

cityofnovi.org

## CITY of NOVI CITY COUNCIL

Agenda Item 2  
September 22, 2014

**SUBJECT:** Consideration of requests from Bottlz, 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 2014 Class C & SDM License with Sunday Sales Permit (new AM, existing PM), Specific Purpose Permit (Food), New Specific Purpose Permit (Golf), New Outdoor Service Area, New Add Bar Permit, for a total of (2) Bars from The Market Café, Inc., 5736 Clarkston Road, Clarkston, MI, 48348 to 31260 Wakefield, Novi, MI, 48377.

**SUBMITTING DEPARTMENT:** City Clerk

*add me*

**CITY MANAGER APPROVAL:** *PA*

### **BACKGROUND INFORMATION:**

Bottlz, LLC will be renovating the old Maples Club of Novi, as well as the golf course. They plan to employ approximately 20 local residents. The members of Bottlz, LLC are Walter Carrigan and Richard Jaster. Bottlz will lease the building and real estate from the Maples Club, LLC. Walter Carrigan has owned his own medical equipment company for 30 years. Richard Jaster formerly operated a business called Clamdiggers in the 1970's, has worked at the Tunnel BBQ, and was the manager of the Southfield House.

Bottlz will be a golf course, club house and restaurant that serves alcoholic beverages. Alcohol sales will be permitted on the golf course, which would be covered under the liquor license. There may also be a temporary serving station outdoors during certain events, but it will not be available on a regular basis. Additionally, customers will not be permitted to bring their own alcohol onto the premises. In regards to outdoor noise, live bands will not be permitted and the business will not operate after midnight.

The City made 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**

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 September 8, 2014 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at the proposed Bottiz 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 Rob Hayes, Public Services Director, 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**

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.

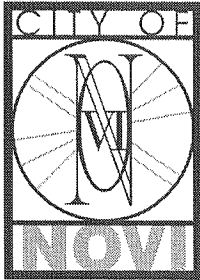
**RECOMMENDED ACTION:** Approval of requests from Bottlz, LLC:

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the motion recommending approval by the review committee.
- B) Approval of request to transfer ownership of escrowed 2014 Class C & SDM License with Sunday Sales Permit (new AM, existing PM), Specific Purpose Permit (Food), New Specific Purpose Permit (Golf), New Outdoor Service Area, New Add Bar Permit, for a total of (2) Bars from The Market Café, Inc., 5736 Clarkston Road, Clarkston, MI, 48348 to 31260 Wakefield, Novi, MI, 48377.

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

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

**LIQUOR LICENSE SPECIAL LAND USE APPROVAL**



cityofnovi.org

**ACTION SUMMARY**  
**CITY OF NOVI**  
**Liquor License Special Land Use Approval**  
**September 8, 2014 11:30AM**  
**Mayors Conference Room**

**Present:** Charles Boulard, Glenn Lemmon, Rob Hayes, Tom Walsh, and  
Angela Pawlowski  
**Applicant:** Maples Club/Bottlz  
**Public participation:** None  
**Correspondence Received:** None  
**Meeting called to order at 11:30am**

**1. PSLU14-0004 31260 WAKEFIELD: MAPLES CLUB/BOTTLZ**

The applicant is requesting approval for use of a portion of the parcel for service of alcoholic beverages accordance with Section 2525 of the Zoning Ordinance. Maples Club will be a golf course, club house and restaurant that serves alcoholic beverages. Alcohol sales will be permitted on the course which is part of their license. There may be a serving station outdoors during an event but will not be available on a daily basis. The alcohol will be policed by the owners and employees of the restaurant and customers cannot bring their own alcohol with them. All alcoholic beverages must be purchased from the facility. The general manager has 40 years of experience in the industry and is well trained. There is a banquet room that will be available for rent with the capability of holding approximately 30-40 people. In regards to outdoor noise, live bands will not be permitted and the business will not have any hours after midnight. The owners will abide by the Novi noise ordinance and do not want to be a nuisance to the neighbors in the area.

**In CASE No. PSLU14-0004 Motion to recommend approval to City Council.**

- (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; in that the business will have a positive economic impact and provide a dining opportunity for nearby residents within the City of Novi and adjacent communities**
- (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 because the existing facility will be reopened as a viable business, creating jobs and, a local gathering and dining opportunity as a consumer option not available nearby.**

- (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, and**
  - e. Fighting, brawling, outside urination, or other behavior that can accompany intoxication because the proprietors of the proposed establishment are reopening an existing facility and have outlined effective operating procedures, management policies and employee training so as to limit any negative secondary effects to a less than appreciable level.**

**Meeting adjourned 11:48 AM**

**Motion made by Hayes, supported by Lemmon.**

**Approve: 4-0**