



## CITY of NOVI CITY COUNCIL

**Agenda Item 7  
January 28, 2013**

**SUBJECT:** Approval of request from Ortagu, Inc. (d/b/a El Mariachi Mexican Restaurant) to transfer ownership of escrowed 2012 Class C and SDM Licensed Business with Sunday Sales Permit (PM) from T & C Restaurant LLC to 31150 Novi Road, Novi, MI 48377.

**SUBMITTING DEPARTMENT:** City Clerk *cto me*

**CITY MANAGER APPROVAL:** *[Signature]*

### **BACKGROUND INFORMATION:**

The applicant originally applied for a new Class C quota and appeared on the November 26, 2012 City Council agenda. It was Item No. 4 on the agenda, but Item No. 3 was the similar request for consideration of a Class C liquor license application by Secure Development Properties Management, L.L.C. (d/b/a Paradise Park). Approval of that item granted the City's last remaining Class C quota license.

Council discussed the idea of denial of El Mariachi's application on the basis that the license requested did not exist. The concern was not whether the license could be issued, but whether the applicant would be required to pay another full application fee. To receive additional information, the matter was postponed, with the idea that the applicant would request approval of a transfer license at a later date.

As a reminder, a resolution was adopted by Council on July 2, 2012. It specifically provides that, when a quota liquor license is denied, an applicant may submit a transfer request, within 3 months, with substantially the same information at a substantially reduced fee of \$250, which the resolution states is "sufficient to offset the City's costs of such a reapplication." The request for a new Class C quota license was denied at the December 17, 2012 City Council meeting.

The applicant returned on January 8, 2013 with a purchase agreement in association with the liquor license transfer and paid the \$250 reapplication fee.

Roberto Ortega is the sole owner of El Mariachi Mexican Restaurant. He has gained knowledge and experience of restaurant operations through working at Red Robin and the Ansara Corporation. The location of El Mariachi is the former Ram's Horn at the corner of Fourteen Mile Road and Novi Road. He anticipates food sales to be approximately 60% and alcohol sales to be around 40%.

The Police Department has no objection to the request. The Fire Department and the Building Division have no objections to the request. Per the Planning Division, the use is permitted subject to site plan review.

The City approves transfers of licenses under Section 3-16 of the City's Code of Ordinances. The restaurant is currently operating in apparent compliance with City ordinances and the transfer would assist in the continued operation of the business in a manner beneficial to the City.

**RECOMMENDED ACTION:** Approval of request from Ortagu, Inc. (d/b/a El Mariachi Mexican Restaurant) to transfer ownership of escrowed 2012 Class C and SDM Licensed Business with Sunday Sales Permit (PM) from T & C Restaurant LLC to 31150 Novi Road, Novi, MI 48377.

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

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