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## CITY of NOVI CITY COUNCIL

Agenda Item B  
January 23, 2017

**SUBJECT:** Approval of the transfer of a 2015 Resort Class C & SDM Liquor License with Sunday Sales Permit (PM), Dance-Entertainment Permit, Outdoor Service (2 areas), issued under MCL 436.1531 (2) from JCTD, LLC. (formerly Andiamo-The Second City) to ANBE Investments (d/b/a Library Sports Pub), with a new Sunday Sales Permit (AM), for a business to be located at 42705 Grand River Avenue, Suite 100, Novi, MI 48375.

**SUBMITTING DEPARTMENT:** City Clerk

*cid*

**CITY MANAGER APPROVAL:**

*cmf*

### **BACKGROUND INFORMATION:**

The applicant, Robert Barnett, has operated the Library Sports Pub on the north side of Grand River Avenue since its inception in 1995. The Library Sports Pub is moving to become part of the Main Street Development. There will be no changes, other than location, to the Library Pub's operations. It is an ongoing business that was previously license by the State of Michigan and City of Novi.

The Police and Fire Departments have no objections to the request. The Building Division has no objections to the request; however, final approval is pending due to interior renovations that are still scheduled to be performed at the property. This request did not require a Special Land Use application because the previous use(s) of the space included the service of alcohol.

The form of license is slightly different than the usual Class C license. It is a so-called "resort" license that is being purchased out of escrow from the prior operator of the Andiamo/Second City. It is a type of Class C license, but was originally issued outside of any quota system. In order to be transferred to another location/user, under the state Liquor Code the location must be open to the public 5 days a week/5 hours a day, seat at least 100 people, and have a certain level of food sales. An existing specific purpose food permit issued to the prior licensee is being cancelled and is not being transferred, but a Sunday Sales Permit for the AM is being requested.

Although the Library Sports Pub is currently operating at 42100 Grand River Avenue with a resort license, that specific resort license cannot be transferred to a new location; it is tied to the existing location. Once the Library Sports Pub moves to the new location, the existing license will go into escrow. A new business would then be able to purchase the resort license tied to the location and transfer ownership of the license.

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.

**RECOMMENDED ACTION:** Approval of the transfer of a 2015 Resort Class C & SDM Licensed Business with Sunday Sales Permit (PM), Dance-Entertainment Permit, Outdoor Service (2 areas), issued under MCL 436.1531 (2) (from JCTD, LLC. (formerly Andiamo-The Second City) to ANBE Investments (d/b/a Library Sports Pub), with a new Sunday Sales Permit (AM), for a business to be located at 42705 Grand River Avenue, Suite 100, Novi, MI 48375, because the added investment in an existing facility in an area of the community that needs investment is a benefit to the City, because the applicant investing in the new location is an existing business within the City, and because both the current licensed

facility at the same location and the applicant's existing use have not adversely affect the surrounding uses.

	1	2	Y	N
<b>Mayor Gatt</b>				
<b>Mayor Pro Tem Staudt</b>				
<b>Council Member Burke</b>				
<b>Council Member Casey</b>				

	1	2	Y	N
<b>Council Member Markham</b>				
<b>Council Member Mutch</b>				
<b>Council Member Wrobel</b>				