated impact of all such determinations.
 3. Whether the proposed location is in an area characterized as developed, redeveloping, or undeveloped, and the anticipated impact of approving the newly proposed establishment in light of such character, taking into consideration the need for any type of additional licensed establishment in the area, and the need the particular type of establishment proposed.
- d. The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and the compatibility of the proposed facility to surrounding architecture and land use.
- e. The permanence of the establishment in the community, as evidenced by the prior or proposed contributions to the city or community by the applicant or business, and the extent to which the issuance of the license will assist in the further investment of the applicant or business in the city or the community.
- f. The character and extent of investment in improvements to the building, premises, and general area.

Both the Police Department and the Fire Department have no objections to the request.

RECOMMENDED ACTION: Approval of requests from Edward Rose Entertainment Michigan, LLC:

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages for the reasons stated in the staff recommendation to the Council and because the addition of the on premises use will be an asset to the residential community at the Rose facility and the general area.
- B) Approval of request to transfer ownership of escrowed 2015 Class C & SDM License with Sunday Sales Permit (PM), Dance-Entertainment Permit and Specific Purpose Permit (Food), from Battaglia's LL, LLC in Auburn Hills to Providence Park Senior Living, 47666 Grand River Avenue, Novi, MI, 48374, because the licensing of the subject premises will provide a service, product, or function that is not otherwise available within that residential community and because it provides a service that is beneficial to the residents of the community and their visitors, is unique to the area, and will not adversely impact the surrounding area.

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

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