



CITY of NOVI CITY COUNCIL

Agenda Item 1
April 4, 2016

SUBJECT: Consideration of requests from Primanti Corporation:

- A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B) Consideration of request for a new On-Premise Resort Economic Development Liquor License, SDM License, Sunday Sales Permit (AM & PM), Outdoor Service Permit and Entertainment Permit to be located at 43335 Crescent Blvd., Novi, MI 48375.

SUBMITTING DEPARTMENT: City Clerk *me*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Primanti Corporation currently operates 25 restaurants in Pennsylvania, Maryland, Ohio, and West Virginia, all of which hold liquor licenses. Primanti is asking for the City's approval of its application for a Resort Economic Development liquor license to be issued by the State. The proposed facility is located in the Town Center development, on Crescent Boulevard. Primanti Bros. Restaurant is a full-service food establishment with a rich history and a loyal following, one of its first two locations in Michigan, that offers a range of alcoholic beverages.

Resort Economic Development License

This form of liquor license – which is different from the typical "Class C" license that the City usually deals with and has not been granted in the City before – is authorized under MCL 436.1531(4) of the Liquor Code, which states:

In addition to any licenses for the sale of alcoholic liquor for consumption on the premises that may be available in the local governmental unit under subsection (1) and the resort licenses authorized in subsections (2) and (3), **the commission may issue not more than 15 resort economic development licenses per year.** A person is eligible to apply for a resort economic development license under this subsection upon submitting an application to the commission and demonstrating all of the following:

- (a) The establishment's business and operation, as determined by the commission, is designed to attract and accommodate tourists and visitors to the resort area.
- (b) The establishment's primary business is not the sale of alcoholic liquor.
- (c) The capital investment in real property, leasehold improvement, fixtures, and inventory for the premises to be licensed is in excess of \$1,500,000.00.
- (d) The establishment does not allow or permit casino gambling on the premises.

Although this license is issued by the LCC, the City must still approve it. MCL 436.1501 still provides: "An application for a license to sell alcoholic liquor for consumption on the premises, except in a city having a population of 600,000 or more, shall be approved by the local legislative body in which the applicant's place of business is located before the license is granted by the commission...." Thus, this license must proceed through the normal review process under the City Code for issuance of any license for consumption of alcohol on premises. In addition, the City made on premises liquor licenses subject to a special land use approval under the zoning ordinance. **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 March 17, 2016 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at the proposed Primanti Bros. Restaurant 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 Primanti Corporation:

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages for the reasons stated in the Committee's motion recommending approval.

B) Approval of request for a new On-Premise Resort Economic Development Liquor License, SDM License, Sunday Sales Permit (AM & PM), Outdoor Service Permit and Entertainment Permit to be located at 43335 Crescent Blvd., Novi, MI 48375, because the proposed facility is of a character that will benefit the area in which it is to be located; represents a significant financial investment in the Town Center area, which has been the focus of recent redevelopment; is different from other licensed facilities in the area; and is compatible with surrounding uses and facilities.

	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				



Let's take a trip back to the early 1930's.

Joe Primanti opened a cart in Pittsburgh's Strip District selling sandwiches to hungry truckers who were coming and going at all times of the night. Encouraged by sales and the positive feedback he got, Joe decided to expand to a small storefront on 18th Street, where he was joined by his brothers Dick and Stanley and their nephew John DePriter. And that's how the very first Primanti Bros. location was born open 3am to 3pm, feeding hard working truckers and shift workers good food for a fair price during the height of the great depression. According to John, "One winter, a fella drove in with a load of potatoes. He brought a few of 'em over to the restaurant to see if they were frozen. I fried the potatoes on our grill and they looked pretty good. A few of our customers asked for them, so I put the potatoes on their sandwiches." The rest, as they say, is history. While Joe moved out to California in the 40's for health reasons, Dick, Stanley, and John kept the restaurant going strong for 30 years. But when Stanley and John both passed away in the early 70's, Dick decided it was about time to sell the business.

Jim Patrinos bought Primanti Bros. in 1974. He continued the tradition of serving good food to busy locals. A few tweaks were made, like opting to stay open 24 hours. But with sales strong and people flocking to the restaurant, Jim decided it was a good time to expand. The second Primanti Bros. location opened in Oakland, near the University of Pittsburgh, and it was a hit with both students and professionals in the neighborhood. Bolstered by that success, Primanti Bros. would soon open restaurants in the South Side, Market Square, and Three Rivers Stadium. In 1998, the restaurants rolled into the suburbs, keeping the same relaxed atmosphere while expanding the menu a bit. When Three Rivers closed up shop in 2001, Primanti Bros. opened in both the newly built PNC Park and Heinz Field to keep sports fans well fed during events. And after Consol Energy Center came along in 2010, Primanti Bros. was happy to open a spot there, too. Primanti Bros. currently has 25 locations right around Pittsburgh, with more in Pennsylvania, Florida, Maryland, Ohio, and West Virginia, all dedicated to that early notion that folks deserve great food with no pretense for a good price.

