



CITY of NOVI CITY COUNCIL

Agenda Item 5
July 31, 2017

SUBJECT: Consideration of requests from One World Market, Inc.:

- A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B) Consideration of a request to transfer ownership of a Class C Liquor License with Sunday Sales Permit (AM & PM), from Blue Ribbon Restaurants Rochester, LLC to One World Market, Inc. to be located at 42705 Grand River Avenue, Suite 103 Novi, MI 48375.

SUBMITTING DEPARTMENT: City Clerk *DO* *JO*

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

One World Market, Inc. currently operates a Japanese grocery store and sushi bar which sells beer and wine to be consumed off-premises. With the addition of the Class C Liquor License, One World Market will sell alcohol to be consumed on-site.

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 July 25, 2017 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at the proposed One World Market 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. Kay Shafii, Deputy City Assessor, Larry Butler, Community Development Deputy Director, and Darcy Rechten, Plan Review Engineer, 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 One World Market, Inc.:

- 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 a request to transfer ownership of a Class C Liquor License with Sunday Sales Permit (AM & PM), from Blue Ribbon Restaurants Rochester, LLC to One World Market, Inc. to be located at 42705 Grand River Avenue, Suite 103 Novi, MI 48375, because the proposed licensed use is unique to the area as compared to other sit-down restaurants; because the applicant is a long-time member of the community and the license would assist it in further investment in the community; and because the new licensed use is consistent with existing uses.



ACTION SUMMARY
CITY OF NOVI
Liquor License Special Land Use Approval
July 25, 2017 10am
Mayors Conference Room

Present: Larry Butler, Monica Dreslinski, Darcy Rechten, Kay Shafii, Kelly Allen
Applicant: Ritsu Yamamoto
Public participation: None
Correspondence Received: None

Meeting called to order at 10:05am

1. PSLU17-0006 ONE WORLD MARKET, 42705 GRAND RIVER AVE SUITE 103, PARCEL # 50-22-23-176-016

The applicant is requesting approval for use of a portion of the parcel for service of alcoholic beverages accordance with Section 4.89 of the Zoning Ordinance.

The applicant was present and provided a summary and basis for the request including the following:

One World Market is located on the southeast corner of Main Street and Grand River Avenue. One World Market is Japanese grocery store that currently sells beer and wine, but is looking to serve mainly beer and wine at their sushi bar using a class C liquor license.

In case number PSLU17-0006, the motion to recommend to City Council for approval. Monica Dreslinski asked what hours the liquor would be served, Seven days a week from 10am to midnight. The sushi bar will open at 11am on the above days, but with special events the 10am start time may be occasionally used. When first asked if the applicant had a service in place for customers who were too intoxicated to operate a motor vehicle the applicant responded with no, but quickly stated that they had Japanese taxi service they were going to contact prior to the July 31, 2017 council meeting to arrange future services. The applicant stated they did not anticipate any issues with noise complaints, but would handle them if one occurred. Employees will be trained using the TIPS system, as well as the proper procedure to call the taxi service for customers. The applicant provided a list of businesses within 1000 feet of One World Market that also provide liquor, including Rojo Mexican Bistro, Mongolian Barbeque and The Michigan Beer Company. Kelly Allen stated that they already have approval from the Liquor Control Commission (LLC) for a class C liquor license. The use is compatible with the area in which it will be located, and will not have any negative effects on the area.

Motion made by Larry Butler, seconded by Darcy Rechten and Kay Shafi in support of motion.

Approve: 3-0

Meeting adjourned 10:20 AM

MEMORANDUM



TO: CORTNEY HANSON, CITY CLERK
FROM: DAVID E. MOLLOY *DEM*
DIRECTOR OF PUBLIC SAFETY / CHIEF OF POLICE
INITIATED BY: MICHAEL BENDER, DETECTIVE *MB*
SUBJECT: TRANSFER OF CLASS C LIQUOR
LICENSE, ONE WORLD MARKET, INC.
DATE: JUNE 19, 2017

Liquor License Request:

One World Market requests to transfer ownership of a Class C liquor license, which will be located at 42705 Grand River, Suite 103, Novi, MI. The Class C liquor license will enable One World Market to serve beer, wine, and spirits for consumption on premises. One World Market is currently operating with an SDM license, which enables beer and wine sales for consumption off the premises. One World Market is requesting the following permits: Sunday Sales Permit (AM and PM).

Business Information:

One World Market currently operates a Japanese grocery store and sushi bar which sells beer and wine to be consumed at home by its customers. With the addition of the Class C license, One World Market will sell alcohol to its customers to be consumed while eating sushi in the restaurant within the licensed premises. The hours of operation are Monday through Saturday from 9:00 a.m. to 8:00 p.m. and Sundays from 10:00 a.m. to 8:00 p.m.

Applicant Information:

There are no individual owners of One World Market Inc. The applicant, One World Market, Inc., is ultimately owned by UCI, which is a non-profit corporation.

Police Contacts:

One World Market has been in operation in the city since 1998 with no negative contacts. Novi Police Department has conducted their quarterly liquor inspections with no violations found each time.

Liquor License Commission

Since 1998, One World Market has been violated (3) times by the Liquor Control Commission for selling alcohol to a minor (1999, 2002, 2015). Fines were paid in full for these violations.

Oakland County Treasurer's Office

Contact was made with the Oakland County Treasurer's Office and there is no delinquent taxes owed.

Financial Review

The funds to pay for the liquor license and inventory will be from business sales.

Summary:

Based on the information provided and the subsequent liquor investigation I find no reason to deny the applicant's request. This request requires the approval of the Novi City Council.

C: Peter Auger, City Manager



CITY COUNCIL

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Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Justin Fischer

Wayne M. Wrobel

Laura Marie Casey

Gwen Markham

City Manager
Peter E. Auger

City Clerk
Maryanne Cornelius

July 18th, 2017

TO: Cortney Hanson, City Clerk

FROM: Acting Fire Marshal – Peter Breuhan

SUBJECT: Issuance of Liquor Business License –
One World Market, Inc - 42705 Grand River Ave Suite 103
Novi, MI 48375

A fire inspection has been conducted at the above business located at 42705 Grand River Avenue Suite 103, Novi MI 48375 and the business has been found to be in compliance with the adopted fire prevention code. Issuance of the Liquor License for 2017 is recommended.

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

MEMORANDUM



TO: DAWN SPAULDING, DEPUTY CITY CLERK
FROM: MONICA DRESLINSKI, ACCOUNT CLERK
SUBJECT: LIQUOR LICENSE- ONE WORLD MARKET
DATE: JULY 24, 2017

The property located at **42705 GRAND RIVER AVE SUITE 101** with the business name of **ONE WORLD MARKET** had these notes from the inspection that took place on July 21, 2017:

PSI17-0056

Building Inspection

1. NEED PROPER ADDRESSING ON BUILDING, NO ADDRESS ON STORE FRONT.
2. NEED TO FIX ALL EXIT AND EGRESS LIGHTING.

Mechanical Inspection

1. NEED EQUIPMENT CERTS.

Electrical Inspection- Approved

Plumbing Inspection- Approved

The Building Division has no objections to the request; however, final approval is pending due to Building approval and mechanical approval. Should you have any further questions with regards to this matter please feel free to contact the Community Development Department 248.347.0415.



MEMORANDUM

TO: DAWN SPAULDING, DEPUTY CITY CLERK
FROM: BARBARA MCBETH, AICP CITY PLANNER
SUBJECT: LIQUOR LICENSE: ONE WORLD MARKET
DATE: JUNE 26, 2017

Barb

This memo is in response to the notice you provided requesting a new Class C liquor license for One World Market currently located at 42705 Grand River Avenue, Suite 103.

Planning has no objection to the addition of a Class C liquor license to the location described above, as the use is permitted in the TC-1 Town Center Zoning District.



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

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OF COUNSEL:
KEVIN M. CHUDLER
SARAH J. GABIS
LINDA S. MAYER

June 12, 2017

VIA OVERNIGHT MAIL – 2ND DAY

Ms. Cortney Hanson, Clerk
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375

CITY OF NOVI
CITY CLERK'S OFFICE
2017 JUN 13 AM 11:14

**Re: One World Market, Inc.
42705 Grand River, Suite 103, Novi, Oakland County, Michigan**

Dear Ms. Hanson:

We represent One World Market, Inc. (“One World Market”) in liquor licensing matters. This is One World Market’s request to transfer ownership of a Class C liquor license for operation at 42705 Grand River, Suite 103, Novi, Oakland County, Michigan. The Class C liquor license will enable One World Market to serve beer, wine, and spirits for on-premise consumption. One World Market is currently operating with an SDM license, which allows for the sale of beer and wine for off-premise consumption. In conjunction with the Class C liquor license, One World Market is requesting the following permits: Sunday Sales Permit (AM and PM). The Class C liquor license is being purchased from an escrowed licensee in Rochester Hills.

One World Market is owned by multiple companies, and is ultimately owned by UCI, a District of Columbia not-for-profit corporation.

One World Market currently operates a Japanese grocery store and sushi bar, and has done so since 1998. One World Market sells beer and wine to be consumed at home by its customers. With the addition of the Class C license, One World Market will sell alcohol to its customers to be consumed while eating sushi in the restaurant within the licensed premises. One World Market is approximately 13,000 square feet of the mall. The hours of operation are Monday through Saturday from 9:00 a.m. to 8:00 p.m. and Sundays from 10:00 a.m. to 8:00 p.m.

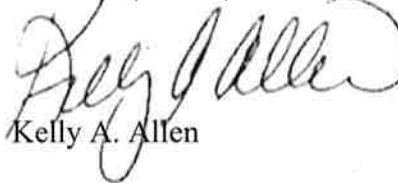
Enclosed for your review are the following:

- Application fee payable to the City of Novi for \$1,000;
- Liquor License Application (Questionnaires A & B);
- Company organization chart;
- Menu; and
- Floor plan of the building.

Please begin the City's review of this application as soon as possible. Please call me or my legal assistant, Laura Peters, if you have any questions whatsoever. We look forward to being heard on the Council's Agenda as soon as possible. Thank you for your assistance in this matter.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

/lbp
Enclosures