



**CITY OF NOVI CITY COUNCIL
DECEMBER 19, 2022**

SUBJECT: Consideration of a request from Maples Hospitality, LLC for a new Class C quota license to be located at 31260 Wakefield Dr, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

SUBMITTING DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

The city currently has seven new class c quota liquor licenses available. 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.
- 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.

Opening up the restaurant would offer job opportunities to the community and surrounding area. The restaurant would provide staffing, vendors, and many opportunities for businesses both local and from the surrounding area. Additionally, this is a public golf course, which brings more people to the area as opposed to a private club, so it will attract more business to the area. The proposed location is situated adjacent to a 9 hole golf course that winds its way through the surrounding neighborhood. The proposed restaurant at the facility is in an existing building that would allow families a place to gather and dine. Additionally, as the restaurant is an existing structure it is already compatible with the surrounding area and will not have any negative impact on the surrounding architecture as it is already a part of it. The proposed facility is more than just a bar and grille. There is also a swimming pool on premises and it being a public golf course creates a unique atmosphere that cannot be found nearby. Most public golf courses do not have a restaurant that serves alcohol and a pool.

The Police Department has no objection to the request. Approvals from the Fire Department and Community Development are conditional, pending compliance with City regulations.

RECOMMENDED ACTION: Consideration of the request from Maples Hospitality, LLC for a new Class C quota license to be located at 31260 Wakefield Dr, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders because the premises was previously occupied by a similar business licensed to sell alcohol and such use is not incompatible with other uses in the area, the existing use will continue and has not adversely affected surrounding uses, because the use provides for a unique dining experience not otherwise available in the immediate area which includes a public golf course and a pool, and because the applicant appears to qualify for a license under the City's ordinance.



550 W. Merrill Street
Suite 100
Birmingham, MI 48009
Office: (248) 258-9800
Fax: (248) 412-5600

November 14, 2022

VIA PERSONAL DELIVERY

City of Novi
Office of the City Clerk
Attn: Ms. Cortney Hanson
45175 Ten Mile Road
Novi, MI 48375

**Re: Request to Issue Class C Quota Liquor License to Maples Hospitality LLC.,
Located at 31260 Wakefield Drive, Novi, Michigan 48377.**

Dear Ms. Hanson:

On behalf of our client, Maples Hospitality LLC, enclosed please find its application respectfully requesting the issuance of a Class C Quota Liquor License, located at 31260 Wakefield Drive, Novi, Michigan 48377, along with the following documents:

- Questionnaires A & B: "Liquor License Application";
 - Please note there are no changes to the previously approved Site Plan, Building Façade Plan, and Interior Plan with Seating Arrangement. Please see the attached Letter of Verification attesting to the foregoing; and
- One (1) full copy of the Menu.

Additionally, enclosed is a check in the amount of **\$1,420.00** made payable to the City of Novi (\$1,000.00 for the application fee and \$420.00 for both members of Maples Hospitality LLC). If you have any questions or need any further information, please do not hesitate to contact the undersigned.

Very truly yours,

ELIA LAW, PLLC

Salam F. Elia

SFE/ac
Enclosures

Questionnaire A – Applicant Cover Information and Procedures for Liquor License

The Novi City Council will consider whether an applicant's proposal for a liquor license is reasonable when measured against the information contained within this completed application. Please answer each question thoroughly. All answers should be typed or printed legibly and neatly in black ink. If the space provided is insufficient for a complete answer, use additional sheets of paper, following the same format used in the questionnaire and attach to that part of the application. Failure to provide all required information or attachments could result in delay or denial of liquor license. All liquor license applications are subject to final approval by the Novi City Council. Please refer to Novi Alcoholic Liquor Ordinance, Articles I-II.

1(a). **Applicant's personal information:**

Name: Richard Konja

1(b). **Business location information:**

Name: Maples Hospitality LLC

Address: 31260 Wakefield Dr.

Novi, Michigan 48377

Phone: (248) 896-2765

NOTE: If the applicant is a partnership, you must include the name and address of each partner and attach a copy of the partnership agreement. If the applicant is a privately held corporation, you must include the name and address of each corporate officer, member of the board of directors and/or stockholders. Attach a copy of the articles of incorporation.

2. Type of liquor license applying for (circle all those that apply):

Class C Resort Tavern Club Hotel A B Quota Transfer Microbrewery/Brewpub

Theme of Proposed Business: Applicant proposes to reopen the restaurant currently located at the
golf club featuring a bar and grille theme that caters to patrons and their families.

3. Street address and legal description of the property where liquor license is to be located:

31260 Wakefield Drive, Novi, Michigan 48377 - See attached Exhibit A for the legal description of the
property where the liquor license is to be located.

Questionnaire B – Administrative Background Information for Liquor License

The Novi City Council will consider whether an applicant's proposal for a liquor license is reasonable when measured against the information contained within this completed application. Please answer each question thoroughly. All answers should be typed or printed legibly and neatly in black ink. If the space provided is insufficient for a complete answer, use additional sheets of paper, following the same format used in the questionnaire and attach to that part of the application. Failure to provide all required information or attachments could result in delay or denial of liquor license. All liquor license applications are subject to final approval by the Novi City Council.

1. What is the applicant's management experience in the alcohol/liquor business? Applicant has over 10 years' experience in the management of convenience retail stores that sell alcoholic beverages.

2. What is the applicant's general business management experience? Applicant has experience owning and operating multiple real estate development and holding companies along with currently owning a landscaping company for which he manages numerous employees.

3. What is the applicant's general business reputation? Applicant is very reputable with no claims, controversies, or litigation against any of his current or past businesses. He prides himself on the care of his staff and ensures that they are treated the way he wants to be treated, which is with respect, consideration, and courtesy.

4. What is the applicant's financial status and ability to build and/or operate the proposed facility on which the proposed liquor license is to be located? Applicant has sufficient capital to operate the proposed restaurant as necessary. The Applicant, along with his partners, purchased the real estate debt free and continues to have the funds to invest in the golf course and now restaurant.

5. What are the applicant's past criminal convictions involving moral turpitude, violence or alcoholic liquors? The Applicant has no past criminal convictions.

6. Does the applicant use alcoholic beverages to excess? Applicant does not use alcoholic beverages to excess.

7. What is the effect that the issuance of a license would have upon the economic development of the surrounding area?
Opening up the restaurant would offer job opportunities to the community and surrounding area. The restaurant would provide staffing, vendors, and many opportunities for businesses both local and from the surrounding area. Additionally, this is a public golf course, which brings more people to the area as opposed to a private club, so it will attract more business to the area.

8. What effect would the issuance of a license have on the health, welfare and safety of the general public? _____
There would be no negative impact on health, welfare and safety as shown by the fact that this is not a new use, as the previous owner had operated a restaurant at the golf club, prior to Applicant purchasing it. It is a controlled environment and no negative impact is anticipated.

9. Has the applicant received responses from the Police Department, Building Department and/or Fire Department with regard to the proposed facility? N/A

10. What is the public need or convenience for issuance of a liquor license for this facility at the proposed location? _____
The issuance of a liquor license at the proposed facility is not only convenient but essential to give the residents of the area a safe, fun, and enjoyable place to gather that is family friendly. The proposed location will also be a great meeting place.

11. What is 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? The proposed facility is more than just a bar and grille. There is also a swimming pool on premises and in being a public golf course creates a unique atmosphere that cannot be found nearby. Most public golf courses do not have a restaurant that serves alcohol and a pool. Additionally, the restaurant is an existing structure that is already compatible with the surrounding area, and will not have any negative impact on the surrounding architecture as it is already a part of it.

12. Does the facility to which the proposed liquor license is to be issued comply with the applicable building, plumbing, electrical and fire prevention codes and zoning statutes and ordinances applicable to the City of Novi? Has applicant received information from the appropriate departments? Yes, the proposed facility is compliant with all codes, regulations, statutes and ordinances. Applicant has received information from the appropriate departments regarding their compliance with all of the above.

13. What effect will the facility to which the proposed liquor license is to be issued have upon vehicular and pedestrian traffic in the area? There would not be an increase in traffic. The proposed facility has been in existence since 1993 and it is anticipated most of the patrons to the restaurant are already patrons of the golf club, as such we do not anticipate much change in the existing traffic.

14. What is the proximity of the proposed business facility to other similarly situated licensed liquor facilities? There are not many similarly situated licensed liquor facilities within the proximity of the proposed facility. There are other restaurants nearby, but not many of them serve alcohol. The proposed facility sits on a public golf course and the closest golf course is many miles away.

15. What is the proximity of the proposed facility to complimentary uses such as office and commercial development? The proposed facility is within 1.5 miles of a large commercially developed area. It is also within 2 miles of a business park that houses numerous companies and office spaces. The proposed location would be an ideal location for the business park tenants to hold business meetings, client lunches, and company dinners/happy hours at the proposed restaurant.

16. What effect would the proposed facility have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas, church and school districts? The proposed facility will have no negative effect on the residential areas, churches, school districts, etc., only positive. The proposed location is situated adjacent to a 9 hole golf course that winds its way through the surrounding neighborhood. The proposed restaurant at the facility is in an existing building that would allow families a place to gather and dine.

17. What proposed or actual commitments are being made by the applicant to establish permanency in the community? Applicant has built a rapport with the City, surrounding neighbors, local associations, and businesses who show great excitement for the proposed restaurant.

18. What utilities are available to serve the facility? The golf course is already operational and the restaurant was built out by the previous owner and has all the necessary utilities to serve the facility.

19. What other factors should the Novi City Council consider? Applicant has extensive knowledge and expertise in the retail operations industry. They hope to bring this expertise to the proposed location in creating an environment and atmosphere that not only caters to the community but will provide job opportunities alike. The Novi City Council should consider the positive impact the proposed location would offer the community and the revitalization of the restaurant at the golf course.

LETTER OF VERIFICATION

State of Michigan)
)ss
County of Oakland)

The undersigned, Richard Konja on behalf of Maples Hospitality LLC (“Company”), verifies the following:

1. I, Richard Konja am a member of the Company.
2. I, Richard Konja, am authorized to sign this Letter of Verification on behalf of Company.
3. The Company’s facility is located at 31260 Wakefield Dr., Novi, Michigan 48377.
4. The proposed facility is an existing building which has already received Site Plan approval.
5. The Building Façade Plan for the proposed location has been previously approved by the Novi Planning and Community Development Department.
6. The Interior Plan with Seating Arrangement for the proposed location has been previously approved by the City of Novi Building Department.
7. There are **no changes** to the approved Plans.

I hereby state that the information above is true, to the best of my knowledge.


MAPLES HOSPITALITY LLC.,
a Michigan limited liability company



By: Richard Konja
Its: Authorized Member

The foregoing instrument was acknowledged before me on this 11th day of November, 2022, by Richard Konja, the authorized member of Maples Hospitality LLC., a Michigan limited liability company, on behalf of the company.





Amanda Ciccone, Notary Public
Wayne County, Michigan
Acting in Oakland County, Michigan
My commission expires: 10/22/2028

Maples Hospitality LLC
31260 Wakefield Dr., Novi, Michigan 48377
SAMPLE MENU

Bar & Grille

Shared Plates

Charcuterie - Chef's Choice Of Meats & Garnishes	\$13
Tacos - Your Choice Of Octopus Or Lobster	\$15
Cajun Wings - Parmesan & Lemon	\$11

Soups

Tomato Soup	\$6
Turkey Chili	\$6
Soup Of The Day	\$7

Greens

House Chopped	\$9
Build Your Own	\$10
Add Chicken \$5, Steak \$8, Shrimp \$7 Or Salmon \$8	

Sandwiches

Grilled Chicken Club	\$12
Rotisserie Turkey	\$13
Veggie Burger	\$11
Turkey Burger	\$13
House Burger	\$14
Blackened Burger	\$16
Build Your Own Burger	\$16

Entrees

Grilled Salmon	\$21
Catch Of The Day	MP
Tenderloin Steak Frites	\$30

Sides

Fresh Cut Fries	\$6
Broccolini	\$6
Creamed Corn	\$6
Sticky Rice	\$6

Desserts

Trio Of Sorbet	\$6
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MEMORANDUM



TO: DAWN SPAULDING, DEPUTY CITY CLERK
FROM: ERICK W. ZINSER *E. Zinser*
DIRECTOR OF PUBLIC SAFETY / CHIEF OF POLICE
INITIATED BY: ERIC LINDBLADE, DETECTIVE *EL*
SUBJECT: CLASS C QUOTA LCC APPLICATION,
MAPLES HOSPITALITY, LLC.
DATE: DECEMBER 12, 2022

Liquor License Request:

Maples Hospitality, LLC. is requesting a Class C Quota License for a business operating as Maples Hospitality, LLC. located at 31260 Wakefield Drive, Novi, Michigan.

Applicant/Background Information:

Richard Konja and Ramy Denha, co-owners of Maples Hospitality are requesting a Class C Quota License from the City of Novi. The Michigan Liquor Control Commission (MLCC) has allocated seven (7) additional Class C Quota Licenses to the City of Novi due to the population increase in the city. If the Novi City Council approves this quota license for Maples Hospitality, LLC., they will immediately apply to the MLCC.

Criminal History/Police Contacts:

CHAT was run on which returned with no record. There were several CLEMIS contacts for Konja and Denha but nothing recently that would affect this application.

Delinquent Tax Search

There are no delinquent taxes for this address although there is a balance of \$711.33 that is owed for winter taxes by December 12, 2022.

Michigan Liquor Control Commission (MLCC):

There are no active violations.

Financial Review:

Based upon the financial data provided by the corporation, no issues were found to prevent the liquor license application process from proceeding.

Summary:

Based on the information provided and the subsequent liquor investigation, I find no reason to deny the applicant's request. This request requires the approval of the Novi City Council.

C: Victor Cardenas, City Manager



December 12, 2023

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Laura Marie Casey

Hugh Crawford

Justin Fischer

Brian Smith

Ericka Thomas

Interim City Manager
Victor Cardenas

City Clerk
Cortney Hanson

TO: Cortney Hanson, City Clerk

FROM: Fire Marshal – Kevin Pierce

SUBJECT: -Liquor Business License –
Maples Hospitality LLC

The above Liquor License is recommended for "**Conditional Approval**" that when the construction for the remodel has been completed, it **MUST** be inspected and approved by the Fire Marshal and or his designee for a certificate of completion. Also, that all the violations are corrected on the Notice of Violation form prior to opening for business. At **31260 Wakefield Dr. Novi MI 48377**

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

MEMORANDUM



TO: MELISSA MORRIS , DEPUTY CITY CLERK
FROM: LARRY BUTLER, DEPUTY BUILDING DIRECTOR
SUBJECT: MAPLES HOSPITALITY LLC
DATE: DECEMBER 9, 2022

The property located at **31260 WAKEFIELD DR** with the business name of **Maples Hospitality LLC**, has received Special Inspection permit **PSI22-0107** for the purpose of:

- Auctions
- Liquor License: Maples Hospitality LLC**
- Arcade License
- Massage License
- Outdoor Gathering
- Outdoor Seating
- Other:

From building safety standpoint, the Building Division does not object to the proposed license. Should you have any further questions with regards to this matter please feel free to contact me at (248) 347-0417.

AGREEMENT REGARDING LIQUOR LICENSE

This Agreement made as of the date of the last signature on _____,
by and between THE CITY OF NOVI, a municipal corporation, with offices located at
45175 W. Ten Mile Road, Novi, Michigan 48375, hereinafter known as "THE CITY", and
_____, owners of _____, whose address is _____, Novi,
Michigan _____, hereinafter known as "APPLICANT."

RECITALS:

A. The City Council of THE CITY, approved a Resolution to recommend to the Michigan Liquor Control Commission, approval of the issuance of THE CITY'S Class C Liquor License (hereinafter "License") from THE CITY'S quota for the APPLICANT, to be located at _____, Novi, Michigan _____ (hereinafter "PREMISES").

B. To assure that APPLICANT'S representations that were made to and relied upon by the City Council of THE CITY in approving the Resolution were honored and enforceable by THE CITY, its City Council separately directed that the signing and delivery of the Resolution be deferred until the City Attorney had approved one or more agreements guaranteeing the License would stay in THE CITY, with this Agreement and the PREMISES.

IT IS THEREFORE AGREED:

1. In the event APPLICANT should cease operating its restaurant and/or cease to use the License at the PREMISES for any reason whatsoever for a period in excess of ninety (90) consecutive days without the written consent of THE CITY, then APPLICANT shall immediately proceed to place the License in escrow as provided in subsection (a), or return and request termination of the License under subsection (b) if it

has not been removed from escrow as provided in subsection (a) within five (5) years of being placed in escrow. In recognition that notwithstanding the requirements of this Agreement, the Michigan Liquor Control Commission could approve a transfer of the License to a location outside of THE CITY as currently provided in MCL 436.1521(1), as amended, if the License is required to be placed in escrow by this Agreement or the Michigan Liquor Control Act, APPLICANT agrees that after notice and an opportunity for APPLICANT to be heard, the City Council may object to renewal of the License by the Michigan Liquor Control Commission in accordance with the provisions of the Michigan Liquor Control Act and specifically MCL 436.1501(2), as amended.

- a. APPLICANT shall place the License into escrow with the Michigan Liquor Control Commission and maintain same in good standing with the Michigan Liquor Control Commission, conditioned on and with APPLICANT agreeing to take whatever steps are necessary to cause the License to remain in THE CITY, by APPLICANT using the License itself at another location within THE CITY, selling or transferring the License to the OWNER or a successor tenant for use at the PREMISES as provided in the attached Lease or selling or transferring the License to another entity for use at another location in THE CITY.
- b. APPLICANT shall return the License to the Michigan Liquor Control Commission and request that its rights to the License be terminated and that the License not be placed or continued in escrow but instead be returned to THE CITY to be added to its available quota Class C Licenses.

2. The parties also agree that in the event of a fire loss or some other type of event causing physical damage to the APPLICANT'S restaurant at the PREMISES and which results in a temporary closing of the APPLICANT'S business exceeding the ninety (90) consecutive days stated herein while the premises are being repaired or renovated, then same shall not be considered a violation of any of the conditions of this Agreement.

3. APPLICANT agrees that the City Council shall not approve the transfer of the License within three (3) years of the date of the original issuance of the License. The City Council may, but is not required to, excuse the above limitation for any of the following reasons:

- (1) If the License holder is a natural person, he or she dies or becomes incapacitated.
- (2) If the License holder is a corporation, the majority shareholder dies or becomes incapacitated, or the corporation dissolves for reasons other than to transfer the License.
- (3) If the License holder is a limited liability company, the company dissolves for reasons other than to transfer the License.
- (4) The License holder and the proposed License transferee establish that the transfer of the class License shall not result in profiteering.
- (5) The application of this limitation will subject the APPLICANT to financial hardship due to no fault of the APPLICANT, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the APPLICANT'S control.

Unless excused by the City Council as provided above, in the event a License is proposed for transfer within three (3) years from the date of issuance, the APPLICANT agrees that the Michigan Liquor Control Commission shall terminate the License and the City Council may approve the issuance of a new License to a new Applicant without any compensation to the Licensee who placed the License into escrow; provided, however, prior to the approval of such issuance to a new Applicant, the person or entity who placed the License into escrow shall be afforded written notice and an opportunity to be heard, and all objections raised at the hearing shall be resolved (at the Michigan Liquor Control Commission or in the circuit court if necessary) prior to issuance of the License to a new Applicant.

4. APPLICANT agrees that the recommendation of approval agreed upon by the City Council is not a property right and was approved upon the express and continuing condition that the requirements and conditions set forth in this Agreement shall be maintained and not violated by APPLICANT.

5. APPLICANT agrees that after notice and an opportunity for APPLICANT to be heard, a finding by the City Council that a violation of a requirement or condition set forth in this Agreement has occurred, shall be grounds for the City Council to request revocation and/or object to renewal of the License by the Michigan Liquor Control Commission in accordance with the provisions of the Michigan Liquor Control Act and specifically MCL 436.1501(2), as amended.

6. APPLICANT acknowledges that the agreements contained herein are unique and in the event it violates one or more of those agreements, THE CITY would not be adequately compensated by damages or resorting to the remedies described in Paragraph 5, and therefore agrees that the terms and conditions of this Agreement

shall be specifically enforceable by THE CITY by action for such relief in the Oakland County Circuit Court for the State of Michigan and that if THE CITY prevails in such an action, it shall be entitled to an award and judgment that APPLICANT pay THE CITY'S costs and attorney fees incurred.

Witnesses:

APPLICANT:

By:
Its:

Subscribed and sworn to before me
this ____ day of _____, 20__

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission expires: _____

Witnesses:

THE CITY:

By: Robert J. Gatt, Mayor

By: Cortney Hanson, Clerk

Subscribed and sworn to before me
this ____ day of _____, 20__

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission expires: _____