



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
May 12, 2014

SUBJECT: Consideration of requests from Buddy's-Novi, 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 2013 Class C Resort (issued under MCL 436.1531 (2)) License (original 55O resort which is not located at the original location, must be in compliance with R 436.1123(1)), seating for minimum of 100, with Sunday Sales (PM) Permit, New SDM License and New Outdoor Service Permit from National Coney Island, Inc., 3364 Rochester, Troy to 44225 W. Twelve Mile, Suite C 103, Novi, MI, 48377.

SUBMITTING DEPARTMENT: City Clerk *cd*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The sole member of Buddy's Pizza is the Robert Jacobs Trust, Robert Jacobs Trustee. Robert Jacobs is the son of the original owners and has taken over the Buddy's Pizza concept and expanded to six locations in metro Detroit. Buddy's Pizza will be located in the north end of Twelve Mile Crossing at Fountain Walk. This is a vacant part of the mall, and upon renovations and opening will employ approximately 100 local resident and individuals from the surrounding area. The proposed interior will include a private banquet area. An outdoor dining area is also proposed.

The City recently 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 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 April 21, 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 Buddy's Pizza 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 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 Buddy's-Novi, LLC:

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the recommendation from staff.
- B) Approval of request to transfer ownership of escrowed 2013 Class C Resort (issued under MCL 436.1531 (2)) License (original 55O resort which is not located at the original location, must be in compliance with R 436.1123(1)), seating for minimum of 100, with Sunday Sales (PM) Permit, New SDM License and New Outdoor Service Permit from National Coney Island, Inc., 3364 Rochester, Troy to 44225 W. Twelve Mile, Suite C 103, 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				