



CITY of NOVI CITY COUNCIL

**Agenda Item 2
August 27, 2018**

SUBJECT: Consideration of requests from NB Pizza, LLC (d/b/a Benito's Café):

- A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.
- B) Consideration of request to transfer ownership of an escrowed 2017 Resort Class C License With Specific Purpose Permit (Food), Issued Under MCL 436.1531(2), Original 550 Resort Not At Its Original Location, Must Meet Seating And Food Requirements, From Pizza Hut Of America, LLC (A Delaware Limited Liability Company) 3199 Bay Road, Saginaw, MI 48603 along with new SDM and Sunday Sales Permit (AM/PM), to NB Pizza, LLC (d/b/a Benito's Café), an existing business located at 24270 Novi Road, Novi, MI 48375.

SUBMITTING DEPARTMENT: City Clerk 

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

NB Pizza is a limited liability company that includes Benito Mautone, and his sons, Jason and Michael Mautone. The current location has been operating in the City of Novi for 10 years. The family has built Benito's into a 21 store franchise across the United States. Benito's is now looking to build on its success and expand the facility by offering more homemade menu items, and providing more seating to enhance the dine-in experience.

Liquor licenses are 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 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 August 9, 2018 in the Novi Civic Center for consideration of the Special Land Use (SLU) request for approval for service of alcoholic beverages at Benito's Cafe 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. Charles Boulard, Community Development Director, and Jeff Herczeg, Director of Public Works, 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: Consideration of requests from NB Pizza, LLC (d/b/a Benito's Café):

- A) Approval of a request for Special Land Use approval for service of alcoholic beverages, for the reasons stated in the Special Land Use approval.
- B) Approval of request to transfer ownership of an escrowed 2017 Resort Class C License With Specific Purpose Permit (Food), Issued Under MCL 436.1531(2), Original 550 Resort Not At Its Original Location, Must Meet Seating And Food Requirements, From Pizza Hut Of America, LLC (A Delaware Limited Liability Company) 3199 Bay Road, Saginaw, MI 48603 along with new SDM and Sunday Sales Permit (AM/PM), to NB Pizza, LLC (d/b/a Benito's Café), an existing business located at 24270 Novi Road, Novi, MI 48375, because the expanded use proposed by licensee of an Italian Café offering an extensive menu of homemade in-house specializations is in fact unique as compared to other venues in the area, because the proposed use offering additional family oriented entertainment, as well as expansion of the restaurant and kitchen area will foster or generate economic development or growth within the area surrounding the restaurant, and the applicant's investment in expanding the kitchen, the dining area and the menu selections provides added financial investment on the part of a long-term business with recognized ties to the city and the local community.

MEMORANDUM



TO: CORTNEY HANSON, CITY CLERK
FROM: DAVID E. MOLLOY, *DEM*
DIRECTOR OF PUBLIC SAFETY / CHIEF OF POLICE
INITIATED BY: JEFF BROWN, DETECTIVE
SUBJECT: CLASS C RESORT LIQUOR LICENSE FOR NB PIZZA LLC,
DBA BENITO'S CAFE
DATE: JULY 31, 2018

Liquor License Request:

NB Pizza LLC, dba Benito's Café is requesting a Class C Resort Liquor License. Benito's is an established business at 24270 Novi Road, Novi, MI 48375. Benito's is expanding its current facility to include the business to the east in the plaza. Benito's will offer more indoor seating, as well as a bar and TV for patrons. They will also be expanding their menu options.

Applicant/Background Information:

NB Pizza is a limited liability company that included three members, Benito Mautone, Jason Mautone, and Michael Mautone. Benito is the father of Jason and Michael. Its current location has operated in the City of Novi for 10 years. The family has built Benito's into a 21 store franchise across the United States.

Benito's is now focusing to build on its success and expand the facility, by offering more homemade menu items, and provide more seating to enhance the patrons dine in experience, while still maintaining the casual intimate setting that it already provides.

Criminal History/Police Contacts:

There are no negative contacts or arrest found in CLEMIS for all three individuals.

Civil History:

There is no known civil history or bankruptcies.

Michigan Liquor Control Commission (MLCC):

There are no contacts with the MLCC for all three individuals.

Financial Review by the City of Novi Finance Department:

Based upon the financial data provided by the applicants, no issues were found to prevent the liquor license application process from proceeding.

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: Pete Auger, City Manager



July 13, 2018

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Kelly Breen

City Manager
Peter E. Auger

City Clerk
Cortney Hanson

TO: Cortney Hanson, City Clerk

FROM: Fire Marshal – Kevin Pierce

SUBJECT: Renewal of Liquor Business License –
Benito's Pizza 24270 Novi Rd. Novi MI 48375

A fire inspection has been conducted at the above business located at and the business has been found to be in compliance with the adopted fire prevention code. Renewal of the Liquor License for 2018 is recommended for approval.

Novi Public Safety Administration
45125 Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org



MEMORANDUM

TO: DAWN SPAULDING, DEPUTY CITY CLERK
FROM: CHARLES BOULARD, COMMUNITY DEVELOPMENT DIRECTOR *CB*
SUBJECT: BENITO'S CAFÉ LIQUOR LICENSE
DATE: 08/15/2018

The property located at **24270 NOVI RD** with the business name of **BENITOS PIZZA CAFE** has received Special Inspection permit **PS118-0067** for the purpose of:

- Auctions
- Liquor License**
- Arcade License
- Massage License
- Outdoor Gathering
- Outdoor Seating
- Other:

The Building Division does not object to the proposed license. Full Department Approval is pending the completion of the expansion and renovation work at the existing site. Should you have any further questions with regards to this matter please feel free to contact me at (248) 347-0423.



ACTION SUMMARY
CITY OF NOVI
Liquor License Special Land Use Approval
August 9, 2018
Mayors Conference Room

Present: Charles Boulard, Community Development Director
Katherine Oppermann, Recording Secretary
Jeff Herczeg, Director of Public Works

Applicant: Ron Morelli, Benito's Pizza Operations
Jason Mautone, Benito's Pizza Owner
Michael Mautone, Benito's Pizza Owner

Public participation: None

Correspondence Received: 50 letters mailed
13 letters returned
0 objections
0 approvals

Meeting called to order at: 10:00am

1. PSLU18-0006, Benito's Cafe, 24270 Novi Rd, PARCEL # 50-22-23-351-064.

The applicant is requesting approval to use a portion of the parcel for service of alcoholic beverages in 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:

Benito's Café is currently working on an expansion project for their existing restaurant, looking to create a "true Italian Café experience" with a larger restaurant that will offer fresh breads, gelato, Italian beer etc. They wish to maximize the dine-in experience at their location; over their years in the city they have found that families, particularly at dinnertime, will often choose establishments that offer full service including bar over their restaurant. The business is looking to maintain its core family clientele, with hopes of drawing more people to dine-in. Benito's Café is still to be "In the pizza business, not the bar business", their potential offerings would focus primarily on beer and wines to compliment a meal with some additional libations to be served at new weekend brunch service. All employees are to be trained and certified through classes recommend by the Michigan Liquor Control Commission. The restaurant does not plan on significantly extending its current nighttime hours and the traffic load is not anticipated to significantly change from the current traffic at the location.

In CASE No. PSLU18-0006 Motion to recommend approval to City Council based on findings that:

The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located. The business 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 any other behavior that can accompany intoxication.**

Motion made by Charles Boulard, seconded by Jeff Herczeg in support of motion.

Approve: 2

Disapprove: 0

Meeting adjourned: 10:13am

NB PIZZA LLC**DBA Benito's Cafe
24270 Novi RD
Novi, MI 48375****NB PIZZA LLC MEMBERS:****Benito Mautone
7400 Chichester Rd
Canton, MI 48187****Jason Mautone
40562 Village Oaks
Novi, MI 48375****Michael Mautone
45073 Horseshoe Cir
Canton, MI 48187****7/2/2018****CITY OF NOVI
LIQUOR LICENSE APPLICATION
45175 W 10 Mile Rd
Novi, MI 48375**

Dear CITY OF NOVI:

We would like to apply for the issuance of a Resort Liquor License that will be used by our company, NB PIZZA LLC, on the premises of where it does business at Benito's Café, 24270 Novi Road in Novi, Michigan. Benito's Café has been proudly serving the Novi area for nearly 10 years and has created a very loyal and appreciative following that has established it as a premier place to get high quality food for dine-in and take-out. Our focus now is to build upon our successes of the last 10 years by expanding our facility so that we can operate more effectively and efficiently. We will be able to continue to push the envelope on what we offer by adding more homemade menu items and further our specializations. In addition, our expansion will allow us to provide more seating for our patrons and give us the space to build a beer, wine and liquor bar. Our new bar and our extra seating will create a whole new ambience, which will enhance our patrons' dine-in experience, while still maintaining the casual intimate setting that our Café already provides.

In response to the Novi Alcoholic Liquor Ordinance, Article II, Section 3.14(a) *Facilities for which new licenses may be granted*, upon completion of our expected expansion, Benito's Café will completely adhere to the 3 specifications that the Ordinance defines. First, once expanded, Benito's Café will offer the city of Novi a unique option that it does not currently have. Our vision is that Benito's Café will be an Italian Café that focuses on homemade in-house specializations that will include, pizza, pasta, paninis, dinner options, salads, soups, gelato, desserts, coffee, espresso, and fresh bread. Furthermore, with the addition of a liquor license, we will be offering a Brunch Menu on Saturdays and Sundays that will feature build-your-own frittatas, breakfast pizza, and Italian cocktails. Our bar will also have several televisions and will be a great place for families and other residents and out-of-towners to eat and watch sporting events. In sum, Benito's Café will offer such a versatile option for our patrons and will therefore be a huge draw to the surrounding area.

Our future uniqueness will lead us to meet the second specification, in which Benito's Café, once expanded, will help foster economic growth within the city. Benito's Café will be a destination for locals and out-of-towners because it will offer an experience unrivaled in the greater Metro Detroit surrounding area. Our focus on versatility of menu items and specializations will set us apart and will therefore help other businesses in the area because locals will be more inclined to stay in the area while out-of-towners will be more inclined to come to the 10 Mile and Novi Road's area. Furthermore, since we will be adding 15 to 20 seats and a bar to our dine-in area, we will have more customers dining-in in general. Lastly, we currently regularly provide a lot of food for Novi Public Schools, the Civic Center, the Police Department, the Novi Public Library, and the City of Novi. With our expansion and our further

development, once expanded, these entities will have even more options as Benito's Café will continue to support the growth of Novi's community.

Helping support the growth of Novi's Community leads us to meet the third specification, which highlights our commitment to the city of Novi. We have made the decision to expand our Benito's Café concept in large part because we feel that the city of Novi is the best place for us to fully realize our Italian café concept. Over the last 10 years, the Novi community has given us the perfect blend of lunchtime and dinnertime business. This blend has increased our revenue and our potential to expand the concept even further. That is why we are fully committed to expanding our concept and investing in a complete remodel and expansion. In order to handle the new items to the menu and to further develop new specializations in food items that we already offer, we will be investing in several pieces of new equipment. The main pieces of equipment that we will be adding to the kitchen are a 3rd conveyor pizza oven, a brick oven for Neapolitan pizzas, a high temperature conveyor oven for cooking entrees and wings, a 2nd refrigerated pizza make table, 3 under-the-counter refrigerated make tables, a gelato batch freezer, a blast freezer, a dough mixer, a bread oven and proofer, 4 showcases for display, a 2nd panini press, a new stove top and grill with added burners, an expanded walk-in cooler, and a new dishwasher that will be able to handle the increase in volume. Needless to say, we are committed to investing in this concept and we are completely motivated to see it succeed. In sum, our desire is to make Benito's Café our flagship store and we feel that there is no better place to do that than here in Novi. Therefore, it is our hope that the City of Novi will grant us the issuance of a Resort Liquor License in order to help us reach our goal to fully realize our Italian café concept and in turn better serve the Novi community.

Sincerely Yours,

Benito Mautone

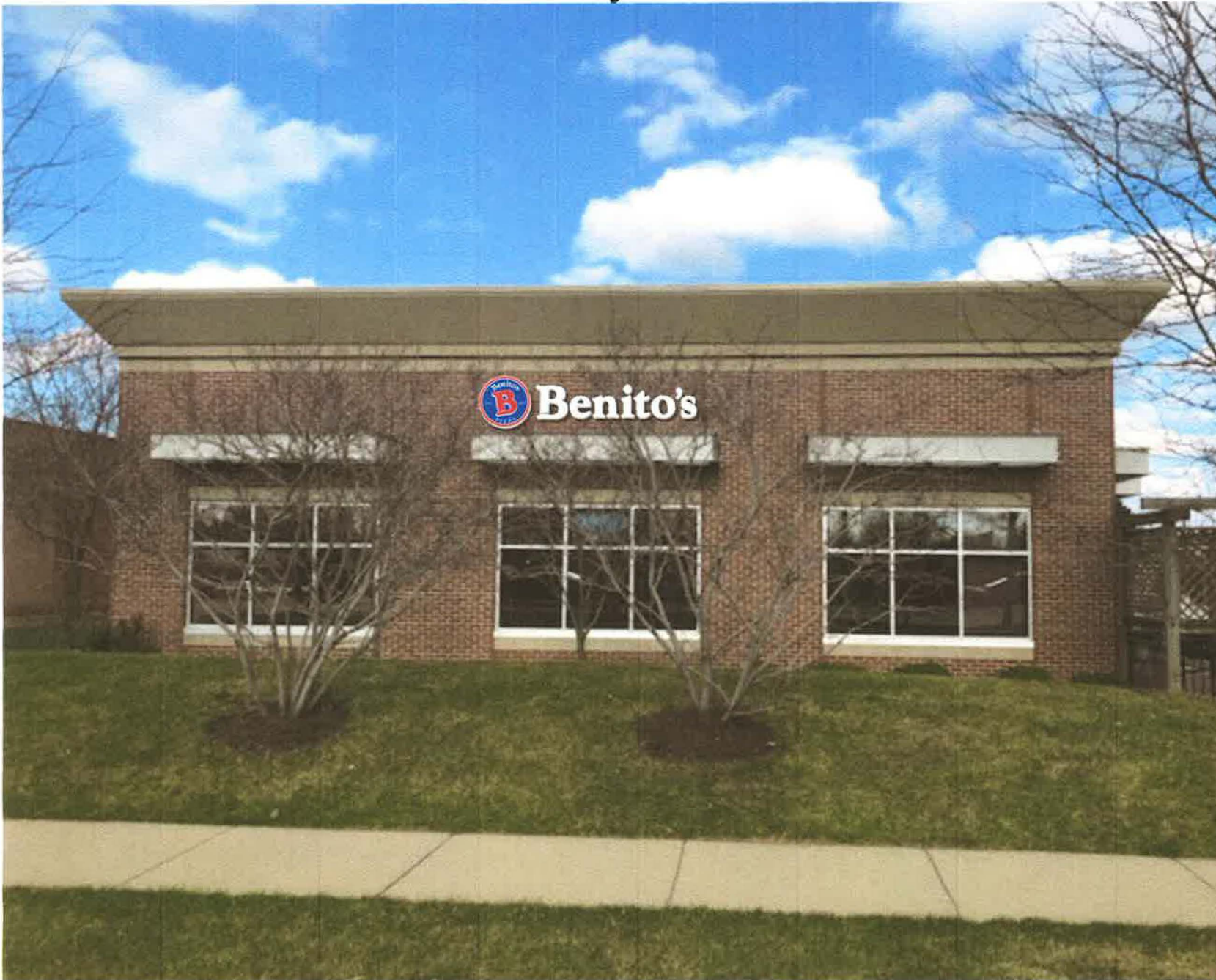
Jason Mautone

Michael Mautone



Signimage <i>of MICHIGAN</i> 586-756-7400	ADDRESS: 2427 NOVI RD. NOVI, MI	Customer Permit Deposit	SALES REP. : KAL MANSOUR
	TYPE OF SIGN:	E-MAIL:	**UL LISTED ** ** Electrical Connection Is Not Provided **

Channel Letters on Raceway



Mounting Detail

After
Side View
Option 1

Sign Description

Benito's

Date:

6-1-18

Site Address: 24270 Novi Rd
Novi, MI

Contact Info:

Landlord Info:

Photo of Suite:

Meas. of Suite:

Site Plan:

.Eps Artwork:

Check Sign Ordinance:

Wall Color SW#:

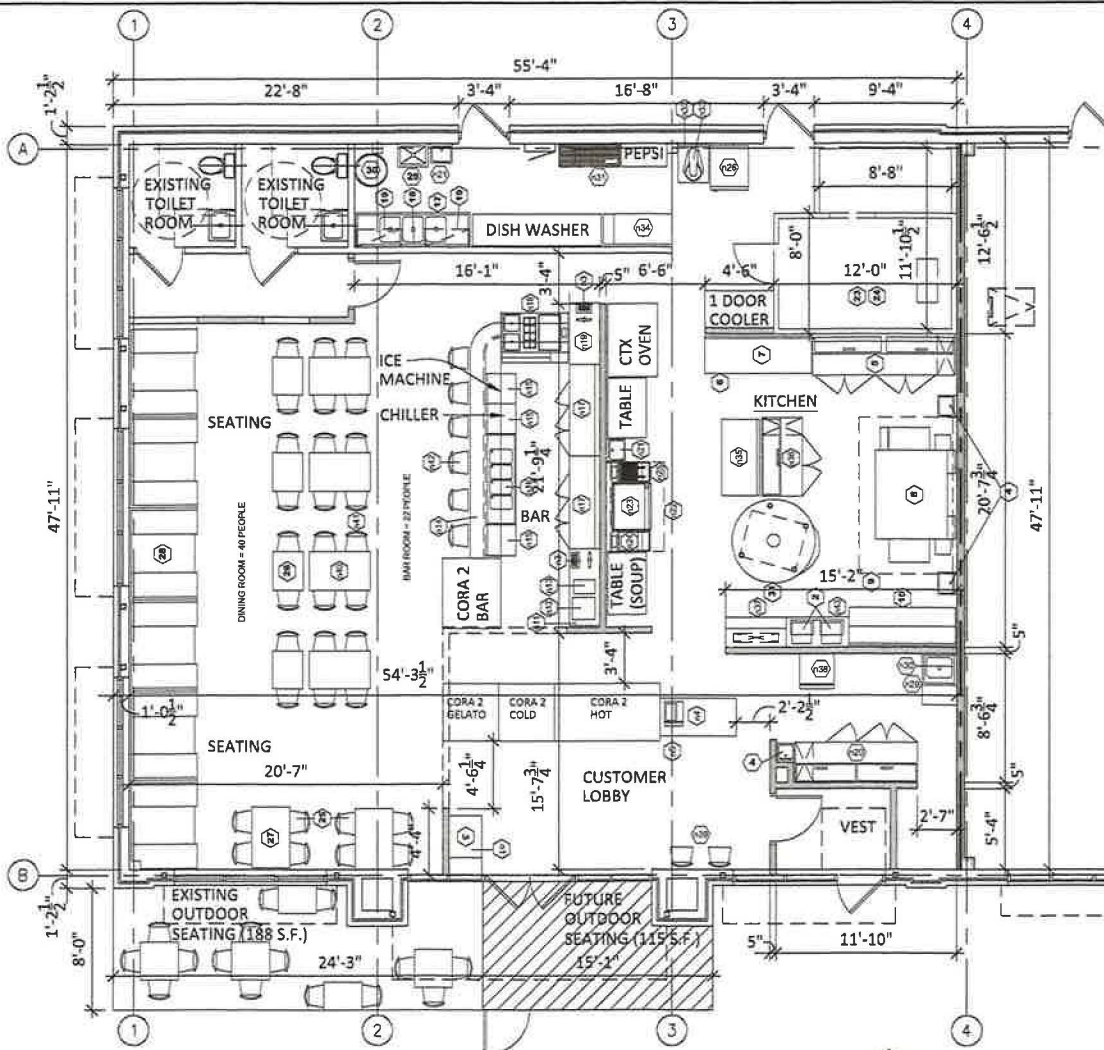
Landlord Approval:

Permits Needed:

ACCEPTANCE OF ARTWORK The drawing above is an artistic representation ONLY. Elements may vary based on field measurements. This color proof is intended for verification of spelling, layout, color and composition. (PLEASE HELP AVOID UNNECESSARY COSTS BY CHECKING THIS PROOF CAREFULLY.) Signature constitutes authorization to proceed with specifications and conditions of this document as specified. All artwork and designs are property of Sign Emporium and may not be used without expressed written permission of Sign Emporium.

Approval: _____ Date: _____

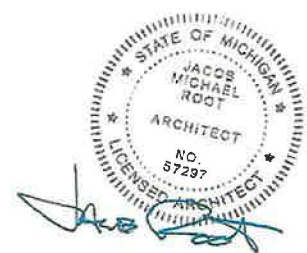
SIGN phone - 248.941.8215
EMPORIUM fax - 866-881-8182
3773 Nutcracker
Suite 200
Oxford, MI 48370
email - mysignemporium@aol.com



PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0"



1



BENITO'S PIZZERIA

NOVI, MICHIGAN

05-09-2018 REVIEW

DAG DETROIT ARCHITECTURAL GROUP
 1644 Ford Avenue Wyandotte, MI 48192
 734.556.3259 ph. 734.556.3234 fax
 www.detroitarch.com

JOB # 17-186
 SHEET # PFP-9

ADDED MENU ITEMS TO BENITO'S CAFÉ AFTER THE EXPANSION

APPETIZERS

- Mediterranean Delight
 - Hummus, Chopped Red Onions, Cucumbers, Italian Parsley, Tomatoes, Kalamata Olives Feta served cold on a hot Thin Crispy Crust and Drizzled with Lemon Juice
- Fried Porcini Mushrooms
 - Battered Porcini Mushrooms with Colby Jack Cheese served with Marinara or Ranch
- Ciabatta Bread Pizza
 - Pizza Sauce, Mozzarella, and Your Choice of 3 Traditional Toppings on Mini Ciabatta Bread
- Bacon Wrapped Jalapeno Poppers
 - Jalapeno Peppers and Colby Jack Wrapped in Bacon
- Fried Egg Plant Parmesan
 - Battered Egg Plant, Marinara Sauce, Baked with Parmesan and Mozzarella

Dinner Entrees *(All Entrees served with Steamed Vegetables and your choice of Brown Rice or Potato)*

- White Fish With Tomato
 - White Fish topped with Panko and a Fresh Grape Tomato Bruschetta
- Chicken Piccata
 - Chicken Breast Baked with Capers, Mushrooms, Artichokes and Topped with Our Lemon Zest Sauce
- Marinated Flank Steak
 - Thin Marinated Slices of Flank Steak with Mushrooms, Red Peppers, Red Onions and Topped with Italian Marinade Sauce

BAKED FRESH HOMEMADE BREAD

- Ciabatta
- Rustic Italian
- Herb Focaccia
- Tomato Focaccia
- Pane Napoletano
- Pane Siciliano
- Italian Sub Rolls

HOMEMADE DESSERTS

- Tiramisu
- Build Your Own Cannoli Dip
- Panna Cotta
- Apricot Cheesecake
- Mascarpone With Berries and Pistachios
- Chocolate Hazelnut Cake
- Zabaglione with Berries

HOMEMADE GELATO

- Pistachio
- Gingerbread
- Salted Caramel
- Peanut Butter & Strawberry
- Chocolate Hazelnut
- Panna Cotta
- Coconut Sorbetto
- Mango Sorbetto

Coffee & Espresso

- Caffé Americano (Hot or Iced)
- Espresso
- Espresso Macchiato
- Caffé Mocha (Hot or Iced)
- Caffé Latte (Hot or Iced)
- Cappuccino (Hot or Iced)
- Caramel Macchiato (Hot or Iced)

Cocktails

- Bellinis (Peach, Apricot, Raspberry, or Strawberry)
- Homemade Seasonal Italian Sangria
- Sgroppino (Coconut or Mango Sorbetto)
- Negroni
- Italian Mojito
- Italian Amaretto Margarita

Draft Beer

- Peroni
- Moretti La Rossa
- Menabrea 5.2 Weiss Top Restaurant
- Bud Light
- Stella Artois
- Blue Moon
- Frankenmuth Old Detroit
- Crankers Professor IPA

Wine (Glass or Bottle)

- Santa Cristina by Antinori Toscana Le Maestrelle 2015
- Santa Margherita Pinot Grigio 2016
- Felsina Berardenga Chianti Classico 2015
- Saracco Moscato d'Asti 2017

- Bisol Jeio Prosecco Brut Rose
- Kim Crawford Sauvignon Blanc
- La Crema Monterey Chardonnay