



CITY of NOVI CITY COUNCIL
Agenda Item E
June 3, 2019

SUBJECT: Approval of request to transfer ownership of an escrowed 2019 Class C and SDM licensed business with Sunday Sales Permit (PM), and Entertainment Permit, issued under MCL 436.1531(4), non-transferable, from Happy Sushi, Inc. to Happy Sushi & Thai Inc. located at 41766 Ten Mile Road, Novi, MI 48375.

SUBMITTING DEPARTMENT: City Clerk ✓

CITY MANAGER APPROVAL: Ax

BACKGROUND INFORMATION:

The first applicant, Arthur Fung, is a respected businessman in the West Bloomfield community as well as an electrical engineer in the automotive business. Mr. Fung is also the owner of the Golden Phoenix Thai Restaurant since 2014. He is a liquor license holder for that establishment and has had no violations or concerns.

The second applicant, Yanhua Zhao, is a locally known head sushi chef and experienced restaurant manager. She is currently the head chef at the Golden Phoenix Thai Restaurant.

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.
4. 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.
5. 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.
6. The character and extent of investment in improvements to the building, premises, and general area.

RECOMMENDED ACTION: Approval of request to transfer ownership of an escrowed 2019 Class C and SDM licensed business with Sunday Sales Permit (PM), and Entertainment Permit, issued under MCL 436.1531(4), non-transferable, from Happy Sushi, Inc. to Happy Sushi & Thai Inc. located at 41766 Ten Mile Road, Novi, MI 48375 because applicants have an established Japanese restaurant providing a diverse range of Japanese cuisine and the business has been successfully established within the City for 15 years. The dining experience will be enhanced by the addition of a liquor license. There are no similar restaurants in the surrounding area therefore the use will foster or generate economic development or growth within the area surrounding the restaurant. The surrounding area is commercial within an existing shopping center where alcohol is currently available for purchase, therefore the use is not incompatible with other uses in the area, the existing use will continue and has not adversely affected surrounding uses, and because the applicant appears to qualify for a license under the City's ordinance.